Response to FSS Request for information - Trade in products of animal origin (POAO) and proposed changes to the current form of the Health and Identification Mark

1. **What concerns do you have, if any, regarding the proposed change to the Health and Identification mark outlined above?**

FDF Scotland acknowledges that the change proposed by the FSS consists of a practicable adaption of the existing health and identification marks. The removal of the 'EC' reference reflects the new status of the UK as a third country whilst at the same time, ensuring the key information as to the approved status of a given establishment is maintained. This should hopefully minimise any potential confusion for food businesses, authorities or consumers, and the key aspect of traceability to a given approved establishment is maintained. There is, however, a cost in updating packaging which bears the mark, whether this be applied directly to packaging, pre-printed films, outer boxes, lids and labels; and it is likely to involve the origination of new artwork and associated costs.

Members are concerned about the timeframe to implement the proposed change, particularly in the event of a 'no deal' outcome; whereby not agreeing an implementation/transition period would mean the old UK mark would be deemed non-compliant in several months' time by EU Member State enforcement officials. The UK needs to seek reassurance of pragmatic and proportionate enforcement across the EU for the sell-through of such products effected.

In this regard, FDF understands that manufacturers/designers/printers, in terms of the packaging life cycle, would potentially need up to 18 months to implement the label changes, after this sell-through provisions can then apply for the UK market, and in the EU.

Recognising that the application of health and identification marks is an aspect of official controls legislation in respect of informing authorities the approved status of manufacturing establishments, FDF stresses that timely communication of this change to all relevant food manufactures is required, alongside information in respect of how new establishment approvals and marks will be issued and administered in the UK going forward.

2. **Do you have any information that will help FSS decide how long we should continue to accept for domestic use packaging bearing the old Identification mark, after the UK has left the EU?**

FDF recommends that products bearing the old identification mark should continue to be accepted for domestic use until existing stocks are exhausted; subsequently, this means that at some point, both formats of the mark would be on the market. With consideration to affected food categories that have the longest shelf-life, such as frozen foods with 18-24 months shelf-life, it would be most appropriate to allow placing on the market of foods with the old marks for at least 24 months after EU exit.

This timescale should be closely comparable to the transition period allowed to implement the labelling changes required under Food Information for Consumers (FIC) Regulation (i.e. 3 years), as there are several other third country labelling consequences as a result of EU exit and manufacturers should ideally need only make a single artwork change per product.

3. **If you store pre-printed labels or packaging bearing the Identification mark, can you give us an estimate of how long it would take you to use any existing stock?**

FDF members supply numerous categories of products and packaging formats, and the number of pre-printed labels depends largely on minimum order quantities and speed of sale, which can vary significantly and range from 6 weeks to at least 12 months. Label and packaging stocks have a significant value for businesses, therefore it is important that stock write-off is avoided.

4. **Are there any other impacts FSS should be made aware of as a result of changing the Health and Identification mark as a consequence of leaving the EU?**

FDF recognises that, following EU exit, the United Kingdom will have a 'third country' status, meaning the country code used in health and identification marks will have to comply with the international code list established by the International Organisation for Standardisation (ISO), which in this case the alpha-2 code is 'GB' and not 'UK'. It is important that the 'UK' country code remains accepted by the EU and internationally.

FDF's membership includes multi-national companies with storage facilities throughout the EU. As such, multi-lingual products and labels shared with the Republic of Ireland and other EU Member States will be considered non-compliant after EU exit in the event of a 'no-deal' scenario. Therefore, exhausting existing stocks already within the EU will be challenging, even if these are returned to the UK for domestic sale as a factor of high volume. In some instances, these large companies may not know at point of manufacture if the products are being sold in the UK alone, UK and Ireland, or the wider EU market.

FDF seeks reassurance on the following points:

- That the UK will continue to recognise and accept imported food products from the EU that are labelled with EU health and identification marks.
- existing approval numbers for UK approved establishments will not change and will be suitable for EU third country approval to maintain exports to the EU.
- That the EU would recognise FSA/FSS as Competent Authorities along with continued recognition that UK approved establishments demonstrate compliance with the relevant requirements of EU food law.

FDF seeks clarity on:

- the format of the new export health certificates, and the UK capacity of official veterinarians to deliver these certificates without further delays.
- the timeframe to start implementing the proposed changes in order to plan accordingly.

Where FDF members procure goods via an agent, a traceability system is in place with

documentation involving plant approval numbers for approved manufacturers, in both hard and soft copy systems. The process of changing the health and identification marks will hamper the speed of tracing products while the systems are adapted to both old and new marks. This adds to the cost and the time required to adjust the smooth-running of the business.

5. **Do you have any views as to the possibility of incorporating a "Scotland Specific" element to Health and Identification marks at a future date?**

FDF highly recommends the unified implementation of the proposed health and identification marks throughout the United Kingdom, with consistent application across the devolved administrations.

There is no 2 digit ISO code for the devolved countries of the UK so it would also need to be confirmed that use of any indicator such as "SCO" would not cause issues.

FDF Scotland members have not highlighted any advantage in having a separate Scotland code added to the health mark and probably additional complications in explaining to 3rd countries what it means. "Made in Scotland" can already be used in a more visible way on the labelling if this is seen to portray an important provenance relevant to the brand.

It is important that the FSS fully assesses the impact of this change, so please tell us of any views or evidence to assist our assessment. In particular:

6. FSS would welcome any information you can provide on the costs associated with:

- ✓ **printing identification marks for EU export**
- ✓ **printing identification marks for the domestic market**
- ✓ **(re)designing those labels**