

Changes to market authorisation for regulated products

09 April 2025  Rachel Lyne

On 1 April the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 came into force in order to amend, revoke and replace legislation relating to regulated food and drink products.

A significant change has been made to remove the requirement to renew, every 10 years, approval for feed additives, genetically modified organisms and food smoke flavourings. Although the need to renew market approval has been revoked the FSA still has powers to review an authorisation, request new information and advise ministers if it's appropriate to modify, suspend or revoke authorisation. Similarly, all food business must continue to undertake post-market monitoring and to report a safety concern to the FSA/FSS.

The changes also introduce a system that allow an authorisation to come into effect following a ministerial decision which will be published in an official register/list. This will avoid the need for additional secondary legislation and should enable the food sector to keep pace with innovation and new technologies.

FSA draft guidance on precision bred plants

In late February 2025 Defra published draft secondary legislation, that will enable the implementation of the Genetic Technology (Precision Breeding) Act 2025. The Genetic Technology (Precision Breeding) Regulations 2025 set out the regulatory framework for precision bred plants for use in food or feed.

Key provisions

What do the draft regulations propose:

- Notification obligations to Defra of the deliberate release of precision bred plants into the environment for non-marketing purposes, e.g. for field trials.
- Applications to Defra for a precision bred assessment and confirmation to enable precision bred plants to be marketed, for example for commercial cultivation.
- Applications, via the FSA, for a food and feed marketing authorisation to allow food and feed produced from confirmed precision bred plants to be placed on the market.
- Creation of two public registers: held by Defra detailing the prescribed information and the second held by the FSA detailing the authorised precision bred plants.
- An inspection and enforcement framework to ensure compliance with the legislation to include the option to impose sanctions by means of compliance notices, stop notices and monetary penalty notices.

The changes mean plants previously governed under the Genetically Modified legislation, which was concerned with the technique used to produce the plants rather than the characteristics of the plants, will now be overseen by this new regulatory framework.

The draft regulations will now need make their way through parliament, and we will provide updates in future editions of Food for Thought.

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