

FOOD STANDARDS AGENCY CONSULTATION

Title: Proposals for Reducing the Administrative Burden when Applying Regulation 5 of the Meat Products Regulations 2003

CONSULTATION SUMMARY PAGE

Date consultation launched:	Closing date for responses:
25 November 2009	3 March 2010

Who will this consultation be of most interest to?

Industry (i.e. manufacturers, retailers, butchers), consumers and enforcement authorities.

What is the subject of this consultation?

Proposals for Reducing the Administrative Burden when Applying Regulation 5 of the Meat Products Regulations 2003 (MPRs)

What is the purpose of this consultation?

To obtain comments and views on the proposals and, where possible, any further supporting evidence on the four Options set out for reducing administrative burdens.

Responses to this consultation should be sent to:

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Food Information and Marketing Terms
FOOD STANDARDS AGENCY
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Is an Impact Assessment included with this consultation?

Yes

No See Annex A for reason.



CONSULTATION DOCUMENT

The Food Standards Agency is seeking views and comments on the proposal to reduce the administrative burden associated with the application of Regulation 5 of the Meat Products (England) Regulations 2003 (MPRs) (as amended).

Administrative Burdens Measurement Exercise (ABME)

In 2005 the Agency took part in the cross-Government Administrative Burdens Measurement Exercise (ABME), which measure the administrative burden to business of complying with information obligations (i.e. form filling, record keeping, notifying activities, requesting authorisation, providing information to third parties for example labelling, etc.) required under the legislation. This estimated that the information obligation of regulation 5 of the MPRs cost business in England around £11.2 million annually. Further details of costs are provided in the draft Impact Assessment (IA) at Annex D.

The FSA has been considering ways to reduce the administrative burden while maintaining the current level of information provided to consumers. In doing this we have had the following policy aims:

- To reduce the administration burden on businesses when applying Regulation 5 of the MPRs.
- Maintain or improve the current level of consumer information.
- Ensure clear and consistent labelling of relevant meat products to facilitate informed consumer choice.
- Enable enforcement authorities to ensure full compliance with food labelling requirements.

We are consulting on four options which are summarised below:

These options, along with a brief summary of what they achieve, are as follows:

1. Do nothing

- *No legislative changes.*
- *No planned changes to existing guidance on the 'Labelling of 'added ingredients' in meat products covered by MPR Regulation 5'.*
- *No savings on administrative burdens.*

2. Remove all of Regulation 5 and Schedule 3

- *By removing regulation 5 and schedule 3 there will be no specific requirements for added ingredients to be included in the name of a product, other than those set out in Regulation 8 of the Food Labelling Regulations 1996 (as amended).*
- *No changes to existing guidance on the 'Labelling of 'added ingredients' in meat products covered by MPR Regulation 5'.*
- *This option provides the maximum savings on administrative burdens in the region of £11.2M.*

3. Amend current MPRs retaining the key provisions of Regulation 5

- *The key provisions for added water and animal proteins in Schedule 3 are retained in Regulation 5. Schedule 3 is revoked.*
- *Specific thresholds for declaring added water in the name of a product are maintained.*
- *Declaring the ingredients of animal origin, if of different species to that in the product, will continue to be mandatory.*
- *No changes to guidance are planned.*
- *Savings on administrative burdens is expected to be in the region £5.6M.*

4. Guidance with step by step flow diagrams (Regulation 5 unchanged)

- *There will be no changes to the existing legislation. Regulation 5 and Schedule 3 will be retained.*
- *A set of step by step flow diagrams will be issued as additional guidance to allow easy and quick compliance.*
- *Thresholds for added water will be maintained. Animal ingredients of different species will be required in the name of a product.*
- *Savings on administrative burdens is expected to be the second highest (After Option 2.) in the region of £9.7M.*

The details of each of these options, together with the costs and benefits of each, are set out in the Impact Assessment at Annex D.

Stakeholders are asked to provide comments regarding the impacts of all the options set out in the IA. To facilitate this, we recommend stakeholders give particular attention to the contents of, Annex E - the step by step flow diagram guidance for Option 4, Annex F - regarding the current situation and the proposed SI for Option 3 in Annex G.

The IA (Annex D) asks a number of questions on specific issues on which stakeholders' responses would be welcome, as well as a request for information in relation to costs and assumptions behind the calculations.

- Annex E includes a pro-forma for stakeholder evaluation and comments on the guidance diagrams, in particular views on which of the two sets of charts are preferred is welcomed.
- Annex F provides further explanation of labelling requirements, including Regulation 5 of the Meat Products Regulations 2003.
- Annex G provides a draft SI for Option 3.
- There are two additional Annexes, Annex B and C which provide general information on the consultation and a list of consultees.

To: Interested Parties (as listed in Annex C)

Date: 25 November, 2009

Reference: LSD 321

PUBLIC WRITTEN CONSULTATION

For response by 3 March 2010

Proposals for Reducing the Administrative Burden of Regulation 5 of the Meat Products (England) Regulations 2003 (as amended)

Dear Sir/Madam,

The Food Standards Agency (FSA) is seeking your views and comments on proposed options to reduce the identified administrative burdens which flow from the application of Regulation 5 of the Meat Products (England) Regulations 2003 (MPRs).

These proposed options have been developed as part of the cross-Government programme to reduce administrative burdens on business by 25 per cent by the end of May 2010.

In September 2006, the FSA Board agreed that along with other Government departments, it should work towards a 25% reduction in the administrative burden of its Regulations by May 2010, but only where this would not affect public health protection or consumers' other interests. The administrative burdens reduction exercise applies to England only. However, reducing the burdens of these Regulations will benefit business across the UK, and similar parallel proposals for Scotland, Wales and Northern Ireland have been drafted and will be subject to separate consultations.

We would appreciate your comments on the proposed four options outlined in the consultation document (Annex A), the projected costs and savings presented in the attached draft impact assessment (Annex D) and also the step-by-step flow diagram guidance (Annex E). A pro-forma is included in Annex E to help with your response on the flow diagram guidance option. In particular, your views would be welcomed on which of the two sets of flow diagrams are preferred.

As a general overview, the table below summarises the four options and what we consider to be the effect of each option under consideration:

	1. Description of Option	2. Effect on Consumer Information/Labelling	3. Effect on Admin Burdens (England only)
Option 1	Do Nothing	Maintain current labelling requirements,	No Reduction. Estimated Admin Burden remains at £11.2M
Option 2	Remove all of Regulation 5 and Schedule 3	Will need to refer to general food law rules for interpretation.	Admin Burden Reduction of £11.2M
Option 3	Amend to simplify MPR by retaining key provisions of naming different animal and added water ingredients.	Should retain clear and consistent labelling in respect of key added ingredients only. Naming of key provisions retained but for other added ingredients need to refer to general food law for interpretation.	Estimated Admin Burden Reduction of £5.6M
Option 4	Flow Diagram Guidance (and leave Regulation 5 unchanged)	Should retain, and potentially improve, clear and consistent labelling of all added ingredients with the help of flow diagram guidance.	Estimated Admin Burden Reduction of £9.7M

When responding, please state whether you are responding as a private individual or on behalf of an organisation/company and give a brief summary of the people your organisation represents. Annex B gives further information on the consultation process in terms of any queries you may have, publication of personal data and confidentiality of responses, together with what to do if you have any general comments on the consultation process itself.

Early responses, preferably by email, would be much appreciated.

The deadline for responses is 3 March 2010.

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

Yours faithfully,

Michael Talbot

Enclosed:

Annex B: Standard Consultation Information

Annex C: List of Consultees

Annex D: Draft Impact Assessment

Annex E: Proposed step-by-step flow diagrams & Pro-forma for responses

Annex F: Further explanation of labelling requirements, including Regulation 5 (MPRs)

Annex G: Proposed Draft SI for Option 3

NB: there is no Annex A

Annex B

STANDARD CONSULTATION INFORMATION

Queries

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

Publication of personal data and confidentiality of responses

2. In accordance with the FSA principle of openness our Information Centre at Aviation House will hold a copy of the completed consultation. Responses will be open to public access upon request. The FSA will also publish a summary of responses, which may include personal data, such as your full name and contact address details. If you do not want this information to be released, please complete and return the Publication of Personal Data form, which is on the website at <http://www.food.gov.uk/multimedia/pdfs/dataprotection.pdf> Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.
3. In accordance with the provisions of Freedom of Information Act 2000/Environmental Information 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 the FSA. 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 C. 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 direct.
6. Please let us know if you need paper copies of the consultation documents or of anything specified under '**Other relevant documents**'.
7. This consultation has been prepared in accordance with HM Government Code of Practice on Consultation, available at:

<http://www.berr.gov.uk/files/file47158.pdf>

The Consultation Criteria are available at:

<http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44458.html>

8. Criterion 2 of HM Government Code of Practice on Consultation states Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Annex B

STANDARD CONSULTATION INFORMATION

9. The Code of Practice states that an Impact Assessment should normally be published alongside a formal consultation. Please see the Impact Assessment at Annex D.
10. For details about the consultation process (not about the content of this consultation) please contact: Food Standards Agency Consultation Co-ordinator, Room 2C, Aviation House, 125 Kingsway, London, WC2B 6NH. Tel: 0207 276 8630.

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 with us by using the Consultation Feedback Questionnaire at <http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc>
12. If you would like to be included on future Food Standards Agency consultations on other topics, please advise us of those subject areas that you might be specifically interested in by using the Consultation Feedback Questionnaire at <http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc>. The questionnaire can also be used to update us about your existing contact details.

Annex C

Consultation on Proposals for Reducing Administrative Burden of Regulation 5 of the Meat Products (England) Regulations

List of Consultees:

England Only

Advertising Association
Agriculture and Horticulture Development Board (AHDB)
Alcontrol Laboratories
Allied Frozen Foods
Allied Technical Centre
Anglo Beef Processors Ltd
Armagh Environmental Health
Asda Stores Limited
Association of British Abattoir Owners
Association of Convenience Stores
Association of Frozen Food Producers & Ice Cream Federation
Association of Meat Inspectors
Association of Muslim Professionals
Association of Port Health Authorities (APHA)
Association of Public Analysts (APA)
Department for Business Innovation and Skills
Bermondsey Trading Standards
BLS Frozen Foods
Board of Deputies of British Jews
Bodycote Lawlabs
Booker Ltd
BPEX and EBLEX
Brakes Group
Brewers & Licensed Retailers Association
British Beer and Pub Association



British Frozen Food Federation (BFFF)
British Hospitality Association (BHA)
British Meat Processors Association (BMPA)
British Nutrition Foundation
British Pig Association
British Poultry Council (BPC)
British Retail Consortium (BRC)
Cabinet Office
Campden BRI
Canned Food UK
CATERER & HOTELKEEPER
CATERING UPDATE
Chartered Institute of Environmental Health
Chilled Food Association Ltd
Churches' Commission for Inter-Faith Relations
Civic Catering Association
Consumer Focus
Country Land & Business Association (CLA)
Cumbria County Council
Department for Business, Innovation & Skills (BIS)
DEFRA
Dovey Group Ltd
Durham County Council
East of England Regulatory Service Partnership
ESCA Food Solutions Ltd
Eurofins Laboratories Limited
European Research into Consumer Affairs
Faccenda Group Limited
Farmfoods Freezer Centres
Federation of Bakers
Federation of Danish Pig Producers & Slaughterhouses
Federation of Fresh Meat Wholesalers
Federation of Muslim Organisations
Federation of Small Businesses
Federation of Synagogues
Federation of Wholesale Distributors
Fibrisol
Fisher Frozen Foods
Food Additives and Ingredients Association
Food and Drink Federation (FDF)
Food and Environment Research Agency (FERA)
Food Commission UK Ltd
Garden Isle Frozen Foods Limited

George Adams & Sons (Holdings) Ltd
Grampian - Ashton factory
Halal Consumers
Halal Food Authority
Halal Meat
Hampshire County Council
Health Food Manufacturers' Association
HM Revenue & Customs
Hospital Caterers Association
Iceland Foods PLC
Imans & Mosques Council UK
Institute of Food Research
Institute of Food Science & Technology
Institute of Grocery Distribution
International Meat Traders Association
J Sainsbury plc
Kepak
Lancashire County Council
League of British Muslims UK
League of Jewish Women
Leatherhead Food International
Leicestershire Trading Standards
Licensed Animal Slaughterers & Salvage Association
Lidl UK GmbH
Local Authorities Co-ordinators of Regulatory Services (LACoRS)
Local Authority Caterers Association
Local Government Association
London Retail Meat Traders Association
Marks and Spencer plc
Meat and Livestock Commercial Services Ltd
Meat Industry Liaison Group
Meat Trades Journal
Meat Training Council
Morrisons
Muslim Council of Great Britain
National Association of Catering Butchers
National Association of Master Bakers
National Association of Speciality Food Groups & Drinks Producers
National Council of Hindu Temples UK
National Council of Women of Great Britain
National Farmers Union (NFU)
National Federation of Meat and Food Traders
Neil Griffiths Consultants

Netto Foodstores Ltd
Network of Buddhist Organisations (UK)
Norfolk Trading Standards
Provision Trade Federation
Roger Kelsey Butchers
Scottish Frozen Foods Ltd
Somerset Scientific Services
Spar (UK) Ltd
Stephen Rhodes Associates
Suffolk County Council
Suffolk Meat Traders & Consumers Association
Surrey Trading Standards
Sustain: the alliance for better food and farming
Tesco Stores plc
The British Standards Institution
The Co-operative Group
Townswomens Guild
Trading Standards Institute
Unilever plc
Union of Muslim Organisations of UK & Eire
United Kingdom Association of Frozen Food Manufacturers
Universal Meat Company
Viva!/Vegetarian & Vegan Foundation
Waitrose Ltd
Which?
Women's Farming Union
Women's Food & Farming Union
Worcestershire County Council Trading Standards
Worshipful Company of Butchers
York House (Meat Products) Ltd

Summary: Intervention & Options		
Department /Agency: Food Standards Agency	Title: Impact Assessment of Proposals to Reduce the Administrative Burden of regulation 5 of the Meat Products Regulations (England) 2003 (as amended)	
Stage: Consultation	Version: 1	Date 25 November 2009
Related Publications: 1. Labelling of Added Ingredients in Meat Products covered by MPR Regulation 5*		

Available to view or download at:

http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/meatprodadded*

Contact for enquiries: Michael Talbot

Telephone: 0207 276 8152

What is the problem under consideration? Why is government intervention necessary?

The cross-government 2005 Administrative Burdens Measurement Exercise (ABME) identified regulation 5 of the Meat Products Regulations 2003 (MPRs) as imposing a significant burden on businesses in England. Any change of approach will affect however all of the UK. The costs within this IA reflect estimated UK costs. Intervention is therefore necessary and the Agency has identified options on how these burdens can be reduced while maintaining accurate information for consumers to make informed choices.

What are the policy objectives and the intended effects?

The policy objectives are to :

- a) Reduce the administrative burdens imposed on businesses complying with Reg 5 MPR.
- b) Maintain current level of consumer information and choice.
- c) Ensure clear and consistent labelling of relevant meat products.
- d) Enable enforcement authorities to ensure consistent approach to compliance.

What policy options have been considered? Please justify any preferred option.

