



For safe food and
healthy eating

Stakeholder Update - Composition Standards and Labelling changes.

Purpose

This communication is for the purpose of providing stakeholders and all other interested parties with an update on some changes and current initiatives concerning food composition standards and food labelling.

Composition Standards

Following the Food Composition Standards Review consultation that was launched on 1st Sept 2021 and concluded on 12th October 2021 [The Food \(Withdrawal of Recognition\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](#) came into force on 22nd February 2022.

The consultation concerned proposed amendments to compositional standards contained within the following domestic food legislation currently in force in Scotland –

- The Products Containing Meat etc. (Scotland) Regulations 2014;
- The Jam and Similar Products (Scotland) Regulations 2004;
- The Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008 and
- The Bread and Flour Regulations 1998

Prior to leaving the European Union (EU) under the Treaty of the Functioning of the European Union (TFEU) the UK was required to allow the import of certain lawfully produced food products from EU Member States, European Economic Area (EEA) States and in some instances Turkey even if they did not meet the compositional requirements of Scottish domestic legislation. The terms of the TFEU also allowed the UK to export to the EU and EEA on the same basis.

These requirements were commonly referred to as mutual recognition provisions and were provided for within domestic food law in Scotland and in analogous food legislation across the UK.

However, continuing to allow lawfully produced food imports from EU member states, EEA states and Turkey that do not meet national rules in the longer term could be viewed as giving these countries preferential market access and this is considered to present a significant risk of challenge from other WTO countries under Most Favoured Nation rules. Leaving these provisions in place was therefore not considered a viable option in Scotland.

The Food (Withdrawal of Recognition) (Miscellaneous Amendments) (Scotland) Regulations 2021 removed these mutual recognition provisions from the Scottish domestic regulations detailed above as a result of the UK's exit from the EU but also introduced a transitional period during which the existing exemptions continued to apply until 1 October 2022.

The end of the transition period is therefore now imminent and from 1 October 2022, foods within the prospective categories that are imported either directly or indirectly into Scotland will be required to meet the compositional requirements of Scottish domestic legislation. However, stakeholders may wish to note some exceptions apply in respect of the fortification requirements in the following regulations -

The Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008

These regulations contain a specific provision for the fortification of 'margarine' (i.e. a spreadable fat with a minimum 80% fat content) . This goes beyond EU standards and fortification is no longer a requirement in England although this is still undertaken by manufacturers of spreadable fats generally on a voluntary basis.

Stakeholders may wish to note that The UK Internal Market Act 2020 (UKIM), which came into force on 1 January 2021, contains provisions which mean that any good that meets regulatory requirements in one part of the UK can be sold in any other part, without having to adhere the relevant regulatory requirements in that other part. Consequently, it is perhaps worthy of note that although removing the mutual recognition provisions will prevent unfortified margarine being imported directly into Scotland, any such margarine imported into GB via England or unfortified 'margarine' that may be produced in England can and may continue to be sold on the market in Scotland under the terms of the UKIM.

The Bread and Flour Regulations 1998

Because of the removal of the mutual recognition provisions from The Bread and Flour Regulations 1998, manufacturers in Scotland will lose access to unfortified flour. In recognition of the fact that some food businesses may make use of, or produce unfortified flour for the export market, provisions have been made to allow unfortified flour to be imported either directly or indirectly into Scotland but only if it is for the purpose of the production of food products in Scotland intended for the export market. In addition, provisions have been included to enable the production of unfortified flour in Scotland for export or for the production of food products in Scotland intended for the export market.

As you may be aware, FSS in collaboration with the Department for Environment, Food and Rural Affairs (Defra), The Department for Health and Social Care (DHSC), and the Food Standards Agency (FSA) in Wales and Northern Ireland has undertaken a wider review of the Bread and Flour Regulations 1998.

A 12-week consultation was launched on 1st Sept 2022 to seek views on proposals to further update and amend the Bread and Flour Regulations 1998 and The Bread and Flour (Northern Ireland) Regulations 1998, which cover specific compositional and labelling requirements.

These regulations primarily provide for the fortification of non-wholemeal wheat flour to protect public health.

