Joint Section 42 advice: UK - India Free Trade Agreement

Joint advice from the FSA and FSS on the UK-India Free Trade Agreement (FTA).

Introduction

1.1 As the UK's statutory authorities responsible for safeguarding food and feed safety and protecting consumer interests—within England, Wales, and Northern Ireland (FSA), and within Scotland (FSS)—the Food Standards Agency and Food Standards Scotland have been commissioned by the Minister of State for Trade Policy and Economic Security to deliver joint advice regarding the UK's accession to the UK-India Comprehensive Economic and Trade Agreement (CETA) (footnote 1)

1.2 The UK-India CETA originated from the Enhanced Trade Partnership (ETP) agreed in May 2021, which laid the foundation for deeper trade co-operation. Formal negotiations commenced in January 2022, and an agreement was reached in May 2025, with the deal signed on 24th July 2025.

1.3 Before the CETA can take legal effect, it must undergo formal scrutiny in Parliament, as required by the Constitutional Reform and Governance Act 2010 (footnote 2). To support this process, the Government will publish a report under Section 42 of the 2020 Agriculture Act — an independent assessment focused specifically on agricultural trade. This report will evaluate whether the CETA's provisions uphold the UK's existing legal standards for protecting human, animal, and plant health, as well as animal welfare and the environment.

1.4 The request from the Minister came under Section 42(4) of the Agriculture Act 2020 (footnote 3) and focused on whether the provisions in the UK-India CETA affecting human health maintain the UK's statutory protections, specifically within the areas overseen by FSA and FSS. This document presents the FSA and FSS's joint assessment, which will be included as an annex to the Government's Section 42 Report.

1.5 In summary, the FSA/FSS assessment is that:

- No changes to UK food and animal feed laws or standards are needed for the UK-India CETA to take effect.
- The UK-India CETA maintains all current UK rules and statutory protections on food safety and nutrition that fall under the responsibilities of the FSA and FSS.
- Some stakeholders and members of the public have expressed concerns about the agreement with India. Their concerns mostly centre on production standards, specifically the use in India of pesticides and antibiotics prohibited in the UK, and exceeding UK MRL's (maximum residue levels) for pesticide residues. This feedback was shared in response to our Call for Evidence, and we reflect the key points related to FSA and FSS responsibilities later in this report under Section 12.
- The agreement respects the respective powers of the UK Government and the devolved administrations to set rules on sanitary and phytosanitary (SPS) measures within their

areas of competence. This means that any future decisions about domestic regulations will remain under UK and devolved government control.
- The agreement with India does not require any changes to UK laws that protect public health in relation to nutrition. This is based on analysis by the FSA and FSS, covering areas such as nutrition and health claims, adding vitamins and minerals, food supplements, foods for specific groups, and nutrition labelling.
- This trade agreement does not restrict the UK's ability to negotiate an SPS Agreement with the EU.

2. Scope of FSA and FSS advice

2.1 In line with their statutory responsibilities and policy roles, the FSA and FSS are providing advice focused on human health, including food safety and nutrition-related protections (footnote 4) (footnote 5). For the purposes of this advice, any reference to food safety includes feed safety where it relates to human health, noting that feed safety in relation to animal health falls under the remit of the Trade and Agriculture Commission (TAC), which also contributes to the Section 42 report. Nutrition policy across the UK is led by different bodies: the Department of Health and Social Care in England, the Welsh Government in Wales, Food Standards Scotland in Scotland, and the Food Standards Agency in Northern Ireland—where it operates as part of the UK-wide FSA. For this report, we have sought advice from FSA nutrition specialists in FSA Northern Ireland, and from FSS.

2.2 For the purposes of this assessment, “UK levels of statutory protection” are defined—as set out in the Agriculture Act 2020—as the legal protections in force across any part of the UK at the time this Section 42 report is issued. Because food safety and nutrition are devolved matters, legislation from all four nations is relevant to this analysis. This includes national laws that apply specifically in England, Scotland, Wales, or Northern Ireland. However, existing international obligations— such as those outlined in Article 1.2, which governs the relationship between the UK India CETA and the Windsor Framework—fall outside the scope of this advice (footnote 6). As such, the CETA does not alter the application of laws already governed by those obligations. All references to UK statutory protections in this advice are therefore limited to the domestic legislation described above.

