



Brexit

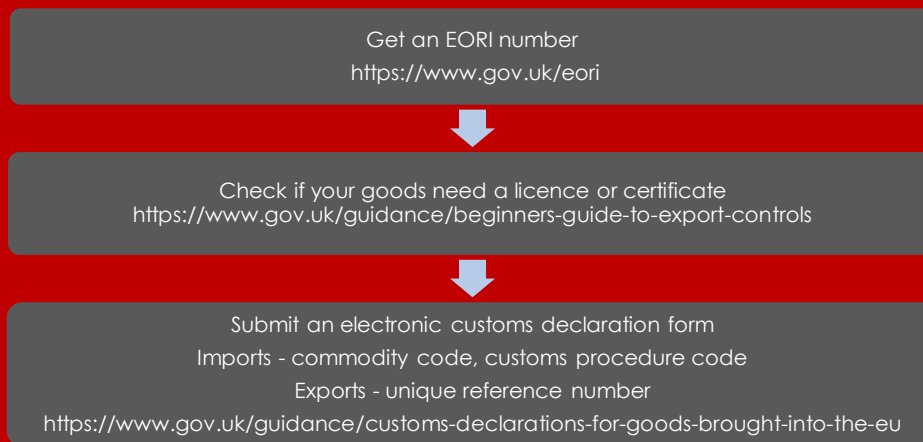
What do Food and Drink Manufacturers need to do for 1st January 2021 EU Exit?

The UK has left the European Union, with the transition period ending on 1st January 2021. If you are a Food Business Operator (FBO) and run a food or drink business in Wales, then you may have questions about what this will mean for you. Food Innovation Wales has put together some key considerations and outlined some changes to guide you through some of the questions you may have. For quick reference, immediate changes that may impact your business are:

Immediate Changes Summary

Imports and Exports

For all direct imports and exports follow the administration process;



For all exports follow the food safety and labelling requirements;

- Comply with specific labelling requirements on primary packaging – address, health identification marks, EU logos, Organic logos, origin statements
- comply with specific requirements for products of animal origin including composite products and animal by products – EU approved establishment, export health certificate, certifying officer approval for every consignment

Tariffs

- the UK will apply a UK specific tariff to imported goods
- use the UK Global Tariff Tool to check the tariffs that will apply to goods you import
- check VAT guidance
- be prepared to pay customs duty, import VAT, and excise duty for imported goods or if not directly, indirect price increases

Hiring

- register as a licensed sponsor to hire eligible people from outside the UK
- free movement is ending and the new points based immigration system will introduce job, salary and language requirements



Your Questions Answered

Selling to Northern Ireland

Northern Ireland (NI) will have specific rules regarding import and export of goods from the UK and the EU. Under the Northern Ireland Protocol, goods sold in NI will continue to follow EU rules for food labelling. There will be changes to labelling that apply from the end of the transition period. However, the UK Government recognises that business' will need time to adapt to these new labelling rules. In line with previous rule changes for labelling, there will be a proportionate and risk based enforcement approach for; identification marks, Food Business Operator (FBO) address requirements, and 'UK (NI)' origin labelling requirements. This approach will be implemented in a way which supports businesses as they adapt to the requirements over time.

Do I need to change my working practices?

From January 1st most UK food regulations will remain the same and the UK Government plans to adopt many current EU food regulations, making them UK law. This means you do not need to change any of your current manufacturing or food safety practices and do not need to change the guidance information you use to ensure your products are safe.

Do I need to change the guidance documents I use?

It is understood that the UK plans to incorporate the majority of EU regulations into UK law and current EU regulations regarding things like nutritional information, product claims, use of additives etc. will remain in place and valid until further notice.

I buy a lot of ingredients from the EU and other countries via a UK company, will I have a problem buying these?

If you buy goods through a supplier or broker based in the UK, then you should not need to change how you buy your ingredients. It is only the business importing the goods directly that will need to make the required changes. It will be important that you stay aware of any supply issues they may have or any delays they may expect.

I import ingredients and goods directly from an EU country, what will I need to do from January 1st?

From January 1st 2021, you will need to make customs declarations every time you import goods from the EU. This is the same as if you are importing from anywhere else in the world. Most declarations are submitted electronically through Customs Handling of Import and Export Freight (CHIEF) system.

You can do this yourself or through an appointed agent as specialist software is needed and you will need to apply for a CHIEF badge to do this. For further guidance:

<https://www.gov.uk/guidance/customs-declarations-for-goods-brought-into-the-eu?step-by-step-nav=1ddb4c89-1fe9-4ad0-b561-c1b0158e6bc5>

From January 1st 2021 you will also need an Economic Operators Registration and Identification number (EORI) number to move goods between the UK and the EU. This number provides you with a unique identifier with HMRC facilitating the process of customs declarations. For further guidance and to apply: <https://www.tax.service.gov.uk/customs/register-for-cds/>

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I import products of animal origin (POAO) from the EU, what will I need to do from January 1st?

