

Revocation of food and drink assimilated legislation

Foreword

Leaving the European Union (EU) has given us a once-in-a-generation opportunity to review how we make and shape the United Kingdom's (UK) regulatory framework for food and drink.

We are in the process of evaluating assimilated laws inherited from the EU – previously known as retained EU laws (REUL) – to ensure they continue to meet our needs. We are delivering a programme of reforms and revocations to take control of our legislation and regulations, and move forward in a direction that benefits the UK.

In this consultation, we are seeking views on a list of 60 food, drink and other assimilated laws that the UK and devolved governments:

- believe to be obsolete or require amending
- would like to revoke or amend in order to update the statute book

This would enable us to take ownership of our regulatory framework.

In this consultation, when we use the term 'obsolete' we are referring to legislation which is considered redundant because the regulation relates to a requirement, scheme or agreement which is no longer in operation, or is no longer relevant to the UK. For instance, the legislation may amend a statutory instrument (SI) that has already been revoked. As such, the legislation is not actively contributing to our domestic standards.

Background

What is assimilated law?

Retained EU law was a category of UK law that was established by The European Union (Withdrawal) Act 2018 to ensure legal certainty and continuity immediately after Brexit, by incorporating and preserving certain EU and EU-derived law as it stood immediately before 11pm on 31 December 2020. However, retained EU law was never intended to sit on the statute book indefinitely. This is why, from 1 January 2024, it has been assimilated into the UK statute book and is now known as assimilated law.

Furthermore, the UK Government is delivering a programme of reforms and revocations for these assimilated laws from the EU in accordance with our role as an independent trading nation following our departure from the EU.

What is The Retained EU Law (Revocation and Reform) Act 2023?

The Retained EU Law (Revocation and Reform) Act 2023 allows the UK to take the next step in reasserting the sovereignty of Parliament.

The 2023 Act:

- abolishes the supremacy of EU law in relation to all UK law
- removes general principles of EU law from all UK law
- enables EU-derived law to be more easily amended, revoked and replaced

Devolution

Agriculture and food are devolved topics; however, common issues have been identified across the UK. So, for simplicity and efficiency, the UK Government, Scottish Government, Welsh Government and Northern Ireland Executive have agreed to issue a joint consultation led by Defra.

What is this consultation seeking views on?

Recognising that inheriting EU laws was intended as an interim measure between EU law and UK law, using The Retained EU Law (Revocation and Reform) Act 2023, the UK Government is now reviewing assimilated laws from the EU and delivering a programme of reforms and revocations to take control of our laws and regulations and move forward in a direction that benefits the UK.

This consultation is seeking views on a list of food, drink and other assimilated laws inherited from the EU that the government believes is obsolete and intend to revoke or which needs to be amended to take into account the domestic law context in which it now applies.

This consultation is limited to the revocation and amendment of the legislation listed in the embedded draft SI and summary table. It is not seeking comments about any other legislation or any other food and drink regulation or policy. As such, any responses received that relate to wider issues, including wider food and drink issues not relevant to this consultation, will not be considered when formulating the consultation response.

Will the proposed revocations or amendments affect UK food and drink standards?

The UK is a world-leader in standards of food safety and quality, backed by a rigorous legislative framework, but it is only right that we should evaluate assimilated laws to ensure they continue to meet our needs. While this is an opportunity for review, maintaining the UK's high food standards remains our priority.

The government remains committed to delivering informative food labelling and promoting robust food standards nationally and internationally to:

- protect consumer interests
- facilitate international trade
- ensure that consumers can have confidence in the food that they buy

Defra does not anticipate that the revocation or amendment of any of the proposed assimilated laws inherited from the EU will reduce standards. We understand the pieces proposed to be revoked to already be obsolete, that they will be obsolete soon or will be obsolete by the time the relevant provision in the draft instrument comes into force. We do not, therefore, believe that keeping any of the legislation on our domestic statute book will contribute to maintaining the UK's food and drink standards. However, any responses to this consultation that identify impacts on food and drink standards will be taken into consideration.

