

Memorandum of Understanding: Annex D- international protocol

This Memorandum of Understanding (MoU) sets out the working relationship between the Food Standards Agency (FSA) and Food Standards Scotland (FSS) and the principles that FSA and FSS will follow in the course of day-to-day working relationships.

17. Purpose and scope

UK representation at international level and international trade are reserved matters. However, there are exceptions to these reservations, which include the implementation of international obligations, as well as public health controls in relation to the import and export of food and feed. Food and feed imports will, where necessary be subject to agreed risk analysis processes (Annex G) in line with UK Common Frameworks, alongside the principles outlined in this section.

The FSA and FSS therefore acknowledge a shared interest in international policy matters, where the development of international policy, positions or objectives falls into our respective remits.

This protocol will enable good working relationships and strong collaboration between FSA and FSS staff on international matters.

18. General principles

The FSA and FSS agree to:

- share information on relevant international activities as appropriate in an open and timely manner;
- develop collaborative or mutually supportive approaches to the development of international policy, objectives, and positions; and
- ensure the interests of stakeholders and administrations across the UK are taken into account when arriving at an agreed UK position.

19. Specific provisions

International policy development and liaison

The FSA will involve FSS directly and as fully as possible in discussions about the formulation of the UK Government's policy positions as they relate to food safety matters on reserved international issues such as Codex international standards and engagement with the WTO, including those which touch on devolved matters (and non-devolved matters, particularly where there may be a distinctive impact in Scotland). Where the matter is devolved (e.g. the development of food safety standards for imported food which may affect future trade discussions), the FSA and FSS will work collaboratively and in line with agreed risk analysis processes where appropriate (see Annex G).

The FSA will co-ordinate the agreement of UK food and feed positions and lines with FSS, allowing for consultation in respective countries to take place.

Where expertise on an issue lies predominately within Scotland, subject to agreement by the lead UK Government Department, FSA agree that FSS will provide UK representation. The role of FSS will be to support and advance the UK negotiating position.

The FSA will work collaboratively with FSS to develop third country Memoranda of Understanding where the FSA is the UK Government lead. Where either FSA or FSS seek to develop any formal relationships with institutions within third countries, they will actively inform and seek input where appropriate from each other at an early stage in order to ensure parties are fully sighted.

International liaison for individual policy areas is undertaken across both FSS and FSA as part of their core work. More details of how FSS and FSA have agreed to work together in these areas can be found in the following annexes:

- Annex A: Protocol on Incident Handling.
- Annex C: Science and Evidence Protocol.
- Annex F: Protocol on Food Crime.
- Annex G: Protocol on Risk Analysis.

Central international coordination leads within FSA and FSS will meet at least once every quarter to share international information, take stock of emerging and developing international issues, and discuss areas that may require further collaborative working.

Free Trade Agreements

The Department for International Trade (DIT) has overall responsibility for UK free trade agreement (FTA) negotiations. However, Defra leads on FTA Sanitary and Phytosanitary (SPS) chapter negotiations.

Engagement with FSA on trade negotiations is led by DIT and Defra. DIT and Defra engage separately with Scottish Government and FSS on trade negotiations through the dedicated devolved administration trade engagement groups. FSS and FSA may liaise on technical matters related to negotiations where requested by DIT / Defra and in line with UK Government arrangements for seeking views from devolved administrations and in accordance with relevant security protocols.

When requested by DIT, the FSA and FSS trade policy advice teams will work collaboratively to provide joint advice to inform UK Government Section 42 reports on new FTAs, in line with agreed timescales.

International inspection visits

Defra is the first point of contact for the authorities in destination countries for inward inspection visits of either national food control systems or audits against established country/commodity-specific export approval requirements. Upon receipt of such requests, Defra will lead the coordination of these visits, contacting the relevant Central Competent Authorities (CCAs) to seek their support as required. In the FSA, the Imports and Exports Strategy lead is responsible for co-ordinating FSA and local authority involvement in such inward inspections, liaising with policy leads and devolved nations as appropriate. In FSS, the international assurance lead will co-ordinate FSS and local authority input to this process. The teams will liaise as required to co-ordinate requests on a case-by-case basis.

