



Department for
Business, Energy
& Industrial Strategy

Lord Callanan
Minister for Climate Change and Corporate
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Our ref:
Your ref:

27 October 2020

Dear Lord Brooke,

I would like to thank you for your contribution to the second reading debate of the UK Internal Market Bill in the House on 19 October where you expressed concerns on the public health implications of the Bill across the four nations of the UK.

Let me reassure you, the Government continues to take public health seriously. Firstly, the Bill makes clear that pricing-type policies in relation to the sale of goods, for example, minimum alcohol unit pricing, are generally out of scope of the mutual recognition principle. All parts of the UK will have the freedom to uphold and enforce pricing and other “manner of sale” policies, provided they are not discriminatory and do not disguise a ban on sale of the good. They will need to apply equally to all goods from all parts of the UK.

Secondly, core public functions of public bodies such as the NHS are not in scope of mutual recognition. Sales by public authorities that are for a commercial purpose will be in scope.

It will be possible to legislate in a way that does not directly discriminate against goods where that discrimination can be justified as a response to a public health emergency. This is defined as an event or situation that is reasonably considered to pose an extraordinary threat to human health.

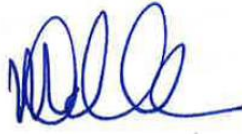
Similarly, for indirect discrimination, if a measure is necessary to achieve the legitimate aim of protecting the life or health of humans, animals or plants, it will not indirectly discriminate. For example, where a disease has been identified in cattle with evidence that processing meat from these animals to enter the human food chain could pose a risk to peoples’ health, a measure may be put in place which bans the transportation and processing of meat from the affected cattle. This measure could reasonably be considered a necessary means of achieving the legitimate aim of protecting the life or health of humans.

The Bill also excludes a small number of areas of regulation from the market access principles. These include certain sanitary and phytosanitary measures, measures relating to unsafe food and feed, authorisations and restrictions under REACH for chemicals, and certain regulation in relation to pesticides and fertilisers.

This, I believe, strikes the right balance between maintaining the strong economic ties between different parts of the UK while protecting the health of the nation.

I hope this addresses your concerns.

Yours sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Lord Callanan