

FSA/FSS ANNUAL REPORT ON FOOD STANDARDS

Report by Rebecca Sudworth, Director of Policy

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1. Summary

- 1.1 This paper provides an update on plans for a joint Food Standards Agency (FSA) and Food Standards Scotland (FSS) annual report.

2. Introduction

- 2.1 In September 2020, the Chair reported to the Board that the executive had been asked to develop proposals for a regular published assessment giving the FSA view on food standards, contributing to our commitment to openness and transparency. During discussions on the Chief Executive's report in March, the Board was advised that the new report would be produced jointly with FSS.
- 2.2 FSA officials have since been working on plans to develop the report alongside FSS colleagues. There are several issues still being explored and the executive intends to return to the Board with its proposals later in the year.
- 2.3 This paper seeks to update the Board on progress on developing proposals for the new report and how it fits into the new reporting landscape.

3. Discussion

- 3.1 Leaving the EU has not changed the FSA's overarching mission of food we can trust. The increased interest in food standards from domestic consumers, industry and international trading partners was evident in the debates on the Agriculture and Trade Bills (now Acts). In the light of this the Board commissioned the executive to develop proposals for the new report.
- 3.2 As described in the strategic priorities paper (FSA 21/06/05), the FSA's approach to policy development is grounded in three- and four-country context with the aim of achieving as unified an approach as possible. Our work on the new report is no exception. Scottish Ministers commissioned FSS on 3 March to work collaboratively with the FSA on the report and we are working with colleagues across the FSA and with our counterparts in FSS to develop proposals.
- 3.3 The FSA and FSS are both independent government departments with the statutory remit to not only protect consumers' health, but also their wider interests, in relation to food. The report will play an important role in providing assurance in these regards, speaking with a clear, independent, voice on UK food standards.

4. Scope

- 4.1 It is proposed that the annual report would for the first time provide a routine and regular retrospective overview of how food standards change over time based on science and evidence. The heart of the report will be focused on consumer interest and whether food standards have been maintained or improved. The report would be mainly retrospective in nature whilst having the facility to note key upcoming issues which might be covered in future reports.
- 4.2 Maintaining a system of science and evidence-based food standards is vital in protecting consumers' health and other interests in relation to food and is how the UK presents its regulatory regime on the world stage to trading partners. As such, the report will also consider changes to regulatory standards informed through the Risk Analysis Process where changes are agreed by UK ministers.
- 4.3 The concept of "food standards" and the remits of the FSA and FSS, go beyond regulatory requirements for food safety and hygiene. Recognising that policy responsibility for labelling and nutrition in the UK is shared between the FSA, Defra, DHSC and the Welsh Government (see Annex B) we are exploring the extent to which the report could cover labelling (including nutrition and food supplement labelling) which helps consumers make informed choices and compositional standards which help meet consumer expectations on content and quality. We will also be considering how the report could cover consumers' wider interests, e.g. environmental and animal welfare standards, and non-regulatory standards.
- 4.4 It is envisaged that reports would cover the changes which have taken place over the course of the previous calendar year.

5. New Reporting Landscape

- 5.1 The new report will take its place in a new reporting landscape. Two new reports are required of ministers under the Agriculture Act 2020. These will respectively provide an overview of UK food security (Section 19) and an assessment of the extent to which the level of statutory protection is maintained in relation to certain Free Trade Agreements (FTAs) (Section 42).
- 5.2 Section 19 requires the Defra Secretary of State to present a report to Parliament containing an analysis of statistical data relating to food security in the UK, before the 2021 Christmas Recess and then at least once every three years thereafter. The FSA is feeding into work being co-ordinated by Defra on the first such report.
- 5.3 Section 42 requires that before certain FTAs that include measures applicable to trade in agricultural products can proceed through the Constitutional Reform and Governance Act processes to ratification, the DIT Secretary of State must lay a Government Report before Parliament. The Secretary of State may seek advice from any legal person they consider to be independent and having

relevant expertise. On this basis, the FSA may be asked to provide input into these reports.

- 5.4 Summaries of the key features of Section 19 and Section 42 reports can be found at Annex A.
- 5.5 The FSA and FSS joint annual report would stand entirely separate to all those mentioned above. In terms of the Agriculture Act reports, it would be distinct from Section 19 reports as it will be an annual report with a wider scope than food security and from Section 42 reports as it will be regular, retrospective in nature and have a wider scope than specific free trade agreements. Separately, FSA and FSS Annual Reports and Accounts will continue to provide an overview of our work and the money spent to deliver it.

