Response to F4 Questions on the Bread and Flour Regulations 1998

* Flour sold in the UK must be fortified with certain vitamins and minerals (calcium, iron, niacin and thiamine) as a public health measure as required by The Bread and Flour Regulations 1998 (BFR).

* Given these are national rules, the only exemption is for member states of the EU. Now that we have left the EU, we are consulting on options to remove this exemption and on introducing a flexible arrangement whereby businesses will be able to produce or buy UK unfortified flour or third country unfortified flour provided it is exported directly or used in products that will be exported.

* Recently Food Standards Authority Ireland (FSAI) issued a policy note on UK flour which may have caused some confusion by suggesting there may be an issue of compliance with EU rules (Regulation (EC) 1925/2006 on the Addition of Vitamins and Minerals to Food) on two counts. There is no evidence to suggest that UK flour is not currently complying with EU rules.

* (1) The first issue is in relation to minimum levels. EU harmonised rules on the voluntary addition of vitamins and minerals to food (1925/2006) already set minimum levels of addition at 15% of the respective NRV (Nutrient Reference Values) for each nutrient per 100g - this happens to be marginally higher than the minimums set for iron and niacin by the BFR. To note the EU rules also apply purity criteria from additive specifications which, for calcium, is more stringent than that set in the BFR but this was not mentioned in the note.

* The UK previously had a derogation under regulation 1925/2006 for domestic flour production due to the pre-existing mandatory requirements in the BFR, but any exported flour still needed to be EU compliant. We issued a policy note in September 2020 and updated it in November 2020 setting out the position. (see attached).

* We believe that the majority of millers have now switched to producing a single fortified flour that meets both UK national BFR rules and the EU rules due to the logistical preferences of food manufacturers and retailers who want to be able to serve both the domestic and EU export market with the same product. Recent suggestions that there may be concerns about the resilience of the supply of EU complaint flour are unfounded. The UK Flour Millers Association confirmed last week that there is a plentiful supply of EU compliant flour and they do not foresee any immediate availability issues.

* (2) The second issue is in relation to the inclusion of a recent Commission view on food fortification that “where products that use a fortified flour are offered to a consumer, the final food product must be fortified at least to the minimum levels set in EU legislation”, i.e. not simply the fortified flour ingredient which is at odds with DHSC guidance.

* The UK view is that: in relation to a product (the finished product) which includes an ingredient (e.g. flour) to which vitamins and minerals have been added, fortification at 15% (of the respective NRV per 100g) of the ingredient

(flour) would be sufficient in so far as compliance with 1925/2006 is concerned. In this case it is the flour that needs to be fortified at 15% and not the food that the flour is an ingredient of.

* Given some member states mandate fortification of foods (e.g. iodine in salt) and many third countries mandate flour fortification we think there has been a misunderstanding on the application of 1925/2006 to a food containing an ingredient which is fortified.

* We are seeking more clarification of the Commission wording reported by the FSAI in relation to the final food reference. The European Flour Millers have also approached the EU for further explanation. We are prepared to explore other avenues if we cannot confirm the UK view.

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