

# Changes to UK Food and Drink Labelling and Packaging

**BORD BIA**  
IRISH FOOD BOARD

18<sup>th</sup> April, 2023: 10:00 – 11:00

# Agenda

**BORD BIA**  
IRISH FOOD BOARD



Donal Denvir,  
General Manager, Bord Bia  
UK



Siobhan King-Hughes,  
Director, Supply Chain and  
Trade  
PerformanSC



George Atkinson,  
Head of Policy, Valpak

# Agenda

- Introductions & UK Update
- New Target Operating Model
- UK Food Labelling Requirements – Siobhan King-Hughes
- EPR – George Atkinson
- Q&A
- Bord Bia Supports



# NEW Target Operating Model (draft)

- From 31 October 2023, the pre-notification of imports on UK SPS import system (IPAFFS) will apply to all Irish SPS goods, (this requirement already applies to imports of such goods from the rest of the EU since 1 January 2022).
- From 31 October 2023, the requirement for export health certification for imports to GB from the EU will apply to a wider range of agri-food goods than currently applies, including products of animal origin and all regulated plants and plant products, based on a risk categorisation of high, medium and low risk. The risk categorisation is based on country of origin and product definition. The TOM commits the UK government to publishing a definitive list of high, medium and low categories of products associated with individual countries, for EU member states by the end of April 2023 and the Rest of World by the end of July 2023.
- A date for application of **Border Control Post SPS entry controls (identity and physical inspection controls) for Irish goods moving to GB is not yet set out in the current draft TOM** but there is a commitment to defining this in final version of TOM to issue in June 2023.
- More information on upcoming engagement and events [here](#)



# Housekeeping

1. Please Send Questions to Q&A Function and note who the question is for
2. Information discussed here today is based on what is currently publicly available from relevant authorities
3. If your question isn't answered today, you can also email [Brexite@bordbia.ie](mailto:Brexite@bordbia.ie)
4. We will be recording this webinar and this will be uploaded onto our webpage along with the presentations
5. And finally, I'll do a re-cap at the end of this webinar on the Trading with the UK supports we have available for Bord Bia client companies



# Food Packaging and labelling requirements for the UK market

Siobhan King-Hughes

Director Supply Chain & Trade – PerformanSC

[siobhan.king-hughes@performansc.com](mailto:siobhan.king-hughes@performansc.com)

[www.performansc.com](http://www.performansc.com)



# Practitioner led supply chain consultancy



- Dublin – London – Chicago

Performance Optimisation

International Trade & Compliance

Outsource Process Management

Channel & Market Strategy

Training & Development

Circular Economy & Risk Management

- Consulting partner to Bord Bia
  - Logistics and supply chain
  - Trade and customs

# UK Food Labelling Requirements

# New Rule – UK Address on label

- From **1st Jan 2024** any **pre-packaged food or caseins** sold in GB
- Need to include the following information on the label:
  - Address in the UK of the business whose name the food is marketed under, **or**
  - Address in the UK of the business that has imported the food
- This is to provide market surveillance authorities a local contact within the UK
  - The address needs to be a physical address where your business can be contacted by mail. You cannot use an email address or phone number.
  - This is the **entity who takes responsibility for the information on the product label**
- Pre-packaged food or caseins sold in NI 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.
- May include additional information (can meet both EU and UK requirements on same label)

# UK address requirements – options for Irish producers

Several options available to Irish food producers. Best option for any food producer will depend on individual circumstances.

- Use your own business entity in the UK
  - May be a viable option if you already have a physical office or presence in the UK
  - Consider costs and potential tax implications of setting up and maintaining entity
  - Advice from accounting firm
  
- Use your importer's address
  - Need to confirm that they are happy to take on this responsibility
  - Need to provide them with access to technical files to support each product
  - Need clarity on legal responsibilities and costs
  
- Use the services of a Third Party Authorised representative
  - Professional companies that provide this as a service for a fee
  - Typical fees include set up (by product / product group) and ongoing service fees
  - Need to have food and drink experience
  - Register as an FBO on behalf of the manufacturer

<https://www.gov.uk/guidance/food-labelling-giving-food-information-to-consumers#show-the-name-and-address-of-the-food-business-operator>

