

Consumer Attitudes Towards Potential Divergence of Food Safety Regulations Within the UK

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Potential Divergence of Food Safety Regulations Within the UK: How to read this report

This report provides a summary of the insights from deliberative workshops commissioned by the FSA to explore consumer views of regulatory divergence, held during January and February 2023. Our findings have been organised in the following structure:

- in Chapter 1 we summarise the background and methodology of the study
- in Chapter 2 we briefly set out participants' understanding of the FSA, their role as a regulator and approach to four-nation working within the context of devolution
- in Chapter 3 we detail participants' views towards the context for change, the concept of regulatory divergence, including potential benefits and risks to consumers and businesses
- in Chapter 4 we summarise participants' attitudes towards potential regulatory divergence in practice for different product types and regulatory activities. We also explore some of the key factors and trade-offs influencing consumer views
- finally, in Chapter 5 we give an overview of the findings, including how the FSA should approach regulatory divergence in the future and inform consumers about any potential changes

Throughout, we have referenced to a series of hypothetical scenarios which were discussed by participants during the workshops. These are available in full in the appendix.

Note on the language used throughout the report

Throughout this report we have referred to “participants” as the individuals that have taken part in our research. We also reference “groups” for breakout groups which were pre-organised to ensure that each group had participants with similar views towards the UK's exit from the EU. We have used several abbreviations reflecting the topic of discussion:

- Defra – Department for Environment, Food and Rural Affairs

- DHSC – Department of Health and Social Care
- EFSA – The European Food Safety Authority
- EU – European Union
- FSA – The Food Standards Agency
- FSS – Food Standards Scotland
- NIP – Northern Ireland Protocol (note research was conducted prior to agreement of the Windsor Framework)
- UKIM – United Kingdom Internal Market

Anonymised verbatim quotes have been used to help illustrate key findings, but these quotes do not necessarily summarise the views of all participants that we spoke to.

Limitations to the research

While every attempt has been made to recruit a varied sample of participants and design a robust methodology, possible limitations to the research include:

The research topic. Talking about food regulation, including specific details such as onward processing, is not something participants would normally discuss. The workshops explored complex regulatory structures and exposed participants to new information. To support meaningful discussions, participants were presented with stimulus materials designed to provide them with the information they needed to engage in the topic. They were given the opportunity to ask questions and an FSA observer was available to answer these during plenary discussions. However, it is possible that participants' attitudes reflect misunderstandings about the processes involved and it is important to note that participants are not experts in food regulation.

Generalisability. The findings summarised reflect the self-reported views shared by participants. Qualitative research is designed to be exploratory and provide insight into people's perceptions, feelings, and behaviours at a specific point in time. The findings are therefore not intended to be representative of the views of all people who may share similar characteristics. This research aimed to test the generalisability of previous findings using specific product types and changes to different kinds of regulated activities. Previous research focused on regulatory divergence within the meat industry and impacts on the official controls process. This research used hypothetical scenarios to try and draw out factors of key importance and we have included findings from previous research in this report to provide a comparison to the insights here.

Potential Divergence of Food Safety Regulations Within the UK: Chapter 1

Introduction

Background

The FSA is committed to protecting consumers and ensuring food is safe and is what it says it is. It does this by developing policies related to food safety, food standards, nutrition, food labelling and hygiene. Prior to the UK's exit from the European Union (EU), all four nations of the UK adhered to the regulations of the EU Single Market. This effectively limited any food policy differences between the four nations. However, the UK leaving the EU creates scope for different nations to adhere to different regulations.

The FSA has differing responsibilities across all devolved nations of the UK. It is responsible for food and feed safety in England, Wales and Northern Ireland. It is responsible for nutrition compositional standards and labelling in Northern Ireland, whereas this is led by DHSC in England and the government in Wales. It is also responsible for food compositional standards and labelling in Northern Ireland and Wales, a remit under Defra in England. Scotland has a separate food standards authority, FSS, which was established in 2015 and is responsible for providing these policies and consumer advice in relation to food in Scotland. The FSA has worked with colleagues from the FSA in Wales and Northern Ireland plus FSS and other Cross-Whitehall colleagues to develop a set of common frameworks which are enduring agreements which lay down principles, requirements and procedures that underpin decision-making in matters of devolved policy areas. A Memorandum of Understanding is also in place between the FSA and FSS. The FSA commissioned Ipsos UK to conduct qualitative research to explore and capture consumer views on the impact of potential regulatory divergence across the UK to increase the FSA's understanding of consumer perceptions and concerns. The main objectives of this research were to:

- understand how the FSA should approach communicating issues of divergence with consumers
- assess the generalisability of previous research to other food sectors
- understand common and divergent themes within these other sectors
- increase the FSA's understanding of what factors influence consumers views on divergence

Methodology

Our approach involved conducting four online workshops between 26 January and 7 February 2023. We recruited 84 members of the public from England, Wales and Northern Ireland, with a total of 78 participants attending the workshops. The sample was divided by nation (England, Wales and Northern Ireland) and there were quotas on the type of area lived in as well as participants' attitude towards EU exit. Scotland was excluded from the research because consumers there fall under the remit of FSS, not the FSA. There were additional quotas on age, gender, ethnicity, socio-economic group, and number of children in the household. The breakout rooms were divided based on participants' attitudes towards EU exit, reflecting the political sensitivities involved in the topic. Table 1 provides further details about participants at the sessions.

Table 1: Workshop schedule and total number of participants and breakout rooms

Date	Region	Area lived in	Number of breakout rooms	Attitude towards EU exit and number of participants for each breakout room	Total number of participants
26 January 2023	England	Urban/semi-urban	4	Positive: 6 Neutral: 5 Negative: 6 Negative: 5	22
31 January 2023	Wales	Urban and Rural	3	Positive: 6 Neutral: 6 Negative: 4	16

Date	Region	Area lived in	Number of breakout rooms	Attitude towards EU exit and number of participants for each breakout room	Total number of participants
2 February 2023	England	Rural	4	Positive: 6 Positive: 5 Neutral: 6 Negative: 5	23
7 February 2023	Northern Ireland	Urban and Rural	3	Positive: 5 Neutral: 6 Negative: 6	17

Each workshop lasted three hours, bringing participants together in smaller groups and plenary sessions to hear from each other and listen to presentations about key concepts. We used a deliberative design where participants were given information about regulatory divergence, had an opportunity to ask the FSA questions and discuss hypothetical scenarios before reaching a view. This reflected the complexity of the subject matter and anticipated low levels of understanding of the UK food system and regulation. There are further details on the achieved sample (appendix 1), scenarios used (appendix 2) and discussion guide materials (appendix 3) included in the appendix.

The research took place before the [Windsor Framework](#) (UK Government, 2023) was agreed. This means at the time of the research, the Protocol on Ireland/Northern Ireland ('Northern Ireland Protocol') meant that any food produced in Northern Ireland or exported or moved into Northern Ireland had to adhere to EU regulations.

Potential Divergence of Food Safety Regulations Within the UK: Chapter 2 The FSA, the four-nation working approach and devolution

In this chapter we briefly set out participants' understanding of the FSA, their role as a regulator and their approach to four-nation working within the context of devolution. This formed part of initial deliberations, as a way to build understanding of food regulations to enable participants to have an informed discussion about regulatory divergence.

Key findings

Participants assumed that a food standards body existed, even in cases where they could not cite the name of the FSA. Awareness of FSS was not widespread. Participants across the groups were surprised to find out that food regulations could be devolved across the UK, stemming from a belief that food safety is absolute and unlikely to require national variation.

Once provided with detail on the FSA's role and responsibilities, participants felt reassured that food is made safe to eat by an independent agency. They were less familiar with the FSA's role to make food healthier and more sustainable as set out in the [2022-2027 strategy](#). However, generally this was well received.

Participants found the FSA's approach to four-nation working uncontroversial and felt it was sensible to try and align food standards across the UK where possible.

There were mixed levels of awareness of the FSA, although their role in food safety was often assumed

Although participants in some groups had heard of the FSA and could name different roles and responsibilities held by the organisation, this was not always the case, with familiarity levels varying across the research. Even where participants did not know the exact name and role of the FSA, they assumed that such a body existed. There were some misconceptions that the FSA is a government department, or a part of local government, which participants related to the Food Hygiene Rating Scheme. In contrast, participants from across England, Wales and Northern Ireland were generally not aware that there were two food safety agencies in the UK (FSA and FSS).

Participants tended to refer most commonly to the FSA's role in carrying out checks on quality, safety and hygiene of food and food preparation areas. They sometimes referred to inspectors carrying out this role through spot checks and routine inspections. Other responsibilities mentioned included: labelling of ingredients and allergens, checking animal welfare and on-farm practices, and ensuring the traceability of food (especially meat, assumed to have a higher degree of checks) back to farms. Less commonly, participants felt that the FSA had a role in setting food regulations as well as enforcing them.

