

# Setting this year's report in context

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In preparing this report, we have also seen disruption caused by the war in Ukraine and the increasing cost of foods. While the impacts of both of these issues are being felt now, and are at the forefront of many people's concerns about food today, this is a retrospective report. We will return to these issues and their overall impact on food standards in future reports, which will examine the data and evidence about the state of food standards in 2022 and beyond.

## Timeline of significant external events impacting on the food and animal feed environment

### Timeline of impact: COVID-19

This timeline does not seek to provide a comprehensive view of all COVID-19 restrictions across each of the four nations. It focuses on the major milestones that relate to food safety and standards in line with the wider approach taken to the report.

The pandemic had immediate and far-reaching effects on the UK food system. There were periods when non-essential retail shops and hospitality venues, including restaurants and work canteens, remained closed (other than for takeaways), and people were encouraged to stay at home. As we will see in Chapter 1 (The nation's plate), this had a number of effects on people's eating habits in the short term, though it is unclear what longer term impact, if any, the pandemic will have on consumer behaviours.

The pandemic similarly took its toll on hospitality businesses and suppliers, though many businesses responded creatively, developing new ways of working to stay open and avoid disruption to consumers. There was a sharp increase in the proportion of online purchases from food stores in March 2020, with no sign as yet of any return to pre-pandemic levels.

#### February to March 2020

Increased consumer demand for some food products creates localised and product-specific shortages, putting immense pressure on retailers and manufacturers.

#### March 2020

The first UK-wide lockdown begins. FSA publishes guidance for the food industry on food hygiene, social distancing, and managing employee sickness. FSA and FSS issue guidance to enforcement authorities on the approach that should be taken to the delivery of

Official Controls. FSA and FSS begin taking actions to support the continued delivery of Official Controls, focusing on high-risk activities.

### **April to May 2020**

FSA and FSS publish guidance to consumers to provide reassurance that the risk of catching COVID-19 through food is very low.

FSS publish guidance to food businesses, including advice on risk management and infection control when handling food.

### **July to August 2020**

Pubs, restaurants and other hospitality venues reopen. UK Government launches its Eat Out to Help Out scheme.

### **September to November 2020**

Tighter restrictions are phased in, including limiting hospitality businesses to take-away service. A series of shorter national lockdowns affect different parts of the UK as COVID-10 cases rise.

### **December 2020**

FSS and the Scottish Food Enforcement Liaison Committee jointly issue guidance to enforcement authorities on restarting the delivery of planned food law interventions.

### **December 2020 to January 2021**

National lockdowns are reintroduced across the UK, with much of the hospitality sector again required to close.

### **April to May 2021**

Restrictions are eased, with pubs, restaurants and other hospitality venues reopening across all four nations.

### **June 2021**

FSA issues guidance to enforcement authorities on restarting the delivery of planned food law interventions.

## **Timeline of impact: EU Exit**

Considerable efforts have been made to maintain business continuity following the UK's EU departure. While robust controls are in place for high-risk food products from outside of the EU, equivalent checks on produce imported from EU countries are now unlikely to be introduced before the end of 2023. The absence of border checks could affect how we identify and respond to safety risks in future, with additional resource required by the UK to maintain levels of food safety assurance for these imports. Environmental health officers (EHOs) are now required to authorise some EU exports, and the FSA and FSS need to assess the impact that is having on EHO capacity in the wider assurance system in future reports. The adoption of EU law into domestic legislation means that we have seen few significant changes in food standards over the reporting period. This is covered in greater detail in the next section.

## **31 January 2020**

The UK leaves the EU and enters a transition period. UK Nutrition and Health claims Committee begins to advise on nutrition and health claim application and to provide scientific opinions to government authorities.

## **30 December 2020**

UK-EU Trade and Cooperation Agreement (TCA) signed.

## **1 January 2021**

Transition period ends and the Protocol on Ireland/Northern Ireland takes effect. The FSA and FSS take on responsibility for food and feed regulated product applications.

## **1 January 2022**

Pre-notification requirements are introduced for EU imports into Great Britain that involve products of animal origin (POAO), high risk food and feed of non-animal origin (HRFNAO), and composite food products introduced.

## **2023**

Planned introduction of full import controls (documentary, identify and physical checks) for imports of POAO, HRFNAO, and composite food products.

# **A summary of the impact of EU Exit on policy-making**

Ministers in Great Britain have responsibility for setting future levels of protection for UK consumers and producing new regulations for food and animal feed standards following the UK's departure from the EU. Under the terms of the Protocol on Ireland/ Northern Ireland, food and feed placed on the market in Northern Ireland still needs to meet EU rules and new EU regulations will continue to be enforced in Northern Ireland. The UK's food safety authorities, the UK Government, and the devolved governments now have additional responsibilities for shaping food safety and standards, which creates both opportunities and challenges.