2.3 This advice does not extend to food standards unrelated to human health—such as rules of origin, geographical indications, organic certification, or advertising regulations—which fall outside the scope of this commission and of FSA and FSS remits as food safety authorities. Similarly, issues not directly linked to public health, including tariffs, technical specifications, trade facilitation, and market access rules outside of the scope of SPS measures, are excluded. Matters concerning statutory protections for animal and plant health, animal welfare, and environmental standards are addressed separately by the TAC. 2.4 Official controls apply to all food products imported to the UK and are carried out by competent authorities under the oversight of the FSA, FSS, and the UK and Devolved Governments. For India, these controls will remain in place under the new UK-India CETA, in a dynamic risk-based regime. This means there will still be a requirement for pre-notification of imports from India as well as necessary certification, supported by physical checks. Beyond routine checks, the FSA and FSS can also introduce emergency import restrictions or safeguards when necessary for any imports for any country. Examples of enhanced controls taking place in practice on foods imported from India are provided below in Section 11. The FSA and FSS also continue to work with the Department for Environment, Food and Rural Affairs (Defra) to assess applications for new market access, which is a separate process from Free Trade Agreement (FTA) negotiations. Market access for Products of Animal Origin (POAO) and enhanced checks based on risk for High-Risk Foods not of Animal Origin (HRFNAO) processes are not affected by this trade agreement and will continue to apply for trade with India.

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2.5 As the UK's independent food safety competent authorities, the FSA and FSS recognise the importance of upholding the UK's high food safety standards and ensuring that trade agreements are subject to rigorous health impact assessments to safeguard consumers' health. Stakeholder submissions to the Call for Evidence launched by both agencies on 1st August 2025 have received contributions from nine interested parties. In addressing these, our analysis has focused on the relevant provisions of the UK-India CETA and their interactions with the UK's international obligations under the WTO and UK's existing statutory protections for human health, including food and feed safety and nutrition. We also acknowledge that some of the issues raised fall outside our statutory remit and the scope of our contribution to the Section 42 report but are important to the public and will be considered as part this report where relevant.

2.6 In June 2025 and for the past few years, the FSA and FSS have provided retrospective insights into broader food trade issues through their joint publication, Our Food: An annual review of food standards across the UK (footnote 7). This report offers an evidence-based overview of trends, challenges, and developments in food standards, complementing the advice provided here. The FSA and FSS published research through their UK Food and You 2 Survey (footnote 8) (footnote 9)that cited that consumers are concerned about food produced outside the UK having the same hygiene, safety and integrity compared to food produced in the UK.

3. Trade with India

3.1 India is an important trading partner for the UK when it comes to food and agricultural products. While India doesn't send any beef, eggs, or pork to the UK, it is a leading exporter for other food products. For example, rice is a major import; nearly one-third of all rice brought into the UK comes from India, making it our biggest rice supplier.

3.2 From HMRC (footnote 10) UK trade data:

- India is ranked #1 for herbs and spices imports into the UK
- India is also ranked #1 for infant food into the UK, however this is from exporting a large amount of Rusk to the UK. Rusk is a twice baked bread product, or hard bread which is commonly used for teething babies.
- India accounts for 29.6% of all UK rice imports—including husked brown rice, broken rice, and semi-milled rice—highlighting its pivotal role in meeting the UK's rice demand.

3.3 As part of this close trade relationship, the UK maintains ongoing co-operation and engagement with the Indian authorities, which plays an important role in ensuring the safety of imported foods. The FSA and FSS are hoping to finalise a Memorandum of Understanding (MoU) with the Food Safety and Standards Authority of India (FSSAI), to further enhance the UK-India CETA by an increase of both Parties' co-operation during food incidents, communication, information sharing and understanding of one another's SPS regimes. The FSA and FSS are

continuing to engage with the Indian authorities when issues such as non-compliances and incidents emerge and look forward to improved cooperation as a result of the FTA and MoU.

4. Overview of provisions in the India FTA

4.1 The UK and Indian Governments recognise in the Preamble of the CETA their sovereign right to regulate and maintain the flexibility to set their own legislative and regulatory priorities (footnote 11). This includes the ability to safeguard public welfare and uphold legitimate public policy objectives such as the protection of public health, food safety, environmental sustainability, and public morals. These decisions will be supported by transparent, evidence-based advice from the FSA, FSS, and other relevant expert bodies, ensuring that regulatory choices reflect both scientific rigour and the public interest.

4.2 Chapter 1 of the Agreement reaffirms the Parties' existing rights and obligations under international instruments to which they are all signatories, including the WTO Agreements (footnote 12) (footnote 13). Within the domain of food safety and nutrition, these international commitments do not constrain the UK Government or devolved administrations from taking proportionate, unilateral action necessary to safeguard consumer health across the UK.

Article 1.4 "General Definitions" clarifies that "SPS Agreement" in the context of the CETA means the Agreement on the Application of Sanitary and Phytosanitary Measures, set out in Annex 1A to the WTO Agreement (footnote 14). This, along with references within the SPS Chapter, evidences the primacy of the WTO SPS Agreement as the main basis for international trade in foodstuffs.

