

Written Evidence Submitted by the Food Standards Agency (SME0038)

Thank you for inviting the Food Standards Agency (FSA) to submit evidence to the Committee on Environment Food and Rural Affairs.

As you are aware, the FSA is the non-ministerial Government department responsible for the safety of food and feed across England, Wales and Northern Ireland. We have additional responsibilities for non-safety related food labelling and composition in Wales and Northern Ireland, and for nutrition policy and nutrition labelling in Northern Ireland only. In Scotland, Food Standards Scotland (FSS) is the responsible body for all of these areas. We work closely with FSS, as well as the devolved administrations in Wales and Northern Ireland, to share information and intelligence, ensuring we maintain a four-country approach where possible.

Our guidance, policies, and advice to ministers are all informed by the latest science and evidence.

Whilst Defra has policy responsibility for imported products of animal origin (POAO) from an animal health and biosecurity point of view, the FSA is responsible for the safety of all imported food and feed, and the protection of UK consumers. The FSA also has policy responsibility for imported high risk food not of animal origin (HRFNAO).

The FSA undertook extensive preparations for the end of the Transition Period. We strengthened our capability and capacity to respond effectively to any foodborne contamination or outbreak incident that occurs in the UK for the protection of consumers.

For 2020/21 the FSA was allocated £14.6m in additional HM Treasury funding to support the ongoing costs of EU Transition, based on the plans delivered in 2019/20. This helped us to reach a more stable operating capability as well as account for the implications of the Northern Ireland Protocol on FSA's activities. This raised the FSA's Westminster funded baseline budget from £88m to £103m.

We have already increased our permanent staffing establishment by 147 FTE (from a baseline of 1026), and it is expected that this will rise to 160 FTE by the end of March 2021.

Activities include work on Incidents, Food Crime, Risk Assessment and Management, Legislative Consequences, Imports and Exports, Northern Ireland Protocol, Official Control Labs, and UK Food and Feed Frameworks.

£1.4m from this funding has been used to support Local Authorities and Port Health Authorities in readiness for and through the Transition Period.

Ministers recently announced that all import checks on high-risk food and feed entering the UK from EU should be postponed by six months. This means that prenotification requirements for Products of Animal Origin (POAO) and High-Risk

Food Not of Animal Origin (HRFNAO) from the EU will not be required until 1st October 2021. Export Health Certificate requirements for POAO will come into force on the same date. Physical food safety checks for POAO and HRFNAO and the requirement for certain HRFNAO commodities to be accompanied by a certificate of analysis will be introduced from 1st January 2022.

The Committee will wish to note that whilst the recent announcement will delay controls that are applied to EU imported high risk food and feed, it does not affect controls that are applied to high-risk food and feed imported from non-EU countries.

As from 1st January 2021, all high-risk food and feed entering GB directly or transiting the EU from a non-EU country must be pre-notified on IPAFFS¹, a system operated by Defra, which communicates import information to GB Border Control Posts (BCP). High-risk food and feed from non-EU countries can only enter GB through an appropriately authorised BCP where they are subject to 100% documentary and identity checks and physical checks at the prescribed frequency. Much of the FSA's readiness work was driven by the introduction of checks and controls on rest-of-world products from 1st January 2021. These processes are now largely in place and functioning.

The amended timeline for the introduction of controls for imported high-risk food and feed from the EU only affects those controls that are applied to high-risk food and feed entering GB from EU countries. It is worth remembering that prior to 1st January 2021 there were no controls on high-risk food and feed entering the UK from EU countries.

The following sets out the FSA's assessment of the risks of the amended timeline for import controls on EU high-risk food and feed, and the mitigations in place to address these.

Following the end of the Transition Period, the FSA's access to the EU's Rapid Alert System for Food and Feed (RASFF)² changed from full member state level to third country access. As one of the mitigations for the loss of member state access, and in order to ensure that we have the ability to impose appropriate checks, and trace food throughout the supply chain, the FSA wishes to introduce prenotification for all imported high-risk food and feed, not just that from non-EU countries.

Prenotification enhances traceability by allowing us to identify what commodities are entering GB and their destination within the UK. This improves our effectiveness to deal with imported food incidents, so that we can trace the product back to source. It also provides us with the ability to identify and implement enhanced controls, in real time, on products found to be non-compliant with GB requirements, and against non-UK producers importing product to the UK, where there is evidence of known problems and food safety non-compliance.