As EU laws were incorporated into domestic legislation applicable in Great Britain, there have, as yet, been few immediate regulatory changes affecting food standards.

The focus across all four nations has been on maintaining continuity and providing clarity for businesses and consumers on processes and expectations. In this section, we briefly set out the processes through which UK ministers might consider changes to food standards in future years. In later sections of the report, we consider the impact of trade on food standards. Countries wishing to import products to Great Britain will still need to meet domestic import requirements, including on food safety.

Any future market access requests from new countries or for new commodities will be assessed for their suitability before they can be sold to consumers. We will return to this issue in future reports.

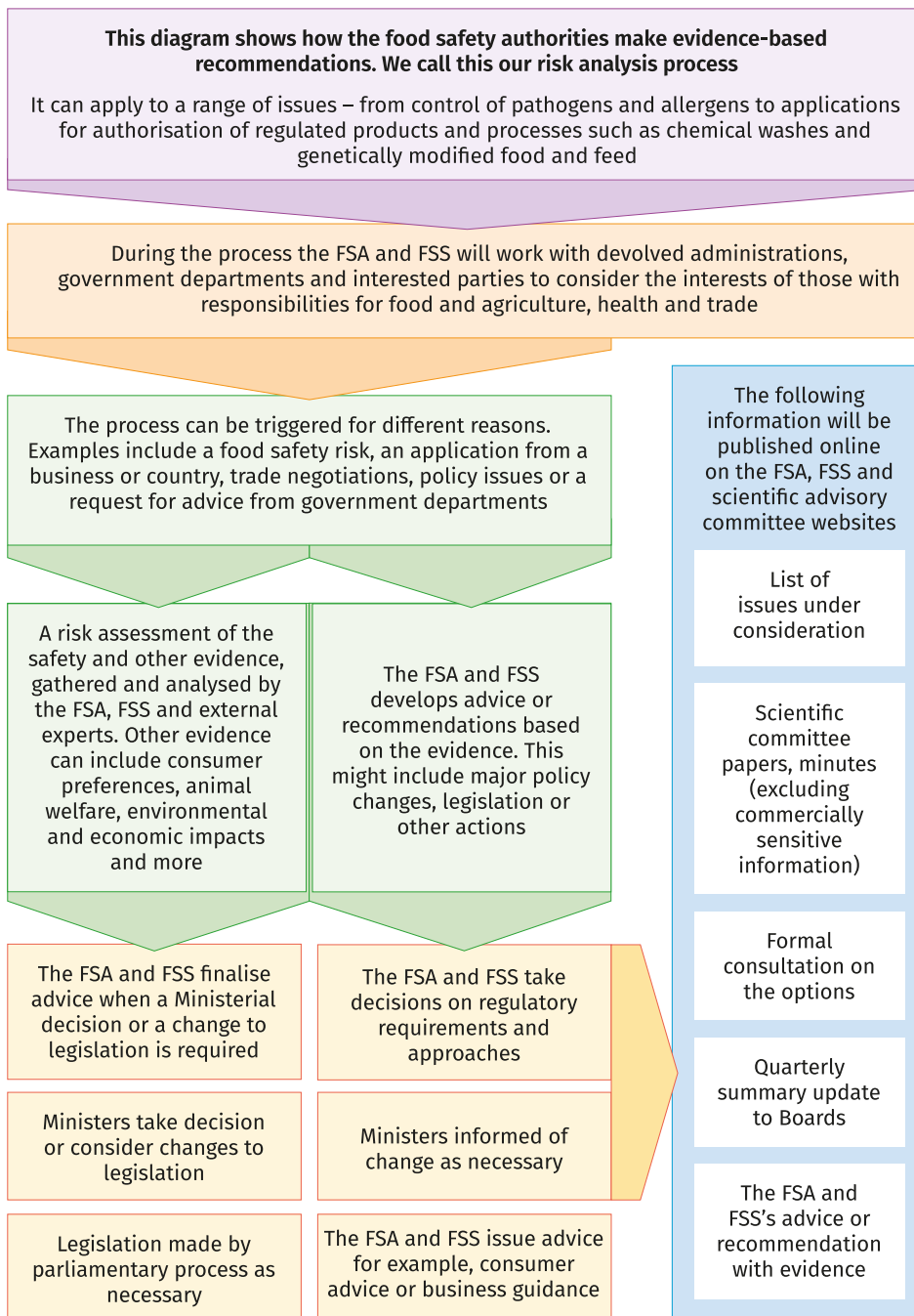
## **Risk analysis**

For food and animal feed safety issues, the UK carries out its own assessments of science and evidence to inform the development of regulations through a process known as 'risk analysis'.

