

## Proposed Approach to Retained EU Law for Food and Feed Safety and Hygiene

### Summary report of stakeholders' responses

1. The proposed approach to retained EU Law for Food and Feed Safety and Hygiene consultation was issued on the 4 September 2018 and closed on the 14 October 2018.
2. The purpose of the consultation was to seek comments from industry, enforcement authorities, port health authorities, consumers and other interested stakeholders on the proposed approach to retained EU law for food and feed safety and hygiene.
  - The FSA is grateful to those stakeholders who responded, and their responses are sets out in annex A below.
  - The key proposal on which the consultation sought views was to make corrections to retained EU law relating to food and animal feed to ensure that the current levels of food safety and standards are maintained within the UK when the UK leaves the EU.
3. The consultation asked five questions which were as follows:

**Question 1:** Do you have any comments on the proposed approach to fixing inoperabilities in the retained EU Law for day one of Exit from the EU as set out in this consultation?

**Question 2:** Do you identify any concerns or risks regarding the proposed approach to fix inoperabilities in retained EU Law that appear not to have been adequately addressed?

**Question 3:** Are you aware of any impacts of the proposed measures that have not been identified in this consultation?

**Question 4:** Do you agree with the impacts that have been identified within this consultation?

**Question 5:** While this consultation addresses what is being done to ensure retained EU law functions on the day the UK leaves the EU, do you have any general comments on food and feed safety and hygiene in the UK after EU Exit?

4. The FSA received 50 responses to the consultation offering a range of comments and questions were raised that did not fall within the scope of the consultation. These will be analysed and referred to the relevant departments for further consideration.
5. The FSA has considered responses from stakeholders' and our comments are given in the FSA response column in the table within Annex A.

## The main themes from the consultation responses for each question:

Question	Main Themes
Do you have any comments on the proposed approach to fixing inoperabilities in the retained EU Law for day one of Exit from the EU as set out in this consultation?	<ul style="list-style-type: none"> <li>• Supported the approach</li> <li>• Ensuring standards are maintained</li> </ul>
Do you identify any concerns or risks regarding the proposed approach to fix inoperabilities in retained EU Law that appear not to have been adequately addressed?	<ul style="list-style-type: none"> <li>• Access to EFSA and other EU institutions</li> <li>• A common framework across the whole of the UK</li> </ul>
Are you aware of any impacts of the proposed measures that have not been identified in this consultation?	<ul style="list-style-type: none"> <li>• Additional burden on industry and enforcement authorities to communicate changes beyond the 30 minutes indicated</li> <li>• The need to ensure communications are delivered with sufficient lead time for any changes</li> </ul>
Do you agree with the impacts that have been identified within this consultation?	<ul style="list-style-type: none"> <li>• Additional burden on industry and enforcement authorities to communicate changes beyond the 30 minutes indicated</li> </ul>
While this consultation addresses what is being done to ensure retained EU law functions on the day the UK leaves the EU, do you have any general comments on food and feed safety and hygiene in the UK after EU Exit?	<ul style="list-style-type: none"> <li>• A need to increase staffing across FSA and FSS so they can fulfil the additional responsibilities.</li> <li>• Ensuring standards are maintained</li> </ul>

## **Responses to main themes**

### **Common Approach**

6. FSA and FSS are working to develop proposals for a UK framework to provide for a common approach for food and feed safety and hygiene in areas of harmonised EU law. A common framework will ensure that high levels of public health protection and the high food and feed safety standards consumers have come to expect in the UK will be maintained. This framework will also allow the effective operation of the UK internal market so that it continues to support trade between all parts of the UK and ensure we maintain our reputation as a credible international trading partner.

### **Access to EU institutions**

7. No decisions have been made about our future relationship with European institutions, this will be subject to forthcoming UK-EU negotiations. UK Government departments are currently working together to understand the impacts that withdrawal from the EU will have on our relationship with a number of European institutions. We are considering a range of options for the future of risk assessment and scientific advice in the United Kingdom after the UK has left the EU.

### **The need to ensure communications are delivered with sufficient lead time for any changes**

8. The FSA aims to communicate changes to industry and enforcement authorities as soon as possible to ensure sufficient lead time to make the necessary preparations needed to minimise the impact of any changes. All information will be published via the FSA website.

### **The 30-minute time estimation for familiarisation is insufficient for industry and enforcement authorities**

9. The FSA accepts industry and enforcement authority views on the familiarisation time required and has therefore increased the familiarisation time estimate to 1 hour for industry and enforcement authorities. This should be sufficient to enable industry and enforcement authorities to fully understand and disseminate the key information to key staff. The FSA would like to reiterate that the changes being proposed will have minimal impact as it is the intention of the FSA to only make the minimal changes needed to ensure the law continues to function on exit from the EU. Currently EU law makes references to certain EU bodies (such as the Commission), but, once the UK leaves the EU, these EU bodies will no longer perform those functions. Therefore, retained EU law will not work properly unless something is done to transfer the functions to the appropriate UK public bodies.

### **Resourcing for FSA and FSS**

10. The UK has significant expertise and a long tradition of excellence in science. Both FSA and FSS are recruiting additional staff to deliver risk assessment and risk management functions effectively from Day 1 of EU Exit.

## **Maintaining standards**

11. The FSA's priority is to maintain the UK's high-standards of food and feed safety, and to ensure we take a risk-based, proportionate approach when providing risk assessments.

## **Summary of Local Authority responses**

12. The majority of Local Authority (LA) respondents fully supported the proposed approach of fixing inoperabilities whilst maintaining the current standards within the UK. Concern was raised around the need for LAs to update legal references in official documents, and on-line that may be required, which will take significant time and effort. LAs also showed concern around the need for additional activities for LAs and port health authorities that may arise subject to negotiation outcomes. They expressed a desire that these should be either on a full cost recovery basis or funded by the UK Government to avoid additional financial burden on LAs.

## **Other responses of note**

13. Several respondents expressed a desire for the FSA to undertake both risk assessment and risk management functions once the UK has exited the EU, as the FSA has the experience and the organisational understanding to effectively fulfil this role. 16 responses from across the UK felt that a common framework should be established to ensure a consistent approach across the UK. A small number of respondents noted the need for the FSA to be sufficiently resourced to undertake this additional work. A significant number of respondents expressed a strong preference for the UK to retain access to EU institutions such as EFSA, and Rapid Alert System post EU Exit.

## **Summary Statement**

14. The consultation received 50 responses from interested parties across a wide range of sectors with an interest in the consultation. Replies were received from small independent businesses to large UK businesses as well as organisations which represent the views of industry, local authorities and private individuals.
15. A significant proportion 82% supported or did not disagree with the proposed approach being outlined within the consultation. 16% of replies had both positive and negative comments. Further analysis of these will be undertaken. 2% of respondents raised concerns around the timeframe for delivering the changes needed for day one readiness.
16. The main concerns raised within the responses were relating to the communication of change, ensuring sufficient lead time is given to all to ensure the information was relayed to all stakeholders. Some respondents believed that it would take longer to familiarise

themselves with the changes than estimated within the consultation, but no evidence was provided to re-evaluate the figures for the familiarisation costs. The FSA has recognised these concerns and increased the familiarisation cost to industry and enforcement authorities to reflect the responses to the consultation. However, the FSA considers that for the majority of food businesses the rules that they must comply with are not changing.

17. A significant amount of responses to the consultation made comments about areas that were not directly within the scope of the consultation therefore these replies have not been included in the consultation report. These comments will be passed to the relevant officials for their information and consideration.

