

Food and drink labelling changes from 1 January 2021: Responses to some frequently asked questions received by Defra's Food Information to Consumers Team

Contents

Food and drink labelling changes from 1 January 2021: Responses to some frequently asked questions received by Defra's Food Information to Consumers Team	1
Food and drink labelling changes from 1 January 2021	2
Goods marketed in Great Britain (GB)	2
Have food labelling rules stayed the same after the transition period ends?.....	2
How long do we have to implement label changes?	2
What are the FBO/importer address requirements for food placed on the GB market?	3
What are the Country of Origin labelling requirements for food placed on the GB market?.....	3
What are the Country of Origin labelling requirements for NI food placed on the GB market?	3
Who will enforce the UK rules in GB?	4
What if I am an NI company selling food in GB?.....	4
What if I am a EU27 company selling food in GB?	4
Goods marketed in Northern Ireland (NI).....	4
How are food labelling rules affected by the end of the transition period?	4
How long do we have to implement label changes?	4
What are the FBO/importer requirements for food placed on the NI market?	5
What are the Country of Origin labelling requirements for food placed on the NI market?	5
What happens to food products placed on the NI market before and after the transition period? .	5
Who will enforce EU rules in NI?	5
What has changed if I am a GB company selling food in NI?.....	6
Why is NI different to Wales, England and Scotland?	6
Goods marketed in the EU	6
Have food labelling rules stayed the same after the transition period ended?	6
What are the FBO requirements for food placed on the EU market?	7
What are the Country of Origin labelling requirements for food placed on the EU market?	7
What happens to food products placed on the EU market before and after the transition period? .	7
What does 'placed on the market' mean?.....	7
What does established mean in relation to an FBO address?	8

Will dual labelling of FBO/importer addresses be acceptable?.....	8
Is a PO Box number a legitimate FBO address?.....	8
What information is required on external packaging if food is sold at a stage before selling to the final consumer?.....	9
Will over stickering be allowed where needed to ensure compliance?.....	9

Food and drink labelling changes from 1 January 2021

This information is valid from 1 January 2021 and is intended to supplement, not replace information provided at gov.uk at the links below.

From 1 January 2021, guidance has been updated on these Gov.uk pages covering:

- [Food labelling: giving food information to consumers](#)
- [Food labelling: country of origin](#)
- [Food labelling and packaging](#)

Goods marketed in Great Britain (GB)

Have food labelling rules stayed the same after the transition period ends?

Most of the requirements on food labelling remain as they were before the end of the transition period, because we are retaining EU legislation in UK law.

However, the effect of the rules will be different in some limited respects because of the UK not now being a member state of the EU. For example, Statutory Instruments are being, and have been laid to replace EU-centric language so that the law is suitable in the UK.

How long do we have to implement label changes?

UK Government has put in place provisions wherever possible to allow a period of adjustment for labelling changes in relation to goods produced or imported and placed on the GB market. The period of adjustment will be for 21 months until 30 September 2022.

Where it has not been possible to make such provisions in law, enforcement officials will work with businesses using the normal code of practice and taking into consideration the changes that are needed to implement the changes in a reasonable timescale.

Businesses are encouraged to make the required changes as soon as practicable.

What are the FBO/importer address requirements for food placed on the GB market?

Until 30 September 2022, pre-packaged food or caseins sold in GB may use one (or both) of the following options:

- A UK address: this would be the address of the FBO established in the UK, or if the FBO is not established in the UK it would be the address of the importer of the food.

or

- An EU address: this would be the address of the FBO established in the EU, or if the FBO is not established in the EU it would be the address of the importer of the food.

From 1 October 2022 you will need a UK address.

What are the Country of Origin labelling requirements for food placed on the GB market?

For any food, no change to origin labelling will be required where the origin is expressed as the specific country or countries involved.

From 1 October 2022, food from GB must not be labelled as 'origin 'EU': the origin given would need to be "UK" or a suitable place of provenance, depending on what the origin labelling rules for that food allow.

Origin labelling requirements of specific foods such as meat of lamb, pig, goat and poultry, beef and veal, blended honeys, mixed fruit and vegetables will continue, however origin indicators which can be used as an alternative to listing individual countries will change to reflect that the UK is no longer a part of the EU. For example, when not listing the individual countries of origin for minced meat of lamb, pig, goat and poultry, you will use the origin indicator "non-UK" on its own or with "UK" as appropriate. See our [guidance](#) for more information on how specific foods are affected.

What are the Country of Origin labelling requirements for NI food placed on the GB market?