5. Relevant chapter analysis

5.1 In assessing the maintenance of existing statutory protections for food safety and nutrition, the following chapters are particularly relevant due to their close links to UK food safety and nutrition legislation safeguarding human health as well as to FSA and FSS operational work:

- Chapter 2 – Trade in Goods
- Chapter 5 – Customs and Trade Facilitation
- Chapter 6 – Sanitary and Phytosanitary Measures
- Chapter 7 – Technical Barriers to Trade
- Chapter 16 – Competition and Consumers Protection

6. Chapter 2 - trade in goods

6.1 Chapter 2 of the UK–India CETA sets out how both countries will treat each other's goods fairly in trade (footnote 15). It ensures that goods imported from India will be treated the same as UK-made goods, and vice versa. The chapter also includes agreements on tariffs—how much tax is applied to different goods when they cross borders. These tariff commitments are listed in annexes and help make trade more predictable. Importantly, the chapter includes a safeguard for agricultural goods. This means that once a product qualifies under the agreement, it won't face sudden tariff increases that countries sometimes use to protect domestic producers. This helps ensure stability for UK and Indian exporters and importers and may also support food security and price stability by helping maintain a steady flow of imports during periods of domestic supply pressure.

7. Chapter 5 - customs and trade facilitation

7.1 This chapter sets out how the UK and India will simplify customs procedures to support smoother trade, while maintaining robust regulatory checks (Article 5.1). It includes commitments

to release goods promptly—ideally within 48 hours for non-perishable items (Article 5.5) and as quickly as possible for perishables (Article 5.6)—provided all documentation and regulatory requirements are met. Crucially, this includes completion of sanitary and phytosanitary (SPS) checks. 7.2 The agreement also supports the use of risk management systems to focus border checks on high-risk consignments (Article 5.7). This aligns with the UK's risk-based SPS regime, ensuring that food safety controls remain in place and are proportionate to the level of risk. These provisions help facilitate trade without compromising public health protections.

8. Chapter 6 – Sanitary and Phytosanitary (SPS) measures

8.1 The SPS chapter text agreed within the UK-India CETA is of fundamental importance as regards to reserving the UK's right to maintain existing laws and regulations to protect human life and health, including food safety and nutrition. It is also important in preventing any limitations in the way food regulation and enforcement is implemented in the UK. The following key Articles outline how the text achieves this.

8.2 Article 6.1 - definitions:

The Definitions Article in the SPS Chapter aligns with those within Annex A of the WTO SPS Agreement. This is important to ensure consistency in language during dialogue between the parties and for traders.

8.3 Article 6.6 - equivalence:

The article states that Parties agree that recognising the equivalence of sanitary and phytosanitary (SPS) measures is key to facilitating trade. Equivalence can be recognised even if measures differ, provided the exporting Party proves they meet the importing Party's appropriate level of protection, in line with Article 4 of the WTO SPS Agreement (footnote 16). Final decisions on equivalence rest with the importing Party, in line with its legal framework and international guidance. No new equivalence decisions for agri-food products were proposed under the UK's agreement with India. If the UK receives future requests for equivalence, the FSA and FSS would work closely with other government departments to assess them. We would also advise on any specific trade conditions—such as processing or packaging requirements— needed to meet UK food safety standards. This trade deal does not grant any preferential treatment in relation to the outcome of a request. Any equivalence decision would not prevent the UK from updating its SPS regime in future to protect consumers. If changes are made, existing determinations would be reviewed accordingly.

8.4 Article 6.8 - audit

The article sets out how one Party may audit the other's regulatory systems to ensure compliance with agreed SPS import requirements. These audits aim to build and maintain trust in the exporting Party's controls and must be based on international standards and WTO guidance. This Article does not prevent the UK from conducting audits were justified to verify India's food safety controls, nor from taking emergency measures to protect food safety when necessary.

8.5 Article 6:10 - import checks

This article establishes the right of the importing Party to carry out import checks based on the SPS risks associated with goods. This Article does not limit the UK's ability to carry out risk-based import checks or to take enforcement action when noncompliance is found, in accordance with existing UK laws and regulations. The emphasis on risk-based checks in this Article is in alignment with the UK's risk-based approach to official controls.

8.6 Article 6:11 - emergency measures

This article allows a Party to adopt emergency measures to protect human, animal, or plant life or health, and to consult where appropriate with the other party within specific timeframes, adding certainty if a sudden risk to human health linked to food safety emerges.

8.7 Article 6.12 - animal welfare

The Animal Welfare article states that both Parties acknowledge the important link between good animal welfare and the health of farmed animals. Considerations around the maintenance of statutory protections for Animal Welfare in the UK-India CETA fall under the remit of the TAC advice. Animal Welfare policy is set domestically by Defra for England and by the Devolved Administrations, with FSA and FSS playing a role in the enforcement of domestic controls.

