

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

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. This guidance is provided on the basis of the information available at the time of writing. In this guidance “exit day” means the day on which the UK leaves the EU.

### Transitional Arrangements – products placed on the domestic market only

In the event of **no-deal exit**, POAO which had the EC ID or health mark applied before exit day would be able to be placed on the **domestic market only** after exit day. Also, a 21 month transitional period would apply from exit day within which food businesses would be able to continue to apply the EC ID mark to POAO <sup>1</sup> provided the labels were procured prior to exit day.

### POAO placed on the market in Scotland<sup>2</sup>

Notwithstanding the above transition which will allow existing stocks and labels to be used up, in the event of a **no-deal exit**, the current EC health and ID mark will need to be replaced by one of the following marks<sup>3</sup> if applied in establishments located in the United Kingdom:

- **GB**
- **United Kingdom**
- **UK**

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

<sup>2</sup> 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>

<sup>3</sup> 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:

- 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

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



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



### **Exporting POAO - general advice**

Food Standards Scotland (FSS) enforcement officials are responsible for the application of the health mark to carcasses in approved slaughterhouses and game handling establishments. Food businesses are responsible for the application of the identification mark to products produced in all approved food establishments. Food businesses should discuss and confirm the use of the relevant identification mark with their enforcement officer, where a specific mark is required for export in accordance with any UK Government advice. Defra is the competent authority in the UK regarding 3<sup>rd</sup> country export requirements.

FSS officials will default to using the GB health mark unless advised by UKG that another mark is required for export purposes.

### **Exporting POAO to the EU**

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

**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**

Any other queries relating to the future trading relationship with the EU with respect to POAO should be directed to Defra at their dedicated helpline:

[defra.helpline@defra.gov.uk](mailto:defra.helpline@defra.gov.uk).

## Exporting POAO to non-EU Countries

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](mailto:defra.helpline@defra.gov.uk).

## Exporting POAO in the event of a negotiated exit from the EU

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.

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