

## EU Exit: Health & Identification Marks at the end of the transition period

This guidance is intended for food businesses in Scotland producing products of animal origin (POAO) It outlines the health and identification mark requirements that will allow POAO produced by Scottish businesses to be placed on Great Britain, Northern Ireland, EU and non-EU markets at the end of the Transition Period.

This guidance is provided on the basis of the information available at the time of writing. If alternative arrangements are agreed between the UK and the EU before the end of the transition period this guidance will be revised.

### Identification marks

The identification mark is applied to POAO to show it has been produced in an establishment approved in accordance with food safety and hygiene regulations and is typically applied to wrapping, packaging, or labelling which contains, or is attached to, the POAO.

### Health marks

The health mark is applied to carcasses to show they were processed in an establishment approved in accordance with food safety and hygiene regulations and that the carcass itself is fit for human consumption.

### Changes to health and identification marks

The current EC health and identification marks applied to POAO produced in the UK must be used until the end of the Transition Period, which ends at 11pm GMT on 31 December 2020. After that the following marks must be used for POAO produced and placed on the market in Great Britain and Northern Ireland or exported outside of the UK.

- **GB** (for health and ID marks)
- **United Kingdom** (for ID marks)
- **UK** (for health and ID marks)
- **UNITED KINGDOM** (for the health mark)

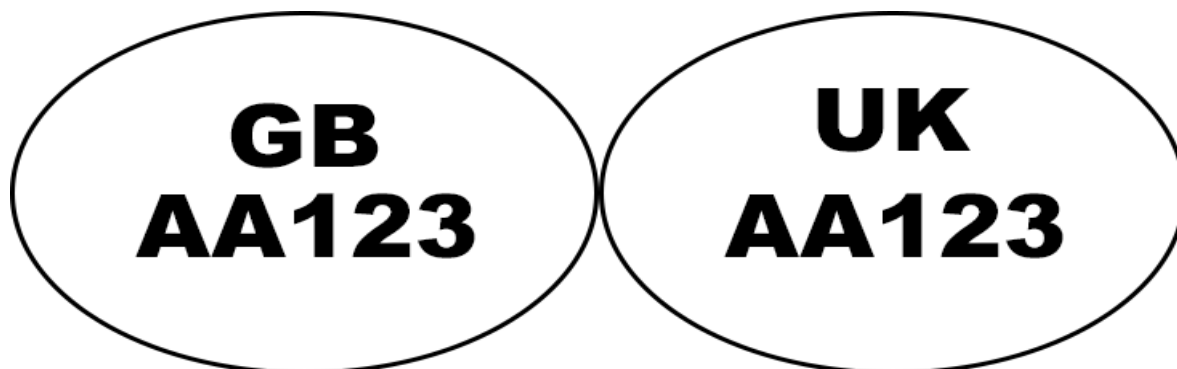
Examples of the health and identification marks that apply from 1 January 2021

For FSS approved establishments (slaughterhouses, fresh meat cutting plants etc)



For Local Authority approved businesses (establishments processing products of animal origin except fresh meat)





Size and dimension of the marks that apply from 1 January 2021

Health mark

Requirements for the mark:

- It must be a legible and indelible oval mark at least 6.5 cm wide by 4.5 cm high.
- It must contain either the full country name 'UNITED KINGDOM' in capitals or the 'GB' or 'UK' abbreviation for POAO produced in Great Britain followed by the approval number of the establishment.
- Letters must be at least 0.8 cm high and figures at least 1 cm high.
- The ink used for the health mark must be authorised in accordance with food law which governs the use of colouring substances in food.

The dimensions and characters of the health mark may be reduced for health marking of lamb, kids, and piglets.

Identification mark

There is no minimum or maximum size for the identification mark. However, it must be legible and indelible, and the characters easily decipherable.

The identification mark must contain either the full country name 'United Kingdom' or the 'GB' or 'UK' abbreviation for POAO produced in Great Britain.

Adjustment period for changes to identification marks for POAO placed on the Great Britain market

The Scottish Government has legislated to allow a 21 month adjustment period to apply in Scotland after the Transition Period during which Scottish food businesses would be able to use up existing stocks of labels, wrapping and packaging with the EC identification mark. **This adjustment period will commence on 1 January 2021 and end on 30 September 2022.** A similar adjustment period is proposed elsewhere in GB.

The period of adjustment will be available to Scottish food businesses for POAO placed on the market in Great Britain. **It is not applicable to POAO produced in Scotland for placing on the Northern Ireland, EU or non-EU markets.**

For Northern Ireland, specific conditions for health and ID marking have been set out in the Northern Ireland Protocol which forms part of the UK-EU Withdrawal Agreement. FSA guidance on health and ID marking as it applies in Northern Ireland is available [here](#).

