



Food Compositional Standards and Labelling provisional common framework

Presented to Parliament
by the Secretary of State for Environment, Food and Rural Affairs
by Command of Her Majesty

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Food compositional standards and labelling framework outline agreement

Section 1: What we are talking about

1. Policy area

The policy area under consideration is food compositional standards and labelling. This encompasses policies and regulations relating to:

- Food information to consumers
- Fish labelling
- Dairy designations and spreadable fats
- Caseins and caseinates
- Cocoa & chocolate products
- Coffee extracts & chicory extracts
- Condensed milk and dried milk
- Fruit juices and fruit nectars
- Honey and honey products
- Jam and similar products
- Natural mineral, spring and bottled water
- Specified sugar products

2. Scope

The food compositional standards and labelling policy area is covered by a variety of EU law and associated domestic legislation which implements this in the UK. The EU laws, and associated implementing legislation, which intersect with devolved competence and are in scope of the Food Compositional Standards and Labelling Framework are listed in Annex C.

This framework and its processes may be utilised by any one (or more) of the parties proposing amendments to or entirely new legislation in these policy areas as well as amendments to EU directive-derived legislation affecting the commodities and policy areas listed above.

UKG: DA competence and the parties to this framework

Relevant policy areas are governed by harmonised EU derived legislation and are directly applicable across the whole of the UK. The enforcement of these regulations is delegated to local authorities and powers for enforcement are provided by domestic legislation in

each of the four UK countries. Applicable directives have been implemented through domestic legislation in each of the four UK countries.

Food Compositional Standards and Labelling policy areas fall within the competence of Devolved Administrations by virtue of the devolution settlements.

- The Scotland Act 1998
- The Government of Wales Act 2006 and
- The Northern Ireland Act 1998

While FCSL policy areas are devolved matters, international trade is reserved, creating an area of overlapping interests wherein UK trade negotiations and implementation may intersect with areas of devolved policy, such as FCSL. Though FCSL is devolved, it remains the responsibility of the UK government to ensure the UK complies with its international trading obligations.

Local enforcement is devolved and therefore recognises the differing legal systems and arrangements for local government across the four administrations. However, all parties agree that a level of commonality is beneficial, particularly for those businesses who operate across UK borders and close collaboration between the administrations will continue.

Domestic Arrangements

A number of areas of food compositional standards and labelling, such as the compositional standards of certain meat products, are covered by existing domestic legislative arrangements across each of the administrations. Whilst these areas and any related policy changes remain within the competence of each administration, any proposed changes to such arrangements should be presented to the standing policy group for discussion via the joint working process as outlined in this agreement and where possible, agreement across the UK will be sought. These changes however shall not be bound by the formal dispute resolution process.

International obligations

The international obligations that apply to this area are:

International trade

EU and third countries will be looking for robust assurance on food standards before signing trade deals. The UK will be looking for robust assurance on food standards before signing trade deals with the EU and third countries

International compositional standards & food labelling standards

This framework is designed to ensure the UK can continue to fulfil international obligations such as Codex and WTO membership.

Northern Ireland considerations

On 15th June 2020, the Northern Ireland Executive agreed to the principles JMC(EN) had agreed in October 2017 to underpin the development of frameworks. Prior to this, FSA officials in Northern Ireland had provided technical and analytical input to the development of the FCSL Framework.

The FCSL Framework will be a four-country agreement. However, the specific circumstances of Northern Ireland are respected and reflected throughout the framework outline.

This includes the provisions of the Belfast Agreement (including the North/South dimension highlighted in Strand 2 of that Agreement). These provisions will be respected.

Further to this, the framework ensures that Northern Ireland continues to contribute to the formulation of UK policy on food compositional standards and labelling. Northern Ireland's involvement in policy making will ensure that the economic and social linkages between Northern Ireland and Ireland will be recognised and incorporated into policy outcomes.

The FSA's role in respect to Northern Ireland within the Framework will also reflect the requirements of the Protocol on Ireland/ Northern Ireland. The legislation within the scope of the Framework is detailed within Annex 2 of the NIP, and therefore EU legislation will continue to be directly applicable in NI whilst the rest of the UK will set its own regulatory regime at the end of the transition period.

While the circumstances in Northern Ireland will be different as a result of the Northern Ireland Protocol, officials and Ministers will continue to be involved in the framework's processes and governance structures. How the specific circumstances in Northern Ireland will be reflected in ways of working is detailed throughout the framework outline.

Interdependencies / Exclusions

When referring to Food Information to Consumers, Fish Labelling and Food Composition, this framework does not cover those areas covered by other frameworks, specifically:

- Nutrition Labelling Policy. The Nutrition Related Labelling and Compositional Standards (NLCS) Framework is being developed by the Department for Health

and Social Care (DHSC) FSA NI, FSS, and the Welsh Government (covered within EU 1169/2011 Section 3, articles 29-35).

Allergen Labelling Policy. The Food and Feed Safety and Hygiene Framework is being developed by FSA and FSS.

3. Definitions

- Food Standards Scotland (FSS) is the independent public sector food body working to protect public health and wider consumers' interests in relation to food in Scotland.
- Food Standards Agency (FSA) is the independent government department working to protect public health and consumers' wider interests in relation to food in England, Wales and Northern Ireland.
- The Department for Environment Food and Rural Affairs (Defra) is the UK government department responsible for safeguarding the UK's natural environment, supporting its world-leading food and farming industry, and sustaining a thriving rural economy.
- The Joint Ministerial Committee (JMC) is a set of committees, comprised of ministers from the UK and devolved governments, providing central coordination of the overall relationship between the UK and the devolved nations.

Concordat: a multilateral political agreement, which indicates a common line of action. It is often used where a legal commitment would not be required or appropriate.

