



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food chain science and stakeholder relations

Ad-hoc meeting of the Advisory Group on the Food Chain and Animal and Plant Health on issues related to the withdrawal of the United Kingdom from the Union pursuant to Article 50 of the Treaty on European Union

**1 June 2018, Brussels
CCAB - 1A**

Objective of the meeting:

- The purpose of the meeting was to provide stakeholders with information and explanations on relevant notices within DG SANTE policies.

List of points presented and discussed:

1. INTRODUCTION BY TF50 AND THE SG BREXIT PREPAREDNESS GROUP

TF50 gave an overview of main ongoing work strands: withdrawal agreement, transition period, and future relationship stressing that UK becomes a third country as of 30 March 2019. If the withdrawal agreement is signed and ratified there will be a transition period until 31 December 2020. During this transition period full *acquis* applies to UK, UK remains subject to obligations of international agreements, but does not participate in EU institutions and bodies.

SG Brexit Preparedness Group underlined the need to be ready for all scenarios in order to ensure business continuity. Preparedness includes, not only, internal preparedness (e.g. adapting databases, reallocation of agencies) but also exchanges with 27 Member States (MS), and information to citizens and stakeholders through notices.

Main concerns expressed by stakeholders:

EUROCOMMERCE complained about no clarity what requirements for goods/labelling and what legislative changes to expect on UK side despite the need for EU businesses to comply with them from day one.

FEFAC asked for clarification concerning the implementation of *acquis* in UK national legislation.

FoodDrinkEurope drew attention to the importance of agri-food sector and asked whether it is acknowledged in the negotiations. FoodDrinkEurope called for efforts to minimise trade interruption. It appreciated the organisation of the meeting for stakeholders.

CEEV asked why some elements e.g. geographic indication (GI) were not agreed and asked how the databases will be adapted, in particular in connection with IMSM (International Management Systems Marketing) that applies to wine.

Replies and comments by TF50, SG and DG SANTE:

- Need to be ready for all possible scenarios;
- EU requirements and *acquis* are not changing, the changes on UK side we do not know but during the transition period EU law applies in UK. In the case of

changes of rules, e.g. labelling, there is always additional time provided to businesses to adapt;

- EU stakeholders might wish to raise unclear issues with UK side directly;
- Agri-food sector is a high priority, the largest manufacturing sector, large trade with UK, both sides acknowledge it.

2. PRODUCTS OF NON-ANIMAL ORIGIN

2.1. Food and mineral water

DG SANTE presented main legislation in the area of food to comply with after Brexit, namely food labelling legislation, natural mineral water Directive, legislation on food ingredients-compositional requirements for imported food, maximum residues levels (MRL) and contaminants, food contact material legislation and requirements for import of irradiated food.

Main concerns expressed by stakeholders:

EUROCOMMERCE raised the problem of border controls with big amounts of documents requested causing serious delays, which would affect the shelf life of goods. It asked about labelling transition period time.

PROFEL expressed concern how UK will handle the MRL and contaminants and whether this specific topic has been negotiated.

FoodDrinkEurope commented that it is difficult for companies to prepare for Brexit due to dynamic and changing legislation. It asked whether mutual recognition principle will continue to apply and what happens to rapid alert system in UK and UK relations with EFSA.

IFOAM EU GROUP referred to labelling of organic products. It expressed concerns on big disruption of trade in organic products since certificates issued in UK will no longer be recognised in the EU and vice versa. Called for DG SANTE attention to these issues.

SIPA asked whether UK stays as a part of RASFF and EFSA in the transition period.

Replies and comments by DG SANTE:

- EU legislation is dynamic, will continue to evolve;
- Trade will continue within EU and with third countries (including UK), no specific agreements on mutual recognition with UK foreseen at present;
- UK will have no institutional role during the transition period, thus no involvement, as Member State in EFSA, will stay part of RASFF during the transition period.
- Area of organic products falls under DG AGRI policies, stakeholders could raise their concerns there.

2.2. Plants and seeds

DG SANTE presented the applicable legislation concerning phytosanitary import rules, and import controls. Furthermore, DG SANTE outlined the implications of UK withdrawal regarding plants variety rights and propagating material.

Main concerns expressed by stakeholders:

ESA asked about possibilities to have an agreement with UK on mutual takeover of the DUS (distinctness, uniformity and stability) test report.

