

# Health, Social Care and Sport Committee

## 16th Meeting, 2022 (Session 6), Tuesday, 3 May 2022

### Provisional Common Framework on Food Composition Standards and Labelling

#### Note by the Clerk

##### Introduction

1. At its meeting today, the Health, Social Care and Sport Committee will take evidence on a [provisional common framework on food composition standards and labelling](#) (FCSL), from the Minister for Public Health, Women's Health and Sport.

##### Background

2. The provisional FCSL framework aims to maintain standards for clear and accurate food information between the UK Government, Scottish Government, Welsh Government and the Northern Ireland Executive. The framework proposals have been jointly developed by officials in the Department for Environment, Food and Rural Affairs (DEFRA) in England, the Food Standards Agency (FSA) in Wales and Northern Ireland, and by Food Standards Scotland (FSS) in Scotland.
3. The FCSL framework sets out EU directive-derived legislation and the processes that may be used to propose new legislation in the food compositional standards and labelling policy area.
4. The framework sets out how the four governments propose to work together and manage divergence on FCSL policy. The framework sets out a process by which any government can suggest changes to the standards and how such a proposal will be collectively considered before one or more governments introduce a change.
5. The framework notes two decision-making principles that governments should give due consideration to:
  - That consumers have the right to clear and accurate food information, to make informed, healthy, and safe choices.

- That compliant businesses should be supported to trade across the UK with minimal barriers.
6. The Committee issued a call for views on 31 March 2022. Two responses were received. These are available at Annexe A.
  7. SPICe colleagues have published a [briefing](#) discussing the FCSL framework and providing background information on the common frameworks programme.

**Clerks to the Committee**

**28 April 2022**

**Written submission from Quality Meats Scotland**

Quality Meat Scotland is a Non-Departmental Public Body. This advice is provided under the Quality Meat Scotland Order 2008 Schedule 1 point 18 'Advising on any matters relating to the red meat sector (other than remuneration or conditions of employment) as to which the Scottish Ministers may request Quality Meat Scotland to advise, and undertaking inquiry for the purpose of enabling Quality Meat Scotland to advise on such matters'. This advice is freely available and further information can be provided by the designated contact above.

1. In terms of the scope of the Framework, do you have any views on the changes introduced to the previous arrangements by the framework, as outlined above? It seems sensible to implement a framework to provide governance structures and consensusbased processes for considering and managing the impact of proposed changes to rules which have policy or regulatory implications for the rest of the UK.
2. As part of its earlier engagement about this Common Framework, did you raise any specific issues or concerns with the Scottish Government and, if so, do you feel that these have subsequently been addressed? QMS was not previously engaged on the subject of this Common Framework.
3. To what extent were stakeholders involved in earlier consultation? If you chose not to be involved, what was the reason for that? QMS was not previously engaged on the subject of this Common Framework.
4. Do you have any outstanding concerns about the detail of the Common Framework and its operation that you would like to raise with the Committee? No, we do not have any outstanding concerns.
5. Do you believe that this framework is fit for purpose – i.e. can it meet its aims? In theory, this framework appears fit for purpose.
6. What are the implications of any interactions with the UK Internal Market Act and the Protocol on Ireland/Northern Ireland, particularly given concerns expressed by the House of Lords Committee?

It is vitally important for Scotland's food and drink industry (and therefore its agricultural sector) that the UK Internal Market is able to continue to operate as it currently does. Common Frameworks provide an effective mechanism by which to facilitate divergence in policy across the UK whilst enabling a united approach to regulatory requirements to maintain the functioning of the UK Internal Market.

Common Frameworks must be permitted to respect devolution settlements and agree policy divergences - any nullification of this as a result of the UK Internal Market Act is deeply concerning. The Internal Market Act must not be able to undermine the objective of Common Frameworks, that is for devolved administrations and the UK Government to agree alignment and manage legislative divergences as necessary, using "common, collaborative approaches".

7. Do you have any views on the governance and enforcement regime outlined in the framework?

Clarity around the process for making changes to those areas of FCSL policy which were not covered by EU legislation, e.g. products containing meat, would be appreciated. The scope of the Concordat states that:

Several areas of food compositional standards and labelling, such as the compositional standards of certain meat products, are covered by existing domestic legislative arrangements across each of the nations. Whilst these areas and any related policy changes remain within the direct competence of each nation, any proposed changes to such arrangements should be presented to the FCSL Officials Group for discussion via the joint working process as outlined in this agreement and where possible, agreement across the UK will be sought. These changes however shall not be bound by the formal dispute resolution process.

There needs to be clarity on the result of agreement to a proposed change to a domestic legislative arrangement not being reached – is the joint working process a formality in this instance, or is there an alternative mechanism to the formal dispute resolution process that will be triggered if all Parties are not in agreement.

**Written submission from The Royal Environmental Health Institute of Scotland**

1. The Committee understands that the Royal Environmental Health Institute for Scotland was the only organisation to provide a specific response to the Scottish Government's initial informal engagement in relation to the Common Framework and that "...their comments around clarifying the scope of the framework and the decision making process have helped the current text of the framework." What specific comments did REHIS make about the Common Framework and are you satisfied these have been addressed by the current text of the framework?

*Comments related to confirming aspects of pieces of legislation not included in this Framework, where the Regulations are stated as within scope, in particular allergen labelling and nutrition labelling; raising concern over inconsistency across the 4 nations in relation to enforcement, and confirming dispute resolution procedure at Ministerial level. These are addressed in the current text of the framework.*

2. In terms of the scope of the Framework, do you have any views on the changes introduced to the previous arrangements by the framework, as outlined above?

*No comment.*

3. As part of its earlier engagement about this Common Framework, did you raise any specific issues or concerns with the Scottish Government and, if so, do you feel that these have subsequently been addressed?

*N/A*

4. To what extent were stakeholders involved in earlier consultation? If you chose not to be involved, what was the reason for that?

*Concerns were raised in the response provided and further engagement was not considered necessary.*

5. Do you have any outstanding concerns about the detail of the Common Framework and its operation that you would like to raise with the Committee?

*No*

6. Do you believe that this framework is fit for purpose – i.e. can it meet its aims?

*Yes*

7. What are the implications of any interactions with the UK Internal Market Act and the Protocol on Ireland/Northern Ireland, particularly given concerns expressed by the House of Lords Committee?

*No comment*

8. Do you have any views on the governance and enforcement regime outlined in the framework?

*The Framework appears to clarify that enforcement of the relevant Regulations is outwith the scope, and is the responsibility of each Nation. This is considered appropriate.*