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Government Chemist Conference 2023

Safe food for tomorrow's world: food security in challenging global conditions

IMPLICATIONS/OPPORTUNITIES

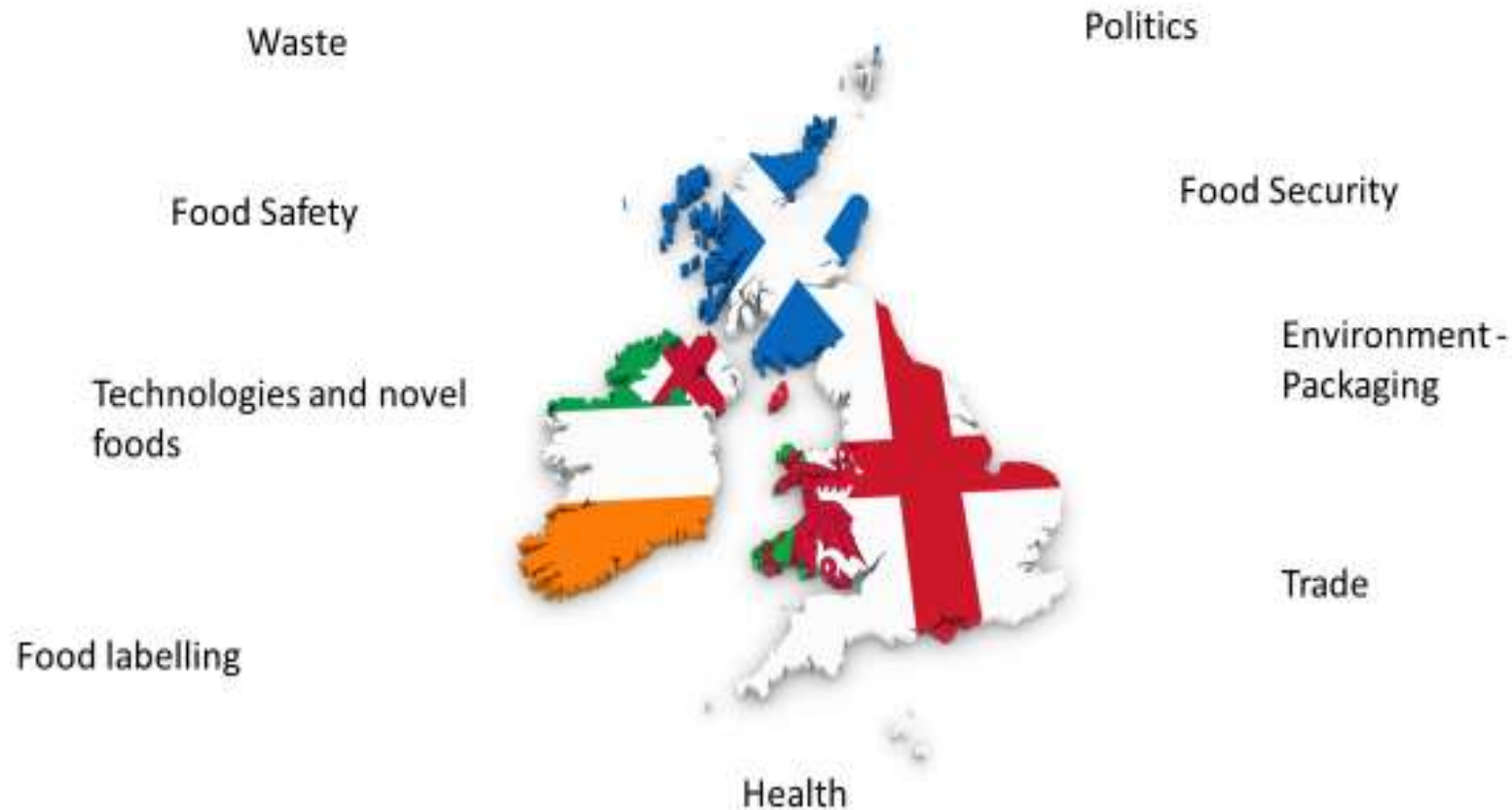
What next for food regulation in the UK

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What next for food regulation in the UK?



What next for REUL:

- The Retained EU Law (Revocation and Reform) Bill (REUL)
Where are we now?

“We will retain the vitally important powers in the Bill that allow us to continue to amend EU laws, so more complex regulation can still be revoked or reformed after proper assessment and consultation.”

Kemi Badenoch

Secretary of State for the Department for Business and Trade,
10 May 2023

4,800 retained laws to 587;

‘Ping Pong’ –

- Scrutiny by Committees &
- The Principle of Non-Regression for environment & food standards

What is the likely trajectory for scrutiny of future legislation?