- 1. Do nothing.
- 2. Remove all of Regulation 5 and Schedule 3.
- 3. Amend current MPRs retaining the key provisions of Regulation 5.
- 4. Issue new Guidance with step-by-step flow diagrams (leaving regulation 5 itself unchanged)

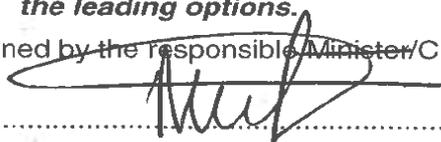
Option 4 is preferred as this provides a significant reduction in administrative costs to business while maintaining the current level of information for consumers.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? April 2013

Ministerial/CEO Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister/Chief Executive*:



Date: 18/11/09

* for Impact Assessments undertaken by non-ministerial departments/agencies and NOT being considered by Parliament

Summary: Analysis & Evidence

Policy Option: 1

Description: Do nothing. Retain regulation 5 MPR provisions

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' Annual costs split into £15,382,000 for industry and £35,000 for Local Authorities. One-off familiarisation costs split into £422,000 for industry and £28,000 for Local Authorities (rounded). These are 2008 prices.
	One-off (Transition)	Yrs	
	£ 450,000	5	
	Average Annual (excluding one-off)	Cost	
	£ 15.4m		
		Total Cost (PV)	£ 72.5m
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' See below for non-monetised benefits
	One-off	Yrs	
	£ N/K	5	
	Average Annual (excluding one-off)	Benefit	
	£ N/K		
		Total Benefit (PV)	£ N/K
Other key non-monetised benefits by 'main affected groups' Consumers will continue to receive the current level of information to make informed choices.			

Key Assumptions/Sensitivities/Risks See below the **Supplementary Annex on Deriving Cost Estimates**.

Price Base Year 2008	Time Period Years 5	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £ -72.5m
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What is the geographic coverage of the policy/option?	UK			
On what date will the policy be implemented?	By April 2010			
Which organisation(s) will enforce the policy?	Local authorities			
What is the total annual cost of enforcement for these organisations?	£ 35.2k			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	Yes			
What is the value of the proposed offsetting measure per year?	£ N/A			
What is the value of changes in greenhouse gas emissions?	£ N/A			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro 7.1m	Small 4.5m	Medium 2.3m	Large 1.5m
Are any of these organisations exempt?	No	No	No	No

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of £ 0	Decrease of £ 0	Net Impact	£ 0

Key: Annual costs and benefits: (Net) Present

Summary: Analysis & Evidence

Policy Option: 2

Description: Option 2 - removing regulation 5 and Schedule 3 of MPRs

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' At 2008 prices.
	One-off (Transition)	Yrs	
	£ 0	5	
	Average Annual Cost (excluding one-off)	Cost	
	£ 0		
		Total Cost (PV)	£ 0
Other key non-monetised costs by 'main affected groups' Consumers may not have consistent and full information on the aspects the regulation covers. There may also be confusion for businesses and enforcement bodies as to the regulation surrounding meat product labelling.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' At 2008 prices.
	One-off	Yrs	
	£ 0	5	
	Average Annual Benefit (excluding one-off)	Benefit	
	£ 0		
		Total Benefit (PV)	£ 0
Other key non-monetised benefits by 'main affected groups'			

Key Assumptions/Sensitivities/Risks

See below **Supplementary Annex on Deriving Cost Estimates.**

Price Base Year 2008	Time Period Years 5	Net Benefit Range (NPV)	NET BENEFIT (NPV Best estimate)
		£	£ 0

What is the geographic coverage of the policy/option?	UK			
On what date will the policy be implemented?	By April 2010			
Which organisation(s) will enforce the policy?	Local Authorities			
What is the total annual cost of enforcement for these organisations?	£ 35.2k			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£ N/A			
What is the value of changes in greenhouse gas emissions?	£ N/A			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	No	No

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of £ 0	Decrease of £ 11.2m	Net Impact	£ 11.2m decrease

Key: Annual costs and benefits: (Net) Present

Summary: Analysis & Evidence

Policy Option: 3

Description: Option 3 - Amending regulation 5 to keep key labelling provisions only

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' Annual costs split into £7,690,000 for industry and £35,000 for Local Authorities. One-off familiarisation costs split into £282,000 for industry and £19,000 for local authorities (rounded). These are 2008 prices.
	One-off (Transition)	Yrs	
	£ 300,000	5	
	Average Annual Cost (excluding one-off)	Cost	
	£ 7.7m		
		Total Cost (PV)	£ 36.4m
Other key non-monetised costs by 'main affected groups' Consumers will not have full consistency of information for the excluded provisions.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' See non-monetised benefits below
	One-off	Yrs	
	£ N/K	5	
	Average Annual Benefit (excluding one-off)	Benefit	
	£ N/K		
		Total Benefit (PV)	£ N/K
Other key non-monetised benefits by 'main affected groups' Consumers will benefit from retaining the key provisions, which will continue to provide information on key ingredients to inform choices			

Key Assumptions/Sensitivities/Risks See below **Supplementary Annex on Deriving Cost Estimates.**

Price Base Year 2008	Time Period Years 5	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £ -36.4m
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What is the geographic coverage of the policy/option?		UK		
On what date will the policy be implemented?		By April 2010		
Which organisation(s) will enforce the policy?		Local Authorities		
What is the total annual cost of enforcement for these organisations?		£ 35.2k		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		Yes		
What is the value of the proposed offsetting measure per year?		£ N/A		
What is the value of changes in greenhouse gas emissions?		£ N/A		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro 3.6m	Small 2.3m	Medium 1.1m	Large 0.7m
Are any of these organisations exempt?	No	No	No	No

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of £ 0	Decrease of £ 5.6m	Net Impact	£ 5.6m decrease

Key: Annual costs and benefits: (Net) Present

Summary: Analysis & Evidence

Policy Option: 4

Description: Option 4 – Guidance with step-by-step flow diagrams (leaving regulation 5 unchanged)

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' Annual costs split into £2,050,000 for industry and £35,000 for Local Authorities. One-off familiarisation costs split into £422,000 for industry and £28,000 for local authorities (rounded). These are 2008 prices.
	One-off (Transition)	Yrs	
	£ 450,000	5	
	Average Annual Cost (excluding one-off)	Cost	
	£ 2.1m		
		Total Cost (PV)	£ 10.2m
Other key non-monetised costs by 'main affected groups'			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' See non-monetised benefits below
	One-off	Yrs	
	£ N/K	5	
	Average Annual Benefit (excluding one-off)	Benefit	
	£ N/K		
		Total Benefit (PV)	£ N/K
Other key non-monetised benefits by 'main affected groups' Consumers continue to receive the current level of information but may also have a greater amount of information to inform their choices			

Key Assumptions/Sensitivities/Risks See below **Supplementary Annex on Deriving Cost Estimates.**

Price Base Year 2008	Time Period Years 5	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £ -10.2m
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What is the geographic coverage of the policy/option?		UK		
On what date will the policy be implemented?		By April 2010		
Which organisation(s) will enforce the policy?		Local Authorities		
What is the total annual cost of enforcement for these organisations?		£ 35.2k		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		Yes		
What is the value of the proposed offsetting measure per year?		£ N/A		
What is the value of changes in greenhouse gas emissions?		£ N/A		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro 0.9m	Small 0.6m	Medium 0.3m	Large 0.2m
Are any of these organisations exempt?	No	No	No	No

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of £ 0	Decrease of £ 9.7m	Net Impact	£ 9.7m Decrease

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Reason for Intervention

1. The Government is committed to reducing the administrative burdens on business arising from the application of legislation. The cross-government Administrative Burdens Measurement Exercise (ABME) in 2005 identified that the application of regulation 5 of the Meat Products (England) Regulations 2003 (MPRs) imposed a significant administrative burden on business in England. The ABME looked at the burden imposed by regulations applicable in England only. While the ABME focussed on England it can be assumed that similar burdens will apply to businesses across the UK.
2. It is not always obvious that meat products, which look like a cut, joint, slice, portion or carcase of meat or cured meat, may contain added ingredients. Regulation 5 of the MPRs contains specific provisions requiring that the names of such meat products reflect their true nature and content in respect of added ingredients so that consumers are accurately informed and not misled.
3. Information provided by business during the ABME was that the process of deciding the most accurate name for a meat product under regulation 5 MPR is a complex process, requiring more time, education and training than other labelling legislation. The 2005 ABME estimated that the cost of applying regulation 5 by industry in England¹ was £11.2 million annually.
4. The Agency has, therefore, been considering ways to reduce the burden of this regulation on business, while fulfilling its statutory duty to protect the consumer by retaining the current level of information to consumers afforded by the 'name of food' labelling requirements of the MPRs.

Intended effect

5. Through the options of simplifying legislation or providing improved step-by-step guidance it is the intention of the Agency to reduce the administrative burden on industry posed by regulation 5 of the MPRs, while ensuring that consumers are not misled and can continue to make informed choices about the nature of meat products they buy.
6. In looking at ways to reduce the administrative burdens on business, the Agency places a high priority on maintaining the current level of information to consumers as well as seeking to reduce, where possible, the impact on the resources of enforcement authorities. In developing the possible options, a key aim is to follow the principles of good regulation². Simpler regulation is easier to understand, increases the level of compliance and delivers greater consumer protection.

¹ The exercise covered burdens to industry in England, although similar burdens will of course also apply in Scotland, Wales and Northern Ireland, which we have calculated in proportion to the number of businesses.

² That regulations should be Proportionate; Consistent; Transparent and Targeted – <http://archive.cabinetoffice.gov.uk/brc/publications/principlesentry.html>

Background

7. The Government is committed to reducing the administrative burdens on business arising from applying the requirements of legislation. As recommended by the Better Regulation Task Force's report 'Regulation - Less is More: Reducing Burdens, Improving Outcomes'³ the Food Standards Agency took part in the cross-government Administrative Burdens Measurement Exercise (ABME) to measure and cost the administrative burdens to business of food legislation applying in England. This exercise identified regulation 5 of the Meat Products Regulations 2003 (MPRs) as a significant burden on business in England.
8. The Agency is committed to implementing its policy for the reduction of the administrative burdens associated with its legislation, while maintaining its obligation to protect public health, encourage high food standards and maintain appropriate levels of information for consumers.

Requirements of Meat Products Regulations (England) 2003 (as amended)

9. Regulation 5 and Schedule 3 of the MPRs require that where a meat product, which looks like a cut, joint, slice, portion or carcass of meat or cured meat, contains added ingredients they must under certain circumstances be declared in the 'Name of the Food'. This is in addition to the general labelling requirements in the Food Labelling Regulations 1996 (as amended) which are more fully explained below.
10. Examples of regulation 5 meat products include chicken portions with added beef proteins, and ham with added water. The regulation does not apply to things such as fresh raw meat that contains no added ingredients; or to comminuted products such as canned corned beef, sausages, or burgers, as these do not have the appearance of 'whole' meat; or to meat in sauces/ready meals etc. where it is obvious that ingredients have been added. It follows that any impacts of the proposal will not affect the sale of such meat products.
11. Regulation 5 of the MPRs is a national provision which was notified to and accepted by the European Commission under the Technical Standards Directive 98/34/EC. Two key aspects of regulation 5 are requirements to label added water (above 5%) and added ingredients (including proteins) of different animal species in the name of meat products.
12. Schedule 3 of the MPRs lists other added ingredients and sets out the circumstances in which these are not required in the name of a meat product. Ingredients that are exempt from 'name of food' requirements in Schedule 3 include any additives, curing salts, garnish or decorative coating, salt herb or spice used as seasoning, sugar added for sweet taste. It is to be noted that added starches and proteins used for technological purposes are no longer exempted by Schedule 3. This is to bring them into line with European legislation. Instead, these ingredients must still be assessed on whether or not they need to be included in the name of a food under the requirements of the general Food Labelling Regulations (FLRs), SI 1996 No. 1499 .
13. The requirements of regulation 5 apply to both pre-packed and loose meat products.

³ <http://archive.cabinetoffice.gov.uk/brc/publications/lessismoreentry-2.html>

Other Legislation that applies to 'regulation 5' meat products

14. The name of the food provisions in regulation 8 of the FLR also apply to meat products within the scope of regulation 5 of the MPR and will continue to do so, irrespective of any amendments to regulation 5.
15. Regulation 8 of the FLR requires that, if there is no name of the food prescribed by law and if there is no customary name, or if the customary name is not used, then the name of the food has to be sufficiently precise to inform a purchaser of the true nature of the food and to enable the food to be distinguished from products with which it could be confused. Therefore, even if requirements are removed from regulation 5 MPR, businesses will still need to consider whether to label under regulation 8 of the FLR.
16. Other general legislation such as the Food Safety Act 1990 (as amended), the General Food Law Regulation 178/2002/EC and the Consumer Protection from Unfair Trading Regulations 2008 also apply to products caught by regulation 5 of the MPR. These generally stipulate that it is an offence to sell a food that is falsely or misleadingly described, labelled or presented, which is likely to mislead as to the nature, substance or quality of the food.
17. Further details of legal requirements are outlined in Annex F.

Administrative Burdens Measurement Exercise (ABME)

18. In 2005 the Agency took part in the cross-government Administrative Burdens Measurement Exercise (ABME), which measures the administrative burden to business of complying with information obligations (i.e. form filling, record keeping, notifying activities, requesting authorisation, providing information to third parties for example labelling, etc.) required under the legislation.
19. Independent consultants carried out the ABME for all legislation in force in England using the Standard Cost Model (SCM) methodology. The SCM does not produce statistically robust data but gives an indicative estimate of the magnitude of administrative burden costs. In 2006 the FSA Board agreed that, along with other Government departments, the Agency would work towards a 25 per cent reduction in administrative burdens by 2010 where this would not reduce public health protection and consumers' other interests in relation to food and drink.
20. The information obligation of regulation 5 of the MPRs was estimated to cost business in England around £11.2 million at 2005 costs. Further details of costs are provided in the section on costs and benefits and in the '**Supplementary Annex on Deriving Cost Estimates**'.
21. A greater part of the burden identified was due to the complex language used in the regulation and the need for familiarisation. The high number of businesses affected (over 7,000 at the time⁴) and the need for more senior staff to spend a significant amount of time on understanding and becoming familiar with the rules meant that administrative costs were significant for businesses.

Consumer Research and Prior Consultation

22. To assist with the review of regulation 5 the Agency commissioned research on consumer understanding of regulation 5 meat products and how they should be labelled.

⁴ See Supplementary Annex on Deriving Cost Estimates for further details

The report was published in October 2007 and is available on the Agency website at: <http://www.food.gov.uk/science/socsci/surveys/meatregs5research>

23. This research identified what information consumers considered to be a priority for regulation 5 MPR products to help them make an informed choice. The ingredients that give consumers the most concern were: proteins perceived to be from other animal species, 'unnatural' additives (e.g. flavourings, preservatives), and ingredients 'bad for my health' (e.g. sugar, salt, fat). The addition of water was seen to be more benign than the aforementioned ingredients, nevertheless, meat products containing high quantities of water were considered to be of lower quality and less value for money.
24. On the basis of this consumer research, and initial views received from industry in 2008, the Agency developed a discussion paper on possible options of how the burdens on business could be reduced whilst maintaining key consumer information and protecting consumer choice. An informal consultation exercise was carried out in 2008 on the discussion paper and an initial impact assessment and responses from stakeholders were analysed. Consequently, the Agency has developed the most viable options, along with a 'do nothing' option for the purpose of comparison.
25. Further discussion with consumer representatives, businesses and enforcement authorities has enabled the FSA to develop a new option based on step-by-step flow diagram guidance on the existing legislation. This is option 4 of the proposal, which allows a wider exploration of possible cost savings to industry, while supporting consumer needs.

