



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

**DRAFT**

# Health and Sport Committee

**Tuesday 18 December 2018**

**Session 5**



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**HEALTH AND SPORT COMMITTEE**

**33<sup>rd</sup> Meeting 2018, Session 5**

**CONVENER**

\*Lewis Macdonald (North East Scotland) (Lab)

**DEPUTY CONVENER**

\*Emma Harper (South Scotland) (SNP)

**COMMITTEE MEMBERS**

\*George Adam (Paisley) (SNP)

\*Miles Briggs (Lothian) (Con)

\*Alex Cole-Hamilton (Edinburgh Western) (LD)

\*David Stewart (Highlands and Islands) (Lab)

\*David Torrance (Kirkcaldy) (SNP)

\*Sandra White (Glasgow Kelvin) (SNP)

\*Brian Whittle (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Ross Finnie (Food Standards Scotland)

Elsbeth Macdonald (Food Standards Scotland)

Garry Mournian (Food Standards Scotland)

Geoff Ogle (Food Standards Scotland)

**CLERK TO THE COMMITTEE**

David Cullum

**LOCATION**

The James Clerk Maxwell Room (CR4)



## Scottish Parliament

### Health and Sport Committee

*Tuesday 18 December 2018*

*[The Convener opened the meeting at 10:00]*

#### Interests

**The Convener (Lewis Macdonald):** Good morning, and welcome to the Health and Sport Committee's 33rd meeting in 2018. I ask everyone in the room to ensure that mobile phones are off or on silent. I also ask that you do not record or film proceedings: Parliament staff will do that.

The first item on our agenda is a declaration of interests. In accordance with section 3 of the "Code of Conduct for Members of the Scottish Parliament", I invite George Adam to declare any interests that are relevant to the committee's remit. A brief declaration should make clear to any listener the nature of any interest.

**George Adam (Paisley) (SNP):** I do not have any relevant interests to declare, other than the fact that my wife has a long-term condition—multiple sclerosis—which might be a reason for my wanting to be on the Health and Sport Committee.

With regard to sport, I confess that I am a St Mirren supporter—

**David Stewart (Highlands and Islands) (Lab):** There are some major health concerns there. *[Laughter.]*

**The Convener:** We should all resist the temptation to comment on such matters at great length on the record—I am sure that we will have many conversations off the record. I welcome George Adam to the committee, and I record our thanks to Keith Brown for his short but constructive period as a committee member.

## Food Standards Scotland

10:01

**The Convener:** Item 2 is scrutiny of Food Standards Scotland. We have dealt with a number of Brexit-related statutory instrument notifications that Food Standards Scotland has been involved in developing or that will transfer duties to it in the event of a no-deal Brexit. This session is an opportunity for us to explore how FSS operates and how it interacts with other key bodies—local authorities, the Food Standards Agency and equivalent bodies in other jurisdictions—in relation to preparations for Brexit. I welcome from Food Standards Scotland Ross Finnie, who is the chair; Elspeth Macdonald, who is the deputy chief executive; Garry Mournian, who is the head of corporate services; and Geoff Ogle, who is the chief executive.

To start, I invite you to explain some of the specific characteristics of Food Standards Scotland as an organisation. As the Minister for Public Health, Sport and Wellbeing told us, FSS differs from similar bodies in that it

"is directly accountable to Parliament."—*[Official Report, Health and Sport Committee, 6 November 2018; c 7.]*

Can you talk us through how that works in practice? How can you be directly accountable to Parliament when you are appointed by Scottish ministers? How do those relationships work?

**Ross Finnie (Food Standards Scotland):** My colleagues and I are pleased to be before the committee this morning. We hope that, in answering your questions, we will be able to illuminate some issues. I will not say that we will necessarily be able to answer every single question. That would perhaps raise expectations too high.

I will start with your first question, convener. The Food Standards Agency was created as a United Kingdom body immediately prior to devolution by the then Labour Government, which had made a commitment to address concerns about how food standards matters were dealt with. There had been concerns that Government ministers who promoted the food industry were, perhaps understandably, not best placed to take an objective view of breaches of food health and safety standards. The then Government appointed Philip James to lead an inquiry, which unsurprisingly concluded that there was an inherent conflict of interests in ministers promoting food in general and having to adjudicate on food standards.

The inquiry's recommendation, which led to the creation of the Food Standards Agency and which was developed further in the UK Parliament,

was that a food standards body should be a non-ministerial department of Government. The Scottish Government and the Scottish Parliament followed that dictum, which was established in 1998, by passing the Food (Scotland) Act 2015. That is the background to why Food Standards Scotland is in a different position. As you rightly said, convener, there is still a tenuous issue around how that works, given that we are appointed by Government.

With regard to the separation of how the body is run and who runs what, there is absolutely no provision in the 2015 act that would allow ministers to interfere with how Food Standards Scotland discharges its statutory responsibilities in food health and safety. As we explain in our submission, Food Standards Scotland is a body corporate. We have eight non-executive directors who are, as you said, appointed by ministers. Processes then change, slightly. Although Geoff Ogle was originally appointed by ministers as the first head of the body, the 2015 act provides that all subsequent appointments to the office of chief executive be made by the board. That is an attempt to improve the separation to which you referred, convener.

As in a normal corporate body, the board is charged with responsibility for setting the strategic direction of FSS within the ambit of the legislation that we deal with, and the executive is charged with delivering the strategic objectives that are set. That is the broad thrust of how the set-up works. I hope that that helps to explain the rather unusual position of FSS in being alongside, but not an integral part of, Government.

**The Convener:** That explanation is very helpful and sets out the wider context. How does the process work with regard to the no-deal Brexit regulations that the committee is currently considering? In other words, FSS has an unusual status in that it stands to one side of Government, but there are urgent matters of Government business with which it is intimately connected. Are you directed, or asked, to take forward those matters? On what basis are such arrangements put in place?

**Ross Finnie:** Geoff Ogle will speak about the detail, but first I will deal with the overarching provisions. The early sections of the 2015 act are quite explicit about our powers in relation to food regulation and diet: we provide assistance in ensuring that the Scottish diet is not deleterious to the health of the Scottish population. There are also provisions that state that ministers can invite Food Standards Scotland to provide advice in areas in which ministers deem us to have relevant competence in discharging such matters.

