

Report from the Director for Northern Ireland

FSA 24/06/08 - Report by Andy Cole, Director for Northern Ireland.

1. Summary

1.1 This paper provides a high-level overview of the work of the FSA in Northern Ireland over the last year.

1.2 It also provides an update on Northern Ireland specific priorities, as well as a forward look at priorities for the coming months.

1.3 The Board is asked to:

- **assess** the effectiveness of the work in Northern Ireland to deliver FSA priorities;
- **consider** the alignment of this work with the FSA's strategic direction; and
- **provide feedback** on the identified priorities.

2. Introduction

2.1 The FSA team in Northern Ireland has policy responsibility for all aspects of FSA policy, as well as the additional remit in relation to dietary health, nutrition surveillance and research, and food compositional standards and labelling, including nutrition food labelling.

2.2 The Northern Ireland Executive, which had not been in place since February 2022, was restored in February 2024. This was a key development and now provides an opportunity to progress our legislative priorities in line with our statutory obligations. These include the Food Hygiene Rating Online Display Regulations, Bread and Flour Regulations and requirements of directly applicable EU law already applying in Northern Ireland.

2.3 We have sought to build relationships with relevant Ministers since the return of the Northern Ireland Executive, specifically those related to the remit of the FSA. Andrew Muir MLA is the new Minister of Agriculture, Environment and Rural Affairs (DAERA). The Chair had a productive meeting with Minister Muir in April, and we will continue to work with him on areas of mutual interest. At the end of May 2024, Robin Swann MLA, who had been the Minister of Health, stepped down and has been replaced by his party colleague, Mike Nesbitt MLA. The Chair is due to meet with Minister Nesbitt in mid-June.

2.4 The Northern Ireland Executive approved budgets across Northern Ireland departments on 25 April 2024. We received a minor increase on our resource budget of £199k (1.7%) and received all of our capital bid of £526k which, amongst other things, will enable us to take forward research into toxins associated with the Lough Neagh blue-green algae incident. This marginal increase in resource is countered by increased pay and prices across payroll and programme lines and has required a detailed prioritisation of our budget to ensure that we are able to continue to deliver our statutory requirements and Northern Ireland specific priorities.

3. Windsor Framework

3.1 The Windsor Framework is the international agreement between the United Kingdom (UK) and European Union (EU) which, amongst other things, governs arrangements for the movement

of food and feed goods into Northern Ireland.

3.2 The FSA's primary focus is to ensure that Northern Ireland receives the same level of robust public health protection as the rest of the UK. Following delivery of our priorities under the Windsor Framework outlined to the Board [last year](#), the FSA has supported the ongoing delivery work. This has included leading policy input into secondary legislation that ensures food moving under the Northern Ireland Retail Movement Scheme (NIRMS) does so to UK public health standards, and delivering guidance, training and advice to Northern Ireland competent authorities and the food industry to facilitate the availability of Great Britain (GB) pre-packed retail goods on the Northern Ireland market. These are being taken forward in line with the [Safeguarding the Union Command Paper](#) and informed by the Windsor Framework (Implementation) [Regulations 2024](#) and accompanying [statutory guidance](#).

3.3 In the year ahead we will be working closely with the Department for Environment, Food and Rural Affairs (Defra), DAERA and those district councils with responsibility for the delivery of official controls at Northern Ireland Points of Entry, to finalise the charging regime for goods destined for the EU (i.e. not moving as part of the NIRMS).

3.4 The FSA has supported the delivery of unfettered market access for Qualifying Northern Ireland goods (QNIGs), including working closely with partners across government to more squarely focus the benefits of unfettered access on Northern Ireland businesses. This includes updating the [QNIG definition](#) such that only agrifood goods connected to registered Northern Ireland food and feed operators will be QNIGs for the purposes of SPS controls. The new definition came into force on 20 February 2024. The legislation also ensures QNIGs continue to have unfettered access to the UK internal market in its entirety, regardless of whether they move from Northern Ireland into GB directly, or indirectly via the Republic of Ireland.

4. Divergence and four-nation working

4.1 Food safety and standards in Northern Ireland sit within a dynamic devolved regulatory model within which we continue to prioritise delivery of consistently robust public health protection for consumers even where local rules may differ.

4.2 We are championing consumers' interests when considering future EU or GB driven legislative changes through the provisional Common Frameworks. [For example, we published research exploring public attitudes towards regulatory divergence related to food products](#) providing qualitative evidence that can be used in policy making under the Common Frameworks.