Regarding the maintenance of protected varieties, ESA asked whether it is requested to have the complete maintenance-breeding programme in the EU MS.

On shortcut to take over into EU MS national list of the exclusive UK variety, ESA asked for DG SANTE's opinion on requirements from MS, since it seems that they differ according to MS.

Replies and comments by DG SANTE:

- All legislative requirements for maintenance must be fulfilled;
- Concerning short cut to take over the UK variety, the minimal requirements should be fulfilled, will check with MS competent authorities to have harmonised approach.

2.3. Genetically Modified Organisms (GMO)

DG SANTE gave an overview of the applicable legislation in the area of GMO and highlighted the main implications of Brexit for stakeholders, in particular with regard to the submission of applications for marketing authorisation within the EU and to imports and exports.

Main concerns expressed by stakeholders:

EUROCOMMERCE asked DG SANTE's opinion about the possible impact in case UK chooses a different regulatory model than EU and will follow the other third countries models, (e.g. US) and whether this possible impact had been flagged to the UK in the negotiations.

Replies and comments by DG SANTE:

- Impact will depend on the level of regulatory convergence post-Brexit;
- No knowledge yet whether EU GMO acquis will be incorporated in UK national legislation;
- If UK chooses in post-Brexit to pursue a regulatory model which differs substantially from EU, it brings implications for trade and UK authorities are aware of it.

2.4. Controls

DG SANTE presented the main points regarding EU border controls after Brexit. On food and feed of non-animal origin from the UK, the existing system provides for regular official controls at any point of the food/feed chain. DG SANTE previewed the obligations concerning the animals and the products of animal origin from UK according to different situations, (imported into EU, transit through EU from UK to third country, movement between two MS with transit through UK, export from EU to UK). DG SANTE concluded that due to new border controls, additional structural resources as well as human resources will be needed.

Main concerns expressed by stakeholders:

UECBV asked how these border controls would apply to Northern Ireland. It asked on the update on "backstop" agreement with UK to avoid a hard border as well as an update on "land bridge" between EU and Ireland. UECBV raised concerns about possible different regulatory environment under which the farmers will operate in Ireland and Northern Ireland.

FVE pointed at new Official Controls Regulation (OCR) that starts applying in December 2019 and asked whether there will be some adjustment between EU and UK.

EUROCOMMERCE stated that during BSE crisis COM was very flexible and active and came with pragmatic and extraordinary solutions. The same should be done in case of Brexit.

FESASS asked what the expected costs of border inspection posts (BIPs) would be and asked what kind of support will be given to MS to establish them, whether there will be training via Better Training for Safer Food (BTSF).

EFFAB asked whether UK would be automatically authorised to export animals and animal products to EU. In addition, it asked whether EU businesses will be authorised to export to UK.

EAZA expressed concern that the authorisation of a third country to export is a lengthy process, for their conservation programme might be very complicated. EAZA expressed the opinion that Ireland is a major loser in the Brexit process with lack of support.

AIPCE-CEP mentioned the issue of fishing in the North Sea, and asked how the raw material will be treated - as from third country waters, or not?

SIPA asked whether UK approved establishments can remain, or they have to apply for approval. It also asked whether there will be any additional provisions applying to goods imported from UK in the transition period.

FEFAC asked on preparedness in Ireland, whether a buffer zone will be created. It wanted clarification on institution building in the bilateral relations after Brexit. FEFAC asked how EU would be protected in case of animal disease in UK.

UECBV asked whether each MS has to apply to be able to export to UK, or there will be EU harmonised process of application.

FESASS pointed out that UK establishments, that are currently recognised, fulfil EU requirements, does not see why it should be problematic in post-Brexit. It thinks EU establishments should be recognised by UK without problems as well. FESASS is worried that both sides are unnecessary strict in argumentation and called for finding pragmatic solution.

CELCAA thanked for the meeting organisation and would welcome more information on the numbers of BIPs to be put in place.

UECBV asked about controls Irish businesses will face when transiting UK to the EU MS and called for flexibility to protect trade. It expressed concern related to insufficient infrastructure for expected changes.