Section 2: Proposed breakdown of policy area and framework

4. Summary of proposed approach

Legislation

The arrangements within this agreement do not require additional legislation. This framework will be implemented through a non-legislative agreement. The need for any additional legislation is expected to be limited to bespoke areas as agreed by all four administrations to support the effective functioning of the framework once it is implemented.

This Framework recognises the shared views of all the parties that a common framework is desirable across the UK and aims to ensure the functioning of the UK Internal Market whilst acknowledging the potential for policy divergence. It also aims to ensure that future Free Trade Agreements can be completed on a UK wide basis whilst recognising the common frameworks principles agreed at JMC (EN).

Non-legislative agreement

A concordat between UKG, Scottish Government, Welsh Government and the Department of Health in Northern Ireland will provide the basis for managing and maintaining commonality in approach and minimum standards. The Concordat sets out agreements including governance arrangements.

JMC(EN) frameworks principles

The Department for Environment, Food and Rural Affairs, the Food Standards Agency in Wales and Northern Ireland and Food Standards Scotland agree that the approach summarised within is sufficient according to Section 1 of the JMC(EN) Frameworks Principles (see Annex A for the full list of principles) to:

- Enable the functioning of the UK internal market, while acknowledging policy divergence.
- Ensure compliance with international obligations.
- Ensure the UK can negotiate, enter into and implement new trade agreements and international treaties.

The reason this policy area falls under these principles is that the framework provides a basis through which decision-making regarding food compositional standards and food labelling policy can be made jointly across the UK administrations. When negotiating trade deals non-UK countries will seek robust assurance on food standards and this

framework will provide the basis of transparent communication of these standards across the UK.

Collaborative working

There is a need for continued robust policy development with the involvement of, and technical expertise from, all four administration, including the need to fully assess the potential impacts of legislative changes on all affected stakeholders.

5. Detailed overview of proposed framework: legislation (primary or secondary)

It has been agreed by DEFRA, the FSA in Wales and NI and FSS that no legislation is required in this area.

6. Detailed overview of proposed framework: non-legislative arrangements

A concordat between UKG, Scottish Government, Welsh Government and the Department of Health in Northern Ireland will provide the basis for managing and maintaining commonality in approach and minimum standards. The Concordat sets out agreements including governance arrangements.

Contents

The concordat will cover the following:

1. Introduction: context, purpose and relevant contacts
2. Scope
3. Principles for working together
4. Dispute Avoidance and Resolution Mechanism
5. Review and Amendment Mechanism

The concordat sets out agreements including governance arrangements, including dispute avoidance and resolution mechanism. Working arrangements (both existing and new) are established and formalised for collaboration and coordination between all four administrations.

Operational detail

Section 3: Proposed operational elements of framework

7. Decision making

Key joint decisions that will be made through this framework

Ministers will retain the right to make individual decisions for their country and policy divergence across UK nations will remain possible, in accordance with the devolved settlements in each country. For areas within scope of the framework however a consensus regarding the anticipated impact of a policy change and the approaches to take should first be sought, and efforts made to resolve any disputes.

Once the framework is in operation, the key joint decisions that will or could be taken by the parties to this framework are:

- Policy decisions
- Resolution of issues
- Referring issues to the overarching dispute avoidance and resolution mechanism outlined in the Memorandum of Understanding (MoU) on Devolution
- Reviewing and amending the framework

Policy changes should be considered in scope of this framework, subject to impact assessment / evidence consideration where:

- An administration(s) seeks to make a change or review in an area of returning powers, within scope of the policy areas outlined in Section 2.
- Harmonised EU legislation provides scope for national measures to achieve common outcomes and so divergence is already possible i.e. national rules for curds and mincemeat provided for in the Jam and Similar Products Regulations.
- Different requirements are proposed for establishments within one territory placing products on the market solely within the territory of that country (i.e. establishments are based in and supplying the local market only); or
- Different requirements are proposed for products produced in and placed on the market solely within the territory of one country (i.e. products are produced and consumed exclusively in the local market only).

Policy changes should be considered outside scope of this framework where:

- Existing EU legislation provides flexibility for the law to be applied in different ways i.e. Flexibilities around enforcement will be maintained.

Decision-making fora

The main forum for official level discussion and decision-making will be the Food Compositional Standards and Labelling Officials Group. Terms of Reference for this group(s) are set out in Annex B. The role of this group will be to:

- Be a forum for all UK nations to examine proposed amendments to, or entirely new legislation in the area of food compositional standards and food labelling.
- To provide the opportunity to review UK wide impacts and whether or not a policy is appropriate to take forward on a single nation or UK wide basis.
- To provide a co-ordinated UK position on food compositional standards and labelling policy, resulting in clear and consistent messaging for consumers and industry.
- Facilitate multilateral policy development.
- Seek, where agreeable, to develop and agree upon common policy approaches.
- Manage potential divergence in a way that respects the Devolution Settlements.
- Coordinate FSA/FSS Board, parliamentary and stakeholder engagement and communication.
- Review and amend the framework as per the review & amendment mechanism.
- Escalate issues as per the dispute avoidance and resolution process.

Working groups

Officials will have the ability to bring proposals for policy changes to the Food Compositional Standards and Labelling Officials Group. This will be done by providing the group with a summary of the proposed change and any research and information that they have.

Should this group decide further work is required on an issue, it will have the ability to set up sub-groups on a specific proposal, with relevant officials from each nation part of these groups. These sub-groups can be created at the request of one nation to assist in further policy development.

Should these groups be created, they will be required to undertake working level discussions on policy proposals or changes within a timeframe agreed by the Food Compositional Standards and Labelling Officials Group.

Following these discussions, the party proposing these discussions should notify the Food Compositional Standards and Labelling Officials group of the proposed change and should prepare a policy paper on the specific issue under discussion.

This will then be considered by the Food Compositional Standards and Labelling Officials group.