For import of products of animal origin (POAO), requirements for health certificates will be introduced in phases from January to July 2021, depending on product category and risk level.

Health certificates for imports to the UK will be very similar to the existing EU certificates for imports from the rest of the world.

From January 1st you will no longer have access to the EU import system TRACES (Trade Control and Expert System). Instead you must use the new UK Import of Products, Animals, Food and Feed System (IPAFFS) for imports of POAOs, High risk foods and Animal Bi-Product (ABPs). There are several different product categories to consider. For full guidance:

<https://www.gov.uk/guidance/import-of-products-animals-food-and-feed-system>

I import alcohol from the EU, what will I need to do from January 1st?

From January 1st 2021, import of excise goods (Alcohol) from the EU to the UK will be treated the same as imports from the rest of the world. You will need to use the Customs Freight Simplified Procedures (CFSP) to import alcohol, which allows you to not have to make a full customs declaration for this type of product. For full guidance:

<https://www.gov.uk/guidance/importing-excise-goods-to-the-uk-from-the-eu-from-1-january-2021?step-by-step-nav=1ddb4c89-1fe9-4ad0-b561-c1b0158e6bc5>

My products will be placed on the market before January 1st 2021. Do I need to label them differently?

Any food products placed on the EU or UK market before January 1st 2021 can continue to circulate without labelling changes. 'Placed on the market' means when that product is first supplied for distribution, consumption, or commercial use.

Do I have to change my product labels after January 1st?

All food manufactured and sold in the UK will have to abide by UK law, however there is a transition period to allow businesses to make all the necessary changes to labelling and packaging. Businesses are expected to have made all labelling changes for foods manufactured and sold in the UK by **September 30th 2022**. After this time products will be considered non-compliant with the law and Local Authorities will be responsible for enforcement.

All food placed on the **EU** market from **January 1st 2021** will have to meet EU rules as of that date. You should check with your importer in the relevant country to ensure you comply. For further guidance:

<https://www.gov.uk/guidance/food-and-drink-labelling-changes-from-1-january-2021>

What are the product labelling changes going to be from January 1st 2021?

- Packaged foods manufactured in the UK to be sold in the EU or NI must have an EU or NI address for the food business included on the packaging / label. The address of the importer is acceptable if the FBO does not have an EU or NI address. This must be on the primary packaging i.e. product as it is displayed on shelf. You can still state your UK manufacturing



address in addition, but it is mandatory to include a contact address based in the EU or NI as the primary contact details

- Packaged foods sold in the UK must have a UK address for the food business on the packaging / label. If the manufacturer is not in the UK, include the address of your UK importer.
- If your product is approved as Organic by a recognised UK control body, you can continue to use the EU organic logo on your packaging until December 2021. If you are exporting these products to the EU, you must also include the appropriate statements of agriculture. For further guidance: <https://www.gov.uk/guidance/trading-and-labelling-organic-food-from-1-january-2021>
- You must not use the EU emblem or state 'origin EU' unless you have been authorised by the EU to do so. This includes origin statements on products such as fruits and vegetables and minced meat. For these products, origin terms must be changed to 'UK' and 'non-UK' as applicable.
- There are specific origin statement rules for products such as olive oil, honey, poultry, beef and eggs. For further guidance: <https://www.gov.uk/guidance/labelling-and-marketing-standards-from-1-january-2021>
- Geographical Indication (GI) protected food or drink produced and sold in the UK must use the relevant UK logo on packaging and any advertising. The UK has set up logos covering Protected Designation of Origin (PDO), Protected Geographical Indication (PGI) and Traditional Speciality Guaranteed (TSG). For further guidance: <https://www.gov.uk/guidance/protecting-food-and-drink-names-from-1-january-2021>

All existing UK products registered under the EU GI schemes will automatically remain protected under the new UK GI schemes. UK products that are protected in the EU can continue to use the EU logo when sold in the UK, in addition to the new UK logo.

- New UK health and identification marks applied to POAO produced in the UK must be used. For further guidance: <https://www.food.gov.uk/business-guidance/guidance-on-health-and-identification-marks-that-applies-from-1-january-2021>

I export my products to non-EU countries, do I need to change anything?

There are no planned changes to current export rules and processes for countries outside the EU. Labelling and packaging changes will still apply.

I export my products to Northern Ireland (NI), do I need to change anything?

Agreements held between the UK and NI as well as between NI and the rest of the EU mean that NI will have specific rules regarding import and export of goods.

Defra has set up a website to cover all aspects of moving goods to and from NI and provide you with the latest information and updates:

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<https://www.gov.uk/government/collections/moving-goods-into-out-of-or-through-northern-ireland-from-1-january-2021>

If you supply major retailers in NI via an established supply chain then you may qualify as an Authorised Trader. If you qualify as an Authorised Trader then from January 1st 2021 your products must be accompanied by either a STAMNI Compliance Declaration, or if they are a POAO, a P&R Compliance Declaration.