8.8 Article 6.13 - antimicrobial resistance

The article recognises antimicrobial resistance (AMR) as a serious global threat to both human and animal health, with the parties supporting a One Health approach and the Global Action Plan on AMR and commit to developing national action plans accordingly.

8.9 Article 6.14 - technical consultations

The article allows either Party to request technical consultations if concerns arise over SPS measures. These consultations should be held promptly, ideally within 30 days of the request and aim to share information and resolve issues efficiently. If other mechanisms have been used without success, consultations under this Article may still be requested to avoid unnecessary duplication.

8.10 Article 6.15 - notification and information exchange

This Article requires Parties to respond to information requests within a reasonable timeframe, reflecting current working practices of the FSA and FSS. It also avoids duplication with notification requirements at the WTO.

8.11 Article 6.19 Non-application of Dispute Settlement This article briefly explains that neither Party shall have to recourse to dispute settlement under Chapter 29 of this agreement for any matter arising from the SPS Chapter.

9. Chapter 7 - Technical Barriers to Trade (TBT)

9.1 This chapter supports the removal or reduction of technical barriers to trade in goods, while ensuring that products entering the UK market remain safe and of high quality (footnote 17). It reflects a shared commitment to advancing the use of international standards, including those shaped by UK contributions. Technical Barriers to Trade are relevant to statutory protection for human health, including food safety and nutrition, as they include areas such as standards, conformity assessments, product labelling and food contact materials, often overlapping SPS measures. The Product Sectors listed in Annex 7A in this Chapter are not relevant to the scope of this advice.

9.2 Article 7.4 - affirmation of the TBT agreement

The affirmation of the Parties' rights and obligations under the WTO TBT Agreement reflects a shared understanding that WTO provisions take precedence in the application of technical regulations, standards, and conformity assessment procedures (footnote 18). The agreed text

therefore reinforces the UK's right to adopt technical measures aimed at achieving legitimate public policy goals—such as the protection of human health and food safety—as set out in Article 2.2 of the WTO TBT Agreement and reiterates key provisions of that Agreement.

9.3 Article 7.5 - standards, guides and recommendations

This Article reiterates the WTO principle that TBT measures should, where applicable, be grounded in relevant international standards. This includes, where relevant, standards and guidance set internationally at the Codex Alimentarius Committee in relation to food safety whenever they contain a TBT element. This reaffirmation does not constrain the UK's regulatory autonomy, nor does it necessitate changes to existing statutory protections related to food safety or nutrition. Additionally, the text encourages cooperation between national conformity assessment bodies, supporting mutual understanding and facilitating smoother trade while maintaining high standards of consumer protection.

9.4 Article 7.8 - marking and labelling

The Article promotes fair and transparent labelling rules, ensuring imported goods are treated no less favourably than domestic ones. It supports flexible labelling approaches—like post-import corrections and multilingual labels—provided they don't compromise public health or safety, and aligns with WTO TBT principles. All these features are in line with UK legislation on marking and labelling and common practice.

10. Chapter 16 – competition and consumers protection

10.1 This chapter sets out commitments by both the UK and India to uphold their respective competition and consumer protection frameworks. Both countries have agreed to apply and enforce competition laws in a non-discriminatory manner, through independent authorities. Of particular interest to FSA and FSS is Article 16.4 on Consumer Protection, which outlines mutual commitments by the UK and India to uphold and strengthen consumer protection. It emphasizes the importance of safeguarding consumer welfare through effective policy and enforcement. Key provisions include maintaining laws against misleading or unfair commercial practices, ensuring statutory rights for consumers regarding goods and services, and promoting awareness and access to redress mechanisms—especially in cross-border transactions. The article also highlights the value of dispute resolution mechanisms in resolving consumer-related conflicts.

This chapter is consistent with existing consumer protection provisions under the Food Safety Act 1990, specifically Sections 14 and 15 (footnote 19), which require that food offered for sale must meet the expected nature, substance, and quality, and must not be misrepresented or inaccurately described.

11. Current border controls for Indian high risk food products

11.1 As with many other agreements the UK has in place, risk-based border controls still continue to be applied to commodities that we identify might be a risk. The FSA and FSS are responsible for delivering the legal requirements of Regulation 2019/1793 (footnote 20). In its Annexes, it lists higher risk food and feed of non-animal origin (HRFNAO) that are subject to enhanced border controls. Imports of HRFNAO from specified countries can only enter GB through appropriately designated border control posts (BCP) where official controls are undertaken including documentary, identity and physical examinations including sampling. A list of these imports can be seen in Annex 1 and 2 of Regulation 2019/1793.