Summary of Options and Costs & Benefits

26. Four options are presented for reducing the administrative burdens on business applying regulation 5 of the MPRs.

These are as follows:

Option	Detail	Costs	Benefits
Option 1: Do Nothing	<p>The labelling provisions of regulation 5 would remain unchanged. Industry would continue to assess whether their meat products comply with the provisions set down in regulation 5 and Schedule 3 exemptions.</p> <p>Government policy and recommendations would not be satisfied and the high costs of applying the regulation would continue to be borne by industry.</p>	High costs to industry	Consumer information
Option 2	Regulation 5 and Schedule 3 in the current MPRs would be removed by amendment of the current MPR.	Under this option the current level of consumer information may not be sustainable without increased efforts by enforcement authorities to ensure that general labelling regulations are being fully applied for all added ingredients previously specified in regulation 5 and Schedule 3 of the MPRs	Option 2 provides the largest reduction in costs but the specific provisions relating to consumer information would no longer be made explicit and thresholds for added water would not be available.
Option 3	<p>Amend the S.I. by simplifying reg. 5 to keep the key provisions only</p> <p>(i.e. keep the naming of different animal ingredients and added water but remove other 'added ingredient' requirements from regulation 5 and Schedule 3 which will then be dealt with by regulation 8 of the FLR.)</p>	There will still be ongoing and familiarisation costs to industry and enforcement authorities.	Roughly half of the costs currently incurred by businesses will be reduced.
Option 4	<p>Guidance with step-by-step flow diagrams (leaving regulation 5 unchanged)*</p> <p>* This guidance will be annexed to existing regulation 5 MPR guidance and will also be used as 'stand-alone' guides for use by all sizes of businesses (including butchers, etc.)</p>	There will still be on-going and familiarisation costs to industry and enforcement authorities	This is the least-cost option, whilst keeping the consumer information elements. As a result of the guidance businesses will benefit from time savings and a reduction in the level of staff that have to carry out the tasks relating to the provision as a result of the guidance.

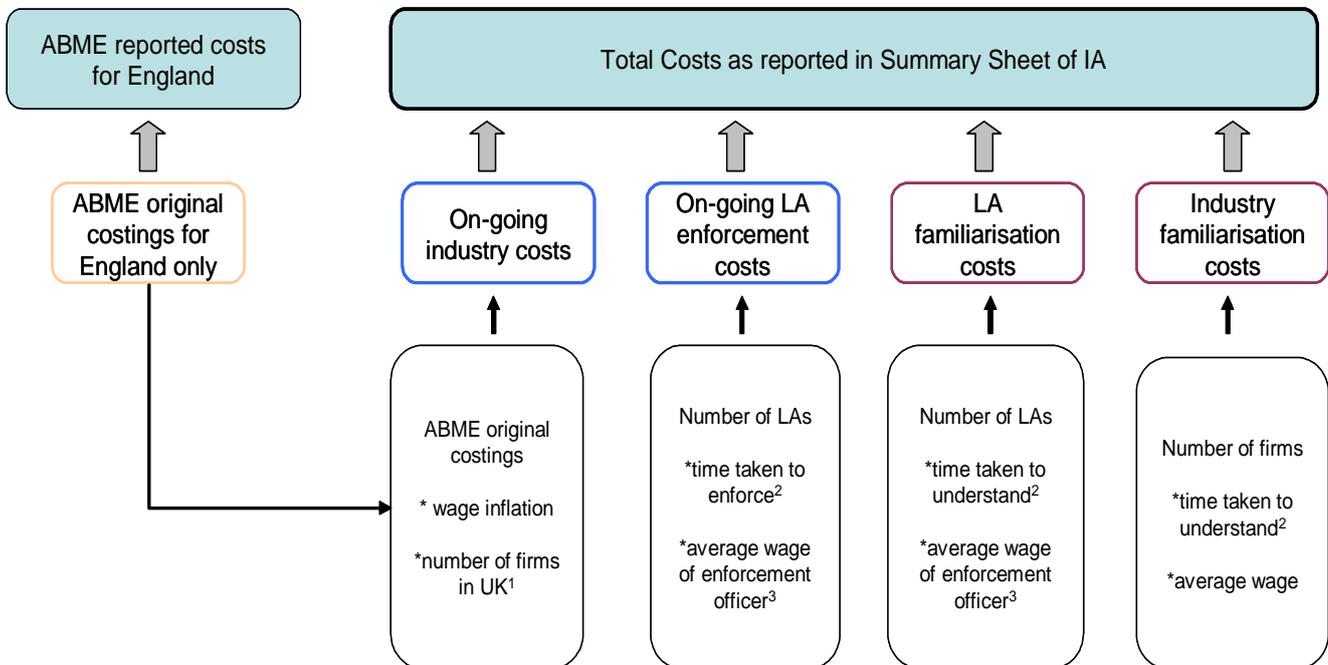
Costs & Benefits of the options

Costs

The costs for the different options consist of:

- one-off familiarisation costs; and
- ongoing costs.

These costs apply to both business and local authorities. A separate cost figure is reported which consists of the ongoing costs to industry in England in 2005 prices which is known as the admin burden costs. These ongoing costs were reported as part of the ABME exercise (see above). Whilst the ABME costs are reported for England, the actual costs of the policy consist of current ongoing and one-off familiarisation costs. The relationship between the England ABME exercise and current ongoing costs and all other costs is shown below.



Sources

¹See 'Deriving cost Estimates' Section

²Consultation responses

³ASHE – For LAs the median wage for a public service professional (uprated by 30%) was used, for industry a manager in distribution, storage and retailing was used (see 'Deriving cost Estimates' Section)

Summary of Costs

Total costs over 5 years

Total costs – 5 year on-going (rounded)⁵

£millions	England	Scotland	Wales	N.Ireland	UK
Option 1	£58.4	£6.3	£4.0	£3.8	£72.5
Option 2	£0.0	£0.0	£0.0	£0.0	£0.0
Option 3	£29.3	£3.1	£2.0	£1.9	£36.4
Option 4	£8.2	£0.9	£0.6	£0.5	£10.2

Total cost savings – 5 year ongoing, using option 1 as the comparator (rounded)

£millions	England	Scotland	Wales	N.Ireland	UK
Option 1	£0.0	£0.0	£0.0	£0.0	£0.0
Option 2	£58.4	£6.3	£4.0	£3.8	£72.5
Option 3	£29.1	£3.2	£2.0	£1.9	£36.1
Option 4	£50.2	£5.4	£3.4	£3.3	£62.3

Administrative Burden costs (for England only)

Administrative Burden costs and savings (using option 1 as the baseline)⁶

£millions	Admin Burden	Savings
Option 1	£11.2	£0.0
Option 2	£0.0	£11.2
Option 3	£5.6	£5.6
Option 4	£1.5	£9.7

Sectors and groups affected

Consumers

27. Members of the general public affected by the proposal are those who purchase and consume pre-packed and loose meat products as defined by regulation 5 of the MPRs. It will also be of particular interest to those consumers who wish to avoid certain species of meat for ethical or religious reasons.

Businesses Affected

Size of business ⁷	England	Scotland	Wales	N.Ireland	UK
Micro (0-9)	3479	373	241	228	4321
Small (10-49)	2207	237	153	145	2742
Medium (50-249)	1122	120	78	74	1394

⁵ See ‘Supplementary Annex on Deriving Cost Estimates.’ for further details.

⁶ See ‘Supplementary Annex on Deriving Cost Estimates’ for further details.

⁷ Size of business with number of employees in brackets. Note: these figures are rounded to the nearest whole number, so there are some rounding errors. However, Total figures only have been used to derive the cost/benefit analysis and the ratio of different business sizes was used for the Small firms Impact test.

Large (250+)	711	76	49	47	883
Total	7519	806	521	494	9340

28. The number of businesses affected was estimated based on the ABME for England (7519). The figures for Scotland, Wales and Northern Ireland were derived by using ratios taken from the IDBR⁸ and multiplying by the England figure.⁹
29. The business sectors potentially most affected by the proposal are retailers, wholesalers and manufacturers of meat products. While the bulk of the market is shared by large supermarkets and small butcher's shops, other businesses, such as farm shops and farmers markets are growing in popularity with consumers and may also be affected. Importers also will need to ensure that if necessary their meat products entering the UK fully comply with the MPRs.

Local Authorities

30. The provisions of the MPRs are currently enforced by Local Authority Trading Standards and/or Environmental Health Officers for all meat products placed on the market for human consumption. The provisions of regulation 5 are complex for industry, hence the current proposals, but they do set down clear rules on which Local Authority Officers can advise on and inspect meat products for correct labelling of certain added ingredients. This means that new meat products may require local authorities (LAs) to initially be involved in an advisory role on the interpretation of current legal requirements, and then later as inspectors to ensure compliance.
31. Under Option 1 there is no change to the role and activities of enforcement officers. However, with options 2 and 3 there are varying degrees of impact, caused by the absence of all or some explicit provisions for the labelling of added ingredients in meat products. Without these provisions of the MPRs LAs would instead need to have more recourse to the general principles of regulation 8 of the Food Labelling Regulations 1996 (as amended).

OPTIONS

32. Option 1 is the baseline cost for these proposals.

Option 1 - Do Nothing

33. Adopting this option would mean that there would be no change to the current regulatory environment. Businesses would still have the ongoing administrative burden (£11.2 million in England each year) of applying the regulation. There would be no incremental costs or benefits from this option.

Benefits

⁸ Inter-departmental business register.

⁹ See 'Supplementary Annex on Deriving Cost Estimates.' for further details.

34. There are no incremental benefits (Economic, Environmental or Social) associated with this option as it is the baseline cost for fully implementing regulation 5 of the MPRs, as this is considered the baseline to compare with the other options.

Costs

35. Option 1 is the status quo, incurring the baseline costs associated with the application of regulation 5 of the MPRs. There are no incremental costs with this option, as this is being treated as the baseline to compare with the other options.

Option 2 - Removing regulation 5 and Schedule 3 of MPRs

36. Whilst annual costs are expected for this option, there may be some additional costs from the uncertainty that comes with removing prescriptive rules. This uncertainty is likely to affect both business and local authorities, who will need to rely instead on the broader principles of regulation 8 - 'Indication of the true nature of food' in the Food Labelling Regulations 1996 (as amended) to ensure that meat products are described with correct legal accuracy.

37. The greater use of the FLRs has a potential for increasing enforcement costs as enforcement officers will not be able to straightforwardly apply prescriptive measures currently set out in regulation 5. They are instead likely to spend more time and effort enforcing the broader principles of regulation 8 of the FLRs to a diverse range of meat products, as well as advising industry on the application of the FLRs to such meat products.

We invite stakeholders to provide us with information on what additional costs they envisage.

Benefits¹⁰

38. The benefits of removing regulation 5 and Schedule 3 of MPRs are that the costs incurred due to the application of the regulation (which would continue to apply under option 1) no longer apply. Therefore, neither industry nor local authorities will face any of the familiarisation costs or on-going costs associated with option 1.

£m	England	Scotland	Wales	N.Ireland	UK
Cost Savings					
Option 2	£58.4	£6.3	£4.0	£3.8	£72.5

Familiarisation costs

Option 2: Ongoing cost savings for Industry and Local Authorities divided by Scotland, Wales and Northern Ireland (rounded)¹¹

£,000s	England	Scotland	Wales	N.Ireland	UK
Industry	£339.9	£36.5	£23.5	£22.3	£422.2
LAs	£23.4	£1.9	£1.1	£1.6	£28.2
Total	£363.3	£38.4	£24.8	£23.9	£450.4

¹⁰ See summary of costs and benefits above for cost savings over 5 years and administrative burden cost savings

¹¹ See 'Supplementary Annex on Deriving Cost Estimates' for further details.

Annual ongoing costs

Option 2: Familiarisation cost savings for Industry and Local Authorities divided by Scotland, Wales and Northern Ireland (rounded)

£,000s	England	Scotland	Wales	N.Ireland	UK
Industry	£12,384.2	£1,329.2	£856.5	£812.0	£15,381.8
Local Authorities	£29.2	£2.4	£1.7	£2.0	£35.2
Total	£12,413.4	£1,331.6	£858.1	£813.9	£15,417.0

Costs

39. The cost of applying regulation 8 is difficult to assess as these costs, and their impact on the projected savings, cannot be accurately and comprehensively evaluated for all relevant stakeholders. However, some costs for applying regulation 8 in the absence of added water thresholds or specific criteria for added ingredients are likely and other policy costs relating to uneven competition and increased enforcement activity may also affect anticipated savings. Some business may also choose to continue applying the standards of the MPRs and not realise the full savings under this option. The costs incurred from option 1 – maintaining the status quo - would be saved, assuming that businesses do not continue to apply the MPR standards in the absence of regulation 5.

Consumers

40. The possible absence of information could impose a social cost by adversely affecting consumer choice and the ability to distinguish between a range of meat products that fall within the scope of regulation 5 and their plain, raw counterparts. Although regulation 8 of the FLRs will require added water or different species animal ingredients to be declared in the product name, it is possible that the declaration will not be as comprehensive as under regulation 5 of the MPRs. Therefore, under this option consumers may well have less obvious choices between 'best value' and 'quality' products. Again, the extent of this is difficult to quantify.

41. The implications of inferior or ambiguous labelling of added ingredients of animal origin could have important consequences for those consumer groups with religious or ethical restrictions on the meat they can consume.

Regulatory ambiguity

42. As described above, the rules regarding labelling additional ingredients for meat products would come under regulation 8 of the FLRs in the absence of regulation 5 of the MPR. This may create regulatory uncertainty for businesses and for a variety of business practices throughout the supply chain. This could disadvantage businesses because they may have to more frequently adapt business practices depending on the other businesses they are dealing with in the supply chain.

43. One consideration in developing proposals was to remove the regulation and replace it solely with the proposed step-by-step guidance. Although this approach would achieve a maximum cost saving in relation to regulatory compliance, the use of the step-by-step guidance would by default become an additional administrative cost in itself, instead of a supplementary benefit when used in conjunction with regulation 5 (i.e. option 4).

44. Without the explicit provisions of regulation 5 the guidance, in order to circumvent any regulatory ambiguity, would also need to be read in conjunction with the broader provisions of regulation 8 of the FLRs. The lack of prescriptive rules may cause the decision-making process to remain overcomplicated. The replacement of regulation 5 with just the guidance would also raise the potential of a reduction in the labelling information available for consumers. This approach is therefore not considered as a viable option.

Q1. Do stakeholders agree with the assumptions in this section and that removing regulation 5 and Schedule 3 could create regulatory ambiguity?

Option 3 - Amending regulation 5 to keep key labelling provisions only

Benefits

45. Option 3 will still maintain the key aspects of regulation 5 to ensure consumers are well informed. Furthermore, there will be cost savings to business and local authorities compared with Option 1.