6. Work to Date

- 6.1 Working with FSS colleagues we have established a joint FSA/FSS working group to develop the report. The focus of the working group is currently on resolving scope and establishing likely resource and cost implications for producing the reports. The programme of working group meetings will encompass wider issues as we move forward.

7. Working Principles

- 7.1 The key principles we are working to as we develop proposals are that the report should:
- address questions of interest to consumers, including the central consumer interest around food standards being maintained or improved;
 - be mainly retrospective in nature, covering the previous calendar year but with the ability to flag key upcoming events;
 - be cost-effective to produce on an annual basis;
 - avoid unnecessary duplication with other reports;

8. Consultation

- 8.1 Engagement with partners in government, industry and consumer representatives will take place to ensure, given the differing policy responsibilities across the UK, that the scope and aims of the report and how it fits into the new reporting landscape are well understood.
- 8.2 A formal public consultation is not proposed. Engagement will be conducted in line with a communications / engagement plan which will be developed as part

of our work going forward. This activity will take place in concert with similar activity in Scotland led by FSS.

9. Timing

9.1 Initial estimates based on work that takes place on the FSA Annual Report and Accounts each year suggest that the first report, covering the 2021 calendar year, could be published in Summer 2022. We will have a better idea on timings (and costs) when the likely scope of the report is more precisely established.

10. Next Steps

10.1 The next steps are to:

- Finalise proposals for the scope of the report and costings, working with colleagues across the FSA and in FSS, including communications, science and evidence, policy, strategy, regulatory delivery, and operations colleagues.
- Develop a communications/engagement plan, including engagement with other government departments, industry, and consumer representatives.
- Return to the Board with proposals for the annual report in a future paper.

11. Conclusions

11.1 The Board is asked to:

- **Note** this update

ANNEX A
AGRICULTURE ACT 2020 REPORTS

UK Food Security Report

Section 19

The Secretary of State must prepare and lay a report before Parliament containing an analysis of statistical data relating to food security in the UK.

Scope

Section 19 states that data analysed in the report may include (among other things) data on:

- global food availability;
- supply sources for food;
- resilience of the supply chain for food;
- household expenditure on food;
- food safety and consumer confidence in food.

Timing

First Report by the last sitting day for both Houses of Parliament before 25 December 2021 and at least once every three years thereafter.

Free Trade Agreement Reports

Section 42

A free trade agreement (FTA)* that includes measures applicable to trade in agricultural products may not be laid before Parliament under Part 2 of the Constitutional Reform and Governance Act 2010 unless the Secretary of State has first laid a report explaining whether, or to what extent, the FTA is consistent with maintaining UK levels of statutory protection in relation to:

- human, animal or plant life or health,
- animal welfare
- the environment.

Timing: Before a relevant FTA is laid before Parliament.

* Subject to certain exceptions, including the EU future relationship (now the Trade and Co-Operation Agreement) and certain FTAs negotiated with parties to pre-existing FTAs.

ANNEX B
FOOD POLICY RESPONSIBILITIES

The **Food Standards Agency** operates in England, Wales and Northern Ireland and has different policy responsibilities within these countries. **Food Standards Scotland** is the non-ministerial government department of the Scottish Government responsible for food safety, food standards, nutrition, food labelling, feed official controls and meat inspection in Scotland.

<p>FSA</p> <p>Food safety and hygiene Animal feed safety, hygiene and labelling Food labelling (safety, allergy)</p>	<p>FSA in Northern Ireland</p> <p>Food safety and hygiene Animal feed safety, hygiene and labelling Food labelling (safety, allergy) Nutrition standards, nutrition food labelling Other food labelling (includes food composition standards, country of origin)</p>	<p>FSA in Wales</p> <p>Food safety and hygiene Animal feed safety, hygiene and labelling Food labelling (safety, allergy) Other food labelling (includes composition standards, country of origin)</p>
<p>Department for Environment, Food and Rural Affairs</p> <p>Other food labelling (England) (includes composition standards, country of origin)</p>	<p>Department of Health and Social Care</p> <p>Nutrition standards, nutrition food labelling (England)</p>	<p>Welsh Government</p> <p>Nutrition standards, nutrition food labelling (Wales)</p>