



The Scottish Parliament
Pàrlamaid na h-Alba

Mairi Gougeon MSP
Minister for Public Health and
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Via email only

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Dear Minister

UK Common Frameworks – Provisional UK Common Framework on Food and Feed Safety and Hygiene

This letter sets out the Health and Sport Committee's commentary on the Provisional UK Common Framework on Food and Feed Safety and Hygiene (FFSH).

To inform the Committee's consideration of the FFSH Provisional Framework we wrote to you with a series of questions on [22 December](#). Thank you for your response dated the [18 January](#).

The Committee also held two oral evidence sessions, the first with stakeholders on [19 January](#) and the second with you on [26 January](#).

This is the second provisional framework that the Committee has considered. Similar issues and themes that arose in our consideration of the Provisional UK Common Framework on Nutrition Labelling, Composition and Standards (NLCS) were again raised during the course of our scrutiny of this Framework.

Parliament as conduit between stakeholders and Scottish Government

You stated in your response to our commentary on the NLCS provisional framework the Committee plays a crucial role in relation to highlighting stakeholder concerns or issues with provisional frameworks.

Our scrutiny of the FFSH Framework has again shown concerns from stakeholders about who has been consulted on the framework and the extent of the scrutiny conducted.

We consider our scrutiny to date of frameworks has raised both the profile of specific frameworks and understanding from stakeholders that the Parliament has a role to play in ensuring frameworks are fit for purpose. The Committee has since received approaches from stakeholders requesting information on when other provisional frameworks within our remit will be scrutinised and how they can be involved.

We see the establishment of our role as a conduit between stakeholders and Scottish Government on frameworks as key and are pleased the Scottish Government recognises this too. We hope this will assist in ensuring appropriate consultation of provisional frameworks is conducted by the Scottish Government in advance of our receipt of them. We also wish to ensure that our engagement with stakeholders will be used to inform decision taking before finalisation of a framework.

Monitoring of framework implementation

We received evidence from Professor Paul Haggarty that “The mechanisms in relation to food and feed safety regulation, enforcement, etc, have developed organically over decades. They work well but they are enormously complicated. It is possible that the UK may fail to maintain those standards inadvertently by failing to appreciate the full complexity of the process”.

In response to this concern Geoff Ogle, Chief Executive, Food Standards Scotland assured the Committee that he was confident that FSS had the “capacity, capability and experience they need” to maintain standards.

- **How will FSS be assessed in this regard? What measures will be used to determine if FSS has ensured the same standards are maintained? What indicators will there be if standards do begin to fall short?**

We note scrutiny of this provisional framework by the [House of Lords Common Frameworks Scrutiny Committee](#) established that the Frameworks Management Group will conduct an annual review of the framework and produce a report that will be publicly available. We support the House of Lords Committee’s call for reference to this annual review report to be included in the framework and shared with relevant parliamentary committees.

- **Are you able to confirm this approach will be adopted? It would assist if this annual report could contain a summary of the changes made under the framework over the year and a forward look indicating expected changes in the coming year. It would also be helpful to have an indication of when the first annual review of the framework would expect to be produced.**
- **As we stated in relation to consideration of the NLCS framework for the Committee’s monitoring of developments to be proportionate and timely**

the Committee should also be provided with updates by the Scottish Government when material changes in Scottish procedures under this framework are proposed. The Committee should not have to await receipt of the annual report to learn of developments that have already taken place. The Committee should be provided an opportunity to input in good time to comment on and influence proposed approaches. It would assist the Committee if the Scottish Government could set out how such a request could be facilitated given both our scrutiny role and the Scottish Government's monitoring and role in the framework's implementation and ongoing development.

Engagement with EU

Stakeholders suggested the European Food Safety Authority should be consulted on the framework. You raised concern about the appropriateness of asking EU institutions on an intra-UK liaison and policy but noted the need for maintaining dialogue with the EU.

The EFSA continues to have UK expertise on it. There will also be some form of alignment with EU rules on exports to the EU. We therefore consider it important that as this framework develops and beds in this dialogue continues.

- **How will you ensure this dialogue with the EFSA is maintained?**

Operability of the Framework

We heard concerns from stakeholders that as EU and Great Britain law diverges the EU will require more and more reassurances that products produced in Scotland will adhere with their standards.

- **Is this a concern you share and how can it be mitigated?**

Northern Ireland Protocol

The interoperability of EU frameworks we have considered to date and the Ireland/Northern Ireland Protocol has been highlighted by recent events. This has included in relation to food safety checks for goods going from Great Britain to Northern Ireland.

- **What role has the Scottish Government and FSS played in these recent events relating to the interoperability of the frameworks and the Northern Ireland Protocol?**

UK Internal Market Act

We note during your evidence session you suggested that there were examples of potential instances where a divergent policy approach may be agreed but this could

result in problems developing if the market access principles in the Internal Market Act were applied.

Do you consider in such instances where divergent policies are agreed an additional stage could be added to the framework's process to allow consideration of whether the market access principles should apply? We note the House of Lords Committee has explored this issue with the FSA who have indicated this additional stage should be added to the framework. Are you supportive of this approach?

If this results in exemptions from the market access principles being applied how would the Parliament be informed and wider stakeholders?

It would be helpful if a response could be received by **Wednesday 10 March**.

A copy of this letter will be sent to the other legislators currently considering this provisional framework.

Yours sincerely

Lewis Macdonald
Convener, Health and Sport Committee