"I think of them as a regulatory body setting out regulations and requirements for the production of food in all areas." - England, Rural, Neutral view towards EU exit

Once given more information about the FSA's role, participants were generally unsurprised and somewhat reassured that there is a body in charge of making sure food is safe to eat and is what it says it is.

The approach to align food standards across the UK was well received, with divergence in food policy seen as confusing for consumers and businesses

Although there were differing attitudes towards devolution overall, participants were surprised that food regulation could differ across nations. This stemmed from a belief that food safety is absolute and therefore would be agreed upon despite geographical and political differences, with little need for national variation. As a result, devolution on food policy was seen as confusing, even for those who recognised potential benefits of wider policy devolution.

"Given that everyone is aiming for the same thing, safe food, it comes down to a level of safety. No one is going to introduce a regulation that isn't safe. If it's safe, why complicate it?" - Northern Ireland, Negative view towards EU exit

As a result of the view that food safety is universal, participants widely found the concept of four-nation working and the general approach to align food standards across the UK as uncontroversial and sensible. In this way, consumers agreed with the current FSA and FSS approach towards aligning policy across the four nations. However, there were questions about the extent to which alignment was possible within the currently devolved system. For example, in one Welsh group a recent news story on regulating the use of CCTV in Welsh slaughterhouses (to which Welsh slaughterhouses were opposed) provoked questions about how easily the FSA could align food regulations across nations in practice. There were concerns, discussed in more detail in Chapter 3, that it might be more difficult and costly for nations to align if further

divergence took place.

Potential Divergence of Food Safety Regulations Within the UK: Chapter 3 The context for change and attitudes to regulatory divergence

In this chapter we outline participants' views towards the concept of regulatory divergence generally, between UK nations and from the EU. This followed a plenary presentation which included an opportunity to ask the FSA any initial questions.

Key Findings

Regardless of views towards EU exit, participants were resistant towards divergence between UK nations. They thought this would lead to additional complications for businesses and consumers, impact trade and lead to mistakes in food production and manufacturing. These views built on a belief that food policy should be an area where the UK works together within the FSA's current four-nation approach.

Views towards regulatory divergence from EU legislation differed depending on attitudes towards the UK leaving the EU. Those more positive about the exit focused on the potential benefits to reduce bureaucracy and lower consumer costs. Those more negative about the EU exit felt any changes could lead to increased costs, greater confusion and complications for businesses.

Participants felt that science and risk analyses should be objective, come to the same conclusions, and that there should be no subjectivity in how risk is perceived. This meant they did not always understand the need for regulatory divergence, and questioned the motivations behind taking different approaches. They wanted future regulations to follow the latest scientific evidence and worried that trust in the FSA could be eroded if the public was not clear as to why regulations differed.

There were concerns about regulatory divergence between UK nations

In general, participants could see more positives in terms of divergence from retained EU food regulations than they could for divergence amongst the nations of the UK, which was widely resisted.

Participants felt that the small distances between nations in the UK and the consistency of food safety needs made it unnecessarily complicated to have differing regulations. They felt that national requirements would not differ greatly between the four nations and any change would apply pressure on the FSA as a regulator, making it more likely for there to be mistakes within food production and manufacturing.

Additionally, participants felt regulatory divergence within the UK added complications for businesses and consumers, especially those who operated or shopped across borders, and could make trade difficult and unfair between nations.

"We're all part of the same country. It doesn't seem very fair. It's not equal across the nation. I just don't think that's right. Everybody should have the same opportunity." - Northern Ireland, Neutral view towards EU exit

Participants felt particularly strongly that divergence should be minimised where changes to regulations would cause negative impacts for businesses, for example if they operate in one nation but process ingredients from across the UK. This was because it would limit where those businesses could buy ingredients from. Participants felt this could result in higher costs as they tended to assume that any divergence between UK nations would be to increase rather than decrease regulatory standards. There was a widespread perception that divergence should not restrict where manufacturing businesses could source their ingredients. There were also concerns this could lead to food waste, and shortages on shelves, by disrupting where raw ingredients could be sold.

Participants often struggled to spontaneously identify potential benefits for divergence within the UK. When encouraged to reflect further, they mentioned differences between the nations in terms of climates and geography (affecting what could be grown), and dietary preferences and levels of household food insecurity (affecting consumer support for any changes resulting in increased food prices). However, participants largely believed food needs would be consistent across the four UK nations.

As a result, participants felt strongly that there were certain regulations which should be common and widespread across all nations. Even those who felt more positive about devolving powers away from Westminster were reticent about how this operated when it came to food regulations, seeking to reduce the potential for conflict and confusion. Although these participants respected the right of the devolved administrations to make their own decisions and create different regulations, they felt that food policy was an area where all nations should work together within a common framework.

"I'd like to think Wales can make their own decisions and not rely on others. But you don't want it to cause rifts on those around you. It can cause confusion." - Wales, negative view towards EU exit

In one group in Northern Ireland, there was particular concern about food choices becoming 'politicised' as a result of regulatory divergence. They worried that food choices could become another way for people to demonstrate their political views.

Trade was a significant shared concern about regulatory divergence

Regardless of participants' views on EU exit, the UK's ability to trade both with the EU and internally was a concern identified across groups. Participants felt that regulatory divergence could affect how much the UK could export to the EU and other countries, although they were often unsure about how much food the UK currently exports. They also suggested it could affect what food could be imported into the UK, potentially resulting in food shortages if food produced elsewhere did not meet changed UK regulations.

"It could cause shortages of food. If we change our legislation or standards, we are not a self-sufficient country, so if we set the standards too high, as much as we may want to be able to dictate that we want certain regulations in place, we do want to get food into our country." - England, Rural, Positive view towards EU exit

Those groups who were positive about the UK's EU exit were more likely to say that there were potential benefits to regulatory divergence from the EU. These views tended to focus on reducing

or simplifying bureaucracy, lowering costs and reducing food waste. Participants in these groups felt that current retained EU food regulations were 'excessively high' and were more open to change in the future.

"You'd hope there would be benefits [to diverging from EU regulations] and there wouldn't be as much governing bodies and red tape and we can make our own decisions and hopefully simplify it. If it was simplified, it would invariably keep the cost down." - England, Urban, Positive view towards EU exit

However, one group in Northern Ireland who were positive towards EU exit were particularly concerned about ensuring ease of trade between Northern Ireland and the rest of the UK. This meant that some in the group felt that the UK remaining aligned with EU regulations was the best solution.

"Providing it means the entire UK is meeting EU standards meaning there's smooth trade going forwards." - Northern Ireland, Positive view towards EU exit

Groups who were negative or neutral about the UK's EU exit were more likely to identify problems resulting from regulatory divergence. These included confusion and increased food costs for consumers, for example if the UK made changes to EU standards which generated greater costs for businesses. Additionally, these groups felt that re-designing food regulations was duplicative of work already taken when the UK was an EU member state. There was limited understanding of the need for regulations to evolve over time.

"The EU regulations were arrived at through debate and discussion amongst member nations. It seemed they reached a reasonable level, so to diverge from that, what's the point?" - Northern Ireland, Neutral view towards EU exit

In some cases, those who were negative or neutral about the UK's decision to leave the EU could identify positives about regulatory divergence when probed. These situations tended to be only if perceived standards were raised, costs for the consumer were decreased or if consumer choice was vastly improved.

Participants generally felt that food would continue to be safe but found it hard to understand why regulations might differ

Participants generally did not expect that regulatory divergence would lead to food available for purchase in the UK being unsafe, as they continued to trust the FSA to ensure the safety of food.

"It's what's best for the people living in the UK and that the FSA is going to be the agency that's going to decide for us. You can trust the FSA to look after our interests." - England, Urban, Neutral view towards EU exit

There was widespread trust that the FSA is an ethical, well researched organisation and if they say that a food is safe to consume, then it is. However, in discussing a number of hypothetical scenarios participants questioned why the EU might have a different perspective on safety compared to the UK. They generally felt that science and risk analyses should come to the same conclusion and that there should be no subjectivity in how risk is perceived. This often meant attitudes towards divergence reflected whether participants felt EU or UK standards were likely to be higher, with those against EU exit tending to believe the EU would have higher standards. In general, participants widely wanted food regulations to follow the latest scientific evidence regardless of divergence.

“The EU are basically saying ‘our food standards are going to be better than the UK’s.’ We’re simply relying on the experts for what is safe to eat and what is not.” - England, Rural, Negative view towards EU exit

In this way, participants questioned the motivations behind regulatory divergence and worried that it could lead to a conclusion that the UK was not prioritising food safety in the same way as the EU.

Potential Divergence of Food Safety Regulations Within the UK: Chapter 4

Consumer views on proposed regulatory divergence

In this chapter we outline participants’ views towards regulatory divergence in regard to different product types and regulatory activities. We explore the key factors and trade-offs influencing views towards regulatory divergence, outlining when regulatory divergence is more or less acceptable from a consumer viewpoint. To explore views towards divergence on different products and activities, participants discussed four hypothetical scenarios which can be viewed in detail in appendix 2.

Key findings

After discussing four hypothetical scenarios, participants were most open to regulatory divergence on products and activities seen as low risk or having little impact on perceived safety. Product types deemed to be low risk included fruit, vegetables, and to some extent, food packaging material. Participants felt that regulatory divergence in regard to meat or fish was riskier and could impact their views on the safety of these products because they generally considered these products to be higher risk.

In terms of the activity being regulated, participants had greater concerns if divergence impacted the contents of food rather than the way it was processed or stored. Changes to regulations involving adding ingredients to food or releasing chemicals within packaging were widely seen as more concerning.

Outside of safety, the most important factor influencing views on regulatory divergence was cost. There was greater support for divergence if it led to reduced costs for the consumer. Increased business costs or complexity was seen as likely to lead to these costs being passed down to the consumer and meant participants tended to reject potential divergence in those circumstances.

There was also support for divergence increasing consumer choice, but any differences would need to be clearly communicated so that consumers could make an informed purchase.

Participants were more open to regulatory divergence on products when changes were not considered high risk

Participants expressed concerns when regulatory divergence was seen as having the potential to lead to reduced food safety. For example, participants were least concerned about any changes in regulations related to the chilled chopped fruit scenario. Changes related to fruit production and

storage were considered minor and participants generally did not think it would have an impact on the safety of these products. Similarly, the principle of regulatory divergence applying to packaging was uncontroversial, although there were concerns about the use of chemicals in this. Participants had the greatest concerns about the hypothetical scenario related to meat processing, as these changes were considered to be a higher risk.

Regulatory divergence in fruit and vegetables tended to be seen as lower risk than divergence in meat products

For products like fruit or vegetables, consumers trusted their own judgment and would assess the quality of a product by the look and feel of it when shopping. Outside of a potential price difference between the two products, there was an understanding that consumers would not necessarily be aware that there was any divergence in how the item had been stored or prepared. This was not something participants saw as important to know, reflecting how they rarely considered the temperature a product was stored at in their current purchasing habits.

"If it tastes good, I'm going to buy it next week, regardless of the temperature." - Wales, Positive view towards EU exit

"I don't think we really know that one has been chilled and another one hasn't, we're just going to buy it, as long as it looks decent." - England, Urban, Negative view towards EU exit

In contrast, participants spontaneously had greater concerns related to the safety of meat. This meant they were more resistant to regulatory divergence related to meat products, arguing that all UK nations should adopt the highest standard of regulations related to meat processing. As in previous research, if regulatory divergence led to a perceived drop in standards, there was agreement that this would impact whether participants would continue to buy meat.

"The meat has a big concern for me because my thoughts are paramount safety, I need to know where that meat has come from, know that the animals have been fed, I want to know the process of what's happened to the animals, that all that's been done safely." -England, Urban, Negative view towards EU exit

During the previous research, participants discussed three hypothetical scenarios related to meat processing. They felt that when divergence related to animal welfare and safety, it was less acceptable compared to a temperature change in the water used for disinfecting tools. This reflects similar findings from this research related to perceptions of risk, with less acceptance towards regulatory divergence where it relates to higher risk activities or products.

There was greater concern about changes to the content of food compared to food processing

Participants had concerns about the potential risk of the hypothetical scenario involving a additive and wanted to know more about the regulatory change compared with the chopped fruit scenario related to storage temperature. However, as the FSA had concluded the risk posed by the additive did not require its removal, they felt the change would not have a major impact on them as consumers. The product was still perceived as low risk given participants' widespread trust in the FSA.

Participants who were more conscious of what they eat, those who tended to read food labels and those less trusting of the FSA, expressed greater worries about the additives scenario. They were often more cautious about the FSA's advice and therefore suggested they would be likely to purchase a product without the additive. However, even for these participants there was a sense

that relevant information should be clearly available to allow consumers to make an informed choice between products.

"I think it should be a consumer's choice if they want to buy that product. When I'm reading [labels] and doing my weekly shop, I don't always stop to look if there's an additive. If it was clearly visible, it might sway my choice." - England, Urban, Negative view towards EU exit

Similarly, a hypothetical example related to a new packaging material raised concerns about the potential release of chemicals to produce a colour change when food is no longer safe to eat. Participants worried that consumers would not necessarily know what the chemical was or what the long-term health risk to the public of consuming food exposed to it could be. As such, they were less likely to accept regulatory divergence in this scenario due to their concerns about safety, even though they felt comfortable with divergence related to packaging.

"The fact they're adding more chemicals to food can't be good. I know there are efforts of sustainability. But I don't understand. These things are driven by profits somewhere. It's good that food would last longer so less waste. But I would be concerned about if it's safe to eat." - Northern Ireland, Negative view towards EU exit

There was greater demand for labelling where participants felt regulatory divergence could influence purchasing decisions

Reflecting concerns related to both the vegetable additive and chemical release in packaging, there was greater demand for clear labelling about the content of food as participants argued consumers should know exactly what they are eating. In the case of an additive, it was felt that the two food products were fundamentally different and therefore consumers should have a right to know about what a food product is made of. This compared to examples involving changes to processing or food storage, where labelling was regarded as less important and not something consumers necessarily consider when shopping.

"I've been eating food for this long and I haven't had any problems. We've lived in bliss for so many years. We bought things from the supermarkets. We bought stuff from fruit stalls. We don't know whose food is better than the other. An apple is an apple." - England, Urban, Positive view towards EU exit

Participants also wanted more information to be available about what divergence would mean for them as consumers, specifically related to any potential impact on food safety. Despite a recognition that consumers are not fully aware of current food regulations, they argued there was a risk that any major divergence could undermine trust in the wider food system and in the FSA itself. Consistent with previous research, changes to temperature were seen as less significant than other examples including those related to inspection, animal welfare or food-borne disease.

"A piece of dodgy meat versus a slightly mouldy pineapple which you can spot is a completely different scenario. The moment you mention disease, it makes you sit up and take notes." - England, Urban, Neutral view towards EU exit

"For me, meat is the most dangerous of all. You can get severely ill. You have to be so careful with meat. I'd put that up as the most important one, for meat to be regulated in the correct way." - Wales, Positive view towards EU exit

Alongside safety, the most important factor influencing views on divergence was cost to the consumer

Attitudes towards regulatory divergence were shaped by whether the change was seen as increasing or reducing costs. Although participants were often willing to pay slightly more for meat produced to the highest quality standard, they accepted that cost was often the key determining factor for their purchasing decisions, particularly given the rising price of many items. As such, there was greater support for regulatory divergence – both from the EU and across UK nations if it led to reduced prices.

Participants were aware that any divergence that led to increased costs for businesses would have a knock-on effect on the price consumers pay and this would be difficult for the wider public to accept. There was support for divergence that reduced costs for businesses, as long as these savings were passed onto the consumer, reflecting a similar finding from previous research.

"My main decision when purchasing food is the price. If I saw the same product for 5p cheaper, I'd go for the 5p cheaper one, rather than the quality." - Wales, Neutral view towards EU exit

Participants often felt that in cases where two products produced to different sets of regulations appeared the same, potentially the only differentiating factor to a consumer would be the price. Without any knowledge of why one product was more expensive than another, as long as the cheaper product looked in good condition, participants felt it would be the one purchased. There was some concern this could lead to confusion for consumers, or result in individuals buying items without a full understanding of which regulations applied to the product.

"Even now if I went into a supermarket and I saw a Scottish flag, am I going to remember all those different regulations? Probably not. It's all about the cost." - England, Urban, Positive view towards EU exit

Participants argued onward processing legislation could lead to further confusion for consumers and create uncertainty if products followed different regulations across the four UK nations. They felt consumers would not be fully aware of which products were available to purchase in their national market and worried onward processing would lead to increased costs due to the availability of products.

"I can see it costing more for consumers as we can't use that product from that part of the UK. If legislations starts to diverge we'll have to be more specific about where we source things from and as ever, the consumer will be the one paying more because production will be more expensive." - England, Urban, Neutral view towards EU exit

The administrative costs for the FSA to enforce these regulations was also seen as an unnecessary spending measure and potentially a waste of inspectors' time.

