

# **Amendment of the Mutual Recognition Clauses in Certain Domestic Food Legislation in Wales**

**Launch date: 2 September 2021**

**Respond by: 28 October 2021**

## **This consultation will be of most interest to**

Food business operators in Wales importing, exporting, selling, and manufacturing Bread and Flour, Jam and Similar Products, Spreadable Fats and Products Containing Meat and Local Authorities who enforce this legislation. The consultation will also be of interest to consumers and wider stakeholders.

## **Consultation subject**

This consultation concerns proposed technical amendments to domestic food legislation applying in Wales, that arise as a consequence of the UK's exit from the EU.

The consultation will run for 8 weeks and the FSA believes that will provide sufficient time for feedback, as the proposals have a low impact for industry and Local Authorities. Legislation on this is already in force in England and Food Standards Scotland are preparing to consult on the same proposals. An 8-week consultation would enable the proposed legislation to come into force in Wales in this calendar year, thus providing consistency and a level playing field for businesses who trade across GB

This consultation relates to the proposal to introduce as Statutory Instrument (SI) that will remove or amend the mutual recognition (see introduction section below) clauses in the following legislation:

- [The Bread and Flour Regulations 1998, No.141, Regulation 3](#)

- [The Jam and Similar Products \(Wales\) Regulations 2018, No.274 Regulation 3](#)
- [The Products Containing Meat etc., \(Wales\) Regulations 2014, No.3087 Regulation 3](#)
- [The Spreadable Fats \(Marketing Standards\), Milk and Milk Products \(Protection of Designations\) \(Wales\) Regulations 2008, No. 1341 Regulation 3](#)

This consultation also relates to the proposal to provide exemption clauses in the Bread and Flour Regulations 1998, that will permit unfortified flour and bread to be made in Wales and either exported to third countries or used to make foods which are exported to third countries. In addition, the proposed amendments will allow for unfortified flour to be imported into Wales, provided it is to be used as an ingredient in products that are exported to a third country.

## Purpose of the consultation

To seek comments from industry, enforcement authorities, consumers and other interested stakeholders on the proposals to remove the mutual recognition clauses for the Jam and Similar Products (Wales) Regulations 2018; The Products Containing Meat etc., (Wales) Regulations 2014 and the Spreadable Fats (Marketing Standards), Milk and Milk Products (Protection of Designation) (Wales) Regulations 2008, and to amend the Bread and Flour Regulations 1998, as it applies to Wales to provide exemption clauses for unfortified flour. We would welcome additional information about relevant trade and the likely impacts of the proposed changes for these sectors.

## How to respond

Responses to this consultation should be sent **by email only** to:

Email: [Food.Policy.Wales@food.gov.uk](mailto:Food.Policy.Wales@food.gov.uk)

Steve Adie

Regulatory Policy Team,

FSA Wales

## Details of consultation

1. The purpose of the proposed Regulations is to amend or remove the mutual recognition clauses in the Jam and Similar Products (Wales) Regulations 2018; the Products Containing Meat etc, (Wales) Regulations 2014 and the Spreadable Fats (Marketing Standards), Milk and Milk Products (Protection of Designation) (Wales) Regulations 2008 and to provide exemption clauses within the Bread and Flour Regulations 1998 that that will permit unfortified flour and bread to be made in Wales and either exported to third countries or used to make foods which are exported to third countries. In addition, to also allow for unfortified flour to be imported into Wales, provided it is to be used as an ingredient in products that are exported to a third country.

## Introduction

2. The UK left the EU on 31<sup>st</sup> January 2020 and the Implementation Period ended on 31<sup>st</sup> December 2020 and up until then the UK had continued to operate in accordance with relevant EU rules. The Treaty on the Functioning of the European Union provides that Member States cannot freely introduce regulatory barriers to free movement of goods unless they are justified on certain grounds such as public morality or public health and safety.
3. This mutual recognition principle ensured market access for goods that were not or were only partly subject to EU harmonisation legislation. Where a Member State made national rules in non-harmonised or partly harmonised areas, this principle guaranteed that goods from other Member States that comply with EU law but do not fully comply with these national rules can still legally be sold on their market (unless one of the exceptions outlined above applies). Therefore, any good lawfully sold in one EU country could be sold in another.
4. This arrangement was further extended to relevant products from countries within the European Economic Area (EEA). In order to meet this obligation, several of our domestic regulations currently contain clauses that have allowed products imported from EEA member countries and the Republic of Turkey (depending on the regulations) to be sold in the UK if they are legally sold in those EEA countries / Republic of Turkey, even if they do not meet standards in the UK.