Outward inspections required to assess other third country Sanitary and Phytosanitary (SPS) regimes and provide assurance on other third country imports entering the UK are coordinated (across UK Government) by Defra's UK Office for Sanitary and Phyto-sanitary Trade Assurance

(UK Office for SPSTA). The UK Office for SPSTA is responsible in the UK for market access and in-country verification audit coordination, commissioning risk and intelligence assessments, establishment listing, and food and feed of animal origin legislation. Defra rely on FSS and FSA, who collaborate closely, to support and challenge this work when it applies to food and feed. Generally, FSA leads provide expertise and advice on third country audits for food and feed, but opportunities are provided to FSS to participate where it is appropriate to do so.

Listing of UK establishments eligible for export of Products of Animal Origin (POAO)

Both FSA and FSS will continue to liaise regarding any activity required at a UK level, where required by third countries and confirmed by Defra, with regards the listing of establishments and classified shellfish areas for export purposes.

The listing of UK establishments eligible to export POAO is the responsibility of Defra. For exports of meat to certain non-EU countries, export approval inspections and regular ongoing export compliance audits by FSA and FSS are required. Defra are responsible for making recommendations of export approval and listing/de-listing to such non-EU countries based on recommendations from FSA and FSS. In the FSA, the Imports and Exports Strategy team lead is responsible for coordinating FSA input from across the agency into this process. FSS have the same responsibility for coordinating input to Defra for the premises they are responsible for.

Defra is responsible for maintaining the UK list of approved exporters of POAO to the EU and updating the UK's EU TRACES listings. The FSA and FSS Approvals Teams currently notify the Defra Third Country Listing Team of any updates to the published lists of UK approved food establishments to enable them to make the appropriate updates to their EU list.

Codex Alimentarius Commission (CODEX)

Defra is the UK Contact Point for CODEX and some CODEX Committees. The FSA represents the UK at the following CODEX Committees on food and feed matters:

- Food hygiene.
- Food additives.
- Contaminants in foods.
- Methods of analysis and sampling.
- Food import and export inspection and certification systems.

Information on the CODEX forward work programme, including details of upcoming meetings and papers, is available from the CODEX website.

The quarterly meetings between FSS and FSA to discuss international matters provides opportunity for a forward look and to share any issues arising.

The FSA will seek to provide opportunities for FSS to contribute in relevant Codex committee meetings and electronic working groups (EWGs) as part of the UK delegation, where it is appropriate to do so.

World Health Organisation (WHO)

As UK INFOSAN Emergency Contact Points, Focal Points and INFOSAN members, FSA and FSS engage directly with the joint FAO/WHO Secretariat of INFOSAN. Outside of INFOSAN engagement, FSA engagement with the WHO is undertaken through the Department of Health and Social Care (DHSC). FSS will engage with the DHSC through Scottish Government Health Directorates with regard to Scottish issues that may require WHO representation.

World Trade Organisation (WTO)

Defra is the National Notification Authority (NNA) for the WTO SPS Committee while the Department for International Trade (DIT) is the NNA for the Technical Barriers to Trade (TBT) Committee. FSA and FSS trade policy advice teams coordinate any measures that are required to be notified to the relevant WTO Committee on their behalf by the NNA, liaising with devolved WTO SPS/TBT teams as appropriate. The FSA and FSS will work together to ensure that Defra and DIT are briefed and supported as necessary to defend FSA and FSS interests at the WTO.

European Union (EU)

The FSA and FSS will seek to work collaboratively on UK-EU related matters and exchange relevant information in a timely manner, in line with cross-government handling and information sharing protocols and UK Government arrangements for seeking views from the devolved administrations.

Both the FSA and FSS are involved in cross-government coordination arrangements that facilitate our ability to engage with the EU via Trade and Cooperation Agreement (TCA) governance structures. FSA and FSS interests primarily relate to SPS and TBT matters. Defra are the UK lead department for the SPS Trade Specialised Committee, and Department for Business, Energy & Industrial Strategy are the lead UK department for the TBT Trade Specialised Committee.

FSA and FSS EU leads will meet regularly and upon request to discuss and share information on relevant UK-EU issues that are raised via TCA governance structures and associated technical discussions, and our respective involvement and interests.

EU and international dispute resolution

Where a dispute relating to international liaison arises that is not within the remit of this MoU's dispute resolution process, FSA and FSS agree to abide by the dispute resolution process as set out in the Concordat on International Relations between the UK Government and Scottish Government Ministers.