Food originating from NI and sold in GB can be labelled as 'UK(NI)', 'United Kingdom (Northern Ireland)' or 'UK'. Or if the specific country or countries are not given then it can be labelled as 'origin EU'.

Who will enforce the UK rules in GB?

Rules will be enforced by Trading Standards Officers under the control of Local Authorities.

What if I am an NI company selling food in GB?

Food that is compliant with the EU, rather than UK rules, may be sold in the UK until 30 September 2022. The Government will provide further guidance to set out what the arrangements after September 2022 will be, including those for Qualifying Northern Ireland goods, which will continue to benefit from unfettered market access.

What if I am a EU27 company selling food in GB?

Food from the EU will need to be compliant with UK rules from 1 October 2022. Before that time, it may be sold in the UK so long as it complies with EU law as it was immediately before the end of the transition period ended (December 2020).

Goods marketed in Northern Ireland (NI)

How are food labelling rules affected by the end of the transition period?

Under the Northern Ireland Protocol, goods sold in NI continue to follow EU rules for food labelling after 1 January 2021. Some food labels will however need to change because of the impacts of EU Exit and the Northern Ireland Protocol.

How long do we have to implement label changes?

The UK Government is working with the Department of Agriculture, the Environment and Rural Affairs (DAERA) and district councils in NI on a proportionate and risk based enforcement approach of new labelling requirements on the NI market that takes these challenges into account. This is in line with existing codes of practice.

In particular this will help with changes for:

- Food Business Operator (FBO) address requirements
- Origin Labelling
- ID marks – for more information see link [Food Standards Agency's guidance on the new health and identification marks](#)

What are the FBO/importer requirements for food placed on the NI market?

Pre-packaged food or caseins placed on the market in NI from 1 January 2021 must include a NI or EU FBO address. If the FBO is not in NI or EU, include the address of your importer, based in NI or the EU.

What are the Country of Origin labelling requirements for food placed on the NI market?

Since 1 January 2021, food from and sold in NI requiring an origin declaration should be labelled as origin 'UK(NI)' or 'United Kingdom (Northern Ireland)' where EU law provides for the EU member state to be given.

Where EU law does not require an EU member state to be indicated, food from and sold in NI can continue to use 'origin EU' or 'origin UK'. Food from GB must not be labelled as origin 'EU' from 1 January 2021.

The rules remain unchanged on non-country specific origin indicators for certain foods, provided in law as an alternative to listing individual countries of origin. See our [guidance](#) for more information on how these specific foods, including meat of lamb, pig, goat and poultry, beef and veal, blended honeys, mixed fruit and vegetables are affected.

What happens to food products placed on the NI market before and after the transition period?

Food of animal origin that was placed on the EU or NI markets before 1 January 2021 can continue to circulate within the EU and NI markets without labelling changes. Food of animal origin placed on the EU or NI markets from 1 January 2021 will have to meet EU rules.

Food of non-animal origin that was placed on either the UK or EU markets before 1 January 2021 can continue to circulate both in EU and UK markets without labelling changes. Food of non-animal origin placed on the EU or NI markets from 1 January 2021 will have to meet EU rules.

Who will enforce EU rules in NI?

District Councils and DAERA are responsible for enforcement in Northern Ireland.

What has changed if I am a GB company selling food in NI?

Food from GB sold in NI needs to comply with EU labelling rules as a consequence of the Northern Ireland Protocol.

For example, an address of the FBO or importer in the EU or NI needs to be provided. An address in GB alone is not sufficient. And the way you describe the origin of your food may have changed depending on what the food is and where it is from.

Why is NI different to Wales, England and Scotland?

The Withdrawal Agreement includes a protocol on Ireland/Northern Ireland designed to avoid a hard border on the island of Ireland. This has a number of consequences for selling goods in NI.

Goods marketed in the EU

The EU and individual EU Member States are responsible for the application and enforcement of EU regulations after the Implementation Period. The UK will be treated by the EU as a third country. Equivalence arrangements and Third Country Listings agreed between the UK and EU may affect some labelling requirements.

The following pages will be updated in line with the arrangements:

<https://www.gov.uk/guidance/labelling-and-marketing-standards-from-1-january-2021>

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

The EU has issued a notice to stakeholders general food law, including labelling changes required from 1 January 2021:

https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/notice_for_stakeholders_food_law.pdf

Businesses are advised to read this EU Notice to Stakeholders and where necessary seek clarification with their business partners and the appropriate EU authorities on the application of EU law.