£m						
Total Cost savings relative to						
Option 1	England	Scotland	Wales	N.Ireland	UK	
Option 3	£29.1	£3.2	£2.0	£1.9	£36.1	

46. It was estimated that the proportion of time taken to comply with regulation 5 if it is limited to extend only to the provisions for added water and other animal ingredients would be reduced by 50%¹². The hours taken to carry out the tasks to comply with the legislation for businesses was reduced by 50%.

47. One-off familiarisation costs are based on a 1 hour reduction in time for industry when reading the Statutory Instrument and an estimated 1 hour reading time for Local Authorities.

Familiarisation costs

Option 3: Familiarisation cost savings for Industry and Local Authorities divided by England, Scotland, Wales and Northern Ireland (rounded)

£,000s	England	Scotland	Wales	N.Ireland	UK
Industry	£113.3	£12.2	£7.8	£7.4	£140.7
LAs	£7.8	£0.6	£0.4	£0.6	£9.4
Total	£121.1	£12.8	£8.2	£8.0	£150.1

Annual Ongoing costs

Option 3: Ongoing cost savings for Industry and Local Authorities divided by England, Scotland, Wales and Northern Ireland (rounded)

£,000s	England	Scotland	Wales	N.Ireland	UK
Industry	£6,192.1	£664.6	£428.3	£406.0	£7,690.9

¹² The allocation of a larger proportion of time for considering added water labelling requirements is included in the 50%. This is justified on the basis of business needing to consider different thresholds for different categories of meat products. See Table 1 in Supplementary Annex on Deriving Cost Estimates.

Local Authorities	£0.0	£0.0	£0.0	£0.0	£0.0
Total	£6,192.1	£664.6	£428.3	£406.0	£7,690.9

Costs

48. No significant impacts for consumers, enforcement bodies or industry are anticipated under this option. Although the requirements relating to non-key ingredients have been removed, no incremental administration costs to industry should be incurred when applying the general labelling FLR legislation. It is assumed that businesses will already be applying these requirements and, as such, no additional costs are expected, but potential savings are limited.
49. There may be some costs for consumers in terms of lack of information due to not having sufficient information about the non-key provisions. This may occur because of ambiguity and uncertainty for businesses and, possibly, for local authority enforcement bodies applying the requirements of regulation 8 under the FLR to those ingredients no longer covered by regulation 5.

Option 4 - Guidance with step-by-step flow diagrams (regulation 5 unchanged)

Benefits

50. The benefits of Option 4 are that consumers are still well informed but through guidance the requirements of the Regulation are made simpler to understand and less ongoing costs to business and local authorities are incurred.

£m	England	Scotland	Wales	N.Ireland	UK
Total Cost savings relative to Option 1					
Option 4	£50.2	£5.4	£3.4	£3.3	£62.3

51. Discussions with industry suggest that guidance will significantly reduce the amount of time spent on activities relating to compliance with regulation 5, as well as requiring less senior staff in the business to carry out the tasks. It is likely that businesses will see this as an opportunity to reduce costs so a lower wage cost is therefore anticipated.
52. This option will require the day-to-day use of the step-by-step guidance rather than reference to the parallel legislation. With this option it is estimated that the total time taken by industry to carry out the compliance activities for regulation 5 will be reduced by two thirds. The involvement of senior staff on higher rates of pay during the decision-making process will be reduced.

**Q2. Do stakeholders agree with the assumptions above?
If not, how much time – if any - will be saved through using the new step-by-step guidance and what levels of staff will be making the decision on how to label products?**

Annual Ongoing costs - detailed

Option 4: Ongoing cost savings for Industry and Local Authorities divided by England, Scotland, Wales and Northern Ireland (rounded)

£,000s	England	Scotland	Wales	N.Ireland	UK
Industry	£10,732.9	£1,152.0	£742.3	£703.7	£13,330.8
Local Authorities	£0.0	£0.0	£0.0	£0.0	£0.0
Total	£10,732.9	£1,152.0	£742.3	£703.7	£13,330.8

Familiarisation Costs

53. Informal consultations with a small sample of firms and local authorities indicated that the guidance (flow diagrams) would take between 15-20mins to consider. We would like to use this information but the extent to which firms and local authorities would still need to consider the actual regulation itself is unclear. For this reason, the current one-off familiarisation estimates for Option 4 still take 3 hours to complete but we expect the familiarisation to be lower as a result of the guidance (flow diagrams).

Q3. With the introduction of the flow diagrams, how long will it take to become familiar with regulation 5?

Costs

54. No significant impacts for consumers, enforcement bodies or industry are anticipated under this option. As the requirements relating to added ingredients have not been removed, no incremental administration costs to industry under the general labelling rules will be incurred. It is assumed that businesses will already be applying these rules.

Consultation

55. Informal consultations with industry, enforcement and consumer stakeholders during 2006 and 2008 have confirmed the ABME findings. Throughout this process businesses have informed the Agency that in determining the 'name of food' requirements of regulation 5 of the MPRs they have to undertake several decision-making steps, especially concerning the naming of complex product matrices, such as cured meats. These decisions require a disproportionate amount of time and effort, training and level of expertise to ensure compliance. Smaller businesses also encounter difficulties in understanding the requirements and reaching a decision on what to label in the name of their meat products under the legislation.
56. An informal written consultation, which included a discussion paper on a range of options and an initial Impact Assessment, was carried out in 2008. Responses and views from stakeholders were used to develop the four options presented in this formal consultation, of which Option 4 emerged as the most pragmatic and sustainable approach, both in making substantive reductions in the administrative burdens identified for regulation 5 MPRs and maintaining consumer protection by retaining and enhancing the current level of consumer information and choice.
57. The step-by-step flow diagrams presented in Option 4 were developed following feedback from the informal consultation and tested out by a mini in-house trial, as well as by assistance from stakeholders, including a consumer organisation, businesses (including a small business) and enforcement authorities.
58. Within government the FSA Offices in Scotland, Wales and Northern Ireland have been consulted and kept informed of progress on this issue. They will carry out their own formal, parallel consultation exercises.

Enforcement

59. There will be no change to the fundamental enforcement activities carried out by Trading Standards and Environmental Health Officers under this proposal and where no change to existing legislation occurs, the current penalties and enforcement provisions will continue to apply, as set out in Regulation 7 of the MPR 2003.
60. Option 2 and 3 would require new legislation to be laid before Parliament but changes under these options do not affect the way enforcement authorities carry out their responsibilities, only possibly the extent to which these enforcement responsibilities are applied.
61. Enforcement of an amended regulation in England would continue to be the responsibility of Local Authority Trading Standards and Environmental Health Departments. Port Health Authorities would continue to enforce the provisions of the MPRs in relation to imports.

Simplification

62. The administrative burden reduction exercise is part of the FSA's wider simplification programme. Making regulations easier to understand, should lead to better compliance and improved consumer protection.

Implementation and Review

63. The Agency intends to reduce the administrative burden associated with regulation 5 of the MPRs by 2010 and will review its impact by 2013.
64. The intention will be to assess savings over a five-year period from the date of implementation. The impact on industry, enforcement resources and the integrity of the consumer protection measures associated with the naming of meat products will be assessed. However, this does not preclude the Agency from continuing to review and improve meat products guidance in this area as its use in the marketplace evolves.

Specific Impact Tests: Checklist

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	Yes
Small Firms Impact Test	No	Yes
Legal Aid	No	No
Sustainable Development	No	Yes
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	Yes	No
Race Equality	No	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	No
Rural Proofing	No	No

Annexes

Competition Assessment

65. An initial Competition Assessment indicates that proposed changes to legislation are unlikely to have any significant impact on competition in the market place. It is unlikely that the proposed changes in the legislation will have any adverse effect on barriers to entry or international trade.

Industry stakeholders are invited to comment on the potential impact on business competition of this measure and to provide any financial or other data which they consider will support their case.

Small Firms Impact Test

66. The ABME estimated that approximately 75% of companies affected by this regulation are of small or medium size business status (i.e. employ fewer than 250 staff). Butchers represent the majority of these. According to a major trade association there are around 7,500 butchers throughout the UK.
67. The views of butchers were sought through a trade organisation representing butchers. The feedback from two smaller butchers indicated that no disproportionate negative impact would be expected by the removal of the legislative requirements for added ingredients (Option 2) as in general butchers stock few products falling within the scope of regulation 5 MPRs and that added ingredients were, in general, not used for bulking out their products.
68. Information provided suggests that butchers tend to stock 8%–10% 'regulation 5' meat product lines, some of which are manufactured in-house and others bought in from suppliers. The establishments contacted prided themselves on selling traditional 'premium' products. One butcher did not sell cured meats with more than 5% added water and others did not sell products containing different species proteins.
69. All of those contacted re-programme and print their labels in-house at a relatively low cost to their business and none thought they would need to re-label or dispose of their products lines should the legislation be amended as proposed in Options 2 and 3. Under these options no ongoing costs were identified.
70. Given that the Agency's options to simplify the requirements of the MPR reduce administrative burdens on businesses, in particular small businesses, it is considered that the policy would not adversely affect small businesses. Initial consultations with smaller businesses indicate that they are most concerned about the commercial impacts of removing the key requirements (Option 2) from the legislation as they believe that this would lead to inconsistencies and unfair competition in the marketplace, as most of their products fall outside the regulation.

Impact under each Option.

The tables below detail the distribution of costs and savings for each of the options by size of business.

Admin Burdens

Distribution of costs for administrative burdens by size of firm, rounded (England only)¹³

£millions	Micro	Small	Medium	Large	Total
Option 1	£5.2	£3.3	£1.7	£1.1	£11.2
Option 2	£0.0	£0.0	£0.0	£0.0	£0.0
Option 3	£2.6	£1.6	£0.8	£0.5	£5.6
Option 4	£0.7	£0.4	£0.2	£0.1	£1.5

Distribution of cost savings (comparing against option 1) for administrative burdens by size of firm, rounded (England only)¹⁴

£millions	Micro	Small	Medium	Large	Total
Option 1	£0.0	£0.0	£0.0	£0.0	£0.0
Option 2	£5.2	£3.3	£1.7	£1.1	£11.2
Option 3	£2.6	£1.7	£0.9	£0.6	£5.6
Option 4	£4.5	£2.9	£1.5	£1.0	£9.7

Option 1. Do Nothing.

71. As indicated by the distribution of costs above, micro and small businesses whose products fall within the scope of regulation 5 carry a significantly higher burden than the medium to larger businesses. Under this option these burdens will continue with no administrative savings.

Option 2. Removing all of regulation 5 and Schedule 3 from the MPRs

72. For all sizes of businesses affected by the legislation the financial savings (see above) under this option are the greatest. Micro and small businesses will benefit the most but their lack of in house legal expertise may create confusion over the naming of products and additional costs in applying the principles of regulation 8 of the FLRs, when deciding which added ingredients should appear in the name of their products. In contrast businesses larger than butchers this could mean a cost incurred through seeking professional advice as well as the possibility of reprinting labels.

Option 3. Amend and Simplify regulation 5 of the MPRs, retaining key provisions

73. Although under this option 50% savings are anticipated (see above), the key added ingredients would remain regulated. Micro and small businesses will still

¹³ See 'Supplementary Annex on Deriving Cost Estimates' for further details.

¹⁴ There may be rounding errors when figures are added horizontally. These estimates were derived by using the ratio of different sized firms from the original ABME

be required to apply regulation 5 in part and have staff with sufficient training and awareness to apply the requirements of regulation 5, as well as regulation 8 of the FLRs.

Option 4 - Guidance with step-by-step flow diagrams (leaving regulation 5 unchanged)

74. As indicated above, the second largest saving for business is expected under this option. Unlike large businesses that have in-house staff to ensure their products comply with food legislation, small firms may not. The proposed guidance has been designed to assist businesses, in particular smaller ones, by giving them the option of using a quick reference guide in a simple format to achieve compliance, not only with the MPRs but also the FLRs. By being better informed some businesses may find it necessary to redesign their labelling but this is expected to be only a short-term cost until staff become more familiar with the guidance. The proposed flow diagrams have been reviewed by a small independent butcher who indicated that the guidance was quick and easy to use.

The Agency welcomes comments from small firm stakeholders on the potential costs and benefits to them, and any comments they have on our Small Firms Impact Test, including supporting evidence.

Sustainable development

Option 1. Do nothing

75. This option does not create any new social, economic or environmental impacts. As the status quo is maintained the current positive social impacts on consumers would continue. Consumers would still have access to information in the name of the food, alerting them to the presence of added water over certain limits and to ingredients of differing animal species. This is particularly important for groups in society who wish to avoid certain animal ingredients for religious, ethical or other reasons.

76. The cost of retaining regulation 5 would continue to place significant economic burdens on business identified by the ABME.

77. No environmental or social impacts have been identified for this option.

Option 2. Removing all of regulation 5 and Schedule 3 from the MPRs

78. In economic terms most of the administrative burdens for industry would be considerably reduced but some unquantifiable cost would be incurred under the general food labelling 'name of food' requirements.

79. Without the explicit requirements of regulation 5 there may be some uncertainty and inconsistent interpretations on the labelling of added ingredients in meat products (e.g. added water). This could potentially lead to a deterioration of product quality and unfair competition in the marketplace and consequently incur economic costs for businesses and enforcers alike.
80. This option would have negative social impacts on consumers as the removal of specific 'name of food' labelling requirements of regulation 5 MPR will mean the loss of important consumer protection measures for both pre-packed and loose meat products. The presence of added ingredients may not be immediately obvious from product names, making it difficult for certain consumer groups to avoid certain meat species. It could also mean that consumer choice is reduced as consumers may no longer be able to readily distinguish between meat products with added ingredients and their 'plain', raw meat counterparts without added ingredients.
81. This option may result in both economic and environmental costs from re-labelling or disposal of old labels/packaging following the removal of the specific requirements of regulation 5.
82. Given the negative impacts identified, this option is considered to be the least sustainable.

Option 3. Amend and simplify reg. 5 of the MPRs whilst retaining key provisions

83. This option has positive social, environmental and economic impacts by simplifying the legislation and requiring labelling of only the most important provisions in the product name (i.e. added water and ingredients of different animal species).
84. Although there could be some uncertainties about other added ingredients not explicitly mentioned in regulation 5, an appropriate level of consumer protection would be maintained. For consumers, this option means that added ingredients of most concern and value to them will still be required in the name of the food, so consumer information and choice would not be reduced both for pre-packed and loose meat products. The sensitivities of consumer groups that need to avoid certain meat species are satisfied as added ingredients from different animal species will be explicitly regulated for regulation 5 meat products. In addition, consistency in approach to the labelling of these key ingredients will facilitate improved information to consumers, which is also a social benefit.
85. No environmental impacts are anticipated as labelling and packaging is unlikely to change significantly. It is unlikely, therefore, that there will be any considerable implications on greenhouse gas emissions or negative impacts on natural resources.

Option 4 - Guidance with step-by-step flow diagrams (leaving regulation 5 unchanged)

86. The social, economic and environmental impacts are similar to those outlined for option 3.

87. In providing flow diagram guidance to the existing regulation 5, the series of step-by-step decisions will guide the user to more readily understand the legislation, enabling decisions on naming all added ingredients in regulation 5 meat products to be made more easily and quickly.

