



HOUSE OF LORDS

European Union Committee

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Jane Ellison MP
Parliamentary Under Secretary of State
Department of Health
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10 December 2015

Dear Jane,

9464/I3: Proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material and plant protection products

Thank you for your letter of 30 November 2015 on the above Proposal, which was considered by the EU Energy and Environment Sub-Committee at its meeting on 9 December 2015.

The figures you provide help to illustrate the considerable effect the European Parliament amendments would have on product of animal origin processing plants in the UK. The scale of change required to conform to an amended regime would be extensive; the UK figures you provide speak for themselves, namely 269 slaughterhouses, 657 cutting plants and 2,767 local authority approved premises. Local authorities and port health authorities would be placed under enormous pressure and the environmental health profession would be seriously disadvantaged. Your points about the lack of evidence or public health benefit to support these amendments are well made. Are you aware of any cases in the UK or elsewhere in the EU where the absence of an official veterinarian at a product of animal origin processing plant poses a risk to public health?

It is good to hear about the actions you have taken to promote the UK Government's position in the European Parliament and we welcome the assurance you provide that your efforts will continue throughout the course of trilogues. We would suggest that you request an impact assessment from the European Parliament which would illustrate the adverse effects of the amendments for the UK if they were adopted. In the light of the upcoming Dutch Presidency, it is reassuring to hear that their position on this matter has been close to that of the UK throughout negotiations.

We have decided to retain the Proposal under scrutiny. We look forward to an update at the start of the Dutch Presidency.

I am copying this letter to Sir William Cash MP, Chair of the European Scrutiny Committee, Eve Samson, Clerk to the European Scrutiny Committee, Arnold Ridout, Legal Adviser to the European Scrutiny Committee, Les Saunders, Cabinet Office, David Winks, European Union Policy Co-ordinator, Department of Health, Mike O'Neill, Scrutiny Co-ordinator, Food Standards Agency and KT Garrett-Sutherland, Scrutiny Co-ordinator, Defra.

Yours sincerely,

Tim Boswell

Boswell of Aynho
Chairman of the European Union Committee



Department of Health

From Jane Ellison MP
Parliamentary Under Secretary of State for Public Health

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30 November 2015

Official Controls

Thank you for your letter of 20 November. I am replying to provide the additional information and clarification requested.

I share the concerns of the committee at the amendments put forward by the European Parliament and am keen to ensure that the UK position will prevail during trilogues.

Bringing processing plants under the control of the official veterinarian could affect controls at the 2,767 product of animal origin processing plants in the UK. A breakdown of the number of approved plants in the UK as requested is provided in the table below:

	Slaughterhouses	Cutting Plants	LA approved premises
England	206	511	2,115
Scotland	24	56	428
Wales	23	45	146
Northern Ireland	16	45	78
Total	269	657	2,767

Implementation would require local authorities to replace environmental health professionals with official veterinarians and official auxiliaries for the purpose of carrying out controls at processing plants that have long been the responsibility of the environmental health profession.

At ports, requiring the supervision of the official veterinarian for controls on all products of animal origin would result in port health authorities employing additional official veterinarians to supervise the controls carried out on fish by environmental health professionals or replace the environmental health professionals with official veterinarians and official auxiliaries.

The financial impacts of the amendments, if they were ultimately passed into law, would be linked to the process of staff changeover and supplementary training for the incoming inspectors. It would require significant changes to the UK's control system and be a serious blow to the UK's environmental health profession. I maintain that such changes are not supported by any evidence or a compelling public health reason.

Officials from the Food Standards Agency have been working closely with key stakeholders including the Chartered Institute of Environmental Health and representatives from the meat industry in the run up to trilogues. Advice and best practice on effective messaging and timing have been shared to create a sustained campaign from all stakeholders. Communication from the offices of several MEPs has shown that our key messages are being received and the potential ramifications of the European Parliament's amendments understood. This collaboration will continue throughout the course of trilogues in order to maximise our influence on the outcome.