"As the consumer, we want the best quality at the best price. We all want the same thing. To make things more difficult, more wasteful, the ambiguity is costing money." - England, Rural, Negative view towards EU exit

Business complexity was highlighted as a potential implication of regulatory divergence that could increase costs

There was a perception that any regulatory change would likely lead to increased complexity for businesses. Businesses would either need to decide on which set of regulations to follow, and potentially have to change their production line, or decide to follow multiple regulations which could present challenges. Onward processing regulations could also add to complexity for businesses, who would have to source new products if they previously used a product from a different UK nation.

"It could also cause problems with the supply chain. You could have a business that's run predominantly out of England, and if they've got depots or final destination businesses in Scotland, they may have to change things so that it can be satisfactory in Scotland." - England, Rural, Positive view towards EU exit

Generally, participants did not want businesses to have to deal with additional bureaucracy as this would, in turn, lead to higher costs for consumers. Those with a positive view towards EU exit were more positive about UK businesses adapting to new regulations and the potential competitive advantage that this could bring.

"Big businesses that are looking for a wider audience will put those changes in place, and smaller producers might not be producing for onward processing anyway. I think businesses that are large enough to supply to Scotland for onward processing may be large enough that they already comply with both regulations as they want that larger market." - England, Rural, Positive view towards EU exit

Sustainability considerations were seen as less important than other factors

Although participants supported regulatory divergence that enabled a greater focus on environmental and sustainability goals, they largely felt that safety and cost considerations were more important. They recognised the need for both consumers and businesses to become more environmentally conscious in the future and wanted to see a reduction in food waste, supporting changes that increased the shelf-life of a product. In some cases, participants were prepared to pay more for products that lasted longer, recognising this could reduce their costs overall. However, this would depend on the overall cost and there was concern about the safety of the hypothetical packaging example that involved the release of chemicals.

"Everyone is really conscious of recycling and new packaging. Although people might not be happy with it now, it's definitely the way forward. I wouldn't be terribly happy about having some kind of chemical in the salmon to make it go a different colour, so while I'd be fully supportive of the packaging aspect and environmentally friendly, I wouldn't like that chemical which might affect the food." - England, Urban, Negative view towards EU exit

In some cases, participants suggested that regulatory divergence could lead to more localised food systems, which was seen as a positive way of supporting local economies and reducing the distance travelled by food products.

"This could be a way of making things more local. To buy locally, you don't mind if you've got to pay a bit extra for the quality of the food. But knowing that you aren't paying for deliveries and for it to be imported, it should work out about the same for general food." - England, Rural, Positive view towards EU exit

There was support for greater consumer choice, but this would require clear product labelling

Participants generally felt that consumer choice would increase as a result of regulatory divergence and, as long as consumers were able to make an informed decision, this would be beneficial in the long-term.

They argued that clear distinctions between certain products, especially meat and packaging material, and to some extent the use of additives, would be important to keep consumers informed. If regulatory divergence led to a significant change, this distinction would need to be

more obvious than just a difference in price between two products that otherwise appear the same.

“The label is essential to know exactly what's in it and it's your choice then whether you decide to take it, it might have been so processed that you don't want it. You need to know what you're eating.” -England, Urban, Positive view towards EU Exit

Participants suggested that if product information was clearly labelled, consumers would be more likely to consider wider factors beyond cost. They wanted any label changes to be clearly visible, not overly complicated and there were concerns about putting too much information on packaging. In general, participants did not feel it was necessary to include information about which regulations a product was following on each item, as long as there was information about what a product contained. In some cases, participants suggested additional information could be found online by using QR codes to provide further detail about regulations to those who were interested, an idea discussed in the previous research. However, this was not widely seen as required.

“Nowadays everything is complex, but as the consumer we like things presented simply as well. If we're given information on what is in [food], we're protecting the interests of the consumer. That's why the FSA is there, to protect the needs of the consumer as well.” - Wales, Positive view towards EU exit

Participants felt that any reasoning behind a decision by the FSA should be clear to the public and, if they were interested to know more, consumers should be able to read about how the decision to diverge was made. Participants felt this kind of information should be available on the FSA website.

“It's all down to education and explanation as to why there is a divergence and differing of options and what the science and research is.” - England, Rural, Neutral view towards EU exit

Participants rarely mentioned regulatory divergence that aimed to meet local population needs. Overall, they found it difficult to envisage why population needs related to food would be different across the UK nations. This was not seen as an important factor informing future regulatory divergence. Similarly, there was a perception that a decision to follow EU regulation in one hypothetical scenario could be politically motivated rather than reflective of the needs of one nation's population.

Potential Divergence of Food Safety Regulations Within the UK: Conclusions

Overall attitudes towards regulatory divergence

Food safety was widely assumed to be absolute and something that should not vary across UK nations. As such, the FSA's approach to four-nation working and aligning food policy across the UK where possible was well received.

As a result of the view that the four-nation working approach is positive for UK businesses and consumers, regulatory divergence between the four UK nations was seen as less acceptable than diverging from inherited EU regulations. Initial attitudes towards regulatory divergence from the

EU were influenced by participants' views towards the UK's exit. Those positive about the Leave vote were more open to the idea of reduced and simplified bureaucracy, potentially lower costs and reducing food waste, whereas those negative about the UK's decision thought it would lead to increased costs for consumers and confusion.

Overall, participants were searching for simplicity. For any regulatory changes recommended by the FSA, consumers believed they had the right to know about these changes and hoped the FSA was open and transparent about how they arrived at that recommendation.

Factors influencing the acceptability of regulatory divergence

As in previous research, participants were less likely to accept regulatory divergence between nations if this was seen as drastic and large in scale. It was felt that these changes would lead to more concerns about food safety, greater complexity and higher business costs, which would likely then be passed onto the customer. Smaller changes that might increase consumer choice, decrease costs for businesses and consumers where possible, improve sustainability and always keep food safe, were potentially acceptable.

Generalising findings from previous research, participants were more open to regulatory divergence when changes were not considered high risk. They felt that if food safety was questioned, then trust in the FSA could easily erode. Perceived higher risk changes included regulatory divergence related to:

- meat and fish products, which were perceived as higher risk food items.
- changes to the contents of food, rather than the way the food was processed.
- changes to packaging where this involved adding chemicals to food, as opposed to adaptations to packaging which would not affect the contents of food.

As long as food remained safe to eat, the cost implications of regulatory divergence was the main factor influencing consumer views. There was greater support for divergence if it led to reduced prices. Only in some instances would consumers be willing to pay more, for example for meat produced to a higher standard of regulation. Adding to business complexity was seen as a measure which would increase costs for both businesses and consumers and lead to a rejection of any new regulations.

Communicating regulatory divergence to consumers

Increased consumer choice resulting from regulatory divergence was viewed positively but would require clear information so consumers could understand the reasons why products were being sold at different prices and potentially to two different sets of regulations.

Information should be simple and concise, but not necessarily include the detailed regulatory differences between two products appearing for sale together. However, the FSA should make this information available publicly in the event that consumers wished to know more. In particular, participants felt it was more important for information to be provided for higher risk products or more significant changes resulting from regulatory divergence. In these cases, they wanted risk analyses to be easily and publicly available so that they could make an informed choice on whether to purchase products, as well as clear information related to the content of products.

Potential Divergence of Food Safety Regulations Within the UK: Appendix 1

Achieved sample

Table 2: Summary of achieved participant numbers by key quotas in the England (urban/semi urban) participant sample

Gender	Area lived in	Views on EU Exit	Age	Ethnicity	Working status	SEG	Concerns about affording food next month
3 Female 3 Male	4 Urban 2 semi-urban	Positive view towards EU exit	0 18 to 24 1 25 to 34 1 35 to 54 4 55+	3 ethnic minority participants 3 white British participants	5 full-time employment 0 part-time employment 1 retired	4 C1 2 C2 0 B 0 C	4 not very worried 1 somewhat worried 1 not worried at all 1 very worried
3 Female 2 Male	1 Urban 4 semi-urban	Negative view towards EU exit	0 18 to 24 2 25 to 34 0 35 to 54 3 55+	3 ethnic minority participants 2 white British participants	4 full-time employment 0 part-time employment 1 retired	3 C1 0 C2 B 0 D	0 not very worried 1 somewhat worried 4 not worried at all 0 very worried
2 Female 3 Male	1 Urban 4 semi-urban	Neutral view on EU exit	0 18 to 24 1 25 to 34 1 35 to 54 3 55+	0 ethnic minority participants 5 white British participants	2 full-time employment 1 part-time employment 2 retired	3 B 0 D 1 C1 1 C2	2 not very worried 0 somewhat worried 3 not worried at all 0 very worried
3 Female 3 Male	4 Urban 2 semi-urban	Negative view on EU exit	0 18 to 24 0 25 to 34 5 35 to 54 1 55+	2 ethnic minority participants 4 white British participants	3 full-time employment 2 part-time employment 0 retired 1 not in employment	0 B 0 D 2 C1 4 C2	2 not very worried 1 somewhat worried 3 not worried at all 0 very worried