88. In terms of economic and social impacts this option provides a significant decrease in the administrative burdens on industry whilst ensuring that the current level of consumer information and choice is maintained and, indeed, likely to be enhanced through the use of the flow diagrams in parallel to the legislation. In being led through a series of questions in step-by-step flow diagrams, it is expected that difficult decision-making steps for business will be reduced, enabling quicker (and, therefore, less costly) and consistent decisions, which is to the benefit of consumers. This option will facilitate a consistent, level playing field in the marketplace. The legislation will be easier to understand through the accompanying flow diagrams - which have also been designed to be used as 'stand alone' documents - and this will increase compliance which, in turn, delivers greater consumer protection. This option will also facilitate quicker and more consistent enforcement decisions.

89. Labelling is unlikely to change significantly so no environmental impacts are expected from re-labelling or disposal of labels or packaging.

90. In summary, based on information currently available to us, we consider that option 4 is the most sustainable in meeting the policy objectives in that it reduces the administrative burdens on business the most but at the same time maintains and enhances the current level of consumer information and choice. Option 2 is the least sustainable.

The Agency welcomes comments from stakeholders on the sustainability of the proposed options.

Q4. Are there any other costs and benefits (environmental, social and economical) that stakeholders think need to be considered?

Race equality issues

91. Removing the explicit requirement for declaring in the name of a meat product any added ingredients of different animal origin may have a negative impact on religious and ethical groups who are prohibited from eating certain species of meat. Without explicit rules, food businesses may be uncertain about how to name their meat products clearly and comprehensively. With this potential uncertainty some faith groups may have their choice of meat product curtailed.

Q5. Do stakeholders who are prohibited from eating certain meat species agree with this assumption? If not, we would welcome your views, including the basis for your reasoning.

Gender equality issues

92. None

Disability equality issues

93. None

Supplementary Annex on Deriving Cost Estimates

94. In calculating the costs and benefits certain assumptions have been made as to how long it would take to comply with each of the requirements in the current legislation.

95. ***To note: The costs are based on wage rates set down in the Annual Survey of Hours and Earnings, prior to those to be published on the 30th September 2009¹⁵.***

The assumptions and overall costs for each option are summarised as follows:

Summary of the assumptions and on-going costs for each Option

Option No.	Detail	Change in assumptions from option 1	ABME England only ¹⁶	5 year cost ¹⁷
Option 1	Do Nothing (i.e. leaving reg. 5 unchanged)	For methodology of how original costs were calculated see below	£11.2m	UK - £72.5m England - £58.4m Scotland - £6.3m Wales - £4m Northern Ireland - £3.8m
Option 2	Remove ALL of reg. 5 from MPR	That removing reg. 5 will mean no additional ongoing costs to industry or extra enforcement time and that they would not undertake these tasks under Business As Usual (BAU).	£0m	UK - £0m
Option 3	Amend S.I. by simplifying reg. 5 to keep the key provisions only (i.e. keep the naming of different animal ingredients and added water but remove other 'added ingredient' requirements from reg.	Industry on-going costs: All activities will have a 50% reduction in the time taken annually. Estimates of time to comply with each requirement of reg. 5 are based on the assumptions of Table 1 (on the next page) Familiarisation costs: There will	£5.6m	UK - £36.4m England - £29.3m Scotland - £3.1m Wales - £2m Northern Ireland - £1.9m

¹⁵ Annual Survey of Hours and Earnings: <http://www.statistics.gov.uk/statBase/product.asp?vlnk=13101>

¹⁶ Note: Admin burden figures are in 2005 prices and England only based on the Admin Burdens Measurement Exercise result for this policy (see below). It is a calculation of the annual cost to businesses only.

¹⁷ Costs are discounted to give their net present value (NPV) following green book guidance

	5 and Schedule 3 which will now be dealt with by reg. 8 of the FLRs)	be a one hour reduction in familiarisation time for both industry and Local Authorities		
Option 4	Guidance with step-by-step flow diagrams (leaving reg. 5 unchanged)* * The guidance will be annexed to existing reg. 5 MPRs guidance and also to be used as 'stand-alone' guides for use by all sizes of businesses (including butchers, etc.)	Industry on-going costs: The total time taken to complete activities will be reduced by 2/3 across all activities annually, based on the guidance simplifying procedures ¹⁸ Industry on-going costs: The wage rate is reduced, as the guidance rather than an SI will reduce the need for a more senior member of staff (on a higher wage rate) to carry out the tasks. ¹⁹	£1.5m	UK - £10.2m England - £8.2m Scotland - £0.9m Wales - £0.6m Northern Ireland - £0.5m

96. The estimated percentage proportion of time taken in considering each added ingredient is listed in Table 1 below. These estimates are used in Option 1 to determine the baseline costs and in Option 3 to establish the 50% reduction when applying only the key requirements of reg. 5.

Table 1: Estimates of the proportion of time taken to consider requirements of regulation 5 with respect to certain ingredients

Types of added ingredients under consideration	Proportion of time taken to comply with the relevant requirements of regulation 5 (%)
1. Water	40*
2 & 3. Starch and protein of either animal (same species to the meat) or vegetable origin	15
4. Other animal species (including proteins)	10
5. Sugar	10
6. Flavours and Odours	5
7. Seasonings (salt, herbs & spices)	5
8. Curing salts	5
9. Additives	5
10. Garnish and decoration	5

*A larger proportion of time has been allocated for considering requirements related to added water because, unlike for the other requirements, businesses need to consider different threshold levels (as set out in points 9 and 10 of Schedule 3) for different combinations of cooked, uncooked, cured and non-cured meat products.

¹⁸ From informal stakeholder consultations (2008 -09)

¹⁹ Technician's wage rate (taken from Admin Burdens calculator) is used for all tasks apart from settlements (which are assumed to have to have been carried out by a more senior member of staff).

Admin Burdens Measurement Exercise (ABME)

97. In accordance with ABME guidance,²⁰ Admin Burden for use with the England Admin Burdens target are in 2005 prices and based on the ABME for this policy.²¹

The key results for the ABME exercise were that the:

- total cost to business is £1483.83 per business²²
- total number of businesses affected in England was 7519²³

The table below shows the calculation of the original ABME in detail for Option 1 and the subsequent change to costs for the other policy options (3 and 4).

Option 1

Activities	Time			Wage Rate (£)	Total (£)
	Hours	Minutes	Total Mins		
Calculation/Correction/Reporting	4	20	260	32.35	140.18
Familiarisation	6	40	400	37.2	248.00
Gathering/Preparing	7	0	420	46.2	323.40
Inspection	8	18	498	15.49	128.57
Meetings	2	42	162	28.56	77.11
Preparing/Submitting	5	50	350	46.2	269.50
Settlements	1	10	70	46.2	53.90
Total Costs (£)					1240.66
Total Costs and Overheads (30%) (£)					1612.86
Reduction for BAU (8%) (£)					1483.83

Option 3

98. Assumptions:

- Time taken will be reduced by 50% across all activities (column 5)

Activities	Time			Total Mins Reduced	Wage Rate (£)	Total (£)
	Hours	Minutes	Total Mins			
Calculation/Correction/Reporting	4	20	260	130	32.35	70.09
Familiarisation	6	40	400	200	37.2	124.00
Gathering/Preparing	7	0	420	210	46.2	161.70
Inspection	8	18	498	249	15.49	64.28

²⁰ Further detail on the ABME can be found at: <http://www.berr.gov.uk/files/file35995.pdf>

²¹ Further detail on the ABME can be found at: <http://www.berr.gov.uk/files/file35995.pdf>

²² This is the final figure after an increase to account for overheads and a reduction for Business as Usual following the standard cost model guidelines.

²³ Taken from the results of the Admin Burdens Measurement exercise <http://www.berr.gov.uk/files/file35995.pdf>

Meetings	2	42	162	81	28.56	38.56
Preparing/ Submitting	5	50	350	175	46.2	134.75
Settlements	1	10	70	35	46.2	26.95
Total Costs (£)						620.33
Total Costs and Overheads (30%) (£)						806.43
Reduction for BAU (8%) (£)						741.92

Option 4

99. Assumptions:

- Total time taken will be reduced across all activities by two thirds (column 5)
- The wage rates (except settlement activity) have been reduced to a technician's rate (column 7)

Activities	Time			Total Mins Reduced (33%)	Wage Rate (£)	New wage rate - Technicians	Total (£)
	Hours	Minutes	Total Mins				
Calculation/ Correction/ Reporting	4	20	260	86.67	32.35	12.70	18.34
Familiarisation	6	40	400	133.33	37.20	12.70	28.22
Gathering/ Preparing	7	0	420	140.00	46.20	12.70	29.63
Inspection	8	18	498	166.00	15.49	12.70	35.14
Meetings	2	42	162	54.00	28.56	12.70	11.43
Preparing/ Submitting	5	50	350	116.67	46.20	12.70	24.69
Settlements	1	10	70	23.33	46.20	46.20	17.97
Total Costs (£)							165.43
Total Costs and Overheads (30%) (£)							215.06
Reduction for BAU (8%) (£)							197.85

Calculating Cost estimates for Options 1-4

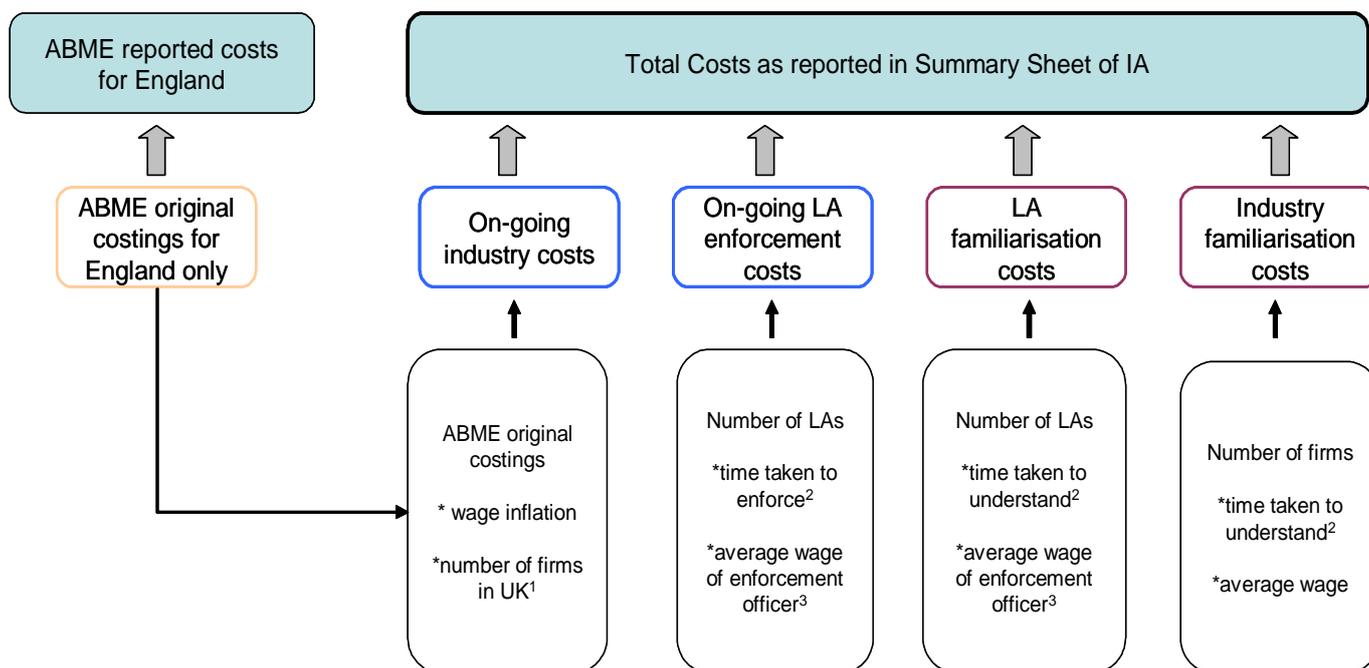
Number of businesses affected

100. It is necessary to derive the number of business affected in the UK, since the ABME (see above) only provides an estimate for England. According to figures from the IDBR²⁴, the numbers of meat businesses in the UK are shown below and as a % of the number of businesses relative to England. Using the original 7519 England figure from the ABME, the relative % from the total meat businesses are then applied to derive the number of businesses affected for Wales, Scotland and Northern Ireland²⁵.

	UK	England	Wales	Scotland	N.I
Meat businesses (manufacturing, retail & wholesale)	10,415	8,385	580	900	550
% of England	124.21%	100.00%	6.92%	10.73%	6.56%
Derived number of businesses (7519 multiplied by % above)	9339	7519	520	807	493

What do the costs consist of?

101. The costs for industry are a combination of ongoing costs²⁶ and one-off familiarisation costs. For local authorities, costs consist of increase in time during inspections and inquiries as a result of the legislation (ongoing) and one-off familiarisation costs. The diagram below summarises the different cost components and their sources. Each of the different cost components will be considered in turn below.



Sources

¹See 'Deriving cost Estimates' Section

²Consultation responses

³ASHE – For LAs the median wage for a public service professional (uprated by 30%) was used, for industry a manager in distribution, storage and retailing was used (see 'Deriving cost Estimates' Section)

²⁴ Taken from the VAT/PAYE registered businesses 2008, includes meat manufacturers and processors, meat wholesalers and retailers of meat and meat product. The categories chosen were specifically related to meat and meat products. Figures were taken from: <http://www.statistics.gov.uk/abi>

²⁵ In previous IA and RIA, number of businesses

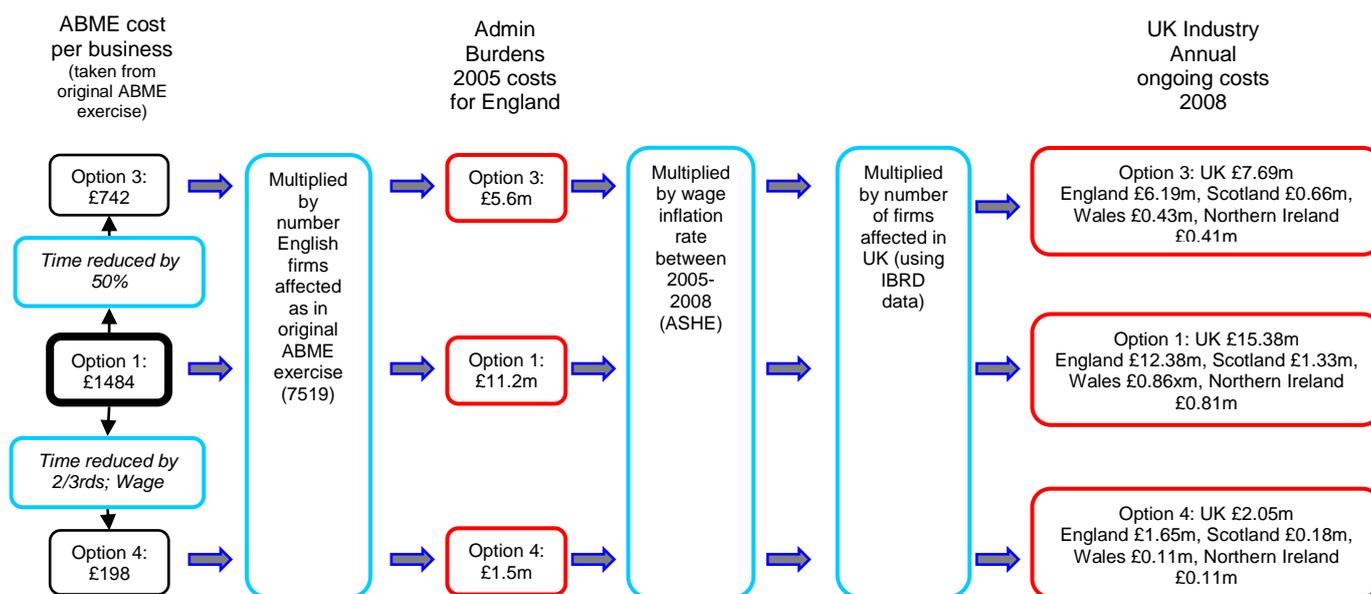
²⁶ Essentially admin burdens but to avoid confusion with ABME exercise, will be referred to as on-going costs hereafter

Industry: On-going 2008 admin costs

102. The starting point for calculating 2008 admin costs is to use the figures from the original 2005 England ABME above.