A recent food safety themed event organised by the Lithuanian Embassy to the UK and the Food Standards Agency was attended by European Commissioner Andriukaitis with Julie Girling MEP acting as chair for a panel debate on official controls. This provided an opportunity for the environmental health profession to put forward their position to representatives of the Commission and European Parliament in person, supporting their written communication.

UK officials have been meeting with representatives of the Luxembourg Presidency before and during trilogues to maintain our good working relationship and promote key UK positions. Meetings are also being arranged with key representatives from the European Parliament to drive home the impacts of their push for a more uniform approach.

Trilogues, which began on the 9th of November, have yet to broach the matter as I write. We expect technical discussions on this particular topic to begin today and carry on into December. We still expect a large part of the discussion to fall to the upcoming Dutch Presidency in early 2016. The Dutch position on this matter throughout negotiations has been very close to the UK's and so we expect them to argue strongly for the Council position.

Whilst I am confident we are effectively communicating the UK's position, and the importance and competence of the UK's environmental health profession, negotiations are likely to be difficult. The Council will make a strong case for its position and is supported by the European Commission. Compromises are inevitable but there is not much room for manoeuvre on these matters. I would have to give serious consideration as to whether the UK could support any outcome from trilogues that potentially disenfranchised the UK's environmental health profession.



Department of Health

I will provide another update to the committee early in the New Year when we will have a better understanding of the likely timing and direction of trilogues.

I am copying this letter to the Clerk of the Committee to share this letter with other Committee members, Sir William Cash MP, Les Saunders (Cabinet Office), KT Garret-Sutherland (DEFRA), and Mike O'Neill (FSA).

With warm regards

Jane

JANE ELLISON



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20 November 2015

Dear Jane,

9464/I3: Proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material and plant protection products

Thank you for your letter of 10 November 2015 on the above Proposal, which was considered by the EU Energy and Environment Sub-Committee at its meeting on 18 November 2015.

We are grateful for the update you provide on the progress of the official controls dossier. It is good to hear that a number of UK Government priorities have been secured in negotiations.

On the matter of official controls staff and the use of official veterinarians (Articles 15, 47 and 53), we are seriously concerned about some of the proposed amendments being forwarded by the European Parliament. Like you, we have been engaging with stakeholders and we attach a copy of a briefing provided by the Chartered Institute of Environmental Health. We share their anxiety about the adoption of amendment 97 which would place processing plants under the control of an Official Veterinarian (OV) and amendments 157 and 166 which would introduce mandatory supervision by an OV for import checks on products of animal origin. The adoption of these amendments would have enormous implications for the UK where, unlike in other European Member States, these roles are currently performed by experienced and well qualified Environmental Health Practitioners (EHPs).

What would be the overall effect of these amendments on the official controls regime in the UK, should they be adopted in trilogues? How many (i) slaughterhouses, (ii) cutting plants and (iii) other inland approved premises (premises currently under special licensing regimes, such as food processing plants handling products of animal origin) would be affected in the UK overall and in each of the constituent nations? In this light, what are you doing to influence UK MEPs and ENVI Committee MEPs? How confident are you that the UK position on these amendments will prevail?

We would urge you to do all you can to secure the necessary concessions on this subject. The UK's official controls regime, although different from many other Member States, should not be overturned, simply for the sake of uniformity. This matter is of enormous importance for the UK and we would urge you to act accordingly.

We have decided to retain the Proposal under scrutiny.

We look forward to a reply to this letter within ten working days.

I am copying this letter to Sir William Cash MP, Chair of the European Scrutiny Committee, Sarah Davies, Clerk to the European Scrutiny Committee, Arnold Ridout, Legal Adviser to the European Scrutiny Committee, Les Saunders, Cabinet Office, David Winks, European Union Policy Co-ordinator, Department of Health, Mike O'Neill, Scrutiny Co-ordinator, Food Standards Agency and KT Garrett-Sutherland, Scrutiny Co-ordinator, Defra.

Yours sincerely,

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110 NOV 2015

Further to your letter of 21 October granting a one-off scrutiny waiver for an upcoming Council vote on the official controls file, I am now able to report on the outcome of that meeting and the prospects for the upcoming trilogues on this file.

