

POLICY NOTE

THE FOOD HYGIENE (SCOTLAND) AMENDMENT REGULATIONS 2014

SSI 2014/118

1. Description

1.1 The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972 and all other powers enabling them to do so. The instrument is subject to negative resolution.

2. Policy Objectives

2.1 This instrument amends The Food Hygiene (Scotland) Regulations 2006 and provides for enforcement in Scotland of certain provisions of:

- Commission Regulation (EU) No 216/2014 amending Regulation (EC) No 2075/2005 laying down specific rules on official controls for *Trichinella* in meat.
- Commission Regulation (EU) No 218/2014 amending Annexes to Regulations (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council and Commission Regulation (EC) No 2074/2005.

2.2 EU Regulations 216/2014 and 218/2014 are part of a package of four EU Regulations amending existing EU food hygiene laws¹. They provide for a more proportionate and risk based system of controls for pig meat inspection and should be read with Commission Regulation (EU) No 217/2014 amending Regulation (EC) No 2073/2005 as regards *Salmonella* in pig carcasses, and Commission Regulation (EU) No 219/2014 amending

¹ Regulation (EC) 853/2004 laying down specific hygiene rules for food of animal origin;
Regulation (EC) 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption;
Regulation (EC) 2074/2005 laying down implementing measures for 853/2004 and 854/2004;
Regulation (EC) 2075/2005 laying down specific rules on official controls for *Trichinella* in meat.

Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council as regards the specific requirements for post-mortem inspection of domestic swine.

2.3 The revised pig meat inspection rules form part of a programme of work to modernise meat inspection across the EU. The new rules target the priority public health hazards to be addressed through pig meat inspection that were identified by the European Food Safety Authority (EFSA) and cover three key areas:

- A move to visual only inspection of pig carcasses to reduce the risk of bacterial cross-contamination.
- Strengthening of *Salmonella* controls in the slaughterhouse.
- More proportionate and risk based *Trichinella* controls.

2.4 A further series of European Commission proposals covering poultry, red meat and game meat inspection are expected to follow over the coming months.

2.5 EU Regulation 218/2014 also removes the requirement for a special health mark to be applied to meat from animals that have undergone emergency slaughter outside a slaughterhouse and derived products thereof and for such meat to be restricted to the national market. This has been removed on the basis that all such meat if passed as fit for human consumption should not be treated any differently from other meat.

3. Matters of special interest to the delegated powers and law reform Committee

3.1 The aforementioned EU Regulations² were published in the Official Journal on 8 March 2014 and come into force on 1 June 2014.

3.2 Implementation of EU Regulations 217/2014 and 219/2014, as well as certain aspects of EU Regulations 216/2014 and 218/2014, is provided for by the ambulatory reference provision in regulation 2(5) of The Food Hygiene (Scotland) Regulations 2006, in terms of which the execution and enforcement of new technical amendments to the Annexes of the EU instruments listed in Schedule 1 will apply automatically.

² EU Commission Regulations 216/2014, 217/2014, 218/2014 and 219/2014.

4. Legislative Context

4.1 The EU Regulations are binding and directly applicable from the date they come into force. The Food Hygiene (Scotland) Amendment Regulations 2014 are needed to provide for the implementation and enforcement of certain aspects of EU Commission Regulations 216/2014 and 218/2014 by making the following amendments to The Food Hygiene (Scotland) Regulations 2006:

- amending the definition of Regulation (EC) No 2075/2005 to include the amendments made to its articles by Commission Regulation (EU) No 216/2014 amending Regulation (EC) No 2075/2005 laying down specific rules on official controls for *Trichinella* in meat (regulation 2(3));
- implementing the provisions in Commission Regulation (EU) No 218/2014 related to emergency slaughtered meat by revoking regulation 32A (special health mark) and schedule 6A (the special health mark) (regulation 2(2) and (4)).

4.2 The FSA initially aimed to have a common coming into force date of 1 June 2014 across the UK for these Regulations to ensure consistency of enforcement provisions across the internal UK market. However, due to differences in scrutiny procedure and parliamentary timetables the equivalent domestic regulations will not now come into force by 1 June in England and Wales. Nevertheless, it was considered appropriate to continue to give effect to these regulations in Scotland by the EU deadline of 1 June 2014.

5. Territorial Extent and Application

5.1 This instrument applies to Scotland only. Separate but parallel legislation is being made in England, Wales and Northern Ireland.

6. European Convention on Human Rights

6.1 This instrument does not raise any issues regarding the European Convention.

7. Consultation

- 7.1 The meat industry in Scotland is broadly supportive of the new pig rules and has been engaged throughout the EU negotiations via the FSA's Current and Future Meat Controls Group (CFMC), as well as through direct engagement and consultation by the FSA in Scotland. Industry has also welcomed removal of the requirement to apply a special health mark to emergency slaughtered meat.
- 7.2 The FSA in Scotland issued a full public consultation on the new pig rules from 25 March to 28 April 2014.³ The purpose of this consultation was to seek stakeholder views on the practical application of the changes and to determine whether the FSA's assumptions were a fair reflection of costs, benefits and wider impacts for stakeholders. Three responses have been received to date from a Local Authority, abattoir and farming union which provided detailed comments on the estimated costs and benefits and likely impacts.
- 7.3 A series of nationwide citizen's forums were also conducted between June and July 2010 to explore consumer attitudes to meat hygiene and views on potential changes to meat official controls. Participants indicated that they would favour any changes to meat inspection that were based on robust science with a suitable monitoring system for animal diseases.
- 7.4 In addition, in 2010 the FSA set up a Cross Government Group on Meat Official Controls (CGGMOC). This group includes officials from the FSA in Scotland and also the Scottish Government Directorate for Agriculture, Food and Rural Communities. The group was instrumental in developing the high level UK negotiating principles and played a key role during the negotiations.

8. Other Administrations

- 8.1 This instrument applies to Scotland only. Separate legislation is being made for England, Wales and Northern Ireland.

³ <http://www.food.gov.uk/news-updates/consultations/consultations-scotland/2014/pigmeat-inspect-consult-scot>

9. Financial Effects

9.1 Business and Regulatory Impact Assessments have been completed for each aspect of the new pig meat inspection rules.

10. Regulating small business

10.1 The changes to EU pig meat inspection rules will affect food business operators of approved pig meat slaughterhouses, pig farmers and FSA officials working in pig meat establishments. There are 17 approved pig slaughterhouses in Scotland – two are large specialist pig only slaughterhouses and the remaining 15 are smaller multi-species slaughterhouses.

10.2 Meetings to assess the likely impacts of these changes were held with a number of affected businesses as part of the FSA's public consultation. Small and medium sized plants were generally supportive of the new rules, although some cost impacts were identified, particularly around implementation of the new *Trichinella* rules. Full details are provided in the accompanying Business and Regulatory Impact Assessments.

10.3 Industry and farming unions have welcomed removal of the requirement for a special mark to be applied to emergency slaughtered meat and derived products. Given the relatively small number of emergency slaughtered animals entering the food chain each year in Scotland we expect any benefits to farmers and processors from removing this requirement to be minimal. Therefore a Business and Regulatory Impact Assessment has not been carried out for this change.

11. Monitoring and Review

11.1 The FSA is expected to carry out a review of the policy in five years. The effectiveness of these Regulations will also be monitored via general feedback from industry and enforcement authorities.

Contact:

Food Standards Agency in Scotland

Karen Robertson

St Magnus House, 25 Guild Street,

Aberdeen AB11 6NJ

Tel No: 01224 285158

Email: Karen.Robertson@foodstandards.gsi.gov.uk