¹ IPAFFs is the UK new imports notification system.

² A system to exchange information about serious risks detected in relation to imported food or feed

From the 1st October 2021, EU traders exporting high-risk food and feed to GB will have to electronically notify BCPs in GB through IPAFFS of the intended import of commodities. The delay to prenotification for high-risk food and feed from EU countries means that issues may not be picked up at the border and will have to be addressed further along the food chain.

In preparation for the end of the Transition Period, the FSA has strengthened its capability and capacity to respond effectively to any foodborne contamination or outbreak incident that occurs in the UK for the protection of consumers. The FSA will continue to rely on the mitigations we have put in place to prepare for the end of the Transition Period to address the potential risks of the delay to prenotification.

Our key mitigations include increasing our use of data analytics to identify problems, risks, and challenges to the UK food system. The FSA is also implementing an enhanced programme of bilateral engagement and surveillance which focuses upon exchange of information on risks to the food chain.

The FSA is also increasing its engagement with the International Food Safety Authorities Network (INFOSAN), managed jointly by the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) of the United Nations. This will provide the UK with extensive 'reach' for communicating and receiving notification of food safety issues with INFOSAN's membership of over 180 countries.

It is also important to note that the FSA will continue to receive food safety notifications from the EU via third country RASFF access, where affected food or feed has been dispatched to us from the EU.

Through retained EU law, the FSA has the capacity to implement measures to control the importation of food and feed that is suspected of not complying with GB food and feed safety requirements. The FSA can require an importer or establishment where the food is produced to pre notify their imports, enabling the BCP to undertake enhanced checks, such as sampling before the product is allowed to be placed on the GB market.

In extreme situations, if the FSA has evidence that imported food and feed presents an imminent risk to consumer safety and cannot be controlled through enhanced checks, legal steps can be taken to prohibit such imports.

Taking into account the additional data systems we have established to risk assess imported food and feed, and the limited levels of divergence between GB and EU food and feed safety requirements, we assess that the overall risk to food and feed safety has not increased as a result of leaving the EU.

We have also taken steps to strengthen the FSA's capabilities to detect, respond to and prevent food crime through expansion of the National Food Crime Unit (NFCU). The Agency secured an additional uplift for NFCU funding (£4.4m in 2020/21) which has allowed the Unit to quadruple its establishment to around 80 staff.

The additional resources have strengthened the NFCU's existing functionalities and added additional capabilities in investigation, outreach and intelligence collection. These are clearly assets for the FSA in its preparedness to respond to how food

crime threats may change in scale or nature as a result of the new shape of the UK food and drink sector following the UK's departure from the EU.

The operational effectiveness of NFCU will be further enhanced with access to additional investigative powers. This will allow the Unit to rely less on the support of partners in policing and local authorities, who have many competing commitments and priorities. These additional investigative powers require primary legislation, and we are actively seeking the required Bill sponsorship through engagement with officials and ministers in other government departments.

The NFCU remains vigilant to possible threats and opportunities but has not currently noted any substantial volume of fraudulent activity exploiting or avoiding aspects of the new arrangements since 1st January. Whilst we continue to monitor areas of known concern and identify emerging issues, there is no evidence to suggest that we are more at risk overall from food crime as a result of leaving the EU.

Conclusion

The six-month delay to the introduction of prenotification of EU high-risk food and feed potentially reduces the FSA's ability to trace imported consignments and control problem products at the border. However, we assess that the overall risk to food and feed safety has not increased as a result of leaving the EU. From a food fraud and food crime point of view, we have also seen no evidence to suggest that we are more at risk from food crime.

The FSA will continue to rely on the mitigations we have put in place to prepare for the end of the Transition Period to address the potential risks of the delay to prenotification. Furthermore, the delay allows more time for the FSA, working across Government, to support trader readiness and compliance with new import requirements.

Whilst some of the systems we are using need further development, based on the current context, we are confident that with our mitigations, the FSA can provide an acceptable level of consumer protection until prenotifications commence from October. However, the delay to prenotification does make it more challenging for the FSA to ensure the safety of imported food and feed, and any further delays to prenotification will present challenges to the FSA. Prenotification combined with effective import checks and controls continue to represent the most effective solution.

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