

Questions and Answers

Brexit and Food Law in Ireland

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Introduction

The United Kingdom left the European Union 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 date, 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.

The Withdrawal Agreement includes the Protocol on Ireland/Northern Ireland which means that different arrangements apply to Northern Ireland. The Protocol provides that Northern Ireland is legally part of the UK customs territory but subject to certain provisions of EU law, including EU food law. This means that there will be **no change to current procedures and no new checks or controls for trade in food in either direction between Ireland and Northern Ireland from the end of the transition period.**

With no new checks or controls on food moving in either direction between Ireland and Northern Ireland, the focus of this document is on questions that the FSAI has received from food businesses on food law requirements when sourcing food from the UK (excluding Northern Ireland) or supplying food to the UK (excluding Northern Ireland).

References to EU market in this document apply to foods being placed on the Irish market as well other EU Member States.

This document is a live document and will be edited and updated as and when new information becomes available. The date on which the document was last updated is included for ease of reference.

1. Imports

1.1. What is a food import?

Food imports refer to the movement of food products into EU Member States (MS) from countries outside the EU (third countries). Food is free to move between MS without any additional controls as it complies with the same legislation, this is referred to as an 'intra-community trade' or 'trade'. As the UK has left the EU, once the transition period ends, foods from the UK (excluding Northern Ireland) will be a third country import and will be subject to import controls.

All food brought into the EU must comply in full with the general food safety requirements of [Regulation \(EC\) 178/2002](#)¹. In addition, product specific legislation also applies, in the case of food being imported into the EU from a third country. This may require additional documentation and prenotification of arrival.

1.2. What are EU import controls on foods?

EU food import controls are checks on foods at the point of entry into an EU member state. There are also import controls on certain food contact materials. Import controls are a legal requirement of EU food law that ensures food safety and consumer protection. They are crucial in verifying compliance of food and related products with relevant food safety requirements and legislation. Import controls are also carried out on live animals, plants and products of animal or plant origin entering the EU market. Food import controls can consist of documentary checks, identity checks and physical checks. Further information on import controls is available on the [FSAI food import control eLearning module](#).

1.3. What are Border Control Posts?

Border Control Posts (BCPs) are entry points to the EU market through which consignments of food and food contact materials that are subject to increased controls must enter the EU. BCPs are designated for certain types of food so you need to know the BCP that is relevant to the product you are importing.

¹ Regulation (EC) No 178/2002 of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

Note that some of these BCPs will be updated in advance of 1 January 2021.

List of Border Control Posts – [Foods of animal origin](#)

List of Border Control Posts – [Foods of non-animal origin](#)

List of Border Control Posts – [Plants and plant products](#)

1.4. My business brings food from the UK into Ireland, do I need to let the food safety inspectorate know that I am now an importer?

If you bring food in from the UK (excluding Northern Ireland) from the 1 January 2021 onwards it will be considered an import. Requirements regarding imports are set out in EU and Irish legislation and include the requirement to register/notify your food business with the relevant food inspectorate.

Food of animal origin and plants and plant products

If you want to continue trading in foods of animal origin (including fish) or products of plant origin, the operator responsible for the consignment must register with the [Department of Agriculture, Food and the Marine \(DAFM\)](#), in order to access their online import platform and submit the documentation required by EU legislation for import consignments from a third country. Further details are available on the [DAFM website](#).

For operators currently registered with DAFM and who intend to continue trading with the UK from 1 January 2021, update your registration by clicking on the DAFM [online registration portal](#) to indicate whether you are importing (the operator responsible for the consignment) and/or exporting.

