

<p>Title: Post Implementation Review on the Products Containing Meat etc. (England) (2014) Regulations.</p> <p>PIR No: DEFRA PIR 2021 – 2014 No.3001</p> <p>Original IA/RPC No: 1499</p> <p>Lead department or agency: Defra</p> <p>Other departments or agencies:</p> <p>n.a.</p> <p>Contact for enquiries:</p> <p>FoodCStandards@defra.gov.uk</p>	Post Implementation Review
	Date: 26/02/2021
	Type of regulation: Domestic
	Type of review: Statutory
	Date measure came into force: 13/12/2014
	Recommendation: Keep
	RPC Opinion: n.a.

1. What were the policy objectives of the measure?

- a) To revoke and replace The Meat Product (England) Regulations (MPR 2003) to bring the national legislation in line with the EU Food Information for Consumers Regulation 1169/2011 (FIC). This was to remove duplication, give clarity to Food Business Operators (FBOs) as to their legislative obligations and avoid potential infraction proceedings from the EU.
- b) To ensure that consumers can continue to be protected against meat products that do not comply with expected standards.
- c) To ensure that enforcement measures are proportionate and in line with Government policy to decriminalise regulatory offences, where appropriate, by moving from frontline criminal offences to improvement notices backed up with a criminal offence where there is a failure to comply with an improvement notice.

2. What evidence has informed the PIR?

Following advice from the Better Regulations (BRU) team in Defra, this is a low evidence review of the implementation and the business response to the Products Containing Meat etc. Regulations 2014. This review was carried out over the course of 2020 through consultation with enforcement agencies (noting there was a lack of available data on enforcement), an informal targeted stakeholder survey using a cross section of industry involved in the manufacturing and marketing of meat products and available market intelligence on consumer attitudes to labelling. Defra additionally commissioned research with FERA on compliance with the 2014 Regulations for UK and EU products in late 2020 which was also taken into account.

3. To what extent have the policy objectives been achieved?

The evidence suggests that the Regulations were successful in achieving the original objectives and were largely received positively by businesses. The survey feedback suggested that businesses manufacturing/marketing meat products generally have a favourable opinion of the Regulations, particularly as these Regulations ensure a minimum standard for certain meat products with regards to minimum meat content. Research on consumer attitudes suggests quality of meat products is still important to consumers who are generally confident in safety and authenticity of meat products. There is little indication that this caused unnecessary burdens on business since, in addition to technical amendments, they simply maintained provisions for existing reserved descriptions. The Regulations are also applied throughout the industry with very little indication of non-compliance. However, members of the industry appeared to welcome the idea of new rules protecting the use of other terms used to describe meat products.

At present there is no equivalent means of ensuring these reserved descriptions are protected.

Sign-off for Post Implementation Review: Chief economist/Head of Analysis and Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed: Maria Prokopiou, Economic Adviser

Lord Benyon, Parliamentary Under Secretary of State

Date: 15/07/2021

Further information sheet

Please provide additional evidence in subsequent sheets, as required.

4. What were the original assumptions?

Original assumptions of the option chosen were, firstly, that Regulation 6 of the MPR 2003 was not subject to a mutual recognition clause and therefore should technically apply to uncooked meat products imported into England, as well as those produced here. This was inconsistent with European regulations on free movement of goods. A new MPR regulation was assumed needed to apply mutual recognition on this regulation.

Secondly it was assumed there were no costs related to this change, as prohibitions on carcase parts for imported meat products were enforced by a different set of regulations which took precedence

5. Were there any unintended consequences?

There is little indication from any of the evidence reviewed that there were any disproportionate or unexpected consequences or costs from the Regulations. The Impact Assessment projected £0 net costs to businesses and evidence suggests that the costs of implementing PCM 2014 did not represent a heavy burden for the majority of businesses. The informal targeted survey indicated a proportion had experienced adverse effects as a result of the legislative changes, but no further details regarding these impacts was provided and notably the majority of those that responded reported that they had not sustained any financial costs in order to remain compliant with the legislative changes.

From the evidence reviewed the Regulation appears to be applied throughout the industry with very little indication of non-compliance, though notably there was a lack of available data on enforcement.

6. Has the evidence identified any opportunities for reducing the burden on business?

There was some indication through the informal targeted stakeholder survey to suggest recent food science innovation and development relating to meat products (e.g. “healthy burger”) and products that mimic meat (e.g. vegan sausage) or offer an alternative protein source may need to be looked at in the near future.

We informed stakeholders that legislative amendments to implement such changes would go far beyond these regulations and would probably affect the Food Information Regulations instead. Therefore the structure for such work would not be part of a statutory review of the regulations, but we would expect instead to align all affected regulations and open an extensive public consultation including an industry forum in a non-statutory review structure as we do any time that changes are needed to any food regulations.

Members of the industry appeared to welcome the idea of new rules protecting the use of other terms used to describe meat products.

7. For EU measures, how does the UK's implementation compare with that in other EU member states in terms of costs to business?

This is a national measure so, when it was made, we were subject to the EU principle of mutual recognition which relates to the free movement of goods. To ensure compliance with that principle we specifically provided an exemption from the Regulations for EEA countries (and Turkey) in Regulation 3. Thus, EU member states will not have been affected by its implementation since products that fall under scope but do not meet our Regulations could continue to be freely marketed in the UK as long as they are marketed legally in an EEA state or Republic of Turkey.

However, it should be noted that now we have left the EU these regulations are due to be amended to remove the mutual recognition clauses afforded to products imported from the EU, EEA and Turkey to remain WTO compliant. The survey commissioned at the end of 2020 shows that the impact of removing such clauses will not be major for industry and consumers. A consultation on these changes was launched 8th February 2021.