18. The FSA will continue to publish communications on its EU Exit programme as it progresses via the FSA website.

## Annex A:

### SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION - PROPOSED APPROACH TO RETAINED EU LAW FOR FOOD AND FEED SAFETY AND HYGIENE

Proposed Approach to Retained EU Law for Food and Feed Safety and Hygiene			
<b>Question 1</b> Do you have any comments on the proposed approach to fixing inoperabilities in the retained EU Law for day one of Exit from the EU as set out in this consultation?			
Stakeholder	Method	Stakeholder Response	FSA response
Jurassic Coast Food Safety	Email	I totally agree that we must incorporate the EU Law into UK Law from day one after Brexit - if not food safety standards will return to the dark ages of pre-1976.	Noted
Private Individual	Email	There appears to be a large number of proposed new legislation, some should be assimilated.	Noted
The Nature's Bounty co.	Email	<p>In general, the approach is sufficient, but clarity is needed on:</p> <ol style="list-style-type: none"> <li>1) The types of changes that will be made to current EU Law when creating retained EU Law.</li> <li>2) Transition periods that will be in place to assist industry in complying with the changes. Sufficient transition periods will be required.</li> <li>3) A consultation period for each SI should be in place before it is finalised and implemented. Is this in scope?</li> </ol>	Due to the nature of the EU Exit negotiations and the time constraints, the FSA consulted on the principles of the changes necessary to implement legislation for day 1 readiness. Separate consultations were launched in relation to any changes that were identified as having the potential to meaningfully impact on stakeholders and/or requiring stakeholder action (such as the FSA consultation on proposed changes to the UK Health and Identification Marking which ran from 11 September 2018 until 8 October 2018.)

Perth & Kinross Council	Email	The proposed approach appears to be straight forward and would not create any significant burden or training requirements.	Noted
GeneWatch UK	Email	GeneWatch UK shares the concerns of the public (as reported in Annex B to the consultation) that Brexit may negatively affect food safety. We also share widely-reported concerns that the use of statutory powers in the European Union (Withdrawal) Act 2018 amounts to adopting 'Henry VIII powers' for ministers with inadequate consultation with the UK and devolved parliaments. It is therefore of the utmost importance that the proposed Statutory Instruments are not used to weaken the proposed regulatory regime.	Please see paragraph 11 above concerning maintaining standards.
Lisburn & Castlereagh City Council	Email	The Council without prejudice to potential future arrangements between the UK and the EU supports the proposals as necessary to ensure retained EU food law is operable on exit.	Noted
National Pig Association	Email	<p>We are fully supportive of the key proposal to make corrections to retained EU law relating to food and animal feed that will ensure the current levels of food safety and standards are maintained within the UK when the UK leaves the EU. Failure to uphold current food safety standards could negatively affect animal and human health and would also severely damage the UK's ability to export food to both EU and non-EU countries.</p> <p>We agree that a common approach, involving the four nations of the UK, to managing changes to what will become retained EU law is sensible.</p> <p>Finally, we see it as imperative that the UK redefines and formalises a close working relationship with the EFSA based on exchange of information and expertise, contribution to scientific networks and cross-European collaboration. While the UK's Exit from the EU offers an opportunity to take an independent approach to risk assessment and make more of our own risk management decisions, the EFSA will remain an important source of science and expertise, to which we will need access and which the UK may wish to influence. Engagement with the EFSA will remain important; especially considering the UK will likely be required to adhere to food safety</p>	Please see paragraphs 6, 7 and 11 above concerning the subjects raised.

		standards set at an EU level even after the UK exits the EU, in order to retain access to the EU market for food exports.	
Proprietary Association of Great Britain	Email	We believe it is appropriate that decisions that would currently be taken at Commission Working Group level should be taken by the FSA in England, Wales and Northern Ireland and by Food Standards Scotland (FSS) in Scotland, with a governance framework that provides ministerial oversight where decisions of a sensitive or controversial nature need to be made.	Please see paragraph 6 above concerning the common approach throughout the UK.
NFU	Email	The need to have Statutory Instruments in place in order for these aspects of food law to continue to operate is clear. The NFU strongly supports the principle that the UK's high standards of food and feed safety are maintained, and it is vital that all regulatory processes are risk-based and proportionate. However, there is little detail in the consultation for us to comment on in terms of the practical implications of the transferring of functions or how the UK government will use the powers in practice.	The consultation the FSA carried out was on the principles of the changes needed, due to the ongoing negotiations with the EU.
Ulster Farmers' Union	Email	Previously the principle of supremacy of EU law would have given all EU law priority over any domestic law or legislation. This is not the status afforded to retained EU law. EU law is neither primary nor secondary UK legislation but a new unique form of domestic law. When fixing inoperabilities in the retained EU law for day one of exit the challenge will remain of interpreting some areas of vagueness of this legislation. Whilst applying and defining the difference between minor and principal retained direct EU legislation the former legislation was easily modified.	Noted
Stirling Council.	Email	The approach taken seems to be sensible given the lack of firm information available at present.	Noted
North Ayrshire Council	Email	North Ayrshire Council agrees that new statutory instruments should be issued to transfer the responsibilities currently undertaken by EU bodies to the UK to enable the high standards of food and feed safety to be maintained following our EU exit, regardless of our future relationship with the EU.	Noted
Caerphilly County Borough Council	Email	We support the general approach to ensure that any replacement legislation has the same level of protection particularly in relation to devolved matters.	Please see paragraph 6 above concerning the common approach throughout the UK.



Belfast City Council	Email	The Council without prejudice to potential future arrangements between the UK and the EU supports the proposals as necessary to ensure retained EU food law is operable on exit.	Noted
Scottish Salmon Producers' Organisation	Email	No, other than to give our support for legal continuity and certainty as the UK exits the EU.	Noted
Fermanagh and Omagh District Council	Email	The Council without prejudice to potential future arrangements between the UK and the EU supports the proposals as necessary to ensure retained EU food law is operable on exit.	Noted
Tereos	Email	<p>Returning to the FSA's opinion polling, we note that it also shows that consumers are concerned about the impact of Brexit on affordability, with nearly two thirds of citizens fearing that food will become more expensive.</p> <p>In the current business climate, there is a lot of uncertainty and different interpretations. We therefore ask that the FSA communicates the outcome of the consultation widely to ensure different parts of the supply chain understand the continuing commitment to food standards and the current regulatory approach. This will support the broad message to come out of the Government's technical notices in the event of a 'no deal' Brexit, published in August.</p> <p>Alongside individual businesses' efforts in increasing their own stockpiles in the UK to manage any border uncertainties ahead of 29 March 2019, hammering home a message of regulatory certainty in the short-term is clearly important to reducing the sense of uncertainty the food industry has as Brexit looms. This will be helpful in ensuring that producers and consumers behave rationally, which will ultimately keep any price fluctuations down.</p>	Noted
EMEA Food & Feed	Email	We welcome the intention of securing a smooth transfer so that companies can continue operating on the UK market without interruption. Regarding the European Union (Withdrawal) Act 2018, we understand that direct EU legislation, so far as operative immediately before Exit Day, forms part of domestic law on and after Exit Day in the UK. It is our understanding that	The consultation identifies the principle EU regulations, it also states that "subsidiary regulations and any other identified regulations or directives that require

		<p>this means, that food ingredients, feed additives and feed materials that are legally placed on the UK market prior to Exit Day, will continue to be permitted in the UK on and after Exit Day.</p> <p>We also understand that the list of retained EU Laws to which corrections are proposed, is not complete and will mean that correction of more regulations is foreseen. We request that FSA made available for consultation a complete list of proposed retained EU Laws and proposed corrections and provide a consultation period to obtain appropriate public feedback prior to Exit Day.</p>	<p>conversion, amendment or incorporation will also be included as appropriate.” Therefore, given the timescale for making the necessary changes needed it will not be possible to consult on a full list of EU related laws being changed. The FSA will communicate all the changes to stakeholders via its website.</p>
Mid Sussex County Council	Email	<p>The consultation provides limited information. It is therefore not possible to assess in any detail.</p> <p>An observation; if we are to be quoting this legislation for years to come, the use of ‘EU Exit’ in the title may have long term connotations that are unhelpful. You may wish to liaise with your social science team on this.</p>	The FSA notes your observation.
Health Food Manufacturers' Association	Email	<p>HFMA would support the option whereby those decisions that would currently be taken at Commission Working Group level should be delegated to the FSA within England, Wales and Northern Ireland and to FSS in Scotland, within a governance framework that provides ministerial oversight and allows specific decisions to be removed from the scope of the delegation.</p>	Please see paragraph 6 for additional information on a common approach throughout the UK.
Council for Responsible Nutrition UK	Email	<p>In order to ensure that there is adequate discussion and input on each risk management decision, and to support the continuing relevance of the decisions across the entire UK, the expert risk management panels could comprise members from each of the four nations, i.e. from the Food Standards Agency, Food Standards Agency Wales, Food Standards Agency Northern Ireland and Food Standards Scotland.</p>	Please see paragraph 6 for additional information on a common approach throughout the UK.
Sea Fish Industry Authority	Email	<p>In the context of EU exit, Seafish welcomes the FSA’s priority to maintain the UK’s high standards of food and feed safety and agrees that under a ‘no deal’ scenario businesses would need time to adjust and therefore continuity in the short term would aid the mitigation of disruption.</p>	Noted
Chartered Trading Standards Institute	Email	<p>It is vital that there is certainty for businesses, consumers and regulators with regard to what the law is.</p>	Noted