# Country of origin labelling – additional changes

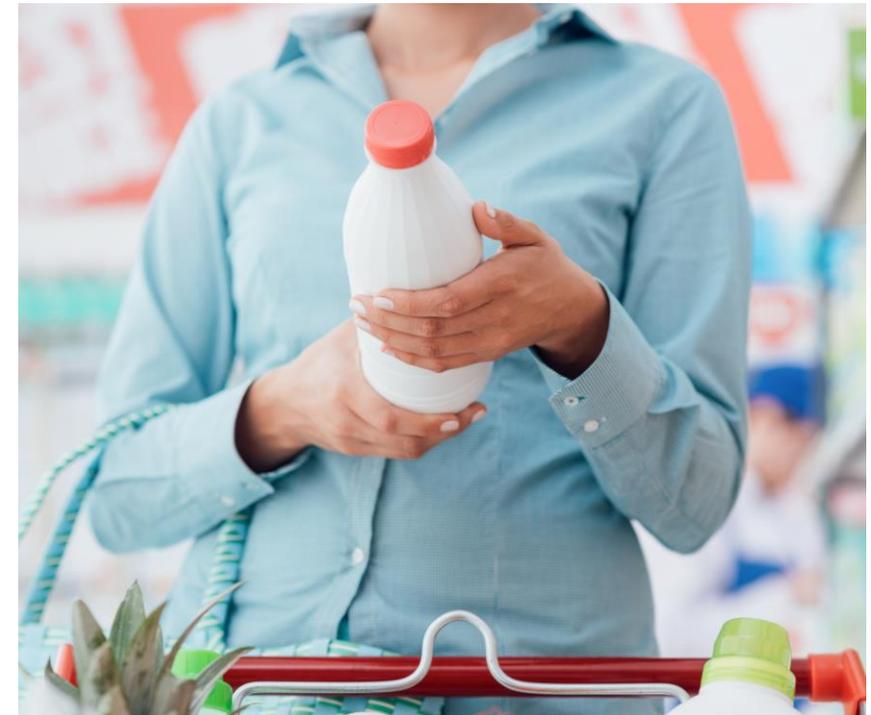
- Specific food origin labelling requirements for:
  - Beef and veal
  - Poultry, sheep, goats and swine
  - Fish and seafood
  - Minced meat
  - Eggs
  - Olive oil
  - Blended honeys
  - Wine
  - Fruit and vegetables
  
- From **1st Jan 2024** - ‘simplified’ changes ‘EU / Non-EU’ → ‘UK / Non-UK’
  
- Need to have country of origin on other prepacked products if the consumer could be misled by the packaging / description
  - For more information see
    - <https://www.gov.uk/guidance/food-labelling-country-of-origin>
    - <https://www.gov.uk/food-labelling-and-packaging/food-labelling-what-you-must-show>



# Labelling pre-packed food

Pre-packed food is any food that's put into packaging before being put on sale and that cannot be altered without opening or changing the packaging

- Information to display on labels or packaging
  - the name of the food
  - the quantitative ingredients declaration (QUID), where needed
  - a list of ingredients (including allergens)
  - the weight or volume of the food (net quantity)
  - a 'best before' or 'use by' date
  - **UK name and address of food business operator (FBO) responsible for food information**
  - alcoholic strength by volume (as a %) on drinks containing over 1.2% alcohol by volume
    - Country of Origin (if needed) (UK/Non-UK)
- There are specific regulations by food type – for more information
  - <https://www.gov.uk/guidance/food-labelling-giving-food-information-to-consumers>



# How to display information on labels or packaging

- Information on labels must be difficult to remove (indelible)
- Labelling must allow the customer to see all the following information at the same time (must be in the same field of vision):
  - the name of the food
  - the net quantity of the food
  - alcoholic strength by volume (for drinks containing over 1.2% alcohol)
- You must print all the mandatory information using a font with a minimum x-height of 1.2 millimetres.
  - If the largest surface area of packaging is less than 80cm squared, you can use a minimum x-height of 0.9mm.



Legend

1	Ascender line
2	Cap line
3	Mean line
4	Baseline
5	Descender line
6	x-height
7	Font size



<https://www.gov.uk/guidance/food-labelling-giving-food-information-to-consumers#labelling-pre-packed-food>

# Business to business shipments

You must pass on information about products if you are selling food products to other businesses.

At the end of the supply chain, whoever is selling a food product to the final consumer must have all the information they need to provide.