103. In order to account for wage inflation between 2005 and 2008, the original cost figures used to calculate the £1483.83 per business are up-rated by 11%, based on ASHE median hourly wage rates.²⁷

104. For each of the options, the ongoing costs for industry are then modified in order to take account of the different assumptions as shown in the diagram below. Note there will be no costs resulting from option 2 (removing regulation 5).



Local Authorities: ongoing costs

105. It was estimated that each policy option (except Option 2) would increase the work of local authorities by three hours and 45 minutes. This extra time due to the legislation splits into:

- Estimated increase in inspection time of 45 minutes by each LA
- The increase in advice needed from LAs to industry is estimated at 3 hours.

This time cost was then multiplied by the number of local authorities in the UK and the average wage rate of a local authority enforcement officer.²⁸ This calculation is summarised in the table below:

Cost of enforcement	
Number of LAs	469
Time (hours)	3.75
Hourly gross pay (£)	15.40
Overheads (£)	4.62
Total hourly cost (£)	20.02
Total cost of enforcement for each LA (£)	75.08
Total cost of enforcement (£)	35,210

²⁷ Annual Survey of Hours and Earnings: <http://www.statistics.gov.uk/statBase/product.asp?vlnk=13101> Median hourly wage inflation was 11% between 2008 (£10.53) and 2005 (£9.49)

²⁸ The median gross hourly pay for a Public Service Professional of £15.40 (ASHE 2008) was used and up-rated by 30% for overheads to give a figure of £20.02 per hour

Industry: Familiarisation costs

106. The familiarisation cost per business is calculated by multiplying the estimated time taken to read and understand the regulation, which differs depending on the option (as shown below) by the estimated wage cost. The estimated wage cost is taken from the 2008 ONS ASHE (Annual Survey of Hours and Earnings) figures for Managers in Distribution, Storage and Retailing of £11.59 per hour (median value), which, in line with the Standard Cost Model, is then up-rated by 30% to account for overheads, to give a figure of £15.07 per hour.
107. The final cost per business for familiarisation is then multiplied by the number of businesses in the UK (see number of businesses affected above) to give a final one-off familiarisation cost to industry.

£,000s	Number of hours to read S.I.	England	Scotland	Wales	N.Ireland	UK
Option 1	3	£339.9	£36.5	£23.5	£22.3	£422.2
Option 2	0	£0.0	£0.0	£0.0	£0.0	£0.0
Option 3	2	£226.6	£24.3	£15.7	£14.9	£281.5
Option 4	3	£339.9	£36.5	£23.5	£22.3	£422.2

Local Authorities: Familiarisation costs

108. The familiarisation cost per Local Authority is calculated by multiplying the estimated time taken to read and understand the regulation, which differs depending on the option (as shown below) by the estimated wage cost. The estimated wage cost is taken from the 2008 ONS ASHE (Annual Survey of Hours and Earnings) figures for Public Service Professionals of £15.40 per hour (median value), which, in-line with the Standard Cost Model, is then up-rated by 30% to account for overheads, to give a figure of £20.02 per hour.
109. The final cost per Local Authority for familiarisation is then multiplied by the number of Local Authorities in the UK (469) to give a final one-off familiarisation cost to Local Authorities.

£,000s	Number of hours to read S.I.	England	Scotland	Wales	N.Ireland	UK
Option 1	3	£23.4	£1.9	£1.3	£1.6	£28.2
Option 2	0	£0.0	£0.0	£0.0	£0.0	£0.0
Option 3	2	£15.6	£1.3	£0.9	£1.0	£18.8
Option 4	3	£23.4	£1.9	£1.3	£1.6	£28.2

Annex E

Proposed step-by-step flow diagram guidance

Option 4 – Clarification of regulation 5 of the Meat Products (England) Regulations 2003 (MPRs) with Step-by-Step Flow Diagram Guidance

Background

This annex contains alternative guidance, in the form of two sets of flow diagrams (Set 1 and Set 2), that was developed to help businesses more readily understand and apply the requirements of regulation 5 MPR. This regulation relates to names of ingredients in the name of certain meat products. Other labelling requirements, such as those in the Food Labelling Regulations will also need to be followed.

The flow diagram guidance approach, through a series of step-by-step questions, is intended to help the user make decisions on the naming of regulation 5 MPR meat products more easily and quickly.

By being led through a series of questions in flow diagram format it should simplify the numerous and difficult decision-making steps for business and, in turn, reduce the time and expertise needed to comply with the legislation

The two alternative sets of diagrams have been developed with the assistance from stakeholders, a consumer organisation, businesses (including a small business) and enforcement authorities. These two approaches were considered to be the most helpful and user-friendly way of explaining what the reg. 5 MPR requirements are, so that businesses could name reg. 5 meat products more easily and consistently.

Once users are familiar with the content and references in the diagrams they can be used as 'stand alone' quick reference guides and incorporated into 'business as usual' activities.

Responses requested

Your comments and suggestions are requested on both sets of flow diagrams and, in particular, which of the two sets you prefer.

To help your assessment, a pro-forma is attached, which asks for your views on particular aspects. We would welcome a completed pro-forma and, if you wish, your comments and suggestions as tracked changes in the electronic versions of the flow diagrams.

Annex E

Proposed step by step flow diagram guidance

Pro-forma for responses:

Name:

Organisation:

Contact Details - Tel. / Email:

	Chart Set 1 - Comments	Chart Set 2 - Comments
Preferred Chart Set & Reasons Why		
User Friendliness* E.g. VE, E, or D		
Time Taken** : (i) (ii)		
Any Suggested Changes and/or alternative approaches?		
Other comments		

* Please indicate whether the chart set was very easy (VE), easy (E) or difficult (D) to use;

** Please indicate: (i) how long it took at first sight to familiarise yourself and understand each chart set (e.g. 15 mins, 20 mins).

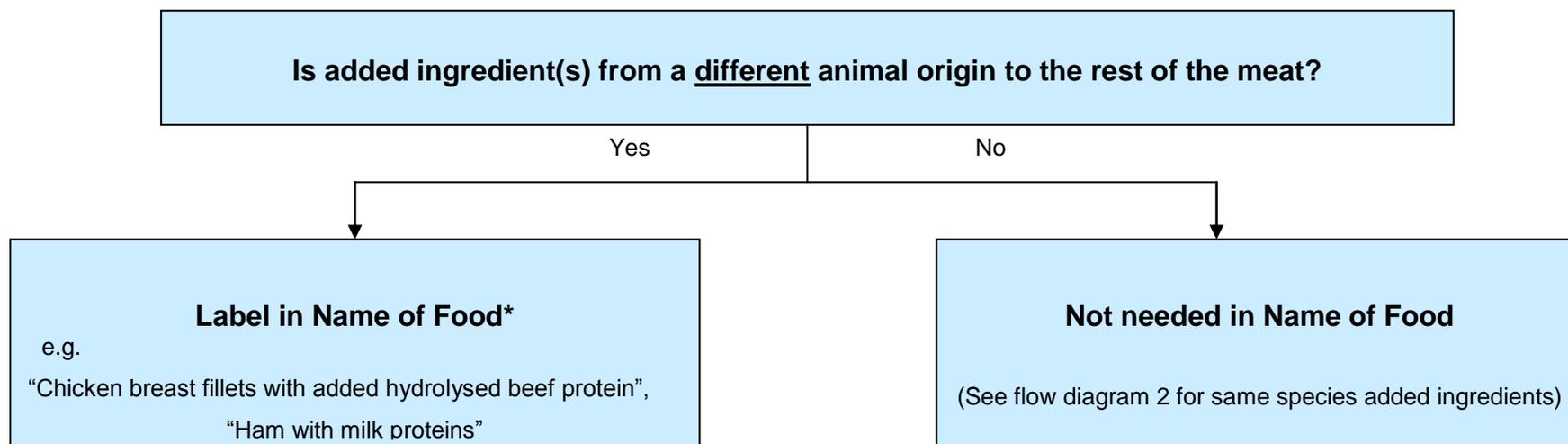
(ii) having familiarised yourself with the diagrams, how long you think it would take you to use each set as a quick-reference guide in your usual business activity.

Please return form to Michael Talbot by email at: Michael.Talbot@foodstandards.gsi.gov.uk or by fax on 0207 276 8193

Name of Food Requirements for Added Ingredients in Regulation 5 of the Meat Products (England) Regulations 2003 (as amended) (Reg 5 MPR)

SET 1 - Flow Diagram 1

- **Legal Requirement*** for Added Ingredients of Different Animal Species



* Under Reg 5 (2) (a) of MPR 2003 (as amended)

Notes:

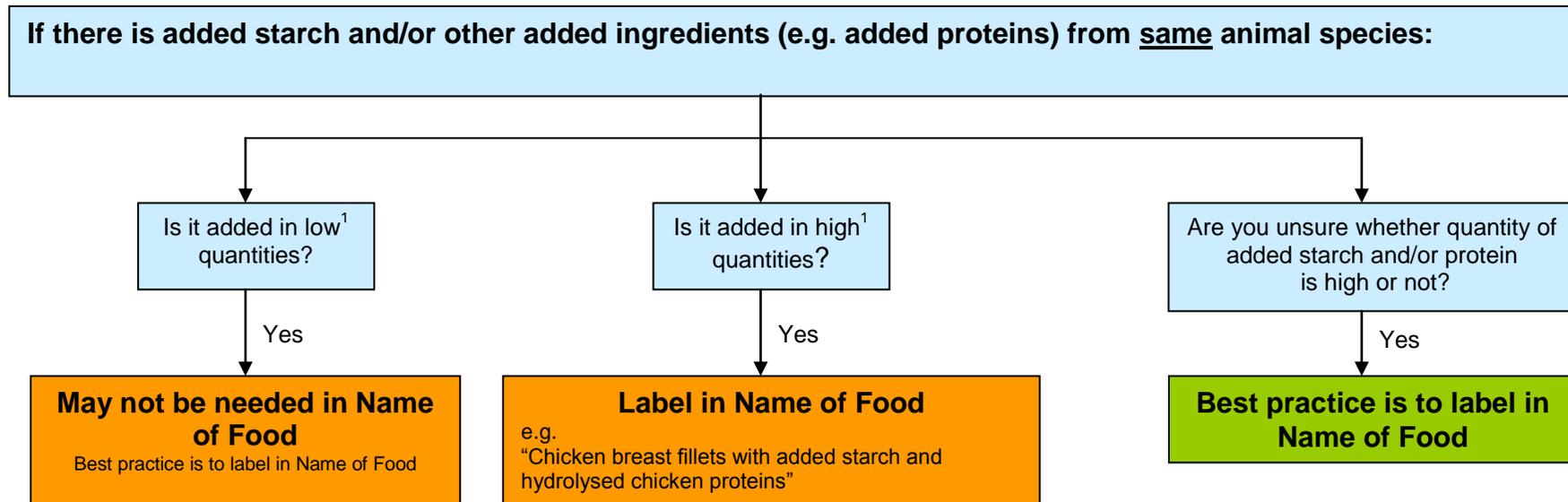
- This flow diagram focuses on "**name of food**" requirements for Reg 5 MPR products whether sold pre-packed, loose or pre-packed for direct sale. It should be read in conjunction with other horizontal food legislation (e.g. FLR 1996, FSA 1990, EC Regulation 178/2002, etc.)¹.
- Reg 5 MPR meat products are any meat products whether raw or cooked, or cured with the appearance of a cut, joint, slice, portion or carcass of meat, e.g. chicken breast fillets, joints, pork chops etc. Products that are not Reg 5 MPR meat products include sausages, burgers, meat pies, breaded meat products (e.g. chicken nuggets) etc., where it is obvious from product appearance that ingredients have been added.

¹ Food Labelling Regulations 1996 (as amended), The Food Safety Act 1990 (as amended), & Council Regulation (EC) 178/2002 on general principles and requirements of food law respectively.

Name of Food Requirements for Added Ingredients in Regulation 5 Meat Products (England) Regulations 2003 (as amended) (Reg 5 MPR)

SET 1 - Flow Diagram 2

- **Added Starch and/or Other Added Ingredients (e.g. added proteins) from the Same Animal Species**



- Requirement by law under Regulation 8 of Food Labelling Regulations 1996 (as amended) (FLR)**
This requires name of food to be precise enough to inform the consumer of its true nature so that he/she is not misled and to enable it to be distinguished from similar products. Check rules of Reg 8 FLR 1996 & paras. 5.14-5.20 in attached extract of Guidance to Labelling of Added Ingredients in Reg 5 MPR products (May 2008, <http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/meatprodadded>)
- FSA best practice**
- see paragraphs 5.14-5.20 in attached extract of Guidance to Labelling of Added Ingredients in Reg 5 MPR products (May 2008, see weblink above)

Notes:

- This flow diagram focuses on **"name of food"** requirements for Reg 5 MPR products whether sold pre-packed, loose or pre-packed for direct sale. It should be read in conjunction with other horizontal food legislation (e.g. FLR 1996, FSA 1990, EC Regulation 178/2002, etc)²
- Reg 5 MPR meat products are any meat products whether raw or cooked, or cured with the appearance of a cut, joint, slice, portion or carcase of meat, e.g. chicken breast fillets, joints, pork chops etc. Products that are not Reg 5 MPR meat products include sausages, burgers, meat pies, breaded meat products (e.g. chicken nuggets) etc., where it is obvious from product appearance that ingredients have been added.

¹ Consider quantities used and/ or compare with similar products on the market that have starch or protein added, and whether the quantity would mislead the consumer about the true nature of the product.