Cross cutting issues

Without prejudice to the above process, Policy officials across the four administrations will consider the impact of potential divergence in NI, implemented due to the responsibilities arising from the NI Protocol.

All relevant information will continue to be shared with Northern Ireland as all discussions will continue to be on a four-nation basis: and importantly, officials and Ministers in Northern Ireland will continue to play a vital role in policy development under the arrangements. Northern Ireland's full participation in these processes will ensure that any decisions taken in GB (England, Scotland and Wales) account for the potential impacts across the UK.

A flow chart detailing the joint decision making process can be found at Annex D.

Evidence base

It is envisaged that recommendations for the majority of proposals will be agreed at official level. It is therefore essential that an appropriate evidence base is developed at this level. The development of evidence base could be carried out through:

- Commissioning further evidence from analysts
- Commissioning further evidence from legal teams
- Seeking advice from external bodies
- Engagement with industry (possibly through consultations, working groups etc)

Where evidence is being gathered this will, where possible, be shared between administrations.

Disagreements

The parties to this framework have agreed that if there is a disagreement on a decision, an effort will be made to resolve this issue at the lowest possible level. If an issue cannot be resolved, parties will follow the dispute resolution process outlined in section 12 of this document.

The dispute resolution process should be only be utilised if:

- agreement cannot be reached on the anticipated impact of a policy proposal; or
- agreement cannot be reached on a common recommendation regarding an application, request, or policy proposals; or
- one or more party considers the terms of reference/parameters agreed for the governance framework have been breached; or
- one party considers that a JMC(EN) principle has been broken, or undue weight has been placed on one JMC(EN) principle (or part of a principle) at the expense of another

The intention is to resolve the majority of issues through the NLCS Policy Group meetings including the views of senior officials where necessary, only escalating to Ministers where official level agreement cannot be reached.

Any issues between parties will be recorded as this may help to inform the Review and Amendment process when it is next conducted.

8. Roles and responsibilities of each party to the framework

The following sets out the role and responsibilities of officials and ministers in this framework.

Officials

Hold day-to-day discussions on the policy covered by frameworks and put advice to ministers with the rationale for the approach taken within a policy area (e.g. a UK/GB-wide approach), or why divergent policies may be necessary. Officials across administrations should convene to discuss policy issues as appropriate and to keep colleagues regularly informed of any ramifications that policy will have across administrations. If such officials do not agree when making decisions, issues discussed at a working level can be escalated to senior officials in line with the framework's dispute avoidance and resolution mechanism.

Senior officials

Senior officials provide strategic direction on the policy areas governed by frameworks and take key operational decisions. They may review an issue as per a framework's dispute avoidance and resolution mechanism if officials are not able to agree an approach, or if ministers have rejected advice from officials in the first instance, in another attempt to reach agreement. Senior officials should convene to discuss issues as appropriate, either by regular meeting or on an *ad hoc* basis.

FSA and FSS Boards

The boards of Food Standards Scotland and the Food Standards Agency will consider advice and evidence available, as appropriate, to provide recommendations and finalise advice prior to informing respective Ministers.

In relation to Scotland, Wales and Northern Ireland the role of the FSS and FSA Boards in advising Ministers will also need to be respected.

The FSA and FSS will wish to consider on a case by case basis whether the matter is something that their Boards will need to consider. It is expected that many of the issues considered through this process will be routine and technical; therefore, it is unlikely that in those cases the Boards would be involved before advice is provided to Ministers on these issues.

Ministers

Ministers may receive advice from their officials either concurrently across administrations as issues arise or in the course of business as usual for individual administrations. Ministers may accept advice or they may reject it. If work is remitted to senior officials and an issue remains unresolved, the issue may be escalated to ministers. Where ministers are considering issues as part of the framework's dispute avoidance and resolution mechanism this could be via several media, including inter-ministerial meetings or by correspondence.

Senior ministers

Terminology distinguishing ministerial hierarchy is not universal across administrations. Where there is a distinction, it is likely that advice presented to a minister who is not a senior minister, will be copied to a senior minister who may provide an additional steer if needed. In some circumstances the senior minister will also be the most appropriate minister to make a decision and therefore the distinction between senior minister and

Minister will not be relevant. In the case of UKG, a senior minister would be a Secretary of State (SofS). In Scotland, a senior minister would be a Cabinet Secretary.

Information sharing

As per the current MoU on Devolution each administration will aim to provide each other with as full and open as possible access to scientific, technical and policy information including statistics and research and, where appropriate, representations from third parties.

9. Roles and responsibilities of existing or new bodies

New bodies

Food compositional standards and labelling officials group

The role of this group will be to:

- Be a forum for all UK nations to examine proposed amendments to, or entirely new legislation in the area of food compositional standards and food labelling.
- To provide the opportunity to review UK wide impacts and whether or not a policy is appropriate to take forward on a single nation or UK wide basis.
- To provide a co-ordinated UK position on food compositional standards and labelling policy, resulting in clear and consistent messaging for consumers and industry.
- Facilitate multilateral policy development.
- Seek, where agreeable, to develop and agree upon common policy approaches.
- Manage potential divergence in a way that respects the Devolution Settlements.
- Coordinate parliamentary and stakeholder engagement and communication.
- Review and amend the framework as per the R&A process.
- Escalate issues as per the dispute avoidance and resolution process.

10. Monitoring

The Food Compositional Standards and Labelling Officials Group will meet quarterly to monitor the framework, where not otherwise monitoring in the course of routine business. The purpose of monitoring is to assess:

- intergovernmental cooperation and collaboration as a result of the framework;

- whether parties are implementing and complying with the framework;
- whether divergence has taken place in contravention of the common framework principles; and
- whether harmful divergence has taken place that impacts on the policy area covered by the framework.

The outcome of this monitoring will be used to inform joint decision-making going forward and the next review and amendment process. If there is an unresolved disagreement, the dispute avoidance and resolution mechanism should be used.