- If food will be sold **non pre-packed**, must provide all required information for non pre-packed foods
  - Name of food
  - Allergens present
  - (If meat) - a meat content/QUID declaration
  - (if irradiated) an irradiated food statement
  - Label should be on the packaging if possible, but can also be written on a notice close to product or given verbally to customer
  
- If food will be sold **pre-packed**, must provide all information required for pre-packed food
  - If already pre-packed when you sell it information should be **on the pre-packaging**, or a **label attached to the pre-packaging**
  - If product will be **pre-packaged by another entity** you should provide all information on the **commercial documents**
  - External Packaging:
    - If the product is enclosed in external packaging OR
    - If it will be **used by a mass caterer** to prepare food, the external packaging should contain:
      - the name of the food
      - the best before/use by date
      - any special storage conditions, and
      - **the name/address of your business**
  
- If you do not know how the product will be sold to the final consumer, you should **assume it will be pre-packed** and provide the required pre-packed information.

<https://www.gov.uk/guidance/food-labelling-giving-food-information-to-consumers#selling-food-products-to-other-businesses>

# Requirements of the food business operator (FBO)

- **Natural or legal persons responsible for ensuring the requirements of food law are met within the food business under their control**
- The food business operator responsible for the food information shall be the operator under whose name or business name the food is marketed or, if that operator is not established in the market, the importer into the market
- Name and address of the food business operator (FBO) responsible for the food information
  - Needs to be a physical address where your business can be contacted by mail
  - You cannot use only an email address or phone number
- Responsibilities including (but not limited to):
  - Holding the technical file for the product, and being able to produce the file immediately if it is requested by a market surveillance authority
  - Being the first point of contact for authorities if there is any query or issue with a product
  - Co-ordinating any product recall if required
- Enforcement
  - Local authorities responsible for enforcement
  - In most cases - improvement notice if you have not complied with food regulations
    - Can continue to operate if you get improvement notice, but you must comply within the time specified
    - Committing an offence and may be prosecuted if you do not comply with an improvement notice
  - Improvement notices cannot be issued in relation to net weight contraventions - can be prosecuted
  - May be prosecuted (without first being given an improvement notice) if you break the rules on allergens
- **Customer impact if product is reported as not compliant**

Thank You

# UK Packaging EPR Overview for Bord Bia Members



George Atkinson  
Head of Policy



# Explaining EPR

1. **WHY** are the reforms taking place?
2. **WHO** is obligated?
3. **WHAT** are the reforms: fees & financial impacts
4. **WHAT** are the reforms: Data reporting
5. **WHEN: Timelines**
6. **HOW** to comply: administration & compliance
7. **Question Time**





# The UK's first, largest and leading Producer Responsibility Scheme



- 25yrs** Experience
- 2,000+** Packaging Scheme Members
- 100%** Compliance Record

## Complying on behalf of Industry Leaders



## Statistics we're most proud of

**44<sub>m</sub>** products & related packaging data within our database

Unparalleled data insights & interrogation tools to help make packaging portfolios **leaner & greener**

**90** mentions across Defra's EPR Impact Assessment

Most referenced business on EPR; a trusted adviser of Government for over a generation

**450+** members have received a personalised forecast of their exposure to EPR & DRS driven by Valpak Consulting research

# Packaging Reforms: Why?

**Current PRN system established in 1997**

**Doesn't reflect deficiencies of waste management seen today**

## **Issues highlighted include:**

- Inconsistent funding for & performance of HH waste recycling
- Regulations haven't accounted for e-commerce boom
- Fragmented consumer communications to drive recycling
- Insufficient scrutiny waste export operations
- PRN markets can be volatile, with limited revenue usage reporting

**System redesign to make producers more responsible for the costs associated with household packaging waste management**



# UK Packaging Reforms

Packaging producer responsibility is evolving

## Packaging Waste Regs 'EPR' Reform

UK-wide

Producers become responsible for funding local authority packaging waste management costs

## Deposit Return Scheme for drinks cans & bottles

Scottish DRS separate from Rest of UK DRS

Deposit paid & redeemed by consumers incentivising them to recycle

## Consistent Collections

Each nation of the UK separately

A basic set of recyclable materials to be collected from households and businesses

**Government response due shortly**  
**Measures still expected from April 2024**

## Plastic Packaging Tax

UK-wide

£200/tonne tax on newly produced/imported plastic packaging with <30% recycled content