A higher risk product is food or feed that is identified as either a known or emerging risk or where there is evidence of widespread serious non-compliance with the GB agri-food chain legislation. This may be due to the presence of pathogens, contaminants and toxins including aflatoxins.? The FSA and FSS carry out a joint review of the lists contained in the Annexes to Regulation 2019/1793 to ensure public health and maintain high food safety standards. This review is delivered through the joint FSA and FSS risk analysis process so that Ministers can make risk management decisions based on the FSA and FSS recommendations. All recommendations are science and evidence based and are developed and considered through a four-nation expert working group, in accordance with the Food and Feed Safety and Hygiene Common Framework, and proposed by officials in Scotland, Wales, England, and Northern Ireland.

Table 1 below shows a list of Indian products currently under import control from Regulation 2019/1793 (footnote 21) as of 18th of December 2024 with the hazard being sampled. Like commodities from many other countries, these goods face stricter import controls in comparison to other Food Not of Animal Origin (FNAO) from India, including mandatory health certificates, pre-notification, and physical inspections.

Commodities listed under Annex 1 of Regulation (EU) 2019/1793 are subject to a temporary increase in official controls due to identified risks. These goods must be pre-notified to a designated BCP and are sampled at the border according to the set frequency. As this shows, the agreement does not prevent the UK from taking appropriate action on imports from India.

In contrast, commodities listed under Annex 2 are subject to special conditions, requiring both pre-notification and submission of laboratory test results prior to entry into Great Britain, to be also accompanied by an export health certificate. These goods are also subject to additional sampling at the border, with checks carried out at a frequency specified in the legislation. The key distinction lies in the requirement for pre-export testing an additional certification required under Annex 2, which is not mandated for Annex 1 commodities.

Food or Feed Product	Hazard	Frequency of physical and identity checks
Fenugreek leaves	Pesticide Residues	Annex 1 10%
Cumin Seeds	Pesticide Residues	Annex 1 10%
Curry Leaves (Bergera/Murraya koenigii)	Pesticide Residues	Annex 1 50%
Okra	Pesticide Residues	Annex 1 20%
Drumsticks (Moringa Oleifera)	Pesticide Residues	Annex 1 20%
Cinnamon and cinnamon-tree flowers	Pesticide Residues	Annex 1 10%
Cloves (whole fruit, cloves, stems)	Pesticide Residues	Annex 1 10%
Nutmeg, mace and cardamoms	Pesticide Residues	Annex 1 10%
Nutmeg (Myristica fragrans)	Aflatoxins	Annex 1 50%
Seeds of anise, badian, fennel, coriander, cumin or caraway, juniper berries	Pesticide Residues	Annex 1 10%
Guar Gum	Pentachlorophenol and dioxins	Annex 1 20%
Ginger, saffron, turmeric (Curcuma), thyme, bay leaves, curry and other spices	Pesticide Residues	Annex 1 10%
Rice	Aflatoxins and Ochratoxin A	Annex 1 5%
Rice	Pesticide Residues	Annex 1 5%
Yardlong beans (Vigna unguiculata subsp. sesquipedalis)	Pesticide Residues	Annex 1 20%
Peppers of the genus Capsicum (sweet or other than sweet)	Aflatoxins	Annex 1 20%
Food containing or consisting of betel leaves (Piper betle)	Salmonella	Annex 2 10%
Groundnuts	Aflatoxins	Annex 2 50%
Peppers of the genus Capsicum (other than sweet)	Pesticide Residues	Annex 2 20%

Sesamum seeds	Salmonella	Annex 2 30%
Sesamum seeds	Pesticide Residues	Annex 2 30%

In the 2024 update of Regulation 2019/1793 import controls on Guar Gum and Nutmeg have been reduced due to increased compliance at the border. The FSA and FSS will continue to monitor, review, and provide recommendations to ministers regarding the Annexes to Regulation 2019/1793. This work supports decisions on whether to include additional products or adjust the frequency of checks on specific food and feed items, in line with our statutory duty to safeguard public health.

12. Evidence from stakeholders - key concerns

12.1 When considering this advice on the UK-India CETA it is helpful to outline the broader context around consumer perspectives and stakeholder concerns. The FSA and FSS, in parallel with the TAC, issued an open Call for Evidence on 1st August 2025, inviting submissions from interested parties regarding statutory protections for food safety and nutrition. This consultation remained open for eight weeks (footnote 22). We received nine submissions and held multiple discussions before the submission of the advice with stakeholders as part of the FSA's and FSS's ongoing engagement activities. We are grateful to all respondents who took the time to submit their contribution, you can find a summary of these in Annex I of this report. Relevant contributions which involve statutory protections for human health or are of particular interest to the public have been incorporated into our advice and views are summarised below.

