

REVISED FSA REGULATORY FRAMEWORK
SUMMARY REPORT OF RESPONSES TO CONSULTATION
FROM STAKEHOLDERS

1. The Revised FSA Regulatory Framework consultation was issued on 1 February 2010 and closed on 26 February 2010. This was the second consultation and had been signposted in the first one, and was therefore shorter. The document consulted on was renamed the Framework for Policy Making, as a result of responses to the first consultation.
2. The FSA is grateful to those stakeholders who responded and sets out in the table below responses in order of the group responding.
3. The key proposals on which the consultation sought views were:
 - The document has been shortened and made less wordy, in line with the views of FSA policy makers, but the principles of the original document have been retained.
 - Once the document has been revised to take any additional comments from the second consultation into account, it will be brought to the attention of the FSA Board.
 - The finalised version will be published on the website.
 - Additional guidance on more specific policy-making topics will be provided on the FSA's internal intranet.
4. The Food Standards Agency's considered responses to stakeholders' comments are given in the last column of the table. A summary of changes to the original proposal(s) resulting from stakeholder comments is set out in the final table.
5. A list of stakeholders who responded can be found at the end of the document.

Comments on revised framework		
Respondent	Comment	Response
Anaphylaxis Campaign	<p>We applaud the prioritisation of options for intervention as below which reflect our own work with the Agency at regional and UK wide level over the last 10-15 years. We also appreciate the close liaison between the FSA in Wales and particular local authorities as well as the CIEH and TSI in Wales who have been proactive in protecting those allergic and food intolerant consumers at risk. Such cooperation and reasource-sharing is essential, whichever of the options below are being considered. We would like to see more shared projects eg sampling, public awareness of this nature in the future.</p> <p>Lastly we would value the support of FSA Wales in ensuring that the current draft EU legislation on providing Food Information ensures that consumers really can find out exactly what is anything they buy whether pre-packed or non pre-packed. The new legislation must recognise existing food safety legislation about not selling 'unsafe' food ie food for which information provided is inadequate or misleading.</p>	Noted.
Institute of Food Science Technology	<p>We consider that, overall, this in an excellent statement of principles.</p> <p>Inevitably, there will always be scope for disagreement from time to time on how effectively they are implemented, and in particular on which</p>	Noted.

Comments on revised framework		
Respondent	Comment	Response
	<p>of the item 10 Options is chosen, in specific instances.</p> <p>We have just one addition to suggest. In Item 10 Options, eighth bullet, after "...encourage responsible businesses....." we would like to see the words " and individuals" inserted, so that it reads "promote compliance through collaborative working with responsible businesses and encourage responsible businesses and individuals to blow the whistle on businesses that are irresponsible or fraudulent."</p>	<p>Agreed; "and individuals" now included.</p>
Nick Clayton	<p>Paragraph 3 should be reordered so that the importance of science and evidence comes first.</p>	<p>The order of the principles reflects that shown on our website, at http://www.food.gov.uk/aboutus/how_we_work/ and also in our Strategic Plan for 2010-2015, at http://www.food.gov.uk/multimedia/pdfs/strategy20102015.pdf</p>
Scotch Whisky Association	<p>...the effort to reduce the FSA's strategy paper to a series of bullet points makes it more difficult to understand what the policy is.</p> <p>In addition, there is a concern that the proposed new framework dossier focuses largely on intervention, which in many cases will mean the introduction of labelling measures.</p>	<p>In response to policy colleagues' requests, we used bullet points to make the document more readable. It is meant as a decision-making aid to be used alongside more detailed guidance. However, the bullet points on options for intervention still emphasise the need to consider whether intervention is needed, and if so, to think about all other options before legislation.</p>
Smithfield Market Tenants' Association	<p>There are some specific areas where the new text appears to omit (or lays less stress on) points made in the previous version.</p> <p>(i) Individual business responsibility There was more emphasis previously (old para 4)</p>	<p>We think this is covered in the new paragraph 9, third and fourth bullets:</p> <p>[We shall]</p> <ul style="list-style-type: none"> • seek to work collaboratively with responsible

Comments on revised framework		
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	<p>on the responsibility of businesses to manage the hazards in their products and processes</p> <p>(ii) Range of interventions Old para 8 laid stress on the range of possible interventions, from advice and coaching to prosecution, repeated in old para 12 “encouraging enforcement bodies to take proportionate enforcement action” and old para 13 “drive improvement and reward good performance” and “using the market to achieve change”. These are both important and including them specifically would fit well with the current para 10 which is less clear on both points.</p> <p>(iii) International co-operation The previous draft (paras 8 and 12) referred to European/International co-ordination. Will this be dealt with elsewhere? Ensuring co-operative action and a level playing field are both necessary.</p> <p>(iv) Looking forward The previous draft talked about changing the law “to protect against risks not previously identified” and reviewing the framework again and reviewing performance against it. Some kind of future-proofing should be included.</p>	<p>businesses, and/or their representative organisations, to protect consumers;</p> <ul style="list-style-type: none"> work with enforcement bodies to help responsible businesses comply and to penalise those that are wilfully and repeatedly noncompliant, or seriously negligent with respect to consumer safety. <p>In the new paragraph 10, tenth bullet we have inserted ‘proportionate’:</p> <ul style="list-style-type: none"> <u>promote proportionate, effective, risk-based interventions by enforcement bodies</u>, through guidance, training and support, performance monitoring and audit. <p>Our supplementary guidance and training for policy makers stresses that when we are considering the need for intervention it is the need for any intervention, including that of the EU. So if policy makers decide that intervention is justified, they would consider the full range of options, working collaboratively with the EU</p> <p>Agreed. We have included a commitment to review the Framework and our performance against it again in 2012.</p>

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SUMMARY OF CHANGES MADE:

Comment	Response
See responses above.	

ACTIONS TO BE IMPLEMENTED:

- Revisions as explained above to be made to Framework.
- Revised version to be brought to the attention of the FSA Board.
- Additional guidance on more specific policy-making topics to be provided on the FSA's internal intranet.

LIST OF RESPONDENTS:

1. Anaphylaxis Campaign
2. Institute of Food Science Technology
3. Nick Clayton
4. Scotch Whisky Association
5. Smithfield Market Tenants' Association