# EU EXIT – IMPACTS AND CONSEQUENCES

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## 1. Summary

1.1 The Board is invited to consider this report into the impacts and consequences of EU Exit to the FSA.

## 2. Introduction

2.1 The FSA Board, at its last meeting, laid down the objectives that will direct FSA's ongoing exit work, framed around ensuring that public health protection and consumers' interests are put first. These are to:

- ensure there is no reduction in public health protection for UK consumers, including maintaining and upholding the current regulatory regime
- enable improvement of public health protection for UK consumers, where appropriate
- safeguard consumer confidence and interests by putting the consumer first

2.2 This report offers assurances that these objectives continue to be addressed now that the UK has left the EU and entered the transition period; and sets out the impacts and consequences of this development.

## 3. Evidence and Discussion

3.1 The UK has left the EU and entered the transition period, which will last until 31 December 2020. During this time, the UK is no longer a member state, but market access will continue on current terms. To give businesses and citizens certainty, EU law will continue to apply in the UK largely as it did before.

3.2 In addition to regulation, the processes and systems that the FSA currently relies upon to be confident in our ability to protect public health and serve consumers' other interests in relation to food remain largely unchanged during the transition period.

3.3 The UK continues to have access to the system TRACES for recording and controlling imports of high-risk products from non-EU countries during the transition period.

3.4 The UK continues to be able to notify, receive notifications and address food incidents using the rapid alert system for food and feed (RASFF) during the transition period.

3.5 Existing arrangements for the authorisation of regulated products remain broadly unchanged. However, the FSA no longer acts as leading authority for the receipt and processing of any application for EU-wide regulatory approvals, including those relating to genetically modified feed and food, nutrition and health claims, and some animal feed. Businesses established in the UK wishing to place affected goods on the market now need to submit these applications to the European Commission, or the leading authority of a member state, where permissible. The FSA also no longer acts as leading authority for consultation requests for novel foods.

3.6 As part of our risk analysis process, we have developed handling procedures for regulated product dossiers within a UK authorisation process and these will be implemented at the end of the transition period. Under these arrangements, the information that businesses will need to supply will be the same as is currently required by EFSA and the European Commission, which will minimise burden to businesses. There will be companies whose product applications are undergoing risk analysis but for whom the process is not fully complete by the end of the TP. In preparation for this, we have developed proportionate handling procedures for dealing with those applications. These will be adapted to take into account conditions applying during the transition period.

3.7 Should there be any further changes to these processes and systems outlined above the Board will be informed.

3.8 Now that the UK and EU have begun discussions on the free trade agreement, the executive is inputting to the government's preparations for negotiations, representing the FSA's strategic objectives playing an important role in providing independent food and feed safety technical advice and expertise. The timetable required to implement the trade deal by 1st January 2021 means it will be fast paced and intense. The executive has taken steps to resource and prioritise this work and is fully engaged with central government, with the devolved administrations brought into these discussions through established networks and forums.

3.9 The executive is also making necessary preparations in case a free trade agreement cannot be agreed. Much of the work that the FSA has undertaken to previously prepare for a no deal EU exit is being repurposed for this outcome, with additional planning being undertaken to implement the Northern Ireland Protocol. Additional work is also underway to prepare for reciprocal import and export arrangements in this scenario. Resourcing this and preparing to implement the NI Protocol have been prioritised within the FSA's EU Exit Programme to ensure that the FSA is able to deliver its responsibilities in these areas by the end of the transition period.

3.10 The executive's work, both to support UK government's negotiations with the EU on a free trade agreement, and to prepare to implement the arrangements

needed domestically at the end of the transition period remain fully aligned and joined up with the direction set by central government. We are also continuing to work very closely with the DAs through our Devolved Offices and on the EU negotiations, through our participation in UKG-DA engagement.

## 4. Conclusions

4.1 Now that the UK has left the EU the FSA's top priority remains to ensure that food is safe and what it says it is. Entering the transition period has changed very little, either for the FSA as a regulator or for the businesses we regulate. During the transition period the executive is preparing for the UK's future trading relationship with the EU, be that with or without a free trade agreement. The objectives defined at the beginning of this paper continue to govern that work.