

Lewis Macdonald MSP
Convenor
Health and Sport Committee
Scottish Parliament
Edinburgh
EH99 1SP

22 October 2020

Dear Lewis

I am pleased to share the provisional UK Common Framework on Nutrition labelling, Composition and Standards with you.

Food Standards Scotland officials, together with their counterparts in the UK Government, Welsh Government and the Northern Ireland Executive have been working jointly to develop a Common Framework on Nutrition labelling, Composition and Standards. As you will be aware, it is the view of Scottish Government that the correct and proportionate means of dealing with policy differences across UK nations after leaving the EU, is through the common frameworks process.

This provisional framework was confirmed by the Joint Ministerial Committee (European Negotiations) on 9th September 2020. I am sharing this provisional framework for your Committee to scrutinise and I would be grateful if the Committee could please provide commentary within 28 days of receipt of this letter. Officials from Food Standards Scotland will be available to give evidence if required.

The provisional framework consists of a Framework Outline Agreement and Concordat. Please find enclosed a summary of the framework (attached to this letter) with the Framework Outline Agreement and Concordat included as annexes. The intention is to finalise the framework agreement by the end of the year.

I am copying this letter to Bruce Crawford MSP, Chair of the Finance and Constitution Committee due to the Committee's interest in the overall UK Common Framework programme.

Joe FitzPatrick

SUMMARY

UK Common Framework on Nutrition labelling, Composition and Standards (NLCS)

1. Framework ownership

- *Responsible portfolio Minister:* Joe Fitzpatrick
- *Lead department:* Food Standards Scotland – contact: Jennifer Howie
- *Lead Committee:* Health and Sport

2. Points for the Parliamentary Committees to note

a. Procedural – background and next steps

- JMC(EN) confirmation of the draft framework took place on 9th September
- Ministerial sign off on the final framework will follow scrutiny – anticipated early December 2020.

b. Framework format

- Non-legislative agreement (via Concordat signed by Ministers)

c. Framework Content

- The framework provides a governance mechanism for decisions relating to changes in the following policy areas (which are currently provided for at an EU level): nutrition and health claims made on foods; the addition of vitamins, minerals and certain other substances to foods; composition and labelling of food supplements; the composition and labelling of food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control (“Foods for Specific Groups”).
- The implementation of the Nutrition Framework would support delivery of a consistent UK approach in this policy area as well as providing an efficient GB wide administrative mechanism for authorising/amending health claims on food.
- The Framework supports the continuation of existing good practice among the four administrations and emphasises information sharing, with all administrations being responsible for sharing information with all other parties in relation to the policy areas set out as being within scope.
- Principles agreed in the framework would be applied to any future policy development in currently harmonised EU areas (ie areas in framework scope).

d. Cross cutting issues

- The Ireland/Northern Ireland Protocol impacts on this area as EU authorisations and legislation will apply to products produced in Northern Ireland. As the UK Government is legislating through the Internal Market

Bill (IMB) to secure unfettered access to GB from NI for such products, EU legislation will require to be consideration on a four country basis to determine whether it is appropriate for amendments in law to be made across the UK as a whole.

- The IMB also includes broader Market Access Principles, which would mean that irrespective of the policy determinations made in this framework, Ministerial decisions taken in each GB country would only be binding on the products produced in those countries (or to product imported directly from 3rd countries into those parts of the UK).