

## **Producing and labelling food if there's no Brexit deal**

### **Summary**

How the labelling of food as well as compositional standards would be affected if the UK leaves the EU with no deal.

### **Detail**

If the UK leaves the EU in March 2019 without a deal, find out how this would affect:

- labelling food
- compositional standards (minimum standards for certain types of key foods)

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including 'no deal', until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario>) explaining the government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

## **Purpose**

This notice sets out how labelling of food and compositional standards (minimum standards for certain types of key foods) would be affected if the UK leaves the EU in March 2019 without a deal. It sets out the actions food businesses would need to consider to continue to comply with food compositional standards and labelling legislation.

## **Before March 2019**

Food labelling and compositional standards exist to maintain consumer confidence and a level playing field for businesses.

### *Labelling*

Labelling rules ensure consumers have easy access to the information they need to make an informed choice on which food to buy and eat. For example, all pre-packaged food must have a name that accurately describes the product. Multi-ingredient food must have an ingredients list with allergens highlighted. These labelling provisions are set out primarily in EU Regulation 1169/2011 on the provision of Food Information to Consumers (plus the related Implementing Regulation 1337/2013 on the country of origin of certain meats).

### *Compositional standards*

Compositional standards lay down minimum standards for certain types of foods, for example honey, jam, chocolate products, sugars, instant coffee, bottled waters and fruit juices. These laws provide a level playing field for producers of these commodities and ensure minimum quality standards are maintained. The EU-based rules on compositional standards are set out in the following sets of English regulations:

- The Jam and Similar Products (England) Regulations 2003
- The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007
- The Spreadable Fats (Marketing Standards) and Milk and Milk Products (Protection of Designations) (England) Regulations 2008
- The Honey (England) Regulations 2015
- The Coffee Extracts and Chicory Extracts (England) Regulations 2000

- The Fruit Juices and Fruit Nectars (England) Regulations 2013
- The Condensed Milk and Dried Milk (England) Regulations 2015
- The Cocoa and Chocolate Products (England) Regulations 2003
- The Specified Sugar Products (England) Regulations 2003
- The Caseins and Caseinates (England) Regulations 2017

In addition, there are domestic (non-EU) rules for England on compositional standards regarding products containing meat, and bread and flour.

Equivalent regulations for all of the above exist for Scotland, Wales and Northern Ireland.

### **After March 2019 if there's no deal**

The UK government will maintain our current world-leading set of standards on food safety, food labelling and food quality, ensuring high food standards at home and promoting high standards internationally.

Initially, the EU-based provisions would all be rolled over, as part of the Withdrawal Act, and fixed where necessary by statutory instrument so the rules apply as before. However, some changes would be required to reflect the fact that the UK will no longer be a member of the EU.

Where the UK has its own compositional standards that do not stem from the EU, such as specific national rules on products containing meat and the composition of bread and flour, these would remain unchanged.

### *Labelling the origin of food*

Use of the term 'EU' in origin labelling would no longer be correct for food or ingredients from the UK.

Some products will require further changes. For example, labels of honey blends from more than one country referring to the EU would be replaced with more appropriate terminology. We would replace the requirement for EU / Non EU blended honey indications with 'blend of honeys from more than one country' or similar wording in the domestic Honey Regulations.

In addition, from April 2020, the country of origin or place of provenance of the primary ingredient of a food (where different to that given for the food overall) will be required on labels as part of EU rules on food labelling. The government may seek views on whether similar national rules would be appropriate in the UK when EU rules no longer apply.

### *Addresses on food labels*

For pre-packed products sold in the UK, the label would need to include the name and a UK address of the responsible Food Business Operator. The Food Business Operator is the business under whose name the food is marketed in the UK or, if that operator is not established in the UK, the importer of the product into the UK.

An EU address alone would no longer be valid for the UK market. Similarly, a UK address alone would no longer be valid for the EU market and an address within the remaining EU member states will be required following EU exit. A UK address together with an EU address on the label would mean that the label is valid for both the UK and EU markets.

For example, a business based in France but selling products in the UK can currently provide its name and address in France on products sold in the UK. In a 'no deal', the business would need to provide the address of a responsible business in the UK by, for example, setting up a UK hub or working with an importer. A food business in the UK selling pre-packaged food in France can currently provide the address of the business in the UK. In a 'no deal', the business would need to provide an address for the responsible business or importer into the EU, in one of the remaining EU member states.

In order to mitigate the immediate impacts of these changes, in particular on UK food retailers selling food originating in the EU, we will consult with stakeholders on an option to continue to allow, for a period of up to 6 months following a no-deal exit from the EU, food bearing an EU27 address to be placed on the UK market.

In addition, for foods already labelled and placed on the UK market bearing an EU27 address, these will be allowed to be sold through until stocks are exhausted.

We will be working with businesses and local authorities, who are responsible for enforcing labelling standards, to support adjustment to any necessary changes.

### *Natural Mineral Waters*

Natural Mineral Waters (NMWs) currently undergo a specific recognition process in order to be able to be marketed across the EU. Each country carries out this recognition as stipulated in the EU rules in Directive 2009/54/EC.

We will amend our domestic regulations to ensure the rules on natural mineral waters can continue to operate. This means the status of NMW recognitions granted

by all nations of the UK would still be recognised across the UK, and UK NMW producers would not need to renew their recognition in the UK internal market. We will also amend our current domestic regulations to ensure in a no deal scenario we would be able to make our own decisions on the recognition of both existing and future NMWs recognised by the EU.

The UK Government will set out more information and options in a full public consultation.

NMW producers should take note that natural mineral waters recognised in the UK may no longer be accepted as such in the EU (please see stakeholder notice by the Commission on January 23rd 2018 to that effect). In the event of 'no deal', UK NMW producers need to be prepared to apply for recognition of their water through an EU member state after the UK leaves the EU. These applications will be treated as third country applications and be processed in the same way as third country applications for third country NMWs are processed now.

### *Consultation*

The above issues will be subject to full public consultations.

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.

The UK government is clear that in this scenario we must respect our unique relationship with Ireland, with whom we share a land border and who are co-signatories of the Belfast Agreement. The UK government has consistently placed upholding the Agreement and its successors at the heart of our approach. It enshrines the consent principle on which Northern Ireland's constitutional status rests. We recognise the basis it has provided for the deep economic and social cooperation on the island of Ireland. This includes North-South cooperation between Northern Ireland and Ireland, which we're committed to protecting in line with the letter and spirit of Strand two of the Agreement.

The Irish government have indicated they would need to discuss arrangements in the event of no deal with the European Commission and EU Member States. The UK would stand ready in this scenario to engage constructively to meet our commitments and act in the best interests of the people of Northern Ireland, recognising the very significant challenges that the lack of a UK-EU legal agreement would pose in this unique and highly sensitive context.

It remains, though, the responsibility of the UK government, as the sovereign government in Northern Ireland, to continue preparations for the full range of potential outcomes, including no deal. As we do, and as decisions are made, we'll take full account of the unique circumstances of Northern Ireland.

Norway, Iceland and Liechtenstein are party to the Agreement on the European Economic Area and participate in other EU arrangements. As such, in many areas, these countries adopt EU rules. Where this is the case, these technical notices may also apply to them, and EEA businesses and citizens should consider whether they need to take any steps to prepare for a 'no deal' scenario.