**Consultation on the Implementation of the Amendments to the Bread and Flour Regulations 1998 in Scotland**

**Consultation Summary Page**

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| **Date consultation launched:** | **Closing date for responses:** |
| 19 August 2024 | 27 September 2024 |

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| **Who will this consultation be of most interest to?**  All Scottish millers, as well as food businesses who use non-wholemeal flour in their products. This consultation will also be of interest to enforcement authorities and health professionals. The consultation may also be of interest to the wider public, consumers and particularly pregnant women or women who could become pregnant. |

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| **What is the subject of this consultation?**  FSS is consulting on the implementation of the amendments to the Bread and Flour Regulations 1998 in Scotland which includes the introduction of the mandatory fortification of flour with folic acid. This is in addition to the 12 week UK-wide consultation published in September 2022 to explore any Scottish specific aspects that may not have been identified by the UK-wide consultation. |

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| **What is the purpose of this consultation?**  To seek the views of Scottish food businesses, enforcement authorities, consumers and other stakeholders on the implementation of the amendments to the Bread and Flour Regulations 1998 in Scotland, as well as the potential impact it may have on stakeholders and the associated estimated costs. |

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| **Responses to this consultation** | | |
| You can submit a response to this consultation, through the Citizen Space. Alternatively, if you wish to submit a response in writing, please send this to the postal address provided. | **Contact details**  Calum Yule  Labelling and Standards Policy  Food Standards Scotland  E-mail address: [Calum.Yule@fss.scot](mailto:Calum.Yule@fss.scot) | **Postal address**  Food Standards Scotland  Fourth Floor  Pilgrim House  Old Ford Road  Aberdeen  AB11 5RL |

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| **Is a Business & Regulatory Impact Assessment (BRIA) included with this consultation?** | Yes | No |

**Amendments to the Bread and Flour Regulations 1998**

**Background**

Bread and Flour Regulations

The Bread and Flour Regulations 1998 (the Regulations) lay down specific labelling and compositional rules for bread and flour sold in Scotland. Under these rules non-wholemeal wheat flour is required to contain specific quantities of certain specified vitamins and minerals. The Regulations also lay down chemical specifications for those compulsorily added vitamins and minerals.

These fortification requirements are longstanding, and the regulatory provisions have, in the main, remained unchanged since they came into force in 1998. However, some changes were made because of the UK’s exit from the EU and stakeholders have since called for a general review of the Regulations in light of these changes and developments in the trading environment.

In September 2022, Defra, in collaboration with FSS and the Food Standards Agency (FSA) in Wales and Northern Ireland (NI), issued a 12-week UK wide public consultation to seek views on proposed amendments to the Regulations and the Bread and Flour Regulations (Northern Ireland) 1998.

Folic Acid

There is strong scientific evidence that increasing dietary intake of folate and blood folate concentration in woman who can, or plan to become pregnant can help reduce the risk and number of pregnancies affected by Neural Tube Defects. In the UK, women who could become pregnant are advised to take a daily supplement (400 micrograms) of folic acid (synthetic form of folate) prior to conception and up until the 12th week of pregnancy. However as approximately half of pregnancies are unplanned, many women do not take folic acid supplements during this time period.

Government intervention is therefore considered necessary from a public health perspective to further increase folate intake levels and help reduce the risk of NTD-affected pregnancies and Scottish Ministers have long advocated for the mandatory fortification of flour with folic acid to help reduce this risk in Scotland.

In September 2021 following a UK wide public consultation, the Scottish Government along with the UK Government and the devolved administrations in Wales and Northern Ireland announced their intention to proceed with arrangements to require additional mandatory fortification of non-wholemeal wheat flour with folic acid on a UK basis to help prevent foetal neural tube defects.

All four UK nations agreed the recommendation to proceed with mandating the fortification of non-wholemeal flour, at a level of 250 micrograms (µg)folic acid per 100g of flour, a position supported by the 4 UK Chief Medical Officers and the Scientific Advisory Committee on Nutrition (SACN).

Implementation has been taken forward as part of the wider review of the Regulations to ensure that the legislation leads to improved public health outcomes, supports UK industry, assists enforcement authorities and protects consumer interests. Given the existing inclusion of four fortificants in non-wholemeal wheat flour (niacin, thiamine, iron and calcium), the addition of folic acid into the same kind of flour is the most convenient and cost-effective way for industry to enact the changes to regulations.

**Amendments**

Food Standards Scotland (FSS) is consulting on the implementation of the amendments to the Regulations in Scotland which includes the introduction of the mandatory fortification of flour with folic acid. This follows the 12-week UK wide consultation published in September 2022 and the publication of the Consultation and Government response published on 17 Jan 2024 which confirmed that the Regulations 1998 are to be amended as follows:

* Implement the public health policy across the UK to mandate the compulsory fortification of non-wholemeal wheat flour with 250 micrograms of folic acid per 100 grams of non-wholemeal wheat flour.
* Increase the minimum level of calcium carbonate, iron, and niacin in non-wholemeal wheat flour in line with the 15% Nutrient Reference Value (NRV) per 100g of flour.
* Replace the calcium specification in the Bread and Flour Regulations with the specification laid out in Regulation EC 231/2012 laying down the specifications for Food Additives.
* Specify in the regulations that fortification only applies to non-wholemeal wheat flour derived from “common wheat”.
* Introduce an exemption from fortification for flour produced by small-scale mills (applying to those producing less than 500 metric tonnes per annum).
* Remove the requirement relating to minimum levels of iron, thiamine and niacin naturally present in wholemeal flour and replace with a legal definition that wholemeal flour must consist of the whole product from the milling and grinding of cleaned cereal.
* Provide for an adjustment period of 24 months.