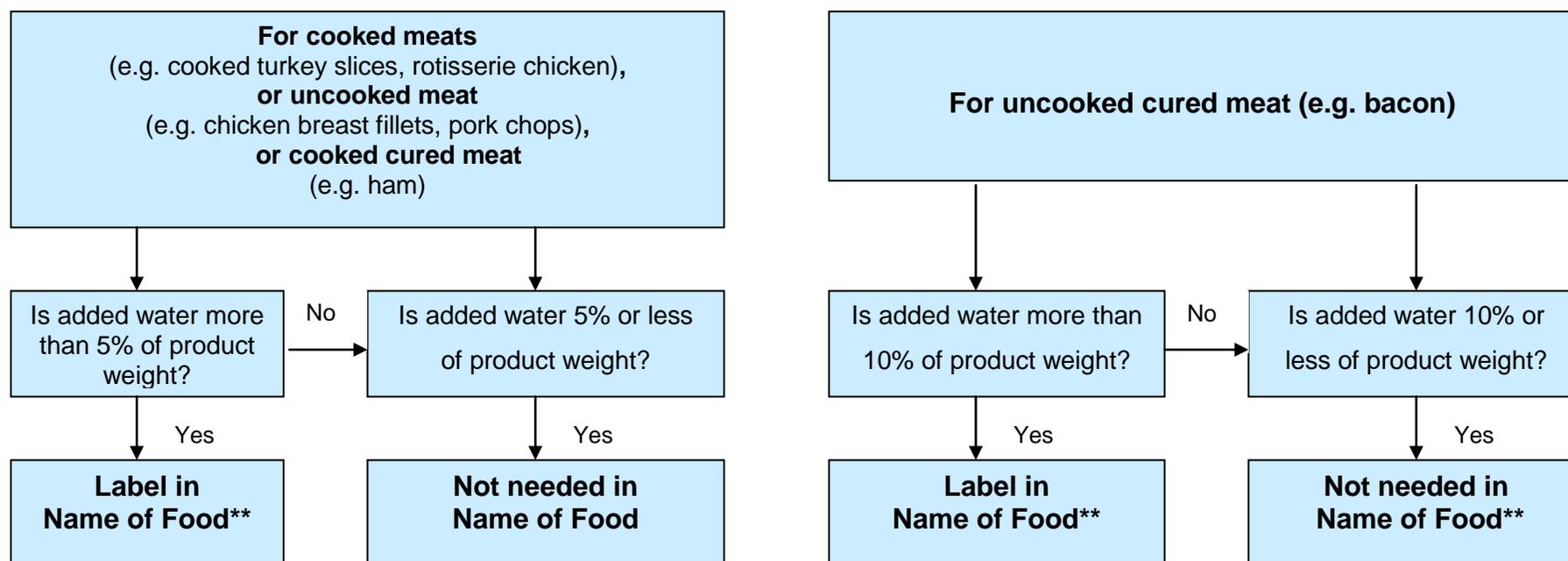
² Food Labelling Regulations 1996 (as amended), The Food Safety Act 1990, & Council Regulation (EC) 178/2002 on general principles and requirements of food law respectively.

Name of Food Requirements for Added Ingredients in Regulation 5 Meat Products (England)

Regulations 2003 (as amended) (Reg 5 MPR)

SET 1 - Flow Diagram 3

- **Legal Requirement* for Added Water**



* Under Reg 5(2)(b) & Schedule 3 of MPR 2003 (as amended)

** For the pre-packed product, added water in these cases must be declared in the ingredients lists under Regulation 16 of the Food Labelling Regulations 1996 (as amended). However, if the added water does not exceed 5% of the product weight, it does not need to be declared in the ingredients list.

Notes:

- This flow diagram focuses on “**name of food**” requirements for Reg 5 MPR products whether sold pre-packed, loose or pre-packed for direct sale. It should be read in conjunction with other horizontal food legislation (e.g. FLR 1996, FSA 1990, EC Regulation 178/2002, etc.)¹.
- Reg 5 MPR meat products are any meat products whether raw or cooked, or cured with the appearance of a cut, joint, slice, portion or carcase of meat, e.g. chicken breast fillets, joints, pork chops etc. Products that are not Reg 5 MPR meat products include sausages, burgers, meat pies, breaded meat products (e.g. chicken nuggets) etc., where it is obvious from product appearance that ingredients have been added.

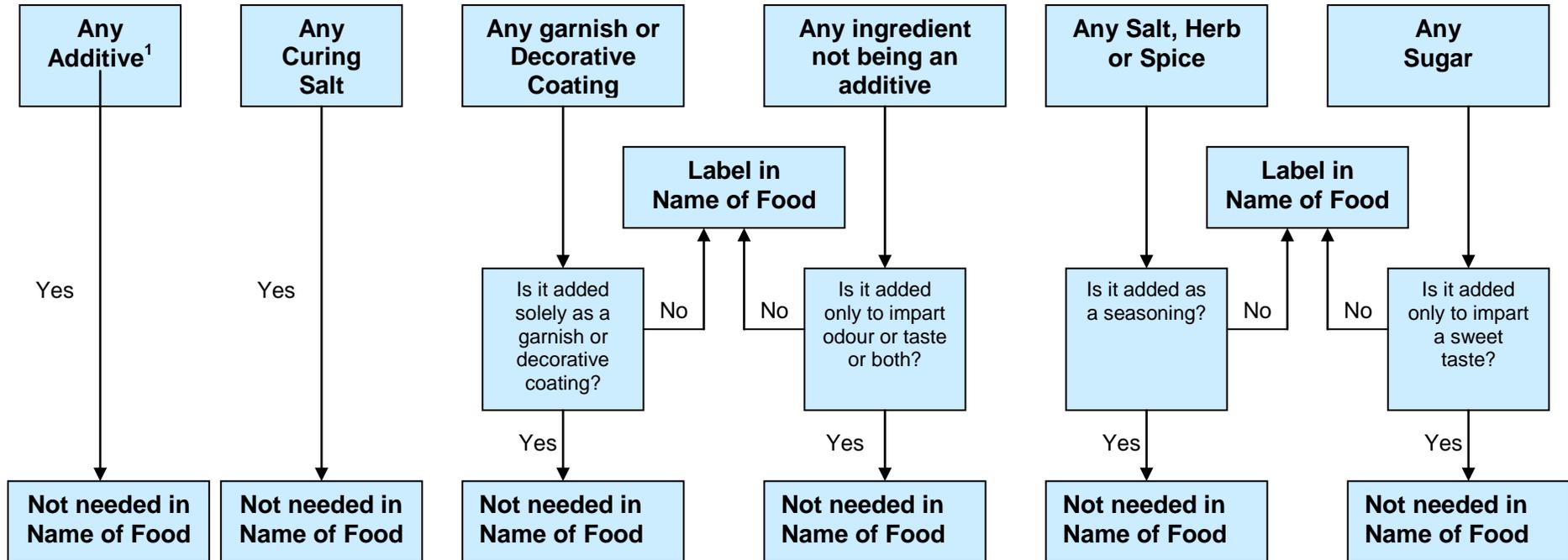
¹ Food Labelling Regulations 1996 (as amended), The Food Safety Act 1990 (as amended), & Council Regulation (EC) 178/2002 on general principles and requirements of food law respectively.

Name of Food Requirements for Added Ingredients in Regulation 5 Meat Products (England)

Regulations 2003 (as amended) (Reg 5 MPR)

SET 1 - Flow Diagram 4

- **Legal Requirement* for Naming Other Added Ingredients**



* Under Regulation 5(2) (b) & Schedule 3 of MPR 2003 (as amended)

Notes:

- This flow diagram focuses on “**name of food**” requirements for Reg 5 MPR products whether sold pre-packed, loose or pre-packed for direct sale. It should be read in conjunction with other horizontal food legislation (e.g. FLR 1996, FSA 1990, EC Regulation 178/2002, etc.)².
- Reg 5 MPR meat products are any meat products whether raw or cooked, or cured with the appearance of a cut, joint, slice, portion or carcase of meat, e.g. chicken breast fillets, joints, pork chops etc.
- Products that are not Reg 5 MPR meat products include sausages, burgers, meat pies, breaded meat products (e.g. chicken nuggets) etc., where it is obvious from product appearance that ingredients have been added.

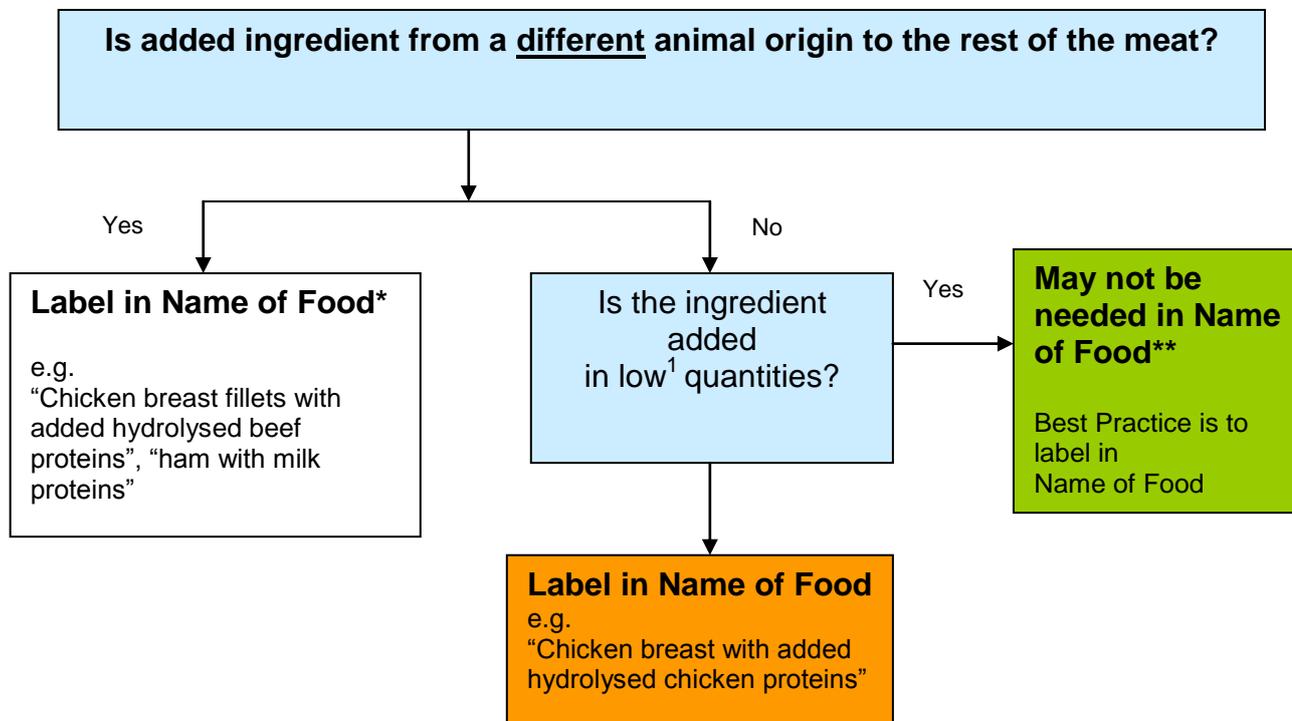
1 Additive means any substance permitted for use in food by SI 1995/3124, SI 1992/1971, SI 1995/3187, SI 1995/3123.

2 Food Labelling Regulations 1996 (as amended), The Food Safety Act 1990 (as amended), & Council Regulation (EC) 178/2002 on general principles and requirements of food law respectively.

Name of Food Requirements for Added Ingredients in Regulation 5 Meat Products Regulation (Reg 5 MPR) Meat Products

SET 2 - Flow Diagram 1

- **Legal Requirement* for Added Ingredients of Animal Origin**



* Under Regulation 5 (2) (a) of MPR 2003 (as amended)

** If you are unsure whether the quantity of added ingredient(s) of animal origin is high or not, best practice is to Label in Name of the Food.



Requirement by law under Regulation 8 of Food Labelling Regulations 1996 (as amended) (FLR)

This requires name of food to be precise enough to inform the consumer of its true nature so that he/she is not misled and to enable it to be distinguished from similar products. Check rules of Reg 8 FLR 1996 & paras. 5.14-5.20 in attached extract of Guidance to Labelling of Added Ingredients in Reg 5 MPR products (May 2008, <http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/meatprodadded>)



FSA best practice

- see paragraphs. 5.14-5.20 in attached extract of Guidance to Labelling of Added Ingredients in Reg 5 MPR products (May 2008, see weblink above)

Notes:

- This flow diagram focuses on "**name of food**" requirements for Reg 5 MPR products whether sold pre-packed, loose or pre-packed for direct sale. It should be read in conjunction with other horizontal food legislation (e.g. FLR 1996, FSA 1990, EC Regulation 178/2002, etc.)²
- Reg 5 MPR meat products are any meat products whether raw or cooked, or cured with the appearance of a cut, joint, slice, portion or carcass of meat, e.g. chicken breast fillets, joints, pork chops etc. Products that are not Reg 5 MPR meat products include sausages, burgers, meat pies, breaded meat products (e.g. chicken nuggets) etc., where it is obvious from product appearance that ingredients have been added.

¹ Consider quantities used and/or compare with similar products on the market that have starch or protein added, and whether the quantity would mislead the consumer about the true nature of the product.

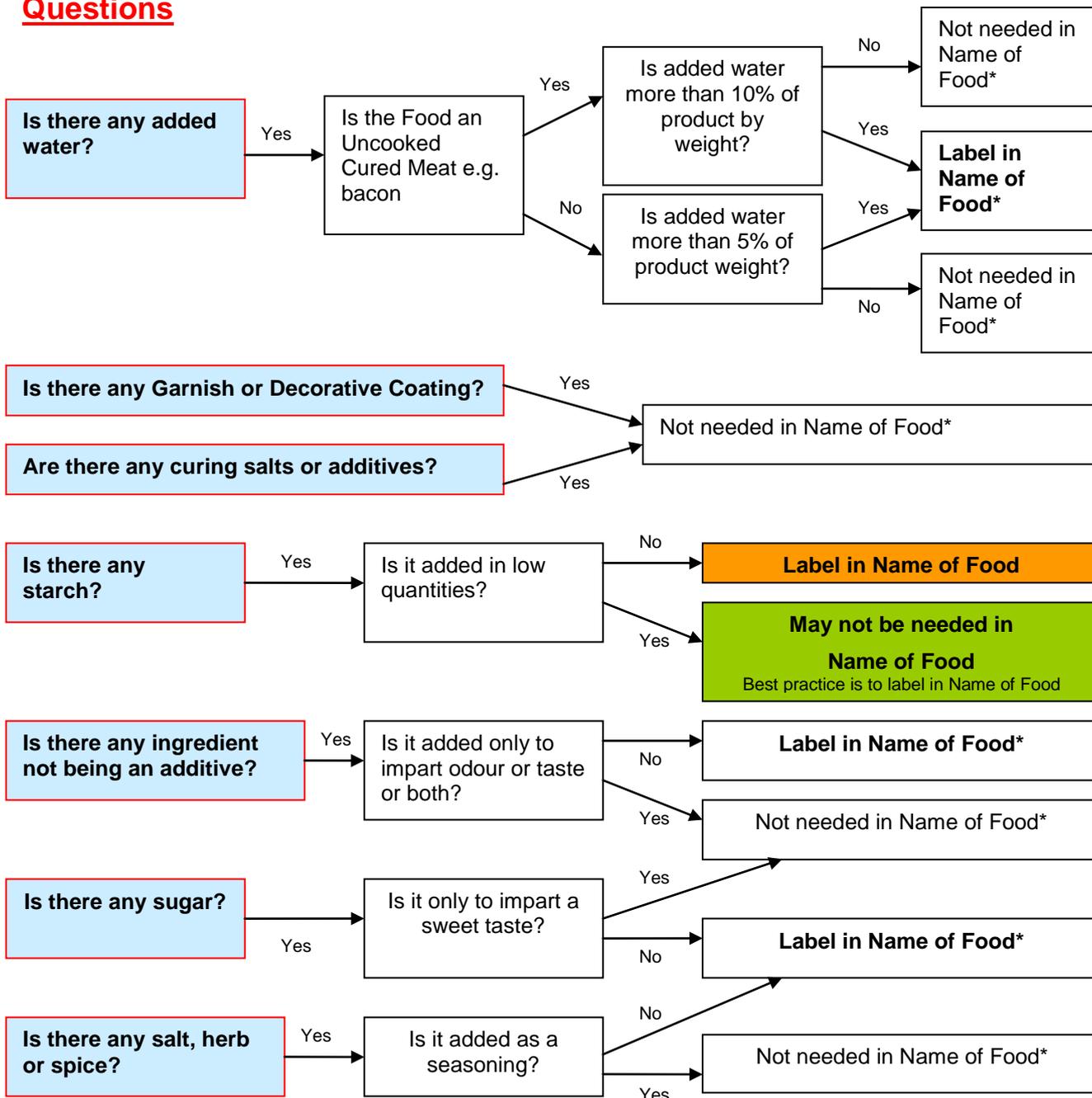
² Food Labelling Regulations 1996 (as amended), The Food Safety Act 1990, & Council Regulation (EC) 178/2002 on general principles and requirements of food law respectively.

