

Title: Post Implementation Review of the Food Safety (Sampling & Qualifications) (England) Regulations 2013

CONSULTATION SUMMARY PAGE

Date launched:	5 February 2018	Closing date:	5 March 2018 (4 weeks)
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Who will this consultation be of most interest to
 Food Analysts, Public Analysts, Food Examiners, Food Enforcement Officers of local authorities, Royal Society of Chemist, Government Chemist

What is the subject of this consultation?
 This consultation is on the Post Implementation Review (PIR) of the Food Safety (Sampling & Qualifications) (England) Regulations 2013.

What is the purpose of this consultation?
 To seek stakeholder's views on the Agency's assessment on the costs and benefits of the 2013 England S&Q Regs post its implementation as outlined in the impact assessment within the PIR report. To seek stakeholder's view

Responses to this consultation should be sent to:

Bhavna Parmar Scientific, Methods and Laboratory Policy Team, SERD FOOD STANDARDS AGENCY Tel: 0207 276 8307	Floor 6&7 Clive House, 70 Petty France, London SW1H 9EX Email: bhavna.parmar@food.gov.uk
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Impact Assessment included?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> See Annex A for reason.
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Post Implementation Review of the Food Safety (Sampling & Qualifications) (England) Regulations 2013

DETAIL OF CONSULTATION

Introduction

The Food Standards Agency is carrying out a consultation on the post implementation review (PIR) of Food Safety (Sampling & Qualifications) (England) Regulations 2013. Details of the review are available in a draft PIR report.

The Food Safety (Sampling & Qualifications) (England) Regulations 2013 (2013 S&Q Regs) were last reviewed in 2012 and published in 2013. This SI was made under section 27 of the Food Safety Act 1990 and is in line with European Legislation (Reg (EC) No. 882/2004, to be replaced by Official Controls Regulation (EU) 2017/625)).

The 2013 S&Q Regs specify the qualifications required to be a public analyst, food analyst or food examiner for the purposes of the Food Safety Act 1990. They prohibit specified persons from carrying out analyses or examinations. They also specify the procedure to be followed when a sample has been procured under the Act for analysis or examination.

The PIR report assesses the effect of the 2013 S&Q Regs within England only by collating evidence from a number of key stakeholders and assessing the baseline costs and benefits outlined in the impact assessment. This is a light touch PIR based on the very low cost associated with the Regulations.

Engagement and Consultation Process

The Agency carried out an initial engagement with key stakeholders in September 2017 to gather views and examine the effect of the legislation. In particular, to ascertain whether any significant unintended consequences or unforeseen burdens resulted from their introduction. The Agency also considered the effect of implementing legislation for qualifications in the UK compared with other EU Members States. The findings of this engagement support the FSA view that the regulation fulfilled its intended objective and continues to be fit for purpose.

This wider FSA public consultation will test our initial views and the final PIR report updated to reflect any significant findings. Following an assessment by the Regulatory Policy Committee, the final review report with its associated impact assessment will be published on food.gov.uk.

In line with the light-touch approach determined to be appropriate for this PIR and our previous engagement with most of the key stakeholders, the Agency is now conducting a consultation over a 4 week period to gather wider stakeholder's views. We welcome any comments on this draft review report and in particular on the key questions set out below.

Questions asked in this consultation:

Q1: We invite stakeholders to comment on our actual costs of familiarisation and to provide evidence if they believe that the costs incurred were higher or lower than our estimates in the 2013 impact assessment.

Q2: We invite stakeholders to comment on whether simplification of the Regulations led to benefits for public and private sector laboratories and enforcement officers? Provide evidence to support your comments.

Q3: We invite stakeholder's views on whether the legislative approach for qualifications requirements of official control analysts adopted by the UK when compared to approaches in other EU Member States has led to costs to businesses? Provide evidence to support your comments.

Other relevant documents

1. The Food Safety (Sampling & Qualifications) (England) Regulations 2013
<http://www.legislation.gov.uk/ukxi/2013/264/contents/made>
2. The Food Safety Act 1990 <https://www.legislation.gov.uk/ukpga/1990/16/contents>
3. EU Official Control Regulations 2017/625
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R0625&from=EN>

Responses

Responses are required by close 5 March 2018. Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours,

**Mrs Bhavna Parmar
Surveillance, Methods and Laboratory Policy Team
Science, Evidence and Research Division**

Enclosed

Annex A: Standard Consultation Information

Annex B: Post Implementation Review report (draft) includes impact assessment

Annex C: List of interested parties

Publication of personal data and confidentiality of responses

1. In accordance with the FSA principle of openness we shall keep a copy of the completed consultation and responses, to be made available to the public on receipt of a request to the [FSA Consultation Coordinator](#) (020 7276 8308). The FSA will publish a summary of responses, which may include your full name. Disclosure of any other personal data would be made only upon request for the full consultation responses. If you do not want this information to be released, please complete and return the Publication of Personal Data form, which is on the website at <http://www.food.gov.uk/multimedia/worddocs/dataprotection.doc> Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.
3. In accordance with the provisions of Freedom of Information Act 2000/Environmental Information Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure. The final decision on whether the information should be withheld rests with the FSA. However, we will take into account your views when making this decision.
4. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

Further information

5. A list of interested parties to whom this letter is being sent appears in Annex C. Please feel free to pass this document to any other interested parties, or send us their full contact details and we will arrange for a copy to be sent to them direct.
6. Please contact us if you require this consultation in an alternative format such as Braille or large print.
7. This consultation has been prepared in accordance with HM Government consultation principles¹.

¹ <http://www.bis.gov.uk/policies/bre/consultation-guidance>