

Response ID ANON-4YY8-KCJF-V

Submitted to **The Nutrition (Amendment) (EU Exit) Regulations 2018: A Public Consultation**

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Personal Details

1 What is your name?

First name:

Tom

Last name:

Embury

2 What is your email address?

Email:

t.embury@bda.uk.com

3 Is it okay for the Department of Health and Social Care to contact you by email about your response?

Yes

4 Would you like to receive updates about other Department of Health and Social Care consultations?

Yes

5 Are you responding as an individual or on behalf of an organisation?

Organisation

Organisation response

8 What is your organisation's name?

Organisation:

British Dietetic Association

9 Which sector does your organisation work in?

Human health & social work activities

10 We will be producing a report after the consultation closes. Let us know if what we can include from the options below:

Your response, Your name (individual name), Your organisation's name

Nutrition and Health Claims

11 Do you have any comments on the proposed fixes?

text box:

We support the intention to ensure that the processes for food businesses and consumer protection will remain "substantially similar" and that the UK will adopt existing list of claims. We are also pleased that steps have been taken to create a UKNHCC to govern this. We would encourage government to take steps to ensure that sufficient funding are secured for PHE to administer and resource the committee.

The UK currently enforces the health claims regulation to a stricter standard than many other EU countries. This includes in relation to the scope of UK health professionals to provide information or make recommendations in relations to the health benefits of certain foods or product ranges, while unqualified non-HCP can make claims. The government may wish to consider whether this approach needs to be revised.

12 Can you identify any fixes that appear not to have been addressed adequately?

text box:

Vitamins, Minerals, and Certain Other Substances

13 Do you have any comments on the proposed fixes to?

text box:

While we are encouraged that the government intends to ensure that processes and consumers protections remain substantially similar, and that lists will be retained in UK law, we are concerned that there is not more detail regarding the committee from which scientific advice will be sought or the authority which will take ownership of the functions outlined above. We believe it is vital that any such committee/authority is well established before the point at which the UK leaves the EU, given the complexity and scale of this policy area. It is equally important that appropriate support and funding is firmly in place to ensure the transition is as smooth as possible, and that consumer protections are not affected. Even if the intention is to transfer authority to an existing authority or committee, that organisation will need time to develop the processes and take on board appropriate expertise to perform this function.

14 Can you identify any fixes that appear not to have been addressed adequately?

text box:

Compositional and Information Requirements of Food for Specific Groups

15 Do you have any comments on the proposed fixes?

text box:

We strongly agree that the government should take steps to ensure that the UK in effect brings Regulation 609/2013 and Delegated Regulation 2016/128 fully into UK law for all areas previously regulated under Directive 2009/39. It would be unhelpful for companies, which have been planning for 609/2013, to have to shift back to earlier regulatory standards and the BDA fully supported the changes made by Regulation 609/2013. It would also not make sense for these similar areas to be regulated in different ways.

Similar to the previous section of this consultation, we are also concerned that there is not more detail regarding the committee from which scientific advice will be sought or the authority which will take ownership of the functions outlined above. We believe it is vital that any such committee/authority is well established before the point at which the UK leaves the EU, given the complexity and scale of this policy area. It is equally important that appropriate support and funding is firmly in place to ensure the transition is as smooth as possible, and that consumer protections are not affected. Even if the intention is to transfer authority to an existing authority or committee, that organisation will need time to develop the processes and take on board appropriate expertise to perform this function.

Given the highly integrated nature of the EU FSMP market, we would be keen to understand to what degree the UK government intends that future decisions on whether 'a given food falls within the scope of the regulation; establishing further regulations for food for specific groups; and modifying the lists of substances permitted for use in the manufacture of these products' will mirror the EU.

16 Can you identify any fixes that appear not to have been addressed adequately?

text box:

Food Supplements

17 Do you have any comments on the proposed fixes?

text box:

While we welcome the decision to adopt the existing lists contained within the Annexes, we are again concerned about the lack of detail regarding the appropriate authority that will be put in place to amend and maintain the lists going forward. This is a highly complex area and it will require expertise to ensure that purity criteria, maximum and minimum amounts continue and the lists of permitted supplements to be set appropriately.

18 Can you identify any fixes that appear not to have been addressed adequately?

text box:

Domestic legislation (England only)

19 Do you have any comments on the proposed fixes?

text box:

No comment

20 Can you identify any fixes that appear not to have been addressed adequately?

text box:

Impact

21 Do you agree with the impacts that have been identified?

text box:

We agree that in the immediate aftermath of any no-deal exit from the EU these would be the impacts to industry, and that these impacts could be significant. We are concerned that impacts may grow as the UK potentially diverges from new EU regulation after that date.

We are concerned that FSMP and other important nutrition products produced in the EU may no longer meet UK regulations or vice-versa and that the supply or cost of these products may be affected.

22 Are you aware of any impacts that have not been identified?

text box:

We remain concerned that the UK is currently not prepared to take on the considerable and complex regulatory roles currently performed by EU institutions/committees in time for a no-deal brexit. Our current regulators do not currently contain the required expertise and resources to pick up this work immediately, and some advisory committees do not even exist yet.

The potential impact could therefore be much more significant, with new products taking much longer to be approved for example.

General Comments

23 While this consultation addresses what is being done to ensure retained EU law remains functional in the unlikely event of a 'no deal' scenario, do you have any general comments regarding nutrition and health claims, composition, and labelling regulation that the government should make note of for when the UK leaves the European Union?

text box:

Going forward, it will be critical for the government to foster and develop the skills and expertise needed for us to properly regulate health claims, composition and labelling. Investment in existing dietetic, nutrition and food science workforces can help us fill this gap.

Our existing regulatory and enforcement functions (e.g. local trading standards) are already underfunded and understaffed for their current roles, so will require even more support if they are to take on additional roles.

Feedback on consultation process

24 Help us improve how the department runs consultations by answering the following questions:

Somewhat satisfied

Further comments::

The timescale for this consultation, given the complexity of the issues to be discussed, was very short. We appreciate that it is hoped that these changes will not be necessary, but it would have been beneficial to spend more time considering our answers.

Satisfied

Further comments::

25 How did you hear about this consultation?

Received an email

Other please specify: