

## Food Standards Agency - Written evidence (NIP0017)

22June 2020

Thank you for inviting the Food Standards Agency (FSA) to submit evidence to the Sub-Committee on the Northern Ireland Protocol and agri-food.

As you know, 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 is the responsible body for all of these areas. We are a consumer-led department, and do not have an economic brief for the agri-food sector. However, we are closely interested in the implications for the sector because its performance has significant impacts on consumers' access to a healthy, varied, nutritious and affordable diet.

The recommendations the FSA makes to ministers and the decisions we take will be based on the latest science and evidence. We believe the interests of the consumer should be central in any future discussions, including the interests of consumers in Northern Ireland. We have developed a risk analysis procedure in line with international rules that will provide the basis for decision making on food and feed safety issues in the future, including for authorisations of regulated products such as additives and flavourings. When we consider an issue through the risk analysis process, we will continue to consider the interests of consumers in Northern Ireland, whilst of course accepting that the Protocol will restrict the decisions that can be taken.

Last week, the FSA Board held a meeting (as usual, in public) during which we discussed the impact of the Protocol on our post-transition arrangements for protecting public health, and consumers' other interests in relation to food in the three countries of the UK for in which we hold these statutory responsibilities. The accompanying paper has been published on our website<sup>1</sup>.

**1. What is the worst-case scenario here for the Northern Ireland agrifood sector, and what is the best case? Which issues are you most worried about?**

The Withdrawal Agreement, as agreed in 2019, means that for food and feed, some different regulatory arrangements will apply in Northern Ireland than in the rest of the UK. This is enshrined in the Protocol, which ensures that the Good Friday

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<sup>1</sup> [https://www.food.gov.uk/sites/default/files/media/document/fsa-20-06-05-eu-transition-update\\_0.pdf](https://www.food.gov.uk/sites/default/files/media/document/fsa-20-06-05-eu-transition-update_0.pdf)

Agreement is upheld and customs and regulatory checks at the land border between Northern Ireland and Ireland are avoided.

Manufactured goods such as food and feed placed on the NI market will need to align with EU regulations. The UK will have separate regulations on food and feed. The FSA (along with FSS for Scotland) will be the enforcement body for both regimes. This means, for instance, that the FSA will enforce the EU's official control regime in NI and, in case of divergence, a different official control regime in GB. The FSA, with FSS, will continue to ensure that food and feed is safe for UK consumers. This means that the FSA will factor in NI consumer interests in UK decisions on food and feed safety. The mechanism through which NI consumers' perspectives will be taken into account in EU decision making is yet to be determined.

The FSA is one single department, operating cohesively across a devolved policy landscape in three countries. We believe it is critically important to focus on consumer understanding and trust, as measures diverge between Northern Ireland and Great Britain.

The implications of the Protocol bring additional and material levels of complication to the arrangements we had made in the event of a no-deal exit, in the run-up to last year's deadlines. These complications add resource challenges, governance challenges, and communication challenges. We wish to ensure that the regulatory arrangements are as clear and easy to follow as possible, across the three countries.

## **2. What challenges do you anticipate for Northern Ireland agrifood products going into Great Britain?**

### **a. What do you hope to see from the UK Common Frameworks in the relevant areas?**

The FSA is involved in the development of three Common Frameworks:

- food and feed safety and hygiene (an FSA lead);
- food compositional standards and labelling; and
- nutrition health claims, composition and labelling.

The EU (Withdrawal Agreement) Act 2020 includes provision for the Government to define a qualifying status for goods and businesses in Northern Ireland benefitting from unfettered access to the GB market, meaning there will be no change to how these NI goods arrive in GB ports and are placed on the GB market compared to today. When the definition of Northern Ireland Qualifying Goods is confirmed, we will be able to put in place the necessary regulatory arrangements.

Where NI traders gain product approvals and certification for the NI market from EU authorities and bodies, the UK will recognise those for the purpose of facilitating unfettered access to the GB market. The FSA is working closely with Defra, the Department of Health and Social Care (DHSC) and the Department for Business,

Energy and Industrial Strategy (BEIS) to develop further guidance for NI traders placing certain highly regulated goods on the GB market.

The FSA Board continues to believe that consumers across the UK are best served by as consistent a regulatory approach as possible across the four countries. We have worked hard to facilitate a unified regulatory regime, developed our approach in public and published details, most recently in our Chief Scientific Advisor's annual science update published 4<sup>th</sup> June 2020.

We are working closely with FSS on the development of the post-transition regulatory regime functions in the UK. This includes building in a four-country approach to risk analysis as part of plans for the UK-wide framework for food and feed safety and hygiene. FSA is working with the UK Government and the Devolved Administrations, who are currently considering how to take account of the Protocol within Common Frameworks. The FSA needs to be closely involved in these discussions, as the practical implementation will fall to this department in key areas.

**3. What do you expect the impact to be on the agrifood sector of any additional formalities in the following areas after the transition period, for goods moving from Great Britain to Northern Ireland?**  
**a. Sanitary and phytosanitary (SPS) formalities**

The Protocol requires controls of imported food and feed from GB upon entry into NI. The FSA has responsibility for public health checks on high risk food not of animal origin (HR-FNAO) and products of animal origin (POAO) and for ensuring NI border control posts have the necessary capabilities to perform food and feed safety checks.

HR-FNAO and POAO entering Northern Ireland from Great Britain would do so via a Border Control Post where they would be subject to identity and documentary checks and physical examination by UK authorities as required by the relevant EU rules. The process by which controls are conducted, and their frequency – including the level of physical checks required – is not determined yet as they are subject to discussions with the EU in the Withdrawal Agreement Joint Committee.

The Protocol sets out that both parties must use their “best endeavours” to avoid controls at Northern Ireland ports as far as possible and adopt recommendations in the Committee accordingly. We will actively seek to simplify and minimise electronic documentary requirements for this trade and that any notification requirements would be ideally performed through an integrated EU-UK IT system.

**4. How can the UK-EU future relationship reduce any possible negative impacts of the Protocol on the agrifood sector?**

A UK-EU free trade agreement could reduce the frequency of identity, documentary and physical checks on food and feed entering NI from GB.

**6. What are the most pressing actions needed from the Joint Committee and its supporting bodies?**

The flow of timely, accurate and reliable information is crucial. The FSA will work with other parts of Government to contribute to future work through the Joint Committee to establish appropriate avenues through which the FSA can seek and receive the information necessary to meet our regulatory obligations (set out in Annex 2 of the Protocol).

**7. Do you expect the Protocol arrangements to be ready for 1 January 2021?**

The Protocol reaches far beyond the specific interests and responsibilities of the FSA. In our area, we continue to work closely with other UK government departments such as Defra, DHSC, BEIS, local government and the devolved administrations, maintaining the cooperative and positive contacts, to ensure we are ready for the immediate implications on 1 January 2021. We will be increasing our engagement with businesses in GB and NI, particularly as the exact nature of the arrangements becomes clearer.

If we have concerns about our ability to deliver arrangements for the Protocol for 31<sup>st</sup> December 2020 due to insufficient time, resources or powers, the FSA Board will consider mitigating steps in public session.