Risk analysis involves three stages: risk assessment (estimation of the risk to human health), risk management (how these risks are controlled), and risk communication (how this information is conveyed). This process is summarised in figure 1. The risk analysis process covers procedures through which regulated products<sup>4</sup>, such as additives and novel foods, are placed on the market in future.

Risk assessments, previously conducted by the European Food Safety Authority (EFSA), are now undertaken by the FSA and FSS. Risk management, which was previously conducted by the European Commission, then considers how we control these risks. Decisions on food safety standards are informed by the risk management process and are taken by ministers in Great Britain. Assessments will continue to be underpinned by science and evidence, though risk management decisions may differ to when the UK was a member of the EU. This means that regulations may differ from the EU in the future whilst still being based on science and evidence.

**Figure 1: How the FSA and FSS make evidence-based recommendations and advice**



The diagram shows how the food safety authorities make evidence-based recommendations. We call this our risk analysis process. It can apply to a range of issues - from control of pathogens and allergens to applications for authorisation of regulated products and processes such as chemical washes and genetically modified food and feed.

During the process the FSA and FSS will work with devolved administrations, government departments and interested parties to consider the interests of those with responsibilities for food and agriculture, health and trade.

The process can be triggered for different reasons. Examples include a food safety risk, an application from a business or country, trade negotiations, policy issues or a request for advice from government departments.

A risk assessment of the safety and other evidence, gathered and analysed by the FSA, FSS and external experts. Other evidence can include consumer preferences, animal welfare, environmental and economic impacts and more.

The FSA and FSS develop advice or recommendations based on the evidence. This might include major policy changes, legislation or other actions.

The FSA and FSS finalise advice when a Ministerial decision or a change to legislation is required.

The FSA and FSS take decisions on regulatory requirements and approaches.

Ministers take decisions or consider changes to legislation.

Ministers informed of change as necessary.

Legislation made by parliamentary process as necessary.

The FSA and FSS issue advice for example, consumer advice or business guidance.

The following information will be published online on the FSA, FSS and scientific advisory committee websites:

- list of issues under consideration
- scientific committee papers, minutes (excluding commercially sensitive information)
- formal consultation on the options
- quarterly summary update to Boards
- the FSA and FSS's advice or recommendation with evidence

Outcomes from the risk analysis process are transparent, and the FSA and FSS advice in relation to food and feed safety issues will be published alongside the science and evidence upon which the advice is based. The system has been considered in open sessions of both the FSA and FSS Boards, which covered points such as the approach to uncertainty and risk in developing advice to UK ministers. The risk analysis process and support provided to businesses will be reviewed to ensure the process operates efficiently and supports innovation whilst continuing to protect consumers.

### **Regulated product applications**

428 live regulated product applications were progressing through the system by the end of 2021, considerably higher than the expected figure of 150 applications. The majority were applications to place cannabidiol (CBD) products on the market as a novel food, although applications include other issues such as additives and food contact materials.

### **Devolution and UK Common frameworks**

Food and feed policy are devolved matters. This is why decisions previously taken at EU level are now being made in Great Britain by ministers in the UK Government, Scottish Government, and Welsh Government, while Northern Ireland, under the terms of the Protocol on Ireland/Northern Ireland, continues to align with EU regulations.

The four nations have provisional agreements in place known as Common Frameworks, which set out how they work together in certain devolved policy areas. Common Frameworks describe the agreement between the four Governments and their food safety bodies to work together in areas of retained EU law and ensure that food and feed safety, standards, labelling and composition policy is developed jointly.

Common Frameworks recognise that policy divergence will be appropriate in some instances and set out how this should be managed between the four nations. However, a [recent report](#) by the [Office for the Internal Market](#) did not identify evidence of substantial new policy divergence emerging between the four nations since 31 December 2020.

These non-legislative Common Frameworks take account of, and operate in accordance with, the wider legal framework including the UK Internal Market Act 2020, which was introduced by the UK Government to regulate trade between England, Wales, Scotland and Northern Ireland.

The FSA and FSS continue to monitor divergence across the four nations, between Northern Ireland and Great Britain and between the EU and Great Britain. Since 31 December 2020, no major new food and feed safety legislation has been introduced in any of the four nations that has led to significant divergence. Future reports will expand on this monitoring and evaluation.