

## **Explanatory Memorandum to the Honey (Amendment) (Wales) Regulations 2008**

This Explanatory Memorandum has been prepared by the Food Standards Agency Wales and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

### **Description**

These Regulations implement an EC Corrigendum of 21 February 2007. The Corrigendum corrects an error found in Commission Directive 2001/110/EC which 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. The Directive was implemented in Wales by the Honey (Wales) Regulations 2003.

### **Matters of special interest to the Subordinate Legislation Committee**

None.

### **Legislative Background**

The powers enabling the Regulations to be made are contained in Sections 16(1) (e) 17(1), 26(1) and (3) and 48(1) of the Food Safety Act. These are exercisable by Welsh Ministers. The Regulations are subject to the Assembly's negative resolution procedure.

### **Purpose and Intended effect of the legislation**

Commission Directive 2001/110/EC lays down European compositional standards with which a product must comply in order to be described as 'honey' and details labelling requirements for these products. Commission Directive 2001/110/EC was transposed in Wales by virtue of The Honey (Wales) Regulations 2003. An error in this Directive was identified by officials prior to the Regulations for England and Scotland being made and corrected by the time their Regulations came into force. The FSA advised the Commission of the error resulting in the publication of EC Corrigendum of 21 February 2007. Neither FSA Wales nor FSA NI was aware of this error prior to making the Honey Regulations in their respective countries. The proposed amending Regulations will correct this error in Wales. Failure to implement this amendment would result in an inconsistency in UK Law.

The proposed amending Regulations will;

- Change '*not more than 0.8mS/cm*' to '*not less than 0.8mS/cm*' against 'honeydew and chestnut honey and blends of these except with those list below' (Annex II; Item 4 Electrical conductivity<sup>1</sup>).

### **Implementation**

It is intended that these regulations will come into force on 24 March 2008. The parallel Northern Ireland Regulations will come into force slightly later.

### **Consultation**

These amending Regulations do not impose any new legal requirements. A full 12 week public consultation was therefore not conducted. Interested parties including industry, enforcement and consumer representatives were informed of the change by way of an Interested Parties letter and allowed four weeks in which to raise any issues or comments.

No responses to the letter were received.

No policy changes to the draft Regulations were identified as a consequence of the public consultation.

### **Regulatory Impact Assessment**

It has not been deemed necessary to complete a Regulatory Impact Assessment in this instance given that these Regulations do not impose any new legal requirement and have no impact on Industry, enforcement or consumers.

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<sup>1</sup> Conductivity is a good criterion of the botanical origin of honey and today it is determined in routine honey control instead of the ash content. This measurement depends on the ash and acid content of honey; the higher their content, the higher the resulting conductivity.