Table 3: Summary of achieved participant numbers by key quotas in the Wales participant sample

Gender	Area lived in	Views on EU Exit	Age	Ethnicity	Working status	SEG	Concerns about affording food next month
3 Female 3 Male	0 Urban 5 semi-urban 1 rural	Positive view on EU exit	0 18 to 24 1 25 to 34 3 35 to 54 2 55+	3 ethnic minority participants 3 white British participants	3 full-time employment 3 part-time employment 0 retired	1 B 2 D 2 C1 1 C1	1 not very worried 4 somewhat worried 0 not worried at all 1 very worried

Gender	Area lived in	Views on EU Exit	Age	Ethnicity	Working status	SEG	Concerns about affording food next month
2 Female 2 Male	0 Urban 1 semi-urban 3 rural	Negative view towards EU exit	0 18 to 24 2 25 to 34 1 35 to 54 1 55+	0 ethnic minority participants 4 white British participants	2 full-time employment 1 part-time employment 1 retired	1 B 1 D 2 C1 0 C2	1 not very worried 1 somewhat worried 1 not worried at all 1 very worried
3 Female 3 Male	0 Urban 2 semi-urban 2 rural 2 semi-rural	Neutral view on EU exit	0 18 to 24 0 25 to 34 2 35 to 54 4 55+	1 ethnic minority participants 5 white British participants	4 full-time employment 0 part-time employment 2 retired	1 B 0 D 3 C1 2 C2	2 not very worried 1 somewhat worried 1 not worried at all 2 very worried

Table 4: Summary of achieved participant numbers by key quotas in the England (rural) participant sample

Gender	Area lived in	Views on EU Exit	Age	Ethnicity	Working status	SEG	Concerns about affording food next month
3 Female 3 Male	6 Rural	Negative view towards EU exit	1 18 to 24 3 25 to 34 0 35 to 54 2 55+	1 ethnic minority participants 5 white British participants	5 full-time employment 1 part-time employment 0 retired	2 B 1 D 2 C1 1 C2	4 not very worried 2 somewhat worried 0 not worried at all 0 very worried
3 Female 3 Male	6 Rural	Neutral view on EU exit	0 18 to 24 1 25 to 34 1 35 to 54 4 55+	2 ethnic minority participants 4 white British participants	5 full-time employment 1 part-time employment 0 retired	3 B 1 D 1 C1 1 C2	2 not very worried 0 somewhat worried 3 not worried at all 1 very worried
3 Female 3 Male	6 Rural	Positive view on EU exit	0 18 to 24 0 25 to 34 3 35 to 54 3 55+	0 ethnic minority participants 6 white British participants	5 full-time employment 1 part-time employment 0 retired	1 B 0 D 4 C1 1 C2	2 not very worried 3 somewhat worried 1 not worried at all 0 very worried
3 Female 2 Male	5 Rural	Positive view on EU exit	0 18 to 24 1 25 to 34 2 35 to 54 2 55+	0 ethnic minority participants 5 white British participants	2 full-time employment 2 part-time employment 1 retired	2 B 0 D 0 C1 3 C2	2 not very worried 2 somewhat worried 1 not worried at all 0 very worried

Table 5: Summary of achieved participant numbers by key quotas in the Northern Ireland participant sample

Gender	Area lived in	Views on EU Exit	Age	Ethnicity	Working status	SEG	Concerns about affording food next month
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4 Female 2 Male	2 Urban 1 Semi-urban 3 Rural	Neutral view on EU exit	0 18 to 24 1 25 to 34 2 35 to 54 3 55+	0 ethnic minority participants 6 white British participants	2 full-time employment 0 part-time employment 2 retired 1 full-time education/studying 1 look after home/children	0 B 3 D 3 C1 0 C2	6 Not very worried
3 Female 3 Male	2 urban 1 semi-urban 3 rural	Negative view towards EU exit	1 18 to 24 0 25 to 34 2 35 to 54 3 55+	0 ethnic minority participants 6 white British participants	5 full-time employment 0 part-time employment 0 retired 1 look after home/children	1 B 0 D 1 C1 4 C2	4 not very worried 1 somewhat worried 1 not worried at all 0 very worried
2 Female 3 Male	2 urban 2 semi-urban 1 rural	Positive view towards EU exit	0 18 to 24 1 25 to 34 2 35 to 54 2 55+	0 ethnic minority participants 5 white British participants	4 full-time employment 1 part-time employment 0 retired	1 B 0 D 3 C1 1 C2	4 not very worried 0 somewhat worried 1 not worried at all 0 very worried

Potential Divergence of Food Safety Regulations Within the UK: Appendix 2

Research materials: hypothetical scenarios

Example 1: Chilled chopped fruit

- new research commissioned by the EU suggests that a lower storage temperature in supply chains can improve the quality, food safety and shelf life of ready-to-eat chilled, chopped fruit. This can also help to reduce waste and increase consumer access to fruit products.
- the European Food Safety Authority (EFSA) recommends the EU amends their legislation to adopt this lower temperature for ready-to-eat fruit product manufacturing.
- the FSA and FSS carry out their own risk analysis and do not agree with the EFSA recommendation due to higher business costs for a marginal increase in food safety. They recommend keeping the existing legislation in place for England, Wales and Scotland. However, Northern Ireland must follow the new EU legislation.
- due to regulatory divergence, two chopped and chilled pineapple products could appear next to each other on shelves, one at facility which has used the new lower temperature and another which uses the existing storage temperature.

Figure 1: Chilled chopped fruit scenario

Example 2: Meat processing

- the EU places additional requirements on meat cutting plants following publication of new evidence from the European Food Safety Authority (EFSA). These requirements reduce the risk of a certain foodborne disease but implementing them significantly adds to business costs.
- the FSA does not recommend implementing the same requirements for a number of reasons: the prevalence of the disease is lower in the UK, the disease itself does not present significant health risks, and the change is not considered proportionate to the costs the requirements would generate industry.
- Food Standards Scotland (FSS) and Scottish Ministers want to implement the change because there is some evidence that there are slightly higher outbreak levels of the foodborne disease in Scotland than in the rest of the UK.
- animal products produced in England and Wales could still be sold in Scotland, but they could not be used in onward processing for example, to use English or Welsh meat in burgers produced in Scotland. The difference would not be shown on product labelling anywhere in Great Britain.

Figure 2: Meat processing scenario

Example 3: Food packaging

- a new packaging material for meat and fish has been developed to help reduce food waste. This new material releases chemical during the life of the product. This is designed to reduce spoilage by using a component that monitors gasses within the product and produces a colour change when it is no longer safe to eat.
- the EU is concerned that the packaging could mislead customers about the product age or quality and worries the material could mask bad practices in the food chain.
- the FSA receives a positive safety assessment after testing the product. They believe the benefits outweigh the EU's concerns, which can be addressed through labelling.
- UK ministers accept the FSA advice and authorise the use of the packaging subject to this specific labelling. The new packaging is more expensive but helps businesses to meet sustainability goals and helps consumers to reduce food waste in their homes. As businesses in NI must comply with EU regulations, this new packaging cannot be used for products produced in NI.

Figure 3: Food Packaging scenario

Example 4: A vegetable additive

- the EU's Food Safety Agency (EFSA) consider an existing vegetable additive (permitted in both the EU and UK) to be of risk to the public. The European Commission removes authorisation for the additive to be used in the EU.
- the FSA's risk analysis process concludes that this removal is not proportionate to the risk given likely consumption levels of the additive. They advise Ministers in England and Wales that they can continue to use the additive but place future requirements on the amount which can be used in a product.
- The FSS agree with the FSA risk analysis but Scottish Ministers decide not to authorise continued use of the additive due to the Scottish Government's broad policy ambition to remain aligned with the EU.
- due to the UK legislation and regulatory divergence, products containing the vegetable additive can be sold in Scotland for consumers to purchase, but cannot be used for onward processing.

Figure 4: Vegetable additive scenario

Potential Divergence of Food Safety Regulations Within the UK: Appendix 3

Research materials discussion guide

Note: this discussion guide is intended to inform the discussion in each workshop. Questions may not be asked in the order below, and not every question will be asked in each workshop. Key:

- CAPITALISED = instructions for moderators
- Bold lower case = key questions
- Non-bold lower case = follow up questions and prompts

Arrival (before start)

15 to 20 minutes

Participants enter the 'zoom room' and any that have not already done so are asked to change their screen name to first name and initial of their surname.