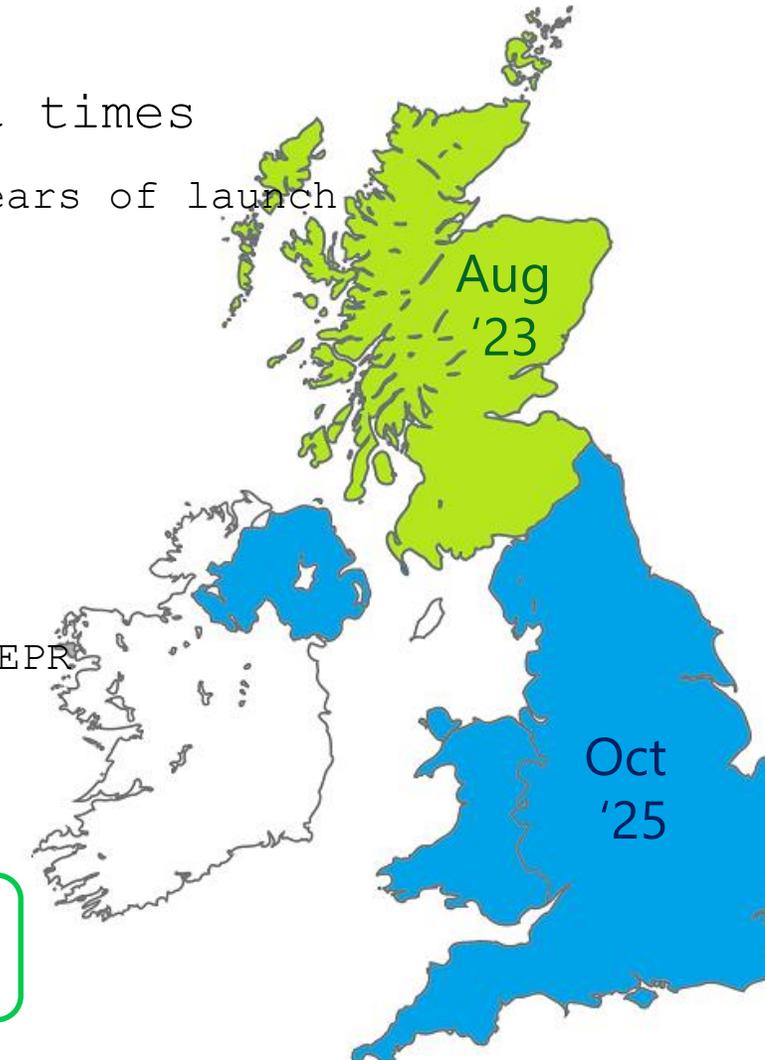
# Implementing DRS across the UK

**Separate DRS systems** being implemented at different times

- Both will target a **90%** container return rate within 3 years of launch

## 'Rest of UK' DRS proposed for October 2025

- Final implementation date and administrator(s) TBD
- Deposit level & fees will be set by the administrator(s)
- Exclusion of glass from England & N.Ireland confirmed
  - Glass drinks bottles POM in Eng/N.Ire will face PRN & EPR fees
  - PET & metal containers only face PRN fees prior to DRS