12.2 Food Production standards: Stakeholders highlighted significant disparities in production methods, including the use by producers in India of antibiotics, pesticides and intensive farming practices that are banned in the UK. These differences, they argue, give Indian imports an unfair competitive advantage and threaten the viability of UK sectors such as dairy and beef. Other key concerns are that allergen and nutrition labelling are not considered to be as comprehensive as UK labelling. Fera Science Ltd stressed the need for enhanced UK testing infrastructure to manage the anticipated rise in high-risk imports, particularly spices, processed foods, and aquaculture products, calling for assurances that UK standards will be upheld through robust surveillance and testing capacity.

12.3 Dairy and eggs Stakeholders expressed concern that India, being the largest producer of milk from cows and buffaloes globally, has the capacity to export significant volumes of dried milk powder and dried egg products to the UK, which could pose a long-term risk to domestic dairy producers. They claim that imports of dairy and egg products may be produced using methods that are not permitted in the UK and are not aligned with UK's animal welfare standards. These include the use of antibiotics for growth promotion.

12.4 Pesticides Stakeholders including Pesticide Action Network (PAN) UK, warned that the UK–India CETA could pose significant risks to UK food safety due to weaker pesticide standards in India. They highlight that Indian Maximum Residue Levels (MRLs) for pesticides are often far higher than those permitted in Great Britain. PAN UK also points out that Indian food exports have a history of being rejected due to pesticide contamination, with basmati rice being particularly problematic. They argue that UK border controls and domestic testing capacity are insufficient to detect and prevent contaminated imports, especially given the limited scope of automatic testing and the small number of samples tested annually. Furthermore, PAN UK expresses concern over the SPS Chapter of the CETA, which promotes recognition of Indian standards as "equivalent" and encourages reliance on international benchmarks like Codex, which are generally less stringent than UK regulations. They warn that the agreement lacks reference to the precautionary principle and could allow industry pressure to weaken UK protections via the proposed SPS Subcommittee.

12.5 Consumers' attitudes toward food standards and trade In addition to consulting stakeholders through our Call for Evidence, FSA and FSS monitor consumers' preferences and attitudes in relation to food. Consumers are concerned about standards of food coming from outside the UK, and levels of concern have increased since EU Exit (footnote 23) (footnote 24). Research conducted by the FSA has consistently found that consumers are much more concerned about food produced outside the UK being safe and hygienic, and what it says it is, compared to food produced in the UK (footnote 25) (footnote 26) (footnote 27). In line with this, consumers who opposed FTAs with non-EU counties are most likely to cite lower standards of safety and food as their top reason (footnote 28).

The majority of UK consumers believe maintaining UK food standards is non-negotiable, even if this comes at the expense of international trade deals and higher food prices (footnote 29). In 2021 Which? research, only 4% of consumers said food produced to lower standards should be allowed into the UK but with a higher tariff/import tax. This view was also supported by consumers who took part in detailed discussions (via a series of public dialogues) though rejecting the idea of having two different tariffs for food produced to different standards. For these consumer groups (footnote 30), these factors have much higher priority than providing greater choice and competition to UK consumers (footnote 31).

As research has found that consumers believe maintaining UK food standards is non-negotiable, it is likely that consumers would have concerns around an FTA with India given the country's differing food standards. A survey carried out by Red Tractor in 2022 found only 18% of UK consumers trusted food produced in India, versus 73% who trusted food produced in the UK. Of the 20 countries people were asked about, only China has lower consumer trust than India. When asked about preferred sources for importing meat and dairy products, only 2% of UK consumers chose India—making it the least preferred country, even below China, which was selected by 3% (footnote 32).

It is clear from this evidence that maintaining food safety and health standards in trade deals is important to consumers and stakeholders and that there are widely held concerns about standards of some foods from India as shown in the research above.

13. FSA and FSS assessment of the issues raised by stakeholders

Food production standards

13.1 Significant differences exist between UK and Indian standards, particularly in areas such as domestic food production and pesticide use. Some of these relate to broader production practices not specifically linked to food safety and under the remit of the TAC advice. Others directly impact food safety and were raised in responses to our Call for Evidence. Some of these are actively addressed through robust UK border controls, which reject consignments that fail to meet our high safety standards. We continue to monitor these issues closely. Maintaining strong coordination and adequate resourcing across departments responsible for border and inland controls is essential to uphold consumer confidence and ensure that only food meeting UK import safety standards enters the country.