Section 1

Section 1: Introduction

6 to 6:05pm, 5 minutes

PLENARY

SHOW STIMULUS SLIDES 1 to 4

Chair introduction:

- thank participants for taking part.
- introduce self and Ipsos UK, moderators, observers, and note-takers.
- the discussion will last three hours and we'll have a short break part way through.

Explain purpose of the discussion: This research is being carried out on behalf of the Food Standards Agency. They are looking at the way the food industry, including production, is currently regulated and how regulations might change in the future. For this purpose, they have commissioned us to run this research, as they are interested in gaining a better understanding of public views. Today we're going to talk in more detail about how different types of products are currently regulated and discuss potential scenarios of what it might look like in the future.

Talk through the ground rules/ housekeeping. **TOTALLY VOLUNTARY**

WHEN INTRODUCING OBSERVERS, PLEASE SPECIFY: We're also joined tonight by observers from the Food Standards Agency, but please rest assured they don't have any other information about you, other than what can be seen on the screen.

Objectives covered

- introduce participants to the research
- introduce moderators, observers and note-takers

Section 1: Ground rules and warm up

6:05 to 6:15pm, 10 minutes

BREAK-OUT GROUPS

Reiterate ground rules

We will be audio-recording this discussion in line with the MRS Code of Conduct. The recording will be stored on our secure servers before it is deleted when the research is over and no one outside of the research team will have access to this.

Following these groups, we will be writing up our findings into a report for the FSA, and these might be published at a future date. However, no findings will be attributed to you and we will not include your name in any reports.

Are there any questions at this point?

Can I check you are happy to take part in this research?

Ask if everyone is happy for the recording to begin **TURN ON RECORDING** and record consent that everyone is happy to participate in the workshop, that they understand the aims of the research, that their participation is voluntary and that their responses will remain confidential and anonymous.

TURN ON RECORDER NOW

SHOW STIMULUS: SLIDE 5

Introductions around the group. Please tell us:

- your first name
- where you're from (ROUGHLY, WE DON'T NEED SPECIFIC POSTCODES)
- what's your favourite meal

We want to start by talking about what happens before food arrives at the supermarket.

What do you know about where food comes from? This isn't a trick question!

- who do you think is involved? Probe: farmers, different types of food businesses, inspectors?
- how do you think this is regulated?
- what do you think happens to make sure the food you can buy in the shops is safe to eat?

Objectives covered

- clarify audio recording
- collect informed consent for participation
- ice-breaker exercise to get participants to know each other and build discussion dynamic

Section 1: Introduction to the FSA

6:15 to 6:25pm, 10 minutes

BREAK-OUT GROUPS

Reiterate ground rules

MODERATOR INTRODUCES BACKGROUND TO THE FSA

SHOW STIMULUS: SLIDE 6

What initially comes to mind when you hear “the Food Standards Agency”? How many of you have heard of this organisation before?

- what kinds of activities do you think the FSA does?
- what do you think they are responsible for?
- what does this look like in practice?
- where do you think they operate/enforce standards (e.g. what kind of businesses)?
- is there anything else you think the FSA does?

SHOW STIMULUS: SLIDE 7

How much of this information feels familiar to you?

- what had you heard about before? From where?
- is anything surprising? Unfamiliar? Confusing?
- do you have any questions?

What role do you think the FSA plays in making sure food is safe and is what it says it is?

- how might they ensure food is healthier and more sustainable for the future?
- is there anything else you think the FSA does?

Why do you think Scotland has its own Food Standards body (the FSS)?

- what do you think are the main benefits to having this regionalised approach?
- were you aware that Scotland had its own food standards body?
- do you have any questions about how this works in practice?

Objectives covered

Gauge awareness levels of regulation in the food industry and the FSA's role in this.

Section 1: Four-country working and devolution

6:25pm to 6:35pm, 10 minutes

BREAK-OUT GROUPS

MODERATOR INTRODUCES FOUR-COUNTRY WORKING AND DEVOLUTION

SHOW STIMULUS: SLIDE 8

MODERATOR TO PROBE FOR SPONTANEOUS REACTIONS:

How much of this information feels familiar to you?

- what had you heard about before? From where?
- is anything surprising? Unfamiliar? Confusing?
- do you have any questions? [MODERATOR TO USE WHATSAPP GROUP TO BRING IN FSA OBSERVERS IF REQUIRED TO ANSWER SPECIFIC QUESTIONS. THESE CAN ALSO BE CAPTURED AND ASKED IN THE PLENARY SESSION.]

Does the concept of devolution make sense to you? Do you have any questions?

MODERATOR TO NOTE DOWN QUESTIONS TO BE ASKED IN THE PLENARY SESSION.

- is anything clear/ unclear about the FSA's current approach to 'four-country' working?
- is anything confusing?
- is anything surprising?
- how do you feel about the four-country working approach?
- can you imagine any scenarios where regulations might be different across the four nations? what are they?
- what might be the benefits of this approach?
- what do you like about it? Do you find anything reassuring?
- what might be the challenges?
- what concerns do you have?

6:35pm to 6:40pm, 5 minutes

PLENARY

Opportunity for questions and initial reactions from participants.

We will take a quick refreshment break before receiving a second presentation in the larger group, please be back here in 10 minutes.

Objectives covered

Gauge understanding and concerns about current devolution and plans for future

BREAK - 10 minutes

Section 2

Section 2: Introducing the concept of regulatory divergence

6:50 to 7pm, 10 minutes

PLENARY

LEAD MODERATOR INTRODUCES THE CONTEXT FOR CHANGE, REGULATORY DIVERGENCE AND ONWARD PROCESSING

SHOW STIMULUS SLIDES 9,10, 11 and 12

Opportunity for questions and initial reactions from participants incl. any questions for FSA observers.

Objectives covered

Present a broad overview of proposed divergence, the changes it involves and the wider context.

Section 2: Spontaneous reactions to regulatory divergence and the legislative context

7 to 7:15pm, 15 minutes

BREAK-OUT GROUPS

Initial responses to the presentation introducing regulatory divergence:

IF NECESSARY, SHOW AGAIN STIMULUS: SLIDES 9-12

- what do you think about the presentation?
- was anything confusing or unclear?
- was anything surprising?
- what did you think about the concepts presented? (Moderator to probe as relevant on context for change, regulatory divergence and onward processing)
- what do you think would be the main benefits if the UK nations were to make their own regulatory changes compared to continuing to follow adopted EU regulations?
- why do you think UK nations might consider different policies and regulations in future?
- at this point, what are your main concerns about the potential of more regulatory divergence happening in the future?
- do you have any worries about UK nations diverging from EU regulations?
- how could your concerns be addressed?
- what do you think about the idea that regulations could be different across each of the four nations in the UK?
- do you think there could be any positives to this?
- what about downsides?
- what do you think this could mean for consumers?
- do you have any concerns?
- how do you think this might affect you? Could it change what you consider when buying food?

Objectives covered

Explore spontaneous reactions to regulatory divergence and other concepts presented.

Section 3

Section 3: Scenarios and trade offs

7:15 to 8:40pm, 20 minutes for each scenario, 5 to 10 minutes break between 2 and 3

BREAK-OUT GROUPS

MODERATOR INTRODUCES THE FOUR SCENARIOS OF REGULATORY DIVERGENCE IN TURN (SCENARIOS TO BE ROTATED ACROSS GROUPS)

We have developed some examples of what regulatory divergence could look like in the future, with regards to different types of products. We will go through each of these examples one by one and ask some follow up questions. It is important to note that these examples are not currently being worked on by the FSA and are entirely hypothetical. They have been created just to provide you with a sense of what regulatory divergence might look like. As we noted earlier, four nation working means the FSA and FSS work to achieve consistent approaches across policy areas where ever possible.

PLEASE SHOW STIMULUS FOR SCENARIO 1: SLIDE 13 and 14.

Product type: A vegetable additive

- the EU's Food Safety Agency (EFSA) consider an existing vegetable additive (permitted in both the EU and UK) to be of risk to the public. The European Commission removes authorisation for the additive to be used in the EU.
- the FSA's risk analysis process concludes that this removal is not proportionate to the risk given likely consumption levels of the additive. They advise Ministers in England and Wales that they can continue to use the additive but place future requirements on the amount which can be used in a product.
- the FSS agree with the FSA risk analysis but Scottish Ministers decide not to authorise continued use of the additive due to the Scottish Government's broad policy ambition to remain aligned with the EU.
- due to UK legislation and regulatory divergence, products containing the vegetable additive can be sold in Scotland for consumers to purchase, but cannot be used for onward processing.

General prompts for all scenarios:

What do you think about this example?

Do you have any questions about this example before we discuss it further?

What might the potential benefits be to regulatory divergence in this example?

Probe: regulatory divergence between the four UK nations

Probe: regulatory divergence from the EU

Who might this affect? Probe: the FSA, food businesses, consumers

Are there any other benefits you can think of?