Before I get to Brexit, I will give one example. We are charged with dealing with diet and nutrition

issues, and ministers have asked us to provide a lot of advice day to day on the way in which they have constructed their policy on diet and obesity. Given that 96 per cent of all the food legislation and standards that we prosecute emanates from Europe, the Government concluded that we might demonstrably have some useful and relevant expertise that would assist it in that. That is how we became involved in that. The provisions of the 2015 act make it clear that the Government can ask us to do that, and it would be ludicrous for us to say that a part of Government cannot do so. That is the basis on which we do the work. Geoff Ogle or Elspeth Macdonald, who might have done more on that side, will elaborate a little.

**Geoff Ogle (Food Standards Scotland):** With regard to the legislation, we are working with the Scottish Government and its officials as necessary across the breadth of issues that relate to Brexit. To go back to Ross Finnie's point, we are not part of the Scottish Government, but we are part of the Scottish administration. To that extent, Brexit is entirely relevant to issues that affect food and feed safety, so it is important that we work as closely as possible with Scottish Government officials.

**Emma Harper (South Scotland) (SNP):** Good morning. How do you measure progress towards the outcomes that you have set?

**Ross Finnie:** With regard to meeting the aims of our strategic plan, there are two or three elements. As a new body, we were concerned that we should look afresh at the type of measurement that we use and the reporting that comes to the board. We were very conscious of the debate that goes on here and elsewhere in which it is often said that public bodies have a serious tendency to measure inputs and outputs rather than outcomes against the strategy that they have set out. In our submission to the committee, we include a report that the board received that tries hard to measure progress in terms of outcomes against the various strategic objectives that we have set.

That is not an easy option; I do not pretend that it is. Other public bodies have abandoned that approach: it falls into the box marked "too difficult". We have been running our operation for almost four years, and we have been determined not to give in on that because we believe that it is important to explain to Parliament and the wider public—whom we are trying to defend—how we can achieve our outcomes. The board receives reports that measure outcomes in those terms.

We also regularly receive reports in which outcomes are measured using a more conventional reporting mechanism, but it is important that we see our actual progress as measured against our objectives. The approach is not easy, but it tells us whether we are making progress against our strategic objectives and

highlights where we are not doing so. We have put in place the measurements that one would expect to see in relation to finance and accountability in particular, but we also measure progress on our broader strategic objectives in the way that I have described. One of the documents that we submitted to the committee provides an example of the sort of reporting that we see at board meetings.

**Emma Harper:** I presume that you measure the two following outcomes: whether food is safe—for example, whether it is free of contamination by campylobacter or E coli—and whether it is authentic.

**Ross Finnie:** Those two outcomes are critical. First, is food safe? We are a consumer-facing organisation and our number 1 priority—our primary concern—is protection of the consumer. In the consumer's interest, we have to ensure that food is safe. Secondly, food has to be what it says it is. The consumer would not take kindly to discovering that that is not the case. Even if food meets the test of being safe, the consumer does not want to be defrauded in picking up a pack of this, that or the next thing by discovering that it is not what it says it is. The need for public confidence in the food that we eat requires that it be safe and authentic. We measure those outcomes as part of our strategic objectives, and we receive regular reports on them.

**Emma Harper:** It seems that people in Scotland are focused on having good-quality authentic food that is what it says on the tin.

**Ross Finnie:** Absolutely. All our research on consumer demand indicates that that is the case. We will probably come on to that when we get to the question of what people are looking at while we are in the middle of the Brexit bubble. Those same consumers indicate that they want no diminution of our current food safety standards.

**Geoff Ogle:** The horse meat incident that took place in 2013—some years ago—certainly changed consumer attitudes to authenticity. Prior to that, safety was the primary focus, but the horse meat incident made consumers more aware of authenticity as a particular issue.

**Emma Harper:** I have raised in other committees the issue of protected geographical indication status for Scotland's food. The Scotland brand is a positive brand that people seek out.

**Geoff Ogle:** Absolutely.

10:15

**Emma Harper:** Your submission states that, as a result of Brexit, you

“will ... need to consider a review of ... documents, including ... our Strategy”,

your

“corporate plan ... and the Memorandum of Understanding with the Food Standards Agency,

and your

“Statement of Performance of Functions.”

That sounds like quite a significant issue that needs to be addressed. Are you engaging in the review right now? When can we expect it to be completed?

**Ross Finnie:** There are two elements to that. With regard to the performance of functions and how we operate—I do not in any way want my words to be interpreted as cheeky—if we only knew what the outcome was to be, we might be able to draft revisions.

To answer your question directly, I say that those aspects are all relevant and it is clear that we will have to change them, but the most important document—Elspeth Macdonald or Geoff Ogle can elaborate on this—is our memorandum of understanding with the Food Standards Agency. That document—it now has a codicil to it—is very important, even in the current circumstances, to consumers and to food producers and manufacturers, because it ensures that there are no unnecessary differences simply for the sake of difference.

We differ from the Food Standards Agency in how we do some things, but the memorandum of understanding regulates how we share information, work together and collaborate, and it regulates the relationship between the top ends of the organisations and the executives. We have taken the view that it is very important—irrespective of the precise nature of the change that is coming—that that good relationship continue. Food Standards Scotland and the Food Standards Agency have made representations to our respective Governments that the memorandum of understanding ought properly to be the basis of how food standards agencies should collaborate in the future. We recently met the Food Standards Agency—the boards met to discuss a different area of co-operation, but we also approved a little memorandum that sets out how we should move forward.

We have given some thought to revising the other documents, but we have to prioritise what we do, and until we know better the precise shape of what will emerge from Brexit, we cannot do so. The documents have served us well and, although there is no doubt that the way in which we deliver our functions needs some revision anyway—that is right and proper after four years—we are not currently about to embark on the revision process. Nonetheless, we have highlighted the importance of the memorandum of understanding. I do not

know whether Elspeth Macdonald or Geoff Ogle wants to add anything to what I have said.

**Elspeth Macdonald (Food Standards Scotland):** As I said to the committee recently when I, along with the minister, gave evidence on some Brexit statutory instruments, there is a lot of on-going work across the Administrations to develop frameworks for how we will work collaboratively across the UK in the future. We see the memorandum of understanding between the FSA and the FSS as a very good foundation.

As Ross Finnie outlined, the MOU describes how we currently co-operate and collaborate, and it will certainly require to be updated. For example, it contains content on how we deal with European matters and share access to the work of scientific advisory committees and so on. There is a lot of detail in there that will be highly relevant to how we work in the future through some UK-wide framework arrangement, but some elements, for example the section that deals with how we handle European issues, will simply have to be updated.

**Emma Harper:** Have you risk-assessed how Brexit might affect your ability to meet your key objectives on food consumption, healthier diets and consumer interest? Brexit is now in everything that we talk about, so I am curious to learn about your risk assessment of the impact.