Meat Promotion Wales	Email	HCC is supportive of the approach to make corrections under the European Union (Withdrawal) Act 2018 to retained EU law relating to food and animal feed safety and hygiene, to ensure that the current levels of food safety and standards are maintained within the UK when the UK leaves the EU. The EU is an important export market for Welsh red meat and retained access to the EU market is critical, therefore equivalence of standards between the UK and the EU is essential in a post Brexit era.	Noted
The International Meat Trade Association	Email	IMTA's main aim since the referendum in 2016 has been to ensure that trade will continue post-Brexit, both on import and export. Continuity of trade and certainty is critical to our members while planning and conducting their business. Therefore, IMTA warmly welcomes the decision to carry over EU law into UK domestic law post-Brexit.	Noted
Causeway Coast & Glens Borough Council	Email	The Council without prejudice to potential future arrangements between the UK and the EU supports the proposals as necessary to ensure retained EU food law is operable on exit.	Noted
Total Diet & Meal Replacements Europe Secretariat	Email	<p>As a starting point, TDMR Europe acknowledges the constructive proposed approach by the FSA on retained EU law for food and feed safety and hygiene. However, TDMR Europe would encourage further analysis and appreciation of the current expertise of the institutions that will take over the functions of risk management and risk assessment currently exercised by EU bodies, as enshrined in applicable European legislation.</p> <p>TDMR Europe supports a risk assessment system that is based on sound science and takes into account the most relevant scientific developments. It is also essential to ensure communication between all parties involved, including industry and the risk manager.</p> <p>Ensuring high food standards once the UK officially exits the EU should also be regarded as a priority: this can be ensured only through fully competent and appropriate management tools across the food chain.</p>	Noted
Amcor Central Services	Email	The approach seems reasonable	Noted
Agricultural Industries Confederation	Email	Inoperabilities remain ill-defined and not clearly specified. Other important questions do not appear to be considered in this consultation. Beyond risk	Noted

		assessment, areas such as legislation surrounding Export Health Certificates and reference laboratories are two examples.	
Private Individual	Email	In response to the above consultation, I would wish to see all EU law for Food and Feed Safety and Hygiene being retained at the present time whilst we leave the EU.	Noted
Society for Applied Microbiology	Email	The FSA's aim (as previously indicated by FSA chairman Heather Hancock) to maintain an open, transparent science-based approach to risk assessment and management after Brexit is encouraging. This will be important to engendering trust in food standards across the UK, through enabling public involvement and scrutiny by the wider scientific community.	Noted
Coeliac UK	Email	Scotland, Northern Ireland and Wales providing domestic guidance on the law. This highlights an additional concern around the potential challenges of devolution of responsibilities from Westminster to Scotland, Wales and Northern Ireland on food and feed safety and hygiene, resulting in complexity and inconsistency when a joined-up approach would present a more workable solution. Although the UK Government is said to be working with the Devolved Administrations to meet all relevant notification, consent and procedural requirements for the statutory instruments for a common approach there are no guarantees that this will occur in a timely or consistent manner.	The FSA notes your comments please see paragraph 6 for additional information on a common approach throughout the UK.
Local Government Association	Email	The LGA fully supports the objective that these changes must not impact on existing levels of protection within the UK food and feed chain.	Noted
Royal Borough of Greenwich	Email	We have no objections in principle to the concept of replacing suitable risk management functions so long as they do not impose additional burdens or expectations on either FBOs or enforcement authorities.	Noted
Food and Drink Federation	Email	FDF welcomes the fact that EU food regulations will be transferred to UK law on day one of leaving the EU (so called "lift and shift") with only minor changes relating to the transfer of regulatory functions, such as removing reference to the European Commission, so that it operates effectively as UK law. The general approach of maintaining continuity in the short-term is welcomed as there will be much unavoidable change that food businesses will need to manage at the point of leaving the EU.  FDF welcomes the commitment to have a close working relationship with the European Food Safety Authority. It is also important that the UK	Noted  Please see paragraph 7 for additional information on the UK

		continues to have access to intelligence gathering tools including the Rapid Alert System for Food and Feed, the European Food Fraud Network and EFSA's Emerging Risks Exchange Network.	access to EU institutions and systems.
British Retail Consortium	Email	We agree that the maintenance of the UK's high standards of safety is a top priority for UK businesses, consumers, the EU and third countries. It is critical that there is no perceived drop in standards for our customers and partners and we welcome further detail on how government departments are working together to ensure third country readiness.	Noted
Question 2 Do you identify any concerns or risks regarding the proposed approach to fix inoperabilities in retained EU Law that appear not to have been adequately addressed?			
Jurassic Coast Food Safety	Email	The only concern I have is that UK FBO's must be made aware of the EU Law being adopted in a direct manner and as soon as possible.	Noted
The Nature's Bounty co	Email	The Risk is that industry cannot comply with any changes that are made. Sufficient notice and transition periods are required in order to avoid interruption to trade and unnecessary costs.	The FSA notes your comments please see paragraph 8 for additional information on the proposed communications on EU Exit.
Proprietary Association of Great Britain	Email	<p>Responsibility for food law is split across three very different government departments (FSA, DEFRA and DHSC) and is, in many cases, also a devolved issue. This creates a risk of divergence between the four home nations because there is potential for the three government departments and four home nations to have very different views on the most appropriate way to manage food safety and hygiene. This is further compounded by insufficient numbers of experienced staff with appropriate skill sets and knowledge to undertake both preparation work and then work going forward post EU Exit.</p> <p>A common legislative framework must be established across the four home nations of the UK to avoid disparity and divergence in the regulation of food and feed safety and hygiene. If such an overarching framework were not available and there was misalignment between both government departments and home nations, it could potentially lead to some products not being compliant in certain devolved countries. There is a precedent</p>	The FSA notes your comments please see paragraph 6 for additional information on the proposed common approach for the UK post EU Exit.

		where goods in one UK jurisdiction could be seen as non-compliant in another:	
NFU	Email	<p>The lack of a resolution to questions related to the devolved administrations is concerning, given the existence of cross-border farm holdings and the movement of food and feed across borders. A common approach to food safety and hygiene is absolutely vital.</p> <p>The NFU is also concerned that the approach the government plans to take depends on the UK's relationship with EFSA. We would very much support close collaboration with EFSA but we need reassurance that this will happen, or that the UK system could operate effectively and robustly from Day 1 and beyond if this wasn't achieved to the desired degree. Given the trade flows between UK and EU, it is essential that the exchange of information and collaboration between EFSA and FSA on the same terms is achieved.</p> <p>The consultation does not discuss the impact on workload and resourcing in the FSA, for example. It is not clear the extent to which the UK relies upon the food and feed safety functions performed by EU bodies (para 9), given the statements in Annex C saying ministers already have the powers necessary for risk management, the FSA is already responsible for risk analysis and there will be no gaps created by the UK leaving the EU. The consultation refers to 'deficiencies' (para 26) but it is not clear what these amount to in practice.</p>	The FSA notes your comments concerning a common approach, access to EU institutions and FSA resourcing, please see paragraphs 6, 7 and 10 for additional information on these subject post exit.
Ulster Farmers' Union	Email	<p>The ease at which fundamental provisions can be amended at a later date if required to fix inoperabilities as well as the effects of making it harder to modify inoperabilities.</p> <p>Consideration must also be given to the restrictions put in place when fixing inoperabilities.</p>	Noted
North Ayrshire Council	Email	The only risk suggested is if any relevant law is omitted and therefore unidentified inoperabilities remain post EU exit.	Noted

