EXPLANATORY MEMORANDUM TO

THE BREAKFAST FOODS (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2026

S.R. 2026 No. 5

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 is being made under the powers conferred by the Food Safety (Northern Ireland) Order 1991 and the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure.

2. Purpose

2.1 Directive (EU) 2024/1438 introduces amendments to four existing EU Directives, which are part of a group of legislation collectively referred to as the "Breakfast Directives." The Directives being amended set requirements for the composition, labelling, and processing of honey, fruit juices, jams and marmalades, and dehydrated preserved milk.

2.2 These Regulations implement the obligations of Directive (EU) 2024/1438 by amending four existing Northern Ireland Statutory Rules:

The Honey Regulations (Northern Ireland) 2015

- Amend labelling provisions for blended honey to require that all countries of origin are indicated on the label in the principal field of vision, listed in descending order of weight, and accompanied by their percentage share of the total product. A tolerance of ±5% for each share is permitted.
- Permit the use of ISO alpha-2 country codes in place of full country names for honey portions of less than 30g.
- Remove the designation "Filtered Honey" from the list of permitted definitions.

The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013

- Introduce three new categories of fruit juice, aligned with Regulation (EC) 1924/2006 on nutrition and health claims, where at least 30% of sugar has been reduced compared to an average fruit juice:
    - "Reduced-sugar fruit juice"
    - "Reduced-sugar fruit juice from concentrate"
    - "Concentrated reduced-sugar fruit juice"
- Authorise the voluntary use of the statement "fruit juices contain only naturally occurring sugars" when authorised ingredients are used.
- Permit the term "coconut water" to be used alongside "coconut juice" and establish a minimum Brix level.

- Add protein derived from sunflower seeds to the list of authorised substances.

The Jam and Similar Products Regulations (Northern Ireland) 2018

- Increase the minimum fruit content for "jam" from 350g to 450g per 1000g of finished product, and for "extra jam" or "extra jelly" from 450g to 500g per 1000g of finished product. These changes aim to reduce the amount of added sugar required to achieve the minimum soluble dry matter content of 60%.
- Permit the use of concentrated fruit juice as an acidifying agent in jam, extra jam, jelly, and extra jelly.
- Remove the specific provision on sugar labelling and amend the definition of "marmalade" to "citrus marmalade." Other permitted terms include "(name of citrus fruit) marmalade" or "mixed fruits marmalade," where only citrus fruits are used.

The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018

- Authorise the use of a new treatment to enable the production of lactose-free dehydrated milk products.
- Lower the minimum levels of milk solids and fats for evaporated milk, allowing the terms "evaporated milk" and "condensed milk" to be used interchangeably.

2.3 The existing domestic legislation provides enforcement via the use of Improvement Notices. These Regulations extend the existing application of Improvement Notices to all of the new requirements as an effective and proportionate approach to enforcement. This enables an authorised officer of a district council to serve an Improvement Notice if there are reasonable grounds for believing that a Food Business Operator (FBO) is failing to comply with the requirements of the Regulations. Any person who fails to comply with an improvement notice shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

2.4 Improvement Notices are consistent with enforcement provisions contained within other food standards related legislation. They are intended to improve compliance with legislation while minimising the burden on businesses, enforcement authorities and the judicial system and are considered a desirable consequential deterrent for non compliances. Businesses have the opportunity to appeal against an improvement notice which provides a valuable safeguard.

2.5 The Regulations will come into operation and requirements will apply from 14 June 2026.

3. Background

3.1 The Breakfast Directives comprise a series of EU measures that govern the composition, labelling and marketing of breakfast-related foodstuffs. The amendments to the Directives are intended to enhance transparency and enable consumers to make informed, healthier food choices, while providing food businesses with greater flexibility and opportunities for innovation.

3.2 The Breakfast Directives are listed in Annex 2 to the Windsor Framework. Food Standards Agency officials provided a briefing on the Directive to the Windsor

Framework Democratic Scrutiny Committee on 6 June 2024. The Committee resolved not to conduct an inquiry into the Directive.

4. Consultation

4.1 In August 2023, all UK nations sought preliminary views from interested parties on the proposed EU amendments. Following publication of the final Directive, the Food Standards Agency in Northern Ireland undertook a three-week stakeholder engagement exercise in June 2024.

4.2 Three responses were received, all from Northern Ireland based stakeholders. The impact of the changes was assessed as low: two honey producers supply only single-source honey, and the large retailer/distributor requires all products to comply with EU standards to maintain market access.

4.3 Subsequently, the Food Standards Agency in Northern Ireland conducted a public consultation on the transposition and enforcement of the EU amendments to the Breakfast Directives between 19 March and 14 May 2025.

4.4 Six responses were received, five relating to honey amendments and one concerning fruit juice. All respondents identified as organisations or food businesses. Of these, four opposed implementations of the EU Directive, one supported implementation, and one indicated no impact. Those opposing implementation expressed concerns about the EU requirements themselves rather than the proposed domestic transposition and enforcement approach.

5. Equality Impact

5.1 The amendments will apply uniformly across society and are not expected to have any differential impact on the equality categories specified in Section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment will accompany the Statutory Rule. The principal impact is expected to be one-off familiarisation costs for industry and district councils. Based on best estimates, total familiarisation costs for businesses are approximately £705, while total costs for district councils are approximately £126. Respondents to the 2025 public consultation did not identify any additional impacts arising from the proposed approach to domestic transposition and enforcement of the EU Directive.

7. Financial Implications

7.1 None

8. Section 24 of the Northern Ireland Act 1998

8.1 Consideration has been given to the human rights implications of these Regulations, and they are deemed to be compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 No additional provisions beyond what is necessary to transpose the EU Directive are included in the Regulations. A transposition note will accompany the Statutory Rule.

10. Parity or Replicatory Measure

10.1 These changes are being made in Northern Ireland only. The Breakfast Directives, as implemented in national legislation across the UK, sit within the scope of the Food Compositional Standards and Labelling Provisional Common Framework. Four-nation consideration will continue to take place under the Framework.

11. Additional Information

11.1 Not applicable.