

## CONSULTATION QUESTIONS

1: Should the scope of the new food body extend beyond the current scope of the FSA in Scotland? If yes, what specific extensions of scope would you suggest, and why?

- Comments Yes. Some 95% food law is now common across Europe and so the new body must reflect the reality of EC178/2002, EC852/2004, EC853/2004 and the other European regulations that Britain has agreed to. So there is no need for duplications and no scope for gold plating.

2: Should the new food body and the Scottish Government continue the arrangements for independent and partnership work on diet and nutrition set out in Annex A? If not, what changes would you suggest, and why?

- Comments The definitions in Annex A seem reasonable. The New Body has primary responsibility for the foods. Other Government departments may give advice on how those foods are used.

3: Are there any additional roles, responsibilities or functions in respect of diet and nutrition that you think the new food body could take on to help deliver an improvement to the health of the people in Scotland? Please give details and reasons.

- Comments It must be involved in all European discussions otherwise there is just confusion. Similar problems are extant in all member states and so a common approach is far more effective.

4: What steps do you think could be taken to ensure the new food body is able to access the best available independent expert advice it needs to underpin its work on food safety and public health nutrition in Scotland? Please give reasons.

- Comments EC 178/2002 set up the European Food Safety Authority which provides scientific advice on all aspects. So far Britain has largely ignored the opportunities EFSA offers. There is no point in duplications.

5: Do you consider that the new food body should focus its research and surveillance activities on issues that are particularly pertinent to Scottish citizens or should it also contribute to science and evidence programmes on wider issues which have relevance to the UK as a whole? Please give reasons.

- Comments Yes, in coordination with EFSA. Scotland does have some conditions (eg climate/traditions) that are not common to other member states and so should retain some facility for research and specialist advice.

6: Do you agree that the new food body should be responsible for the coordination of all Scottish Government funded research on food safety and public health nutrition? What steps could be taken to raise the profile of the new food body as a research funder across the UK and beyond? Please give reasons.

- Comments It should not be responsible for all research as that would only duplicate work done by EFSA and the English FSA. It must work with these other bodies to complement research or it would be quite uneconomic and may not attract the levels of expertise that those bodies have available.

7: Do you have any further suggestions for how the new food body could establish a strong independent evidence base for food safety, food standards and nutrition policy? Please give reasons.

- Comments Food safety and standards are laid down quite clearly in the relevant EU regulations. The role of the New Body is to ensure that these measures are met. Nutrition policy is a matter of health and so should be separate from the role of standards.

8: Do you consider that the new food body would require any further statutory powers, in addition to those that the FSA already has, to equip it to deal effectively with incidents such as the recent horse meat substitutions, and to prevent such incidents happening? Please give reasons.

- Comments No. There are already adequate powers to seize foods, to stop production/trading and to impose sanctions on persons. However there is a very strong case for additional resources to control illegal activities.

9: Do you have any further comments about how the new food body might ensure that it can deal effectively with contraventions of food standards and safety law? Please give reasons.

- Comments The role of the New Body is double. First it is to police the market to protect consumers from unsafe food and from fraud. This involves getting the rules right and checking the produce. The second is to educate producers to prevent unsafe foods reaching the market. The first demands an independent centrally funded body. The second implies a cooperative approach with trainers, professional bodies and sector specific organisations. Prevention is better than poison.

10: Should the new food body take on any roles and responsibilities not currently fulfilled by the FSA in Scotland? If yes, please give details and reasons.

- Comments Yes. The New Body must take on all the responsibilities defined in EC 178/2002 and EC 852/2004 and their complementary regulations to do with consumer protection. These will include EC 853/2004 on meat products, EU 1169/2011 on labelling, EC 1924/2006

on claims etc. For example, the English FSA has just produced comprehensive guidance to catering in village halls which concentrates on food hygiene and totally ignores the requirements for traceability and allergen declaration because they are not FSA functions. Also all food labelling must come under the New Body as it is consumer protection. The current anomaly where use by dates come under the FSA and best before dates under Defra (a quality issue) is insupportable.

11: Please tell us your views about these suggestions for changes to the delivery of official food and feed controls. Do you think that the new food body should work in a different way with local authorities? Please give reasons.

- Comments The New Body should be functionally responsible for the officials doing the inspections and testing. That ensures their impartiality. The officials can be line responsible to their Local Authorities or other bodies as at present. Similarly the New Body must be functionally responsible for those granting approvals, for the meat hygiene service, checks on imports etc., everything to do with consumer protection.

12: Do you have any views on how the new food body should assure delivery of official controls and meet the relevant EU obligations? Please give reasons.

- Comments the New Body must have adequate resources to independently fund the consumer protection functions. For its role in education and dissemination of information and research there is no reason why it should not collaborate with the industry.

13: Are there any additional or alternative relationships that you would suggest that would help the new food body achieve the Scottish Ministers' objective of longer, healthier lives for the people of Scotland? Please give details and reasons.

- Comments A single authority for consumer protection ensures proper food labelling. This would assist the health authorities in their role of encouraging healthy diets.

14: Do you have any suggestions about how the new food body can engage effectively with consumers, both in developing policy and providing information and advice?

- Comments Through the food hygiene rating scheme. This informs consumers. The New Body must also work closely with food providers to ensure that the interpretation of the hygiene legislation is practical and does not create a burden on the mass of small enterprises. It must appreciate that sector specific organisations often have a better grasp of the needs of businesses in their field; therefore the Body must be prepared to work closely in collaboration with them in defining procedures, guides and other suitable advice.

15: Do you agree with the suggested approach to ensuring the new food body's independence from Government and the food industry? Do you have any further suggestions for how the new food body could best establish and maintain its position as an arms length part of Government? Please give reasons.

- Comments The New Body is of necessity independent from Scottish Government as its principal role is enforcing European law. Thus it must have adequate representation in the committees drafting the rules and with the Deputies and rapporteurs in the European Parliament that are putting forward suggestions. The Scottish Government does not make the food hygiene/labelling/etc rules any more. They are rightly common across Europe as so many products are distributed Europe wide. It is thus essential that the rules are common across all member states.

16: Do you have any further comments, or suggestions, on the creation of a new food body for Scotland that are not covered by any of the previous questions?

- Comments Your accompanying booklet to this questionnaire seems to have missed the point that even Scotland cannot make its own laws on many matters to do with food without the consent of the Commission. Food Solutions represents the interests of small food businesses. I am frequently called to Brussels to consider a new regulation or some amendments. Very often I am the only person from UK present at the meeting when all the other member states have delegations. Some of the more impractical and expensive (for businesses) proposals for legislation have been put forward by British MEPs. Mercifully in most cases I have been able with my colleagues from the other member states to persuade the Commission that the proposals should be dropped. The New Body must have people in it that understand the needs of small enterprises. They are different. All food law is risk based and is not just a list of dos and don'ts. The New Body could almost be described as the police force for safe food. It is independent of Government other than its financing – and even that is laid down in the European law where it says the member states must provide enough money to effect the official controls.