Caerphilly County Borough Council	Email	<p>We acknowledge that the list of statutory instruments set out is only illustrative at this point however there doesn't appear to be anything specific mention to the devolved legislation.</p> <p>The complexities of reviewing officers' authorisations in a timely manner to ensure a smooth transition following Brexit local authorities' constitutions will also need to be amended.</p>	The FSA notes your comments please see paragraph 6 for additional information on the proposed common approach for the UK post EU Exit.
Tereos	Email	<p>No. We support the corrections identified and the transfer of oversight of risk assessment and mitigation plans to the FSA and Food Standards Scotland.</p> <p>We support the UK Government and the devolved administrations in managing change through a common approach. Having a single Government message on an important consumer matter makes sense.</p>	The FSA notes your comments please see paragraph 6 for additional information on the proposed common approach for the UK post EU Exit.
EMEA Food & Feed	Email	<p>While we understand that food and feed products that are currently approved under the EU legislation will continue to be permitted in the UK on and after Exit Day, we are concerned about the products that are under evaluation by the European Food Safety Authority (EFSA) and not approved by publication of an EU regulation before Exit Day. We request any product submitted to EFSA for review before Exit Day that results in the product approval under EU legislation be considered lawful in the UK under a legislative or regulatory grandfather provision.</p>	Noted
Health Food Manufacturers' Association	Email	<p>HFMA would prefer a system that minimises inconsistencies in enforcement across the UK. So, any framework that ensured consistency across Government Departments, the devolved authorities and Local Authorities would be welcomed.</p> <p>Furthermore, EU-Exit provides the opportunity to create a single body with responsibility for all food and feed law, instead of the current split between the Food Standards Agency, Defra and DHSC. A strengthened Food Standards Agency with extra resources and key talent transferred from Defra and DHSC could provide an excellent solution.</p>	The FSA notes your comments please see paragraph 6 for additional information on the proposed common approach for the UK post EU Exit.
Council for Responsible Nutrition UK	Email	<p>a) Concern over potential devolution of food hygiene and safety policy areas</p> <p>Paragraph 15 of the consultation states that "this general policy area has been designated by the UK Government for consideration for a common approach to managing changes to what will become retained EU law in</p>	The FSA notes your comments concerning a common approach, access to EU institutions and FSA resourcing, please see paragraphs

		<p>future". It is absolutely essential that this policy area be approached via a common framework encompassing all four nations of the UK. Devolution in matters relating to food hygiene and safety policy, (and, in fact, to food standards such as composition and labelling), can only lead to the restriction of trade between individual nations of the specific food and drink affected by those policy areas. At a time when industry will potentially be hit hard by future difficulties trading with the EU, it is crucially important to ensure that trade across the UK remains unhindered.</p>	6 and 7 for additional information on these subject post exit.
Chartered Trading Standards Institute	Email	<p>The relationship with EU institutions such as EFSA needs to be addressed and if no relationship will continue how will these functions and systems be replaced.</p>	The FSA notes your comments please see paragraph 7 for additional information on the UK access to EU institution.
Chilled Food Association	Email	<p>Our comment above regarding lack of specific information 'Ministerial corrections' applies.</p> <p>We note the indicative list of EU legislation proposed to be retained.</p>	Noted
Total Diet & Meal Replacements Europe Secretariat	Email	<p>According to the European Union (Withdrawal) Act, the power to transfer the functions of EU authorities to UK public authorities would be offered to ministers (Clause 7(6) of the EUWA).</p>	The FSA notes your comments please see paragraph 7 for additional information on the UK access to EU institution.
The British Association of Feed Supplement and Additive Manufacturers	Email	<p>It is difficult to provide a detailed response in the absence of the more specific information that will presumably be provided in the proposed Statutory Instruments.</p> <p>Much will depend on the alternative arrangements to replace the work of the EU agencies discussed above. Whilst the regulatory processes, including feed additive authorisation, tend to take a very long time currently, there is a perceived danger that this could be even worse post-Brexit if the UK risk assessment and risk management processes are under resourced.</p>	The FSA notes your comments concerning a common approach, access to EU institutions please see paragraphs 6 for additional information on the subject post exit.



		<p>It may be advantageous if the UK is able to set different standards to the EU, for example in relation to contamination levels as mentioned in paragraph 13. Equally however, if this established different standards between the UK and the EU with no mutual recognition, it may have a very negative impact with a reluctance by manufacturers to comply with two separate standards.</p>	
Agricultural Industries Confederation	Email	<p>There is insufficient assurance that the Devolved Administrations have agreed to the common approach on feed safety and hygiene. AIC response to this issue is that consent must be confirmed prior to agreeing corrections. If consent is not forthcoming AIC would require consultation with each Devolved Administration on their proposed amendments to the legislation on the grounds that these may not be common to all of the UK.</p> <p>In the event of no negotiated access to, or relationship with, EU institutions there is no reference in the consultation to UK institutions which would act as replacements. The example of access to RASFF has been given. The system is vital in terms of early identification of food and feed risks but no comment is made in the consultation to continued UK access to this or, if necessary, a UK replacement.</p>	The FSA thanks you for your comments concerning a common approach, access to EU institutions and FSA resourcing, please see paragraphs 6 and 7 for additional information on these subject post exit.
Society for Applied Microbiology	Email	<p>It would be useful to understand the FSA's approach to regulation on areas that are still subject to negotiation. What work is being undertaken in the background, should extra EU legislation need to be converted into UK law? For example, would the UK's continued involvement in surveillance systems such as the Rapid Alert System for Food and Feed (RASFF) require the conversion of Commission Regulation (EU) No 16/2011 on laying down implementing measures for RASFF?</p>	The FSA notes your comments please see paragraph 7 for additional information on the UK access to EU institution.
Coeliac UK	Email	<p>The statutory instruments which make the corrections will be subject to review and approval by Parliament but there is a risk that the capacity for Parliament to provide the necessary review and approval will not be without limitation.</p> <p>To address the functions under EU law that requires EU bodies such as the European Food Safety Agency (EFSA) and the EU Commission to provide necessary services relating to risk assessment and risk management. It is mentioned that the UK will redefine and formalise a close working</p>	The FSA notes your comments please see paragraph 7 for additional information on the UK access to EU institution.

		relationship with EFSA based on exchange of information and expertise and cross-European collaboration and scientific networks.	
Royal Borough of Greenwich	Email	With respect to any concerns or risks regarding the proposed approach, assurance is sought about the FSA's capacity to fulfil or manage the risk management functions currently undertaken at an EU level. How the new structure will work in practise needs to be subject to timely and clear communication/engagement. There is a clear risk that without a thorough engagement plan and without a comprehensive refresh of relevant legislation, certain gaps may appear. The relevant Codes of Practice and industry specific guidance will need to be refreshed, but efforts should be made to avoid consultation 'overload' (eg by staggering) on stakeholders at a time when much of the agency is undergoing change and is thus seeking stakeholder's views on various fronts.	The FSA notes your comments please see paragraph 7 for additional information on the UK access to EU institution.
Trading Standards South East Ltd	Email	The Partnership is of the opinion that working to the same rules will have many complexities, one of which is how business interacts with the EU and will the EU accept our new 'structures'?	Noted
Food and Drink Federation	Email	<p>FDF welcomes the fact that matters relating to food and feed safety and hygiene have been designated by the UK Government for consideration for a common approach to managing the changes to what will become retained EU law. It is important that regulatory fragmentation between the devolved administrations is avoided and that the impact of any changes to food and drink legislation within the devolved administrations is fully understood; is subject to detailed consultation with industry; and there is mutual recognition within the UK single market.</p> <p>FDF is concerned that if risk management functions are split across the devolved administrations particularly between the Food Standards Agency and Food Standards Scotland it is possible that different approaches to risk management might be taken across the UK. Public debate on different approaches to food safety could undermine public confidence particularly if one administration is perceived as safer than the other. This could also erode the confidence of the export market.</p>	The FSA thanks you for your comments please see paragraph 6 for additional information on the proposed common approach for the UK post EU Exit.