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Key Prioritisation

A liberal free trade agenda

Vs

or with

‘Core Standards’


Lord Cormack (Cons Peer)

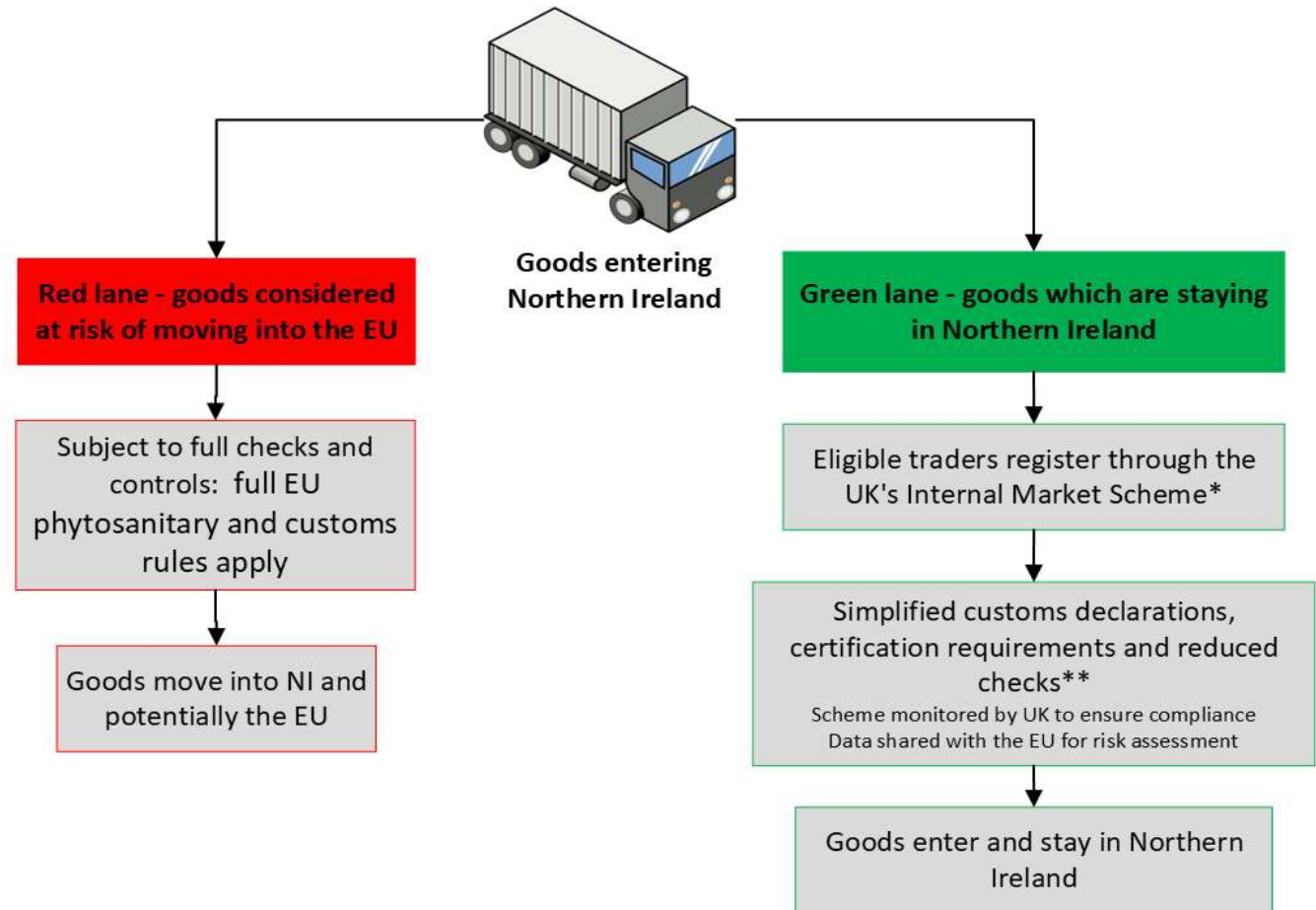
‘No Government should take powers for itself that it would not wish its’ opponents to have’.

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Windsor Framework

- 'STAMNI'  Retail Movement Scheme
- Phased '**Not for EU**' Labelling Requirements
- **1 Oct 23** – all meat and some individual fresh dairy products GB to NI;
- **1 Oct 24** all meat and dairy products in Great Britain to be individually labelled
- **1 July 2025** some composite products, fruit, vegetables and fish in GB.
Exceptions i.e. shelf stable composite, sold loose, products not requiring border checks.