The UK signalled its support for the first reading position put forward by the Luxemburg Presidency at the Environment Council on 26 October. The consolidated text presented to the Council is appended to this letter. The text contains significant concessions to the UK as a result of our negotiating strategy, which brings the text within the scope of the negotiating mandate agreed by the European Affairs Committee in June.

On the matter of charging (articles 76-84) the position is to maintain the current rules set down in Regulation 882/2004, albeit with minor changes to the text for clarity. The direction of the negotiations up until the final meeting on 14 October was such that we were expecting to withhold our support and make a statement at Council on our reasons for doing so. However, the UK was able to secure significant changes to the text put forward late in the day at COREPER which delivered key UK negotiating objectives.

Mandatory minimum fees will continue to apply for imports and controls at slaughterhouses, cutting plants, dairy and fish processors. The UK retains the ability to decide if and how charges should apply to all other sectors and businesses within the agri-food chain.

By preventing an increase in the scope of the Commission's competence for mandatory fees and providing the means to reduce the regulatory burden on smaller businesses through reduced fees we have secured key UK negotiating objectives. The Government judges this to be a good outcome for the UK in the face of the Commission's original proposal to increase mandatory charging, and the positions of many other member states to oppose UK demands for a means to reduce burdens on smaller businesses.

With regards to official controls staff and the use of official veterinarians (Articles 15, 47 and 53) the position to be put to Council permits a relaxation of the rules governing the mandatory presence of official veterinarians during ante mortem, post mortem and hygiene controls at slaughterhouses and cutting plants. It also shifts the balance of responsibility on physical checks of products of animal origin at import away from the official veterinarian specifically and towards controls staff with suitable training, experience and qualifications. This change will enable modernisation of meat controls in the future, and was another key objective for the Government.

In the UK, many of these controls are conducted by meat hygiene inspectors and the Environmental Health profession rather than directly by official veterinarians as on the continent. The position to be presented at Council, therefore, defends the competence of the UK's controls staff and increases the ability of the UK to push resources to where they are required in order to effectively protect consumer, plant and animal health.

Another matter raised by the Committee has been the proposed repeal and re-adoption of certain parts of Regulation 1/2005 on animal welfare during transport. The UK has secured a 3 year period to replace the provisions but will look to trilogues as an opportunity to further protect against a legal vacuum should the process be delayed. The text of Article 18 of the Council first position also retains key principles from Regulation 1/2005 such that controls can still be carried out during transport provided undue delay is prevented. This is vital to the enforcement of welfare rules during transport.

On the use of tertiary legislation, the Council text demonstrates the efforts of the UK to remove trivial empowerments and reframe the scope of others so that they are focused on the goals of protecting consumers and the simplification of plant and animal health rules. The redevelopment of rules for imports from third countries in particular will be an important area of engagement and activity in order to deliver real and tangible benefits.

Trilogues are scheduled to commence on 9 November. It is the intention of the Presidency to complete trilogues before Christmas; however that may be unrealistic as positions on the key issues of charging and use of official veterinarians adopted by the Council, Commission and European Parliament show little similarity. We understand, however, the forthcoming Dutch Presidency does not intend to prolong discussions on the file.

We expect a number of positions, especially those on the use of official veterinarians to come under pressure from the European Parliament during trilogues. There are also several positions adopted by the European Parliament that could inadvertently increase administrative burden. Officials are already engaging with stakeholders in order to promote UK positions with MEPs and we have already seen concerted



Department of Health

efforts by our stakeholders to secure the gains made in Council on flexibility and the use of official veterinarians.

An early second reading deal towards the summer of 2016 is still the most likely outcome of negotiations though we should not rule out the possibility of a breakthrough before Christmas.

I am copying this letter to the Clerk of the Committee to share this letter with other Committee members, Sir William Cash MP, Les Saunders (Cabinet Office), KT Garret-Sutherland (DEFRA), and Mike O'Neill (FSA).

With kind regards

Jane

JANE ELLISON