



# HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords

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Emily Miles  
Chief Executive Officer  
Food Standards Agency  
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70 Petty France  
London SW1H 9EX

Dear Emily,

## **Food and Feed Safety and Hygiene (FFSH) framework**

Thank you for your letter of 8 January and for your helpful engagement throughout our scrutiny of this framework. We welcome the clear structure of this Provisional Framework, which we believe provides a good foundation for ongoing work in this complex area. However, in addition to general concerns about insufficient representation of the views of the devolved administrations, we do have some specific concerns and have three recommendations for improving this framework.

### **Future scrutiny**

We welcome the commitment in your letter that the Frameworks Management Group will conduct an annual review of the framework and will produce a report that will be publicly available. However, this commitment has currently only been made in correspondence and is not mentioned in the Provisional Framework. It is also important that these annual reviews are drawn to the attention of relevant parliamentary committees, so that they are considered as part of their ongoing scrutiny work.

**We recommend that the commitment to publish an annual report reviewing the framework should be clearly stated in the framework itself and should be shared with relevant parliamentary committees across the UK.**

### **Northern Ireland**

We believe there has been insufficient transparency and consultation on the effect of this framework on Northern Ireland and its relationship with the rest of the United Kingdom. While we understand that the late agreement of the details of the Northern Ireland Protocol will have made developing policy in this area more difficult, we received evidence there has been insufficient consultation of stakeholders in Northern Ireland. The consultation that did take place was based on the Framework Summary, which did not include important details on the framework's position on the Northern Ireland Protocol.

We are concerned that the decision that the FSA and FSS will not conduct analysis on “routine” food safety changes under the Northern Ireland Protocol could have profound cumulative implications for business in Northern Ireland and the rest of the UK. It is unclear how something will be classified as a “routine” change and what process there will be for reaching these decisions, including any external consultation. We are deeply concerned by the suggestion that “the UK does not have the resources” to consider each of these changes and we believe that more resources should be committed to this area. We are concerned that the costs of the analysis could be exceeded by the long-term costs of divergence to businesses across the UK. This is a crucial element of maintaining a coherent UK internal market.

**We recommend that the FSA should produce an assessment of the degree of divergence between Northern Ireland and the rest of the UK, and the associated costs of this for businesses, as part of its annual report on the framework. It should extensively consult with stakeholders in Northern Ireland on which food safety changes are considered as “routine”. In the first year of the framework, the FSA should also conduct a specific assessment of the potential costs of divergence in these “routine” areas, which will not be subject to an analysis.**

### **UK Internal Market Act**

It is clear that the framework should be amended to take into account the UK Internal Market Act 2020. As you acknowledge in your letter on 8 January, an additional stage should be added to the frameworks process to allow consideration of whether the market access principles should apply in instances where divergent policies are agreed. This would clarify when the Secretary of State should be invited to use the powers granted by the Act to exempt specific areas from the market access principles.

There is also a need to change the scope section of the framework. The JMC(EN) principles for the common framework programme include a commitment that frameworks should “maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules”. There should therefore be a commitment in the framework that where EU rules allowed for flexibility (for example in the sale of raw milk) the parties will seek the use of the powers granted by the Act by the Secretary of State to exempt those areas from the market access principles.

**We recommend that the framework should clearly state when it will seek to invite the Secretary of State to use the powers granted by the UK Internal Market Act to provide exemptions from the market access principles, both in areas of previous flexibility under EU law and possible future divergence.**

We understand that each of the four governments are currently receiving views on this Provisional Framework from their respective legislatures. We therefore look forward to your response to this letter once these have been received and our recommendations have been considered, together with the final version of the framework.

Yours sincerely,

Baroness Andrews  
Chair of the Common Frameworks Scrutiny Committee