**Geoff Ogle:** There are really two issues: the impact and the timing of the impact. Again, those depend on the nature of the deal and the form of the exit. If there is a withdrawal agreement with a two-year transition window, the impact will be slightly less, because that will give us more time to plan and adapt, and to make the necessary changes. In a no-deal scenario, the impact will be pretty much immediate.

What we will have to do will depend on the form of exit. As members will have seen in the news, we are now collectively looking much more significantly at no-deal planning—a key element of which is the continuation of the food supply. With regard to risk assessment, most of the focus is currently on the consequences and immediate impact of no deal. A transition period will clearly give us more time—there would still be an impact, but we would have more time to plan and prepare for it.

On risks in relation to consumer issues, there are concerns about availability and price. In a no-deal scenario, imposition of tariffs will certainly feed into food-price inflation. Food availability is likely to reduce, at least in the short term, and costs are likely to increase.

**Ross Finnie:** From an organisational point of view, the risk of Brexit understandably appears prominently on our risk register and is therefore

subject to scrutiny by our audit and risk committee, which in turn reports to the board on whether it is of the view that we are addressing the issue adequately.

**Emma Harper:** I have a quick supplementary. Food standards is about feed supply as well as food supply. There are some issues in relation to feed supply chains for our agricultural businesses, which make up a huge sector in Scotland. Are there issues that Brexit might impose on the feed supply for our farmers?

**Elspeth Macdonald:** Yes. Everything that we describe in relation to food applies equally to feed. A number of the notifications for fixing legislation that the committee has been looking at in recent weeks relate to feeding stuffs. There is some quite complex European law around animal feeding stuffs that will need to be fixed in the same way as food law to ensure that it can operate in the event of a no-deal exit. With regard to contingency planning, our preparations for whatever sort of exit eventually happens cover feed as they do food, so we are working with feed industry stakeholders and other bodies.

**The Convener:** I will bring in Brian Whittle to ask about other matters before we go into Brexit in great detail. First, simply, are you confident that in the event of there being no deal, all the work that you have described will be in place and ready on 29 March, if it is required?

**Geoff Ogle:** At this stage, I do not have a high degree of confidence.

**The Convener:** That is very interesting; I have no doubt that colleagues will come back to that.

**Brian Whittle (South Scotland) (Con):** Good morning.

To follow from the line of questioning about key objectives on food consumption and healthier diets and consumer interests, I want to ask in particular about your impact with regard to the delineation of responsibilities with local authorities. As far as I can see, Scotland produces some of the highest-quality food in the world, but only 16 per cent of food under the Scotland Excel procurement contract is procured from Scotland. If we are to get into Brexit, we should consider that such things are—it seems to me—being hidden behind Brexit. Such areas are where we could and should be making an impact now, and they have absolutely nothing to do with Brexit. What impact and leverage could FSS currently have in that respect, which would surely lead to improvement against the objectives that you have set?

**Ross Finnie:** That is a tricky question. As you are aware, you are drifting on to the question of ensuring that we have the highest possible standards, but we do not have the powers to

control the procurement rules with regard to those standards. That is not within our remit. We are quite keen—

**Brian Whittle:** You have been asked to advise.

**Ross Finnie:** We are asked to advise only in so far as a product might not meet the relevant food safety standards. I do not want to create an issue with you but—to be serious—our duty concerns the level and standard that are met. We have to ensure that what is on the consumer's shelf meets that standard; we are not able to direct actual procurement.

**Brian Whittle:** I will clarify my point. You said that 96 per cent of food standards are taken from European legislation. The UK drives that standard—we have a very high standard of food in this country, so we have driven a lot of the legislation in Europe. I am struggling to understand why we are now suggesting that, because of Brexit, the UK would drop its standards. That does not make any sense. Why would we drop our standards to a level that would mean that we could not trade with Europe?

**Ross Finnie:** I do not understand why we would do that, either. We make that clear to anyone who approaches us. We have had people speaking to us about that, and they use a rather curious and odd form of language. They say, "Oh, good—we're getting out of Europe. Does that mean these wretched regulations will go?" That is loose use of language. Those people do not quite understand that the regulations are the very basis on which we have achieved the standards to which you refer.

As far as Food Standards Scotland is concerned, the only way to go for standards, commensurate with cost and risk, is up—not down. There is absolutely no way we would support a reduction in standards. We are working with the Food Standards Agency to make clear our objective—which is supported by the food industry and, just as important, the consumer—that there should be no diminution of food standards as a consequence of Brexit. We are quite clear about that.

**Geoff Ogle:** The point is illustrated by the difference between domestic and international markets. In exporting, it is the country to which we export that sets the standard. Some countries have different standards for their domestic market and for the international market. Our clear view, and the clear view of the consumer, is that there should be no diminution of standards. Equivalence and alignment on food standards will be part of the negotiations and discussion on trade.

The question on standards in the UK, and the question for us in Scotland, is what, in a post-Brexit world, those standards should be. The view of consumers is very strong: they like our current

standards and do not expect to see a diminution of those standards, but conversely hope to see standards improve even further.

**Brian Whittle:** I am asking about those issues because of your work with local authorities, although I recognise that you do not have anything to do with procurement by local authorities. It seems that there is a tension: we are talking about importing what we would class as substandard food as a result of Brexit, but the food that we produce in this country to such a high standard is exported, while under the Scotland Excel contract we are importing food that is not of the same standard. I do not understand that. Why are we not focusing on what we can do and what we can improve on?

10:30

**Geoff Ogle:** We are currently a member of the European Union, and any country that has a trade agreement to export to the EU—New Zealand, for example—has to show that it complies with EU law. Alternatively, the EU must accept that the system of controls and standards in that country is equivalent to its own standard. The underlying premise is that the standard of anything that is imported into the EU meets, or is at least equivalent to, the EU standard. In a post-Brexit scenario in which the UK will set its own standard, the question will be about the level at which we want to set that standard. All the work that we are doing on legislation to transfer the existing EU statute book into UK statute means that our starting position on exit would be the EU standard.

**Brian Whittle:** Do you accept that the food that we produce in Scotland is of the highest standard, and way above the line that the EU sets?

**Geoff Ogle:** Yes. On quality and safety of produce, the UK has one of the highest standards in the world.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Good morning to the panel, and to my old friend Ross Finnie in particular. It is great to see you, Ross. I thank you all for your remarks so far, which have been very illuminating. I come back to the development of UK-wide frameworks on food and feed safety, hygiene and nutrition and health. How exactly are you contributing to development of those frameworks? What are the rules of engagement? What have you been doing prior to establishment of those frameworks?