5. The results of this consultation will provide us with the opinions of stakeholders prior to implementing this policy.
6. The changes in question are regarded as being essential. Defra have already made the same changes in England, [The Food \(Amendment and Transitional\) Provisions England Regulations 2021](#); Scotland are preparing to consult on the changes and Northern Ireland are not able to take forward these proposals, due to the terms of the Northern Ireland Protocol. However, Northern Ireland will be consulting on the proposal to provide exemptions in the Bread and Flour Regulations 1998.
7. Mutual recognition clauses contained within these regulations permitted, whilst the UK was a member of the EU, for EU Member States, European Economic Area countries (EEA) (and in the case of Products Containing Meat and Jam and Similar Products – the Republic of Turkey) to export food to the UK which did not meet UK domestic legislation, provided the products were legally sold in the country in which they had originated. Similarly, the UK could export food to those countries which did not meet their domestic legislation, provided they were legal in the UK. Leaving the EU has brought an end to these arrangements.
8. The overarching principles of mutual recognition were originally contained within Articles 34-36 of the Treaty on the Functioning of the EU. The Department for Business, Energy, and Industrial Strategy (BEIS) has since repealed these Articles across GB, via the Prohibition of Quantitative Restrictions (EU Exit) Regulations 2020, which came into force on 1<sup>st</sup> January 2021.
9. Despite the amendment of the overarching Treaty on the Functioning of the EU, the legislation included within these proposals still needs to be amended as they still allow the principles of mutual recognition to apply.
10. The proposals described above are intended to ensure compliance with the World Trade Organisation's (WTO) Most Favoured Nation rules and will be subject to the provisions of the United Kingdom Internal Market Act 2020.

## Main proposals

The proposals being considered are:

11. To remove the mutual recognition clause in Regulation 3(2) of the Jam and Similar Products (Wales) Regulations 2018, which had disapplied the Regulations for jam

and similar products that was brought into Wales from an EEA State, a Member State or the Republic of Turkey in which it was lawfully marketed. The Jam and Similar Products (Wales) Regulations 2018 implement European composition standards, but also include national standards for fruit curds and mincemeat (of the kind traditionally used in mince pies at Christmas). Similar analogous regulations are in place in England, Northern Ireland and Scotland.

12. To remove the mutual recognition clause in Regulation 3(3) of the Products Containing Meat etc (Wales) Regulations 2014, which had disapplied the Regulations for products containing meat etc., that were brought into Wales from an EEA State, a Member State or from the Republic of Turkey, in which they were lawfully marketed. The Products Containing Meat etc. (Wales) Regulations 2014 (PMR) set minimum meat contents for a number of common products containing meat, such as sausages, burgers, and meat pies. They also prohibit certain parts of the mammalian carcass in products that require further cooking from the point of sale. Similar analogous regulations are in place in England, Northern Ireland and Scotland.
13. To remove the mutual recognition clause in Regulation 3 of the Spreadable Fats (Marketing Standards), the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008, which disapplied the Regulations to spreadable fats which were brought into Wales from an EEA State or from another part of the UK if it had been brought there from an EEA State and was suitably labelled to indicate the nature of the spreadable fat. In addition, Regulation 3 had disapplied the Regulations to margarine's which were brought into Wales from an EEA State in which it was lawfully produced and sold and such products from a Member State (other than the UK) in which it was in free circulation and lawfully sold. Finally, the Regulations disapplied such products from another part of the UK in which it was lawfully produced and sold or in free circulation and lawfully sold, and which was suitably labelled to indicate the nature of the margarine. The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 (as amended) provide enforcement for EU marketing standards contained in EU Regulation 1308/2013 regarding products such as dairy spreads, butter and margarine (plus regulations relating to milk and milk products that are not relevant here).