Replies and comments by DG SANTE:

- Irish border is a very specific and complex issue, which must be addressed. Irish interests must be well protected. In the back stop arrangement one single regulatory environment for goods is envisaged;
- There are no considerations on Brexit or its consequences in the new OCR. UK in transition period must comply with new OCR and all new or revised legislation;
- During BSE crisis UK was a MS, we had tools and regulatory framework to minimise the effects of crisis on MS. With Brexit it is a different scenario, since UK will no longer be a MS;
- In MS that will be mostly affected, the planning of BIPs and other preparations are ongoing, some MS authorities are already in contact with ferry terminals to build new BIPs; BTSF training already available to MS;
- On export from EU to UK, it is a question for UK authorities. As regards the import from UK to EU, we have to be prepared for the scenario of UK being a third country, in that case UK will have to fulfil criteria existing for third countries willing to export to EU;
- On fishery issues in the North Sea, fish status (whether from third country or not) is determined according to the vessel flag State, or to the country where the establishment of first processing is located;
- During the transition period, full *acquis* applies in UK. Goods placed on the market on or before 31 December 2020 can continue in the distribution chain but for live animals and animal products, BIPs will start functioning

immediately. A derogation for live animals applies if their movement started on or before 31 December 2020;

- Today, all UK establishments are EU-approved but if there is no specific post-Brexit agreement, UK will have to list its establishments by following the standard application process, as any third country. We cannot discriminate other third countries and give UK preferential treatment;
- Most important is to maintain internal market integrity and protect 27 MS, import controls must stay reliable and credible;
- More details on number of BIPs will be checked with MS;
- UK decides on all measures that it puts in place;
- Brexit will have undoubtedly consequences on EU businesses, in particular in Ireland, COM trying to limit its negative impact.

3. ANIMALS AND PRODUCTS OF ANIMAL ORIGIN

3.1. Animals

DG SANTE presented briefly the requirements for entry in EU of live animals from UK, requirements for transit through and exit to the UK of live animals from the EU as well as requirements for entry of animals with which business operators have to comply.

Main concerns expressed by stakeholders:

FESASS asked whether UK would continue receiving funds to combat animal diseases, at present UK is a large recipient of such funds.

EAZA asked in case that UK becomes the third country what would be the expected timeline for UK to be listed as a third country approved to export to EU.

Replies and comments by DG SANTE:

- UK leaving the EU, there is no provision in the legislation to fund ex-MS;
- In case of the transition period, full *acquis* applies in UK until 31 December 2020, after that, UK will have to fulfil the requirements to be listed as a third country exporter;

3.2. Food of animal origin

DG SANTE presented the animal and public health import requirements for food of animal origin from UK, for which purpose UK must be listed as a third country, as well as the import requirements for food of animal origin with which business operators have to comply.

Main concerns expressed by stakeholders:

EFFAB asked whether the similar principles will apply for germinal products and whether there are any changes concerning new Regulation on breeding.

EUROCOMMERCE asked whether meat manufacturers with current approval will have to apply after Brexit.

CELCAA asked for an indicative timing for UK to be added to the list of exporters to EU if it has to go through the procedure as a third country. CELCAA fears that there would be huge time gap between launching the procedure and actual trade with UK. EUROCOMMERCE commented that UK is reassuring businesses there will be compliance of UK national legislation with EU legislation.

CELCAA asked whether individual MS have to apply to be able to export to UK or if COM will do it on their behalf.

Replies and comments by DG SANTE:

- Confirmed that establishments producing germinal products must be checked and guaranteed by the competent authorities of the non-EU country before an establishment can be listed as an EU approved establishment;
- Regarding the Regulation on breeding, there are some novelties, among others, it has become more stringent. UK has to send applications for assessment, EU animals must be accepted in UK breeding books;
- If there is no post-Brexit agreement, the process of putting the third country in the list of approved third countries might take two years, during the transition period there is still room for post-Brexit negotiation. The opportunities to trade with UK should not be denied to EU businesses, but our priority remains the integrity of the internal market;
- EU requirements are not changing, all third countries have to comply to be able to trade with EU; no knowledge on UK import requirements;
- Export is EU competence, so no individual MS engagement in negotiations impacting the operation of single market;
- Post-Brexit negotiation is a two-way process, must be political responsibility.

3.3. Animal by-products (ABP)

DG SANTE presented the requirements for imports of animal by-products from UK, with which business operators have to comply.

Main concerns expressed by stakeholders:

No specific comments were raised.

Main conclusion:

Subject to a ratified withdrawal agreement on 30 March 2019 UK becomes third country with all the consequences. EU import rules are very clear and understood. EU does not know the future import/transit conditions and control system of the UK. The integrity of the internal market is crucial. No modification of existing EU rules are foreseen, as they already offer the multiple options to cope with these situations.

