

FOOD STANDARDS SCOTLAND

PUBLIC CONSULTATION



The Country of Origin of Certain Meats (Scotland) Regulations 2015

CONSULTATION SUMMARY PAGE

Date consultation launched:	Closing date for responses:
25 September 2015	18 December 2015

Who will this consultation be of most interest to?

Enforcement authorities, farmers, manufacturers, wholesalers, slaughterhouses, cutting plants, meat packagers and retailers in the supply chain handling unprocessed prepacked meat from pigs, poultry, sheep and goats. The consultation may also be of interest to health professionals, consumer groups and others with an interest in food labelling legislation.

What is the subject of this consultation?

The draft Country of Origin of Certain Meats (Scotland) Regulations 2015 provide for the enforcement of Commission Implementing Regulation (EU) No 1337/2013 on the indication of the country of origin or place of provenance for fresh, chilled and frozen meat from pigs, poultry, sheep or goats. This EU Regulation came into force on 1 April 2015 to meet the requirements of Article 26 of Regulation (EU) No 1169/2011 on Food Information to Consumers. The Implementing Regulation is directly applicable which means that food businesses are legally required to comply with its requirements.

What is the purpose of this consultation?

To provide stakeholders with an opportunity to comment on the draft Scottish Statutory Instrument for the Country of Origin of Certain Meats (Scotland) Regulations 2015, containing the proposed option for enforcement of the EU Regulation and the associated Business and Regulatory Impact Assessment.

Responses to this consultation should be sent to:

Mr Russell Napier
Regulatory Policy Branch
FOOD STANDARDS SCOTLAND
Tel: 01224 285155
Email: Russell.Napier@fss.scot

Postal address:
Pilgrim House
Old Ford Road
Aberdeen
AB11 5RL

Is a Business and Regulatory Impact Assessment included with this consultation?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> See Annex A for reason.
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If you would prefer to receive future FSS consultations by e-mail, or if you no longer wish to receive information on this subject please notify the named person in this consultation.

The Country of Origin of Certain Meats (Scotland) Regulations 2015

DETAIL OF CONSULTATION

Food Standards Scotland (FSS) would welcome your comments on the draft Country of Origin of Certain Meats (Scotland) Regulations 2015 (see Annex B) and the partial Business and Regulatory Impact Assessment (BRIA – see Annex C).

Introduction

The purpose of the draft Scottish Statutory Instrument is to:

- (a) enable the enforcement of and
- (b) provide penalties for non-compliance with

the requirements of Commission Implementing Regulation (EU) No 1337/2013 which lays down rules for the application of Regulation (EU) No 1169/2011 as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat from pigs, sheep, goats and poultry.

Proposals

The options being considered are:

Option 1 – Do nothing. This means that the directly applicable European Regulation could not be enforced in Scotland.

Option 2 – Introduce legislation to provide enforcement provisions in Scotland for Regulation (EU) No 1337/2013 which would designate enforcement at retail level by local authority enforcement officers on a risk based approach and enforcement in approved slaughterhouses and cutting plants by Food Standards Scotland.

Key proposal:

Provide enforcement provisions for Implementing Regulation (EU) No 1337/2013

Background

In December 2013 the European Commission published Implementing Regulation (EU) No 1337/2013 on the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of pigs, sheep, goats and poultry. This implements the country of origin labelling provisions set out in Article 26 (8) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers (FIC). The broader food labelling requirements of FIC are enforced in Scotland by local authority enforcement officers with the enforcement provisions laid down in the Food Information (Scotland) Regulations 2014 (FIR).

Regulation (EU) No 1337/2013 requires that all unprocessed, prepacked meat of pigs, sheep, goats and poultry carry a label indicating the country of rearing, country of slaughter and a batch code linking the meat back to the animal or group of animals from which it was obtained. In addition to the labelling provisions, the Regulation requires businesses, at all stages of production, to have an identification and

registration system in place that ensures the transmission of the mandatory labelling information along the food chain. Regulation (EU) No 1337/2013 also includes a traceability requirement enabling identification of the animals from which the meat has been obtained.

The new mandatory rules

From 1 April 2015 all fresh, chilled and frozen pork, lamb, goat and poultry meat (including minced meat) should be labelled with an indication of origin which means:

- Mandatory labelling of the place of rearing and place of slaughter of the animal from which the meat is obtained;
- Mandatory labelling of a batch code identifying the meat at retail; and
- Requirement for food business operators (FBOs) to have an identification and registration system that demonstrates the link between the meat and the animal from which it was obtained.

Under other European legislation, FBOs are already required to have traceability systems in place to identify pigs, sheep, goats and poultry at slaughter establishments, therefore the new requirement in Regulation (EU) No 1337/2013 is that all of the above meat must now additionally be labelled with a batch code and the place of rearing and slaughter. The new labelling rules allow for this information to be replaced with a simple indication of origin where the animal was born, reared and slaughtered in a single member state or third country (e.g. "Origin: UK").

What this means for industry in Scotland

Identification of the animal

Live pigs, sheep, and goats can be identified using slap marks (pigs only) ear tags or electronic tags and poultry flocks must be registered subject to EU and national animal identification and traceability legislation¹. From the point of slaughter, the information about the Member State or third country of rearing and slaughter will also need to accompany the carcass/meat through the subsequent stages of production and distribution. FBOs must be able to demonstrate that they can establish the link between the meat and the animal at slaughter, which can be evidenced by records showing their country of origin. Each business will be responsible for the maintenance of their records and will be committing an offence if not properly kept.