4.3 Final Ministerial sign off of the three provisional Common Frameworks which we are party to was delayed due to the Northern Ireland Executive not being formed. This is now being progressed as part of the wider UK-Devolved Administrations Common Frameworks Programme. Full Common Framework sign off ensures there is central, four nation oversight and accountability which includes regular reviews and scrutiny of joint working arrangements (by way of an annual report to the relevant scrutiny Committees).

4.4 To support the delivery of food safety and standards and manage any risks for the UK internal market, the FSA has implemented horizon scanning and legislative tracking across its remit. Current instances of divergence within the FSA's remit have been limited to date, and predominately technical in nature, such as differences in changes to Regulated Product authorisations. A key change that could drive future divergence is the Precision Breeding Act and forthcoming secondary legislation that could result in Precision Bred Organisms being authorised for use in food in England but not the rest of the UK.

4.5 Divergence features on the FSA corporate risk register and mitigations tracked include working on a four-nation basis to review, assess and mitigate any potential impacts before they

occur and delivering guidance and training to FSA teams and enforcement partners. We are also proactively using the engagement mechanisms in the Windsor Framework to discuss new or upcoming EU legislative changes in Northern Ireland with the EU Commission.

4.6 The new Windsor Framework Democratic Scrutiny Committee (DSC) has been set up to consider the implications for Northern Ireland of all new EU legislation notified to it by the UK Government. The DSC will hold inquiries into certain measures and will require detailed information and analysis from Northern Ireland Departments (including the FSA) to inform its considerations. The DSC invited the FSA to attend a hearing on changes to the EU Breakfast Directives which were published on 24 May 2024. The FSA had tracked this legislation which introduces changes for products such as jams and fruit juices. Overall, the managing divergence processes we already have in place means we are in a good position to support the new structures.

4.7 Our aim is to ensure we provide credible analysis and evidence, where available, to support scrutiny at Westminster and the devolved legislatures, and so we are taking steps to enhance our engagement with stakeholders on regulatory proposals by exploring with experts, such as the Northern Ireland Food Industry Liaison Group, what additional engagement approaches may help to facilitate this. In the meantime, we continue to engage with trade bodies and industry partners on areas of potential future divergence and communicate key changes through our Northern Ireland Stakeholder Bulletin, a newsletter which highlights changes affecting industry and signposts to further information. The primary audience is food businesses in Northern Ireland. District councils and other government departments and agencies also number in our subscribers.

5. Progress against our priorities

5.1 **Dietary health.** The National Diet and Nutrition Survey [data](#) for Northern Ireland shows that overall, the population consumes too much saturated fat and added sugar and not enough fruit, vegetables, oily fish or fibre, compared with current government recommendations. Concern about dietary salt intake remains and levels of obesity continue to [rise](#): 65% of adults and 25% of children in Northern Ireland were overweight or obese in 2019.

5.2 According to data from the FSA's latest [Food and You 2](#) report, when asked about the food they eat, the top concern reported by consumers in Northern Ireland related to concerns about nutrition and health (49%). The FSA's [Making Food Better Tracker](#) also highlights that consumers struggle with choosing healthier food when eating out, particularly at takeaways (74%), fast-food restaurants (64%), and places of leisure such as cinemas (60%).

5.3 Following the review of the dietary health policy remit in Northern Ireland since the last report to the Board, our two ongoing priorities have been the development and implementation of nutritional standards for staff and visitors in district council and public sector settings and improving the nutritional provision of foods served to children in restaurants and coffee shops.

5.4 We have been working with partners in the Department of Health, Public Health Agency, *safefood* and Health and Social Care Trusts to develop nutritional standards for staff and visitors in Health and Social Care settings. Our focus over recent months has been on the provision of vending within these settings and we have commissioned an independent evaluation of the implementation of standards in provision of vending which is due to report in July 2024.

5.5 To build momentum and support the vending sector to implement change in councils and the wider public sector, we hosted a healthier and more sustainable vending event in March 2024 where we launched a [guide](#) with proposals on how to make vending options healthier and more sustainable. The Chair also issued a clear call to action to this growing sector. The event succeeded in bringing together over 90 stakeholders including local vending operators and suppliers, district councils, and public sector procurement to discuss nutritional standards and

how they could be implemented. We have received extremely positive feedback on the event and 80% of participants who completed the feedback evaluation form indicated that they were likely or very likely to introduce nutritional standards in their organisation.

5.6 Plans are also underway to commission independent research by November 2024 to monitor and evaluate a number of trials in public sector and district council settings to make vending machines healthier and to understand the impact of changes to offerings on consumer behaviour and monitor the purchases made. In parallel, we are continuing to engage across the vending industry, including suppliers, district councils and leads for procurement in public sector.

