

## **Nutrition Framework – a summary.**

### Common Frameworks – strategic overview

1. Following the UK's exit from the European Union, work is underway to ensure that following the end of the transitional period (TP), appropriate measures are put in place to maintain stability and security across the UK. Common frameworks are being developed under a set of principles agreed between the UK Government and Scottish and Welsh Governments at the Joint Ministerial Committee (European Negotiations) (JMC(EN)) in October 2017.
2. The JMC (EN) also agreed that all frameworks must respect the devolution settlements and the democratic accountability of the devolved legislatures. The intention is that frameworks will make it simple for businesses from different parts of the UK to trade with each other, whilst allowing the UK to fulfil its international obligations, enabling the UK to safeguard our common resources and ensure the functioning of the UK's internal market.

### Nutrition Framework– Scope and background

3. The Nutrition Framework: concerns retained EU legislation on the following areas:
  - nutrition and health claims made on foods;
  - the addition of vitamins, minerals, and certain other substances to foods;
  - the composition and labelling of food supplements;
  - the composition and labelling of food intended for infants and young children, food special medical purposes, and total diet replacement for weight control (“Foods for Specific Groups”);
  - and the mandatory nutrition declaration (food labelling), including additional forms of expression and presentation in which it may be given.
4. As food law is a devolved competence legislation was made, under the provisions contained within the European Union (Withdrawal) Act 2018, for the DAs to make regulations within their respective administrations by transferring to them powers previously held by the European Commission. This transfer of powers to the DAs carries with it the risk of divergence within nutrition policy across the UK. The UK, Scottish and Welsh Governments therefore agreed that a Nutrition framework is required to ensure a common approach after the end of TP. DHSC and DAs welcome the restoration of the Northern Ireland Executive, and will seek its agreement to the proposed arrangements at an appropriate juncture.
5. Engagement with nutrition industry representatives from across the UK has concluded that the proposed framework will be supportive of businesses that work across the UK and will help deliver consumer confidence. Stakeholders advised that they also felt

reassured by the proposals for joint decision making and dispute resolution mechanisms.

6. The Nutrition Framework has also been reviewed and assessed by the Cabinet Office Frameworks Board. The board concluded that subject to some minor amendment the Nutrition framework was as far developed as it could be at this stage (Phase 3) and was ready to proceed to Phase 4 and JMC clearance.
7. Officials now await clearance for Ministers across the UK for the Nutrition Framework to proceed to JMC.

### Nutrition Framework Proposals

8. Whilst Nutrition policy is a devolved area, the cross-border nature of the food industry requires close co-operation across the UK to provide clarity and assurance to business, enforcement and consumers. The implementation of the Nutrition Framework would support this aim helping to maintain existing standards and establish replacement mechanisms for current EU functions (such as authorising new claims and amending retained lists of permitted claims and substances).
9. The assessment of applications for new health claims requires a new body to provide scientific advice. Provision was therefore included in SI2019/651, together with procedures for the application and assessment process and decision-making.
10. It is proposed that at the end of the TP risk assessments should be undertaken on a UK-wide basis to deliver a consistent approach and process for businesses and enforcement authorities across the UK (with capacity maintained for non-UK wide assessments where appropriate). The risk assessment processes would replicate, as closely as possible, those currently undertaken by the European Food Safety Authority (EFSA) and be independent and free from undue influence.
11. Decisions based on both scientific opinion and wider risk management considerations should be made by the appropriate authority through the establishment of four-country working arrangements which build on existing consensus-based policy making.
12. Every effort would be made at working level to resolve any disagreements in difference of approach. Where a consensus cannot be reached by the four-country working arrangements (whether that is agreement to a UK wide approach or to divergence) a dispute resolution process would come into play. This process would be based on agreed principles set out in the framework e.g. evidence-based decision making, transparency and timely resolution.

13. Consideration of key cross-cutting issues such as domestic governance, functioning of the UK internal market and future funding will continue during the TP prior to finalisation of the framework.
14. A Concordat between DHSC, SG, WG and the Northern Ireland Executive is proposed to underpin this non-legislative framework. Adopting a non-legislative approach allows for maximum flexibility to adapt the framework as necessary and maintains a degree of trust and goodwill between the four administrations. The Concordat would provide the basis for managing and maintaining commonality in approach and minimum standards as well as surveillance and sharing of information.

#### Next steps

15. Subject to provisional confirmation by JMC(EN), the Nutrition Framework will be prepared for the necessary committee scrutiny across the UK parliaments and finally implementation.
16. Prior to implementation at the end of 2020, a reappraisal of the framework may take place based on the outcomes of any cross-cutting issues and feedback that DAs receive from their legislatures' committees.
17. The provisional framework may therefore need to undergo further collective agreement before final confirmation by JMC(EN), for example, if subsequent reappraisal of the framework leads to significant changes.
18. After implementation a review and amendment mechanism will ensure that the framework can adapt to subsequent policy developments. This periodic review is designed to focus on the governance structures and operational aspects of a framework and should take place every 3 years at a minimum.