Will the proposed revocations or amendments affect environmental standards?

In line with The Environment Act 2021, which places a duty on Ministers of the Crown to have due regard to the environment, using the [environmental principles policy statement](#), government officials have reviewed whether the proposed revocation and amendment of the food and drink assimilated laws listed in the draft SI would affect the environment.

Defra does not anticipate that the revocation or amendment of any of the proposed pieces of assimilated laws inherited from the EU will reduce environmental standards because we understand the pieces proposed to be removed to be obsolete or soon to be obsolete and not, therefore, currently impacting the environment. However, any responses to this consultation that identify impacts to environmental standards will be taken into consideration.

Will the proposed revocations have an economic impact?

The UK food and drink industry is one of the largest industries in the UK, with 4.2m people employed in the agri-food sector in 2022, [and £244bn spent on food, drink and catering in 2022](#)¹. ^[OBS]

To ensure the UK continues to have a thriving food and drink industry, Defra has considered whether the proposed revocations within this consultation will have an economic impact, positive or negative.

Defra does not anticipate the proposed revocations included in this consultation to have an economic impact on the UK food and drink industry. This is because we understand the pieces proposed to be removed are, or will soon, be obsolete, therefore not currently impacting the economy. However, Defra analysts will consider conducting further economic assessment of the revocations drawing from responses in this consultation if appropriate.

Specific areas to note

Whilst the majority of the legislation included within this package is obsolete and proposed to be revoked, there are two areas of amendments: geographical indications and genetic modification. The following sections provide additional information regarding those amendments.

Geographical indications amendments

These geographical indication proposals apply to Great Britain (GB) only.

The draft SI will revoke assimilated legislation that provided for time limited transitional provisions to apply following the original EU registration of an established protected geographical indications (GI) to allow certain products not complying with the product specification to be marketed.

Time period of transitional provisions

Where the transitional provisions have already expired, the revocation will take effect on the default coming into force date of the instrument, 6 April 2025.

Where the transitional provisions have not yet expired, the revocation of those provisions will enable the remainder of the relevant transitional period to expire before the revocation takes effect.

For example, the instrument will revoke the assimilated direct Regulations containing transitional provisions relating to 'Bayrisch Blockmalz', 'Haymilk', 'Kintoa', 'Pecorino del Monte Poro', 'Saucisson de Lacaune' and 'Saint-Marcellin, on 6 April 2025, as well as revoking the assimilated direct Regulation relating to 'Havarti' on 23 June 2026 and

¹ [Food statistics in your pocket - GOV.UK \(www.gov.uk\)](#)

the one relating to 'Liliputas' on 6 April 2030. The protection of all of those names will continue but without the benefit of the transitional provisions.

Stocks of products

In addition, the draft SI revokes assimilated legislation that permitted stocks of newly non-compliant product already on the market to be sold beyond the end of the transitional period until exhausted. It will also amend some provisions to take account of their GB application.

The dates on which the revocation of those provisions relating to exhausted stocks will come into force are intended to allow sufficient time for those marketing such products to exhaust their stocks.

For example, the instrument will revoke the exhaustion of stocks provision relating to 'Pražská šunka' on 23 June 2026 and the exhaustion of stocks provision relating to the traditional terms 'Opolo', 'Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)', 'Kvalitetno biser vino', 'Mlado vino, Vrhunsko pjenušavo vino' and 'Kalitetno vino s kontroliranim zemljopisnim podrijetlom' (Kvalitetno vino KZP) on 23 June 2026.

The date of revocation of the exhaustion of stocks provisions depends on the nature of the product. If stakeholders think that the periods allowed for the exhaustion of stocks of such products are not sufficient then they should respond to the consultation identifying the affected products and specifying what they consider to be an adequate period for the exhaustion of such stocks.