14. To remove the mutual recognition clause in Regulation 3(2) of the Bread and Flour Regulations 1998, which had disapplied the Regulations for bread or flour, that was brought into Great Britain from an EEA state or a Member State in which it was either produced or was in free circulation and lawfully sold. The Bread and Flour Regulations 1998 (BFR) require that milled white and brown wheat flour that is sold and imported to Great Britain (GB) needs to be fortified with calcium (on health grounds), iron, thiamine and niacin (primarily for restoration purposes) and they set minimum levels to meet these requirements. (Similar regulations are in place in Northern Ireland.) It is also not possible to sell flour in the UK that is not compliant with the BFR to other UK businesses (or consumers), for example, for use in food manufacturing. The only other exemption from the rules is for flour that is imported from an EU Member State (and bread imported from the EEA) as the regulations contain a recognition clause that allows for import and sale of bread/flour – from the EEA/EU into the UK – which has not been fortified.

15. To amend the Bread and Flour Regulations 1998, by substituting the current regulations 3(2) and 3(3) as they apply to Wales, with:

3(2) These Regulations do not apply to:

- a) Any flour or bread produced in Wales that is exported to a third country.
- b) Any flour used in Wales to produce food that is exported to a third country, and
- c) Any flour brought into Wales from a third country, in which it was lawfully produced and sold, if the flour is to be used in Wales for the production of food that is then exported to a third country.

This bespoke option would maintain current health policies and thereby protect the health of the UK population. All products containing flour sold in Wales would need to be made from fortified flour. However, the option would allow manufacturers in Wales to produce and sell unfortified flour provided it is destined for export, and to sell and use such flour to make products in the UK provided they were destined for export.

## Detailed Proposals

### Current situation

16. We have several national rules for certain food compositional standards in the UK which contain specific exemption clauses (referred to from here on as “recognition clauses”) to make it clear which countries were exempt from needing to meet these rules. Mutual recognition allowed all Member States to recognise each other’s products as fit for respective markets because they met all applicable harmonised EU legislation which are agreed upon as acceptable standards. This ensured the free movement of goods throughout the EU’s Single Market.
17. Products imported into the UK from other countries, which are not legally sold in an EEA member state, do have to comply with our standards.
18. Recognition clauses are currently contained in food legislation in Wales in:
  - The Bread and Flour Regulations 1998
  - The Jam and Similar Products (Wales) Regulations 2018, and
  - The Products Containing Meat etc. (Wales) Regulations 2014.
19. These allow products from EU and EEA countries – and the Republic of Turkey in the case of The Products Containing Meat etc. and Jam and Similar Products – to be legally sold in Wales even if they do not meet the compositional standards laid down in these regulations.
20. A Recognition clause is also contained within:
  - The Spreadable Fats (Marketing Standards), the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008.
21. This allows spreadable fats from Norway, Iceland, and Liechtenstein to be legally sold in Wales even if they do not meet domestic marketing standards laid down in these regulations.
22. Similar analogous regulations are in place in England, Northern Ireland and Scotland.
23. Under the mutual recognition principle, UK food producers were equally able, until the 31st of December 2020 to market UK products in EU and EEA countries even if those products similarly did not meet national rules applicable in those countries.

Where specific EU rules may co-exist UK, exported products must meet those requirements, for example on the fortification of flour.

## **Future situation**

24. The UK has left the EU, and UK producers are no longer able to benefit from the mutual recognition principle in the EU/EEA since the Transition Period ended on the 31<sup>st</sup> December 2020. Businesses wishing to continue exporting to the EU/EEA must check if the export market has any national rules that apply. More information is available on [gov.uk](https://www.gov.uk).
25. In terms of our own market, it would no longer be appropriate to unilaterally recognise EU rules now that the UK is no longer a member of the EU single market. Furthermore, the UK will in future not be able to allow EU/EEA member states and the Republic of Turkey preferential market access for imports that do not meet its national rules as it would risk being challenged by other [World Trade Organisation countries under Most Favoured Nation rules](#).
26. Whilst extension of these recognition clauses to apply to all WTO countries would also achieve WTO compliance this alternative would present additional challenges. It would enable freer trade, but it could also invite imports of lower quality products into the UK, creating unfair competition for Welsh producers, and may, in the case of flour, have a negative impact on the nation's health through reduced fortification. This option would be out of line with the UK Government's policy to maintain current high food standards, and it would put domestic industry at a disadvantage, and for these reasons we do not propose to pursue this option further. Defra have taken the same approach in England.
27. Therefore, we propose to remove the recognition clauses from the regulations listed above and require imports from the EU/EEA and the Republic of Turkey to meet Wales' standards in future. However, removal of the recognition clauses in the Bread and Flour Regulations 1998 would cause manufacturers in Wales to lose all access to unfortified flour. Therefore, we are considering further extending the existing defence to selling non-compliant flour non-compliant flour destined for export to additionally include a new defence for sale of non-compliant flour to be used to manufacture products that are destined for export.
28. Currently millers in the Wales cannot sell unfortified flour, but there is a demand for unfortified flour which is used in products for export. The Bread and Flour



