



Government Chemist

Legislation Review with developments in food and feed law: 2021

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Legislation Review with developments in food and feed law:

January – March 2021

Summary

This is a summary of UK legislation in food and feed law and related scientific and regulatory issues for the period from 1 January to 30 March 2021. Legislation of interest to the Government Chemist and our stakeholders is still majority concerning EU Exit legislation, which is listed first. Other technical updates are listed thereafter in date order.

UK Exit

A significant number of instruments have been enacted to allow for EU exit and to allow for the position of Northern Ireland under the Northern Ireland protocol, and are listed as follows:

[The Agricultural Products, Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020](#)

[The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020](#)

[The Meat Preparations \(Amendment and Transitory Modification\) \(England\) \(EU Exit\) Regulations 2020](#)

[The Meat Preparations \(Amendment and Transitory Modification\) \(Wales\) \(EU Exit\) Regulations 2021](#)

[The Organic Production \(Organic Indications\) \(Amendment\) \(EU Exit\) Regulations 2020](#)

[The Official Controls \(Animals, Feed and Food, Plant Health etc.\) \(Amendment\) \(EU Exit\) \(No 2\) Regulations 2020](#)

[The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2020 2\) Regulations 2020](#)

[The Organic Production \(Organic Indications\) \(Amendment\) \(EU Exit\) Regulations 2020](#)

[The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2020](#)

[The Food, Natural Mineral Water, Spring Water and Bottled Drinking Water \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2021](#)

[The Food, Natural Mineral Water, Spring Water and Bottled Drinking Water \(EU Exit\) \(Scotland\) \(Amendment\) Amendment Regulations 2021](#)

[The Fertilisers and Ammonium Nitrate Material \(Amendment\) \(EU Exit\) Regulations 2021](#)

[The Meat Preparations \(Amendment and Transitory Modification\) \(England\) \(EU Exit\) \(Amendment\) Regulations 2021](#)

[The Food, Animal Feed and Seeds \(Miscellaneous Amendments and Transitional Provisions\) \(Wales\) \(EU Exit\) Regulations 2021](#)

Other UK legislation

[The Marketing of Seed Potatoes, Plant and Propagating Material Regulations \(Northern Ireland\) 2020](#)

These Regulations amend a number of Northern Ireland Regulations concerning the provision for ensuring that plant material is practically free from Union regulated non-quarantine pests at the place of production and for the presence of such pests on plant material not to exceed certain thresholds.

[The Organic Control \(Amendment\) Regulations 2021](#)

These Regulations amend Commission Implementing Regulation EU 2020/977 which provides temporary derogations from certain provisions of a number of EU Regulations on

[The Food Information \(Scotland\) Amendment Regulations 2021](#)

The Regulations make amendments to the Food Information (Scotland) Regulations 2014, introducing new duties with respect to the requirement to label foods with the name of the food and a list of ingredients, for foods sold pre-packed for direct sale (other than those sold by means of distance communication).

[The Nutrition \(Amendment\) and Food for Specific Groups \(Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula\) \(Information and Compositional Requirements\) \(Amendment\) Regulations 2021](#)

These Regulations amend the Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020 (S.I. 2020/43) and the Nutrition (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1476) in order to ensure that the amendments made by those Regulations apply to infant formula or follow-on formula made from protein hydrolysates from 22nd February 2022 instead of 22nd February 2021. Similar amendments are made in Scotland by [The Foods for Specific Groups \(Infant Formula and Follow-on Formula\) \(Scotland\) Amendment Regulations 2021](#)

[The Common Organisation of the Markets in Agricultural Products \(Wine\) \(Amendment, etc.\) Regulations 2021](#)

These Regulations amend inter alia the European Union (Withdrawal) Act 2018 to allow retained EU to operate effectively and to correct other deficiencies in consequential legislation.

[The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) \(Amendment\) Regulations 2021](#)

These Regulations are connected to Part 2 of the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021 (S.I. 2021/136), elements of which apply to Wales. Those Regulations made provision to supplement Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities ("the Official Controls Regulation"). Specifically, they supplemented and modified the transitional derogations and modifications set out in Article 168 of, and Annex 6 to, the Official Controls Regulation, by providing for official controls that are carried out on certain goods listed in the Schedule to those Regulations to be carried out at the place of destination.