Incorporation into GB Law

The draft instrument also makes amendments to some affected assimilated GI legislation to take account of its incorporation into GB domestic law. The draft instrument will carry forward, with operability amendments, certain provisions that will, by special exception, temper the effect of the restrictions that otherwise apply to the use of certain protected geographical indication names on a long-term (rather than transitional) basis. This is so that, in these rare cases, the protection for the relevant names does not prevent the continued use of other specified names that are similar to them when marketing products in GB that do not comply with the product specification for the protected name. The provisions apply to the use of the names 'Krainer', 'Käsekrainer', 'Schweinskrainer', 'Osterkrainer' and 'Bauernkrainer' for products that do not comply with the product specification for 'Kranjska'. They also apply to the use of the names 'kulen' or 'kulin' for products that do not comply with the product specification for 'Slavonski kulen'/'Slavonski kulin'.

Genetic modification (GM) amendments

These genetic modification amendments apply to England only.

The instrument will revoke assimilated Regulation (EEC) No 1728/74 of the Council of 27 June 1974 on the coordination of agricultural research (assimilated Regulation 1728/74). This relates to the coordination of research between EU Member States. As we are no longer a Member State, this legislation is redundant in relation to the UK.

Ongoing requirements from assimilated Regulation 1728/74 include provisions for a summary of GM consents to be communicated by Member States to the EU commission. These summaries were set out in assimilated Council Decisions 2002/812/EC and 2002/813/EC which were revoked by Schedule 1 to the 2023 Act.

The revocation of assimilated Regulation 1728/74 (and the related two assimilated Council Decisions above) then creates operability issues for provisions in The Genetically Modified Organisms (Deliberate Release) Regulations 2002 (the 2002 Regulations) that refer to these summaries. Therefore, we are making consequential amendments to revoke regulations 11(1)(d), 16(2)(j) and 34(3)(i) of the 2002 Regulations which make reference to them.

The remainder of the 2002 Regulations regulate the release of Genetically Modified Organisms (GMOs) into the environment, and includes regulations on deliberate releases, environmental risk assessments, the monitoring of GMO releases for research and development reasons, and the marketing of GMOs. Those provisions are being used and retained with the exception of the three inoperable subparagraphs being revoked. The Genetically Modified Organisms (Deliberate Release and Risk Assessment-Amendment) Regulations 1997 (the 1997 Regulations) amended two SIs: 1992/3280 and 1996/1106. The relevant provision in SI 1992/3280 amended by the 1997 Regulations has since been revoked and the relevant amended provision in SI 1996/1106 has been updated. Therefore, as the amendments made by the 1997 Regulations are no longer needed, the 1997 Regulations will be revoked by this instrument.

These changes do not lower the robust standards we apply to the regulation of GMOs. They remove the need for a form, which was required by the EU - this is now redundant.

Purpose of consultation and proposed revocation or amendment of assimilated laws

The purpose of this consultation is to seek views on the proposed list (see embedded table below) of food and drink assimilated laws that the UK Government is seeking to revoke and amend by SI using the powers in The Retained EU Law (Revocation and Reform) Act 2023.

We are proposing the revocations because the government understands these laws are laws which are already obsolete or will have become obsolete by the time the instrument revokes them. Our intended aim is a streamlined statute book that reflects UK priorities without impacting our world leading food standards.

We are proposing the amendments to take into account the domestic law context in which the assimilated laws now apply.

We are seeking views from anyone who has an interest, expertise, or experience in any or all the legislation listed in this consultation document.

Please note the legislation has various territorial extents across the UK nations.

Specific changes

A copy of the draft SI and a table of the legislation included in the SI is provided below.

The table includes, for each piece of assimilated law, an explanation of the purpose of the legislation, why the UK Government are proposing to revoke or amend it, if there is any economic impact expected and if there is current legislation regulating the matter or if further legislation is not required.