Have food labelling rules stayed the same after the transition period ended?

There are no immediate planned changes to EU food information legislation in early 2021. However, the EU may make changes over time.

What are the FBO requirements for food placed on the EU market?

Pre-packaged food and caseins must have an EU or Northern Ireland (NI) address for the FBO, or an address of the EU or NI importer of the food on the packaging or food label. A GB address alone will not be sufficient.

If an importer's details are used as an alternative to an FBO address, this must be the name and EU address of the importer who imported the goods into the EU market. A single FBO/importer address in the EU or NI is sufficient for the food to be allowed to freely circulate throughout the EU.

What are the Country of Origin labelling requirements for food placed on the EU market?

The Northern Ireland Protocol introduces the requirement that food from NI be labelled as 'UK(NI)' or 'United Kingdom (Northern Ireland)' where EU law requires a specific indication of EU Member State.

The rules otherwise remain the same but food from GB must not be labelled as origin 'EU' from 1 January 2021. Food from NI can use 'origin EU'.

What happens to food products placed on the EU market before and after the transition period?

Food of animal origin that was placed on the EU or NI markets before 1 January 2021 can continue to circulate within the EU and NI markets without labelling changes. Food of animal origin placed on the EU or NI markets from 1 January 2021 will have to meet EU rules.

Food of non-animal origin that was placed on either the UK or EU markets before 1 January 2021 can continue to circulate both in EU and UK markets without labelling changes. Food of non-animal origin placed on the EU or NI markets from 1 January 2021 will have to meet EU rules.

General labelling

What does 'placed on the market' mean?

Articles 40 – 42 of the Withdrawal Agreement provide definitions for placing goods on the EU and UK markets and explains what happens to foods placed on these markets before 1 January 2021.

A good is 'placed on the market' in the EU, when it is first supplied for distribution, consumption, or commercial use, whether free of charge or not.

All food placed on the EU market from 1 January 2021 will have to meet EU rules and will be subject to the definition in 178/2022, which is relevant to general food law, including 1169/2011 and associated Implementing Regulations.

What does established mean in relation to an FBO address?

To be "established", the FBO must have a physical presence in the country by way of a unit of food business. This unit of food business needs to be able to take responsibility for the goods and for the presence and accuracy of the food information on the label presented to the consumer in the market in which the goods are placed.

'Food business' means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food.

'Food business operator' means the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.

Will dual labelling of FBO/importer addresses be acceptable?

Yes. A UK and an EU address used on a label should ensure address requirements are met, allowing products to be placed on the GB, NI and EU markets. An NI address will be acceptable in all of the GB, NI and EU markets.

If an importer's details are used as an alternative to an FBO address, this must be the name and address in the EU for the EU market and in the UK for the GB market of the importer who imported the goods into the respective market. The use of two importer addresses, one the importer into the EU and one into the UK, would be acceptable for food labels placed on the GB market. Ideally, the wording would make clear on the label which importer is responsible for importing into which market. We would advise businesses wishing to dual label products in this way for the EU market to seek advice of their EU importer on compliance with the EU's labelling requirements.

Is a PO Box number a legitimate FBO address?

The address provided on the label must be genuine and substantive enough to meet the purposes of the provision of the Food Information to Consumers Regulation which is to enable the FBO or importer to be contacted directly, quickly and easily concerning any issue arising from their product and to allow enforcement notices to be served if necessary. If PO boxes are used on the label they must serve this

purpose and do not replace the need for the business concerned to be established with a physical presence.

We are unable to comment on whether the EU will find PO boxes acceptable on food labels in EU27 countries as this is down to EU interpretation and is not within our control.

What information is required on external packaging if food is sold at a stage before selling to the final consumer?

Where a number of retail units are packed in external packaging, for example 12 jars of pasta sauce inside a cardboard box, and marketed at a stage prior to sale to the final consumer, the following information should appear on the outer packaging;

- The name of the food
- The name and address of the FBO or importer of the food responsible for information
- The date of minimum durability or 'use by' date
- Where appropriate the conditions of storage of the food.

The address of the FBO or importer will be the address in the market where the food is marketed. If the food is marketed in the EU or NI, the address should be in the EU or NI. If the food is marketed in GB, the address should be in the UK. There is no requirement to change this address if the food is moved from one market to another unless it is intended to be further marketed in the receiving market at a stage prior to sale to the final consumer.

Will over stickering be allowed where needed to ensure compliance?

Yes, over labelling is acceptable providing you don't obstruct other mandatory information.