



Subject:	Food Standards Agency consultation on the Proposed Approach to Retained EU law for Food and Feed Safety and Hygiene
Date:	9 October 2018
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please see Note 1	
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If 'No' please see Note 2	

1.0	Purpose of Report or Summary of main Issues
1.1	Following the United Kingdom Referendum, the European Union (Withdrawal) Act 2018 was passed making provision for all existing EU legislation to be converted on exit into UK law. This was an essential step to ensure food safety and other legal standards are maintained on exit. In order to ensure the converted EU law continues to operate effectively as part of domestic law, the Act provided for corrections to be made by way of statutory instruments. The Food Standards Agency is consulting on the corrections which ministers propose to make to retained EU law relating to food and animal feed safety and hygiene. The consultation also

1.2	<p>invites general comments on food and feed safety and hygiene in the UK after EU exit and provides an opportunity for the Council to clarify its preferred position in that regard.</p> <p>Members are asked to agree the response to this consultation and in particular their preferred position for food safety and hygiene in Northern Ireland after EU exit.</p>
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2.0	Recommendations
2.1	<p>The Committee is invited to;</p> <ul style="list-style-type: none"> • consider and agree the consultation response.
3.0	Main report
3.1	<p>The European Union (Withdrawal) Act 2018 provided for all existing EU legislation to be converted on exit into UK law, so maintaining the current high standards of food safety and ensuring on day one the regulatory alignment likely to be required to negate the need for food safety checks as foods move between the UK and the EU. The latter shall be important as the government seeks to agree with the EU a good deal for both sides. However the consultation package confirms the government continues to prepare for all scenarios including the unlikely prospect of leaving the EU with no deal.</p>
3.2	<p>The Food Standards Agency (FSA) has been working with officials in Northern Ireland as well as Ministers in Westminster, Scotland and Wales is now consulting on the corrections which ministers propose to make to retained EU food law to ensure it continues to operate effectively as part of domestic law.</p>
3.3	<p>The consultation package is available at:</p> <p>https://www.food.gov.uk/news-alerts/consultations/proposed-approach-to-retained-eu-law-for-food-and-feed-safety-and-hygiene</p>
3.4	<p>These corrections specifically relate to certain EU bodies and institutions which provide functions under EU law. Once the UK leaves the EU these bodies will no longer be able to perform these functions. It is proposed that these functions including risk management, risk assessment, setting of safety levels and provision of approvals shall, by way of statutory instrument, transfer from the European Commission and the European Food Safety Authority to the appropriate UK authorities, including the Food Standards Agency.</p>

3.5	<p>The UK institutions will not provide these functions in isolation and, subject to negotiations with the EU, the UK government intends to redefine and formalise a close working relationship with the European Food Safety Authority based in exchange of information and expertise, contribution to scientific networks and cross-European collaboration.</p>
3.6	<p>The draft Council response, attached appendix 1, without prejudice to potential future arrangements between the UK and the EU supports the proposals as necessary to ensure retained EU food law is operable within the UK on exit.</p>
3.7	<p>It is essential that the FSA and UK Government continue to work with Local Authorities and share information at the earliest opportunity regarding plans for day one scenarios for food law regulation, in particular in relation to export and import controls. Controls both inland and at ports must be considered.</p>
3.8	<p>Furthermore, the draft response suggests that Council consider making the following general comments confirming its preferred position on Food safety and hygiene in the UK after EU exit.</p> <ol style="list-style-type: none"><li data-bbox="309 1061 1458 1144">1. Any future changes to regulatory controls after the UK leaves the EU should provide the same, or an improved, level of consumer protection.<li data-bbox="309 1162 1458 1294">2. Any changes to the current legislation should be commensurate with the risk posed by different activities and trades and minimise the regulatory burden on council's and food businesses.<li data-bbox="309 1312 1458 1697">3. In order to avoid the need for food safety checks on imports from EU countries the UK should continue to recognise EU food safety controls, including controls carried out at EU borders on 3rd country imports. This will be particularly important for Northern Ireland considering its land border with the Republic of Ireland, the significant cross border trade including frequent crossings by small traders. This would best be done as part of a reciprocal agreement with mutual recognition, to reduce the need for both additional import and export controls, to promote regulatory alignment, and facilitate UK-EU trade.<li data-bbox="309 1715 1458 1899">4. It is anticipated that some additional food safety controls/activities will be required by local authorities and port health authorities as a result of BREXIT and it is important that these should be either on a full cost recovery basis or funded by the UK Government to avoid additional financial burdens on local authorities.

	<p>5. The current checks at UK and EU borders on third country imports should be maintained to facilitate free movement of goods within the EU, and between the EU and the UK, and the UK should seek to maintain access to existing European Union IT and rapid alert arrangements.</p>
3.9	<p>The full draft response to the consultation paper is attached in Appendix 1 including answers to all the questions asked.</p>
3.10	<p>Finance and Resource Implications</p> <p>There are no financial or human resource implications.</p>
3.11	<p>Equality or Good Relations Implications/ Rural Needs Assessment</p> <p>There are no equality or good relations implications, there is no requirement for rural needs assessment.</p>
4.0	Appendices – Documents Attached
	Appendix 1 draft response