Launch  
Late 2023  
Legislation published

Summer 2024  
Administrator confirmed

October 2025  
Rest of UK DRS launches

# Scottish DRS Updates

SNP leadership outcome stands to affect Scottish DRS

UK Internal Market Act exemption submitted by Scottish Gov

- 'Advance fees' still due to Circularity Scotland in the event of delay

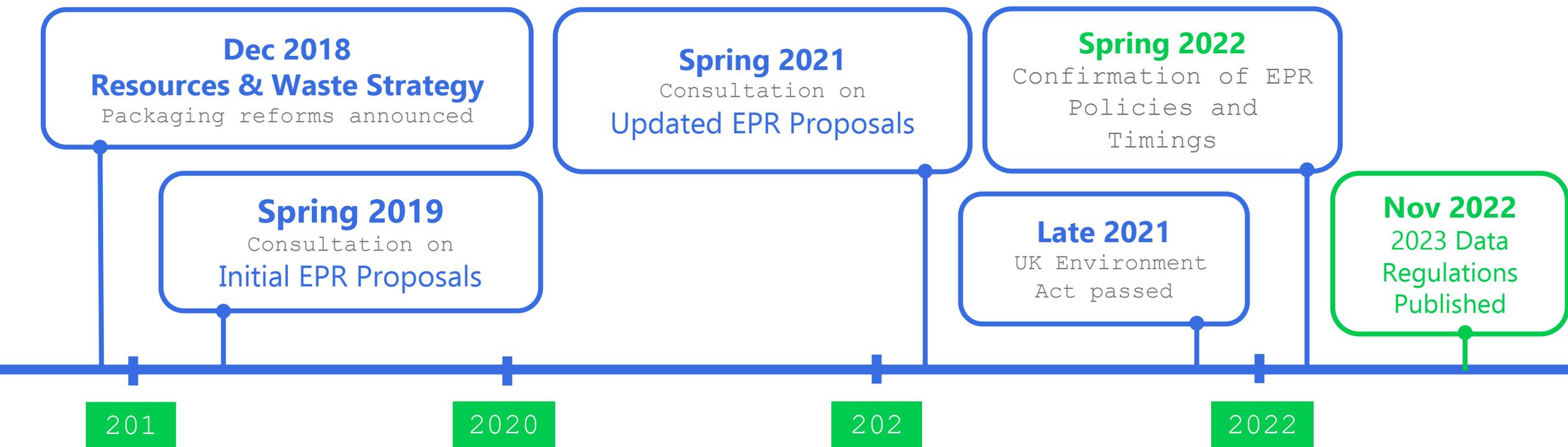
Circularity Scotland easing impacts of the DRS to industry

1. SEPA will not enforce online takeback requirement for retailers
2. Producers not required to pay first month fees for first 3 million DRS units placed onto Scottish market
  - A. 'Day 1 charge' due on 16<sup>th</sup> August
  - B. 'Month 1 invoice' due on 31<sup>st</sup> August
3. 2 month credit terms for paying deposit & producer fees due on first 250k units placed on Scottish market each month



# UK Packaging EPR

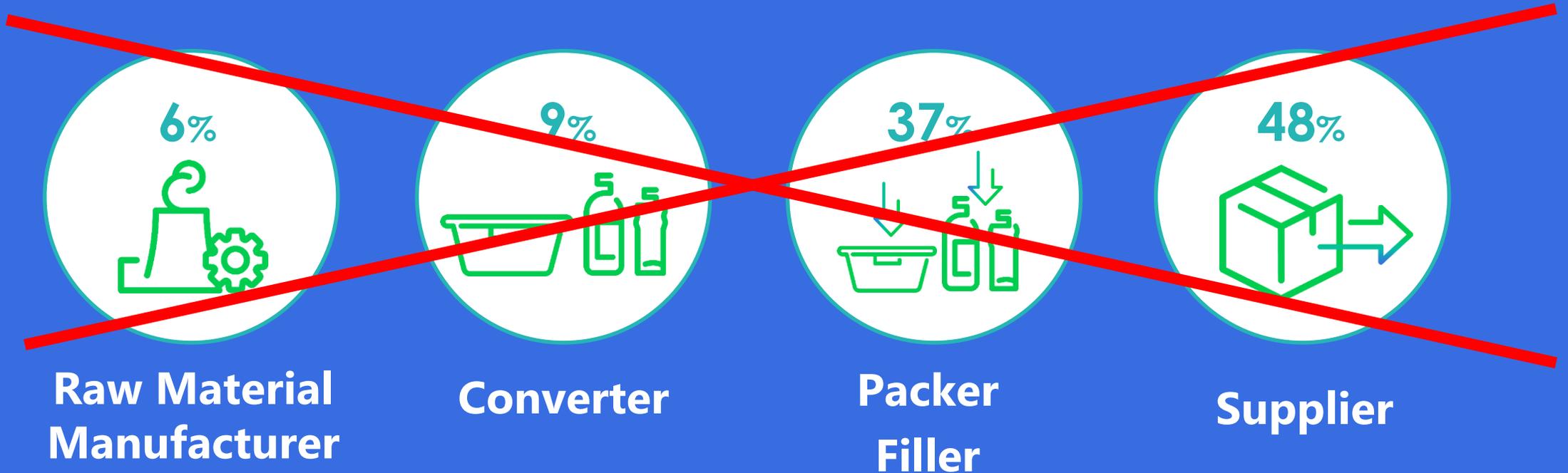
## Where are we in the reform process?



