

<b>Report on</b>	To advise elected members on a consultation document relating to amendments to Retained EU Law for Food and Feed Safety and Hygiene for the end of the Transition Period in relation to EU exit.
<b>Date of Meeting</b>	8 <sup>th</sup> September 2020
<b>Reporting Officer</b>	Fiona McClements

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform elected members on the consultation on amendments to Retained EU Law for Food and Feed Safety and Hygiene for the end of the EU Exit Transition Period.
<b>2.0</b>	<b>Background</b>
2.1	Between 4 <sup>th</sup> September 2018 and 14 <sup>th</sup> October 2018, the Food Standards Agency (FSA) consulted stakeholders on the proposed approach to retained EU law ("REUL") for food and feed safety and hygiene in respect of the UK's exit from the EU. Following the consultation, 17 Statutory Instruments (SIs) were made under the European Union (Withdrawal) Act 2018 ("the EUWA") for food and feed safety. This consultation concerns further changes needed to ensure that REUL relating to food and feed safety and hygiene continues to function correctly at the end of the Transition Period ("TP") both in regard to the Withdrawal Agreement and the Northern Ireland Protocol ('NIP'). The changes will be made by the Food and Feed Safety and Hygiene (Miscellaneous Amendments) (EU Exit) Regulations 2020, which are currently being prepared.
<b>3.0</b>	<b>Main Report</b>
3.1	The consultation is focused on the necessary legislative amendments to retained EU law in respect of food and feed safety, to ensure the Northern Ireland Protocol is appropriately reflected in law. As a result of the NIP, certain areas of EU law will continue to apply to the UK in respect of Northern Ireland. Therefore, The Food and Feed Safety and Hygiene (Miscellaneous Amendments) (EU Exit) Regulations 2020 will revisit the 17 food and feed safety EU Exit Statutory Instruments to apply REUL to Great Britain rather than the United Kingdom. The amendments will include restricting the application of retained EU law to Great Britain and ensuring that references to Northern Ireland bodies are removed from the revised decision-making processes in retained EU law.
3.2	These amendment Regulations will also deal with further EU Legislation relating to food and feed safety which have come into force since the 17 EU Exit Statutory Instruments were made in 2019. The Food and Feed Safety and Hygiene (Miscellaneous Amendments) (EU Exit) Regulations 2020 will address any gaps in

	retained EU law in those areas to ensure a correct statute book at the end of the transition period, taking into account the Northern Ireland Protocol.
3.3	Impacts – The regulations contained within The Food and Feed Safety and Hygiene (Miscellaneous Amendments) (EU Exit) Regulations 2020 are designed only to fix the inoperability of REUL and ensure the continued hygiene controls and practices of food business operators. This instrument will provide continuity for stakeholders; and the Food Standards Agency (FSA) has not identified any significant impact from the legislative change other than in relation to a negligible one-off familiarisation cost for businesses and local authorities. Compared with the current system, there would be no additional or new burden on enforcement bodies, other than those identified in the costs above. The FSA aims to minimise the impact on business and authorities by providing information on any changes to current EU branding requirements as soon as possible to ensure sufficient lead in time. Targeted engagement with key stakeholders is ongoing and formal consultation will follow as required.
3.4	<p>The consultation asks that Local authorities consider the following questions:</p> <p>Q1: Do you have any comments on the proposed approach to fixing inoperabilities in retained EU Law taking account of the Northern Ireland Protocol for day one of exiting the TP as set out in this consultation?</p> <p>Q2: 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?</p> <p>Q3: Are you aware of any impacts of the proposed measures that have not been identified in this consultation?</p> <p>Q4: Do you agree with the impacts that have been identified within this consultation?</p> <p>Q5: While this consultation addresses what is being done to ensure retained EU law functions on the day the TP ends, do you have any general comments on food and feed safety and hygiene legislation in the UK after the end of the TP?</p>
3.5	A proposed MUDC response to the consultation is attached at Appendix 1. However, the Food Hygiene Subgroup of the Northern Ireland Food Managers Group is currently preparing a response to this consultation. Once agreed regionally, the MUDC response may be further amended, and if so, an amended copy will be available to members in advance of the committee meeting.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: N/a
	Human: Time for staff to familiarise themselves with the updated amendments.
	Risk Management: N/a

<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That elected members consider and agree the content of the attached draft response on this consultation for return to the Food Standards Agency by 16 <sup>th</sup> September 2020.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Mid Ulster District Council response to consultation
6.2	Appendix 2 – Consultation documents from FSA