From **January 25th 2021** Products Of Animal Origin must be accompanied by a Prohibitions & Restrictions Official Certificate, and from **February 15th 2021** they must be accompanied by a full Export Health Certificate (EHC). These incremental certification changes are designed to reduce disruption to well-established supply chains to NI. For further guidance and to download certificates: <https://showcase.dropbox.com/s/Moving-goods-from-Great-Britain-to-Northern-Ireland-from-1-January-2021-Trader-Showcase-sCanryGwFBbfk1To30i73>

I export non-POAO products to EU countries, what do I need to do?

You will need to comply with all of the relevant labelling and packaging changes. From January 1st 2021 you will need an Economic Operators Registration and Identification number (EORI) number to move goods between the UK and the EU. This number provides you with a unique identifier with HMRC facilitating the process of customs declarations.

You can apply for an EORI online:

<https://www.tax.service.gov.uk/customs/register-for-cds/>

I export products of animal origin (POAO) to the EU, what do I need to do?

As with other product types, you will need to comply with all of the relevant labelling and packaging changes and you will need and EORI. For further guidance:

<https://www.gov.uk/guidance/exporting-animals-and-animal-products-to-the-eu-from-1-january-2021#exporting-or-moving-live-animals-and-animal-products>

You will need to be listed as an approved establishment with the EU if you export POAO. For guidance on how to get listed:

<https://www.food.gov.uk/business-guidance/listing-of-establishments-to-export-products-of-animal-origin-to-the-eu-or-move-such-products-to-northern-ireland>

POAO will also need to be accompanied by an export health certificate (EHC) to export into or through the EU. This includes 'composite products' that have a POAO as an ingredient such as pizzas or sandwiches. There are different certificates depending on the product type and you will need to provide detailed information about the product and its movement to complete the EHC using the online system. Every product type will require a separate certificate, even if they are transported together.

Every consignment will need to be approved by a certifying officer before it leaves your premises. A certifying officer is usually an 'Official Veterinarian' (OV) working in your area, who you must arrange to inspect the consignment at the site of manufacture. They will then approve and issue the completed EHC.

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The EHC, once issued will then accompany the consignment during transit and checks at a border control post (BCP) when it first enters the EU. For more information and to apply:

<https://www.gov.uk/government/publications/how-to-register-for-export-health-certificate-ehc-online/ehc-online-apply-for-export-health-certificates>

If you are already an approved establishment in England or Wales that exports POAO to the EU you will need to be listed with the European Commission. The FSA will automatically put you forward for listing with the European Commission. If you are approved but do not export to the EU then you can contact the Food Standards Agency (FSA) and ask for your business to be removed from the EU list eulistings@food.gov.uk, you will need to be on the approved list however if you supply others that export your product if it is fresh meat, meat products or MSM <https://www.food.gov.uk/business-guidance/listing-of-establishments-to-export-products-of-animal-origin-to-the-eu-or-move-such-products-to-northern-ireland>

Approved exporters of POAO are allocated a unique identification number (TRACES approval number). The unique identification number is recorded on the EU's TRACES NT system, along with business and approval activity details. The TRACES approval number must be used to fully complete the required Export Health Certificate (EHC).

Since leaving the EU on 1st January 2021 the UK no longer have access to the EU TRACES system – approved exporting businesses who do not know their TRACES approval number can find it via this link: <https://www.gov.uk/government/publications/businesses-approved-to-export-to-the-eu>

To export fish to the EU after January 1st 2021, you will need to follow the same rules that are currently in place for exports of fish to non-EU countries. You will need an Export Health Certificate (EHC) and a catch certificate.

You may also be required to submit supporting documents including storage or processing records.

For further guidance:

<https://www.gov.uk/guidance/export-fish-to-the-eu-from-1-january-2021>

How do I arrange an OV (Official Veterinarian) inspection?

When you apply for an Export Health Certificate (EHC) it will request the details of your chosen inspector. You must find a local inspector suitable to check your product type who is listed on the government database:

<https://www.gov.uk/government/publications/find-a-professional-to-certify-export-health-certificates/wales>

You must contact your local inspector and if they agree to perform the inspection at your site, you can arrange a suitable time and discuss any fees. The certificate is free, but there will be a charge for the inspection time. If you are exporting POAO to NI then the costs for inspection and certification may be covered by the Movement Assistance Scheme. For further guidance:

<https://www.gov.uk/guidance/movement-assistance-scheme-get-help-with-moving-agrifood-goods-to-northern-ireland>



Once you have completed the EHC online it will automatically be sent to your chosen inspector, who will then complete their sections and bring the document/s with them when they inspect the consignment. These documents will then stay with the consignment during any transport and holding, until they reach their final destination.

I export Alcohol to the EU, what do I need to do?

From January 1st 2021, exports of excise goods (Alcohol) from the UK to the EU will be treated the same as exports to the rest of the world. You will need to submit an electronic export declaration. If you're a business, you may be able to recover the excise duty on the exported goods by claiming excise duty drawback. For further guidance and to register:

<https://www.gov.uk/guidance/export-declarations-and-the-national-export-system-export-procedures>

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