

POLICY NOTE

THE HONEY (SCOTLAND) REGULATIONS 2015

SSI 2015/208

1. Description

The above instrument was made in exercise of the powers conferred by sections 6(4), 6(4)A, 16(1)(a) and (e), 17(1), 26(1) and (3) of the Food Safety Act 1990, and all other powers enabling them to do so.

2. Policy Objective

2.1 These Regulations are necessary to meet the following policy objectives:

To revoke and replace the Honey (Scotland) Regulations 2003 as amended in order to:

- Transpose Commission Directive 2001/110/EU as amended by Directive 2014/63/EU relating to honey, which takes effect from 24 June 2015.
- Enable the enforcement of and provide penalties for non-compliance with the requirements of the revised EU Directive

3. Policy background

3.1 The Honey (Scotland) Regulations 2003, as amended, implement Directive 2001/110/EC of 20 December 2001 which lays down rules on the names, product descriptions, definitions of honey and compositional criteria for honey and labelling (including country of origin labelling).

3.2 The purpose of Commission Directive 2014/63/EU which amends Directive 2001/110/EC is to:

- Clarify the relevant labelling requirements for honey which originates in more than one Member State or third country by replacing the reference to 'EC' by a reference to 'EU'.
- To recognise that pollen, being a natural constituent particular to honey, should not be considered an ingredient of honey.

3.3 As well as the provisions of the Honey Directive, Regulation (EU) No 1169/2011 on the provision of food information to consumers applies to products regulated by the Honey Directive. The names of products prescribed by the Honey Directive are legal names for the purposes of Article 17 (1) of Regulation (EU) No 1169/2011. Article 8 of the Regulation contains provisions regulating the information that businesses must provide when selling food to other businesses. This includes for example, an obligation to provide sufficient information to those businesses to enable mandatory food information to be provided to the final consumer and mass caterers when food is eventually sold to them. Enforcement provisions relating to the provisions of Regulation (EU) No 1169/2011 are contained in The Food Information (Scotland) Regulations 2014 (SSI No. 312)

4. Consultation

4.1 One hundred and seventeen interested parties were consulted between 27 March 2015 to 8 May 2015 on the draft Scottish Regulations and the Business and Regulatory Impact Assessment (BRIA). This included beekeepers, individuals and businesses involved in the honey trade, consumer organisations, trade associations, enforcement authorities and the consultation was available on the Food Standards Scotland (FSS) website.

4.2 FSS received two responses from beekeepers' associations located in Scotland.

4.3 One stakeholder indicated that the regulations would have minimum impact on their members. One stakeholder was aware that their beekeepers who produce honey would need to comply with these regulations. Overall, no specific objections to the draft Regulation or specific comments on the BRIA were made by either stakeholder.

5. Other Administrations

5.1 These Regulations apply in relation to Scotland only. However, equivalent Regulations will be introduced in the other UK countries.

6. Guidance

6.1 Current guidance remains valid but will be updated to reflect the new legal references.

7. Impact Assessment

7.1 A final Business and Regulatory Impact Assessment (BRIA) has been prepared following public consultation and discussion with businesses and beekeeper associations and accompanies this note.

8. Regulating small businesses

8.1 This Regulation will apply to all businesses trading in honey.

9. Monitoring

9.1 FSS will work with Enforcement Authorities where problems or suspected infringements of the legislation arise. The effectiveness of this instrument will also be monitored via general feedback from industry and Enforcement Authorities.

Contact:

Hazel Stead
Food Standards Scotland
Pilgrim House
Old Ford Road
Aberdeen AB11 5RL

Tel: 01224 285151

Email: hazel.stead@fss.scot