What might be the potential risks or challenges of regulatory divergence in this example?

Probe: regulatory divergence between the four UK nations

Probe: regulatory divergence from the EU

Who might this affect? Probe: the FSA, food businesses, consumers

Are there any other risks you can think of?

If this scenario were to happen, would it affect your decision-making in any way when purchasing a product? For what reasons?

Do you consider how food is prepared, stored or regulated when you decide what to buy at the moment?

Example 1 specific questions:

In this example, the complexity of regulations is likely to increase for businesses as they may need to comply with different rules depending on where they sell to. For example, if they sell to both EU and GB markets.

Some businesses may decide to continue using the additive if they only produce products for the GB market. This could increase the choice for consumers as they will be able to continue purchasing the existing product developed for EU markets and any new products developed for the GB market. This would not apply in Northern Ireland, where products would need to comply with EU rules.

- what do you think the impact of this could be on businesses across the four UK nations? What about UK consumers?
- would you be prepared to accept increased business complexity if it gave greater consumer choice?
- what would make this scenario more acceptable to you as a consumer? For what reasons?
- how do you feel this scenario could be made more acceptable to businesses? For what reasons?
- if consumer costs increased, how would you feel about this scenario? How about if costs decreased?

In this scenario, English and Welsh businesses follow one set of regulations while Scottish and Northern Irish businesses follow another set of regulations. This means Scottish and Northern Irish businesses could not use English or Welsh products for onward processing. However, due to UK legislation, consumers in Scotland would be able to purchase products from England and Wales that contained the additive.

What do you think would be the potential benefits for businesses in this example?

- does this differ between businesses in the four nations?
- [If needed] Scottish and Northern Irish businesses could continue to be able to sell into EU markets with reduced checks on their goods. What might the impact of this be?
- [If needed] English and Welsh businesses could continue to sell into Scotland, giving consumers there the choice to buy vegetables with the additive.

What would this mean for consumers? Probe: increased choice, impact on cost

Are there any potential disadvantages businesses face?

- does this differ between businesses in the four nations?
- [If needed] Scottish businesses might lose out to English and Welsh producers if Scottish consumers prefer vegetables with the additive. They may need to change their production processes or find new vegetable suppliers.
- [If needed] English and Welsh businesses might be prevented from selling into EU markets or find this more difficult to do.

What would this mean for consumers? Probe: increased choice, impact on cost

To what extent would you want vegetables produced with (or without) the additive to be labelled?

Would this differ depending on which UK nation you are based in?

PROBE: Would you want vegetables to be labelled in England and Wales even though there has been no change?

PROBE: Would you want vegetables produced in Scotland to be labelled as not containing the additive so consumers could distinguish these from English or Welsh products?

If this change were to happen, how should the FSA communicate this with consumers? How

about communicating this change with businesses?

PLEASE SHOW STIMULUS FOR SCENARIO 2: SLIDE 15 & 16.

Product type: Chilled chopped fruit

- **new research commissioned by the EU suggests that a lower storage temperature in supply chains can improve the quality, food safety and shelf life of ready-to-eat chilled, chopped fruit. This can also help to reduce waste and increase consumer access to fruit products.**
- **The European Food Safety Authority (EFSA) recommends the EU amends their legislation to adopt this lower temperature for ready-to-eat fruit product manufacturing.**
- **the FSA and FSS carry out their own risk analysis and do not agree with the EFSA recommendation due to higher business costs for a marginal increase in food safety. They recommend keeping the existing legislation in place for England, Wales and Scotland. However, Northern Ireland must follow the new EU legislation.**
- **due to regulatory divergence, two chopped and chilled pineapple products could appear next to each other on shelves, one at facility which has used the new lower temperature and another which uses the existing storage temperature.**

Cycle back through general prompts for all scenarios

What do you think about this example?

Do you have any questions about this example before we discuss it further?

What might the potential benefits be to regulatory divergence in this example?

Probe: regulatory divergence between the four UK nations

Probe: regulatory divergence from the EU

Who might this affect? Probe: the FSA, food businesses, consumers

Are there any other benefits you can think of?

What might be the potential risks or challenges of regulatory divergence in this example?

Probe: regulatory divergence between the four UK nations

Probe: regulatory divergence from the EU

Who might this affect? Probe: the FSA, food businesses, consumers

Are there any other risks you can think of?

If this scenario were to happen, would it affect your decision-making in any way when purchasing a product? For what reasons?

Do you consider how food is prepared, stored or regulated when you decide what to buy at the moment?

Scenario 2 specific questions:

In this example, businesses in Northern Ireland must comply with the new regulations because of a change implemented at the EU level. Food safety and food quality are improved but the costs for Northern Irish businesses increase.

Businesses in England, Scotland and Wales can choose which set of regulations they adhere to based on where they intend to sell their product in future. Consumer choice for those in England, Scotland and Wales is increased in this example as consumers could buy ready-to-eat fruit stored at both temperatures. Both products would appear the same when on display ready for purchase.

- what do you think the impact of this could be on businesses across the four nations? What about UK consumers?
- would you be prepared to accept higher costs for businesses if it meant improved food quality and safety? What would the impact of this be on costs for consumers?
- **would you accept products for sale at varying costs if it meant more consumer choice? What about if the two products looked the same?**
- what would make this scenario more acceptable to you as a consumer? For what reasons?
- how do you feel this scenario could be made more acceptable to businesses? For what reasons?
- if in this scenario, consumer costs increased, how would you feel about it then?

In this scenario, Ministers in England, Wales and Scotland follow the FSA's and FSS' respective recommendations but those in Northern Ireland must comply with new EU regulations to continue being part of the EU open market. Businesses in Great Britain might have two production lines in order to continue selling to the EU and/or Northern Ireland. The Northern Irish product would still be available for sale in GB due to UK legislation. It could look exactly the same as products made in GB.

Would a different approach in different UK nations in this event be acceptable to you? Why / why not?

- how would you feel about purchasing the Northern Irish product in comparison to the English, Scottish or Welsh product? Would you trust it more or less? For what reasons?
- how do you think Northern Irish businesses would react if they had to follow a new regulation recommended by the EFSA? What would this mean for Northern Irish consumers?

To what extent would you want products that are manufactured to the new set of regulations to be labelled?

Would this differ depending on which UK nation you are based in?

PROBE: Would you want fruit manufactured to the old set of regulations to be labelled in England, Scotland and Wales even though there has been no change?

If this change were to happen, how should the FSA communicate this with consumers? How about communicating this change with businesses?

What do you think the potential benefits for businesses would be in this example?

Does this differ between businesses in the four nations?

What would this mean for consumers? Probe: increased choice, impact on cost, food safety, shelf-life and food quality

Do you think there are any potential disadvantages businesses could face as a result of this divergence?

- Does this differ between businesses in the four nations?

Do you feel differently towards regulatory divergence when it relates to a fruit product compared to other food regulations?

- What is different, if anything, between the product types we've discussed?
- Is it more acceptable to change regulations on one product than the other? For what reasons?

BREAK 10 MINUTES SLIDE 17

PLEASE SHOW STIMULUS FOR SCENARIO 3: SLIDE 18 and 19.

Product type: Meat processing

- the EU places additional requirements on meat cutting plants following publication of new evidence from the European Food Safety Authority (EFSA). These requirements reduce the risk of a certain foodborne disease but implementing them significantly adds to business costs.
- the FSA does not recommend implementing the same requirements for a number of reasons: the prevalence of the disease is lower in the UK, the disease itself does not present significant health risks, and the change is not considered proportionate to the costs the requirements would generate for the industry.
- Food Standards Scotland (FSS) and Scottish Ministers want to implement the change because there is some evidence that there are slightly higher outbreak levels of the foodborne disease in Scotland than in the rest of the UK.
- animal products produced in England and Wales could still be sold in Scotland, but they could not be used in onward processing for example, to use English or Welsh meat in burgers produced in Scotland. This difference would not be shown on product labelling anywhere in Great Britain.

Cycle back through general prompts for all scenarios

What do you think about this example?

Do you have any questions about this example before we discuss it further?

What might the potential benefits be to regulatory divergence in this example?

Probe: regulatory divergence between the four UK nations

Probe: regulatory divergence from the EU

Who might this affect? Probe: the FSA, food businesses, consumers

Are there any other benefits you can think of?

What might be the potential risks or challenges of regulatory divergence in this example?

Probe: regulatory divergence between the four UK nations

Probe: regulatory divergence from the EU

Who might this affect? Probe: the FSA, food businesses, consumers

Are there any other risks you can think of?

If this scenario were to happen, would it affect your decision-making in any way when purchasing a product? For what reasons?

Do you consider how food is prepared, stored or regulated when you decide what to buy at the moment?