British Retail Consortium	Email	<p>We acknowledge that the list of legislation is illustrative but for clarity a full list of the relevant legislation would be helpful to understand exactly how all associated pieces of legislation will be handled, for example annexes issued as separate pieces of legislation. This may become clearer when the SIs are issued for consultation.</p> <p>We recently attended a Defra/HSE update where the proposed approach to management on legislation of Plant Protection Products (PPP) EU Regulation 396-2005 was discussed. At EU level there is an EFSA role for providing the data to support the development/review of MRLs for PPP residues in food. Although not all elements of the EFSA role will need to be replicated, it was suggested that HSE would take the lead on this function and we would appreciate clarity on how this will work alongside the FSA proposals on risk analysis.</p> <p>The setting of MRLs for pesticide residues in the PPP legislation also have hygiene implications for biocide active substances with historic use as pesticides. The notable example of this is the changes to the MRLs for quaternary ammonium compounds. It is essential that UK government departments work together to ensure that the hygiene impacts of these changes are fully considered.</p>	<p>Due to the nature of the EU Exit negotiations and the time constraints, the FSA consulted on the principles of the changes necessary to implement legislation for day 1 readiness. Separate consultations were launched in relation any changes that were identified as having the potential to meaningfully impact on stakeholders and/or requiring stakeholder action (such as the FSA consultation on proposed changes to the UK Health and Identification Marking which ran from 11 September 2018 until 8 October 2018.)</p>
Question 3 Are you aware of any impacts of the proposed measures that have not been identified in this consultation?			
Jurassic Coast Food Safety	Email	<p>My concern here is that in the consultation it is estimated that within thirty minutes businesses will be able to update themselves and their staff with the changes of EU law being adopted. It is clear to me that the FSA have underestimated FBO's understanding of food safety law and how it affects them and their staff.</p>	<p>The FSA notes comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.</p>
NFU	Email	<p>It is very difficult to judge from the consultation what the impacts will be on NFU member businesses.</p> <p>As discussed above, there will presumably be an impact on the workload and focus of existing UK bodies such as the FSA, depending on the future relationship with EFSA. Extra resource will be needed to run independent</p>	<p>The FSA notes your comments please see paragraph 7 for additional information on the UK access to EU institution.</p>

		scientific advisory structures and the expertise within the FSA is likely to change and should probably increase.	
Stirling Council.	Email	The main pieces of legislation appear to be covered by these proposals.	Noted
Tereos	Email	No. Again, when the FSA considers and confirms its position, ongoing communication will be important to help provide more certainty in supply, but it also has a role in reaffirming the UK Government's commitment to high food standards continuing after Brexit.	The FSA notes your comments please see paragraph 8 for additional information on the proposed communications on EU Exit.
Mid Sussex' County Council	Email	The consultation makes no reference to the administrative impacts of these changes. As a local authority with hundreds of documents referencing existing legislation, it will take time and resources to make these changes, even if this amounts to only basic switching of legislation referenced.  There is no mention on the impact of authorisation of officers and the resource required to review and make the necessary changes.	The FSA notes your comments please see paragraph 8 for additional information on the proposed communications on EU Exit.
Council for Responsible Nutrition UK	Email	Reference is made to the impacts to business and enforcement on familiarising themselves with the revised legislation, with these impacts considered to be minimal as the rules themselves will not be changing. Has consideration been given to the provision of guidance for the UK legislation? Will the guidance that has been produced in relation to the EU laws continue to apply to the UK laws, until such time as the documents can be revised?	The FSA notes your comments please see paragraph 8 for additional information on the proposed communications on EU Exit.
Chilled Food Association	Email	The potential impact of legislative changes such as regulation referencing on enforcement notices has not featured in documents. Enforcers must be given appropriate lead time to ensure their awareness, familiarity and potentially training regarding any changes in legislation or associated enforcement paperwork.	The FSA notes your comments please see paragraph 8 for additional information on the proposed communications on EU Exit.
Total Diet & Meal Replacements Europe Secretariat	Email	TDMR Europe, having developed activities across the UK as with many other stakeholders from the industry, remains concerned regarding the legislative framework and work segregation across regions in the UK.	The FSA thanks you for your comments please see paragraph 6 for additional information on the

			proposed common approach for the UK post EU Exit.
The British Association of Feed Supplement and Additive Manufacturers	Email	<p>The familiarisation cost impact indicated in paragraph 19 of the consultation document is based on each business taking 30 minutes to read and understand the proposed regulations and to disseminate the information to key staff. In that the estimate is for sixteen new Statutory Instruments, maybe more, this appears to be a gross under-estimate. Responsible businesses will wish to read and interpret each document in detail to satisfy themselves that they are fully compliant. Training will then be a separate requirement – often to different groups of workers at different times.</p> <p>This will not be a short process!</p> <p>It is anticipated that the same comments will apply to the work of the 419 Local Authorities and 35 Port Health Authorities referred to in paragraph 20.</p>	The FSA notes comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.
Coeliac UK	Email	<p>The estimation of impacts outlined in the consultation seem to have been minimised to a 30-minute time slot for businesses and enforcement officers to familiarise themselves with the proposed regulation. Significant change will surely be necessary to reflect UK law rather than EU law and associated reference points whether on food labels, product or online information?</p>	<p>It is the intention the changes will not have any significant change to the current process.</p> <p>The FSA will communicate any changes to stakeholders with the maximum lead time possible.</p>
Local Government Association	Email	<ul style="list-style-type: none"> <li>• We are concerned that in relation to the changes required under retained EU law, the consultation document assumes a one off cost to councils equivalent to a single officer in each council spending less than half an hour to read and familiarise themselves with the EU regulations, and then disseminate the information to staff and key stakeholders.</li> <li>• This could well underestimate the time required to ensure due diligence by reviewing the relevant statutory instruments and providing information to businesses. The FSA may wish to consider how it, or other organisations such as relevant professional bodies, could provide clear guidance and assurance for councils on the new regulations.</li> </ul>	<p>It is the intention the changes will not have any significant change to the current process the changes will only address inoperabilities to ensure the law continues to work on day one of exiting the EU.</p> <p>The FSA notes your comments please see paragraph 8 for additional information on the proposed communications on EU Exit.</p>

		<ul style="list-style-type: none"> <li>• More importantly, it does not reflect the time that may be required to update documentation, including policies, procedures and authorisations, as a result of the changes to underpinning legislation through retained EU law.</li> </ul>	
British Retail Consortium	Email	<p>It is important that any SIs which include a requirement to change labels give businesses sufficient time to coordinate and implement the required changes. This is important from a cost, practical implementation and local authority enforcement perspective. We urge government departments to coordinate their requests for implementation of packaging related changes to minimise unnecessary burden and cost to businesses. Staggered introduction of labelling changes and lack of sufficient lead time will lead to significant cost and unnecessary waste of packaging.</p>	The FSA notes your comments please see paragraph 8 for additional information on the proposed communications on EU Exit.
Question 4 Do you agree with the impacts that have been identified within this consultation?			
Jurassic Coast Food Safety	Email	<p>My concern here is that in the consultation it is estimated that within thirty minutes businesses will be able to update themselves and their staff with the changes of EU law being adopted. It is clear to me that the FSA have underestimated FBO's understanding of food safety law and how it affect them and their staff.</p>	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.
Private Individual	Email	<p>No, there is a burden on business just simply having an increased number of legislative instruments.</p>	Noted
The Nature's Bounty co.	Email	<p>The consultation is not detailed enough for us to comment on this</p>	Noted
Perth & Kinross Council	Email	<p>In general, yes, however, it would be anticipated that there would be a bigger impact upon local authorities than food businesses. The impact upon the food business is estimated as 30 minutes to read and then disseminate to staff. This timescale appears to be realistic as the only change is the alternation of the name of the regulation not actual change to the regulations themselves.</p> <p>However, the Local Authority impact is estimated to be the same 30 minutes for one officer and then to disseminate to other officers. This would</p>	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.

		be an accurate reflection of passing on the information however there are further resource implications for the LA. All letters, policies and procedures would require to be updated creating a one off administrative burden. This time and cost of this does not appear to be included within the impact assessment.	
National Pig Association	Email	Yes	Noted
Proprietary Association of Great Britain	Email	<p>The consultation document states that FSA envisages minimal one-off familiarisation costs to business and estimates that it will take each business less than 30 minutes to read and understand the proposed regulations and disseminate this through their organisation. Given there are 16 proposed Statutory Instruments in the consultation, PAGB believes this is a significant underestimation and the time and resource burden on businesses to understand and respond to the regulations will be significantly higher.</p> <p>It is concerning that the Food Standards Agency, which has the lead on support for enforcement on food, should only be able to provide an estimate of the number of Local Authorities (LAs) and Port Health Authorities (PHAs) rather than an exact number. It should also be noted that cuts to LA funding are such that some authorities do not have any full-time food and feed officers. The time required for officers to read and understand the proposed Regulations will impact on the already limited time that Trading Standards, Environmental Health and Port Health Authority officers have to undertake enforcement activity.</p>	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.
NFU	Email	It is not entirely clear from the consultation what the full impacts on NFU members will be. There may be costs in terms of the time needed for business owners and workers to familiarise themselves with the changes. Although we understand there is no intention to change rules, without knowing what is in the regulations and associated guidance it is difficult to judge how long this will take. However, it is likely that most farm business operators would need more time and support than personnel in LAs and PHAs, given their level of expertise and experience. The consultation estimates that both groups would need the same amount of time, which does not seem likely.	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.

