



The Scottish Parliament
Pàrlamaid na h-Alba

Health, Social Care and Sport Committee

Jenni Minto MSP
Minister for Public Health and Women's Health

7 January 2025

Dear Minister

THE FOOD AND FEED (REGULATED PRODUCTS) (AMENDMENT, REVOCATION, CONSEQUENTIAL AND TRANSITIONAL PROVISION) REGULATIONS 2025

EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

The Health, Social Care and Sport Committee are due to consider the Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025 (RP reform SI) on 14 January 2025.

In advance of our consideration, it would be helpful if you could provide responses to the following:

Use of enabling powers

The proposed Statutory Instrument (SI) will be made under powers in the Retained EU Law (Revocation and Reform) Act 2023. The Scottish Government has previously indicated to the Parliament that it is opposed on principle to, and does not intend to use, the powers that are available to it in the Act.

1. Why does the Scottish Government not intend to use the powers in the Retained EU Law (Revocation and Reform) Act 2023, but is content to consent to the UK Government doing so within devolved competence in this SI?

Allowing authorisations to come into effect without being prescribed in secondary legislation

The notification states, “the equivalent EU institutions and European Parliament are equally excluded from scrutinising tertiary legislation by the EU Commission authorising individual regulated product authorisations”.

2. To what extent does the Scottish Government consider this explanation satisfactory given the reduction in parliamentary scrutiny to which the instrument gives effect and considering that the notification also states that “[parliamentary committees] play an important role in scrutinising the exercise of powers by Scottish Ministers in relation to food and feed matters”?

Contact: Health, Social Care and Sport Committee, The Scottish Parliament, Edinburgh, EH99 1SP.

Email HSCS.Committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

Scottish Statutory Instruments (SSIs)

The notification states that “in relation to Scotland, the instrument also makes consequential amendments to or revocations of certain Scottish Statutory Instruments (SSIs).” The notification further states “Whilst, generally, the Scottish Ministers will not support SIs modifying Acts of the Scottish Parliament, SSIs or wholly devolved, Scotland only UK legislation, Food Standards Scotland and the Scottish Government are satisfied that a sufficient case has been made for the consequential amendment or revocation of a limited number of SSIs in this particular instance.”

4. Please provide further explanation as to why Scottish Government are satisfied in this regard.
5. Please identify which SSIs these passages refer to.

Common Frameworks

The notification explicitly references the [Provisional Food and Feed Safety and Hygiene \(FFSH\) common framework](#).

6. Please provide an update on the latest status of the FFSH common framework and of other common frameworks falling within the Committee’s remit, further to [correspondence previously received from the then Minister for Public Health, Women’s Health and Sport on 30 May 2022](#).

Removing renewal requirements for authorisation of feed additives, GMOs and smoke flavourings

7. Can the Scottish Government explain more about the joint risk analysis process and risk assessment – and how, under the proposed new regime any new information (i) would come to light, and (ii) be reviewed by FSS and FSA?
8. What alternative policy and process models have been considered to reduce resource constraints?
9. Under the proposed new regime, it may appear that more emphasis will have to be placed on businesses reporting to FSS if they believe placing a food or feed product on the market could do harm to consumers – how will FSS ensure this requirement is as robust as it can be?

The Committee would be grateful for a response by midday on **Friday 10 January 2025**.

Yours sincerely,

A handwritten signature in black ink that reads "CHaughey". The signature is written in a cursive style with a large, looped 'H' and a long, sweeping tail on the 'y'.

Clare Haughey MSP

Convener, Health, Social Care and Sport Committee