11. Review and amendment

Process

- The Review and Amendment Mechanism (RAM) ensures the framework can adapt to changing policy and governance environments in the future.
- There are two types of review which are outlined below. The process for agreeing amendments should be identical regardless of the type of review.
- The RAM relies on consensus at each stage of the process from the Ministers responsible for the policy areas covered by the non-legislative agreement.
- Third parties can be used by any party to the framework to provide advice at any stage in the process. These include other government departments or bodies as well as external stakeholders such as NGOs and interest groups.
- At the outset of the review stage, parties to the framework must agree timelines for the process, including the possible amendment stage.
- If agreement is not reached in either the review or amendment stage, parties to the framework can raise it as a dispute through the framework's dispute avoidance and resolution mechanism.

Review stage

- A periodic review of the framework will take place every 3 years, in line with official or ministerial level meetings.
 - The period of 3 years starts from the conclusion of a periodic review and any amendment stages that follow.
 - During the periodic review, parties to the framework will discuss whether the governance and operational aspects of the framework are working

effectively, and whether decisions made over the previous 3 years need to be reflected in an updated non-legislative agreement.

- An exceptional review of the framework is triggered by a 'significant issue'.
 - A significant issue must be time sensitive and fundamentally impact the operation and/or the scope of the framework.
 - The exceptional review may include a review of governance structures if all parties agree it is required. Otherwise, these issues are handled in the periodic review.
 - The same significant issue cannot be discussed within six months of the closing of that issue.
- The amendment stage can only be triggered through unanimous agreement by ministers. If parties agree that no amendment is required, the relevant time period begins again for both review types (for example, it will be 3 years until the next periodic review and at least 6 months until the same significant issue can trigger an exceptional review.)

Amendment stage

- Following agreement that all parties wish to enter the amendment stage, parties will enter into discussion around the exact nature of the amendment. This can either be led by one party to the framework or all.
- If an amendment is deemed necessary during either type of review, the existing framework will remain in place until a final amendment has been agreed
- All amendments to the framework must be agreed by all parties and a new non-legislative agreement signed by all parties.

If parties cannot agree whether or how a framework should be amended this may become a disagreement and as such could be raised through the framework's dispute avoidance and resolution mechanism.

12. Dispute resolution

Dispute resolution is anticipated to only be required in a very small number of cases. The dispute resolution process should only be utilised if:

- resolution through normal working practices (including managing divergence) has not been possible
- agreement cannot be reached on the anticipated impact of a policy proposal

- agreement cannot be reached on a common recommendation regarding an application, request, or policy proposals; or
- one or more party considers the terms of reference/parameters agreed for the governance framework have been breached; or
- one party considers that a JMC(EN) principle has been broken, or undue weight has been placed on one JMC(EN) principle (or part of a principle) at the expense of another.

This recognises that in some areas commonality of approach will not be needed in order to meet the JMC (EN) common frameworks principles and therefore an agreement to diverge would be acceptable.

The intention is for issues to be discussed and resolved at the earliest possible stage. The process will seek to provide opportunities for differences to be resolved at official level wherever possible, therefore reducing the need for escalation.

In such cases where a dispute requires escalation and formal resolution the party (or parties) initiating the change should inform the Food Compositional Standards and Labelling Officials Group, allowing a reasonable period for the dispute resolution process to be followed.

If required it will convene the members of the Working Group, administrations involved and any other organisation who are party to this framework. Any additional representation required at the meeting will be agreed in advance by members of the Officials Group.

The parties to this framework have agreed that if there is a disagreement on a decision, an effort will be made to resolve this issue at official level. However, if required, a senior official from each nation will be nominated to participate in official level dispute resolution meetings. FSA and FSS Board considerations will be included here as appropriate.

When an issue is presented to the Policy Officials Group, the position of each party in the disagreement will be established, alongside a range of options for resolving the disagreement and criteria for an agreed outcome: These options may include but are not restricted to:

- a request for further mediation at a policy level;
- a request for further evidence to be commissioned; or
- escalation to appropriate Ministers.

Where agreement cannot be reached at official level, senior officials will be invited to join the official level group as appropriate in an effort to reach an agreement. If agreement cannot be reached at senior official level the dispute will be raised to Ministers.

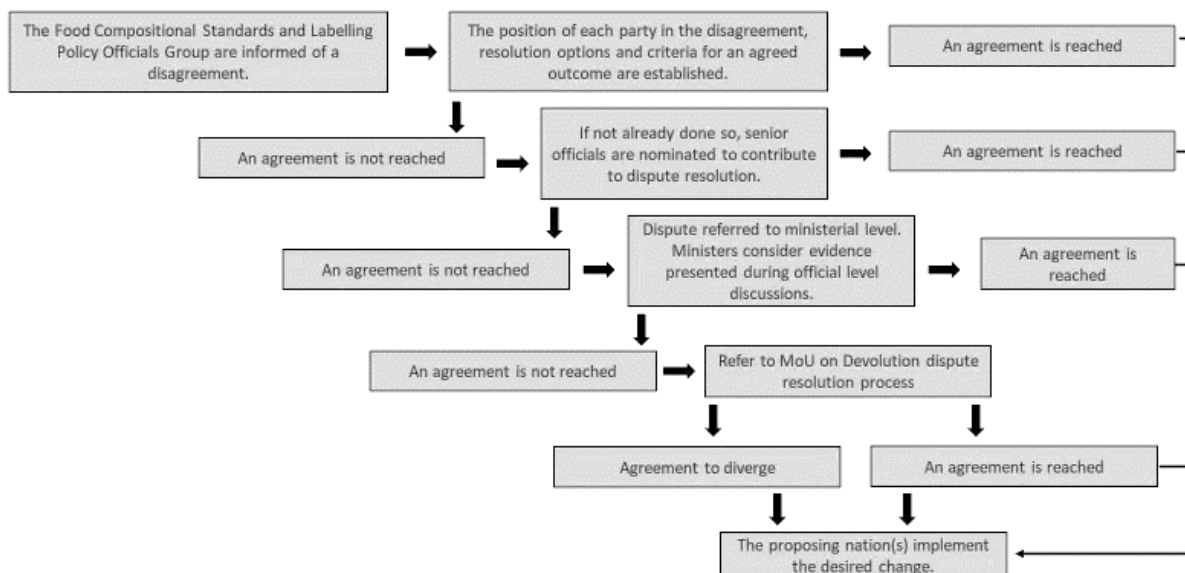
In the event of a dispute being escalated to the Ministerial level, this could be a bilateral discussion between the parties involved in the dispute, or if appropriate a multilateral discussion between ministers from all the administrations involved and any other organisations who are party to this framework agreement, including the responsible Health Ministers.