For queries on completing the registration process contact BrexitRegistration@agriculture.gov.ie

Food of non-animal origin

For imports of food of non-animal origin, you may need to notify the Environmental Health Service (EHS) of the Health Service Executive (HSE). For further information on importing through:

- Dublin Seaport or Dublin Airport contact Dublin Specialist Section Environmental Health Service at: importcontroldublin@hse.ie
- Rosslare contact Rosslare Environmental Health Service at: importcontrolrosslare@hse.ie
- Cork Seaport or Cork Airport contact Cork South Lee Environmental Health Service at: corkporthealth@hse.ie
- Shannon Airport contact Clare Environmental Health Service at: clareporthealth@hse.ie

1.5. My business only imports once or twice a year, is there an exemption for small amounts?

No. All food imported into the Irish market must meet the requirements set down in EU and Irish food law. If the food your business is importing is subject to additional controls, such as those set for certain high risk foods, your food will be subject to the requirements set out in the particular legislation regardless of the size or numbers of consignments e.g. requirement to pre-notify authorities of its arrival and the obligation regarding the submission of specific certificates will be applicable.

2. Exports

2.1. What about exports to UK?

The movement of goods to a destination outside the EU is referred to as an 'export'. Trading with countries that are not members of the EU is often referred to as 'exporting to a third country'. The EU has an online portal [Access2Markets](#) that contains extensive information about market access conditions in third countries, including restrictions or additional certification requirements. Each country outside the EU set their own requirements regarding food placed on their market.

Irish businesses that wish to sell any food product in the UK (excluding Northern Ireland) will need to adhere to the rules and requirements for exporting outside the EU, as well as to import requirements set by the UK government.

From 1 January 2021 the UK will be able to set their own requirements for the operation of their border controls. The UK Government has published its [Border Operating Model](#), outlining their plans for the introduction of border controls on exports to the UK (excluding Northern Ireland) from the EU. These plans indicate that controls will be implemented in three phases, from 1 January 2021 and with full controls implemented by July 2021.

If you trade with the UK (excluding Northern Ireland), or use the landbridge across the UK, you should make yourself aware of your responsibilities in relation to [UK customs and regulatory checks and controls](#). In particular, it will be necessary to be aware of the introduction of controls on a phased basis in January, April and July 2021.

Further information on the requirements is available at [GOV.UK](#).

2.2. Will I need an export certificate?

The UK Governments' [Border Operating Model](#) sets out when an export certificate is required for food exported from the EU to the UK. Further details on the format of the health certificates are available at [Gov.UK](#)

2.3. Who do I contact about getting an export certificate for my customer in the UK?

The Irish authorities are currently developing the systems to provide food businesses with export certificates for the UK (excluding Northern Ireland) where they are required. We will keep businesses informed through the local inspectors that supervise your food business, the FSAI website and through the Irish Government Brexit information webpages.

2.4. I supply food products to Northern Ireland from my business in Dublin, will there be new food safety requirements for that food at the end of the transition period?

No. Under the terms of the Protocol on Ireland/Northern Ireland no new checks or controls will apply to foods moving between Ireland and Northern Ireland in either direction.

3. Placed on the market

3.1. What does placed on the market mean?

The Withdrawal Agreement between the EU and the UK defines

“placing on the market” as meaning *“the first supply of a good for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge”*.

‘Supply’ is also defined as *‘an existing and individually identifiable good, after the stage of manufacturing has taken place, is the subject matter of a written or verbal agreement between two or more legal or natural persons for the transfer of ownership, any other property right, or possession concerning the good in question, or is the subject matter of an offer to a legal or natural person or persons to conclude such an agreement’*.

3.2. What about food placed on the market before 1 January 2021, do I have to relabel?

Foods of non-animal origin

Under the terms of the Withdrawal Agreement an existing and individually identifiable food of non-animal origin lawfully placed on the market in the EU or the United Kingdom before 1 January 2021, may be further made available on the market of the EU or of the United Kingdom and circulate between these two markets until it reaches its end-user. This means that if the address

indicated on the label of these foods of non animal origin is an address in Great Britain, they will not be required to include an EU address.

Example: An individual food (of non-animal origin) sold by a UK-based producer to a UK based wholesaler before the end of the transition period can still be imported into Ireland without the need for re-labelling to indicate the name or business name and address of the EU importer.

Foods of animal origin

Food of animal origin e.g. meat, fish, milk, eggs, honey or foods containing these as an ingredient, which originated in the UK (excluding Northern Ireland) and are **placed on the EU market before 1 January 2021**, can continue to be traded on the EU market. However, **food of animal origin originating in the UK (excluding Northern Ireland) and arriving into Ireland from 1 January 2021 onwards must comply with EU food labelling requirements e.g. have an EU address**, even if the food of animal origin had been placed on the market in the UK (excluding Northern Ireland) before the end of the transition period.

