



**Food
Standards
Agency**
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Chief Executive

Dame Meg Hillier MP
Chair of the Public Accounts Committee
House of Commons
London
SW1A 0AA

By email:

Our ref: MC2023/00082
18 April 2023

Dear Dame Hillier,

Nineteenth Report of Session 2022-23: Regulating after EU Exit (Food Standards Agency, Competition and Markets Authority and Health and Safety Executive)

Following my evidence session at the Public Accounts Committee (PAC) on 13 June 2022, and the final report published on 12 October 2022, I am writing to provide an update in relation to recommendations 1, 4 and 6 below.

Since I attended the PAC evidence session, the Food Standards Agency (FSA) has continued to deliver its core responsibilities in regulating the food system, the additional responsibilities that were taken on following EU Exit, and additional priorities that were not foreseen at the start of the 2022/23 financial year. These additional priorities include working with other government departments on the development of the Borders Target Operating Model; the Government's Precision Breeding Bill; the Windsor Framework and the Retained EU Law (Reform and Revocation) Bill. To ensure that the FSA has identified sufficient resource to deliver this work, a significant [reprioritisation of its work](#) was undertaken in 2022.

PAC recommendation 1: The regulators should write to the Committee in six months setting out progress in developing long-term strategies with relevant policy departments (including which reforms would require primary legislation and estimated timescales for implementation).

The PAC concluded that the three regulators' progress on developing long-term strategies post-EU Exit had been slow and the future direction remains unclear. The FSA set out its

[five-year strategy](#) in March 2022, which acknowledged the additional roles it has taken on following EU Exit, and highlighted key priorities from wider Government that had informed its thinking. The FSA has now published a more detailed [Three-Year Corporate Plan](#), in March 2023, which includes more detail on its planned reforms, as well as core work. Areas requiring changes in legislation are highlighted in this document.

The FSA is also in the process of analysing and assessing retained EU law to determine what should be preserved as part of domestic law, and what should be revoked, or amended in line with the Retained EU Law (Reform and Revocation) Bill. The UK has world-leading food safety and standards, backed by a strong legislative framework. The FSA is working closely with the Department for Environment, Food and Rural Affairs (Defra) and the Department for Health and Social Care (DHSC), reflecting its respective policy responsibilities across England, Wales and Northern Ireland, and with Food Standards Scotland, to ensure that there is a coherent approach to food regulation across the UK, minimising any impact of divergence.

To inform the FSA's approach to the Retained EU Law (Reform and Revocation) Bill, the FSA Board agreed five principles which will underpin its advice to government which can be found in its most recent [Board Paper, which include a commitment to protecting the consumer interest, maintaining trading partner confidence and minimising divergence within the UK.](#)

PAC recommendation 4: The regulators should work together to share good practice on mitigations to address the loss of regulatory cooperation arrangements with the EU and write to the Committee in six months setting out progress in taking forward the cooperation arrangements set out in the Trade and Cooperation Agreement.

The PAC concluded that the loss of access to EU systems and lack of progress in taking forward the regulatory cooperation provisions set out in the Trade and Cooperation Agreement (TCA) increase regulatory risks and costs. The FSA has met with its counterparts at the Competition and Markets Authority and Health and Safety Executive to share best practice on combating the loss of access to EU systems.

The TCA and the Withdrawal Agreement confer rights and obligations on both the UK and EU which provide the framework for much of the FSA's formalised engagement with the EU, its institutions, and Member States. The FSA is working to expand its relationship with the EU beyond the formal mechanisms in the Withdrawal Agreement and TCA.

The FSA has made some progress in this area through its positive relationships with informal networks and exposure at international conferences and fora. The FSA also uses the formal mechanisms under the TCA to share information with and receive information from the EU. Key to this information exchange is collaboration on food and feed incidents, foodborne outbreaks and food crime. The FSA's Incidents and Resilience Unit (IRU) also regularly meets with its counterparts to ensure maximum food related intelligence is received to optimise operational response.

The FSA's National Food Crime Unit is an important and active member of the global community in countering food fraud and relationships with European partners are an important aspect of this. The Unit also receives and responds to reports of potential fraud from the Commission and individual member states and works with partners domestically to ensure these are further investigated.

While this practical cooperation on food and feed incidents and food fraud is constructive, the FSA has continued to struggle to engage formally and informally with European institutions like the European Food Safety Authority (EFSA) and the Commission on matters like risk analysis. The FSA is hopeful that the recent conclusion of the Windsor Framework negotiation will mean that Commission and EFSA officials are more able to engage with the department.

PAC recommendation 6: The regulators should write to the Committee in six months setting out their plans for further international engagement including their objectives and timescales for action.

The PAC concluded that it will be vital for regulators to continue to develop their engagement on the world stage. The FSA has maintained its good relationships with international partners, both working through major international organisations such as Codex and through smaller groups of countries collaborating and sharing knowledge and insight as required.

In December 2022, following an internal in-year prioritisation exercise, considering the new work pressures described in my opening paragraph, the FSA Board agreed to slow the expansion of its international work into new areas.

Notwithstanding the FSA's need to prioritise effectively, it continues to fulfil its international obligations as follows:

- Through providing technical input on food and feed safety during negotiations of Free Trade Agreements;
- Working closely with Department for Business and Trade, Defra and other departments to provide technical input to inform live negotiations and subsequent Parliamentary scrutiny;
- Ensuring changes to its sanitary and phytosanitary measures for food and animal feed are relayed to, and consulted with, WTO members, promoting transparency;
- Working with Defra and other relevant partners to develop/maintain effective systems of compliance audits, exports approvals and official controls for new and existing exports markets, ensuring the FSA is providing the necessary assurances (to importing countries) of UK standards of food safety; and
- Continuing to represent the UK Government at inter-governmental meetings that set international food standards for food and animal feed. The UK is now represented as a sovereign country, but the FSA's continued ongoing involvement with five Codex committees^[1] that undertake the technical standards on behalf of the Commission influence the creation of internationally recognised standards for food production and food safety/hygiene. Whilst Codex standards and guidelines are voluntary, many countries use them as the basis for their national legislation because of their status as reference texts for WTO trading rules and dispute settlement.

Yours sincerely,

A handwritten signature in black ink that reads "Emily Miles". The signature is fluid and cursive, with a long horizontal stroke at the bottom.

Emily Miles
Chief Executive

[\[1\]](#) The five committees the FSA lead on are:

- **The Codex Committee on Contaminants in Foods (CCCF)**
- **The Codex Committee on Food Hygiene (CCFH)**
- **The Codex Committee on Food Additives (CCFA)**
- **The Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS)**
- **The Codex Committee on Methods of Analysis and Sampling (CCMAS)**