**Elsbeth Macdonald:** At the highest level, the rules of engagement are set out in the principles that the Joint Ministerial Committee (European Union negotiations) agreed in October 2017 to guide our discussions on how UK-wide frameworks would work in the event of our leaving

the EU. Those high-level rules have been the guiding point.

With regard to the work that we have been doing, I can say with confidence that we have been extremely active with our counterparts in the Food Standards Agency and in various parts of the Wales and Northern Ireland Administrations, and with the Department of Health and Social Care and the Department for Environment, Food and Rural Affairs. The areas of responsibility that FSS covers are the responsibility of three separate Whitehall departments. We are working with the Food Standards Agency on food and feed safety, we are working with DEFRA on food standards, composition and labelling, and we are working with the Department of Health and Social Care on nutrition and health claims and various aspects of nutrition and composition. It has been a resource-intensive exercise. We have made most progress with the Food Standards Agency on development of a future framework—that area of work is the most advanced of the three.

As the committee will be aware, the areas that are defined as requiring a UK-wide framework in the future are the areas of policy in which EU law intersects with devolved competence. There are three broad areas that catch a lot of the work that we do. As I said, our work with the Food Standards Agency on food and feed safety and hygiene is the most advanced of the three areas. At present, the work is happening at official level, and all discussions take place without prejudice to any views that ministers may want to form. The process has been collaborative and inclusive, and we have brought to it a great deal of expertise, knowledge and experience. On November 14, the UK Government published an update report on progress in developing the frameworks, and it identified that good progress had been made in that specific area.

The other two areas are still under development. Work is on-going, and we are making pretty good progress on nutrition and health claims; I know that the committee has been looking at the fixing instrument in relation to nutrition. In addition, we are working with DEFRA on food standards, composition and labelling, and progress is being made.

Bearing in mind the tension and difficulties between the Administrations in respect of the outcome of the referendum and the imposition—as it has been seen—of some UK-wide frameworks, it is fair to say that we have made a huge amount of progress in those areas. The exercise is becoming much more collaborative and constructive. Scottish ministers have been clear that they see the value of UK-wide approaches in many areas in the future, but those have to be agreed rather than imposed. We are now very

much in the agreeing space rather than the imposing space.

**Alex Cole-Hamilton:** That is certainly very good to hear. One aspect that seems to jar with that in the context of the devolution landscape in which we find ourselves is policy divergence, which the committee has discussed extensively. What are the practical and regulatory implications for policy divergence between the devolved and reserved Administrations? How do you thread the needle to retain those common frameworks while creating an environment in which policy divergence can take place?

**Ross Finnie:** We do not have the powers to regulate that. However, we have made it clear that it would be enormously helpful if, on a UK basis, we were clearer about the principles that would be employed in developing a single market within the UK. The absence of such principles makes the questions that you pose difficult to answer. The work that we are contributing in this sphere is very much regulated by the JMC agreement, which is quite explicit—understandably so, because the Governments, and the Scottish Government in particular, would not have not signed up to that agreement if it had not expressly set out the view that the devolution settlement would not be disturbed.

With respect, Alex Cole-Hamilton is moving into the territory of the bigger picture—not just on food, but the whole single market—for which no principles have been articulated. It would be helpful to have such principles laid out. At present, not every country in Europe's approach is the same, but the principles are laid out and we can look at them. There are principles that deal with overriding public interest, and in such cases there can be differences between Administrations. We do not currently have such an arrangement, and we are working within the rules in the sphere in which we are contributing.

**Geoff Ogle:** In some ways, a post-Brexit landscape will be no different from the pre-Brexit landscape. There is already a degree of co-operation—for example, there is a UK-wide programme on reformulation. We are responsible for dealing with some problems, including the challenges around obesity, which are UK-wide. There are differences in our respective approaches, but the solutions are not so different—no one has come up with a brilliant idea that nobody else has thought of.

The issue is really the need to implement UK-wide policy solutions where that makes sense, because—this is important—we believe that that is in the best interests of Scottish consumers, versus the need for us, on some occasions, to take a different approach for the same reason. When we enter that second space, the potential for policy

divergence arises, but we already have that now in some respects.

**David Torrance (Kirkcaldy) (SNP):** Good morning, panel. I will continue with questions on your relationship with the Food Standards Agency. How do your powers relate to those that are held by the FSA, and what access do you have to its expertise and facilities?

**Geoff Ogle:** We have a long-standing relationship with the FSA. All of us here worked with the FSA prior to working with Food Standards Scotland, so the relationships are well established. I have known the FSA chief executive for 30 years—I know that I do not look that old—so that helps. There is depth and quality in our relationships, which is helpful.

However, we are extremely conscious that we are not going to be working at FSS for ever, so our communication with the FSA cannot rely entirely on personal relationships. We have to ensure that we have systems and processes in place, which is why the discussions around the MOU that Elspeth Macdonald spoke about are so important. It is fair to say that we have a lot of dialogue with the FSA on a range of issues, including incident management, which can be UK wide or can apply only to Scotland. When an issue is UK-wide, we work closely with the FSA.

In some areas of policy, for example diet and nutrition, we in FSS deal with issues in Scotland and do not work so much with the FSA. In other areas—food science, for example—we work closely with the FSA. We also joined with the FSA to develop the campylobacter programme. We do not wed ourselves to everything that the FSA does, but we have a close relationship with it.

**Ross Finnie:** In the UK, there are two separate food-competent authorities: the FSA and FSS.

**David Torrance:** Since the vote to leave the European Union, has your relationship become stronger because you have had to co-operate more?

**Geoff Ogle:** I suppose the answer to that is yes and no. The situation has certainly been challenging on occasion, and has sometimes been difficult because of strictures on communication, but over the past nine months or so it has got a lot better. There has been much more sharing of information, which has helped.

There have been challenges and we still have differences, at times, with the FSA, but the depth of our relationship means that we can be pretty open and frank with each other, so we usually work through any issues that we have.

**Ross Finnie:** When FSS was established, we wanted to work hard at having a good relationship with the FSA, because the overriding view of

consumers and food producers was that, although they understood why there were to be two different bodies, they were not interested in difference for the sake of it. In order to ensure that we did not make that mistake, we worked hard at the outset to ensure that the executives of the two bodies knew each other. There was hard work between our new board and the board of the FSA, and at chair and chief executive level, to ensure that we developed a sensible working relationship.

