

Lead Food officers
REHIS
SFELC

ENF/19/015

1st October 2019

Dear Colleagues

EU Exit: Health & Identification Marks in the event of no deal

Food Standards Scotland will be publishing guidance on its website shortly to provide clarity for food businesses who require to provide Health and Identification Marks to their products.

This guidance is intended for food businesses placing products of animal origin (POAO) on the market in the event the UK leaves the EU with **no deal**.

A link to the guidance will be sent to you once it is published.

There are a number of key elements that you will wish to be aware of:

1. In the event of no-deal exit, POAO which had the EC ID or health mark applied before exit will be able to be placed on the **domestic market only** after exit day. A 21 month transitional period will apply from exit day within which food businesses will be able to continue to apply the EC ID mark to POAO ¹ provided the labels were procured prior to exit day and provided that these are for the **domestic market only**.
2. In the event of a **no-deal exit**², the current EC health and ID mark will need to be replaced by the end of this transitional period by one of the following marks³ if applied in establishments located in the United Kingdom:

¹ See Regulation 3, [The Food Information, Labelling and Standards \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019](#) which amends the Food Hygiene (Scotland) Regulations 2006.

² This is guidance intended for businesses placing products on the market in Scotland. Food Standards Agency have produced guidance for businesses placing products on the market in the rest of the UK.–
<https://www.food.gov.uk/business-guidance/brexit-changes-to-health-and-identification-marks>

³ The relevant health mark provisions which modify Section 1, Chapter 3, of Annex 1 of the retained Regulation (EC) No. 854/2004 are set out in the following UK statutory instruments:

- GB
- United Kingdom
- UK

Example health marks (applied to red meat and game carcasses by FSS staff):



Example identification marks (applied to packaging by food businesses):



FSS officials will default to using the GB health mark after exit day unless advised by UK Government that another mark is required for export purposes.

3. For any of your approved establishments that export to the EU you will wish to be aware that the EU has provided the following advice for food businesses in the event of a no deal exit from the UK:

https://ec.europa.eu/info/sites/info/files/eu_food_law_en.pdf

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- Regulation 41 of The Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019
 - Regulation 45 of The Food and Feed Hygiene and Safety (Miscellaneous Amendments) (EU Exit) Regulations 2019

The relevant ID mark provisions which modify Section 1 of Annex 2 of the retained Regulation (EC) No. 853/2004 are set out in the following UK statutory instruments:

- Regulation 18 of The Specific Food Hygiene (Amendment etc.) (EU Exit) Regulations 2019
- Regulation 41 of The Food and Feed Hygiene and Safety (Miscellaneous Amendments) (EU Exit) Regulations 2019

With regards to the health and ID marks, the EU have advised that the official two-digit ISO Code “GB”, or full country name “UNITED KINGDOM”, must be used for products exported to the EU

4. Agreeing the terms of any trading relationship with 3rd countries is reserved to the UK Government. Defra is therefore the lead UK Government Department for food exports. Local Authorities are advised that where their businesses have any other queries relating to the future trading relationship with the EU with respect to POAO they should be directed to Defra at their dedicated helpline: defra.helpline@defra.gov.uk.

5. If food business operators have any further queries relating to health and ID mark requirements for third country POAO exports, including where different requirements may have been agreed as part of any trade agreement, they should again contact Defra at their dedicated helpline: defra.helpline@defra.gov.uk.

Should the UK leave the EU with a deal, the requirements for placing POAO on the market will be determined by the terms of any such deal, including any provision that may allow the current EC health and ID mark to continue to be used during any agreed implementation period.

If you have any queries regarding this correspondence please contact me using the contact details contained in this letter.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Lorna Murray'.

Lorna Murray
Head of Enforcement Delivery
Food Standards Scotland