



Department
for Environment
Food & Rural Affairs

Stakeholder event: Food labelling in a no-deal scenario

Tuesday 5th February 10:00 to 13:00

Mary Sumner House, 24 Tufton Street, London, SW1P 3RB

Agenda

10.00 Registration and refreshments

10.30 Welcome and introduction

10.40 - 11.20 Presentation

Overview of forthcoming food labelling changes

- Definition of “Goods on the Market”
- UK Exports to EU
- UK Exports to Third Countries

General changes: Transition Periods; Statutory and non-statutory

- Principles adopted by UK for goods in the UK;
 - Organics
 - Food Operator Addresses
 - Health Mark
 - Country of Origin
 - Geographical Indications
- Allergens - update

11.30 Break and Marketplace Place

12.45 Next steps

13:00 Close

Q&A

Issues affecting the UK market

Timescales

- *Stakeholders have previously expressed that long transition period would be preferable in order to commission and make all the necessary changes. Why is the transition period 21 months?*

To allow a longer transition period could compromise trade negotiations and the UK's credibility as a trading partner. It also extends the time during which enforcement officials would be required to oversee alternative, more resource intensive food traceability measures. 21 months also aligns with the Implementation Period for the UK's withdrawal from the EU if a Deal is reached. It therefore makes sense to require replacement labelling to be implemented to the same timeframe under both a "deal" and "no deal" situation.

- *Why have chosen timescales for making specific labelling changes been given - is it a matter of the EU not allowing us to carry on, a consumer safety issue, or a "nice to have"?*

We have not chosen timescales for the labelling requirements of food for export to the EU as this is outside our power in a no deal scenario. For food to be placed on the UK market, we have looked for a balance between reasonable and pragmatic requirements for businesses and managing risks to consumer interests and risks to overall consumer confidence in the food industry.

- *How is Government communicating with SMEs?*

The government has published extensive advice on the steps that businesses may need to take to prepare for the UK's departure from the EU. SMEs and the wider public should visit gov.uk/euexit to access the information they need. Defra is also working closely with industry groups and stakeholder networks to reach out to as many SMEs as possible. This includes engaging with networks and supply chains beyond Defra's core constituency but who nevertheless have good reach into affected businesses.

Goods on the Market

- *Will products made months in advance and stored in warehouses be able to be sold legally if we leave the EU without a deal?*

Food and drink placed on the market before 11 pm on 29 March 2019 may continue to be sold through until those stocks become exhausted. Whether this provision will include the EU market (either in respect of the goods being placed on that market or

the principle that they may be sold through) is currently unclear and will depend on policy decisions within the EU.

Borders and Enforcement

- *Will food labelling be checked at the border?*

Food does not need to be labelled for sale to the final consumer in order to cross the border and labels may be changed following its entry to the country. Food rarely gets stopped solely for this reason so it won't be stopped any more than it is now because of labelling issues.

- *Have bilateral discussions taken place with EU member states about pragmatic approaches to enforcement in the event of No deal?*

No. The UK has no control over enforcement outside the UK. The EU and other non-EU countries may require wholly accurate labelling for access to their markets. In these instances, the UK can only recommend that labels are replaced or over-stickered as required to ensure they are fully accurate. This would include ensuring country of origin labelling, health marks and responsible business addresses were correct. Please note - a business can use the address of the importer of the goods into the EU as an acceptable alternative.

- *Will Government take a pragmatic approach to enforcement where labels are found to be incorrect?*

In many cases transitional periods for changes to food labelling are being written into legislation. However, where it has not been possible to make these legal changes we are working with enforcement officials to agree the requirements for a pragmatic approach to be taken where labels are found to be incorrect. Foods which may be subject to this pragmatic approach are:

- Food and ingredients where country of origin labelling is used
- Organic produce
- Foods which use of the EU emblem, e.g. Fruit and vegetables under the Approved Trader Scheme

Mode of relabelling

- *Can labelling changes be made by inkjet without a full label change?*

Yes

- *Will over stickering be allowed, especially to reduce costs for SMEs?*

Yes

- *Would the government be willing to consider signs in shops rather than re-labelling?*

We are happy to consider a range of options, on a case by case basis, that ensure that consumer interests are properly maintained and risks to consumer confidence in the food industry are not compromised. We have discussed, and will continue to discuss with enforcement officials, how they might respond at local level to individual cases on a case by case basis. This will not apply to incorrect ingredient labelling due to the importance of consumer safety.

- *Will dual labelling be allowed, so that product labels can be compliant with UK and EU requirements?*

Yes

Issues affecting the EU market

Mutual recognition

- *There is a risk that businesses will have to apply different standards to comply with the legislation for EU 27 countries if there is no mutual recognition in place once we leave the EU. Will such requirements be enforced from day 1 or will there be a transition period?*

In a No Deal situation it will be up to the importing country to decide whether they wish to enforce from Day One or implement transitional arrangements

- *Will there be a new oval health and identification mark for products of animal origin exported to the EU?*

Yes – the new oval health and identification marks will no longer carry the EC abbreviation, but will retain the UK abbreviation.

- *How will businesses keep abreast of future changes to EU laws and regulations?*

EU legislation is published on the European Commission's EUROPA website <http://europa.eu/>

New EU laws and surveillance

- *What would happen if the UK diverged from the EU derogation?*

The EU has indicated that derogations were not available to third Countries and that the UK must be fully compliant with EU law. The FSA is taking steps to identify where derogations exist and ensure that establishments that benefit from such derogations are not put forward for listing with the EU

- *List 669 – toxins – UK are to be treated as third country and may be subject to additional checks. Will additional checks need to be done for Republic of Ireland due to be being a third country?*

The Imports SI (The Food and Feed Imports (EU Exit) Regulations 2019) provides that all countries outside the UK will be treated as a third country. As of day 1, only specified products from specified countries laid down in the current annex to Commission Regulation 669/2009 (as amended) will be considered as high risk. There are no high risk products currently listed in the annex from EU Member States.