5.7 Along with district councils, we conducted nutritional sampling of foods that contribute significantly to energy, saturated fat, sugar and/or salt intakes of consumers in Northern Ireland. Following the analysis of 135 children's menus and sampling of 91 meals served in restaurants we [published](#) the findings of our research into the nutritional content of popular children's restaurant meals in March 2024. The report showed that there was limited choice and few healthy options available on children's menus. To support businesses to improve the nutritional quality of their children's offering, we also [published](#) healthier catering tips for children's menus in March. We reached out to key stakeholders and are now working with the Northern Ireland Hotels Federation on a 'Choice for Children' initiative. This initiative encourages hotel restaurants to use the FSA guidance to add a healthy meal to their children's menu.

5.8 The next step for this work, by Quarter 3 in 2024, is a literature review to inform intervention to improve the offering of children's meals and subject to funding, the development of an initiative for improving the nutritional quality of children's meals.

5.9 **Work with district councils.** District councils continue to work towards requirements in the Food Law Code of Practice in delivering their food service and we gather data from the district councils through biannual surveys to assess their performance. By the end of the recovery period following the pandemic, all district councils were expected to be back on track for high and medium risk establishments for food hygiene (rated A, B, C and D less than broadly compliant) and high risk for food standards (rated A). The data indicated that they had broadly managed to deliver against the milestones. District councils began the year with backlogs of interventions mainly in establishments with the lowest risk categories (rated D and E for hygiene and B and C for standards). Following the biannual performance management surveys we routinely engage with all 11 district councils to provide feedback on their performance monitoring returns. Following the October 2023 survey return, three councils were identified for further monitoring, and they have provided us with sufficient assurance including actions plans. We will continue to monitor district council performance in working towards compliance with Food Law Code requirements and will review April returns against their action plans. No district councils currently meet the threshold for escalation.

5.10 **Food Standards Delivery Model.** Following the publication of the revised Food Law Code of Practice in June 2023, work has been taking place to implement the new [Food Standards Delivery Model](#). Belfast City Council is scheduled to roll out the model from July 2024, with the remaining 10 district councils scheduled to roll out from November 2024. We have been running drop-in sessions for district councils which have been well attended and we continue to work closely with colleagues in the Regulatory Compliance Division in preparation for roll out.

5.11 **Food Hygiene Delivery Model.** Following extensive stakeholder engagement last year on proposals for change to the [Food Hygiene Delivery Model](#), we are working alongside colleagues in England and Wales to prepare changes. For example, increased flexibility on the methods and techniques of official controls (including use of remote assessment in suitable circumstances) and extending activities that officers without a suitable qualification can undertake. These will be set out in the Food Law Code of Practice that will be published for consultation later this year.

6. Delivering corporate priorities

6.1 **Regulated Products.** Northern Ireland businesses wishing to place Regulated Products on the Northern Ireland market must continue to seek authorisation from the EU. In line with the provisional Food and Feed Hygiene and Safety Common Framework, we continue to participate in the UK four-nation Regulated Products authorisation process by ensuring Northern Ireland considerations are reflected in risk management recommendations, keeping the Minister of Health in Northern Ireland updated as applications progress and promoting consultations to key Northern Ireland stakeholders. As part of the ongoing Regulated Products reform project, we work collaboratively with colleagues across the four-nations. This has included hosting workshops with key Northern Ireland stakeholders on proposed changes and keeping the Minister and Department of Health officials informed.

6.2 **Official controls delivery.** The FSA in Northern Ireland has a Service Level Agreement in place with DAERA for the delivery of official controls and associated activities by the Department relating to meat, milk, egg and primary production hygiene in establishments registered by, or holding certain approvals from the FSA. This represents a large part of our budget (£8.2 million) and work to deliver on our core remit of keeping food and feed safe. Official control delivery is carried out in accordance with EU regulations and associated guidance. The quality of the service is measured throughout the year against a range of key performance indicators which are subject to annual review, and they were met to a good standard.

6.3 For the financial year 2023/24, all of the 55 approved meat establishments were in the Good or Generally Satisfactory compliance categories with 30 audits planned and completed. Of the 3072 dairy establishments, 1397 audit inspections were completed against a target of 1400 (99.7% compliance with target). Of the 1240 planned inspections for primary production 1222 were completed (99% compliance with target). All conditional approvals were completed within the three-month deadline and all full approvals completed within the six-month deadline.

6.4 We also deliver the shellfish official control programme in Northern Ireland and completed the annual review of classification status for all shellfish beds. There are 32 shellfish beds currently classified in Northern Ireland (26 long term and six seasonal classifications). This year there were no downgrades from existing classification status. There were four seasonal shellfish beds upgraded from B/C to A/C classification status. We are in the process of procuring new shellfish sampling provision across both Lough Foyle and Carlingford.