Regulations 1998 require that milled white and brown wheat flour that is sold and imported to Great Britain (GB) needs to be fortified with calcium (on health grounds), iron, thiamine and niacin (primarily for restoration purposes) and they set minimum levels to meet these requirements. (Similar regulations are in place in Northern Ireland.) It is also not possible to sell flour in the UK that is not compliant with the Bread and Flour Regulations 1998 to other UK businesses (or consumers), for example, for use in food manufacturing.

## **Options for Bread and Flour**

### **Option 1 – Do nothing**

29. Millers in Wales cannot sell unfortified flour, and this option will continue to prevent Millers in Wales making, selling, or importing unfortified flour, thus denying them potential business opportunities. EU Member States will still be permitted to export non-compliant bread and flour to the UK, as the clause within the legislation specifically allows this, but businesses in Wales will not be able to export to EU Member States under mutual recognition principles because this ended when the implementation period, signifying final separation from the EU ended. As the UK now trades under WTO rules there is a risk that WTO member countries will challenge this under Most Favoured Nation rules, as we would be allowing EU Member States preferential trading terms that are not available to WTO member countries.

### **Option 2 – To extend mutual recognition to all WTO member countries.**

30. Whilst this option may remove the risk of challenge from WTO countries it could worsen the position for businesses in Wales as it may allow more unfortified bread and flour products to be imported into the UK that may not comply with the Bread and Flour Regulations 1998. This could greatly increase the competition that businesses face, and the lack of fortification could potentially affect public health. It also means that EU Member States are still able to export non-compliant products to the UK.

### **Option 3 – Amend the Bread and Flour Regulations 1998**

31. To amend the Bread and Flour Regulations 1998 to remove the mutual recognition clause, replacing it with a clause that permits unfortified bread and flour to be produced in Wales provided it is exported to a third country.

32. In addition, it will allow any flour to be imported into Wales from a third country, where it was lawfully produced and sold to be used in Wales for the production of food that will be exported to a third country.
33. This option removes the risk of challenge from WTO countries and removes the provision that still allows EU Member States to export non-compliant product to the UK, thus reducing the competition that Welsh businesses could face.
34. Finally, this option provides Millers with business opportunities to make and sell unfortified bread and flour provided it is destined for export, and to import flour for use in products that are also destined for export. Business would face disruption if they are currently importing flour from the EU or EEA, as once the mutual recognition clauses are removed then they would no longer be able to import such products unless it is to be used to make products that are exported to a third country.

## **Options for Jam, Products Containing Meat and Spreadable Fats**

### **Option 1 – Do Nothing**

35. Not removing the mutual recognition clauses means that EU Member States can continue to export products to the UK that do not comply with the compositional requirements of these regulations. Whilst businesses in Wales are not afforded the same opportunities to export to EU Member States in line with mutual recognition principles as these ceased to apply when the implementation period, signifying final separation from the EU ended. In addition, this option raises the risk of challenge from WTO member countries under Most Favoured Nation rules, in that preferential terms are available to EU/EEA Member States, that are not available to WTO members, under which rules we currently trade.

### **Option 2 – To extend mutual recognition to all WTO member countries**

36. This option would remove the risk of challenge from WTO member countries under Most Favoured Nation rules, as the same rules would apply to all EU Member States and all WTO countries, but it could greatly increase competition for businesses. Potentially far more products could be imported into the UK which do not meet the compositional requirements of these regulations. It could lead to a watering down of standards within Wales.

