EXPLANATORY MEMORANDUM TO

THE FOOD HYGIENE (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2014

2014 No. 277

1. Introduction

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

1.2 The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

1.3 The Rule is due to come into operation on 13th December 2014.

2. Purpose

2.1 This Rule will amend the Food Hygiene Regulations (Northern Ireland) 2006 (S.R. 2006 No. 3) in order to transfer the existing labelling requirements relating to raw drinking milk as contained in the Food Labelling Regulations (Northern Ireland) 1996 (S.R. 1996 No. 383) (the Food Labelling Regulations), and to implement Commission Regulation (EU) No. 216/2014 which amends Regulation (EC) No. 2075/2005 laying down specific rules on *Trichinella* in meat.

3. Background

Raw drinking milk

3.1 Raw drinking milk is not heat-treated and may therefore contain bacteria and viruses that are harmful to health. Most milk and cream on sale in Northern Ireland and the rest of the UK is heat-treated (e.g. pasteurised) to kill any harmful bacteria or virus that could be present in the milk.

3.2 At present the labelling provisions for raw drinking milk are contained in regulation 31 of the Food Labelling Regulations. They require the labelling of raw drinking milk to inform the consumer of the possible health risks from consuming raw drinking milk. The Food Labelling Regulations are due to be revoked in their entirety on 13th December 2014 when the new Food Information Regulations (Northern Ireland) 2014 (S.R. 2014 No. 223) (Food Information Regulations) come into operation. The Food Information Regulations provide for the enforcement of the new Commission Regulation (EU) No. 1169/2011 on food information for consumers. The current labelling provisions

were not transferred into the Food Information Regulations because a general review of the controls of raw drinking milk was anticipated. However, that review is not yet concluded and some means of maintaining the current labelling requirements for raw drinking milk is needed until the review is concluded and any changes to controls over raw drinking milk are agreed.

3.3 The proposed Food Hygiene (Amendment) Regulations (Northern Ireland) 2014 will transfer the current raw drinking milk labelling requirements into the Food Hygiene Regulations (Northern Ireland) 2006 in order to maintain this important consumer health protection measure. The Food Hygiene (Amendment) Regulations (Northern Ireland) 2014 are proposed to come into operation on 13th December 2014, to coincide with the coming into force of the EU Regulation 1169/2011.

Trichinella

3.4 *Trichinella* is a parasitic worm which is a public health hazard. It can be found in pigs, horses and some wildlife. A new EU Regulation came into force across all EU member states on 1st June 2014 which amended the *Trichinella* controls on pigs presented for slaughter for human consumption. The amendment moves away from requiring all pigs to be tested at slaughter, to a more risk-based and proportionate testing regime. The new requirements include the testing of all sows and boars sent for slaughter or at least 10% of fattening pigs sent for slaughter from controlled housing conditions and also introduces the testing of all fattening pigs sent for slaughter from non-controlled housing conditions. Testing of horses sent for slaughter remains unchanged i.e. all horses are tested.

3.5 The Food Hygiene Regulations (Northern Ireland) 2006 need to be amended to provide for the implementation and enforcement of the new *Trichinella* controls, laid down in EU Regulation 216/2014, which amends Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat. The revised rules on visual only inspection and *Salmonella* controls are caught by ambulatory reference and have been enforced automatically through existing national provisions.

4. Matters of Special Interest to the Health Committee

4.1 Not applicable.

5. Consultation

Raw Drinking Milk

5.1 A formal consultation was considered unnecessary as there is no change to the current provisions. The FSA did however, inform businesses and enforcement authorities on 15th October of these changes to the Food Hygiene Regulations (Northern Ireland) 2006 to maintain the labelling requirements for raw drinking milk.

Trichinella

5.2 The meat industry in Northern Ireland has been engaged through stakeholder meetings and consultation by the FSA in NI. A full public consultation on the EU changes to pig meat inspection was issued in March 2014. The purpose of this consultation was to seek stakeholder views on the practical application of the EU changes. One response was received in Northern Ireland from the Northern Ireland Food Advisory Committee. This response did not include comment on the proposed amendment Statutory Rule which is needed to provide for the implementation and enforcement of certain provisions of EU Commission Regulation 216/2014.

6. Guidance

6.1 No specific guidance has been prepared to accompany this Statutory Rule.

7. Position in Great Britain

7.1 This Rule applies in Northern Ireland.

7.2 Separate but parallel legislation is being made in England and Wales.

8. Impact

8.1 The FSA's Better Regulation Team has advised that an Impact Assessment is not required in relation to raw drinking milk as there are no changes to the current provision.

8.2 The FSA does not envisage that the amending SR will have any impact on food businesses or enforcement authorities in relation to raw drinking milk, as the changes introduced by this Rule simply transfer the raw drinking milk labelling provisions from one set of Regulations into another. As such, an Impact Assessment has not been prepared for this aspect of the new Rule.

8.3 An impact assessment on the revised EU Trichinella controls, laid down in EU Regulation 216/2014, was however prepared for Northern Ireland. This was issued for public consultation in March 2014 to determine whether the FSA's assumptions were a fair reflection of costs, benefits and wider impacts for stakeholders.

9. Monitoring and Review

9.1 The current review of controls on the sale of raw drinking milk will not be concluded until 2015 because the review is to draw, in part, on the findings of a European Food Safety Authority's opinion, which is not expected until December 2014. This review will also generate and collate additional evidence which has been requested by the FSA Board.

10. Section 24 of the Northern Ireland Act 1998

10.1 The FSA do not envisage an impact.

11. EU Implications

11.1 Not applicable.

12. Additional Information

12.1 If you require any further information in relation to this Rule you can contact Danielle Gamble, at the FSA in NI on 028 90417705 or email Danielle.gamble@foodstandards.gsi.gov.uk