Included in the consultation are proposals to make adjustments to the levels of the nutrients currently added to non-wholemeal wheat flour (including the introduction of certain limited exemptions from the fortification requirements) and the addition of folic acid, with the aim of improving public health outcomes for Scotland and the wider UK population.

The addition of folic acid to help reduce the incidence of foetal neural tube defects follows a previous consultation and an agreement by the Scottish Government, UK Government and devolved administrations in Wales and Northern Ireland, to proceed with its mandatory fortification.

The consultation will close at 23:59 hrs on 23rd November 2022 and the responses received will be used to help inform policy decisions and any subsequent legislative changes in Scotland and across the UK.

You can access and respond to the consultation via the following link:

<https://consult.defra.gov.uk/food-compositional-standards/bread-and-flour-consultation-2022>

We welcome your views on this matter and would very much appreciate your participation. This consultation is open to all and please feel free to forward this onto anyone who may find this of interest.

Labelling

Following a short GB wide consultation [The Food Information \(Transitional Provisions\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2022 \(legislation.gov.uk\)](#) will come into force on 30th September 2022.

These Regulations make amendments to extend the existing transitional provisions contained a range of Scottish domestic legislation and EU exit legislation, which relate to various food labelling requirements. The existing transitional provisions, which were due to expire on 30 September 2022, will now continue to apply until the end of 2023. Similar analogous regulations are also due to come into force in England and Wales.

This follows the recent UK Government announcement to delay remaining import controls on EU goods entering Great Britain, in recognition of the significant supply chain impact due to Russia's illegal invasion of Ukraine and the recent rise in global energy costs. The UK Government considers that in this context it would be wrong to impose new administrative requirements on businesses who may pass-on the associated costs to consumers already facing pressures on their finances.

Following agreement from Scottish and Welsh Ministers, these changes will apply across the whole of GB.

In effect, delaying these labelling requirements will mean that EU labelling terms and EU addresses (in relation to the importer or Food Business Operator address requirement) will **continue to be permitted** on the GB market for an additional 15 months. To further help businesses in Scotland and across the UK, it has been decided to further extend the deadline to use "UK/EC" identification marks on the GB Market to 1st January 2024.

This will affect the following areas -

General food labelling: Food Business Operator (FBO) address requirements, Quick frozen foodstuffs, Extraction solvents, and Caseins and caseinates.

Labelling of specific products: Beef and veal, Minced meat, Honey blends, Olive oil, Fruit & vegetables, Eggs, Wine and

Identification marks for continued use of "UK/EC" mark on GB Market

You can find the notification that was issued to FSS stakeholders and those across England and Wales with a direct interest in these areas in the Annex.

Food Standards Scotland
Labelling and Composition Standards Policy Team

Annex



Extension to the period (currently due to end 30 September 2022) during which some EU labelling terms are still permitted on the GB market to 31 December 2023

In line with protecting consumers from unnecessary costs, the UK Government is delaying food labelling rule changes that were due to apply from 1 October 2022, until 1 January 2024. In general, delaying these labelling requirements will mean that some labelling terms and EU addresses (in relation to the importer or Food Business Operator address requirement) will **continue to be permitted** on the GB market for an additional 15 months.

Following formal agreement from both Welsh and Scottish Government, these changes will apply across the whole of GB.

How an individual food is currently labelled will determine whether it is affected. The advice below is for businesses placing goods on the GB market:

a. Food Business Operator Addresses

The existing rules stipulate that you must include a business name and address on the packaging or food label of prepacked food products. This must be either:

- the name of the business under whose name the food is marketed
- the address of the business that has imported the food

For Food Business Operator addresses (FBO):

- You can continue to use either an EU, GB or NI address for the FBO on pre-packaged food or caseins placed on the market in GB until 31 December 2023.
- From 1 January 2024, prepacked food or caseins sold in GB – including caseins sold in business-to-business transactions – must include a UK address for the FBO. If the FBO is not in the UK, include the address of your importer, based in the UK.

b. Quick frozen foods

For Quick-frozen foodstuffs placed on the GB market:

- You can continue to use an EU address until 31 December 2023.
- From 1 January 2024, the packaging, container, or label of quick-frozen foodstuffs sold in GB must include the name or business name and address of the manufacturer or packer or of a seller established in the UK who places that foodstuff on the market.

c. Extraction solvents

For extraction solvents placed on the GB market:

- You can continue to use an EU address until 31 December 2023.