### **Option 3 – To remove the mutual recognition clauses.**

37. This option would remove the risk of challenge from WTO member countries under WTO Most Favoured Nation rules, as the same rules would apply to EU Member States and all WTO countries. It also removes the provisions that still exist that allow EU Member States to export non-compliant products to the UK, and therefore also reduces the potential competition on Welsh businesses.
38. Businesses wishing to continue exporting to the EU/EEA must check if the export market has any national rules that apply. More information is available on [gov.uk](https://www.gov.uk).
39. This may have consequences for some UK and EU businesses which currently import and sell such products to Wales and thereby cause some market disruption. Producers or importers may need to change either the labelling or the formulation of the products to continue to sell them on the Welsh market. We are therefore considering providing a period of adjustment which would allow businesses to prepare for these changes.
40. The possibility of making additional changes to the Bread and Flour Regulations has been the subject of discussion with industry and the other UK nations; those further possible changes are however, not included in this consultation, which is concerned primarily with making adjustments required in connection with the UK's exit from the EU and the end of the Transition Period. We believe that those other changes need more in-depth consideration, and they will be subject to a review under the Food Compositional Standards and Labelling Common Framework later in 2021.

## **Other Administrations**

41. Food policy is a devolved matter but in the case of the Bread and Flour Regulations 1998, they predate devolution and therefore they apply to the whole of Great Britain. Each country has separate responsibility, and they need to amend the legislation separately for their own countries. We continue to work closely with the UK Government, Welsh Government, Scottish Government, and the Northern Ireland Government to jointly consider and align the necessary changes across the UK as far as possible. One of the important issues which has been previously highlighted by industry representatives, especially in the context of amendments to the rules for flour, is for the same rules to apply across the whole of the UK because trade is significantly integrated within the UK internal market.

## Impacts

- 42. The likely impacts of the proposed changes on relevant stakeholders including businesses have been estimated and assessed in preparation for this consultation.
- 43. The FSA wishes to also use this consultation to gather evidence and would welcome comments on impacts which you think we may not have considered or alternative views about the assumptions made in this consultation.
- 44. If evidence and responses suggest that amendments should be made to the regulations, a regulatory impact assessment will be undertaken.

## Overview of Impacts

### Trade

- 45. Providing the exceptions in the Bread and Flour Regulations would give manufacturers in Wales access to new markets and provide benefits relating to trade. There would not be any impact on trade across the UK, or with the EU.
- 46. For Jam, Products Containing Meat and Spreadable Fats, removing the mutual recognition clauses would remove from the market (after any potential adjustment period) any products that do not comply with the compositional requirements of those regulations, thus removing the competition from such products that businesses currently face.

### Ensuring Business Compliance

- 47. There will be familiarisation costs to Local Authorities, and this requirement will need to be included in inspections. It is estimated that this will take around 2 hours per manager in each Local Authority. Extra inspection cost is expected to be minimal.
- 48. Local Authorities will need to ensure that products impacted by these changes meet the requirements of the respective regulations, and in the case of flour, being satisfied that if it is unfortified that it is being used solely to make products which will be exported.
- 49. In addition, it may be difficult for Local Authorities, in the case of unfortified flour, to be confident that it is in fact intended for use in products that will be exported, and that unfortified flour is not being added to fortified flour thus lessening the benefits of the fortification.

### Businesses

50. Businesses will also face familiarisation costs for the new regulations. These familiarisation costs are measured in terms of the time they would spend familiarising themselves with the regulatory change. Due to the nature of the regulatory changes, we expect familiarisation costs to be low.
51. Whilst there is potential for some disruption, providing the Bread and Flour Regulations 1998 exceptions could provide benefits to domestic producers.

## Engagement and Consultation Process

52. We are consulting on these proposals over an eight-week period starting on the 2nd of September 2021 and ending on the 28th of October 2021. By publishing this consultation, the FSA wishes to meet its obligation to consult under Article 9 of the retained EU Regulation 178/2002 laying down the general principles and requirements of food law and laying down procedures in matters of food safety and under the Food Safety Act 1990.
53. After the consultation the responses will be collated and analysed, and subsequently published on [food.gov.uk](https://www.food.gov.uk).

## Consultation Questions

Please explain your answers as far as possible, and where available also include evidence to support your views.

