



HOUSE OF LORDS

European Union Committee

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Steve Brine MP
Parliamentary Under Secretary of State for Public Health
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Dear Steve

At the EU Energy and Environment Sub-Committee's meeting on 4 July, we heard from a range of witnesses about the implications of Brexit for food safety risk management.

As you will be well aware, food and feed regulation in the UK currently flows almost entirely from the EU. The European Food Safety Authority (EFSA) undertake risk assessments. The European Commission then propose legislation to implement measures to manage the risks identified. We heard how these proposals are discussed by the Standing Committee on Plants, Animals, Food and Feed: a committee made up of national experts representing EU governments (with the Food Standards Agency representing the UK). Heather Hancock, Chair of the Food Standards Agency (FSA) told us that in the majority of cases the Standing Committee make the decision on the proposal and it is simply noted on the agenda of the Council of Ministers meeting. She explained that where the Commission's proposal came in the form of a delegated act (rather than an implementing act), "the Council and the Parliament can be consulted, but they can challenge the decisions only by exception. In practice, that has happened only on the most sensitive issues."

When the UK leaves the EU it will, we assume, no longer be a member of the Standing Committee and no longer automatically follow the risk management decisions made by the EU. We would be grateful if you could confirm these two assumptions are correct. We would also be grateful if you could clarify what will happen during any transition period. If a transition period is agreed, will the UK (via the FSA) remain a full voting member of the Standing Committee during that time? And will the UK continue to implement the EU's risk management decisions related to food and feed during the transition period?

Assuming the UK does leave the EU risk management decision making process (either in March 2019 or at the end of a transition period), a process will need to be put in place to make these decisions domestically. We heard from Heather Hancock that the FSA has developed one proposal for how this might be done, through the establishment of a new advisory committee to fulfil the role of the EU Standing Committee (with the FSA undertaking the EFSA risk assessment role). Most risk management decisions would then be taken by the FSA, based on the committee's advice; those with wider public policy implications (in terms of environmental sustainability, ethics etc) would be referred to

Ministers along with the FSA's recommendation. Does the Government support the proposal, or is an alternative model being developed? Given the amount of work that will need to be undertaken to put the new processes in place, when will you be making a final decision on how food safety risk-management decisions will be taken?

The witnesses we heard from expressed strong support for maintaining the principles that underpinned the creation of the FSA and EFSA – using expert committees to make evidence-based decisions, being arms-length from Ministers to maintain independence, and meeting (and making decisions) in public to ensure transparency. Can you provide reassurance that any model adopted post-Brexit will adhere to these principles? Can you provide specific reassurance that the day-to-day operations of, and decision-making by, the FSA will remain independent from Government Ministers?

The FSA has traditionally reported through the Department of Health; an arrangement created out of a recognition of the need to separate the interests of producers from decisions about food safety. Given that EFSA/ the Standing Committee's remit encompasses issues that would normally sit with Defra, however, where do you envisage Ministerial responsibility sitting?

While we understand that the Government hopes to secure a deal with the EU that would result in a transition period, there is a possibility that the UK will leave the EU in March 2019 with no deal. What steps are you taking to ensure that domestic arrangements to make food safety risk management decisions will be in place by then? We heard from Heather Hancock that the FSA does not currently have the legal powers it would need to implement its proposal. If you do support the FSA's proposal, when will you set out the process and timescale for providing the FSA with the additional legal powers it would require?

Helen Munday from the Food and Drink Federation told us that, whilst it would still have access to EFSA's risk assessments (because they are made publicly available), the UK will lose access to the detailed data that informed those risk assessments when it leaves the EU. Sue Davies from Which? raised concern that the UK may also lose access to the EU's Rapid Alert System (for food and feed safety alerts), the TRACES system (which provides information on livestock and food imports) and other information sources. What assessment have you made of the impact this will have on the UK's ability to make informed food safety risk management decisions and what steps are you taking to mitigate the risks it might pose?

We are sure you will agree that maintaining the highest possible levels of food safety, and public confidence in how decisions around food safety are made, is critically important, and we look forward to your response.



Lord Teverson
Chairman of the EU Energy and Environment Sub-Committee

Cc Lord Gardiner of Kimble, Parliamentary Under Secretary of State for Rural Affairs and Biosecurity, Department for Environment, Food and Rural Affairs