The UK is committed to maintaining high food safety standards and protecting public health. Both the UK and India are members of the World Trade Organisation (WTO), which establishes rules to promote fair and international trade. The SPS Agreement has measures which explicitly allow member states to adopt stricter food safety and public health provisions than their trading partners, provided they are scientifically justified, non-discriminatory, and proportionate to the risk. This means that the UK has autonomy to set international food safety standards as they fall into those rules. Alongside the WTO, the UK has a comprehensive legal framework that ensures trade deals do not compromise food safety or public health on imported food. This includes a number of

UK laws such as, the Food Safety Act 1990 (footnote 33), Food Hygiene Regulations England 2013 (footnote 34), the Contaminants in Food Regulation 2019 (footnote 35), additionally retained EU laws for example Regulation (EC) 178/2002 (footnote 36) and Regulation (EC) 2073/2005 (footnote 37) ensure that imported food meets the same food safety standards as food produced in the UK.

The FSA and FSS play a key role in ensuring decisions on food safety, including which new products can enter the country are based on science and evidence. Imported food controls are set following an assessment of risk, and new food products of animal origin from any country, (including those we have a bilateral or multilateral agreement with), must submit a market access request. This request must be accompanied by evidence that the food is produced in line with UK requirements, and the FSA and FSS will conduct robust risk assessments and audit of that country to verify the evidence in conjunction with the UK Office.

Regardless of FTAs, all imports to the UK must continue to meet our food safety requirements, and UK official controls at the border. This includes not only the safety of the food or feed product itself, but also the allergen and nutrition labelling. To meet UK standards, all labelling must be in English and all 14 regulated allergens (footnote 38) must be emphasised. If it does not meet UK food standards, Local Authority may decide to re-label a product to comply with UK requirements or raise as a food incident which may result in rejection of the consignment.

Existing statutory protections, such as the right to regulate for levels of protection appropriate to UK consumers based on science and evidence, and the right to take proportionate action on a provisional basis to protect consumers, will play a crucial role in addressing issues around compliance related to production standards in foods imported from India. FSA and FSS will continue to provide science and evidence based advice to ministers, taking into account consumers' wider interests in relation to food so that they can have confidence that food is safe and what it says it is. In addition to official controls carried out by UK authorities, many UK retailers, distributors and food businesses apply their own third-party assurance schemes. These include independent audits of suppliers and production sites, which provide an additional layer of safeguard and help ensure that imported food meets UK standards. While these schemes are not statutory, they play a valuable role in maintaining consumer confidence and complement the UK's regulatory framework.

Dairy and eggs

13.2 Dairy products are not imported into the UK from India as India does not have an approved veterinary residue plan (AVRP) for dairy, which is a requirement under UK legislation to ensure food safety and animal health standards (footnote 39). As a result, any dairy products or foods containing dairy ingredients originating from India would be considered non-compliant and subject to detention at the border by local authorities (footnote 40)0) (footnote 41). This restriction applies broadly to all items falling under the dairy category, including composite products that contain dairy and dried milk.

In contrast, India does have an AVRP for eggs, so egg-related imports are not subject to the same restrictions. Egg imports must comply with UK hygiene standards, and import conditions are closely monitored through a system of pre-arrival notifications, health certification, and checks at Border Control Posts. Medium-risk consignments must be declared via IPAFFS (the UK's IT platform for Import of Products, Animals, Food and Feed Systems) before arrival, accompanied by a valid health certificate from the exporting country's authority, and are subject to documentary, identity, and physical inspections upon entry. Considerations related to animal welfare fall outside of the scope of the FSA and FSS advice and are under the remit of the Trade and Agriculture Commission.

Pesticides

The FSA and FSS works to also make sure that food not of animal origin imported from India and other countries is safe to eat and does not contain harmful levels of pesticides, by monitoring food at the border and introducing additional controls where required. The UK has strict legal limits on how much pesticide residue can be left on foods, known as Maximum Residues Levels (MRLs). These are set at international level in the Codex Alimentarius, but the UK often has more stringent standards than other countries which India exports must adhere to.

All imports to GB must meet our MRLs, even where an exporting country's own limits are higher. The MRLs are enforced through Official controls and routine surveillance monitoring at the border, including sampling and testing in accredited laboratories, which are designed to pick up on non-compliances. The FSA and FSS are also part of a national monitoring programme where samples of both UK and imported foods are tested for pesticides, veterinary medicines residues and other hazards.

If unsafe levels are detected through these monitoring activities, the products can be stopped at the border, recalled from shops, or subject to tighter controls in the future in case of repeated non-compliances. This system of monitoring and evidence-based action allows FSA and FSS to apply additional controls where they are needed and generate further intelligence to inform future review. For example, since December 2024 more stringent controls have been put in place on some products from India using Assimilated Regulation 2019/1793, following the process set out in section 4 of this report, and a new review is expected to enter into force in the new year.

