

Potential Divergence of Food Safety Regulations Within the UK: Appendix 2

Research materials: hypothetical scenarios

Example 1: Chilled chopped fruit

- new research commissioned by the EU suggests that a lower storage temperature in supply chains can improve the quality, food safety and shelf life of ready-to-eat chilled, chopped fruit. This can also help to reduce waste and increase consumer access to fruit products.
- the European Food Safety Authority (EFSA) recommends the EU amends their legislation to adopt this lower temperature for ready-to-eat fruit product manufacturing.
- the FSA and FSS carry out their own risk analysis and do not agree with the EFSA recommendation due to higher business costs for a marginal increase in food safety. They recommend keeping the existing legislation in place for England, Wales and Scotland. However, Northern Ireland must follow the new EU legislation.
- due to regulatory divergence, two chopped and chilled pineapple products could appear next to each other on shelves, one at facility which has used the new lower temperature and another which uses the existing storage temperature.

Figure 1: Chilled chopped fruit scenario

Example 2: Meat processing

- the EU places additional requirements on meat cutting plants following publication of new evidence from the European Food Safety Authority (EFSA). These requirements reduce the risk of a certain foodborne disease but implementing them significantly adds to business costs.
- the FSA does not recommend implementing the same requirements for a number of reasons: the prevalence of the disease is lower in the UK, the disease itself does not present significant health risks, and the change is not considered proportionate to the costs the requirements would generate industry.
- Food Standards Scotland (FSS) and Scottish Ministers want to implement the change because there is some evidence that there are slightly higher outbreak levels of the foodborne disease in Scotland than in the rest of the UK.
- animal products produced in England and Wales could still be sold in Scotland, but they could not be used in onward processing for example, to use English or Welsh meat in burgers produced in Scotland. The difference would not be shown on product labelling anywhere in Great Britain.

Figure 2: Meat processing scenario

Example 3: Food packaging

- a new packaging material for meat and fish has been developed to help reduce food waste. This new material releases chemical during the life of the product. This is designed to reduce spoilage by using a component that monitors gasses within the product and produces a colour change when it is no longer safe to eat.
- the EU is concerned that the packaging could mislead customers about the product age or quality and worries the material could mask bad practices in the food chain.
- the FSA receives a positive safety assessment after testing the product. They believe the benefits outweigh the EU's concerns, which can be addressed through labelling.
- UK ministers accept the FSA advice and authorise the use of the packaging subject to this specific labelling. The new packaging is more expensive but helps businesses to meet sustainability goals and helps consumers to reduce food waste in their homes. As businesses in NI must comply with EU regulations, this new packaging cannot be used for products produced in NI.

Figure 3: Food Packaging scenario

Example 4: A vegetable additive

- the EU's Food Safety Agency (EFSA) consider an existing vegetable additive (permitted in both the EU and UK) to be of risk to the public. The European Commission removes authorisation for the additive to be used in the EU.
- the FSA's risk analysis process concludes that this removal is not proportionate to the risk given likely consumption levels of the additive. They advise Ministers in England and Wales that they can continue to use the additive but place future requirements on the amount which can be used in a product.
- The FSS agree with the FSA risk analysis but Scottish Ministers decide not to authorise continued use of the additive due to the Scottish Government's broad policy ambition to remain aligned with the EU.
- due to the UK legislation and regulatory divergence, products containing the vegetable additive can be sold in Scotland for consumers to purchase, but cannot be used for onward processing.

Figure 4: Vegetable additive scenario

