

<b>Report on</b>	The Food Standards Agency's consultation on The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018
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<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform Council about the Food Standards Agency's Consultation on Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018.
<b>2.0</b>	<b>Background</b>
2.1	<p>Currently domestic rules in this area are provided by the 2003 and 2008 Regulations. The 2003 and 2008 Regulations implement EU Directive 2001/114/EC and 2007/61/EC respectively. Directive 2001/114/EC lays down compositional standards relating to certain partly or wholly dehydrated preserved milk products intended for human consumption. Directive 2007/61/EC amends 2001/114/EC adjusting compositional standards relating to certain partly or wholly dehydrated preserved milk products intended for human consumption.</p> <p>Currently, the 2003 Regulations refer to the labelling requirements of the Food Labelling Regulations (FLR). However, the majority of the provisions contained in the FLR were revoked by the Food Information Regulations (Northern Ireland) 2014 (FIR). The references to the Food Labelling Regulations in the 2003 Regulations therefore need to be removed.</p> <p>Most of the references to the FLR in other food-related regulations were removed by the FIR in 2014. It was decided at the time not to use the FIR to remove the reference to the FLR from the 2003 Regulations. The rationale was at that time, a consultation was being undertaken by FSA in Northern Ireland to make a separate Statutory Rule (SR) to amend the 2003 Regulations, and it was intended to use those amendment Regulations to correct the references to the FLR. Those amendment Regulations were never made, effectively retaining the incorrect references to the FLR in the 2003 Regulations.</p> <p>The draft SR provides an opportunity to bring the condensed milk and dried milk regulations in line with other food labelling and compositional Regulations by introducing improvement notice provisions for non-compliance.</p> <p>Improvement notices would be used as part of the hierarchy of enforcement when informal measures are no longer appropriate and the contravention or issue should be elevated to formal enforcement action. If the conditions set by an improvement notice are not met then the non-compliance with those conditions will be a criminal offence. Businesses will have the opportunity to appeal against an improvement notice; appeals will be heard by a Magistrate's Court.</p>

<b>3.0</b>	<b>Main Report</b>
3.1	<p>This consultation provides stakeholders with an opportunity to comment on the draft Regulations contained in the consultation package. The Regulations are based on the proposed preferred option of consolidating the 2003 and 2008 Regulations, and to remove out of date references to the FLR and introduce improvement notice provisions for non-compliance.</p> <p>The Environmental Health Department of Mid Ulster District Council has prepared a response to the Food Standards Agency's consultation on The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 and it is attached in Annex 1.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b>  Financial: N/A  Human: N/A</p>
<b>4.2</b>	<p><b><u>Equality and Good Relations Implications</u></b>  N/A</p>
<b>4.3</b>	<p><b><u>Risk Management Implications</u></b>  N/A</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that Members note the content of the attached Environmental Health Department response to this Food Standards Agency consultation.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Consultation document from FSA and Mid Ulster District Council response to consultation (Appendix 1).

**FOOD STANDARDS AGENCY CONSULTATION  
on The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018**

**Consultation Closing Date:** 29<sup>th</sup> January 2018

**Responder:** The Environmental Health Department of Mid Ulster District Council

**Proposal**

The options being considered are:

1. Do nothing. Allow the 2003 and 2008 Regulations to remain in place with incorrect references to the FLR. This option may cause unintentional non-compliance by businesses making condensed milk and dried milk and cause confusion for enforcement authorities enforcing the 2003 and 2008 Regulations.
2. Revoke and replace the 2003 and 2008 Regulations to correct references to the FLR and take this opportunity to bring the condensed milk and dried milk regulations in line with other food composition and labelling regulations by introducing improvement notice provisions for non-compliance.

**Key proposals:**

- Revoke and replace the 2003 and 2008 Regulations
- Remove references to the FLR
- Introduce improvement notices provisions for non-compliance

**Response**

The Environmental Health Department of Mid Ulster District Council welcomes the opportunity to comment on the proposed Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 and responses to the questions asked by the Food Standards Agency as follows:

**Q1: We are not conducting an Impact Assessment as we don't believe there will be an impact on businesses or Enforcement Authorities. We would like to request that any businesses or Enforcement Authorities who feel they may be impacted by the change in regulations please respond to the consultation.**

Q1. The Environmental Health Department of MUDC does not feel MUDC will be impacted by the changes in the regulations as MUDC does not have any manufacturers or wholesalers of condensed milk and dried milk products.

**Q2: We invite stakeholders including Enforcement Authorities to comment on the enforcement proposals as outlined within the consultation package.**

Q2. The Environmental Health Department of Mid Ulster District Council supports the proposals to consolidate the 2003 and 2008 Regulations, to remove references to the Food labelling Regulations and to introduce improvement notices provisions for non-compliance.