Name of Food Requirements for Added Ingredients in Regulation 5 Meat Products Regulation (Reg 5 MPR) Meat Products

SET 2 - Flow Diagram 2

• Legal Requirement* for Naming Other Added Ingredients

Questions



* Under Regulation 5 (2) (a) & Schedule 3 of MPR 2003 (as amended)



Requirement by law under Regulation 8 of Food Labelling Regulations 1996 (as amended) (FLR)

This requires name of food to be precise enough to inform the consumer of its true nature so that he/she is not misled and to enable it to be distinguished from similar products. Check rules of Reg 8 FLR 1996 & paras. 5.14-5.20 in attached extract of Guidance to Labelling of Added Ingredients in Reg 5 MPR products (May 2008, <http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/meatprodadded>)



FSA best practice

- see paragraphs 5.14-5.20 in attached extract of Guidance to Labelling of Added Ingredients in Reg 5 MPR products (May 2008, See weblink above)

Please also see notes outlined in SET2, Flow Diagram 1.

Annex E

Proposed step by step flow diagram guidance

Extract from Guidance to Labelling of Added Ingredients in Reg 5 MPR Products (May 2008, Version 1)

Labelling of starch and proteins

- 5.14 Changes to European hygiene legislation³ have removed certain specific requirements covering the declaration of added starch and protein in the name of the food for certain meat products. These labelling requirements had been based on whether or not the starch or protein had been added for a ‘technological purpose’; if they had not they were required to be mentioned in the name of the food.
- 5.15 Consequent on these European changes, the Meat Products (England) Regulations 2003 (MPR 2003) (and its equivalents in devolved administrations) have been amended to bring them into line with the European legislation. This effectively means that starch and protein are no longer subject to the requirements of regulation 5(2) (b) of the MPR 2003 though they remain subject to the requirements of the Food Labelling Regulations 1996. There is, however, an important exception to this for proteins of animal origin where the animal is of a different species to the meat (see para. 5.21).
- 5.16 Regulation 5(2) (b) of the MPR 2003 (and its equivalents in the devolved administrations) requires added ingredients in certain meat products to be declared in the name of the food. There are, however, exemptions from this requirement as set out in Schedule 3 to those Regulations, including, hitherto, one for starch and protein added for a “technological purpose”. Previously, therefore, regulation 5(2) (b) covered added starch and protein, unless they had been added for such a purpose. In line with the new EU rules, however, regulation 5(2)(b) no longer applies to added starch and protein and hence the related reference to starch and protein added for technological purposes has been removed from Schedule 3 of the MPR 2003⁴. In short, neither added starch nor added protein is subject to the requirements of regulation 5(2) (b), whether or not added for a technological purpose.
- 5.17 The disapplication to starch and protein of the requirements of regulation 5(2) (b) of the MPR 2003 does not mean that they are

³ Directive 77/99/EEC has been repealed by Directive 2004/41/EC as part of the consolidation of European hygiene legislation.

⁴ The Meat Products (England) (Amendment) Regulations 2008 (SI 2008 No.517), ISBN: 978-0-11-081084-3 and parallel legislation in Scotland, Wales, and Northern Ireland, i.e. SSI 2008 No.97, ISBN: 978-0-11-081560-2; SI 2008 No.713 (W.74), ISBN: 978-0-11-091769-6; SI 2008 NO.82, ISBN: 978-0-33-797282-9 respectively.

Annex E

Proposed step by step flow diagram guidance

unregulated. The FSA 1990 and the general food labelling rules of the FLR (as amended) will continue to apply to all meat products, including those with added starch and/or proteins. Requirements include those related to the name of the food. In the absence of any name prescribed by law for the food, or a customary name which is used, any added starch or protein would need to be declared in the name of the food of the meat product if not to do so would mislead the consumer about the true nature of the food or would not enable the food to be distinguished from products with which it could be confused (see regulation 8 of the FLR).

- 5.18 It is difficult to be specific about when added starch and protein would be required to be in the name of the food in order for regulation 8 of the FLR to be complied with. Ultimately this is for the courts to decide. The Food Standards Agency, however, is of the view that if the starch or protein is used to bulk out the meat product or act as a meat replacer, that might result in regulation 8 being engaged and the starch or protein having to be declared in the name of the food. For other situations where the starch or protein is not being used to bulk out the food, key considerations will include issues such as the amount of starch or protein added, whether consumers would normally expect such ingredients, the range of similar products on the market and whether they too have added starch or protein. In the light of these and possibly other considerations industry will need to consider whether or not including starch or protein in the name of the food could mislead consumers or mean that the food cannot be distinguished from products that it could be confused with.
- 5.19 In summary, declaration of added starch and/or protein in the relevant products has previously been regulated by both regulation 5 of the MPR 2003 and regulation 8 of the FLR, together with general provisions of the FSA 1990. The FLR and FSA 1990 will continue to apply, but the MPR 2003 will not. Industry will need to decide if, under general labelling rules, not to declare added starch and/or protein in meat products would mislead the consumer about the true nature of the product on a case-by-case basis.

Recommended best practice

- 5.20 Industry will want to take appropriate steps to minimise the possibility that consumers could be misled. If, on balance, industry believes that added starch or protein does not have to be included in the name of the food, but there remains any doubt, we recommend that full information about these added ingredients be given prominently in the name of the food for consumer information (see also paras.5.10 – 5.11 and 5.25).

Annex F

Further explanation of labelling requirements including Regulation 5 of the Meat Products (England) Regulations 2003

General Legal Background

1. The general labelling rules of the Food Labelling Regulations 1996 (as amended) (FLRs) also apply to meat products covered by Regulation 5 of the Meat Products Regulations (MPRs). In particular, regulation 8 of the FLRs requires the name used for the food to be sufficiently precise to inform the consumer of its true nature and to enable the food to be distinguished from products with which it could be confused.
2. Regulation 19 of the FLRs also require a quantitative ingredient declaration (QUID) for meat ingredients of meat products whether sold pre-packed or loose.
3. Under regulation 16 of the FLRs, most foods, including reg. 5 MPR products, are required to indicate added water in the ingredients list (but not in the name) when it exceeds 5% of the finished product, although the amount of added water does not need to be quantified.
4. Regulation 5 MPR products are also subject to the general provisions of the Food Safety Act 1990 (as amended)¹, the Consumer Protection from Unfair Trading Regulations 2008², and the EC's General Food Law Regulation 178/2002/EC.³ All of these require that the labelling, advertising, and presentation of food shall not mislead consumers as to the nature, substance or quality of the food.

Specific Legal Background – MPRs

5. Regulation 5 of the Meat Products (England) Regulations 2003 (as amended)^{4,5} sets out 'name of food' requirements for meat products that look like a cut, joint, slice, portion or carcass of meat or cured meat but, in fact, contain added ingredients. The purpose of reg. 5 is to ensure that the name of the food reflects its true nature and content so that consumers are accurately informed about the meat products in question and not misled. Examples of such products include ham with added water and marinated chicken portions.

¹ The Food Safety Act 1990, London: HMSO, ISBN: 0-10-541690-8

² The Consumer Protection from Unfair Trading Regulations 2008 (SI 1277)

³ General Food Law Regulation 178/2002/EC. OJ No.L31, 1.2.2002, p.1-24

⁴ The Meat Products (England) Regulations 2003, SI 2003 No.2075, ISBN: 0-11-047359-0 (and its equivalents in the devolved administrations)

⁵ The Meat Products (England) (Amendment) Regulations 2008, SI 2008 No.517, ISBN: 978-0-11-081084-3 (and its equivalents in the devolved administrations)

6. Regulation 5 does not apply to raw meat that contains no added ingredients. Nor does it apply to meat products which are clearly not 'whole' meats such as sausages, burgers, meat pies, breaded meat products or other products where it is obvious from the product appearance that ingredients have been added (e.g. barbecued meat).
7. Regulation 5 requires that added ingredients (other than those exempted by Schedule 3), including added water (above specified limits) or ingredients from different animal species, be declared in the name of the food. The exact text of regulation 5 and Schedule 3 (as amended) is reproduced below.
8. Regulation 5 is a national provision that was notified to the European Commission under the Technical Standards Directive 98/34/EC at the time of making the MPRs and agreed and adopted at Community level. Therefore, the requirements of regulation 5 of the MPRs apply to both UK-produced and imported meat products.
9. Regulation 5 makes allowances for specific products. Cooked and uncooked meat, or cooked cured meat (e.g. ham), only require the 'name of the food' to declare added water when it is greater than 5%. For raw, cured meats (e.g. bacon) this threshold is increased to above 10% since these are the maximum amounts of water needed to manufacture these meat products.
10. The requirement to name any added ingredients of different animal species was made to ensure that consumers were clearly informed upfront by the name of the food of any other added ingredients of a different animal species. This is especially important in those cases where consumers wished to avoid such ingredients for religious, ethical or other reasons. An example of such labelling is "chicken breast containing beef protein".
11. The Schedule 3 exemptions apply when ingredients have been added for specific functions and in certain circumstances (see below). This Schedule was retained from earlier national meat products legislation when the 2003 Regulations were made to take account of what could be perceived as minor (i.e. non-key) ingredients that are often used in the usual traditional manufacture of cooked and uncooked cured meats.
12. The original exemptions within Schedule 3 for starch and/or protein (of either animal – i.e. same species to the meat - or vegetable origin) added only for a technological purpose have now been removed following revocation of the relevant EC legislation from which they originated. Nevertheless, these added ingredients still need to be considered under the name of food requirements of the general labelling rules and general food law.

EXTRACT FROM MPR 2003 (AS AMENDED):

Regulation 5 – Name of the food for certain meat products

5. - (1) Subject to paragraphs (3) and (4), where any person sells any meat product which has the appearance of a cut, joint, slice, portion or carcase of meat or of cured meat (in each case, whether cooked or uncooked), this regulation shall apply.

(2) For the purposes of the Food Labelling Regulations 1996, the name used as the name of the food in the labelling of any meat product to which this regulation applies shall include an indication of -

(a) any added ingredient of animal origin, unless the meat product contains meat of the species from which that added ingredient is derived; and

(b) any added ingredient to which sub-paragraph (a) does not apply, other than starch, protein or an ingredient specified in Schedule 3.

(3) For the purposes of paragraph (1), no account shall be taken of the presence in or on the meat product of any seasoning, garnishing or gelatinous substance, nor of any packaging material enclosing the meat product.

(4) This regulation shall not apply where the name used as the name of the food is a name which appears in column 1 of Schedule 2, whether or not qualified by other words, or to a food having the appearance of minced uncooked meat which has been shaped.

SCHEDULE 3

Regulation 5(2)(b)

ADDED INGREDIENTS WHICH ARE NOT REQUIRED TO BE INDICATED IN THE NAME OF THE FOOD IN THE CASE OF A MEAT PRODUCT TO WHICH REGULATION 5 APPLIES

1. Any additive.
2. Any curing salt.
3. Any ingredient used solely as a garnish or decorative coating.
4. Any ingredient (not being an additive) that is added only in order to impart odour or taste or both.
5. Any salt, herb or spice used as seasoning.
6. ...
7. ...
8. Any sugar that is added only in order to impart a sweet taste.
9. In the case of meat (whether cooked or uncooked) or cooked cured meat, added water making up not more than 5% of the weight of the product.
10. In the case of uncooked cured meat, added water making up not more than 10% of the weight of the product.

Notes:

For the purposes of item 1 of this Schedule, “additive” means any substance permitted for use in food by the Colours in Food Regulations 1995^(a), the Flavourings in Food Regulations 1992^(b), the Miscellaneous Food Additives Regulations 1995^(c) or the Sweeteners in Food Regulations 1995^(d).

(a) S.I. 1995/3124, amended by S.I. 2000/481, 2001/3442.

(b) S.I. 1992/1971, amended by S.I. 1994/1486, 1996/1499.

(c) S.I. 1995/3187, amended by S.I. 1997/1413, 1999/1136, 2000/3323, 2001/60, 2294, 3442, 3775 and S.I. 2003/1008.

(d) S.I. 1995/3123; amended by S.I. 1996/1477, 1997/814, 1999/982, 2001/2294, 2002/379 and S.I. 2003/1182.

 S T A T U T O R Y I N S T R U M E N T S

2009 No. 0000

FOOD, ENGLAND

The Meat Products (England) (Amendment) Regulations 2009

<i>Made</i>	- - - -	2009
<i>Laid before Parliament</i>		2009
<i>Coming into force</i>	- -	2009

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1)(a) and (e) [and 48(1)] of the Food Safety Act 1990(a), and now vested in him(b).

In accordance with section 48(4A) of that Act, he has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title and commencement

1. These Regulations may be cited as the Meat Products (England) (Amendment) Regulations 2009 and come into force on [—] 2009.

Amendment of the Meat Products (England) Regulations 2003

2.—(1) The Meat Products (England) Regulations 2003(d) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 5, for sub-paragraph (b) of paragraph (2) substitute the following:

-
- (a) 1990 c. 16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Section 48 was amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), (“the 1999Act”). Section 48 was also amended by S.I. 2004/2990. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c.40), Schedule 6 to the 1999 Act and S.I. 2004/2990.
- (b) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the 1999 Act. Functions of “the Ministers” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the 1999 Act and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32). Those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46) as read with section 40(2) of the 1999 Act.
- (c) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 202/2008 (OJ No. L60, 5.3.2008, p.17).
- (d) S.I. 2003/2075, as amended by S.I. 2005/2626 and S.I. 2008/517.

- “(b) (i) in the case of meat (whether cooked or uncooked) or cooked cured meat, added water making up more than 5% of the weight of the product, or
(ii) in the case of uncooked cured meat, added water making up more than 10% of the weight of the product.”

(3) Schedule 3 is revoked.

Revocation

3. The Meat Products (England) (Amendment) Regulations 2008^(a) are revoked.

Signed by authority of the Secretary of State for Health

Date

Name
Minister of State
Department of Health

^(a) S.I. 2008/517.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. To be completed after the consultation.