

Explanatory Memorandum to the Food Labelling (Declaration of Allergens) (Wales) Regulations 2011

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

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Food Labelling (Declaration of Allergens) (Wales) Regulations 2011

Gwenda Thomas AM
Deputy Minister for Social Services

23 February 2011

1. Description

The Food Labelling (Declaration of Allergens) (Wales) Regulations 2011 amend the Food Labelling Regulations 1996 to further extend a temporary exemption from certain labelling requirements for wine. This exemption applies to the declaration on label of lysozyme and of albumin (produced from egg) or milk products (in the form of casein) used as fining agents in wine. These are all ingredients which may cause an allergic reaction in some people.

2. Matters of special interest to the Constitutional Affairs Committee

None.

3. Legislative background

The powers enabling this Instrument to be made are provided by sections 16(1)(e), 17(1), 26(1)(a), and 48(1) of the Food Safety Act 1990. This instrument is subject to the negative procedure.

4. Purpose & intended effect of the legislation

The Food Labelling (Declaration of Allergens) (Wales) Regulations 2011 implements Commission Directive (EU) 1266/2010 amending Directive 2007/68/EC amending Annex IIIa to Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients.

The Food Labelling Regulations 1996 (as amended) aim to ensure that consumers are properly informed about the nature and substance of the foods they buy and are protected from false or misleading descriptions. These Regulations include a list of 14 allergens that have to be indicated on the label whenever they, or their derivatives, are used as deliberate ingredients in pre-packed food, including drinks. The 1996 Regulations have since been further amended a number of times to implement more changes to EC legislation as regards allergenic ingredients.

In an amendment made in 2008, among other measures, the ingredients mentioned above were exempt from the requirements to be declared on wine labels, for a period that expired on 31 May 2009. However, due to technical difficulties encountered by the wine industry in meeting this deadline for compliance, the European Commission has since made a further amendment to this legislation. This amendment extended the deadline to 31 December 2010. Subsequently, the European Commission granted further extension to 30 June 2012.

5. Consultation

On 23 July 2010, approximately 84 interested parties in Wales were consulted by the FSA on a draft proposal extending the allergen labelling of derogation for egg and milk based substances used in wine that was considered at the Standing Committee meeting in October 2010. This proposal would be to vote

on a further extension of the temporary exemption described in Commission Regulation (EC) 415/2009, further amending the Food Hygiene Regulations. Two responses were received UK-wide, with no responses received in Wales. One response came from Allergy NI and they commented on inclusion of the fining agents on wine labels if they are found to be allergenic and the second response was from Local Government Regulation who said they did not envisage any difficulty in enforcing the new Regulation.

6. Regulatory Impact Assessment (RIA)

No RIA has been prepared for this instrument as there is no incremental impact from this legislation.