



# HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords

London

SW1A 0PW

Tel: 020 7219 8664

[hlcommonframeworks@parliament.uk](mailto:hlcommonframeworks@parliament.uk)

14 October 2020

Emily Miles  
Chief Executive Officer  
Food Standards Agency  
Floors 6 and 7, Clive House  
70 Petty France  
London SW1H 9EX

Dear Emily,

## **Food and Feed Safety and Hygiene (FFSH) Common Framework**

Thank you for the summary of the FFSH Common Framework, which was considered by the Common Frameworks Scrutiny Committee on 13 October.

I would like to confirm the Committee's intention to scrutinise this framework. However, there are a number of areas where we would welcome additional clarity in advance of receiving the Provisional Framework. We consider the Framework Summary to be essential preparation for our scrutiny process and look forward to receiving a detailed response to our questions within 10 working days.

The Framework Summary explains that the FFSH framework will create a joint risk analysis process across the UK for areas within its scope, other than for establishments and products that are limited to the territory of one country. However, the Market Access Commitment in the Internal Market Bill requires the mutual recognition of product standards and non-discrimination against goods from other parts of the UK. Given these provisions, what safeguards will be in place to prevent establishments or products that have not been approved through joint risk analysis process from gaining access to other markets across the UK? What safeguards will there be to protect the existing differences allowed under EU law from also being overridden by the Market Access Commitment?

The Market Access Commitment in the Internal Market Bill potentially makes the use of the dispute mechanism more likely, as other countries would be more likely to object to divergence as products adhering to lower standards would automatically have access to all markets. This also increases the potential costs to administrations of the dispute mechanism failing. Do you therefore anticipate any changes to the dispute settlement mechanism as a result of the Internal Market Bill?

The European Commission operates the Rapid Alert System for Food and Feed (RASFF) which ensures the fast flow of information to enable swift responses to public health risks. Is the UK still hoping to negotiate full access to RASFF and, if so, how would it feed into the risk analysis process outlined in the framework?

On Northern Ireland, the Framework Summary states that Northern Irish officials and ministers “will still have the opportunity to be involved in discussions on managing potential divergence for issues in scope of the Northern Ireland Protocol.” However, it does not make clear if divergence between Northern Ireland and the rest of the UK would trigger the same process. How, therefore, will the divergence and dispute settlement process function with regards to Northern Ireland? If England, Wales or Scotland wished to diverge from the approach taken in Northern Ireland, would they have to first attempt to agree a common approach with the EU process in Northern Ireland? Can the Northern Ireland Executive trigger the dispute settlement mechanism in the same way as the other administrations? Have you considered including any of the mechanisms for British Irish co-operation set up by the Good Friday Agreement, such as the British-Irish Council, in resolving issues in this area?

In terms of the legal nature of this framework, the Cabinet Office’s most recent Frameworks Analysis lists the FFSH Common Framework as a legislative framework, defined as a framework that may require primary legislation. However, the Framework Summary does not mention any primary legislation. Could you please explain whether there is any primary legislation planned in relation to this framework? How do you envisage that the UK Parliament and devolved legislatures will remain informed of any future changes to these rules in order to enable sufficient parliamentary scrutiny?

The Framework Summary does not provide any details on what stakeholder engagement has been done to prepare this framework. Which external stakeholders has the FSA consulted in developing this framework? What was the geographical balance of these responses? What steps has the FSA taken to ensure that it has received the views of relevant stakeholders from across the UK? What specific feedback did you receive?

Yours sincerely,

Baroness Andrews  
Chair of the Common Frameworks Scrutiny Committee