**Elspeth Macdonald:** David Torrance asked about access to resources. As I mentioned when I appeared before the committee a month or so ago, the FSA is significantly bolstering its resources for scientific risk assessment as part of its EU exit planning. The agency has made it clear that that additional scientific capacity will be available for Food Standards Scotland to draw on for any scientific risk assessment that we might wish to ask it to undertake or to carry out jointly with us. That is relevant in the context of the scientific advisory committees that provide advice to the Administrations across the UK. There are a number of independent committees in the territory of food safety for which the FSA provides a secretariat, and we will continue to have access to those committees. Again, those arrangements are covered in the MOU.

**Miles Briggs (Lothian) (Con):** Good morning. I will follow up on David Torrance's question by asking about FSS's consultation work. What consultations have you undertaken with industry and consumers around Brexit? We have heard about some of the challenges, but have your consultees told you about any potential opportunities?

**Geoff Ogle:** On Brexit specifically, we have done a fair amount of consultation. I have had regular dialogue with most of the major retailers—in the past month or so, I have spoken to four of the big six. I also speak frequently with the Food and Drink Federation Scotland and the Scottish Retail Consortium.

On the industry side, we have contact with representatives from the meat and fisheries industries. There is a fair amount of discussion and mutual sharing of information, but we have not yet got into detailed consultation on particular issues, although there has been a recent consultation on health marks. Consultation is still to come on the practical changes that industry will need to make.

10:45

**Elspeth Macdonald:** The consultations on the fixing instruments that the committee has considered were UK wide because they were UK instruments, and Scottish stakeholders were

included. We will consult soon on the fixes that we will need to make to our domestic regulations through Scottish statutory instruments. FSS will arrange that consultation, which will go out this side of Christmas. We are unique in that EU law obliges us to consult on changes to food law. Other departments need not consult on what they might see as minor changes. That area is pretty active for us.

**Miles Briggs:** Given the space in which we find ourselves, where do you see potential opportunities? We discussed regulation; I do not think that any of us around the table want to see poorer standards, but there is an opportunity to look at where Scotland and the UK are in that regard. Have any opportunities—for example, around food labelling, which you mentioned—been highlighted to you?

**Elsbeth Macdonald:** No—people are not so much highlighting opportunities to us, at this stage. Much of the feedback that we are getting is about people wanting to understand the practical consequences. Given the lack of certainty and clarity, what is more on stakeholders' minds at present is whether we can provide as much certainty and clarity as possible, as soon as possible, so that they can prepare. They are currently more in that territory than they are saying that they could do X, Y and Z in the future.

**Sandra White (Glasgow Kelvin) (SNP):** Good morning, panel, and good morning, Mr Finnie: welcome back to Parliament.

I am interested in the financial implications of Brexit. The “Food Standards Scotland Draft Financial Management Plan 2017/18-21” states:

“There are several significant risks around Brexit and the impact it has on the organisation and its financial sustainability”,

which looks to be risky at best. How are you managing the financial risks that you foresee, as mentioned in the plan?

**Geoff Ogle:** We are doing that at a high level. We started in the current financial year by allocating funds from our core budget to help with Brexit preparations. The Scottish Government gave us funding specifically in relation to Brexit, which has helped to ease the financial pressure, but we still expect to spend approximately £1.3 million this year on Brexit preparations.

On financial preparations as we move forward, we are back in the territory of “it depends”: the nature of the deal and the form of exit will affect the financial implications. As we have said, there is a broad range of implications, on which Garry Mournian can go into a bit more detail. A no-deal situation would have much more significant financial implications, because we would, in effect, have to set ourselves up as a stand-alone entity,

and we would not be able to rely on any of the facilities or access arrangements that we currently have as part of the EU.

The nature of the deal and what might be agreed on access to institutions and so on might ease the financial implications of EU exit. At present, we cannot be precise about financial implications, which is why, unfortunately, we have a broad range of implications to consider.

**Garry Mournian (Food Standards Scotland):** Geoff Ogle mentioned mitigation of risk in-year through additional Brexit consequentials that we got through the funding process in the summer. We have engaged heavily with Scottish Government officials on the fiscal implications of Brexit, and we recently took part in some work to articulate the cost better. As Geoff Ogle said, the uncertainty about the implications means that there is a wide range of numbers.

We have established a programme to look specifically at the impact of Brexit on FSS and on consumers in Scotland. We have undertaken that strand of work in order to separate specific Brexit-related work from our essential core activities and day-to-day business. As part of that work, we are looking at capacity and capability requirements and are starting to cost them. However, the finances are very much in the early stages.

**Ross Finnie:** As a board, at the top level our concern is that a very high percentage of the range of functions that we are asked to discharge are statutory functions. There is therefore not much discretion; we cannot say that we will do a little bit less on food safety, for example. No: the consumer expects us to maintain the very high standards to which Brian Whittle referred, which are precious to the Scottish food industry. We can move on some elements, but we do not have much discretion. If we are not able to argue successfully for additional resource, we will face a really bad choice about which of our statutory functions we will just about deliver or not deliver at all. My board does not want to get into making such choices.

**Sandra White:** I was going to come to that point, because you mention in your submission that you may have to drop one of your functions as it currently operates. It is interesting that you have received consequentials, which has enabled you to proceed to where you currently are. That means that the issues are being taken very seriously. I presume that, as a board, you will have to wrestle with what you do next. You may have to drop one of your current functions, but there is no indication of which function would be dropped.

**Ross Finnie:** We would have to assess carefully the risks in doing that. I will not speculate unnecessarily on such matters in this or any other

public forum, but that we might have to drop a function is a fact: we are not crying wolf. We have assessed as best we can what we require to deliver within the current budget. As I said a moment ago, there are not many discretionary-spend elements in our remit, so we will be up against the hard bone of our statutory functions. We would certainly argue forcefully that, in the public interest, we cannot afford not to discharge those functions, but there will be requirements on us.

Brexit is not “just another thing”. The rules are changing, and consumers and producers need to understand the differences. That takes us back to basics with regard to how we deliver our functions. It would be very difficult to say, “We just won’t do that bit”, but dealing with Brexit is not a luxury. It will require changes to rules and regulations and to practices and procedures, and everything has to be in place in order that we can deliver on food safety standards, which the public looks to us to do.