		There are contradictions within the consultation between statements saying rules will not change (e.g. para 19) and those referring to providing sufficient lead in times (para 22) and corrections that will require action by businesses in order to continue to operate post-Brexit (para 27). We would certainly welcome the planned targeted engagement to understand more clearly the practical impact on farm businesses.	
Ulster Farmers' Union	Email	Yes	Noted
Stirling Council	Email	Yes, however there will be knock on effects in implementing the 'new' legislation to both business and Local Authorities. For LA's this will involve changing all Authorisations; letters; pro-formas; Notices etc. that have references to the existing legislation. Whilst this may not be overly onerous it would be above the 30 minutes assessed in the paper.	Noted
North Ayrshire Council	Email	Yes – an awareness of the changes will be necessary within relevant food businesses and local authority enforcement sections, but the time taken for relevant individuals to familiarise themselves and then cascade to others will be minimal for the majority of businesses/LA's.	Noted
Caerphilly County Borough Council	Email	The costs in the impact assessment for the 30 minute familiarisation for businesses and local authorities are grossly underestimated. Businesses would not only have to familiarise themselves but also review documentation to reflect the new statutory instruments. Similarly local authorities will need to review legal enforcement documents, policies and procedures to reflect the new statutory instruments.	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.
Scottish Salmon Producers' Organisation	Email	Yes	Noted
Tereos	Email	Yes	Noted
EMEA Food & Feed	Email	Paragraph 19 mentions, that the impact for industry is minimal.  We posit that the impacts on industry will very much depend on the details of the approach proposed as a suitable replacement. We foresee two options that may be under consideration as suitable replacements of the	The FSA notes your comments please see paragraph 7 for additional information on the UK access to EU institution.



		<p>current risk assessment and risk management functions in the EU: 1) recognition of the EU assessments by the UK; 2) independent UK assessments. The implications on industry of these proposals vastly differs.</p> <p>If it is envisaged that the UK will recognize and accept EFSA accepted risk assessments and EU authorizations for products approved in the EU and products under evaluation in EU before, on and after Exit Day, then we agree with the impact as described in the consultation. European Economic Area (EEA) countries like Norway have recognition approaches that have been very beneficial both for industry and authorities.</p> <p>Preparation of applications for approval of feed additives, for example, in the EU requires significant amount of work and preparation of data for an application is very costly. If industry must develop safety assessments to a separate set of requirements for the UK, due to associated costs, industry may choose not to market products in the UK, putting UK industries at a competitive disadvantage with those in many foreign markets. Therefore, if the UK requires an independent safety assessment it may serve as a barrier to innovation in the feed additive and food ingredient market and limit product availability for the UK market. Furthermore, if FSA were to embark on evaluation of food and feed safety assessments, the cost would easily mount to several million pounds and delays in UK market clearance without not resulting in any additional safety assurances.</p> <p>Based on the above, we propose that the UK recognize and accept EFSA accepted risk assessments and EU authorizations for products approved in the EU. This will fulfill the goal of the UK authorities to maintain the same level of protection of human and animal health, and at the same time be efficient and not involved significant increase of costs for the industry or FSA.</p>	
Mid Sussex' County Council	Email	It is considered that the impacts identified do not fully assess the costs to local authorities of these changes.	Noted
Health Food Manufacturers' Association	Email	HFMA suggest that the one-off familiarisation costs suggested by the consultation are underestimated. It would take longer than 30 minutes to read, digest, write policies and disseminate information to stakeholders.	The FSA notes your comments please see paragraph 9 for additional information on the

		This applies to both industry and enforcement authorities. A week would perhaps be more realistic, and some clarification is needed as to what businesses will be receiving in return for any costs incurred (for example, some form of guidance note)?	additional burden on industry and enforcement authorities to communicate the changes.
Council for Responsible Nutrition UK	Email	Given the number of planned statutory instruments to fix inoperabilities in retained EU law, and given that the consultation document makes reference to “other corrections to EU law”, in addition to the main corrections providing suitable replacements for the risk assessment and risk management measures, it is likely that the 30-minute time period for both industry and enforcement is an underestimation of the time that will actually be required for familiarisation with the changes.	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.
Chartered Trading Standards Institute	Email	The 30-minute time for assessment is vastly under resourced. It could take days to unravel the changes and impact on enforcement.	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.
The International Meat Trade Association	Email	The UK style of legislation is written differently to EU legislation so familiarising oneself with the different layout will presumably take more than 30 minutes, for each person to whom this is relevant within a company, not just one person. Presumably there will be changes to document numbers of legislation which members often consult, it will take more time for members to find what they are looking for. This could also require changes to internal company documentation used where legislative references are given. As the Withdrawal Act and SIs in combination will result in changes to which body/ authority has responsibility for carrying out which functions in relation to the food sector, we believe that 30 minutes per organisation is a significant underestimation of how long it will take members, and indeed IMTA, to prepare for these changes.	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.
Chilled Food Association	Email	We note that the consultation document states that it will take businesses only 30 minutes to familiarise themselves with the new UK legislation.  This is a gross underestimate and does not reflect reality. It does not take into account the need to change referencing to affected legislation in	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and

	<p>company, certification body, laboratory, sector, LA and other documentation. Larger organisations in particular will be dealing with all of these aspects.</p> <p>The impact assessment must also take into full account the interpretation of legislation, not only by FBOs, but also by Local Authorities, certification schemes, laboratories etc.</p> <p>Regarding the time it will take each business to deal with the new form of the legislation, businesses including trade associations, laboratories, FBOs, their suppliers and customers will need to update their documentation and websites to reflect the change from EU legislation to UK.</p> <p>This will include needing to refer instead (or in addition) to SI numbers, their titles, and potentially relevant sections of the new legislation where EU law is currently referred to.</p> <p>In addition, in those many cases where businesses have non-UK suppliers and/or customers, we are advised by members that they envisage having to provide reassurance of there being no material change of requirements, if indeed that is the case. This reassurance is envisaged to likely include the need to translate new UK legislation into suppliers' and/or customers' own language where this is not English.</p> <p>Members estimate it would take 12-18 months for this work to be done in any one business, with many members of staff being involved.</p> <p>Approximately 100 major chilled food sites are covered by CFA's membership, producing more than 12000 different SKUs and trading internationally including sourcing seasonal raw materials. The potential impact therefore needs to be scaled up to reflect its widespread nature.</p> <p>The administrative burden impact assessment must be corrected.</p>	<p>enforcement authorities to communicate the changes.</p>
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Total Diet & Meal Replacements Europe Secretariat	Email	TDMR Europe predominantly agrees with the impacts identified within the proposed approach, nevertheless, the industry voice considers that the lack of the impact assessment to this approach and the limited timeline that the UK Government has to implement the smooth and qualitative transfer of all the tasks from the EU bodies to the UK bodies related to food chain in the best possible way, could lead to future loopholes in the food chain that would discredit the activity of the assigned bodies, but also would affect consumers and the involved industries.	Noted
Amcor Central Services Bristol	Email	We agree	Noted
The British Association of Feed Supplement and Additive Manufacturers (BAFSAM)	Email	This has been answered above. We believe that the impacts identified have been wrongly assessed.	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.
Agricultural Industries Confederation	Email	A strong sense that these have been vastly underestimated in terms of time, resource and cost for all parties.	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.
Coeliac UK	Email	As mentioned in Q3 the impacts seem to have been minimised. There is no mention of the risk of failing to meet the necessary deadline for developing the statutory instruments or failing to achieve the collaboration with European Food Safety agencies and associated impacts on businesses and enforcement or measures to mitigate against the risk to public health.	The FSA notes your comments please see paragraph 7 for additional information on the UK access to EU institutions.
Royal Borough of Greenwich	Email	Regarding the impacts that have been identified, in short, we do not agree. The assumption that it will only take 30 minutes for any business or LA to 'read and understand' (para 19) or 'familiarise themselves with' the Regulations in order to 'disseminate to staff and key stakeholders' (para 20) is rather flawed. Local Authorities will have to update a range of standard documents (e.g. Notices, standard letters etc) as well as warrants and	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.

