

FSA Consultation: Proposed Approach to Retained EU Law for Food and Feed Safety and Hygiene

HFMA response - October 2018

The HFMA

The HFMA is a trade association that represents around 120 businesses from across the UK, which manufacture and supply natural health products, and 75% of our members are SMEs. We are the authoritative and responsible voice for the UK natural products industry and work effectively to represent the interests of the industry at all levels of the legislative, regulatory and Parliamentary process.

The HFMA's response to this consultation is as follows:

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?

HFMA Response:

In general, HFMA agrees with the proposed approach to fixing inoperabilities in the retained EU Law from day one of Exit from the EU. However, it urges the Government to ensure that the Food Standards Agency is sufficiently resourced to take on any additional responsibilities to facilitate a smooth transition. The HFMA recognises that the UK's departure from the EU will create gaps in the food safety regulatory regime for the UK and would prefer as simple a system as possible, equivalent to, but more efficient than, the current EU approach to risk management and decision making.

HFMA would support the option whereby those decisions that would currently be taken at Commission Working Group level should be delegated to the FSA within England, Wales and Northern Ireland and to FSS in Scotland, within a governance framework that provides ministerial oversight and allows specific decisions to be removed from the scope of the delegation.

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?

HFMA Response:

HFMA would prefer a system that minimises inconsistencies in enforcement across the UK. So, any framework that ensured consistency across Government Departments, the devolved authorities and Local Authorities would be welcomed.

Furthermore, EU-Exit provides the opportunity to create a single body with responsibility for all food and feed law, instead of the current split between the Food Standards Agency, Defra and DHSC. A strengthened Food Standards Agency with extra resources and key talent transferred from Defra and DHSC could provide an excellent solution.

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

HFMA Response:

A key action is to provide a suitable replacement for the risk management function currently undertaken by the European Commission and for the risk assessment function currently undertaken by the European Food Safety Authority (EFSA).

The HFMA would welcome a different approach from a new UK body which, whilst putting science and safety at the heart of decisions, took a more pragmatic approach to the needs of business and consumer demand for healthy and novel foods. For example, health claims for probiotics and other food supplements that are supported by sound science and clinical studies, and decades of safe use, but have been rejected by EFSA.

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

HFMA Response:

HFMA suggest that the one-off familiarisation costs suggested by the consultation are underestimated. It would take longer than 30 minutes to read, digest, write policies and disseminate information to stakeholders. This applies to both industry and enforcement authorities. A week would perhaps be more realistic, and some clarification is needed as to what businesses will be receiving in return for any costs incurred (for example, some form of guidance note)?

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?

HFMA Response:

HFMA believes that EU-Exit provides an opportunity to improve food and feed law across the UK. Key drivers should be consumer protection, a light-touch approach for good businesses, a zero tolerance for rogue traders and sound but pragmatic decisions on nutrition and health claims based on the latest science and evidence.

A new, well-resourced Government body with responsibility for all food and feed law could provide a more streamlined and coordinated approach to food enforcement. This could benefit both consumers and responsible businesses, and lead to improvements in the UK's already world-class food and drink sector.

Contact

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