A copy of the consultation and government response can be viewed here

[Consultation on Amending the Bread and Flour Regulations 1998 and the Bread and Flour Regulations (Northern Ireland 1998) | Food Standards Scotland](https://www.foodstandards.gov.scot/publications-and-research/publications/consultation-on-amending-the-bread-and-flour-regulations-1998-and-the-bread-and-flour-regulations-northern-ireland-1998)

Impacts, Cost & Benefits

A full summary of the potential impacts, cost and benefits for consumers, industry and Local Authorities can be found in the accompanying partial Business and Regulatory Impact Assessment (BRIA) attached at Annex A. This is required to support the consultation on the implementation of the amending Regulations in Scotland that has not already been raised in discussion or in response to the 12 week UK-wide consultation published in September 2022

Questions asked in this consultation.

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| Questions:  Please explain your answer as far as possible, and where possible please include evidence to support your views:   1. Q1. Are there any Scottish specific implications around the implementation of the amendments to be made to the Bread and Flour Regulations 1998 in Scotland that have not been previously raised in consultation or discussions? If yes, please outline them below. 2. Q2. Do you agree with the assessment of the costs associated with the implementation of the amendments to the regulations in Scotland? If no, please explain this below. |

Responses

This consultation will be open on Citizen Space for six weeks. Responses are required by close of business on 27 September 2024.

Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents). Please also confirm if you give us permission to quote your name or organisation in the publication of the results.

If you are replying by post, then please send your response to the postal address given on page 1 for receipt no later than 27 September 2024.

We will summarise all comments received and the official response to each will be published on the FSS website within three months following the end of the consultation period.

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

**Standard Consultation Information**

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

### GDPR, Publication of personal data and confidentiality of responses

1. The European General Data Protection Regulation (GDPR) replaces the Data Protection Directive 95/46/EC and was developed to harmonise data privacy laws across Europe. The Data Protection Act (the DPA) 2018 applies GDPR standards and transposes the EU Data Protection Directive 2016/680 (Law Enforcement Directive) into domestic UK law. In accordance with the GDPR, we are required to provide a privacy notice in relation to this public consultation. Food Standards Scotland will be known as the “Controller” of the personal data provided to us. We need to collect this information to allow us to effectively carry out our official duties of policy development and for the purposes of record keeping. In responding to this consultation, you have consented to provide this information to us but are able to withdraw your consent at any time by getting in touch with us.
2. Personal information is stored on servers within the UK and cloud based services have been procured and assessed against the national cyber security centre cloud security principles. Personal information will not be used for any purpose other than in relation to consultations. Personal information will be stored for as long as necessary to carry out the above functions and for five years from receipt in accordance with our retention policy. No third parties have access to your personal data unless the law allows them to do so.
3. You have a right to see the information we hold on you by making a request in writing to the email address below. If at any point you believe the information we process on you is incorrect you can request to have it corrected. If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter. If you are not satisfied with our response or believe, we are processing your personal data not in accordance with the law you can complain to the Information Commissioner’s Office (ICO). Our Data Protection Officer in the FSS is the Head of Corporate Services who can be contacted at the following email address: [dataprotection@fss.scot](mailto:dataprotection@fss.scot)
4. In accordance with the principle of openness, our office in Pilgrim House in Aberdeen will hold a copy of the completed consultation as per our retention policy. FSS will not publish anything without your consent. If you have, any queries please email:  [dataprotection@fss.scot.](mailto:dataprotection@fss.scot.)  Alternatively, return by post to the address given on page 1.
5. In accordance with the provisions of Freedom of Information Act (Scotland) 2002/Environmental Information (Scotland) 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 FSS. However, we will take into account your views when making this decision.
6. 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.
7. A detailed Privacy Policy is available on our [website](https://www.foodstandards.gov.scot/privacy) that explains how FSS will safeguard and process any personal identifiable information that we collect from you in relation to this consultation.

**Further information**

1. A list of interested parties to whom this letter is being sent appears in Annex B published alongside this consultation. 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.
2. Please contact us for alternative versions of the consultation documents in Braille or other languages.
3. Please let us know if you need paper copies of the consultation documents or of anything specified under ‘Other relevant documents’.
4. This consultation has been prepared in accordance with HM Government [Consultation principles](https://www.gov.uk/government/publications/consultation-principles-guidance).

13. AnImpact Assessment should normally be published alongside a formal consultation. However, an impact assessment has not been produced for this consultation.

14. Read more about [Consultations](https://www.foodstandards.gov.scot/about-us/consultations) at Food Standards Scotland.

### Comments on the consultation process itself.

### 15. 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 sending an email to [openness@fss.scot](mailto:openness@fss.scot) or return by post to the address given on page 1.