These Regulations make connected amendments to provisions relating to offences in the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I.

2020/206) (W. 48) to include inspections at the place of destination within the existing enforcement framework

[The Meat Preparations \(Import Conditions\) \(Scotland\) Amendment Regulations 2021](#)

These Regulations amend Commission Decision 2000/572/EC which lays down animal and public health and veterinary certification conditions for imports of meat preparations from third countries.

FAO publications

[Food outlook: biannual report on global food markets, June 2020](#)

Food Outlook is published by the Trade and Markets Division of FAO under Global Information and Early Warning System (GIEWS). It is a biannual publication focusing on developments affecting global food and feed markets. Each report provides comprehensive assessments and short term forecasts for production, utilization, trade, stocks and prices on a commodity by commodity basis and includes feature articles on topical issues

[The state of food and agriculture 2020: overcoming water challenges in agriculture](#)

The State of Food and Agriculture 2020 presents new estimates on the pervasiveness of water scarcity in irrigated agriculture and of water shortages in rainfed agriculture, as well as on the number of people affected. It finds major differences across countries, and also substantial spatial variation within countries. This evidence informs a discussion of how countries may determine appropriate policies and interventions, depending on the nature and magnitude of the problem, but also on other factors such as the type of agricultural production system and countries' level of development and their political structures. Based on this, the publication provides guidance on how countries can prioritize policies and interventions to overcome water constraints in agriculture, while ensuring efficient, sustainable and equitable access to water.

Legislation Review with developments in food and feed law:

April – June 2021

Summary

This is a summary of UK legislation in food and feed law and related scientific and regulatory issues for the period from 1 April to 30 June 2021. Other relevant technical updates are listed thereafter.

UK Acts

[Trade Act 2021](#) makes provisions about international trade agreements; to make provision establishing the Trade Remedies Authority and conferring functions on it; to make provision about the Trade and Agriculture Commission; and to make provision about the collection and disclosure of information relating to trade.

Other UK legislation

[The Official Controls, Plant Health, Seeds and Seed Potatoes \(Amendment etc.\) Regulations 2021](#) amend a number of retained EU Regulations to allow effective operation within the UK.

[The Official Controls \(Exemptions from Controls at Border Control Posts\) \(Amendment\) Regulations 2021](#) exercise the powers conferred by Articles 48(b) and 144(6) of Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (EUR 2017/625)

[The Common Organisation of the Markets in Agricultural Products \(Fruit and Vegetable Producer Organisations, Tariff Quotas and Wine\) \(Amendment etc.\) Regulations 2021](#) amend a number of retained EU Regulations to allow effective operation within the UK.

[The Food \(Amendment and Transitional Provisions\) \(England\) Regulations 2021](#) amend a number of English Regulations removing a number of exemptions following exit from the EU.

[The Food and Drink \(Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling\) Regulations 2021](#) amend a number of retained EU Regulations to allow effective operation within the UK, specifically in food composition and labelling.

[The Common Organisation of the Markets in Agricultural Products \(Transitional Arrangements\) \(Amendment\) Regulations 2021](#) amend a number of retained EU Regulations to allow effective operation within the UK, specifically in import border control checks on imports from the EU.

Draft UK Regulations

[The Food and Feed Hygiene and Safety \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2021](#) propose to amend a number of Northern Ireland Regulations, correcting drafting errors and implementing a number of changes to EU Regulations.

[The Calorie Labelling \(Out of Home Sector\) \(England\) Regulations 2021](#) propose Regulations requiring businesses that sell food for immediate consumption to provide information relating to the energy content of that food.

FAO publications

[Code of practice for fish and fishery products](#). Codex Alimentarius International Food Standard, Code of practice (2016, rev. ed.).

Food safety and quality series 11: [Joint FAO/WHO Expert Meeting on Tropane Alkaloids](#)

FAO animal production and health manual 24 [Good practices for the feed sector](#): implementing the codex alimentarius code of practice on good animal feeding.

Legislation Review with developments in food and feed law:

July – September 2021

This is a summary of UK legislation in food and feed law and related scientific and regulatory issues for the period from 1 July to 27 September 2021. Other relevant technical updates are listed thereafter.

Secondary UK legislation.

[The Common Organisation of the Markets in Agricultural Products \(Wine\) \(Amendment, etc.\) Regulations 2021](#) amends the Common Organisation of the Markets in Agricultural Products (Producer Organisations and Wine) (Amendment etc.) (EU Exit) Regulations 2020 to allow for retained EU legislation to operate effectively

[The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2021](#) amend the Trade in Animals and Related Products (Wales) Regulations 2011 extending a number of derogations made in these Regulations, these being further extended by [The Trade in Animals and Related Products \(Wales\) \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2021](#)

[The REACH etc. \(Amendment\) Regulations 2021](#) amend retained EU Regulation 1907/2006 to allow the Regulation to operate effectively, and amends Regulations 2019/1692 and Regulation 2020/1435 with respect to certain data sharing provisions and requirements for registrants to update their registrations respectively.

[The Calorie Labelling \(Out of Home Sector\) \(England\) Regulations 2021](#) come into force in April 2022 and require qualifying businesses which sell food for immediate consumption to provide food information relating to the energy content of the food that they sell in kilocalories. The Regulations identifies food for which such information is required, those foods which are exempt and how the information is to be provided (which includes via electronic means). Qualifying businesses are defined, as are the penalties for non-compliance.

[The Food and Drink \(Transitional Provisions\) \(Wales\) \(EU Exit\) Regulations 2021](#) amend a number of pieces of legislation applicable to Wales to enable effective operation of that legislation following EU exit.

[The Meat Preparations \(Import Conditions\) \(Scotland\) Amendment \(No. 2\) Regulations 2021](#) extend the transitional arrangements for meat preparations entering Scotland until 31st December. Similar Regulations apply to Wales, [The Meat Preparations \(Amendment and Transitory Modification\) \(Wales\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021](#) and England, [The Meat Preparations \(Amendment and Transitory Modification\) \(England\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2021](#)

EU Legislation

A number of new and amendments to **novel foods** have been authorised within the EU:

[Commission Implementing Regulation \(EU\) 2021/1318 of 9 August 2021 correcting Implementing Regulation \(EU\) 2017/2470 establishing the Union list of novel foods, Decision 2008/968/EC authorising the placing on the market of arachidonic acid-rich oil from *Mortierella alpina* as a novel food ingredient and Implementing Regulation \(EU\) 2020/484 authorising the placing on the market of lacto-N-tetraose as a novel food](#)

[Commission Implementing Regulation \(EU\) 2021/1377 of 19 August 2021 authorising the change of the conditions of use of the novel food astaxanthin-rich oleoresin from *Haematococcus pluvialis* algae under Regulation \(EU\) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation \(EU\) 2017/2470](#)

[Commission Implementing Regulation \(EU\) 2021/1326 of 10 August 2021 authorising the placing on the market of *Schizochytrium* sp. \(FCC-3204\) oil as a novel food under Regulation \(EU\) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation \(EU\) 2017/2470](#)

[Commission Implementing Regulation \(EU\) 2021/1319 of 9 August 2021 authorising changes in the specifications of the novel food Coriander seed oil from *Coriandrum sativum* and amending Implementing Regulation \(EU\) 2017/2470](#)

A significant number of **genetically modified organisms** have had their authorisations renewed, including for stacked events. A full list of these Regulations can be found [here](#).

Similarly, amendments to **pesticide** maximum residue levels can be found [here](#).

Amendments to **additives** use and authorisations include:

[Commission Regulation \(EU\) 2021/1156 of 13 July 2021 amending Annex II to Regulation \(EC\) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation \(EU\) No 231/2012 as regards steviol glycosides \(E 960\) and rebaudioside M produced via enzyme modification of steviol glycosides from *Stevia*](#)

[Commission Regulation \(EU\) 2021/1175 of 16 July 2021 amending Annex II to Regulation \(EC\) No 1333/2008 of the European Parliament and of the Council as regards the use of polyols in certain energy-reduced confectionery products](#)

A number of amendments have been made to EC Regulation 1881/2006 on **contaminants** in foods.