Subject to Parliamentary approval, it is intended that the revocation and amendments will mainly come into force on 6 April 2025 (a common commencement date). However, it is intended that some of the revocations for legislation containing transitional provision for the use of certain GI descriptors will be revoked on 23 June 2026 and 6 April 2030.

We ask that you consider these specific changes before responding to the consultation questions.

This consultation covers the UK only.

Statutory Instrument Products to Review

Draft Statutory Instrument for The Environment, Food and Rural Affairs (Amendment, Revocation and Consequential Provision) Regulations 2024:



20240131-AFC04...

Summary Table:



List-of-Propose...

How to respond

The consultation will be open for 6 weeks from 14 May 2024. Responses should be received by 11:59pm on 25 June 2024. Our preferred way of receiving responses is through the online Citizen Space platform.

If you are unable to use Citizen Space, you can download the consultation documents and return your response, using the below questions to structure your response, by email to AgriFoodChainPMO@defra.gov.uk.

Alternatively, you can print the consultation documents out and return your response by post to :

Agri-Food Chain PMO

Defra

3rd Floor Mallard House

Kings Pool

1-2 Peasholme Green York

YO1 7PX

Campaign responses

We recognise that respondents may choose to use some standard text to inform their response. Campaigns are when organisations (or individuals) coordinate responses across their membership or support base, often by suggesting wording for respondents to use. Campaign responses are usually very similar or identical to each other. For this consultation, campaign responses may be analysed separately to other responses to ensure the breadth of views received can be summarised effectively and efficiently. All campaign responses will be considered in the final analysis of public views and campaigns help provide an indication of the strength of feeling on an issue. The preferred route for all respondents to provide their views (including where a response is based on a campaign) is via the Citizen Space platform.

Privacy notice and data protection

A summary of responses to this consultation will be published on the government website at: www.gov.uk/defra. An annex to the consultation summary may list all organisations that responded but will not include personal names, addresses or other contact details.

Defra may publish the content of your response to this consultation to make it available to the public without your personal data, personal name and private contact details. If you answer 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation

of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you answer on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

Responses may be shared with other government departments. There may be occasions when Defra will share the information you provide, including any personal data, with external analysts. This is for the purposes of consultation response analysis only. Where Defra shares your personal data with third parties, we will ensure that we have the right data sharing agreements in place to protect your data and to govern the relationship between Defra and the third party. Defra is conducting this consultation in line with the Cabinet Office consultation principles. Please find our latest privacy notice uploaded as a related document alongside our consultation document. If you have any comments or complaints about the consultation process, please address them to:

Agri-Food Chain PMO
Defra
3rd Floor Mallard House
Kings Pool
1-2 Peasholme Green
York
YO1 7PX

Questions section

Our aim is to understand whether there would be any impacts, positive or negative, to consumers, businesses or other organisations as a result of the revocation or amendment of the assimilated laws specified in the draft SI and associate summary table. Given the broad nature of the themes being discussed, we are keen to get views from a broad range of stakeholders. To support this approach, we have included questions below that we would like you to consider in your response.

Confidentiality

1. Would you like your response to be confidential? (Required)

- a. Yes
- b. No

If you answered yes to this question, please give your reason(s):

Information about you

2. Who are you responding as? (Select one option only)

- a. Individual – You are responding with your personal views, rather than as an official representative of a business or, business association or, other organisation
- b. Public sector body – You are responding in an official capacity as a representative of a local government organisation or, public service provider or, other public sector body in the UK or elsewhere
- c. Industry (single business) – You are responding in an official capacity representing the views of a single business
- d. Industry (multiple businesses) – You are responding in an official capacity representing the views of multiple businesses or, the views of a trade association or, a business association
- e. Non-governmental organisation – You are responding in an official capacity as the representative of a non-governmental organisation or, non-profit organisation or, other organisation
- f. Academia – You are responding in an expert capacity as a faculty member or researcher at an academic institution
- g. Other: please specify

3. If responding as 'Industry (multiple businesses)' in question 2. How many businesses are you representing? (Select one option only)

- a. Less than 25
- b. Between 25 and 100
- c. Between 101 and 250
- d. More than 250
- e. Prefer not to say
- f. Not applicable

4. If responding as 'Industry' or 'Non-governmental organisation' in question 2, please answer questions 4 to 7. What is your role in the food and drink supply chain?