- From 1 January 2024, the packaging, container, or label of extraction solvents sold in GB must include the name or business name and address of the manufacturer or packer or of a seller established in the UK.

d. Caseins and Caseinates

For caseins and caseinates placed on the GB market:

- You can continue to use an EU address until 31 December 2023.
- From 1 January 2024, the packaging, container, or label of caseins and caseinates sold in GB must include the name or business name and address of the manufacturer or packer or of a seller established in the UK.

e. Beef and veal labelling

For beef and veal placed on the GB market:

- You can (where appropriate) continue to refer to 'EU' or 'non-EU' when the label does not list each country of origin until 31 December 2023.
- From 1 January 2024, you must use 'UK' or 'non-UK' when the label does not list each country of origin.

f. Minced meat labelling (goat, sheep, swine and poultry)

For minced meat placed on the GB market:

- You can continue to refer to 'EU' and 'non-EU' when the label does not list each country of origin until 31 December 2023.
- From 1 January 2024, you must use 'UK' or 'non-UK' when the label does not list each country of origin.

g. Honey blends labelling

For honey blends placed on the market in England and Wales:

- You can continue to refer to 'EU' and 'non-EU' when the label does not list each country of origin until 31 December 2023.
- From 1 January 2024, you must use 'blend of honeys from more than one country' (or similar wording) if you decide not to list each country of origin.

For honey blends sold in Scotland you can make reference to trading blocs including EU and non-EU and can continue to do so after 31st December 2023.

h. Olive oil labelling

For olive oil blends placed on the GB market:

- You can continue to refer to 'EU' and 'non-EU' when the label does not list each country of origin until 31 December 2023.
- From 1 January 2024, you cannot use the term 'non-EU' for olive oil blends sold in GB.

If your extra virgin or virgin olive oil is a blend of oils from different countries, the label must contain one of the following:

- a list of each country of origin
- the statement 'blend of olive oils from more than one country' or similar wording
- the name of the trading bloc to which a regional trade agreement applies, for example 'blend of olive oils of European Union origin'.

i. Fruit and vegetable labelling

For mixes of fruit and vegetables sold in GB:

- You can continue to refer to 'EU' and 'non-EU' when the label does not list each country of origin until 31 December 2023.
- From 1 January 2024, you must use 'non-UK' or 'UK and non-UK' when the label does not list each country of origin.

If you're part of the Approved Trader Scheme, you must remove the EU emblem from your UK food labels and use the replacement GB label from 1 January 2021.

j. Egg labelling

For eggs sold in GB:

- In GB you can continue to mark eggs that do not meet domestic egg trade regulations as 'non-EC standard' or 'non-UK standard' until 31 December 2023.
- From 1 January 2024, you should mark these eggs as 'non-UK standard'.

k. Wine labelling

Wine that you import and market in GB must be labelled with the address of a UK based importer or bottler, or both.

- You can continue to use an EU importer or bottler's details until 31 December 2023.

l. Identification marks

To further help UK Food businesses, the use of "UK/EC" identification marks (required on products of animal origin) will continue until 31 December 2023. This is for Products Of Animal Origin (POAO) placed on the market in Great Britain. It is not applicable to POAO produced in the UK for placing on the EU, Northern Ireland or non-EU markets.

This would allow FBOs to continue to deplete existing stocks of labels, wrapping and packaging carrying the 'UK/EC' identification mark owned by the food business operator at the end of the Transition Period. The provision started from 1 January 2021 and is only available for food businesses up to 31 December 2023.

This delay is not intended to enable businesses to replenish stocks of labels, wrapping and packaging carrying the 'UK/EC' identification mark after the end of the Transition Period. Businesses have been encouraged to adopt the new markings as soon as possible following the end of the Transition Period.

FSA and FSS guidance relating to identification marks will be updated to reflect this extension.