

PROPOSED APPROACH TO RETAINED EU LAW FOR FOOD AND FEED SAFETY AND HYGIENE CONSULTATION	2nd October 2018
TO: ENVIRONMENTAL SERVICES COMMITTEE	
FOR DECISION	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Accelerating Our Economy and Contributing to Prosperity
Outcome	Retention of EU Law for Food and Feed Safety and Hygiene
Lead Officer	Food, Health & Safety and Consumer Protection Manager
Cost: (If applicable)	N/A

Background

Following the vote to leave the European Union in the 2016 UK referendum the European Union (Withdrawal) Act 2018 (EUWA) was passed in June 2018. The EUWA provides that, on exit from the EU, certain directly applicable EU legislation will be converted into UK law.

The EUWA also provides ministers with powers to make corrections to retained EU law, so that it operates effectively as UK law. These corrections will be made by way of statutory instruments, which departments are now preparing.

Ministers in Westminster, Scotland and Wales and officials in Northern Ireland have been working with the Food Standards Agency and Food Standards Scotland to ensure that, when the UK leaves the EU, the high standard of food safety and consumer protection which we presently enjoy is maintained.

There are, at present, many functions which retained EU law requires certain EU bodies (such as the EU Commission) to perform in respect of the UK. But, once the UK leaves the EU, these EU bodies will no longer perform those functions. Therefore, retained EU law will not work properly unless these functions transfer to UK public bodies.

This consultation concerns corrections which ministers propose to make to retained EU law relating to food and animal feed safety and hygiene, with particular regard to the functions of certain EU bodies and institutions.

The full consultation paper can be found at <https://www.food.gov.uk/news-alerts/consultations/proposed-approach-to-retained-eu-law-for-food-and-feed-safety-and-hygiene>

Attached as Appendix 1 is a suggested response to the consultation. The closing date for submission of responses to the Food Standards Agency is 14th October 2018.

Recommendation

It is recommended that Council endorse this response.

APPENDIX 1

Causeway Coast and Glens Borough Council consultation response on Proposed Approach To Retained EU Law for Food and Feed Safety and Hygiene

Causeway Coast and Glens Borough Council (CC&G BC) welcomes the opportunity to comment on the Proposed Approach to Retained EU Law for Food and Feed Safety and Hygiene. Furthermore the Council welcomes that the Food Standards Agency has confirmed its priority, for when the UK leaves the EU, is to maintain the UK's high standards of food and feed safety. Whilst the Council wishes to see the Government agreeing a good deal for both sides with the EU, it recognises the need to plan for all scenarios, including the unlikely outcome that the UK will leave the EU without a deal in March 2019.

It is essential that the FSA and UK Government continue to work with Local Authorities and share information at the earliest opportunity regarding plans for day one scenarios for food law regulation, in particular in relation to export and import controls. Controls both inland and at ports must be considered.

The Council is aware that English port health authorities, the UK government and the Food Standards Agency attend a Port Health Authorities Border Planning Group to discuss EU exit arrangements, the Council would ask that the FSA seek this group to extend its representation to include other nations and in particular to invite representation from local port health and border authorities.

Q1: Do you have any comments on the proposed approach to fixing inoperabilities in the retained EU Law for day one of Exit from the EU as set out in this consultation?

The Council without prejudice to potential future arrangements between the UK and the EU supports the proposals as necessary to ensure retained EU food law is operable on exit.

Q2: Do you identify any concerns or risks regarding the proposed approach to fix inoperabilities in retained EU Law that appear not to have been adequately addressed?

No

Q3: Are you aware of any impacts of the proposed measures that have not been identified in this consultation?

No

Q4: Do you agree with the impacts that have been identified within this consultation?

No comment

Q5: While this consultation addresses what is being done to ensure retained EU law functions on the day the UK leaves the EU, do you have any general comments on food and feed safety and hygiene in the UK after EU Exit?

CC&G BC has the following general comments on food and feed safety and hygiene in the UK after EU Exit:

1. Any future changes to regulatory controls after the UK leaves the EU should provide the same, or an improved, level of consumer protection.
2. Any changes to the current legislation should be commensurate with the risk posed by different activities and trades and minimise the regulatory burden on council's and food businesses.
3. In order to avoid the need for food safety checks on imports from EU countries the UK should continue to recognise EU food safety controls, including controls carried out at EU borders on 3rd country imports. This will be particularly important for Northern Ireland considering its land border with the Republic of Ireland, the significant cross border trade including frequent crossings by small traders. This would best be done as part of a reciprocal agreement with mutual recognition, to reduce the need for both additional import and export controls, to promote regulatory alignment, and facilitate UK-EU trade.
4. It is anticipated that some additional food safety controls/activities will be required by local authorities and port health authorities as a result of EU EXIT and it is important that these should be either on a full cost recovery basis or funded by the UK Government to avoid additional financial burdens on local authorities.
5. The current checks at UK and EU borders on third country imports should be maintained to facilitate free movement of goods within the EU, and between the EU and the UK, and the UK should seek to maintain access to existing European Union IT and rapid alert arrangements.