[Commission Regulation \(EU\) 2021/1408 of 27 August 2021 amending Regulation \(EC\) No 1881/2006 as regards maximum levels of tropane alkaloids in certain foodstuffs.](#)

[Commission Regulation \(EU\) 2021/1323 of 10 August 2021 amending Regulation \(EC\) No 1881/2006 as regards maximum levels of cadmium in certain foodstuffs](#)

[Commission Regulation \(EU\) 2021/1317 of 9 August 2021 amending Regulation \(EC\) No 1881/2006 as regards maximum levels of lead in certain foodstuffs](#)

[Commission Regulation \(EU\) 2021/1399 of 24 August 2021 amending Regulation \(EC\) No 1881/2006 as regards maximum levels of ergot sclerotia and ergot alkaloids in certain foodstuffs](#)

A number of amendments to EC Regulation 2019/787 on **spirit drinks** have been made:

[Commission Implementing Regulation \(EU\) 2021/1236 of 12 May 2021 laying down rules for the application of Regulation \(EU\) 2019/787 of the European Parliament and of the Council concerning applications for registration of geographical indications of spirit drinks, the opposition procedure, amendments to product specifications, cancellation of the registration, use of symbol and control](#)

[Commission Delegated Regulation \(EU\) 2021/1334 of 27 May 2021 amending Regulation \(EU\) 2019/787 of the European Parliament and of the Council as regards allusions to legal names of spirit drinks or geographical indications for spirit drinks in the description, presentation and labelling of other spirit drinks](#)

[Commission Delegated Regulation \(EU\) 2021/1335 of 27 May 2021 amending Regulation \(EU\) 2019/787 of the European Parliament and of the Council as regards the labelling of spirit drinks resulting from the combination of a spirit drink with one or more foodstuffs](#)

Other

[Commission Delegated Regulation \(EU\) 2021/1374 of 12 April 2021 amending Annex III to Regulation \(EC\) No 853/2004 of the European Parliament and of the Council on specific hygiene requirements for food of animal origin](#)

[Commission Implementing Regulation \(EU\) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists](#)

[Commission Delegated Regulation \(EU\) 2021/1353 of 17 May 2021 supplementing Regulation \(EU\) 2017/625 of the European Parliament and of the Council with regard to the cases and conditions under which competent authorities may designate official laboratories which do not fulfil the conditions in relation to all the methods they use for official controls or other official activities](#)

[Commission Regulation \(EU\) 2021/1372 of 17 August 2021 amending Annex IV to Regulation \(EC\) No 999/2001 of the European Parliament and of the Council as regards the prohibition to feed non-ruminant farmed animals, other than fur animals, with protein derived from animals](#)

FAO publications

The nutrition and health potential of geographical indication foods. ISBN 9789251341605. [Order here](#)

Legislation Review with developments in food and feed law:

October – December 2021

This is a summary of UK legislation in food and feed law and related scientific and regulatory issues for the period from 1st October to 31st December 2021. Other relevant technical updates are listed thereafter. The web reports for 2020 have been combined in a single compendium which is under internal review for publication of the Government Chemist website in due course.

Secondary UK legislation

[The Eggs \(England\) Regulations 2021](#) amend retained Commission Regulation (EC) No 589/2008 (EUR 2008/589) on marketing standards for eggs, by permitting marketing standards checks on Class A eggs to take place at locations such as packing centres and wholesalers' premises, but before sale to the final consumer or to mass caterers, rather than requiring the checks to be carried out before customs clearance. Similar Regulations apply to Scotland, [The Eggs \(Amendment\) \(Scotland\) Regulations 2021](#)

[The Organics \(Equivalence and Control Bodies Listing\) \(Amendment\) Regulations 2021](#) amends EC Regulation 834/2007 on organic production and labelling of organic products, and its implementing Regulations, to move the lists of countries and control bodies that have equivalent organic standards out of the Annexes of the Regulations and onto an on-line version. The lists can be found [here](#).

[The Products Containing Meat etc. \(England\) \(Amendment\) Regulations 2021](#) extend the duration of a number of transitional measures within the Regulations, that were due to expire on the 12th December 2021, but are now extended until 1st October 2022.

[The Wine \(Amendment\) Regulations 2021](#) made under the European Union (Future Relationship) Act 2020, amend a number of UK and EU Regulations to allow continued trade in wine.

[The Animal Products \(Transitional Import Conditions\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021](#) make a number of amendments to Commission Decision 2000/572/EC with regards to import controls for meat preparations from territories subject to special import conditions and extends certain transitional arrangements.