Batch code

Packs of meat must carry a batch code to support the traceability of the meat and the accuracy of the labelling information. The code provides a link to food businesses' records regarding the supplier and the country of rearing and country of slaughter details for the meat going into each batch.

Labelling of meat for sale to the consumer

The mandatory origin indications will generally be 'Reared in: [Member State or third country]' and 'Slaughtered in: [Member State or third country]'. This basic pattern can be adapted to reflect the reality of where the meat has come from, e.g. 'Reared in: several Member States of the EU'. The term 'origin' can replace

¹ <http://www.gov.scot/Topics/farmingrural/Agriculture/animal-welfare/Diseases/15721/2966>

this mandatory information only when the animals were exclusively born, reared and slaughtered in a single member state or third country. This is all set out in Regulation (EU) No 1337/2013 and there are no national implementation decisions to be taken. There is also provision in the European legislation for additional voluntary information to be provided on the label.

Enforcement

Failure to introduce enforcement provisions for Regulation (EU) No 1337/2013 could result in infraction proceedings against the UK; therefore it is necessary to ensure that the new labelling requirements can be enforced in Scotland. The proposed Country of Origin of Certain Meats (Scotland) Regulations 2015 will enable the enforcement authorities in Scotland to take action where traceability systems are not in place and where origin labelling is not provided correctly.

As Regulation (EU) No 1337/2013 has the ultimate aim of providing information for consumers, FSS proposes that the enforcement should be risk-based and proportionate, focusing on inspections where there is evidence or suspicion of non-compliance. This could mean a focus for inspection in cases where an issue has been identified, for example at the retail level, giving rise to a need for investigation earlier in the food supply chain. It is anticipated that enforcement officers would not be expected to initiate separate inspections in relation to the enforcement of these new requirements, but instead to include these additional checks as part of their existing regimes.

Consultation Process

A 12-week public consultation is being used to provide stakeholders and interested parties with the opportunity to comment on the proposed legislation and its associated impacts. Responses to the following questions are requested:

Q1: To help complete the BRIA, we would like to request data on the number of individuals or businesses likely to be caught by the labelling requirements as regards the country of origin or place of provenance for fresh, chilled and frozen meat of pigs, sheep, goats and poultry?

Q2: We invite stakeholders, including businesses to comment on whether the figures in the section on familiarisation costs are a realistic estimate?

Q3: Are the figures in the BRIA a realistic estimate for typical industry re-labelling costs, if applicable?

Q4: We invite enforcement authorities to comment on whether the assumptions regarding enforcement costs are reasonable?

Q5: We invite stakeholders to comment and provide evidence on any additional costs or benefits associated with the key proposals?

We are particularly keen to hear from Small and Medium Enterprises (SMEs) on any likely impact and would encourage them to comment on all aspects of this proposal.

Following the consultation, we will review the responses received and consider whether any changes are required to the proposed national legislation.

Other relevant documents

Commission Implementing Regulation (EU) No 1337/2013 is available from the EUR-Lex website at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:335:0019:0022:EN:PDF>

Responses

Responses are required by close **18 December 2015**.

Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

We will summarise all comments received and the official response to each will be published on the Food Standard Scotland website within 3 months following the end of the consultation period.

Thank you on behalf of Food Standards Scotland for taking the time to participate in this public consultation.

Yours faithfully,

Russell Napier

Regulatory Policy Branch
Food Standards Scotland

Attached

Annex A: Standard Consultation Information

Annex B: Draft Scottish Statutory Instrument – The Country of Origin of Certain Meats (Scotland) Regulations 2015

Annex C: Partial Business and Regulatory Impact Assessment

Annex D: List of interested parties

Annex E: Data Protection Form

Annex F: Consultation Feedback Questionnaire

Queries

1. If you have any queries relating to this consultation please contact the person named on page 1, who will be able to respond to your questions.

Publication of personal data and confidentiality of responses

2. In accordance with the principle of openness, our office in Pilgrim House in Aberdeen will hold a copy of the completed consultation. Food Standards Scotland (FSS) will publish a summary of responses, which may include full name. Disclosure of any other personal data would be made only upon request for the full consultation response. If you do not want this information to be released please email openness@fss.scot or return by post to the address given on page 1.
3. In accordance with the provisions of Freedom of Information Act (Scotland) 2002/ Environmental Information (Scotland) Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure. The final decision on whether the information should be withheld rests with FSS. However, we will take into account your views when making this decision.
4. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

Further information

5. A list of interested parties to whom this letter is being sent appears in Annex D. Please feel free to pass this document to any other interested parties, or send us their full contact details and we will arrange for a copy to be sent to them directly.
6. Please contact us for alternative versions of the consultation documents in Braille, other languages or audiocassette.
7. Please let us know if you need paper copies of the consultation documents or of anything specified under '**Other relevant documents**'.
8. This consultation has been prepared in accordance with HM Government Code of Practice on Consultation, available at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100807/file47158.pdf
9. The consultation criteria from that code should be included in each consultation and are listed overleaf:

The Seven Consultation Criteria

Criterion 1 — When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 — Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 — Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 — Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 — The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 — Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 — Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

10. The Code of Practice states that an Impact Assessment should normally be published alongside a formal consultation. Please see the Business and Regulatory Impact Assessment at Annex C.

Comments on the consultation process itself

11. We are interested in what you thought of this consultation and would therefore welcome your general feedback on both the consultation package and overall consultation process. If you would like to help us improve the quality of future consultations, please feel free to share your thoughts by sending an email to openness@fss.scot or return by post to the address given on page 1.