**Conditions for access to scheme: For goods subject to processing, a turnover under £2million; or supplying to specific sectors e.g. retail, construction, healthcare*

***For retail agri-food, identity checks are set to be reduced to 5% of all consignments in 2025 when labelling requirements are fully implemented. Physical checks will be carried out on the basis of risk.*

Agritech & Innovation

- **Downing Street Summit** on Food & Drink Supply highlighted investment in new technologies: Up to £30 million of investment in the use of precision breeding technologies, building on the £8 million already invested over the last five years and the passing of the **Genetic Technology (Precision Breeding) Act** earlier this year
- **Gene Editing and GMOs** - Genetic Technology (Precision Breeding) Act marks a **divergence** from definitions on gene editing with the EU. The Act applies only to England. However, under United Kingdom Internal Market Act 2020 (UKIMA) market access principles, foods/feeds which are, or contain, Precision Bred Organisms (PBOs) authorised in England (which have been produced in, or imported into, England) can be sold lawfully in Wales and Scotland.
- FSA objective is to build a new regulatory framework in England that will ensure that PBOs are at least as safe as their conventional counterparts before they can be authorised for placing on the market as food/feed.

Novel Foods

- ‘Novel foods’ are foods and/or ingredients that were not consumed to a significant degree by humans in the UK or EU before 15 May 1997. The category covers new foods, food from new sources, new substances used in food as well as new ways and technologies for producing food. ie edible insects, cultured meat, CBD foods.
- Deloitte ‘The Future of Food’ published 7 June 2023
- **“Collaborative Regulation”**
- Risk based approach

Deloitte



The Future of Food
Challenges & opportunities

Perspectives from consumers and food companies

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Divergence - UK Wine Reforms Consultation



Consultation on proposed changes to UK Wine Legislation

Date: 9 September 2021

- *‘The new legal framework will bring environmental benefits by encouraging **more bulk movements of wine to GB for bottling**. It will support our glass recycling targets and help producers to squeeze every drop of value from their harvests.’*
Defra, May 2023 Consultation closes 21 July 2023
- As well as consolidating all retained EU law on wine, and domestic legislation into one comprehensive piece of legislation the consultation proposes less restrictions on labelling, processes, blending and bottle shapes etc.
- In contrast EU Regulation 2021/2117. By end of 2023 all wine producers selling in EU must provide allergy, energy, ingredient and nutritional info to consumers. The legislation includes a critical distinction between what information must appear, in full text, on wine labels and what information can be provided through “electronic means” ie an e-label via a QR code. Also covers de-alcoholised or partially de-alcoholised wines and the processes.

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Environment - Packaging

- Plethora of differing requirements on food packaging in retail and hospitality plus tax regimes. Priority towards recycling OR against 'single use'?
- Lack of agreed definitions re carbon capture etc.
- **Single-use plastics ban**: plates, bowls, trays, containers, cutlery and balloon sticks, ready-to-consume food and drink in polystyrene containers. From 1 **October 2023** businesses must no longer supply, sell or offer certain single-use plastic items in England. Similar prohibitions across Scotland, Wales, NI reflecting situation in EU.
- **Extended Producer Responsibility** – recording and reporting obligations
- **Deposit Return Scheme** – England, Wales & Scotland – 2024 & 2025
- **EU Packaging and Packaging Waste Regulation (PPWR)** to take precedence?

Health – Obesity Strategy

- The UK Soft Drinks Industry Levy (SDIL), or 'sugar tax', **April 2018**. Diet change regulatory interventions – Sugar tax mark II?
- Calorie Labelling (Out of Home Sector) (England) Regulations 2021– providing calorie information for menus out of home **April 2022**
- The Food (Promotion and Placement) (England) Regulations 2021 The restriction of certain HFSS products by location came into force on 1 October 2022. The restriction of certain HFSS products by volume price ie BOGOF will come into force on 1 **October 2023** but '*no final decision*'
- The Health and Care Act 2022 - Restrictions on certain HFSS foods from being advertised on TV before 9pm and paid-for adverts online are now due to come into force in **October 2025** (having been delayed from 1 Jan 2023)
- Scotland has already stepped away from restricting advertising on alcohol

Intervention Measures – to ‘nudge’ or to ‘shove’?

- Educate & Inform
- Behaviour interventions (nudges etc.)
- Financial incentives and disincentives
- Regulation
- Eliminate choice

Voluntary Claims & Guidance

- **Environmental claims** – Competition & Markets Authority 6 principles: *Truthful & Accurate, clear and unambiguous, not omit or hide important information (see HSBC & Shell ASA cases,) fair and meaningful comparisons, consider the full life cycle of the product and must be substantiated.* Also use of 'net zero' and 'carbon neutral'.
- **Welfare** – Animal Welfare bill dropped but welfare and labelling are key areas for consumers
- **Origin** – where to omit would mislead... but
What is a substantial change? NB Geographical indications include protected geographical indications (PGI) and protected designations of origins (PDO) have remained but with separate UK register.
- **Defined names** - Use of defined legal names re plant based products – new FSA guidance expected ie 'plant b~tter' and where no legal definitions exist the required substantiation ie vegan.

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Thank you

If you have any questions or would like to speak to one of our team, we'd love to hear from you.

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