



Proposal to allow flour millers to place unfortified flour on the Northern Ireland market, subject to it being destined for countries outside the UK, or used in products destined to be sold outside of the UK

Launch date: 13 September 2021

Respond by: 6 December 2021

This consultation will be of most interest to:

Food business operators in Northern Ireland importing, selling and manufacturing flour and products containing flour.

Consultation subject

Currently millers in Northern Ireland cannot sell unfortified flour onto the Northern Ireland market. We are proposing to allow flour millers to place unfortified flour on the Northern Ireland market, subject to it being destined for countries outside the UK, or used in products destined to be sold outside of the UK, subject to responses to this consultation.

Purpose of the consultation

To seek comments from industry, enforcement authorities, consumers and other interested stakeholders on if there is merit and demand for millers to sell unfortified flour onto the Northern Ireland market subject to it being destined for countries outside the UK, or used in products destined to be sold outside the UK.

We would also welcome additional information about relevant trade and the likely impacts of the proposed changes for this sector.

How to respond

Responses to this consultation should be sent to Executive.Support@food.gov.uk

Details of consultation

Currently millers in Northern Ireland cannot sell unfortified flour onto the Northern Ireland market. We are proposing to allow millers to sell unfortified flour onto the Northern Ireland market subject to it being destined to be sold outside the UK, or used in products destined to be sold outside of the UK.

Introduction

The Bread and Flour Regulations (Northern Ireland) 1998 (the “Regulations”) provide that any non wholemeal flour that is produced and sold in Northern Ireland must be fortified with calcium, iron, thiamin and niacin.

The Regulations do not apply in respect any flour brought into Northern Ireland from an EEA State in which it was lawfully produced and sold. Our proposed changes do not affect this.

These fortification requirements are in place throughout the UK as a public health measure. However, the FSA recognises that there are limitations within the regulations relating to flour destined to be sold outside of the UK.

The Regulations currently do not permit millers to place unfortified flour onto the market in Northern Ireland, even if it or the final product is destined to be sold outside of the UK.

The proposal for change within this consultation would allow millers to place unfortified flour on the Northern Ireland market, subject to it, or the products it is used in, being destined for countries outside of the UK.

Background

Following the UK’s exit from the EU, Defra has removed Mutual Recognition provisions within product specific domestic regulations (e.g. Bread and Flour, Jam Regulations etc) for England. Alongside this, Defra has also extended the existing defence of selling non-compliant flour destined for export to additionally include a new defence for sale of non-compliant flour to be used to manufacture products that are destined for export. These changes have been made via [The Food \(Amendment and Transitional Provisions\) \(England\) Regulations 2021](#).

Wales and Scotland are considering similar amendments which are likely to be introduced following consultation.

In Northern Ireland, we are considering one of these aspects, a proposal which would allow unfortified flour to be placed on the market, subject to it being destined for countries outside of the UK, or used in products destined to be sold outside of the UK. However, Northern Ireland will not be removing the Mutual Recognition provisions within our

domestic Bread and Flour Regulations. Under the terms of the Protocol on Ireland/Northern Ireland, unfortified flour brought in from EEA states can continue to be placed on the Northern Ireland market.

Proposal

Currently millers in Northern Ireland cannot sell unfortified flour onto the Northern Ireland Market. We are proposing to allow millers to sell unfortified flour onto the Northern Ireland market subject to it being used in products destined to be sold outside the UK, subject to responses to this consultation. To provide for this proposal, an amendment to the Bread and Flour Regulations (Northern Ireland) 1998 would be required.

Options:

Option 1 – Amend the ‘Bread and Flour Regulations (Northern Ireland) 1998’ to allow flour millers to sell unfortified flour onto the Northern Ireland market subject to it being destined to be sold outside the UK, or used in products destined to be sold outside of the UK.

Option 2 – Do Nothing. This option would maintain the status quo, with millers unable to place unfortified flour on the Northern Ireland market, even where it is being used in products destined to be sold outside of the UK.

Impacts

The FSA wishes to use this consultation to gather evidence and would welcome comments on impacts which you think we may not have considered or alternative views about the assumptions made in this consultation.

