

Eluned Morgan AS/MS
Y Gweinidog Iechyd Meddwl, Llesiant a'r Gymraeg
Minister for Mental Health, Wellbeing and Welsh Language



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/ **MA/EM/1465/21**

David Rees MS
Chair of the External Affairs and Additional Legislation Committee
Welsh Parliament
Cardiff Bay
CF99 1SN
SeneddEAL@senedd.wales

24 March 2021

Dear Dai,

Thank you for your letter of 22 March to the Minister for Health and Social Services where you set out the committee's conclusions following its consideration of the Food and Feed Safety Provisional Framework. I am responding because food safety resides in my portfolio and I note in your letter that you request further clarity on a number of points. I have responded to all under the appropriate themes below.

Scrutiny of the framework

The annual report will be published and will be available for the Senedd. The process of framework delivery has been laid out by Central Frameworks Teams in each of the UK administrations according to JMC(EN) principles. The process provides opportunity for scrutiny by parliamentary committees during the review phase only, prior to final sign-off by Ministers. This will include changes once considerations of recent developments have been incorporated.

Transparency

The FSA Risk Assessment Unit carries out risk assessments on behalf of all nations in which the FSA operates and can produce UK-wide risk assessments. Both internally and externally, the FSA will provide clear explanation of risk assessment findings and the basis of risk management decisions for consumers, industry stakeholders and other interested parties. The consumer research FSA undertake as part of risk analysis process will include consumer insight on a national basis. Evidence will be published, so that stakeholders can make an informed judgement on processes and decisions. The most significant risk assessments will be considered by the open FSA Board meeting, in public, before the FSA gives its advice to Welsh Ministers.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Eluned.Morgan@llyw.cymru
Correspondence.Eluned.Morgan@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Engagement is also done through the Welsh Food Advisory Committee (WFAC). WFAC meets before every FSA Board meeting to discuss the papers before the FSA Board and provides Welsh input and advice on the matters before the Board. The Welsh Board member then plays that into the FSA Board meetings.

In addition the input of the Safe Sustainable Authentic Food Wales (SSAFW) partnership will provide a forum to work with Local Government and other key partners in Wales, to inform the development and delivery of food law policy and practice in the context of wider public policy and service delivery considerations in Wales. Membership of SSAFW includes FSA in Wales, Welsh Government, local authority, professional institutions such as the Chartered Institute of Environmental Health, consumer interest groups, industry representatives, WLGA and the Food Industry Centers. Furthermore, any legislative amendments will be subjective to consultation, as per guidance set out by Welsh Government.

Operation and Governance

I have acknowledged the increased capacity needs for FSA Wales and I have increased their annual budget by £1.5m to ensure that they have the correct level of resourcing to meet future needs. This will increase staffing capacity to allow FSA staff in Wales to contribute to developing policy recommendations on risk management decisions for Wales. Furthermore, the FSA has increased scientific capacity of our Science, Evidence and Research and have established three new Joint Expert Groups (JEGs) to help ensure the best scientific evidence for UK food and feed risk assessments of regulated products.

The Welsh Food Advisory Committee will continue to scrutinise and provide Welsh specific advice to FSA Wales and the chair sits on the national FSA Board. My senior officials also sit on a four nations risk Management Group, which will provide a mechanism for the discussion of risk management options for non-routine food and animal feed safety issues in the UK. This will help to provide enhanced confidence in the UK's risk analysis processes by introducing additional rigour and assurance. My officials are also undertaking a review of a concordat between Welsh Government and FSA to ensure that this sets out clear governance, roles and responsibilities.

In terms of policy divergence, responsibility for Food and Feed safety and hygiene rests with the Welsh Ministers in relation to Wales, but the policy responsibility role is carried out by the FSA in Wales. There is, therefore, a relationship between the legislative responsibilities of the Welsh Ministers and the proposed approach in the FFSH framework, albeit the framework itself does not include legislative requirements at this stage. Therefore, any recommendations for different policy approaches would be supported by evidence having been considered through the FSA's rigorous, independent risk analysis process, which includes consultation with stakeholders. Ministers in all four nations would be made aware of the recommendations in the other nations and would have the ability to raise the issue for discussion with their counterparts under the Framework's dispute resolution process. For any final decisions, the FSA as the competent authority would need to provide Welsh Ministers with recommendations.

Legislative and executive competence

Concurrent powers that have been previously agreed at the request of Welsh Government officials in the area of the application of official feed and food controls which is a cross cutting policy area. These concurrent powers are very limited. The Framework makes no additional provision for concurrent powers. Any changes to the common framework to within the food and feed safety and hygiene policy area would be subject to

full scrutiny by the Senedd and the high threshold in place as part of guidance already set out.

Yours,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

Y Gweinidog Iechyd Meddwl, Llesiant a'r Gymraeg

Minister for Mental Health, Wellbeing and Welsh Language