

Food Standards Agency consultation: Proposed approach to retained EU law for food and feed safety and hygiene

Response by the Society for Applied Microbiology

The Society for Applied Microbiology (SfAM) welcomes the opportunity to respond to the FSA's request for views on this topic. Although the expertise of the Society's membership lies predominantly in scientific research and application, and not law, the potential impacts of EU Exit on food safety risks and UK science remain a particular concern for the Society. In July 2018 the Society held an expert roundtable discussion on the topic of EU Exit and food safety (report in draft). SfAM would be happy to engage with the FSA to further discuss any points relevant to their work and preparations.

Q1: Do you have any comments on the proposed approach to fixing inoperabilities in the retained EU Law for day one of Exit from the EU as set out in this consultation?

- The FSA's aim (as previously indicated by FSA chairman Heather Hancock) to maintain an open, transparent science-based approach to risk assessment and management after Brexit is encouraging.¹ This will be important to engendering trust in food standards across the UK, through enabling public involvement and scrutiny by the wider scientific community.

Q2: Do you identify any concerns or risks regarding the proposed approach to fix inoperabilities in retained EU Law that appear not to have been adequately addressed?

- The consultation document only refers to potential future collaboration with EFSA, but does not mention other relevant agencies including the European Centre for Disease Prevention and Control (ECDC) and the European Medicines Agency (EMA). Paragraph 12 could acknowledge that working relationships between the FSA, ECDC and EMA will be essential for work on several topics of relevance to food safety, such as antimicrobial resistance (AMR).
- It would be useful to understand the FSA's approach to regulation on areas that are still subject to negotiation. What work is being undertaken in the background, should extra EU legislation need to be converted into UK law? For example, would the UK's continued involvement in surveillance systems such as the Rapid Alert System for Food and Feed (RASFF) require the conversion of Commission Regulation (EU) No 16/2011 on laying down implementing measures for RASFF?

¹ Oral evidence taken before the EU Energy and Environment Sub-Committee, inquiry on *Food safety risk management post Brexit*, 4 July 2018, p 3 and 11.

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-energy-and-environment-subcommittee/food-safety-risk-management-postbrexit/oral/86576.pdf>

Q5: While this consultation addresses what is being done to ensure retained EU law functions on the day the UK leaves the EU, do you have any general comments on food and feed safety and hygiene in the UK after EU Exit?

- At the Society's expert roundtable discussion in July 2018 we heard a number of concerns in relation to EU Exit and food safety. The main points are listed below.
- Funding from the EU.
 - Former EU Reference Laboratories in the UK will cease to receive financial support from the EU, which will undoubtedly limit their future capabilities.
 - Depending on future arrangements between the UK and EU, scientists in the UK may cease to be eligible to receive EU funding for food safety research, both through agencies (EFSA) and programmes such as Horizon 2020. Scientists and researchers in universities, institutes and industry will continue to have access to funding through UK Research and Innovation (UKRI), although it is currently unclear what proportion of this funding will be directed towards food safety research.
 - We heard additional concerns from scientists working in UK Government agencies, who have participated in Horizon 2020-funded research projects. They are concerned that an inability to participate in future Horizon programmes will leave a funding gap that cannot be filled, exacerbated by the fact that government laboratories are ineligible to receive UKRI funding to lead research projects.
- Upon negotiating new trade deals, the UK Government must consider the potential impacts on the food safety system in the UK:
 - The risks of importing new threats (including AMR).
 - Trade partner countries such as the US have different food safety criteria, placing a burden on British food producers and authorities if new systems need to be developed (e.g. exclusion zones for shellfish exports to the US and AMR controls).
- The UK should continue to collaborate in surveillance and notification systems currently employed across the EU and internationally, such as RASFF and networks coordinated by the ECDC (e.g. the European Antimicrobial Resistance Surveillance Network (EARS-Net), the European Surveillance of Antimicrobial Consumption Network (ESAC-Net)). Other groups where the UK holds a strong representation include the Joint Interagency Antimicrobial Consumption and Resistance Analysis (JIACRA) Group and the Antimicrobial Advice ad hoc Expert Group (AMEG).
- After EU Exit, a straightforward consultation process should be set up through which proposals for significant changes to UK food safety regulation may be informed by the wider scientific community.
- The FSA is presented with an opportunity to build stronger links with learned societies and professional organisations, to access wider views and expertise from the scientific community. This will in part address the recent recommendations from the FSA Science Council Working Group on Science Capability and Assurance.²

² <https://science-council.food.gov.uk/sites/default/files/sc3-3-bworkinggroup1report.pdf>