If evidence and responses highlight additional regulatory impacts that were not considered within this consultation, the FSA will consider these impacts if introducing the change.

Overview of impacts

Industry

This proposal outlined at Option 1 would be an additional flexibility to provide industry with choice. There would not be any negative impact on current trade across the UK, or with the EU.

Consumers

The regulations provide that any milled white and brown wheat flour that is produced and sold in Northern Ireland needs to be fortified with calcium, iron, thiamin and niacin. These fortification requirements are in place as a public health measure for UK consumers.

The proposal outlined at Option 1 does not make any changes to the requirement for the Northern Ireland market, therefore would not have any public health impacts for Northern Ireland.

Ensuring Business Compliance

The regulations are enforced by District Councils in Northern Ireland. Therefore, any amendments to the regulations would have minimal familiarisation impacts for Councils.

District Councils will need to ensure that products impacted by these changes meet the requirements of the respective regulations, and in the case of flour, being satisfied that if it is unfortified that it is being used solely to make products which will be sold outside of the UK.

Engagement and Consultation Process

We are consulting on these proposals over a twelve-week period starting on **Monday 13th September 2021 and ending on Monday 6th December 2021.**

By publishing this consultation, the FSA wishes to meet its obligation to consult under Article 9 of the EU Regulation 178/2002 laying down the general principles and requirements of food law and laying down procedures in matters of food safety and under the Food Safety Order (Northern Ireland) 1991.

After the consultation the responses will be collated and analysed, and subsequently published on food.gov.uk.

Questions:

Please explain your answers as far as possible, and where available please also include evidence to support your views.

1. Do you agree that Option 1, as outlined above, is the preferred option?
2. Do you identify any concerns or risks regarding the proposal outlined in Option 1?
3. Are you aware of any other impacts that have not been identified in this consultation?
4. Do you have any additional comments?

Enforcement questions

5. Do you foresee any enforcement issues surrounding the proposal outlined in Option 1, particularly in reference to the Ensuring Business Compliance section?

Questions for Manufacturers/Millers

6. Would the proposals outlined in Option 1 benefit your business?
7. If yes to Question 6, what benefits would the proposal outlined in Option 1 in comparison to the proposal outlined in Option 2? Any quantification of benefits would be welcomed.

Other relevant documents

[The Bread and Flour Regulations \(Northern Ireland\) 1998](#)

Responses

Responses are required by close **Monday 6th December 2021**. 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).

Please send responses to: executive.support@food.gov.uk

For information on how the FSA handles your personal data, please refer to the Consultation privacy notice at <https://www.food.gov.uk/about-us/privacy-notice-consultations>

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours,

A handwritten signature in cursive script that reads "Nuala Meehan".

Nuala Meehan
Food Standards Lead
FSA in NI

Annex A: Standard Consultation Information

Disclosure of the information you provide

Information provided in response to this consultation may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want information you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

Any automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

The Food Standards Agency will be what is known as the 'Controller' of the personal data provided to us.

Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

The Data Protection Act 2018 states that, as a government department, the Food Standards Agency may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

What we do with it

All the personal data we process is located on servers within the European Union. Our cloud-based services have been procured through the government framework agreements and these services have been assessed against the national cyber security centre cloud security principles.

No third parties have access to your personal data unless the law allows them to do so. The Food Standards Agency will sometimes share data with other government departments, public bodies, and organisations which perform public functions to assist them in the performance of their statutory duties or when it is in the public interest.

What are your rights?

You have a right to see the information we hold on you by making a request in writing to the email address below. If at any point you believe the information, we process on you is incorrect you can request to have it corrected. If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office (ICO) at <https://ico.org.uk>, or telephone 0303 123 1113.

Our Data Protection Officer in the FSA is the Information Management and Security Team Leader who can be contacted at the following email address:
informationmanagement@food.gov.uk

Further information

If you require a more accessible format of this document, please send details to the named contact for responses to this consultation and your request will be considered.

This consultation has been prepared in accordance with [HM Government consultation principles](#).