6.5 **Incident management.** During the 2023/24 financial year, the Consumer Protection team in Northern Ireland led the investigation into 188 in country food and feed incidents. This was in addition to contributing to a broad range of UK-wide incidents which were led by the team in England. For example, specific Northern Ireland incidents included investigations into a number of consignments involving importation of incorrectly or unnotified food commodities to the Republic of Ireland. These were led in conjunction with the relevant authorities in Great Britain and the Republic of Ireland.

6.6 Of particular significance was the non-routine incident in relation to Lough Neagh. Last summer, Lough Neagh, the largest freshwater lake in the UK, saw the most significant blue-green algal bloom since the 1970s ([footnote 1](#)). The algal bloom attracted extensive media interest focusing on the impact of cyanobacteria and their associated potentially harmful cyanotoxins on the safety of the consumption of fish caught in the Lough. In the absence of UK or EU regulatory limits and accredited methods for the detection of cyanotoxins in fish, the FSA undertook exploratory sampling and testing of several fish species harvested from the Lough during the bloom in September 2023 to understand if there was any impact on food or feed safety. No cyanotoxins were detected at or above the limit of detection in fish flesh. In March 2024, we published a [risk assessment](#) in relation to the safety of fish flesh harvested from the Lough, which determined there is no significant risk to public health and we updated our [advice](#).

7. Forward look

7.1 We continue to deliver the FSA business plan priorities in Northern Ireland and work closely with colleagues in Wales and England to deliver these programmes. We also flex our resources to deliver Northern Ireland specific priorities and the following areas will be a specific focus for the team in Northern Ireland over the next six to 12 months:

7.2 **Obesity Prevention Strategy.** The Department of Health-led Obesity Prevention Strategy is a significant cross-government strategy with a planned launch in 2025. As a lead delivery partner on the final industry focused outcomes within the Strategy, we have provided contributions in Department of Health facilitated workshops and task and finish groups from the early stages of its development. Our early evidence-based involvement has been important as we continue to support Northern Ireland food businesses to make the food environment healthier through our Making Food Better Programme.

7.3 **Food Strategy Framework.** The DAERA-led Food Strategy Framework provides a strategic approach for Northern Ireland that will ensure coherence across food policies that affect the lives of Northern Ireland consumers. This Framework has been developed in collaboration with all the key players across government and wider stakeholders including the FSA. With the return of Ministers in Northern Ireland, DAERA is planning to finalise and launch the Framework and we will be participating in relevant workshops planned over the coming months to discuss next steps in implementation.

7.4 **Lough Neagh.** We will be continuing to monitor the emerging issue in Lough Neagh and are working towards the development of an accredited method of detection with the Northern Ireland Reference Laboratory, with a view to training Official Laboratories in due course. We will continue to sample fish from Lough Neagh during this financial year to get a better baseline of levels of cyanotoxins in fish and review our risk assessment and advice to businesses and consumers as needed. We also continue as members of a cross-government group in Northern Ireland to co-ordinate monitoring activity for algal blooms and the cross-government response.

7.5 **Charging workstream.** The Safeguarding the Union Command Paper commits to the introduction of fees and charges for EU checks on Irish operators using the red lane to move goods through Northern Ireland ports, akin to those levied on British traders when exporting to the EU. This falls within scope of our Windsor Framework Programme as the FSA is the central competent authority for SPS checks on certain goods (e.g., fish/fishery products and high-risk food not of animal origin). We will progress work on this cross-departmental project over the coming months alongside Defra, DAERA and district councils. We will bring further detail on this to the Board soon.

7.6 **West Coast arrangements.** In the year ahead, we will continue to work closely with partners across the four nations to develop arrangements to identify EU imports being moved into GB in avoidance of relevant food safety import controls. The FSA is leading a four nation anti-avoidance working group (including Port Health/Local Authority and district council colleagues) to ensure a cohesive and effective UK-wide response is taken and will report back to the Board on the development of this work at regular intervals.

8. Conclusions

8.1 This paper provides a high-level overview of work that has been undertaken since the last update to the Board in June 2023 as well as current and future priorities for the FSA team in Northern Ireland.

8.2 Overall, the Board is asked to:

- **assess** the effectiveness of the work in Northern Ireland to deliver FSA priorities;
- **consider** the alignment of this work with the FSA's strategic direction; and
- **provide feedback** on the identified priorities.

1. Algal blooms occur due to the presence of an increased level of cyanobacteria in water and are thought to be the result of a range of environmental factors.