

FDf Scotland Response to the Food Standards Scotland Consultation on the Provisional Common Framework for Food and Feed Safety and Hygiene

The Food and Drink Federation represents the food and drink manufacturing sector in England, and in Scotland and Wales through ourselves - FDF Scotland and FDF Cymru. We jointly welcome the opportunity to provide feedback on the provisional Common Framework for Food and Feed Safety and Hygiene (FFSH).

Given the short turnaround for comments during the first phase of stakeholder consultation, our initial feedback is based on the principles which we have discussed with members throughout the EU Exit process. We look forward to engaging further with Food Standards Scotland (FSS) during the online session planned as part of the second phase of stakeholder consultation and will seek supplementary feedback from members in the lead-up to this.

FDf Scotland's input responds directly to the questions posed by FSS in the summary document and does not make any judgement on the form of broader agreements which are under consideration in the context of the Internal Market.

Q1: Do you consider the provisional framework to be appropriate for food and feed safety and hygiene?

FDf Scotland welcomes the Framework's aim of ensuring the protection of public health and wider consumer interests in food across the UK by facilitating four-country food and feed safety and hygiene (FFSH) policy development and agreement in areas previously harmonised at EU level.

The food and drink manufacturing industry is a hugely important part of England, Scotland, Wales and Northern Ireland's economy, with integrated supply chains crossing borders often multiple times. As such, the avoidance of barriers to trading within the UK would be of value to our members in facilitating the free movement of food and drink. The extensive framework of regulation which underpins the production, distribution and sale of food and drink (and feed) reinforces the benefits of collaborative working to minimise the complexities which could otherwise arise from regulatory fragmentation.

We therefore particularly support the proposal that risk assessments be undertaken on a UK wide basis, taking into account data and consumer interests from all parts of the UK. We also welcome the proposed joint development of risk management options and recommendations / advice for Ministers across FFSH policy areas.

It is reassuring to note that the expectation is that, in most cases, countries will work together to develop common approaches for making changes to retained EU FFSH legislation within the scope of the Framework (notwithstanding the implementation of changes required under the Northern Ireland Protocol). We nevertheless see clear benefits in having mutually agreed processes in place to manage instances of divergence, alongside an agreed dispute resolution mechanism. We strongly support evidence base and transparency being an integral part of these processes and mechanisms.

On a more specific note, it is helpful that businesses applying for pre-market approvals and re-authorisations for the GB market will submit applications through a single application process. We nevertheless note that it is envisaged that businesses applying for pre-market approvals and re-authorisations for the Northern Ireland market will need to submit applications to the relevant body as set out in EU legislation. This could represent a significant barrier for food businesses wishing to place specifically regulated food and drink products on

the UK market, who do not export to EU Member States and would therefore not otherwise need separate EU approval or authorisation.

Q2: Do you have any specific areas of concern with the proposals?

Scope of the Framework

It is indicated in the summary document that the FFSH Framework will apply to retained EU food and feed safety and hygiene legislation which is currently harmonised at EU level. While the broad areas of policy covered are noted, it is not clear whether the Framework would apply to policy areas which might fall under these broad areas, but which are not currently covered by specific EU legislation, for example because policy development in those areas is not at such an advanced stage. FDF Scotland would welcome confirmation that this would be the case.

There are references in the document to Ministerial decisions but it is not clear what framework will apply to decisions which are taken at official level and not subject to Ministerial decision.

Stakeholder Engagement

There is no information included in the summary document to indicate how stakeholders will be able to provide input to the process of developing FFSH policy, at national or devolved level. Under the EU policy-making framework, stakeholders have defined opportunities to provide input to inform policy development. These range from official requests for data to contribute to risk assessment processes through to formally established consultation processes, which provide stakeholders with the opportunity to provide informed feedback on proposed risk management measures. We would like to know if similar procedures for stakeholder input and consultation will be embedded into the Common Framework for Food and Feed Safety and Hygiene.

Further Development of the Framework

It is indicated in the summary paper that the outcomes of a number of outstanding cross-cutting issues will need to be understood and accounted for in the Framework agreements, primarily in the context of ongoing negotiations with the EU and the links with the UK Internal Market proposals. FDF Scotland would appreciate confirmation from FSS that further stakeholder input will be sought should these result in significant changes to the provisional Common Framework for Food and Feed Safety and Hygiene.

Q3: Are there any areas where you would like further information?

Areas outside the Scope of the Framework

It is noted that areas outside the scope of the Framework include risk management decisions currently taken at national level in areas where EU legislation permits different approaches. It is not clear whether this would apply to all such areas, even if a different approach has not been adopted in the UK.

Interaction with the Northern Ireland Protocol

It is unclear how the Common Framework for Food and Feed Safety and Hygiene will operate practically if Northern Ireland's agri-food regulatory system starts to diverge with the GB regulatory system over time as a result of the Northern Ireland Protocol. We would particularly appreciate further clarity on how the Framework will operate in the context of the interaction with the EU's risk analysis process for food and feed.

18 September 2020