In each instance, Ministers will consider the evidence gathered during Official level discussions when attempting to reach an agreement on an outcome aimed at resolving the dispute.

Where disputes cannot be solved at ministerial level, they shall be referred to the overarching process for dispute avoidance and resolution as outlined in the Memorandum of Understanding on Devolution (“MoU on Devolution”). That shall be used only as a final resort when issues cannot be resolved within framework governance structures.

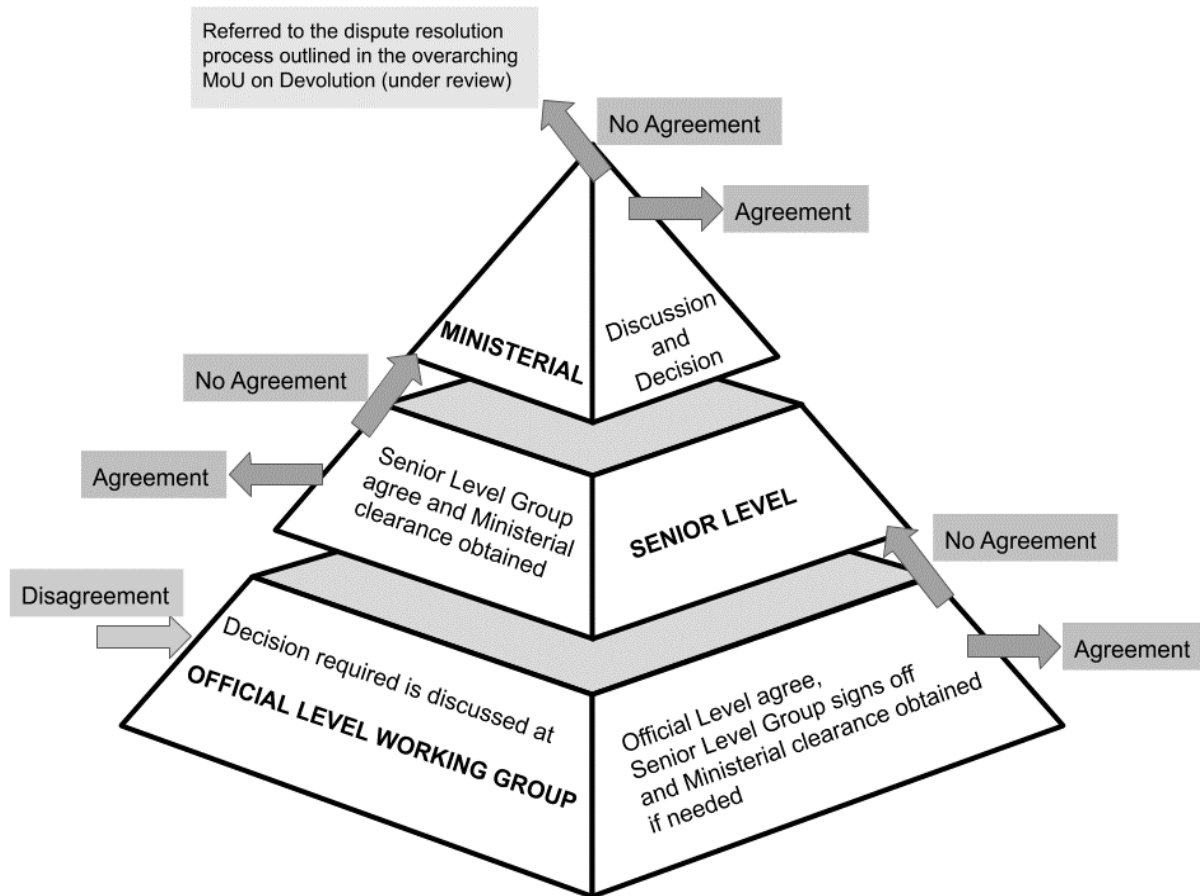
For issues that fall within scope of the Northern Ireland Protocol, Officials and Ministers in Northern Ireland will be a full participant in any four country Ministerial correspondence or discussions that take place as part of dispute resolution processes.

Figure 1 – Flow diagram for the dispute resolution mechanism



- The Food Compositional Standards and Labelling Policy Officials Group are informed of a disagreement.
- The position of each party in the disagreement, resolution options and criteria for an agreed outcome is established
- An agreement is reached – The proposing nation(s)implement the desired change.
END
- An agreement is not reached
- If not already done so, senior officials are nominated to contribute to dispute resolution
- An agreement is reached – The proposing nation(s)implement the desired change.
END
- An agreement is not reached
- Dispute referred to ministerial level, Ministers consider evidence presented during official level discussions
- An agreement is reached – The proposing nation(s)implement the desired change.
END
- An agreement is not reached
- Refer to MoU on devolution dispute resolution process
- An agreement is reached – The proposing nation(s)implement the desired change.
END
- Agreement to diverge – The proposing nation(s)implement the desired change.
END

Figure 2 Diagram showing the route a dispute could take



- Disagreement: Decision required is discussed at official level working group
- Agreement Official level agree, Senior level group signs off and ministerial clearance obtained if needed
- Disagreement: Referred to senior level group
- Agreement: Senior level group agree and ministerial clearance obtained
- Disagreement Referred to Ministers for discussion and decision
- If agreement cannot be reached referred to the dispute resolution process outlined in the overarching MoU on devolution (under review)

Section 4: Practical next steps and related issues

13. Implementation

Full implementation plans will be developed once the framework is further refined.

