



Countdown to Brexit Series

What should you be doing now?

The fourth in our series of Countdown to Brexit -
The effect of Brexit on the food and drink sector.

Introduction

In March 2019, the European Commission updated its Brexit notice to food business operators (**FBOs**) regarding the legal repercussions of the UK leaving the European Union. The Commission warned that as of midnight on the withdrawal date, EU food law and EU rules on quality schemes will no longer apply to the UK. From the date of withdrawal the UK will become a 'third country'. The consequences of this are that labelling on food sold in EU markets will need to change, that FBOs, authorisation holders and/or their representatives will need to be established in the EU, and that the import of food from the UK into the EU may be prohibited (unless certain requirements are met).

Food labelling

EU food law harmonises the labelling of food placed on the EU market, including regulations on food information, nutrition and health claims. Changes will be required due to the UK being a 'third country' as of the withdrawal date. These include mandatory labelling of the name and address of the importer of the food from the UK, mandatory labelling of the origin of the food product and the removal of the 'EU' abbreviation from the health or identification mark. FBOs will not be allowed to use the EU organics logo or the EU emblem except in limited circumstances. UK food will not be allowed to be labelled as 'origin EU' after Brexit.

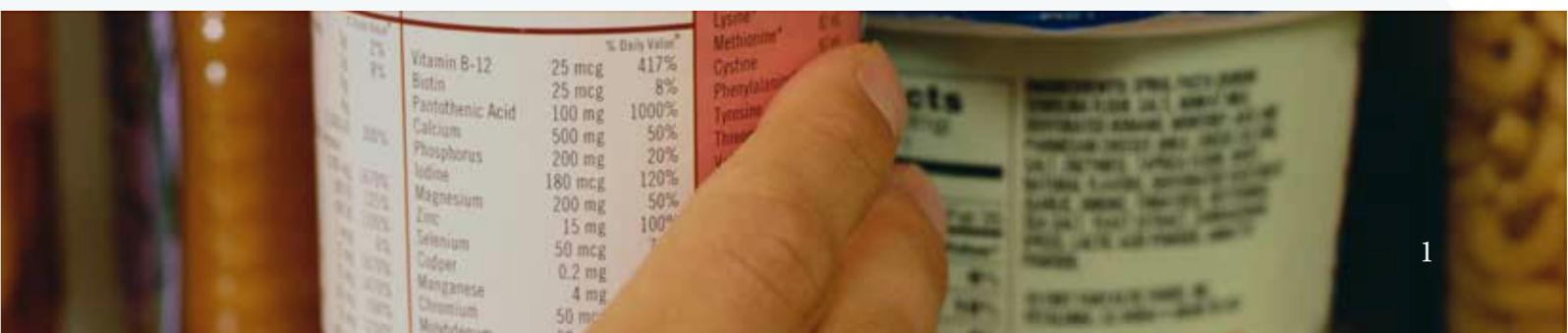
All references to the EU will need to be replaced with a reference to the UK. So, for example, on the label of mixes of fruit and vegetables, references to 'a mix of EC and non-EC' becomes 'a mix of UK and non-UK origin'. If you are part of an Approved Trader Scheme you must remove the EU emblem from your UK food labels. Similar changes apply to minced meat, blended oils and honey, eggs and so on. A full list of the areas that will require change can be found [here](#).

Establishments in the EU

To comply with some aspects of EU food law, FBOs, authorisation holders and/or their representatives must be established in the EU. For example, according to the regulation on genetically modified food and feed, the applicant for an EU authorisation or his representative must be established in the EU. As of the withdrawal date, any FBO in the UK will no longer comply with this requirement and therefore, as it stands, will not be able to obtain authorisation to sell genetically modified food into the EU. UK operators may have to establish satellite offices in the EU in order to obtain the necessary authorisations.

'Geographical Indication' rules

The UK will set up its own geographical indication (**GI**) schemes to provide a set of rules to protect the geographical names of food, drink and agricultural products. The UK GI schemes will mirror the existing EU ones and will be managed by DEFRA. We were told that DEFRA would publish details of the schemes in October 2019 but we are still waiting. If there is a no-deal Brexit, it is possible that the EU will not continue to protect UK GI products so you should be prepared to apply to the European Commission to regain EU protection and the right to use the EU GI logo.



Food production and food hygiene rules

There are many rules and regulations relating to food production and food hygiene which will be affected by a no-deal Brexit. For example, the importation of irradiated food from the UK will be prohibited unless the irradiation facility in the UK is 'listed' by the European Commission. More details can be obtained [here](#).

Rules of origin

Rules of origin are the complex requirements that determine whether or not a product is produced 'locally' in the UK. If it is not deemed to be sufficiently British, it may not qualify for preferential tariff rates. This is a hugely important issue for FBOs, both in the UK and the EU, and we are still in the dark as to what will happen if there is a no-deal Brexit.

WM comment

If you need help navigating the minefield of Brexit please contact us sooner rather than later.



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