Based on its level of risk assessed by the FSA and FSS all rice from India is considered High Risk Food Not of Animal Origin and has a rate of physical and identity checks of 5% under this regulation. Samples are monitored regularly, and the FSA and FSS review these rates of checks regularly in line with the risk level. In case of repeated non-compliances and high risk to the public, the UK Government can impose emergency measures.

These safeguards are designed to protect the public and ensure that the food consumed by people in the UK is safe and what it says it is.

In relation to specific concerns raised by PAN on the SPS Chapter of the CETA, the ability to recognise equivalence between two SPS measures or set of measures is entirely dependent on the maintenance of appropriate levels of protection as set out by the importing country. This would include meeting UK standards on MRLs for countries wanting to export goods to GB and apply for recognition of equivalence. A country can have a lower MRL for their domestic market however if they want to export to GB they must meet our MRLs.

14. Conclusions

14.1 We have reviewed the legal text governing the UK-India CETA, focusing specifically on its implications for statutory protections in food safety and nutrition. Based on our analysis, the FSA and FSS conclude the following:

- The agreement respects the UK Government's and devolved administrations' right to make their own decisions on food safety and nutrition.
- Ministers across the UK will remain responsible for food safety regulations, advised by robust, science-based evidence from the FSA and FSS. This approach is essential to maintaining strong protections going forward.
- The agreement aligns with the UK's commitment to protecting public health through nutrition standards as set out in legislation.
- No changes to the UK's food safety legislation are required for the UK-India CETA to take effect, and the UK will continue to uphold its existing food safety laws and protections under UK legislation.
- No new equivalence decisions for agri-food products were made under the UK's agreement with India.

- If the agreement leads to an increase in food imports from India, the Government needs to ensure that all Competent Authorities involved in controlling food at the border and inland are adequately resourced.
- Stakeholders have expressed concerns regarding food production standards in foods imported from India, underscoring the importance of maintaining confidence in regulatory oversight. The UK maintains a robust and responsive border control system designed to manage emerging risks effectively and ensure imported foods meet UK import standards. The provisions within the trade agreement support this approach, enabling the implementation of emergency measures when necessary to safeguard public health and food safety.
- This trade agreement does not restrict the UK's ability to negotiate an SPS Agreement with the EU. The UK retains the right to set its own SPS rules and to negotiate bilateral and multilateral agreements, including with the EU.

1. India Free Trade Agreement (FTA) - Request for Food Standards Agency and Food Standards Scotland Advice
2. Constitutional Reform and Government Act 2010
3. Agriculture Act 2020
4. 'Nutrition' means legislation within scope of appendix II of the Nutrition Labelling, Composition and Standards Provision Common Framework
5. Food and Feed Safety and Hygiene Common Framework
6. UK India CETA - Chapter 1: Initial Provisions and General Definitions
7. Our Food 2024
8. Food and You 2: FSS
9. Food and You 2: FSA
10. HMRC Imported Food Data
11. UK-India CETA Premable
12. UK-India CETA Chapter 1: Initial Provisions and General Definitions
13. WTO Legal Texts
14. WTO Agreement on the Application of Sanitary and Phytosanitary Measures

15. Chapter 2: UK-India CETA

16. Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certificate Systems

17. UK-India CETA Chapter 7: Technical Barriers to Trade

18. WTO Agreement on Technical Barriers to Trade

19. Food Safety Act 1990

20. Regulation 2019/1793

21. Commissioning Implementing Regulation EU (2019/1793)

22. Call for Evidence: UK and India FTA

23. Citizens views on the EU and food issues (March 2021 wave)

24. The UK Public's Interests, Needs and Concerns around Food

25. Food and You 2: Wave 9 | Food Standards Agency

26. Consumer Insight Tracker

27. Food in Scotland Consumer Tracker Survey Wave 19 | Food Standards Scotland

28. Public Attitudes to Trade Tracker

29. Food in a Pandemic | Food Standards Agency

30. Are the UK's Trade Deals Reflecting Consumer Priorities? - Which? Policy and Insight

31. 2022 Annual Survey of UK Public Opinion on Foreign Policy and Global Britain (bfpg.co.uk)

32. The UK's Trust in Food Index 2022 - Red Tractor Assurance

33. Food Safety Act 1990

34. Food Hygiene Regulations England 2013

35. The Contaminants in Food Regulation 2019

36. Regulation (EC) No 178/2002

37. Commission Regulation (EC) No 2073/2005

38. Regulation (EU) No 1169/2011

39. Manual for Official Controls, Chapter 5.1 Residues: Veterinary Medicines Directorate (VMD) National Surveillance Scheme

40. VMD Guidance: Residues Surveillance

41. Defra Guidance: Submit s residue control residue control plan for exports to Great Britain