Annex A - Joint Ministerial Committee (EU Negotiations)

Communique, October 2017

Common Frameworks: Definition and Principles

Definition

As the UK leaves the European Union, the Government of the United Kingdom and the devolved administrations agree to work together to establish common approaches in some areas that are currently governed by EU law, but that are otherwise within areas of competence of the devolved administrations or legislatures. A framework will set out a common UK, or GB, approach and how it will be operated and governed. This may consist of common goals, minimum or maximum standards, harmonisation, limits on action, or mutual recognition, depending on the policy area and the objectives being pursued. Frameworks may be implemented by legislation, by executive action, by memorandums of understanding, or by other means depending on the context in which the framework is intended to operate.

Context

The following principles apply to common frameworks in areas where EU law currently intersects with devolved competence. There will also be close working between the UK Government and the devolved administrations on reserved and excepted matters that impact significantly on devolved responsibilities.

Discussions will be either multilateral or bilateral between the UK Government and the devolved administrations. It will be the aim of all parties to agree where there is a need for common frameworks and the content of them.

The outcomes from these discussions on common frameworks will be without prejudice to the UK's negotiations and future relationship with the EU.

Principles

1. Common frameworks will be established where they are necessary in order to:
 - enable the functioning of the UK internal market, while acknowledging policy divergence;
 - ensure compliance with international obligations;
 - ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;
 - enable the management of common resources;
 - administer and provide access to justice in cases with a cross-border element; and
 - safeguard the security of the UK.

2. Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and will therefore:

- be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent;
- maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules; and
- lead to a significant increase in decision-making powers for the devolved administrations.

3. Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK that shares a land frontier with the EU. They will also adhere to the Belfast Agreement.

Annex B - Terms of Reference for Food Compositional Standards and Labelling Officials Group

Purpose

To bring together officials from the four nations to discuss issues relevant to Food Compositional Standards and Labelling Policy; and to make joint decisions that uphold the JMC(EN) Frameworks Principles.

Objectives

The purpose of the Food Compositional Standards and Labelling Officials Group is to bring together the four administrations of the United Kingdom to:

- Be a forum for all UK nations to examine proposed amendments to, or entirely new legislation in the area of food compositional standards and food labelling
- Provide the opportunity to review UK wide Impacts and whether or not a policy is appropriate to take forward on a single nation or UK wide basis
- Provide a co-ordinated UK position on food compositional standards and labelling policy resulting in clear and consistent messaging for consumers and industry.
- Facilitate multilateral policy development.
- Seek, where agreeable to develop and agree upon common policy approaches.
- Manage potential divergence in a way that respects the Devolution Settlements.
- Coordinate parliamentary and stakeholder engagement and communication.
- Review and Amend the framework as per the R&A process.
- Escalate issues as per the dispute avoidance and resolution process

Membership

A lead official from each nation will be nominated participate in meetings of this four-nation group in accordance with the Framework Agreement and Concordat. This official, or any delegate they nominate, will be suitably informed and have the ability to make decision so that they may fully participate in proceedings.

A senior official (Grade 6 or equivalent) from each nation will be nominated to participate in official level dispute resolution meetings.

Additional Invitees will be invited as required

Operation of the Group

The Group will meet on a quarterly basis. The Group can also meet at the request of one of the parties to the Framework.

Defra's Consumers and Standards Team will chair the first meeting, followed by a rotating chair across the four administrations.

This should be at least Grade 7 level or equivalent, to reflect the importance of the Group at Whitehall and UK levels. The chairing nation will provide the secretariat.

The agenda will be provided by the secretariat and will be circulated at least 1 week prior to the meeting. Any proposals to be shared with the group should be shared at least one week prior to the meeting.

Each administration will aim to provide each other with as full and open as possible access to scientific, technical and policy information including statistics and research and, where appropriate, representations from third parties.

Where the Group decides that actions should be tasked to other working groups, or that other fora should be informed of outcomes of Group meetings, the secretariat will be responsible for this.

These Terms of Reference may be amended as necessary by a decision of the Group.

Annex C – Legislation in Scope

The elements of EU law in this area that intersect with devolved competence are:

- Regulation (EU) No 1169/2011 Regulation (EU) No 1169/2011 on the provision of food information to consumers and Implementing Acts.
- Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry.
- Commission Implementing Regulation (EU) 2018/775 laying down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food.
- Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy – Article 58 (traceability of lots of fishery products)
- Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy – Articles 66 and 67 (definition of fishery products and traceability of lots).
- Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 – Articles 35 – 39 on mandatory and additional voluntary information for consumers.
- Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products – spreadable fats and dairy designations

National legislation (food information)

- Food Information Regulations 2014
- Food Information (Scotland) Regulations 2014

- Food Information (Wales) Regulations 2014
- Food Information Regulations (Northern Ireland) 2014

National legislation (meat)

- The Country of Origin of Certain Meats (England) Regulations 2015
- The Country of Origin of Certain Meats (Scotland) Regulations 2016
- The Country of Origin of Certain Meats (Wales) Regulations 2015
- The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015

National legislation (fish traceability and consumer information)

- The Fish Labelling Regulations 2013
- The Fish Labelling (Scotland) Regulations 2013
- The Fish Labelling (Wales) Regulations 2013
- The Fish Labelling Regulations (Northern Ireland) 2013

