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EXPLANATORY MEMORANDUM TO

The Addition of Vitamins, Minerals and Other Substances (Amendment) Regulations (Northern Ireland) 2020

S.R. 2020 No.310

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Food Standards Agency to accompany the statutory rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule (SR) is made under Articles 15(1)(a) and (f), 16(2), 25(1)(a) and (3) and 47(2) of the Food Safety (Northern Ireland) Order 1991 and section 2(2) of, and paragraph 1A(1) of Schedule 2 to, the European Communities Act 1972 under the negative resolution procedure.

2. Purpose

2.1. This Statutory Rule amends the Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (the 2007 Regulations) so that failure to comply with Article 8 and Annex III of Regulation (EC) No 1925/2006 is an offence. This brings the enforcement of Article 8 and Annex III requirements in line with other requirements within Regulation (EC) No 1925/2006.

3. Background

3.1. The 2007 Regulations provide for the enforcement of Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods.

3.2. Article 8 and Annex III of Regulation (EC) No 1925/2006 lay down requirements relating to substances whose use in foods is prohibited, restricted or under community scrutiny.

3.3. This includes substances:

- Prohibited under Part A of Annex III
- Restricted with certain conditions of use under Part B of Annex III
- Kept under scrutiny subject to evidence of safety under Part C of Annex III.

3.4. The purpose of this amending SR is to include offences and penalties for Article 8 and Annex III.

4. Consultation

4.1. A limited technical consultation was held for a four-week period from 7th February to 6th March 2020. A limited consultation was considered appropriate in this case, focusing purely on the additional offence and penalties included in Article 8 and Annex III.

4.2. The consultation was sent to Health Trusts and Supplements retail stores, along with other relevant bodies.

4.3. There were two responses to the consultation; one was content with the proposed extension of offences and penalties, and the other said the changes would have minimal impact on their business.

5. Equality Impact

5.1. This rule applies equally across society and therefore has no implications under section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. A full Impact Assessment has not been prepared as it is not foreseen that these changes will lead to additional costs to industry or through enforcement.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. This rule provides for the enforcement of EU law. There is nothing within it which could be construed as being discriminatory.

9. EU Implications

9.1. This rule does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

10. Parity or Replicatory Measure

10.1. Similar regulations are being made in England, Scotland and Wales.

11. Additional Information

Not Applicable