Further information is available in the [EU food law notice](#).

3.3. If I have foods of animal origin from the UK on my supermarket shelf on the 1 January 2021 will I have to remove them?

No. Under the terms of the Withdrawal Agreement food of animal origin that is physically present in Ireland prior to this date can remain on the Irish market without the need to change the label. The food business operator availing of this provision in the Withdrawal Agreement must be able to demonstrate that the food was placed on the market in the EU before 1 January 2021.

3.4. I will have food of animal origin from the UK in a warehouse/coldstore in Ireland, can I send it on to my customer in Ireland after 1 January 2021?

Yes. Under the terms of the Withdrawal Agreement, food that arrives into Ireland before the end of the transition period and is labelled in accordance with the current rules (e.g. UK address and EU Identification mark) can continue to be traded on the Irish market. The food business operator availing of this provision in the Withdrawal Agreement must be able to demonstrate that the food was placed on the market in Ireland before 1 January 2021.

3.5. Can food of animal origin move from the UK to Ireland from 1 January 2021?

From 1 January 2021, food of animal origin arriving into Ireland from the UK (excluding Northern Ireland) are imports from a third country and must comply with the requirements of food import legislation. See the [FSAI eLearning module](#) for details on these requirements.

3.6. Can I send my food of animal origin that was produced in the UK and placed on the market there before the 31 of December to Ireland after that date?

Yes, but they must comply with the requirements of EU food import legislation. This means for example that the new UK identification mark must be indicated on the label of foods that require an identification mark, such as foods of animal origin and that the name and EU address of the food business operator responsible for the food is indicated.

3.7. I want to move food of animal origin from France to Ireland and will go through the UK. Can I do this?

Yes, transit of food of animal origin from an EU Member State going through a third country to reach another EU Member State is possible. However, certain requirements will apply:

If you are the [responsible operator](#) for moving food of animal origin across the UK landbridge and into Ireland, you are required to comply with the conditions as laid down in EU legislation as follows:

- Food of animal origin must be moved in accordance with customs transit procedure. For further information on this procedure see [Revenue](#) website.
- Food of animal origin must be presented at a [designated border control post](#) (BCP).

Ireland is availing of a flexibility in EU legislation² to use alternative information systems (Customs transit and pre-boarding notification systems) in place of the requirement to submit a [Common Health Entry Document](#) (CHED) in TRACES NT³ in order to perform the required documentary check for food of animal origin entering Ireland via the UK landbridge. Information will be added to this document when available.

Transit requirements in the UK:

The UK have provided information on transit requirements on animals and goods transiting the UK in the [UK Border Operating Model](#) and on common transit [here](#).

² Article 37 of [Commission Delegated Regulation \(EU\) 2019/2124](#) of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union

³ [TRACES NT](#) is the European Commission's multilingual online sanitary and phytosanitary certification platform supporting the importation of animals, animal products, food and feed of non-animal origin and plants into the European Union, and the intra-EU trade and EU exports of animals and certain animal products

3.8. I want to move food of animal origin from Ireland to France and will go through the UK, can I do this from 1 January 2021?

Yes, transit of food of animal origin from an EU Member State going through a third country to reach another EU Member State is possible. However, certain requirements will apply:

- Foods of animal origin must be moved in accordance with Customs transit procedure. For further information, see [Revenue](#) website.
- Foods of animal origin must be presented at a designated border control post (BCP).

If you are the responsible operator for moving food of animal origin across the UK landbridge and into France, you will be required to provide prior-notification of the arrival of the consignment at the border control post (BCP) of re-introduction to the EU by submitting Part I of a [CHED-P](#) on TRACES NT³.

For information on how to register for TRACES NT, please visit [Department of Agriculture, Food and the Marine](#).

Transit requirements in the UK:

The UK have provided a list of transit requirements on animals and goods transiting the UK in the [UK Border Operating Model](#) and on common transit [here](#).