National legislation (Spreadable fats and dairy designations)

- The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008
- The Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008
- The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008
- The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008

National legislation created to implement EU Directives (as amended):

- Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007
- Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007
- Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015
- Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015
- Cocoa and Chocolate Products (England) Regulations 2003
- Cocoa and Chocolate Products (Scotland) Regulations 2003
- Cocoa and Chocolate Products (Wales) Regulations 2003
- Cocoa and Chocolate Products Regulations (Northern Ireland) 2003

- Coffee Extracts and Chicory Extracts (England) Regulations 2000
- Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001
- Coffee Extracts and Chicory Extracts (Wales) Regulations 2001
- Coffee Extracts and Chicory Extracts Regulations (Northern Ireland) 2001

- Fruit Juices and Fruit Nectars (England) Regulations 2013
- Fruit Juices and Fruit Nectars (Scotland) Regulations 2013
- Fruit Juices and Fruit Nectars (Wales) Regulations 2013
- Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013

- Honey (England) Regulations 2015
- Honey (Scotland) Regulations 2015
- Honey (Wales) Regulations 2015
- Honey Regulations (Northern Ireland) 2015

- Jam and Similar Products (England) Regulations 2003
- Jam and Similar Products (Scotland) Regulations 2004
- Jam and Similar Products (Wales) Regulations 2018
- Jam and Similar Products Regulations (Northern Ireland) 2018
- Specified Sugar Products (England) Regulations 2003
- Specified Sugar Products (Scotland) Regulations 2003
- Specified Sugar Products (Wales) Regulations 2003
- Specified Sugar Products Regulations (Northern Ireland) 2003

- Caseins and Caseinates (England) Regulations 2017
- Caseins and Caseinates (Scotland) (No. 2) Regulations 2016
- Caseins and Caseinates (Wales) Regulations 2016
- Caseins and Caseinates Regulations (Northern Ireland) 2016

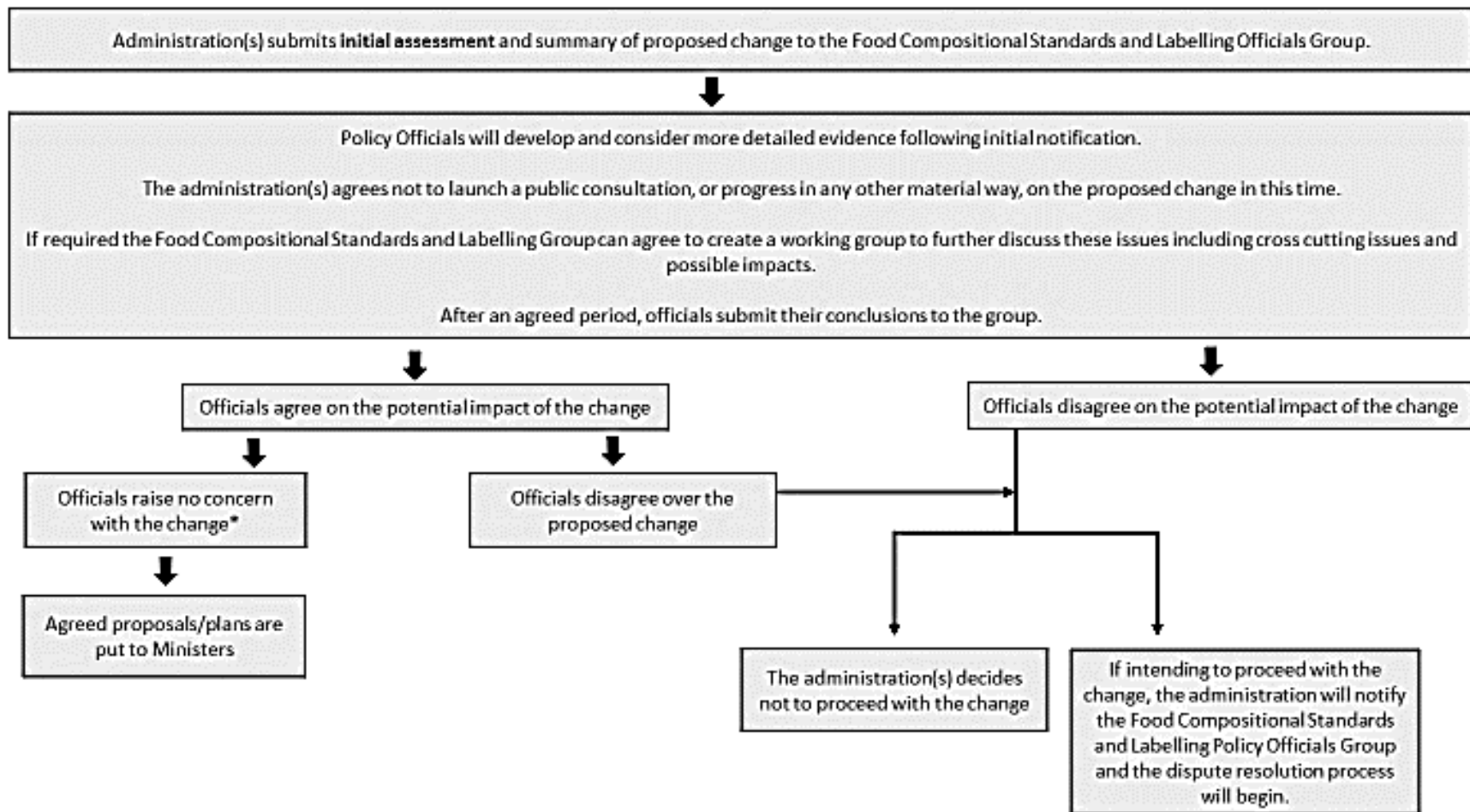
- Condensed Milk and Dried Milk (England) Regulations 2015
- Condensed Milk and Dried Milk (Scotland) Regulations 2003
- Condensed Milk and Dried Milk (Wales) Regulations 2018
- Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018