**Geoff Ogle:** From an executive perspective, we would present the board with the choices and the consequences.

**Ross Finnie:** Thank you.

**Geoff Ogle:** In statutory terms, there is not much wriggle room, so the real question is where we might make reductions in non-statutory areas. One example might be our social marketing work. On the face of it, making a reduction in that area might seem to be a simple cost-saving measure, but marketing is an important part of delivering our statutory functions on food safety and obesity. We need to be clear about the consequences of the difficult choices that will have to be made, and we need to provide absolute transparency on what those consequences are likely to be.

**Sandra White:** I hate to use a pun, but that is certainly food for thought. I hate to think that reductions would affect Scotland the brand, which is well known.

You are looking at undertaking a capacity and capability review. Would discussions about dropping some of your activity be part of that review? When will the review produce an outcome?

**Geoff Ogle:** That is another “it depends” question. If we get more money from the Scottish Government, but it is not quite the full amount that we have asked for, we come back to the question of what we can do with what we have. That might mean that we can protect some of our existing functions rather than sacrificing them because of the consequences of Brexit.

We would still need to do surveillance activities under Brexit, but if we got only some of the money

that we need, we might have to do slightly fewer such activities and do them in a slightly different way. We would have to look at how we could deliver most effectively with the resource that we have. That will apply regardless of the amount that we end up with. The underlying focus will be on what we can do most effectively and efficiently with the money that we have.

**Sandra White:** Far be it from me to put words in people’s mouths, but it sounds as though you are looking for more money. Isn’t everybody, though? Your submission mentions that the capacity and capability review is looking at the impact of leaving the EU, and you say that you will need more money. Is there a date for completion of the review? Will it be completed before Brexit goes ahead in March 2019?

**Geoff Ogle:** As Garry Mournian said, work is being done on financial consequences, which will be aligned with the budget processes. As an illustration, Elspeth Macdonald said that the FSA is getting more resource; we understand that it is looking to increase staffing, based on its risk assessment, by approximately 60 whole-time equivalent staff. If we are to be able to represent the interests of Scotland and Scottish consumers on food, we cannot do so with our existing resource. The total number of staff in our organisation is only 200, so we cannot manage the volume of activity of 60 extra people at the FSA with our current resources.

The question becomes about how we deal with that additional output, which takes us back to the discussion about whether we stop doing other things and put more people into that area, or get more money to enable us to employ more staff. There is a pick-and-mix range of options, and we do not currently have sufficient information and detail on solutions and financials to be clear about what the answer might be. That might be unsatisfactory, but unfortunately it is the current position.

**Sandra White:** That leads me neatly on to what you expect to get from the Scottish Government, and what the budget says. You estimate in your submission that

“additional funding of between £0.7m and up to £5.75m will be required to deliver ... new obligations post EU exit”.

Is the additional £0.7 million that is allocated to FSS in the draft budget enough to mitigate the risks that we have been speaking about?

**Geoff Ogle:** Again, that range is determined by the nature of the exit. The nearer we are to the current system, the less the financial cost. The further we are from the existing system and procedures—if we are in no-deal territory—the more costs there are. The EU consequentialia are being dealt with separately from the general

Scottish Government budget process. We are plugged into the Brexit financial consequentials, but we do not have any answers yet.

**Garry Mournian:** I want to clarify one point on the additional £0.7 million in the draft budget. Our existing budget is £15.3 million, which has been rolled forward into the 2019-20 draft budget that has been discussed recently. The additional £0.7 million, which rounds that amount up to £16 million, includes £300,000 for transfer of the responsibility for delivering official controls on feed to Food Standards Scotland as of 1 April. There is also an allocation for annually managed expenditure, which is a non-cash provision for pensions liabilities that transferred to Food Standards Scotland. That is the additional £0.7 million that you see in the draft budget.

11:00

**The Convener:** Just to be clear, has FSS received £700,000 for specific additional responsibilities? Is it the case that there is a standstill in cash terms for the main core budget for your ordinary responsibilities, that you currently have no additional allocation for dealing with the consequences of leaving the EU, but you expect to be able to access such resources for next year as required?

**Garry Mournian:** Yes.

**Geoff Ogle:** Yes—for next year.

**Emma Harper:** I am interested in there being a continued relationship with the European Food Safety Authority. It is important that we continue to engage with scientists, researchers and knowledgeable people across Europe. EFSA was set up after the BSE outbreak. As a nurse who looked after people, both at diagnosis and in the operating room, and who had Creutzfeldt-Jakob disease as a result of BSE, I find it quite scary that we are having to think about our food supply and so on. What challenges will we face in continuing to require engagement with science and research so that we continue to have the safest food supply chain?

**Elsbeth Macdonald:** The future formal arrangements between the European institutions and the UK will all be part of the UK Government's negotiations. We in Food Standards Scotland certainly recognise the value of staying close to the European Food Safety Authority, and we will use as many informal channels as possible to do that. We are already well connected with EFSA—our chief scientific adviser, Professor Norval Strachan, is closely involved with the authority and has very good connections there. We recognise that if the UK is outwith the EU, we will in the future require investment of more than the current resource and effort to maintain relationships.

This year, we sent a number of our scientists to EFSA's annual science conference, because we fully recognise that we want to remain connected and to benefit from access to the relevant science, analysis and analytical work that the authority carries out. Although there is still a way to go with regard to what formal relationships might exist in the future between the UK and EFSA, we are doing a lot of work—we need to continue to do so—to maintain the informal relationships and build on those as best we can.

**Emma Harper:** Can you assure us that you continue to have robust conversations and engage with the European Food Safety Authority so that the good relationship continues if we leave with no deal in 101 days?

**Elsbeth Macdonald:** We are certainly seeking to do that. We are trying to build on the existing networks, and we envisage that we would continue to invest in those relationships because what EFSA does is so important and relevant to our remit.

**Geoff Ogle:** More generally, FSS has put a lot of effort into international collaboration because we recognise that a lot of the challenges that we face are international. We acknowledge the help and support that such collaboration can provide in dealing with microbiological threats—for example, through whole-genome sequencing, which is a significant scientific development. Organisations such as the Centers for Disease Control and Prevention in the United States are leading exponents of that process; we sent staff over to CDC earlier this year. We also worked with the FSA this year to hold one of the Codex conferences in Edinburgh—30-odd countries and 60-odd delegates from around the world had their international meeting here.

We recognise the importance of international networks. To go back to the earlier points about Scotland's interests, it is important for us to promote Scotland in the international framework, as we have done and will continue to do.