3.9. I will have foods of animal origin that originated in the UK in a cold store in France before the end of the transition period. Can I move them through the UK and into Ireland in January 2021?

Yes, however, if moving that product through the UK to reach Ireland, it will need to move in 'customs transit' to ensure it keeps its 'EU Status'. It will need to follow the requirements set out in 3.7. above.

4. Identification Mark

Food businesses that make, store or distribute food of animal origin, must (with some limited exceptions) be approved by food enforcement authorities before placing food products on the EU market. Approved food businesses are issued with an identification mark that is unique to their food 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 legislation⁴ and in an establishment meeting the requirements of that legislation. Foods of animal origin include foods such as meat, milk, cheese, food with a meat or fish ingredient.

4.1. What should the identification mark look like?

EU legislation² sets out the format for the identification mark on the label. It requires that:

- a) The mark must be legible and indelible, and the characters easily decipherable. It must be clearly displayed for the competent authorities.
- b) The mark must indicate the name of the country in which the establishment is located, which may be written out in full or shown as a two- letter code in accordance with the relevant ISO standard.
- c) The mark must indicate the approval number of the establishment. If an establishment manufactures both food to which Regulation 853/2004 applies and food to which it does not, the food business operator may apply the same identification mark to both types of food.
- d) When applied in an establishment located within the EU, the mark must be oval in shape and include the abbreviation CE, EC, EF, EG, EK, EO, EY, ES, EÜ, EK, EB, EZ or WE. These abbreviations **must not** be included in marks applied on products imported into the EU from establishments located outside the EU.

At the end of the transition period, as a third country the UK cannot use the EU abbreviation and must use either the name written i.e. United Kingdom or use the two- letter code in accordance with the relevant ISO standard i.e. GB.

4.2. What will the new UK identification mark look like?

As a third country the UK can develop its' own mark, however if placing foods of animal origin on the EU market, the mark must as a minimum follow the format set out in EU legislation.

The UK has published [guidance](#) on the format of its' new identification mark.

⁴ [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

4.3. What will the new identification mark for Northern Ireland look like?

The new identification mark for Northern Ireland allows for the option of either 'United Kingdom (Northern Ireland)' or 'UK(NI)' to be indicated and this is followed by the approval number of the establishment. The identification mark will continue to indicate the letters 'EC' for Northern Ireland food of animal origin.

4.4. Can I use the new identification mark before the 1 January 2021?

No. The new identification mark for Great Britain or for Northern Ireland can only be used after the end of the transition period (11pm GMT on the 31 December 2020).

4.5. If I produce a food of animal origin before the 1 January 2021 and apply the current UK identification mark, can this food product be supplied to the EU after the 1 January 2021 using this Identification mark?

Under the terms of the Withdrawal Agreement, foods of animal origin produced in the UK (excluding Northern Ireland) and entering the EU market from Great Britain from 1 January 2021 are third country imports. The current UK identification mark is in the format specified in EU legislation for an establishment within an EU Member State. From 1 January 2021, food originating in the UK (excluding Northern Ireland) and arriving into Ireland will be imports and the identification mark must be in the format specified in the legislation for third countries.

4.6. Can I have multiple identification marks on my label?

While food hygiene legislation (Regulation (EC) No 853/2004⁵) does not prevent such practice as long as it is clear which establishment produced or processed the product, indicating multiple identification marks on a label **should remain exceptional** and should be avoided as much as possible in order to avoid confusion regarding the establishment that produced the product.

To maintain the integrity of food traceability in line with general food law requirements ([Regulation \(EC\) 178/2002](#)), where a product indicates more than one identification mark, the food business operator must include plans in their food safety management system to set out the means by which the last establishment where the food has been produced or handled is clearly indicated.

⁵ [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

4.7. Does the address on a label have to be the same establishment as that of the identification mark?

No. An identification mark is required for most foods of animal origin to indicate that the establishment was approved to produce/process such products. Food information legislation ([Regulation \(EU\) 1169/2011](#)) requires that the name and address of the food business operator (or importer) responsible for the presence and accuracy of the information is indicated on the label.