		<p>authorisations for enforcement officers. This will take far longer than 30 minutes. LAs do not adopt the same process by which to authorise Officers (schemes of delegation) and for a small number it may be necessary to amend the Council Constitution so there is likely to be significantly more time than 30 minutes required per LA. The time taken to respond the changes should be measured in hours, not minutes, and more than 3 hours is a safe assumption for a lot of LAs. For duty holders, it is very conceivable that 30 minutes will not be long enough to read and familiarise themselves with the refreshed legislation. As stated above, where business need to rewrite internal policies, procedures and training documents in order to reflect new arrangements, this will clearly take much more than 30 minutes.</p>	
Trading Standards South East Ltd	Email	<p>In relation to familiarisation time, the Partnership are very clear there the time allowed in the consultation is not enough. It is important to point out that all officers need to understand the legislation, not just lead officers as this document suggests.</p> <p>Local authorities will not only have to read the Regulations and cascade to other officers, but there will be indirect impacts such working out what changes are needed to, for example, enforcement notices, standard letters/guidance documents, officer authorisations and credentials, procedures.</p> <p>It is felt that the consultation appears to mask the potential for considerable complexity which on the surface appears to be minimal change.</p> <p>Local authorities will see an increase in requests from businesses for advice and will rely on information and guidance from the Food Standards Agency and others to give this advice.</p>	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.
British Retail Consortium	Email	<p>In response to the estimates on time it will take for each business to assimilate changes, this has been grossly underestimated. The estimate does not take account of the need to change key internal documentation. This would not just affect our members but also their suppliers of products and services.</p>	The FSA notes your comments please see paragraph 9 for additional information on the additional burden on industry and enforcement authorities to communicate the changes.

		<p>Documentation and standard operating procedures would need to be updated to reflect the changes from EU to UK law. This will include new references to SI numbers and titles and changes to named institutions. Retailers would need to check their electronically held documentation and printed materials, eg. for circulation to stores, to ensure that all references to regulations and EU institutions are changed accordingly. This is a huge task and the time and level of involvement with staff and primary authorities to make these changes should be acknowledged.</p> <p>We estimate that at least 12-18 months would be required. Industry guidance to compliance produced by trade associations and FSA will also need to be updated. We currently have co-badged guidance with the FSA, CFA and FDF.</p>	
Question 5 While this consultation addresses what is being done to ensure retained EU law functions on the day the UK leaves the EU, do you have any general comments on food and feed safety and hygiene in the UK after EU Exit?			
Jurassic Coast Food Safety	Email	I think that FSA do not understand that there are a number of small and micro food business operators who do not even know what HACCP stands for let alone know that they should have a robust food safety management system in place and train their staff. This is feedback from over 12 years of teaching food safety and HACCP courses. FBO's are going to need much more information about the importance of this.	Noted
Private Individual	Email	Regardless of any brexit outcome, please maintain the quality of our food No more GMO (bad enough what we have already) no chlorine chicken, no hormone beef, nasty american produce etc Please protect the special foods we have here, Cornish pasty etc	Noted
Private Individual	Email	I would like assurance that the quality of any food coming into the UK is the same standard as we have here. We do not want substandard food from other countries	The FSA notes your comments please see paragraph 11 for additional information on maintaining standards.
Dairy UK	Email	Dairy UK would like to support the proposed approach to retained EU Law for Food and Feed Safety and Hygiene.	Noted
The Nature's Bounty co.	Email	Our view is that the retained EU Law should be close to 'cut and paste' in the first instance with option to make changes going forward	Noted
Perth & Kinross Council	Email	In general the proposal will have limited impact, however concerns would be that appropriate UK Authorities will be able to set safety standards	The FSA notes your comments please see paragraph 6 for

		(paragraph 13) and that there would be a consistency through the UK. As the food and feed laws are devolved, it may be potentially problematic when foods are supplied within the UK if standards are not the same? This would be effective if there is further consultation on proposals or changes to safety standards.	additional information on the proposed common approach for the UK post EU Exit.
Lisburn & Castlereagh City Council	Email	Any future changes to regulatory controls after the UK leaves the EU should provide the same, or an improved, level of consumer protection.  Any changes to the current legislation should be commensurate with the risk posed by different activities and trades and minimise the regulatory burden on council's and food businesses.	The FSA notes your comments please see paragraph 11 for additional information on maintaining standards.
Fresh Produce Consortium	Email	We support the transposition of EU regulations covering food safety as a necessary step to ensure that we maintain one regulatory regime in the UK and avoid any two-tier system.  We recognise the constraints on the UK parliamentary process with regard to the immense task of transposing existing EU regulation into UK law. We have previously flagged opportunities to review and improve food safety and hygiene regulation and we would like to re-state our desire for the FSA and other agencies to take up this work in the near future.	Noted
National Pig Association	Email	Food safety decisions must be based on sound science and evidence and must not be politicised.	Noted
NFU	Email	To maintain the UK's high standard of food and feed safety.	The FSA notes your comments please see paragraph 11 for additional information on maintaining standards.
Ulster Farmers' Union	Email	The UFU is concerned that the UK's animal welfare standards in food production could be compromised in order to achieve free trade agreements. Furthermore, resource restraints also exist in the UK taking on checks currently carried out by the EU in terms of third country inspections. We are concerned that this may lead to a reduction in the level of inspection which may result in increased safety issues.	The FSA notes your comments please see paragraph 11 for additional information on maintaining standards.
North Ayrshire Council	Email	It is hoped that the ongoing negotiations will result in an agreement to, inter alia, have high level collaboration and ensure that the expertise of EFSA	Noted

		and the UK equivalent bodies is pooled to ensure the highest level of food and feed safety for all concerned.	
Caerphilly County Borough Council	Email	It would be useful if the Agency could provide a list of statutory instruments for authorisation purposes which reflects the code of practice requirements (accepting that authorisations would be based on individual competencies).	The FSA notes your comments please see paragraph 8 for additional information on the proposed communications on EU Exit.
Belfast City Council	Email	Any future changes to regulatory controls after the UK leaves the EU should provide the same, or an improved, level of consumer protection.  Any changes to the current legislation should be commensurate with the risk posed by different activities and trades and minimise the regulatory burden on council's and food businesses.	The FSA notes your comments please see paragraph 11 for additional information on maintaining standards.
Scottish Salmon Producers' Organisation	Email	No, other than we look forward to being consulted on the details of arrangements for operating and legislating for any new food and feed safety and hygiene regime applicable to the UK/Scotland after we leave the EU.	Noted
Fermanagh and Omagh District Council	Email	Any future changes to regulatory controls after the UK leaves the EU should provide the same, or an improved, level of consumer protection.  Any changes to the current legislation should be commensurate with the risk posed by different activities and trades and minimise the regulatory burden on council's and food businesses.	The FSA notes your comments please see paragraphs 8 and 11 for additional information on the subjects raised.
Tereos	Email	Yes. The FSA's rolling survey of public opinion is important because it evidences the need for the UK Government to retain (and enhance) standards around quality, safety, sustainability, transparency and employment in the production of agricultural products like sugar, wherever they are produced. We support the UK Government's commitment to this at a political level, as it appears to echo what UK consumers want. Tereos is committed to the UK and we will continue to supply sugar to UK consumers on that basis.	The FSA thanks you for your comments please see paragraph 11 for additional information on maintaining standards.
EMEA Food & Feed	Email	Regarding the European Union (Withdrawal) Act 2018, we understand that direct EU legislation, so far as operative immediately before exit day, forms part of domestic law on and after Exit Day. It is also mentioned in the	The FSA notes your comments please see paragraph 7 for additional information on the UK access to EU institutions.