Devolved Administrations

- *What if the DA's are afforded/exercise powers on labelling – will there be Mutual Recognition within the UK market?*

The national framework for the internal UK market are subject to discussions under the Joint Ministerial Committee agreement.

Country of Origin Labelling

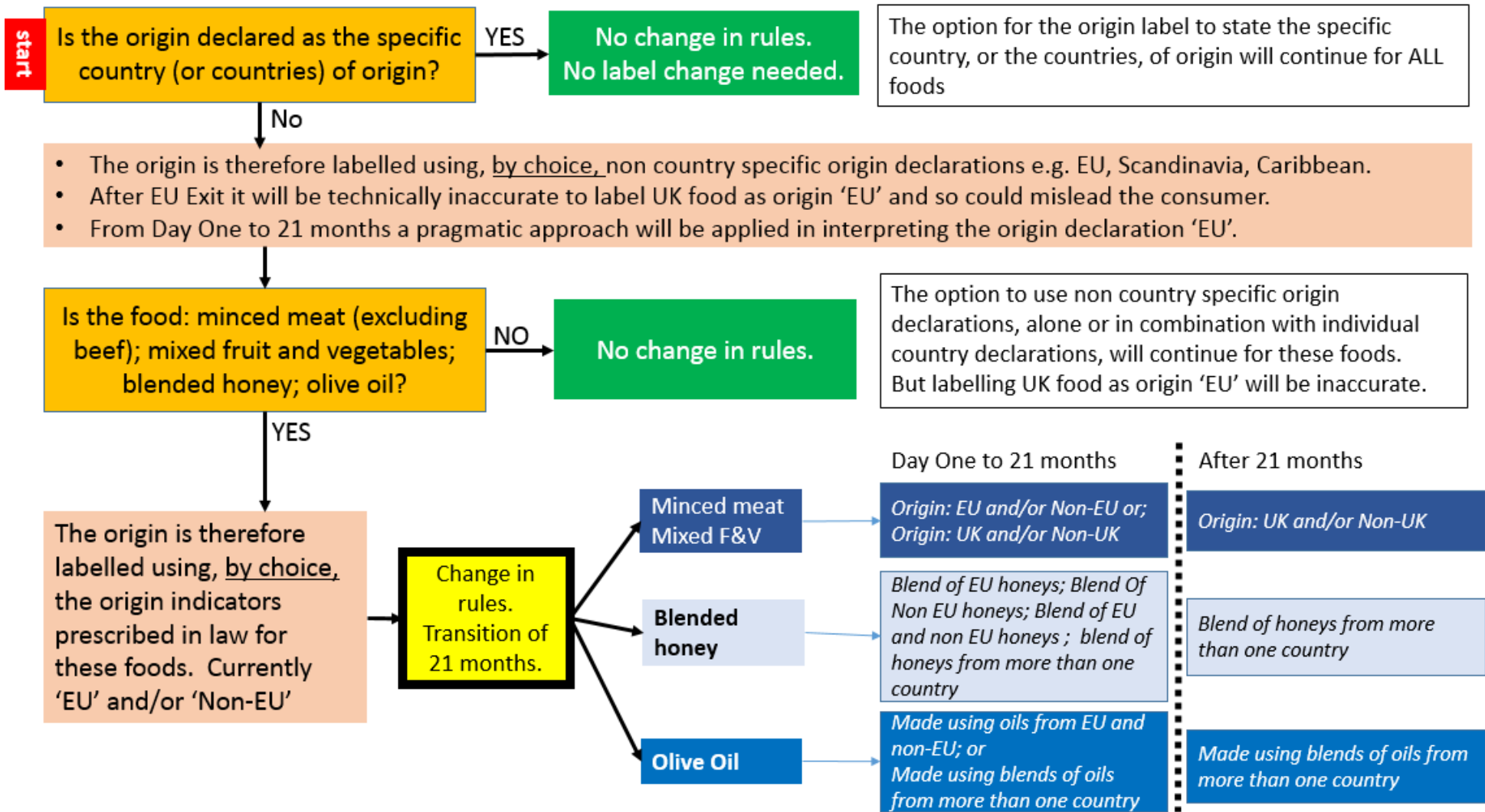
- *Is a PO Box number a legitimate FBO address?*

The address provided on the label must be genuine and substantive enough to meet the purposes of the provision which is to enable the FBO or importer to be contacted directly, quickly and easily concerning any issue arising from their product and to allow enforcement notices to be served if necessary. If PO boxes are used on the label they must serve this purpose and do not replace the need for the business concerned to be established with a physical presence. Examples of acceptable substantive FBO addresses include the address of a unit of an FBO that is undertaking production, distribution or processing of food.

- *What will the Food Business operator address requirements be for food exported from the UK for sale in the EU27?*

After EU Exit, and as now, prepacked foods sold in the EU27 must include the name and EU address on the label of either a responsible food business operator or an importer which is established in the EU27. An address in the UK alone will no longer be sufficient. The requirement to be 'established' means that the FBO has a physical presence by way of a unit of a food business.

If an importer's details are used as an alternative to a EU27 FBO address, this must be the name and EU address of the importer who imported the goods into the EU27.



Foods with mandatory origin labelling