If the name and address indicated on the label is not that of the approved establishment, care should be taken to ensure that the information provided on the label does not mislead the consumer into thinking that the identification mark on the label belongs to the food business operator indicated on the label.

5. Labelling

Foods placed on the Irish market must comply with EU/Irish food law. [Regulation \(EU\) 1169/2011](#) on the provision of food information to the consumer establishes the general principles, requirements and responsibilities governing food information and in particular food labelling. A summary of the mandatory information is available [here](#).

5.1. Do prepacked foods have to provide an EU address?

Yes. The rules regarding the labelling of food within the EU are set out in [Regulation \(EU\) 1169/2011](#) on the provision of food information to consumers. This legislation specifies that the provision of the name and EU address of the food business operator responsible for the food within the EU is mandatory. This name and address can be either:

- the food business operator in the EU under whose name or business name the food is marketed
- **or**
- if that operator is not established in the EU, the name and address of the importer into the EU market must be indicated on the label.

Therefore, from 1 January 2021 an address in the UK (excluding Northern Ireland) will no longer be considered as an 'EU address'.

5.2. Can I use a secretarial service/solicitors office/accountancy firm as the food business address on the label?

No. [Regulation \(EU\) 1169/2011](#) requires that food labels should provide the name or business name and address of the food business operator responsible for the food within the EU. A food business operator is defined in legislation on the general principles of food law ([Regulation \(EC\) 178/2002](#)) as 'the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control'.

A food business is defined as any undertaking, whether for profit or not and whether public or private, that carries out any of the activities related to any stage of production, processing and distribution of food.

Setting up offices in the EU simply for address purposes would not fulfil the above-mentioned requirements.

5.3. Can I use an importer's address?

Yes. If the food business operator is not established in the EU, then the name and address of the importer into the EU market must be indicated on the label.

If the importer's name and address is used, then the responsibilities set out in [Regulation \(EU\) 1169/2011](#) will rest with the food importer. This includes responsibility for ensuring the presence and accuracy of the food information in accordance with the applicable food information law and requirements of relevant national provisions.

5.4. How should I indicate the name and EU address on the label?

The name and EU address indication must be presented on the label in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It cannot be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material. In addition the indication must, at the very least meet the minimum font size set down in the food information legislation ([Regulation \(EU\) 1169/2011](#); Annex IV).

5.5. Can I use a Northern Irish address on my label?

Under the terms of the Protocol on Ireland/Northern Ireland at the end of the transition period EU food law will continue to apply to and in Northern Ireland. Therefore, for food labelling purposes, the address of a food business operator established in Northern Ireland will continue to be accepted as an EU address.

5.6. Can both an EU address and an address in the UK appear on a food label?

Yes. A non-EU address can be declared on the label in **addition to but not in place of** the EU address. The inclusion of this additional address on a label must not hide, obscure, detract from or interrupt any other mandatory information.

5.7. Can I use a web address?

A web address on its own is not sufficient to comply with the obligation to provide an EU address. The address provided must be a physical address within the EU. A web address or email can be included in addition to the physical address.

5.8. Can I use a PO Box as an address?

A PO Box set up in Ireland simply as a contact point for a food business based in the UK would not meet the criteria of a food business established in the EU. See [Question 5.2](#) for the criteria for the name and EU address that must be indicated on the label.

5.9. Who is responsible for food information on a label?

EU legislation on the provision of food information to the consumer ([Regulation \(EU\) 1169/2011](#)) specifies that the food business operator responsible for food information is:

- the operator under whose name or business name the food is marketed
or
- if that operator is not established in the EU, the importer into the EU market.

The 'responsible' food business operator in the EU must ensure the presence and accuracy of the food information in accordance with the applicable EU food information law and any requirements of relevant national provisions.

5.10. What labelling details do you expect to see on the external packaging when foods are marketed at a stage prior to sale to the final consumer?

Food information legislation ([Regulation \(EU\) 1169/2011](#)) requires that where prepacked food is intended for the final consumer but marketed at a stage prior to sale to the final consumer, food business operators must ensure that following information appears on the external packaging in which the prepacked foods are presented for marketing

- the name of the food
- the date of minimum durability or the 'use by' date
- any special storage conditions and/or conditions of use
- the name or business name and EU address of the food business operator responsible for.