- a. Producer
- b. Primary processor or manufacturer
- c. Distributer
- d. Retailer

- e. Hospitality business
- f. Trade body
- g. Consumer group
- h. Other: please specify
- i. Not applicable
- j. Prefer not to say

5. What is the name of your business or organisation?

- a. Text box
- b. Not applicable
- c. Prefer not to say

6. Is your organisation one of the following? (Select one option only)

- a. Micro business or organisation: 1 to 9 employees
- b. Small and Medium-sized Enterprise (SME) or organisation: 10 to 249 employees
- c. Large business or organisation: 250 employees or more
- d. Other: please specify
- e. Not applicable

7. Where does your business or organisation operate? (Select all that apply)

- a. England
- b. Wales
- c. Scotland
- d. Northern Ireland
- e. EU: please specify which EU countries you operate in
- f. Rest of the world: please specify which countries you operate in

(Optional section regarding geographical indications) Impact of proposed changes to the food and drink sector

If this does not apply to you or the organisation you are representing, please skip to question 10.

8. Will the revocation of the exhaustion of stocks provision relating to 'Pražská šunka' on 23 June 2026 provide those marketing products using that name that do not comply with the product specification for that protected name sufficient time to exhaust their stocks of those products?

- a. Yes, open text

- b. No, open text
- c. Don't know, open text
- d. Not applicable

9. Will the revocation of the exhaustion of stocks provision relating to the traditional terms 'Opolo', 'Vrhunsko vino s kontroliranim zemljopisnim podrijetlom (Vrhunsko vino KZP)', 'Kvalitetno biser vino', 'Mlado vino, Vrhunsko pjenušavo vino' and 'Kalitetno vino s kontroliranim zemljopisnim podrijetlom' (Kvalitetno vino KZP) on 23 June 2026 provide those marketing products using one of those terms that do not comply with the relevant product specification for the relevant protected name sufficient time to exhaust their stocks of those products?

- a. Yes, open next
- b. No, open text
- c. Don't know, open text
- d. Not applicable

General section – Impact of proposed changes to the food and drink sector

10. Do you anticipate that any of the proposed revocations or amendments, listed in the draft SI and the table embedded in the consultation, will have an impact on you or the organisation(s) you represent?

- a. Yes
- b. No
- c. Don't know
- d. Not applicable

11. If you selected 'Yes' for question 10, what do you think will be the main impact(s)? Please refer to the impact of specific legislation in your answer.

- a.
 - i. Enter legislation identifier (found in column 'A' of the table) (open text)
 - ii. Explanation of impact of revocation or amendment (open text)

Add additional response

- b. Don't know
- c. Not applicable

12. Can you provide any evidence that the revocations or amendments will benefit or disadvantage you or the organisation(s) that you represent? We are especially interested in any evidence related to: food or drink standards, environmental standards, economic impacts, geographical indications or genetic modification.

a. Yes: evidence of benefit/s from the proposed revocations or amendments (please specify the legislation this relates to), open text

b. Yes: evidence of disadvantage/s from the proposed revocations or amendments (please specify the legislation this relates to), open text

c. No

d. Don't know

13. Do you have any other comments in relation to the proposed revocations or amendments that you would like to share? (Select one option only).

a. Yes, open text

b. No

c. Don't know

Next steps

Defra is intending to make an SI to revoke or amend the assimilated legislation covered by this consultation.

Defra will publish a response to the findings from this consultation to outline timings and next steps.