

Brexit Notice in relation to storage, distribution, traceability, labelling and identification of food from the United Kingdom, excluding Northern Ireland

Context

The United Kingdom (UK) left the European Union (EU) on 1 February 2020 after the EU and the UK concluded a Withdrawal Agreement which facilitates an orderly UK departure from the EU. The Withdrawal Agreement provides for a transition period, intended to give time to both sides to prepare for the changes that will arise on 1 January 2021. From this point, the UK will be outside the EU Single Market and Customs Union, and EU law will no longer apply to or in respect of the UK (excluding Northern Ireland). The Withdrawal Agreement includes the Protocol on Ireland/Northern Ireland which means that different arrangements apply to Northern Ireland.

The focus of this document is storage, distribution, traceability, labelling and identification of food from the UK, excluding Northern Ireland. This document does not cover controls on imported or exported foods – you can find information on these and other Brexit areas at www.fsai.ie/Brexit.

As part of their Brexit preparations food businesses may be considering new activities to ensure compliance with EU legislation after 1st January 2021. The Food Safety Authority of Ireland (FSAI) has published guidance including a [Brexit Q&A](http://www.fsai.ie/Brexit) available at www.fsai.ie/Brexit that provides answers to the full range of industry Brexit queries received by FSAI as well as guidance and support materials.

It is understandable that food businesses are exploring options to prepare for the end of the transition period to mitigate the risks to their business. Any such activities must ensure that no additional risks are being introduced in relation to food safety and integrity and that activities are carried out in line with legal requirements.

Target for this notice

Food businesses storing or distributing food from the UK, (excluding Northern Ireland)

This may be occurring:

- (a) at storage facilities that are attached to or are part of a registered or approved food businesses
- (b) standalone storage establishment e.g. central distribution centres
- (c) off-site through the use of the services of a commercial storage/distribution company.

Food businesses using the services of commercial storage may:

- (i) lease all or part of the establishment or chambers or rooms within the storage facility

(ii) use the commercial storage provider to carry out activities on their behalf such as storage, goods receiving, dispatch, blast freezing, tempering, rewrapping/repacking, decanting, cross-docking etc.

Requirements

Storage/Distribution

- Establishments used for food storage and/or distribution must be registered and where required approved by the appropriate food competent authority, for the activities they carry out
- Any additional storage units of a food businesses including temporary or permanent off-site storage must be registered or approved by the appropriate competent authority. All cold storage of foods that are subject to Regulation (EC) No 853/2004 (products of animal origin) require approval, other than those operated by a retail establishment.
- Food businesses leasing space within establishments that offer storage and/or distribution services must be separately registered or approved, as required by food law.
- Businesses must ensure that the storage capacity is suitable for the amount of stock held to ensure that no risks to the safety and integrity of the food are introduced.
- Establishments where food is stored/distributed including any leased storage space must comply with all relevant food legislation requirements including:
 - food hygiene including the requirement for a food safety management system that reflects all the food businesses' activities.
 - temperature control including in relation to defrosting or blast freezing
 - food labelling, traceability and identification
- If using the services of a commercial cold store or ambient storage, documented arrangements should be in place between the food business and the storage operators. Such documented arrangements must reflect fully the activities the cold store or ambient store operator is carrying out on behalf of the food business. These documented arrangements must be made available to the relevant inspector.

Traceability, labelling and identification

- Food Business Operators are responsible for ensuring the traceability, labelling and identification of the food products under their control whether stored on their premises or in temporary or permanent off-site storage units.
- Food businesses must be able to trace their food one step back and, if supply is to another food business, one step forward. Certain information in relation to traceability must be recorded and records kept and available to show inspectors.
- Food on the EU market must comply with general and specific labelling rules¹. From 1 January 2021, if you import food from the UK, excluding Northern Ireland, you will need to comply with the requirements for placing imported food on the Irish market. Food businesses must ensure where changes or updates are being made to labels that this is done in compliance with the relevant rules. Further information on Brexit and food labelling is available at www.fsai.ie/Brexit. Food businesses considering, on a temporary basis, the use of overlay stickers for mandatory information on foods must ensure labelling is in

¹ [Regulation \(EU\) 1169/2011 on the provision of food information to consumers](#)

compliance with EU food law. Food business operators are responsible for any changes they make to food information accompanying a food.

- The Withdrawal Agreement has specific rules in relation to placing foods from the UK, excluding Northern Ireland, on the EU market up to and after 1st January 2021. Food businesses that are moving food from the United Kingdom, excluding Northern Ireland, to Ireland or between Ireland and other Member States in the EU using the UK land bridge should be aware of these rules, noting that the rules for foods of animal origin and foods of non-animal origin differ. Further information on placing food on the market is available at www.fsai.ie/Brexit.
- Food businesses that make or handle food of animal origin, must (with some limited exceptions) be approved before placing food products on the EU market. Approved food businesses are issued with an identification mark that is unique to their establishment. This identification mark is applied to the packaging of foods of animal origin, only if the food has been manufactured in accordance with EU food hygiene legislation² and in an establishment meeting the requirements of that legislation. EU legislation² sets out the format for the identification mark on the label.

For foods of animal origin from the UK, excluding Northern Ireland:

- Up to 31 December 2020 only the current EU identification mark is acceptable on the UK or EU market.
- Foods of animal origin from the UK³, placed on the EU market after 1 January 2021 must use the new UK identification marks. Detailed information on identification marks and the requirements for “placed on the EU market” including the rules on foods placed on the market in the EU before 31st December 2020 is provided in the [Brexit Q&A](#).

Note: Please note the strict rules for application of the identification mark at an approved establishment provided in Section 4 of the [Brexit Q&A](#).

Key questions for storage, distribution, traceability and labelling of foods from the United Kingdom, excluding Northern Ireland, as you prepare for Brexit:

1. Is this activity something that your food business already carries out? If you are using a commercial company for storage, distribution or other services, is this activity part of the services already offered by this food business?
2. If Yes, is it included as part of the Food Safety Management System?
3. If No, does the activity require separate registration or approval or does it require an extension to the existing registration / approval held by the food business?
4. Any new activities should be risk assessed from a food safety viewpoint and controls to manage any identified risks should be incorporated into the business' Food Safety Management System.
5. Food Businesses should consult with their inspector in relation to their Brexit preparedness plans, especially for any new activities arising.

² [Regulation \(EC\) No 853/2004](#) of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin

³ Note: From 1 January 2021 there are different identification mark for foods of animal origin from Northern Ireland and from the United Kingdom, excluding Northern Ireland.

Useful Resources to support food businesses' Brexit preparation

www.fsai.ie/Brexit

[EU Commission Notices](#) on getting ready for changes

[Getting Ireland Brexit Ready](#)

[Department of Agriculture, Food and the Marine](#) (DAFM)

[Sea Fisheries Protection Authority](#) (SFPA)

[Health Service Executive](#) (HSE)

[Brexit advice for Local Authority supervised businesses](#)