For food of animal origin that is placed in transport containers or large packages and are intended for further handling, processing, wrapping or packaging in another establishment, the identification mark may be applied to the external surface of the container or packaging. In the case of packaging containing cut meat or offal, the mark must be applied to a label fixed to the packaging, or printed on the packaging, in such a way that it is destroyed when the packaging is opened. This is not necessary, however, if the process of opening destroys the packaging.

5.11. How must my products be labelled before arriving into Ireland?

Food information legislation ([Regulation \(EU\) 1169/2011](#)) requires that food intended for supply to the final consumer or to mass caterers must be accompanied by food information in accordance with the rules set down within the Regulation. The mandatory information required under the rules, must appear on label when sold to the consumer, however for business to business sales of these foods the information can be on the commercial documents referring to the foods where it can be guaranteed that such documents either accompany the food to which they refer or were sent before or at the same time as delivery. The following information **must** be indicated on the external container of these products:

- the name of the food
- the date of minimum durability or the 'use by' date
- any special storage conditions and/or conditions of use
- the name or business name and EU address of the food business operator responsible for the information on the external packaging in which the prepacked foods are presented for marketing

When the prepacked products are offered to the consumer, they must be labelled in compliance with EU legislation.

5.12. Will overlay stickers be permitted on a temporary basis to amend labels?

For mandatory information required by food information legislation ([Regulation 1169/2011](#)), the use of overlay stickers on a temporary basis could be permitted on prepacked food for a short and limited time frame whilst awaiting new packaging, once certain criteria is met. The use of such stickers must ensure that food information provided on a label is in compliance with EU food law in particular that all mandatory information meets the minimum font size requirements set down in [Regulation 1169/2011](#), is easily visible, clearly legible and, where appropriate, indelible. Mandatory information cannot be hidden or obscured. The overlay sticker used must be secure and not be easily removed.

Food business operators must not modify the information accompanying a food if such modification would mislead the final consumer or otherwise reduce the level of consumer protection and the possibilities for the final consumer to make informed choices.

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

5.13. Can I over sticker an identification mark?

The traceability of food is an essential element in ensuring food safety. The application of an identification mark to packaged food of animal origin is an important part of the traceability system. Each identification mark is unique to a particular establishment. The identification mark indicated on the label is that of last establishment where the food has been produced, processed or wrapped.

An identification mark may only be applied by an approved establishment. Food legislation, sets out the requirements regarding the application of an identification mark and it specifies that:

- The identification mark must be applied before the product leaves the establishment of production

or

- when a product's packaging and/or wrapping is removed or it is further processed in another establishment, a new mark must be applied to the product. In such cases, the new mark must indicate the approval number of the establishment where these operations take place.

From 1 January 2021, food originating in the UK (excluding Northern Ireland) and arriving into Ireland are regarded as imports from a third country (non-EU country). The identification (ID) mark must be in the format specified in the legislation for third countries ([See question 4.2](#)). Food imported from the UK must have this new ID mark in order to be placed on the EU market. The establishment number part of the new ID mark will remain the same as that in the original EU ID mark.

Placing food on the Irish market that has the new UK third country ID mark covering the previous EU ID mark may be permitted as long as the over-stickering of the old EU ID mark with the new GB ID mark takes place in the same approved establishment where the original ID mark was applied and, therefore, the approval number part of the ID mark is the same. The sticker must not be easily removed and as per EU Regulations ([Regulation 853/2004](#)), the ID mark must be indelible where attempted removal will result in damage to

the underlying packaging. The sticker must not obscure any other mandatory labelling information.

6. Organic Foods

Under EU organic legislation, only products satisfying the requirements of [Regulation \(EC\) No 834/2007](#) can bear terms referring to the organic production method (e.g. organic, bio, eco, etc.) or the EU organic logo.