Annex D: Joint decision-making mechanism

- Administration(s) submits initial assessment and summary of proposed change to the Food Compositional Standards and Labelling Officials Group
- Policy officials will develop and consider more detailed evidence following initial notification
- The administration(s) agrees not to launch a public consultation, or progress in any other material way, on the proposed change in this time
- If required the Food Compositional Standards and Labelling Group can agree to create a working group to further discuss these issues including cross cutting issues and possible impacts
- After an agreed period, officials submit their conclusions to the group
- Officials agree on the potential impact of the change and raise no concerns with the change*, the agreed proposals/plans are put to Ministers
- Officials disagree on the potential impact of the change
- The administration(s) decide not to proceed with the change
- If intending to proceed with the change, the administration(s) will notify the Food Compositional Standards and Labelling Policy Officials Group and the dispute resolution process will begin

* FSA and FSS Board considerations included at this stage when appropriate

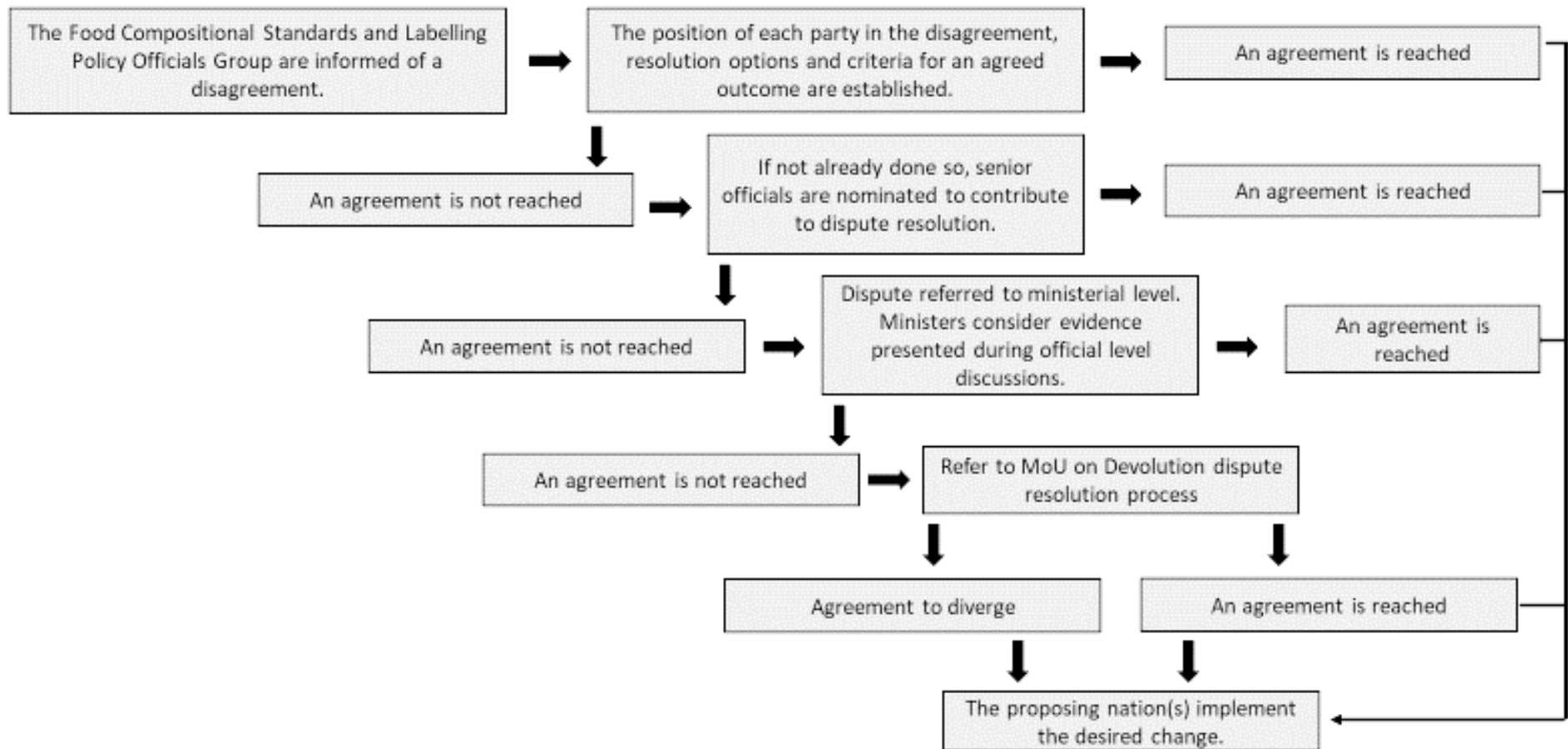
Annex D: Joint decision-making mechanism



*FSA and FSS Board considerations included at this stage, when appropriate.

Annex E: Dispute resolution mechanism

- The Food Compositional Standards and Labelling Policy Officials Group are informed of a disagreement.
- The position of each party in the disagreement, resolution options and criteria for an agreed outcome is established
- An agreement is reached – The proposing nation(s) implement the desired change. END
- An agreement is not reached
- If not already done so, senior officials are nominated to contribute to dispute resolution
- An agreement is reached – The proposing nation(s) implement the desired change. END
- An agreement is not reached
- Dispute referred to ministerial level, Ministers consider evidence presented during official level discussions
- An agreement is reached – The proposing nation(s) implement the desired change. END
- An agreement is not reached
- Refer to MoU on devolution dispute resolution process
- An agreement is reached – The proposing nation(s) implement the desired change. END
- Agreement to diverge – The proposing nation(s) implement the desired change. END



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