Stakeholders asked to be informed on level of preparedness of MS and to have follow up meeting(s) with discussion on new information.

List of notices to stakeholders regarding Brexit

All notices to stakeholders are accessible at a central point:

https://ec.europa.eu/info/brexit/brexit-preparedness_en

List of notices to stakeholders by DG Health and Food safety:

- Food and mineral water

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU FOOD LAW

- https://ec.europa.eu/food/sites/food/files/notice_brexit_eu_food_law.pdf

Pages where published:

- Labelling and Nutrition: https://ec.europa.eu/food/safety/labelling_nutrition_en
- Chemical Safety: https://ec.europa.eu/food/safety/chemical_safety_en
- General Food Law: https://ec.europa.eu/food/safety/general_food_law_en
- GMO: https://ec.europa.eu/food/plant/gmo_en
- Animal Products: https://ec.europa.eu/food/animals/animalproducts_en
- Food Irradiation: https://ec.europa.eu/food/safety/biosafety/irradiation_en
- Contaminants: https://ec.europa.eu/food/safety/chemical_safety/contaminants_en
- FCM: https://ec.europa.eu/food/safety/chemical_safety/food_contact_materials_en
- Food and feed of non-animal origin: https://ec.europa.eu/food/safety/official_controls/legislation/imports/non-animal_en

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF DIRECTIVE 2009/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 18 JUNE 2009 ON THE EXPLOITATION AND MARKETING OF NATURAL MINERAL WATERS

- https://ec.europa.eu/food/safety/labelling_nutrition/mineral_waters_en
- https://ec.europa.eu/food/sites/food/files/safety/docs/notice_brexit_mineral_waters.pdf

- Plants and seeds

NOTICE TO STAKEHOLDERS - WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON PLANT HEALTH

- https://ec.europa.eu/food/sites/food/files/plant/docs/notice_brexit_plant_health.pdf

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF UNION PLANT VARIETY RIGHTS

- https://ec.europa.eu/food/plant/plant_property_rights/legislation_en
- https://ec.europa.eu/food/sites/food/files/plant/docs/notice_brexit_plant_variety_rights.pdf

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF MARKETING OF SEEDS AND OTHER PLANT REPRODUCTIVE PROPAGATING MATERIAL

- https://ec.europa.eu/food/plant/plant_propagation_material/legislation_en
- https://ec.europa.eu/food/sites/food/files/plant/docs/notice_brexit_plant_rep_prop_material.pdf

- Genetically modified organisms

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON GENETICALLY MODIFIED FOOD AND FEED AND THE DELIBERATE RELEASE OF GENETICALLY MODIFIED ORGANISMS INTO THE ENVIRONMENT

- https://ec.europa.eu/food/plant/gmo/legislation_en

- https://ec.europa.eu/food/sites/food/files/plant/docs/notice_brexit_gmo.pdf
- **Plant protection products**

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON PLANT PROTECTION PRODUCTS

 - https://ec.europa.eu/food/plant/pesticides_en
 - https://ec.europa.eu/food/sites/food/files/plant/docs/notice_brexit_pesticides.pdf
- **Biocidal products**

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON BIOCIDAL PRODUCTS

 - https://ec.europa.eu/health/biocides/policy_en
 - https://ec.europa.eu/health/sites/health/files/biocides/docs/brexit_note_en.pdf
 - **Q&A:**
https://ec.europa.eu/health/sites/health/files/biocides/docs/brexit_qa_en.pdf
- **Animals**

NOTICE TO STAKEHOLDERS - WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON ANIMAL HEALTH AND WELFARE AND PUBLIC HEALTH RELATED TO THE MOVEMENT OF LIVE ANIMALS

 - https://ec.europa.eu/food/sites/food/files/animals/docs/notice_brexit_animal_health_welfare_movement_live_animals.pdf

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES FOR AUTHORISATIONS AND CERTIFICATES FOR TRANSPORTERS OF LIVE ANIMALS, DRIVERS AND ATTENDANTS

 - https://ec.europa.eu/food/animals/welfare/practice/transport_en
 - (also this page: https://ec.europa.eu/food/animals/live_animals_en)
 - https://ec.europa.eu/food/animals/zootechnics_en
 - https://ec.europa.eu/food/sites/food/files/animals/docs/notice_brexit_animal_transport.pdf