6.1. Will UK certification be acceptable under EU organic legislation?

In order for organic foods from third countries to be placed on the EU market :

- The standards and control measures in the third country must be assessed as equivalent to those in place in the EU. They are often referred to as 'equivalent' countries and a [list](#) is available on the Europa website.
- For third countries that are not included in the 'equivalent list', the EU has a [list](#) of control authorities and control bodies who are independent bodies appointed by the Commission to ensure that organic producers in their area of responsibility follow standards and control measures equivalent to the EU ones. (Note this list contains the list of authorities/control bodies, the third countries for which they are authorised and the product type they can certify.)

The UK is not currently listed on the [EU 'equivalent list'](#) and there is currently no control authority or body appointed by the EU to certify organic products in the UK.

6.2. Can non-EU countries use the EU Organic Logo when placing organic food on the EU market?

Yes. The [EU organic logo](#) can be used on products that satisfy the requirements of EU legislation on organic production and have been certified as organic by an authorised control agency or body. The logo is:

- mandatory for all pre-packaged EU food products, produced and sold as organic within the EU
- optional for imported products where the product conforms to the EU rules on the import of organic goods

Where the EU organic logo is used, an indication of the place where the agricultural raw materials of which the product is composed have been farmed must also appear in the same visual field as the logo and must take one of the following forms, as appropriate:

- 'EU Agriculture', where the agricultural raw material has been farmed in the EU,
- 'non-EU Agriculture', where the agricultural raw material has been farmed in 'third countries',
- 'EU/non-EU Agriculture', where part of the agricultural raw materials has been farmed in the EU and a part of it has been farmed in a 'third country'.

The above-mentioned indication 'EU' or 'non-EU' may be replaced or supplemented by a country in the case where all agricultural raw materials of which the product is composed have been farmed in that country.

7. Mineral Water

7.1. Can Natural Mineral Water from the UK be placed on the EU market?

Yes, but they must be recognised. [Directive 2009/54/EC](#) defines natural mineral waters and sets out the terms on which natural mineral waters are recognised. Natural mineral waters are subject to an authorisation procedure carried out by the competent authorities of the EU countries or by European Economic Area (EEA) countries.

Waters recognised by the UK (excluding Northern Ireland) as natural mineral waters will under EU legislation be considered as extracted from the ground of a 'third country' and can only be imported into the EU if they are 'recognised' as such by the responsible authority of another Member State.

The EU Commission has a [list of natural mineral waters](#) recognised by Member States available on its website.

7.2. Can I import Spring Water from the UK?

Yes, once it complies with [Directive 2009/54/EC](#) and is not subject to the requirement for recognition that applies to natural mineral water (see question 8.1).

Spring water can be imported from the UK once it complies with the requirements of Directive 2009/54/EC as well as other applicable food law (e.g. food hygiene, labelling legislation, general food law). In terms of [Directive 2009/54/EC](#) on the exploitation and marketing of natural mineral waters, it specifies that:

The term 'spring water' shall be reserved for a water which is intended for human consumption in its natural state, and bottled at source, which:

- (a) satisfies the conditions of exploitation laid down in Annex II, points 2 and 3, which shall be fully applicable to spring waters;
- (b) satisfies the microbiological requirements laid down in Article 5;
- (c) satisfies the labelling requirements of Article 7(2), points (b) and (c), and Article 8;

(d) has not undergone any treatment other than those referred to in Article 4 (i.e. Other treatments may be authorised by the EU Commission).

In addition, spring waters must comply with the provisions of [Council Directive 98/83/EC](#) on the quality of water intended for human consumption.

From 1 January 2021, any national permitted treatments in the UK (excluding Northern Ireland) (e.g. UV treatment) will not be permitted for spring water from the UK placed on the EU market.

8. Foods which must be notified to the FSAI

Certain food products that are being placed on the Irish market for the first time must be notified to the FSAI by the manufacturer, importer or retailer. These foods include:

- Food supplements⁶
- Foods for Special Groups
 - Foods for special medical purposes⁷,
 - Infant formula and follow-on formula⁸

Food Supplements: As part of the notification process, the label used for that product must be notified to the FSAI using the [online notification form](#). Where food supplements have been notified to the FSAI and are then reformulated i.e. a change in composition or presentation such as ingredients, ingredient levels or where health claims have been added etc., the product should be notified as a new food supplement and linked to the previous notification.

