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Maree Todd BPA

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Our Reference: Common Framework on Food Compositional Standards and Labelling

22 February 2022

Dear Gillian,

My predecessor Mr Fitzpatrick wrote to the Convenor of the Health and Sport Committee on 14th December 2020 with a summary of the proposed common framework on **Food Compositional Standards and Labelling**. I am now writing to share the text of this provisional framework with your Committee.

My officials, together with their counterparts in the UK Government, Welsh Government and the Northern Ireland Executive have been working jointly to develop this framework. The provisional framework was confirmed by the portfolio Ministers of the four governments in January 2022. I am now sharing this provisional framework for your Committee to scrutinise.

The provisional framework consists of a Framework Outline Agreement and Concordat. Please find an updated cover page attached, with the Framework Outline Agreement and Concordat attached. My officials are happy to provide any further information if that would be helpful.

I am copying this letter and all attachments to Mr Finlay Carson, Convenor of the Rural Affairs, Islands and Natural Environment Committee and to Clare Adamson MSP, Convenor of the Constitution, Europe, External Affairs and Culture Committee due to the Committee's interest in the overall UK Common Framework programme.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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Regards,

Maree Todd MSP

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1. Framework ownership

- Food Compositional Standards and Labelling (FCSL)
- Maree Todd, Minister for Public Health, Women's Health and Sport
- Food Standards Scotland – Jennifer.Howie@fss.scot (FSS frameworks lead) Stephen.hendry@fss.scot (FSS food labelling policy lead)
- Lead Committee – **Health, Social Care and Sport**. Committees with an interest: Rural Affairs, Islands and Natural Environment Committee; Constitution, Europe, External Affairs and Culture Committee

2. Points for the Parliamentary committees to note

a. Procedural

- Date of ministerial sign-off of the provisional framework: The published version of the provisional framework was agreed by UK portfolio Ministers in January 2022.

b. Content

- *Purpose of the framework*

The FC SL Framework is an agreement between UK administrations committing parties to using common, collaborative approaches when developing food labelling, composition and standards policy. The framework proposals acknowledge that, for FC SL policy in Northern Ireland, final decisions on proposals for regulatory change within scope of the Framework rest with the EU.

The Framework sets out processes for the four countries to follow when developing policy in this area (these commitments are common across all framework areas):

- Common working practices, requiring engagement on a four-country basis at all stages of policy development.
- Processes for managing divergence.
- Decision-making processes for Ministers.
- Dispute resolution processes for both officials and Ministers.
- Governance arrangements, such as how the framework will be reviewed and amended.

The food compositional standards and labelling policy area covered by this framework encompasses policies and regulations relate to:

- Food information to consumers
- Fish labelling
- Dairy designations and spreadable fats
- Caseins and caseinates
- Cocoa & chocolate products
- Coffee extracts & chicory extracts
- Condensed milk and dried milk
- Fruit juices and fruit nectars
- Honey and honey products
- Jam and similar products
- Natural mineral, spring and bottled water
- Specified sugar products

Relevant legislation – *The following Statutory Instruments have been notified to and received the consent of the Scottish Parliament:*

- The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019;
- The Food (Amendment) (EU Exit) Regulations 2019;
- The Food and Drink (EU Exit) Regulations 2020 (replaces the Food and Drink (EU Exit) Regulations 2019);
- The Food (Amendment) (EU Exit) Regulations 2020
- The Food and Drink (Misc. Amendments etc) Regulations 2021
- The Food, Natural Mineral Water, Spring Water and Bottled Drinking Water (EU Exit) (Scotland) (Amendment) Regulations 2021
- The Food, Natural Mineral Water, Spring Water and Bottled Drinking Water (EU Exit) (Scotland) (Amendment) Amendment Regulations 2021
- *Main differences since summary sent to Committee*
- The main differences in the framework since the summary was shared with the last legislature relate to the addition of agreed text on international relations and trade, which in essence reflect the intersection of this framework, those issues and the devolution settlement. Minor amendments have also been made to the scope section in order to better align with other food frameworks for which the policy lead is Food Standards Scotland.
- *Stakeholder engagement:*
 - Initial informal engagement took place with stakeholders between 13 and 27 November 2020. Only one comment was received by a Scottish stakeholder. The Royal Environmental Health Institute for Scotland (REHIS) was generally supportive of the arrangements outlined and their comments around clarifying the scope of the framework and the decision making process have helped develop the current text of the framework. .
 - This was followed up by an online engagement session which took place on 17th June 2021 involving food manufacturers, general food

retail, bakery, butchery, wholesale and enforcement interests. Issues raised mirrored those which have been raised in other framework discussions, namely stakeholders asked about the operability of the framework and the Internal Market Act 2020 and the Northern Ireland Protocol.

- No changes were made to the framework directly as a result of this engagement; however minor refinements in relation to Northern Ireland and the wider legislative landscape have been made in the interim.
- A copy of the summary document that was shared with stakeholders is available at Annex A

- *Any Scotland specific policy considerations or interests.*

Scottish Ministers fully support the Common Framework programme and consider that frameworks are all that are needed to manage any potential legislative divergence in future. However when the UK Government introduced the Internal Market Act in 2020, the Act's market access principles could in many instances undermine any policy divergence agreed in a common framework. Whilst Scottish Government continue to view the Act as a direct assault on devolution, a process has been developed to ensure policy divergence agreed in frameworks is excluded from the Act's market access principles. UK Ministers must now act to ensure that they honour the principle of the common frameworks exclusion process in practice.

Annex A: Summary shared with Stakeholder in November 2020



ANNEX A FCSL
Summary for stakeh