**Emma Harper:** Will Food Standards Scotland adequately be able to make its own assessments—for instance, if a terrible trade deal is negotiated with the United States? As an example, the threshold for the cell count in dairy and milk is higher in America than it is in Scotland. The cell count is an indicator of milk quality, and a higher cell count means that cows would need to be treated for mastitis, which causes them pain when they are milked. How would that affect the Scottish consumer? Will we have to accept produce that comes with different thresholds that might not be acceptable to people in Scotland?

**Geoff Ogle:** That is a good question. We are working through the process now. We think of it as

a three-step process that involves risk assessment, management and communication. We already undertake some forms of risk assessment. For example, if there is an incident, nine times out of 10 we do some form of risk assessment. In the example that Emma Harper gave, we would undertake a risk assessment on the scientific element, but we would also take into account other relevant factors including consumer attitudes and animal welfare issues.

The question of how decisions are made and where that responsibility rests is part of the ongoing debate with the UK FSA. The indications are that, initially at least, ministers will make risk management decisions. It would be our responsibility to be open and transparent in our risk assessment process and to make clear the advice that we provide to ministers. If ministers accept our risk assessment and our recommendations in their entirety, that will lead them to one decision. If they take a decision that differs from our recommendations, they will be responsible for explaining that decision.

**Elsbeth Macdonald:** Emma Harper asked whether we would have the resources to do the work. As Geoff Ogle described, FSS currently has quite a lot of scientific expertise to enable it to undertake risk assessments for food incidents and various other things. As part of our capacity and capability work, we are looking again at which areas we might need to bolster in the organisation in relation to risk assessment. Those might include specific technical and scientific disciplines, which brings us back to our earlier discussion about being able to access technical expertise and additional resource that the Food Standards Agency is developing in the rest of the UK. There is activity on a number of fronts to ensure that as much of that resource as possible is available to us.

**The Convener:** Geoff Ogle mentioned the Centers for Disease Control and Prevention in the United States. EFSA has a range of networks and contacts around the world, and Geoff mentioned that FSS is developing its own contacts. In the event that FSS and/or the FSA no longer had access to EFSA's global networks, would you be able to substitute for that in short order, or would it involve a whole new stream of work after 29 March?

**Geoff Ogle:** The current focus is on bolstering UK capability. The way in which we are currently involved with EFSA might well change, but EFSA's risk assessments, for example, would still be in the public domain. We would therefore still have access to some of the conclusions—certainly the risk assessment conclusions—that EFSA reaches. From a UK perspective, that information would be

part of the evidence base for our own risk assessments.

**The Convener:** It is clear, however, that work would be required to build on that thereafter.

**Geoff Ogle:** Yes.

**David Stewart:** We talked a lot earlier about the best practice that exists in the EU, which arguably has the best food safety regime in the whole world. As you will be aware, a key tool that has been very effective is the rapid alert system for food and feed, which was set up in 1979. Can you give the committee a bit more detail on how that system works for you in practice?

**Geoff Ogle:** The RASFF is an EU-wide alert system that deals in particular with food that has been exported within the EU. At present, most of the incidents that FSS deals with are UK related. When we deal with an incident, we talk to the business involved and find out what has happened. One of the key elements of incident management is traceability: we need to find out where affected food may have ended up. If that food has gone abroad, we are obliged to use the RASFF to alert other countries with information on the food in question and its traceability so that their food authorities can take action accordingly. It also works in reverse—members may recall the issues with fipronil earlier in the year. If there is an incident in another member state that spills over into the UK, that member state would alert us. The alert is EU-wide, but we would be alerted to specific issues in the UK that stem from another European country.

**David Stewart:** To give a simplistic summary, would it be fair to describe the RASFF, with its round-the-clock notifications, as some sort of breakdown service for food safety?

**Geoff Ogle:** That is a pretty good analogy.

**David Stewart:** I worked hard at that—it was not spontaneous. [*Laughter.*]

**Geoff Ogle:** I wish that I had thought of it.

**David Stewart:** An issue that I looked at earlier concerns the groupings involved in the RASFF. As you know, it effectively covers the EU28 and European Free Trade Association countries plus Switzerland. The system has worked really well since 1979. In your risk register, have you looked at a no-deal scenario in which we would be out in the cold? Obviously, no country has ever left the EU, so on one level we do not know what is going to happen. If we are not part of that very efficient system, what might happen? Have you looked at what happens in countries that are not part of the RASFF, such as those in north Africa, Ukraine and in eastern Europe? What benefits do they get, and how do they operate? If we are not part of the club, we will not get the benefits.

**Geoff Ogle:** At the World Health Organization level, there is INFOSAN—the international food safety authorities network—into which the RASFF feeds. One of the options would be to look at making greater use of INFOSAN. Some of the RASFF information, although it relates to a particular community, is publicly available, so we can look at that.

The point about the RASFF is that, even in a no-deal scenario, it would seem to be an area of mutual interest because it involves consumer protection, and for a number of other reasons. Assuming that, in a no-deal scenario, the UK continued to export to the European Union, and assuming that there was an incident in the UK that potentially posed a threat to consumers in Europe, it would be in Europe's interest to have some method of exchange with the UK to protect European consumers. In that sense, there is an argument for retention of the RASFF. Whether or not we can reach that conclusion is subject to negotiation. Nonetheless, there is a clear mutual benefit for public health protection. The RASFF is one of those unique areas in which one can say clearly that, from the perspective of protecting public health, the continued sharing of information would make sense.

11:15

**David Stewart:** What you have described seems rational to me, but if I have learned anything in this place, it is that Brexit negotiations to date have not been very rational. If we leave the EU in March without a deal, how quickly could we sign up to alerts from the World Health Organization network that you mentioned? The UK is obviously part of the WHO. What discussions have you had with the FSA about its scenario planning for no deal, given that we are going ahead with Brexit on a UK basis?

**Geoff Ogle:** I am not sure on the timing—I would have to come back to you on that particular point. With regard to dealing with the consequences of leaving the RASFF after exit, we are working with the FSA to look at on-going resilience around food safety and incident management. There is a stream of activity that is looking at all the issues relating to food incidents and the RASFF approach. We are aware that the FSA has also been doing some work with INFOSAN. I would have to come back to you on the question of how quickly we could turn that system on.

**David Stewart:** To give some flavour—no pun intended—to the issues that I am raising, I looked earlier at a list of top 10 alerts from the UK. Salmonella was number 1, and the other alerts related to pesticide residues. That is excellent practice. My personal nightmare is that, if we go

for a no-deal scenario and withdraw from the alert system, there may suddenly be an alert for salmonella from an EU country that we do not, for some reason, pick up in the UK, and we would have an outbreak here. That might happen not because we are not being rational—Geoff Ogle's point in that regard was well made—but because the bureaucracy is such that we are not fully part of the alert system. In a no-deal scenario, we would withdraw from the RASFF in March, which is quite worrying. I accept that we could plug into one of the other worldwide systems, but would we be able to do that immediately, and would it be as good as the alert system that we currently have?