## Bread and Flour Proposals

1. Which of the options (1. Do nothing; 2. Extend Mutual Recognition to all WTO countries or 3. Remove Mutual Recognition Clauses) described in this consultation is preferable to you?
2. What type of impact do you think will there be for an arrangement to allow flour (and flour used in the manufacture of products) produced in Wales to be unfortified if subsequently exported? (Include positive and negative impacts, and any costs or other implications you foresee)
3. What costs, benefits or other implications do you foresee in relation to these overall changes?

## **Jam and Similar Products**

4. Which of the options (1.Do nothing; 2. Extend Mutual Recognition to all WTO countries or 3. Remove Mutual Recognition Clauses) described in this consultation is preferable to you?
5. What costs, benefits or other implications do you foresee in relation to the proposal options for Jam and Similar Products?

## **Products Containing Meat**

6. Which of the options (1.Do nothing; 2. Extend Mutual Recognition to all WTO countries or 3. Remove Mutual Recognition Clauses) described in this consultation is preferable to you?
7. What costs, benefits or other implications do you foresee in relation to the proposal options for Products Containing Meat?

## **Spreadable Fats**

8. Which of the options (1.Do nothing; 2. Extend Mutual Recognition to all WTO countries or 3. Remove Mutual Recognition Clauses) described in this consultation is preferable to you?
9. What costs, benefits or other implications do you foresee in relation to the proposal options for Spreadable Fats?

## **Periods of Adjustment**

10. Do you believe that a period of adjustment to prepare for removal of the recognition clauses in relation to products containing meat, jam and similar products, spreadable fats and bread and flour is necessary?
11. If you feel that an adjustment period is necessary, would an adjustment period that ends on the 30th of September 2022 (in-line with an adjustment period for other labelling requirements) be sufficient?
12. If not, what would be an appropriate period of adjustment for these proposed changes?

## Enforcement

13. Is an estimated time of 2 hours per Manager accurate for the purposes of familiarisation of these proposed changes? If not, what would be an appropriate time for familiarisation?
14. Do you anticipate any increase in the time it will take to undertake an inspection visit as a consequence of these changes? If so, please estimate (in hours) what this may be.
15. Do you foresee any enforcement issues regarding these proposed changes?

## General

16. Do you have any additional comments in relation to these proposed changes?

## Other relevant documents

- [The Bread and Flour Regulations 1998, No.141](#)  
[Regulation 3](#)
- [The Jam and Similar Products \(Wales\) Regulations 2018, No.274](#)  
[Regulation 3](#)
- [The Products Containing Meat etc., \(Wales\) Regulations 2014, No.3087](#)  
[Regulation 3](#)
- [The Spreadable Fats \(Marketing Standards\), Milk and Milk Products \(Protection of Designations\) \(Wales\) Regulations 2008, No. 1341](#)  
[Regulation 3](#)

## Responses

Responses are required by close on the 28<sup>th</sup> of October 2021. Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

**Please send responses to:** [Food.Policy.Wales@food.gov.uk](mailto:Food.Policy.Wales@food.gov.uk)

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours,

Steve Adie

Regulatory Policy Team, FSA Wales



## **Annex A: Standard Consultation Information**

### **Disclosure of the information you provide**

Information provided in response to this consultation may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want information you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

Any automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

The Food Standards Agency will be what is known as the 'Controller' of the personal data provided to us.

### **Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

The Data Protection Act 2018 states that, as a government department, the Food Standards Agency may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

### **What we do with it**

All the personal data we process is located on servers within the European Union. Our cloud-based services have been procured through the government framework

agreements and these services have been assessed against the national cyber security centre cloud security principles.

No third parties have access to your personal data unless the law allows them to do so. The Food Standards Agency will sometimes share data with other government departments, public bodies, and organisations which perform public functions to assist them in the performance of their statutory duties or when it is in the public interest.

## **What are your rights?**

You have a right to see the information we hold on you by making a request in writing to the email address below. If at any point you believe the information, we process on you is incorrect you can request to have it corrected. If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office (ICO) at <https://ico.org.uk>, or telephone 0303 123 1113.

Our Data Protection Officer in the FSA is the Information Management and Security Team Leader who can be contacted at the following email address:  
[informationmanagement@food.gov.uk](mailto:informationmanagement@food.gov.uk)

## **Further information**

If you require a more accessible format of this document, please send details to the named contact for responses to this consultation and your request will be considered.

This consultation has been prepared in accordance with [HM Government consultation principles](#).