

REGULATORY APPRAISAL

FOOD, WALES

THE HONEY (WALES) (AMENDMENT) REGULATIONS 2005

Background

1. European Council Directive 2001/110/EC relating to honey intended for human consumption was adopted by Member States in December 2001, and was implemented in Wales by The Honey (Wales) Regulations 2003, which came into force on 28 November 2003.
2. European Council Directive 2001/110/EC lays down European compositional standards with which a product must comply in order to be described as 'honey' and provides additional labelling requirements for these products.

Purpose and intended effect of the measure

3. Since the transposition of EC Directive 2001/110/EC into law, it has come to light that a minor transposition error was made in relation to the reserve description 'pressed honey' in Note 1 to Schedule 1 of The Honey (Wales) Regulations 2003.
4. These amending Regulations correct this error, ensuring that the provisions of The Honey (Wales) Regulations 2003 match those of the EC Directive.
5. Separate, but parallel legislation, has been made and was brought into force in England and Scotland on 31 August 2005 and in Northern Ireland on 5 September 2005.

Risk Assessment

6. Due to the transposition error, The Honey (Wales) Regulations do not permit 'pressed honey' to be described simply as 'honey'. These amending Regulations correct this transposition error. The amendment will add the reserved description 'pressed honey' to the list of specified honey which may, by way of Note 1 to Schedule 1, be described simply as 'honey'. Failure to correct this error would result in an under-implementation of the EC Directive 2001/110/EC into UK law.
7. Relevant interested parties were made aware of the transposition error when it came to light and were instructed to work to the provisions of the Directive.

Options

8. In respect of this legislation, the "Do Nothing" option is not an option, as it would ultimately lead to infraction proceedings against the National Assembly for Wales by the European Commission. Therefore, the "Make the Legislation" option, to implement the changes required to comply with European legislation, is being implemented.

Benefits

8. No social, economic or environmental benefits or disadvantages have been identified as arising from either non-implementation or full implementation of the transposition correction.

Costs

9. No additional costs to the Assembly or Local Authorities in Wales have been identified.
10. No financial implications for the honey industry have been identified. Industry representative bodies were included in the consultation but did not identify any financial implications. Relevant interested parties were made aware of the transposition error when it came to light and were instructed to work to the provisions of the Directive.
11. The enforcement of food labelling legislation is the responsibility of Local Authority Public Protection Departments and Port Health Authorities. These amending Regulations do not specify any additional levels of inspection. Therefore, it is not anticipated that there will be any additional costs for Local Authorities. Enforcement authorities in general were invited to identify and comment on any additional costs they envisage may arise.
12. Neither the Local Authorities co-ordinators of Regulatory Services (LACORS) (the Co-ordinating body for Local Authority Trading Standards departments in England and Wales) nor the Welsh Local Government Association responded to the consultation.

Consultation

With Stakeholders

13. The Food Standards Agency Wales carried out a 12-week consultation from the 28 January 2005 to 22 April 2005. Stakeholders, including industry, enforcement, consumer representatives and the National Assembly for Wales, were invited to comment on the draft regulations and the draft Regulatory Appraisal. A copy of the consultation package was posted on the Agency's web site. A list of those consulted in Wales is attached at Annex 1. Parallel consultations were carried out in England, Scotland and Northern Ireland.
14. Seven responses were received UK wide in response to consultation, three in response to the England consultation, one in response to Wales, one in response to Northern Ireland and two in response to Scotland. All respondents were in favour of the measure and none raised any concerns. No policy changes to the draft regulations were identified as a consequence of the public consultation.

With Subject Committee

15. The Regulations were notified to the Health and Social Services Committee via the list of forthcoming legislation on 2 March 2005, (HSS (2) 09-05), (p.2b), Item No: FS-31- (04) and have remained on the list ever since. The Regulations were not identified for detailed scrutiny.

Review

16. The effectiveness of the Regulations will be monitored via feedback from stakeholders as part of the ongoing policy process. Agency mechanisms for

monitoring and review include open stakeholder meetings, surveys, Consumer Committee and general enquiries from the public.

Summary

17. The proposals here provide for an amending Regulation, which would deliver full consumer protection measures provided by the Directive.

ANNEX 1

LIST OF STAKEHOLDERS CONSULTED IN WALES

Abergavenny Fine Foods Ltd

ADAS Wales

Age Concern Cymru

B. Sidoli & Sons Ltd

Bar and Restaurant Foods Ltd

Biotrace Limited

Blaenau Gwent CBC

Bridgend County Borough Council

British Institute for Allergy and Environmental Therapy

Business Connect Heart of Wales

Caerphilly County Borough Council

Cardiff Local Health board

Carmarthenshire County Council

Ceredigion County Council

Chartered Institute of Environmental Health in Wales

Clark's Original Pies

Commission for Racial Equality

Conwy County Borough Council - Social Services Department

Co-operative Group (CWS) Ltd

Dairy Strategy Group

Dee Dairy Services

Denbighshire County Council

Department of Food Science & Technology

Farmers' Union of Wales

Federation of Small Businesses (North Wales)

Flintshire County Council

Food Consultancy

Food Quality Panel

Food Safe

Friends of the Earth Cymru

G C Hahn & Co Ltd

Good Food Distributors

Gwynedd Council

Halo Foods Ltd

Chair, Health & Social Services Committee

Members, Health & Social Services Committee

Iceland Frozen Foods

Institute of Consumer Sciences

Institute of Rural Health

Isle of Anglesey County Council

LACORS (Welsh Officer)

Medicines and Healthcare Products Regulatory Agency (MHRA)

Meridian Foods

Merthyr Tydfil County Borough Council

Monmouthshire County Council

Monmouthshire Food Initiatives Officer

National Association of Health Stores
National Farmers Union (Wales)
National Federation of Womens Institutes
Neath Port Talbot CBC
Neath Port Talbot County Borough Council
Pembrokeshire County Council
Peters Food Service Ltd
Powys Food Futures Group
PRP Training Ltd
Rachel's Dairy
Red Star BioProducts
Rhondda Cynon Taf Local Health Board
Royal National Institute for the Blind
Ruddock & Sherratt
School of Environmental Sciences
T/A Source Foods
The Association of Public Analysts
The Centre for Business
The Speciality Sauce Co. Ltd
Tillery Valley Foods Ltd
Torfaen Local Health Board
Tovali Ltd
University of Wales Aberystwyth
UWIC

Vale of Glamorgan Council
Vydex Nutrition
Wales Centre For Health
Wales Council for the Blind
Wales Council for the Deaf
Wales Council for Voluntary Action
Wales Young Farmers' Club
WDA Agri-Food Development
WDA Food Directorate
Welsh Beekeepers Association
Welsh Consumer Council
Welsh Food Alliance
Welsh Food Microbiological Forum
Welsh Local Government Association
Wrexham Local Health Board
Zorba Foods