Food for Specific Groups (FSGs): As part of the notification process, the label used for that product must be notified to the FSAI using the [online notification form](#). Where products (foods for special medical purposes, infant formula or follow-on formula) have been notified to the FSAI and are then reformulated i.e. a change in composition or presentation such as ingredients or ingredient levels, the product should be notified as a new product and linked to the previous notification.

⁶ European Communities (Food Supplements) Regulations 2007, ([S.I. No. 506 of 2007](#))

⁷ European Communities (Dietary Foods for Special Medical Purposes) Regulations 2009 ([S.I. No. 187 of 2009](#))

⁸ European Communities (Infant Formulae and Follow-on Formulae) Regulations 2007 ([S.I. No. 852 of 2007](#))

8.1. I have previously notified my food supplement, if I change the address on the label from an address in the UK to an EU address, do I need to re-notify?

No. A re-notification will not be necessary for food supplements already notified to FSAI for a change in address only. The new label with the updated address will need to be uploaded on the notifications database and the EU address details included on the notification record. This can be done as a self-declaration process. When you log into your notifications you will see clear instructions on the dashboard on how to change the address information and upload new label(s).

Please note no other changes in terms of ingredient formulation, levels or health claims can be made during this process. This requires a new notification for the food supplement.

8.2. I have previously notified my food for special medical purposes, if I change the address on the label from an address in the UK to an EU address, do I need to re-notify?

No. A re-notification will not be necessary for foods for special medical purposes already notified to FSAI for a change in address only. The new label with the updated address will need to be uploaded on the notifications database and the EU address details included on the notification record. This can be done as a self-declaration process. When you log into your notifications you will see clear instructions on the dashboard on how to change the address information and upload new label(s).

Please note no other changes in terms of ingredient formulation, levels or health claims can be made during this process. This requires a new notification for foods for special medical purposes.

8.3. I have previously notified my infant formula/follow-on formula product, if I change the address on the label from an address in the UK to an EU address, do I need to re-notify?

No. A re-notification will not be necessary for infant formula or follow-on formula already notified to FSAI for a change in address only. The new label with the updated address will need to be uploaded on the notifications database and the EU address details included on the notification record. This can be done as a self-declaration process. When you log into your notifications you will see clear instructions on the dashboard on how to change the address information and upload new label(s).

Please note no other changes in terms of ingredient formulation, levels or health claims can be made during this process. These changes require a new notification for the infant formula or follow-on formula.

8.4. Are food supplements such as propolis, fish oils, etc. considered foods of animal origin?

Yes. They are foods of animal origin and depending on the composition of the individual supplement product will need to comply with the requirements for the specific food of animal origin or with the requirements for composite products. A composite product is a food that contains both processed products of animal origin and products of plant origin.

Depending on the specific composition of the product, the requirements for fishery products or honey and other apiculture products may be more relevant than composite product requirements. The Department of Agriculture, Food and the Marine have further information available on [animal products](#) and composite products.

8.5. Are food supplements that contain vitamin and minerals and ingredients such as fish collagen foods considered foods of animal origin?

If the product contains any ingredient of animal origin, then they are considered foods of animal origin. The specific composition of the product and the level of the ingredient of animal origin present will determine whether the food needs to comply with the requirements for the specific food of animal origin or with the requirements for composite products.

Further information is available on the FSAI eLearning module [Brexit – Food Import Requirements](#) which has a composite products section that includes an exercise on determining whether your product is a food of animal origin or a composite product.

8.6. Are fish oil capsules considered a composite product or a fishery product?

Fish oil /oil capsules are considered a fishery product and will require a fishery products health certificate and must enter Ireland through a Border Control Post. Some fish oil capsules however that have a mixture of fish oils and oils of plant origin will be considered to be composite products. Imports of composite products may be derogated from the requirement to provide a health certificate if they are listed in the legislation on composite products ([Commission Decision 2007/275/EC](#)) or meet certain requirements in that legislation. Further information regarding composite foods is available from the [Department of Agriculture, Food and the Marine](#).



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