		<p>consultation that corrections to retained EU Law must not result in any material change in the level of protection of human and animal health.</p> <p>DuPont understand that EFSA guidance document are not direct EU legislation, and since FSA will establish suitable replacement of EFSA, as mentioned in the consultation, DuPont would like to use this consultation to make FSA aware of the opportunity to re-evaluate the approach of EFSA regarding data requirements for risk assessment of food and feed enzymes.</p>	
Health Food Manufacturers' Association	Email	<p>HFMA believes that EU-Exit provides an opportunity to improve food and feed law across the UK. Key drivers should be consumer protection, a light-touch approach for good businesses, a zero tolerance for rogue traders and sound but pragmatic decisions on nutrition and health claims based on the latest science and evidence. A new, well-resourced Government body with responsibility for all food and feed law could provide a more streamlined and coordinated approach to food enforcement. This could benefit both consumers and responsible businesses, and lead to improvements in the UK's already world-class food and drink sector.</p>	Noted
Council for Responsible Nutrition UK	Email	<p>There are a number of issues that will affect businesses from Day 1 of when the UK leaves the EU, but for which little information has been provided to date. We are aware that some of the following may not necessarily fall directly within the FSA's remit, but we trust that all responses to the consultation are to be shared with other relevant government bodies.</p> <p>a) EU RASFF Database It currently appears to be unclear whether the UK will continue to be a part of the EU RASFF database. It is important that the UK government considers its future plans regarding this very important food safety tool. Norway is part of RASFF (through the European Free Trade Association) as is Switzerland (as being a partial member of the system). Something similar could be put in place for the UK once it has left the EU. This is particularly important given the UK's close trading relationship with Ireland.</p>	The FSA notes your comments please see paragraph 7 for additional information on the UK access to EU institutions.
Chartered Trading Standards Institute	Email	<p>It is our continuing concern that the lack of resources in local authorities could be detrimental to the UK.</p>	Noted

Causeway Coast and Glens Borough Council	Email	<p>CC&amp;G BC has the following general comments on food and feed safety and hygiene in the UK after EU Exit:</p> <p>Any future changes to regulatory controls after the UK leaves the EU should provide the same, or an improved, level of consumer protection.</p> <p>Any changes to the current legislation should be commensurate with the risk posed by different activities and trades and minimise the regulatory burden on council's and food businesses.</p>	The FSA notes your comments please see paragraphs 8 and 11 for additional information on the subjects raised.
The British Association of Feed Supplement and Additive Manufacturers (BAFSAM)	Email	<p>The key objective of most companies operating in this industry sector is to avoid too wide a divergence of the EU and UK regulations as they will not wish to duplicate effort and cost to function in both markets.</p> <p>The EU RASSF system is viewed as a valuable monitoring tool in relation to feed safety.</p>	The FSA notes your comments please see paragraph 7 for additional information on the UK access to EU institutions.
Agricultural Industries Confederation	Email	<p>IC shares the FSA priority of maintaining high standards of food and feed safety through a framework of risk-based and proportionate risk assessments. In achieving this, AIC would draw attention to one of the key aims of the FSA Animal Feed Official Control Delivery Strategy (England) which is:</p> <p>To strengthen the systems and processes of approval of third-party assurance schemes through collaboration with key stakeholders, robust governance and efficient internal processes.</p> <p>It is important to retain the capability to make appropriate changes to reflect practicality whilst maintaining standards.</p>	Noted
Society for Applied Microbiology	Email	<p>At the Society's expert roundtable discussion in July 2018 we heard a number of concerns in relation to EU Exit and food safety. Depending on future arrangements between the UK and EU, scientists in the UK may cease to be eligible to receive EU funding for food safety research, both through agencies (EFSA) and programmes such as Horizon 2020.</p>	The FSA thanks you for your comments please see paragraph 7 for additional information on the UK access to EU institutions.

Royal Borough of Greenwich	Email	Yes, we do have further comments to make. The FSA needs to communicate clearly, and as a matter of urgency, how it expects duty holders and Local Authorities to reflect Brexit-related legislative change within internal documentation and when it expects these changes to have started, and been completed by.	The FSA notes your comments please see paragraph 8 for additional information on the proposed communications on EU Exit.
Trading Standards South East Ltd	Email	The Partnership has the following concerns in relation to food and feed after EU exit. <ul style="list-style-type: none"> <li>• No access to RASSF therefore no on-going access to trends and emerging issues found in ports across the EU. This may mean UK consumers are more at risk</li> <li>• Regulation of health claims. Will an agreement be reached done to allow us to access the work of EFSA after we leave?</li> </ul>	The FSA notes your comments please see paragraph 8 for additional information on the proposed communications on EU Exit.
Food and Drink Federation	Email	FDf would like clarification on the status in the UK with regard to EU legislation which has been published, but which does not (wholly or partly) formally enter into force until after EU Exit including delegated and implementing Acts that remain outstanding.	The UK remains a member of the EU until it exits, therefore the UK will comply with all the EU laws until it exits.
British Retail Consortium	Email	This question has been addressed within some of our answers above. We reiterate the need for cross government coordination on instructions to businesses, enforcement and approach to legislation with broad impact.	The FSA notes your comments please see paragraph 6 for additional information on the proposed common approach for the UK post EU Exit.
Which?	Email	Summary  Which? welcomes this opportunity to comment on the proposed approach to retained EU law for food and feed safety and hygiene after the UK leaves the EU. It is important that the UK and EU reach an agreement that enables continued co-operation and sharing of expertise on food and feed safety after EU exit. This includes a close working relationship with the European Food Safety Authority (EFSA).	The FSA notes your comments please see paragraphs 7, 10 and 11 for additional information on the subjects raised.

		<p>Introduction</p> <p>Which? welcomes the opportunity to comment on the FSA's consultation on the proposed approach to retained EU law for food and feed safety and hygiene after the UK leaves the EU.</p> <p>It is essential that there is a robust regulatory framework in place after EU exit that ensures a high level of consumer protection.</p> <p>Comments on the proposed approach</p> <p>The extent to which the UK will have on-going co-operation with EU expert bodies, such as EFSA, is currently unclear and will depend on the outcome of the negotiations. Which? considers that a deal with the EU is essential and that as part of this there need to be arrangements in place for on-going co-operation on food and feed safety matters. This includes working with EFSA and access to intelligence sharing and alert networks such as the Trade Control and Export System (TRACES) and the Rapid Alert System for Food and Feed (RASFF). But whatever the future relationship, the UK will need to significantly enhance its capacity for both risk assessment and risk management. The FSA was set up in 2000 in response to the BSE crisis and other food scares. It was set up as an independent, Non-Ministerial Government Department with a clear remit set out in the Food Standards Act 1999: "The main objective of the Agency in carrying out its functions is to protect public health from risks which may arise in connection with the consumption of food (including risks caused by the way in which it is produced or supplied) and otherwise to protect the interests of consumers in relation to food".</p>	
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## **Organisations that responded to the consultations:**

Jurassic Coast Food Safety

Strutt and Parker

DM Training Consultants

Private Individual

British Association for Nutrition and Lifestyle Medicine

Dairy UK

Private Individual

The Nature's Bounty co.

Perth & Kinross Council

Sun Chemical

GeneWatch UK

Lisburn & Castlereagh City Council

Fresh Produce Consortium

National Pig Association

PAGB (Proprietary Association of Great Britain)

NFU

Ulster Farmers' Union

Stirling Council

North Ayrshire Council

Caerphilly County Borough Council

Health Protection Scotland

Belfast City Council

Scottish Salmon Producers' Organisation

Fermanagh and Omagh District Council

Tereos

EMEA Food & Feed

DuPont Industrial Biosciences

Mid Sussex district council

Health Food Manufacturers' Association

Council for Responsible Nutrition UK

Sea Fish Industry Authority

Chartered Trading Standards Institute

Meat Promotion Wales

The International Meat Trade Association

Chilled Food Association

Causeway Coast and Glens Borough Council

Total Diet & Meal Replacements Europe Secretariat

Amcor Central Services Bristol

The British Association of Feed Supplement and Additive Manufacturers (BAFSAM)

AIC (Agricultural Industries Confederation)

Private Individual

Society for Applied Microbiology

Coeliac UK

Local Government Association

Royal Borough of Greenwich

Trading Standards South East Ltd

Food and Drink Federation

National Animal Feed at Ports Panel (NAFPP)

British Retail Consortium

Which?