The period of adjustment only applies to the use of labelling, wrapping and packaging stock owned by the food business before the end of the Transition Period, and once that stock has been exhausted it may not be replaced irrespective of the length of the period of adjustment remaining. After the end of the adjustment period the use of old labels, wrapping and packaging will be unlawful.

In relation to the continued use of the oval EU ID mark during the transitional period food businesses should be aware that the European Commission have expressed the view that these oval identification marks are the propriety to the EU and unauthorised use should not be permitted. If businesses decide to continue to apply the oval 'EC' identification mark this will not indemnify businesses against the risk of civil action by the EU.

## Products placed on the market after the end of the Transition Period

If a Scottish business places POAO on a market before the end of the Transition Period, it will be allowed to reach its end user in the market it was placed with the existing health and identification marks.

This means that:

POAO that have been **placed on the market in Great Britain** before the end of the Transition Period can reach their end-user on the Great Britain market, including circulation within Great Britain, without the need for re-labelling.

POAO that have been **placed on the market in the EU** before the end of the Transition Period can reach the end-user on the EU market without the need for re-labelling.

POAO **moved into the EU and Northern Ireland markets from Scotland** after the end of the Transition Period will require to be re-labelled in accordance with EU requirements. The EU has advised that the official two-digit ISO Code i.e. "GB", or country name written out in full must be used for products moved into the EU and NI markets from GB.

The UK Government has advised that POAO that have been placed on the market in Northern Ireland before the end of the Transition Period, can reach the end-user on either the UK or EU markets, without the need for re-labelling.

'Placing on the market', as defined in Article 3(8) of Regulation (EC) 178/2002, means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves. It should however be noted that whilst product produced in GB before the end of transition might "held for the purpose of sale" in the EU after 31<sup>st</sup> December, the EU have advised that **changes may need to be made to labels before the end of the transition period**. Businesses may wish to seek their own legal advice as the applicability of EU law to their circumstances during the transition period, in relation to products intended for EU/NI export.

Non-EU countries may accept either the UK or GB identification marks, however businesses should confirm the appropriate mark with their importer.

The UK Government is writing to all non-EU countries in November 2020 to explain changes to health and identification marks.

Food businesses should discuss and confirm the use of the appropriate identification mark with their enforcement/Export Health Certificate (EHC) certifying officer, where a specific mark is required for export in accordance with third country requirements.

Local Authority contacts are available [here](#)

Lists of professionals available to sign EHCs are available [here](#)

For further information on 3<sup>rd</sup> country export certification requirements more generally please contact the [Animal and Plant Health Agency](#)

## Health marks

Food Standards Scotland (FSS) enforcement officials are responsible for the application of the health mark to carcasses in approved slaughterhouses and game handling establishments in Scotland. FSS officials will begin using the GB health mark on 1 January 2021 **unless** advised by a food business that an alternative mark is required for their intended market.

## Summary and actions

As a consequence of the terms agreed between the UK and EU as part of the Withdrawal Agreement, food produced in the UK is required to conform to EU food law (including health and ID marking requirements) up until 11 pm on 31<sup>st</sup> December 2020 before it can lawfully be placed on the market.

Businesses should continue to ensure that only safe food is placed on the market, mindful that their product also needs to comply with any additional marking requirements set by the importing country.

In order to minimise disruption to trade, businesses should discuss with their importing contact and their EHC certifying officer how their distribution arrangements might be changed to ensure product intended for the EU/NI market reaches that market either **before** the end of the Transition Period (to avoid EHC and labelling issues arising), **or held back** until the end of the Transition Period when the new marking requirements apply in law. If there is any doubt as to the legal requirements that apply to products produced in Scotland and intended for EU export, businesses should seek their own legal advice.

For health and identification mark requirements there is an adjustment period of 21 months only for POAO placed on the market in Great Britain. There is no adjustment period for POAO produced in Scotland for placing on the Northern Ireland, EU or non-EU markets.

The EHC certifying officer, in order to complete the EHC, will need to attest that the correct identification mark is applied (amongst other things). This will depend on when that attestation happens (before the end of the transition period or after) and food businesses will need to ensure the correct identification mark is applied in anticipation of that.

Whilst businesses may overwrap product (provided they are approved and it is their mark that is being applied), they should be aware that this may carry a risk of rejection on border inspection should any of that overwrapping come loose or be damaged in transit.

Businesses exporting cattle, lamb or wild game meat carcasses to the EU should contact their official veterinarian in order to agree slaughter/marketing/export logistics in the run up to 31<sup>st</sup> December.

If you have any queries about the content of this guidance please contact your enforcement officer/OV in the first instance.

**Food Standards Scotland**  
**11 November 2020**