**Geoff Ogle:** With regard to awareness, FSS and the FSA are looking, as one of their activity streams, at increasing the surveillance activity that we call horizon scanning. That partly involves looking at what is happening elsewhere. For example, if there was a salmonella outbreak in Europe, there is a high likelihood that the media would pick that up, as would our horizon scanning surveillance activity. Where we currently are in discussions and relationships with individual member states and with the European Commission—on the food fraud network, for example—suggests that we would probably get the information that we needed to be able to deal with such an incident. I would have to come back to you on the level of detail that INFOSAN provides, but my understanding is that information from the RASFF would go into that system.

**David Stewart:** I have one final question—you may want to write to the committee on this matter, because I appreciate that it is quite technical. I am quite reassured by what you have said: that, given the available public notifications, the World Health Organization system and your relationships with other European countries, a two-way system will still exist. However, the key point is that our current system is world beating—it is the gold standard. We know, from everything that we have read, that the EU has the best food safety system, and the RASFF is probably the best alert system in the world. We are going from a five-star gold standard to a lesser arrangement. What will we lose in moving from the RASFF in Europe to the World Health Organization system? Although the WHO system is good, it does not operate at the same level of intensity as the system in Europe.

**Geoff Ogle:** Again, it depends on the form of negotiation. On incident management and the application of the RASFF, every member state takes pretty much the same approach. It identifies the incident and performs a series of actions around traceability. Fundamental to that is the scientific risk assessment that tells it about the degree of risk to consumers. The risk is around the level of information that we can access. If we can access other countries' risk assessments, we

can look at that information and add to it. If we cannot get access to that data, we would potentially have to do a risk assessment from scratch.

Having said that, on issues such as microbiology—salmonella, campylobacter and E coli—we are pretty thorough in understanding the risks. In the event of a microbiological outbreak of salmonella, we would be pretty much clued up on what the risk assessment should be and where threats to particular consumers, such as vulnerable groups, would exist. To be honest, I am not sure that there is a clear answer to the question, because the level of the information that we could get and the information that we already have would depend on the nature of the risk.

**Brian Whittle:** I want to follow up on a point that Emma Harper made. An issue that seems to be raised quite often concerns potential trade deals with other countries that would allow what we would class as substandard food to come in and pervade our country. Communication with the public has been mentioned. Where are we with that? Is there enough marketing around education, food standards, where we source our food and health and nutrition? Is that work happening just now? Is it happening enough? Would such activity form part of the protection against substandard food coming into the country?

**Elsbeth Macdonald:** Since not long after the referendum, as part of our preparations for Brexit, we have carried out a number of separate waves of consumer engagement. We have discussed with consumers what they understand about the current food systems, and their concerns and anxieties—and any opportunities that they may see—in the context of our exit from the EU. That has helped us to get a clear sense of consumer views. As the chair and Geoff Ogle both mentioned earlier, consumers have told us clearly that, while they do not necessarily know—and do not feel that they need to know—a lot about the detail of the current systems, they have confidence and trust in those systems and they do not want that to be diminished.

In addition, we have, since FSS was established, been running a biannual consumer tracker. It allows us to follow consumer perceptions in a number of areas, including their view of FSS as an organisation, awareness of what we do, and whether they trust us. Since the referendum, we have asked a number of Brexit-related questions, which has allowed us to hear, over time, the expression of concerns and anxieties about the increased price of food and whether the choice of food might be different in future. Those are the specific ways in which we have talked to the public and—importantly—

listened to consumers about how they feel about what is happening.

In the wider context, consumer engagement and talking and listening to the public has been a really important part of our work. We have done that through a number of routes. For example, we have undertaken focused consumer engagement on specific issues such as campylobacter, which was mentioned earlier, to enable us to ask people about their understanding and talk to them about risks and controls. On the other side of our remit, in our work around diet and obesity, we engage with the public and with consumers to help us to develop our interventions and our consumer messaging in ways that will be most useful and relevant. That engagement is really important. Since FSS was set up, we have spent a lot of time and effort on listening to and engaging with the public. Since the referendum, we have worked on a number of specific strands that involve listening to any concerns, or indeed opportunities, that the public see arising from Brexit.

**Ross Finnie:** I repeat the point that we made earlier to Brian Whittle: the job of FSS, as a minimum, is to advocate the maintenance of our food standards. If any Government is in discussions on trade deals, it is not for us to get into the politics, but it is our duty to be clear if we think that there are threats to the standards that we believe we should maintain. Beyond that, such trade deals would be a matter for political debate, but we would not want to deviate from defending those standards as long as we are able to do so and as long as they form the statutory basis for food standards in this country.

**The Convener:** Thank you. Finally, for the committee's greater understanding, you might like to say a word or two about any links that you have on food safety issues with the national health service, and in particular with the NHS special boards in Scotland. That may be helpful for our future considerations.

**Ross Finnie:** We liaise with those boards. Health Protection Scotland is a major player, because it is the repository of the best intelligence that we have on epidemiological work. As Geoff Ogle mentioned earlier, in a lot of different types of incidents, we depend very much on the traceability of what we are trying to source. We also have huge connections with the whole panoply of public health bodies in the work that we do, in particular as it relates to the part of our statutory duty to ensure that Scotland's diet is not injurious to public health. We liaise closely on that work with a whole range of bodies, which are now being brought together into a slightly more cohesive whole.

**The Convener:** In answer to questions today, you have said that, at this stage, you cannot have a high degree of confidence in your readiness over

the next few weeks to deal with the consequences of a no-deal outcome. The committee is keen to be kept fully apprised of your level of readiness in the circumstances that will unfold over the next few months—we would be grateful if you could do that. You also committed to respond in more detail to David Stewart's questions on INFOSAN and the timing and the mechanisms that would allow us to substitute for our connections with EFSA, if we needed to do so in future. Again, it would be useful for the committee to have that information in due course.

I thank you for your attendance and for responding so fully to the questions that members have asked. That certainly assists us in considering the legislation that we continue to receive in relation to your areas of responsibility and our wider work.

**Ross Finnie:** Thank you very much, convener.

**The Convener:** We now move into private session.

11:28

*Meeting continued in private until 11:37.*

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