Scenario 3 specific questions:

In this example, new EU regulations would mean marginally increased safety in meat processing plants, but also increased business costs to implement these safety measures.

Businesses in Northern Ireland must implement these new measures. Businesses in England, Scotland and Wales could implement these measures if they chose to, but that is not a requirement.

Consumers in Great Britain can buy meat products produced to either set of regulations, whereas those in Northern Ireland can only buy meat processed to the newer set of regulations.

- what do you think the impact of this could be on businesses across the four UK nations? What about UK consumers?
- would you be prepared to accept higher costs for businesses if it meant slightly increased safety?
- what do you think this would mean for consumer costs? How does it make you feel about the divergence now?
- what would make this scenario more acceptable to you as a consumer? For what reasons?
- how do you feel this scenario could be made more acceptable to businesses? For what reasons?

Do you currently consider processing safety measures when purchasing food?

Would any changes to regulations have an impact on the way you think about safety and business costs in the meat industry?

In this example, England and Wales follow FSA guidance. Due to the needs of the Scottish population and a higher risk of outbreaks in Scotland, the FSS chooses to follow proposed EU regulation. Is this acceptable to you? Why / why not?

What do you think would be the potential benefits for businesses in this example?

- Does this differ between businesses in the four nations?
 - how do you think businesses in England would respond to these regulations? What about if they wanted to sell their product into Northern Ireland?
 - [If needed] English and Welsh businesses may be able to continue manufacturing food at the same price, giving them a competitive advantage over Scottish and Northern Irish businesses.
 - [If needed] consumers may want to buy products that are safer, and therefore decide to buy from Scottish or Northern Irish businesses.
 - [If needed] Scottish and Northern Irish businesses can continue to sell into the EU.

What would this mean for consumers? Probe: increased choice, impact on cost, nutritional / health impact

Are there any potential disadvantages businesses face?

- does this differ between businesses in the four nations?
- [If needed] this could increase costs to Scottish and Northern Irish businesses.
- [If needed] consumers may have reduced trust in English and Welsh businesses.

What would this mean for consumers? Probe: increased choice, impact on cost, nutritional / health impact

How do you feel about meat produced in England and Wales being sold in Scotland for consumption but not used for onward processing? For example, a Scottish meatball manufacturer using English beef would not be able to use that raw product in future.

- how might this affect businesses? What advantages might businesses be able to capitalise on? How might this place them at a competitive disadvantage?
- what about the impact on consumers?

To what extent would you want products produced to the previous regulations to be labelled?

- how do you feel meat products produced to the new set of regulations should be labelled?
- does this differ at all depending on which nation you are in?
- should consumers be able to see a difference between the two products when both are available for sale next to each other?
- if this change were to happen, how should the FSA communicate this with consumers? How about communicating this change with businesses?

Do you feel differently towards regulatory divergence when it relates to meat processing compared to other food regulations?

- what is different, if anything, between the product types?
- is it more acceptable to change regulations on one product than the other? For what reasons?
- which products are you most open to seeing divergent regulations for? For what reasons?

PLEASE SHOW STIMULUS FOR SCENARIO 4: SLIDE 20 & 21.

Product type: Food packaging

- a new packaging material for meat and fish has been developed to help reduce food waste. This new material releases chemicals during the life of the product. This is designed to reduce spoilage by using a component that monitors gasses within the product and produces a colour change when it is no longer safe to eat.
- the EU is concerned that the packaging could mislead customers about the product age or quality and worries the material could mask bad practices in the food chain.
- a new packaging material for meat and fish has been developed to help reduce food waste. This new material releases chemicals during the life of the product. This is designed to reduce spoilage by using a component that monitors gasses within the product and produces a colour change when it is no longer safe to eat.
- the EU is concerned that the packaging could mislead customers about the product age or quality and worries the material could mask bad practices in the food chain.

Cycle back through general prompts for all scenarios

What do you think about this example?

Do you have any questions about this example before we discuss it further?

What might the potential benefits be to regulatory divergence in this example?

Probe: regulatory divergence between the four UK nations

Probe: regulatory divergence from the EU

Who might this affect? Probe: the FSA, food businesses, consumers

Are there any other benefits you can think of?

What might be the potential risks or challenges of regulatory divergence in this example?

Probe: regulatory divergence between the four UK nations

Probe: regulatory divergence from the EU

Who might this affect? Probe: the FSA, food businesses, consumers

Are there any other risks you can think of?

If this scenario were to happen, would it affect your decision-making in any way when purchasing a product? For what reasons?

Do you consider how food is prepared, stored or regulated when you decide what to buy at the moment?

Scenario 4 specific questions:

In this example, new GB regulations would mean that environmental standards are improved as a new food contact material shows the age, quality and shelf-life of a product.

This packaging is more expensive for businesses but helps to meet their sustainability goals. It is also more expensive for the consumer but helps them to reduce their food waste.

Both this packaging type and the old packaging type are available to be produced by businesses in GB and purchased by consumers in GB. The EU is concerned that this packaging could mislead customers or mask bad practices in the food chain, and so this new packaging is unavailable for purchase or production in Northern Ireland.

- what do you think the impact of this could be on businesses across the four UK nations? What about UK consumers?
- would you be prepared to accept higher costs for consumers if it meant less food waste and better environmental standards?
- do you think businesses would be prepared to accept higher costs if it meant meeting sustainability targets?
- how do you think businesses in GB would respond to these regulations? What about if they wanted to sell their product into Northern Ireland?
- what would make this scenario more acceptable to you as a consumer? For what reasons?
- how do you feel this scenario could be made more acceptable to businesses? For what reasons?

To what extent did you think that packaging and food contact material was regulated by the FSA?

Do you currently consider environmental standards of packaging when purchasing a food product?

Do you currently consider the price of an item based on how it is prepared and packed ready for sale?

In this example, the FSA authorises the use of the new material as long as it is labelled clearly to consumers. How important is it for you that labelling would be clear in this scenario?

- how should products packaged in the new material be labelled so that consumers understand the difference?
- should consumers be able to see a difference between two products using different materials when both are available for sale next to each other?
- if this change were to happen, how should the FSA communicate this with consumers? How about communicating this change with businesses?
- what would be the advantages for businesses to being able to produce both types of packaging? Do you envisage any competitive disadvantages?

Do you feel differently towards regulatory divergence when it relates to packaging and food contact material compared to other food regulations?

- what is different, if anything, between the product types?
- is it more acceptable to change regulations on one product than the other? For what reasons?
- which products are you most open to seeing divergent regulations? For what reasons?

- **Objectives covered**

- Explore trade-offs between key factors through potential scenarios.

Section 4

Section 4: Final reflections

8:40pm to 8:55pm, 15 minutes

BREAK-OUT GROUPS

MODERATOR TO EXPLORE OVERALL REFLECTIONS ON THE DISCUSSION

Overall, what do you think regulatory divergence might mean for:

- the FSA
- food businesses
- consumers

How do you feel about separate nations within the UK deciding on regulations for themselves? What are the positives/negatives to this?

In some of the examples, the EU changed their regulations and the UK decided not to follow. In others, new regulations and policy decisions were led by the FSA and UK technology. Does it make a difference if the UK nations propose new rules compared to following new EU rules?

Does it make it more acceptable to you or less acceptable? For what reasons?

What would be the main risk or challenge the FSA would face when changing UK rules and diverging away from retained EU regulations?

Are there certain product types where you feel more open to the concept of regulatory divergence? For what reasons? (Moderator to probe on product types discussed: additives, meat processing, packaging, anything else?)

What key factors or principles are most important to you as a consumer that should shape the FSA's decision making towards future regulations?

how important should consumer choice, cost, business complexity, and meeting long-term population needs be to informing future regulations?

MODERATOR TO PROBE ON POINTS RAISED EARLIER FOR FACTORS WHICH WERE POSITIVE FOR THE CONSUMER, HAD LITTLE IMPACT, OR APPEARED AS BARRIERS

Any final thoughts for the FSA? What would you like them to prioritise as they develop their plans?

Any questions about what we have discussed today?

Objectives covered

Summarise discussions and provide a chance to reflect.

Section 5

Section 5: Wrap-up and signposting

8:55 to 9pm, 5 minutes

PLENARY

Each moderator to give a brief summary of the most important take-aways from each group

- Chair to sum up most important priorities for FSA when considering any future regulatory divergence
- thank participants and explain next steps for the research

CHAIR TO SHARE SIGNPOSTING SLIDE ON SCREEN SHOW SLIDE 22

If anyone has any questions about food safety at home, you can contact these places. I'm going to leave this slide up, so you can take a note of their names and contact details if of interest. Please let me know if you would like me to send you a copy of this.

THANK AND CLOSE

Objectives covered

Sum up the discussion and thank participants for their time.