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON CERTIFICATES OF COMPETENCE PURSUANT TO THE REQUIREMENTS OF REGULATION (EC) NO 1099/2009 ON THE PROTECTION OF ANIMALS AT THE TIME OF KILLING, TO SLAUGHTERHOUSE OPERATORS

 - https://ec.europa.eu/food/animals/welfare/practice/slaughter_en
 - https://ec.europa.eu/food/sites/food/files/animals/docs/notice_brexit_animal_killing.pdf

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON ANIMAL FEED

 - https://ec.europa.eu/food/safety/animal-feed_en
 - https://ec.europa.eu/food/sites/food/files/safety/docs/notice_brexit_animal_feed.pdf
- **Medicinal products**

NOTICE TO MARKETING AUTHORISATION HOLDERS OF CENTRALLY AUTHORISED MEDICINAL PRODUCTS FOR HUMAN AND VETERINARY USE

 - https://ec.europa.eu/health/veterinary-use_en
 - https://ec.europa.eu/health/sites/health/files/files/documents/ec_ema_notice_communication_brexit.pdf
 - **Q&A:**
https://ec.europa.eu/health/sites/health/files/files/documents/qa_on_brexit.pdf
- **Health**

NOTICE TO STAKEHOLDERS WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF SUBSTANCES OF HUMAN ORIGIN (BLOOD, TISSUES AND CELLS, AND ORGANS)

- https://ec.europa.eu/health/blood_tissues_organs/policy_en
- https://ec.europa.eu/health/sites/health/files/blood_tissues_organs/docs/2017_btc_brexit_en.pdf

List of participating stakeholders

Members of the Advisory Group

AESGP Association of the European Self-Medication Industry
AIPCE-CEP European Fish Processors & Traders Association
AVEC Association de l'Aviculture, de l'Industrie et du Commerce de Volailles dans les Pays de l'Union Européenne
CELCAA European Liaison Committee for the Agricultural and Agri-food Trade
CLITRAVI Centre de liaison des industries transformatrices de viandes de l'UE
COCERAL Comité du commerce des céréales, aliments du bétail, oléagineux, huile d'olive, huiles et graisses et agrofournitures de l'UE
COPA and COGECA European farmers and European agri-cooperatives
EHPM European Federation of Associations of Health Product Manufacturers
EUROCOMMERCE European Representation of Retail, Wholesale and International Trade
EUROGROUP FOR ANIMALS
EU Specialty Food Ingredients Federation of European Specialty Food Ingredients Industries (previously known as ELC)
FACE Federation of Associations for Hunting and Conservation of the EU
FEFAC Fédération Européenne des Fabricants d'Aliments Composés
FEFANA EU Association of Specialty Feed Ingredients and their Mixtures
FESASS Fédération Européenne pour la Santé Animale et la Sécurité Sanitaire
FOODDRINK EUROPE
FOODSERVICE EUROPE
FRESHFEL Freshfel Europe - the forum for the European fresh fruits and vegetables chain
FVE Federation of Veterinarians of Europe
IFOAM EU GROUP International Federation of Organic Agriculture Movements EU Regional Group
INDEPENDENT RETAIL EUROPE
IPIFF International Platform of Insects for Food & Feed Association

PFP Primary Food Processors
SNE Specialised Nutrition Europe
UECBV Union européenne du commerce du bétail et de la viande

Permanent Observers in the Advisory Group

EDA European Dairy Association
EFFAB European Forum of Farm Animal Breeders
ESA European Seed Association
EUROPATAT European Potato Trade Association
FACEnetwork Farmhouse and Artisan Cheese and dairy producers' European network
FOODSUPPLEMENTS EUROPE

Additional stakeholders

CEEV Comité Européen des Entreprises Vins
CleanSmokeCoalition
EAZA European Association of Zoos and Aquaria
EFBW European Federation of Bottled Water
EFFA European Flavour Association
ESSNA European Specialist Sports Nutrition Alliance
FEDIOL Federation for European Oil and Proteinmeal Industry
PROFEL European Association of Fruit and Vegetable Processing Industries
SACAR Joint Secretariat of Agricultural Trade Associations
SIPA Seafood Importers and Processors Alliance
UNESDA Union of European Beverages Associations