[The Food \(Promotion and Placement\) \(England\) Regulations 2021](#) place restrictions on the marketing of certain foods and drinks which are less healthy. The Regulations define the foods (and drinks) to which the Regulations apply, define the businesses to which the Regulations apply, and places restrictions on those businesses as to which and where such promotions can be made, these restrictions include on-line marketing.

[The Common Organisation of the Markets in Agricultural Products \(Marketing Standards and Organic Products\) \(Transitional Provisions\) \(Amendment\) Regulations 2021](#) extend a number of the transitional provisions relating to organic products following EU exit.

[The Edible Crabs \(Undersized\) \(Amendment\) Order \(Northern Ireland\) 2021](#) and [The Edible Crabs \(Conservation\) \(Amendment\) Regulations \(Northern Ireland\) 2021](#) amend a number of rules relating to landing of crabs in Northern Ireland.

[The Official Controls \(Extension of Transitional Periods\) \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2021](#) extend a number of transitional measures following EU exit in England and Wales.

[The Food \(Withdrawal of Recognition\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021](#) removes a number of exemptions from the Bread and Flour Regulations 1998, the Jam and Similar Products (Scotland) Regulations 2004, the Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008 and the Products Containing Meat etc. (Scotland) Regulations 2014 following EU exit.

EU Legislation

A number of new and amendments to **novel foods** have been authorised within the EU:

[Commission Implementing Regulation \(EU\) 2021/2029 of 19 November 2021 authorising the placing on the market of 3-Fucosyllactose \(3-FL\) as a novel food under Regulation \(EU\) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation \(EU\) 2017/2470](#)

[Commission Implementing Regulation \(EU\) 2021/2079 of 26 November 2021 authorising the placing on the market of vitamin D2 mushroom powder as a novel food under Regulation \(EU\) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation \(EU\) 2017/2470](#)

[Commission Implementing Regulation \(EU\) 2021/2129 of 2 December 2021 authorising the placing on the market of calcium fructoborate as a novel food under Regulation \(EU\) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation \(EU\) 2017/2470](#)

[Commission Implementing Regulation \(EU\) 2021/1974 of 12 November 2021 authorising the placing on the market of dried fruits of *Synsepalum dulcificum* as a novel food under Regulation \(EU\) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation \(EU\) 2017/2470](#)

[Commission Implementing Regulation \(EU\) 2021/1975 of 12 November 2021 authorising the placing on the market of frozen, dried and powder forms of *Locusta migratoria* as a novel food under Regulation \(EU\) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation \(EU\) 2017/2470](#)

A new authorisation for a **genetically modified organism** derived from soy:

[Commission Implementing Decision \(EU\) 2021/1999 of 15 November 2021 amending Implementing Decision \(EU\) 2016/1215 as regards the authorisation holder and its representative in the Union for the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72](#)

Amendments to **pesticide** maximum residue levels can be found [here](#).

An addition has been made to EC Regulation 1881/2006 on **contaminants** in foods.

[Commission Regulation \(EU\) 2021/2142 of 3 December 2021 amending Regulation \(EC\) No 1881/2006 as regards maximum levels of opium alkaloids in certain foodstuffs](#) adding maximum limits for opium alkaloids to poppy seeds and bakery products containing poppy seeds.

A number of amendments have been made on regulation of **organic products** which can be found [here](#).

Other

[Commission Implementing Regulation \(EU\) 2021/1533 of 17 September 2021 imposing special conditions governing the import of feed and food originating in or dispatched from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation \(EU\) 2016/6](#)

Agriculture

[Commission Implementing Regulation \(EU\) 2021/2090 of 25 November 2021 concerning the denial of authorisation of titanium dioxide as a feed additive for all animal species](#)

Amendments and additions to **feed additive** authorisations can be found [here](#).

FAO publications

Microbiological risk assessment series 36: [Microbiological risk assessment: guidance for food – ISSN 1726-5274](#).

Microbiological Risk Assessment Guidance for Food (MRA 36) provides a structured framework for assessing the risk of microbiological hazards in food.

It updates three previous FAO and WHO guidance documents (MRA 3, MRA 7, and MRA 17) and brings them into a single volume, providing an overall umbrella for microbiological risk assessment.

The Microbiological Risk Assessment Guidance for Food was developed for the global community of scientists and risk assessors, both experienced and inexperienced in risk assessment, and the risk managers or others responsible for risk decision-making and/or communication.