2023 Data Regulations have now passed in all nations apart from Wales

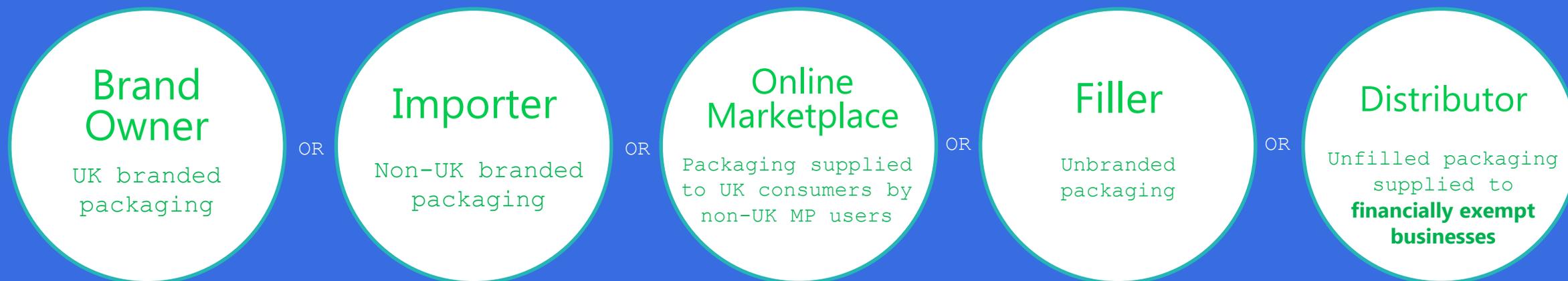
# EPR: Who is Obligated?

## Shared Producer Responsibility



# EPR: Who is Obligated?

## Single Party Responsibility 100%



+ Service Provider for hired/leased packaging

**for declaring packaging data from late 2023  
& payment of waste management fees from 2024**

# UK Packaging EPR

## Who is obligated?

### Importer

“...responsible for importing filled packaging into the UK, or the first person in the UK who takes ownership of the packaging”

- Also the producer for filled secondary/tertiary or any other packaging for which there is no obligated brand owner; or where the brand owner is not responsible for the import

[CHECK YOUR IMPORT ARRANGEMENTS  
TO DETERMINE UK EPR LIABILITY!](#)



# Who is obligated?

		Last Annual Turnover		
		Under £1m	£1m - £2m	Over £2m
Packaging Supplied Last Year	Less than 25 tonnes	No obligation	No obligation	No obligation
	25 – 50 tonnes	No obligation	Small Producer Financially Exempt	Small Producer Financially Exempt
	Over 50 tonnes	No obligation	Small Producer Financially Exempt	Large producer Report bi-annually + pay fees

# EPR Fees & Reporting Requirements

All packaging incurs PRN obligation

+ EPR fees

## Household

Primary & E-Commerce Shipment



## Non-Household

ALL Secondary & Tertiary



# EPR Fees & Reporting Requirements

All packaging incurs PRN obligation

+ EPR fees\*

**Household**  
Primary & E-Commerce Shipment



**Non-Household**  
Primary & E-Commerce Shipment



**Non-Household**  
ALL Secondary & Tertiary



\*unless supplied directly to business end user  
AND obligated producer can evidence the supply

# EPR Fees & Reporting Requirements

All packaging incurs PRN obligation

+ EPR fees\*

**DRS packaging**  
subject to different  
requirements



**Household**  
Primary & E-Commerce Shipment



**Non-Household**  
Primary & E-Commerce Shipment



**Non-Household**  
ALL Secondary & Tertiary



\*unless supplied directly to business end user  
AND obligated producer can evidence the supply

# Cost Impacts in Perspective

## Retailer Brand Owners

Comparison of Annual Industry Contribution

Move from Shared to Single Party Responsibility

PRN System

£500m  
PRN Revenues  
(2022, est.)

3.4x

x

48%  
Supplier  
Responsibility  
Portion

2x

Reformed EPR  
system

£1.7bn  
Defra's Estimated 1<sup>st</sup> Year  
System Cost  
(includes PRN revenues)

100%  
Single Party Responsibility  
for EPR/PRN Costs

Retailer Brand Owner  
compliance costs for HH  
packaging rise by

= ~7 times

Retailers will lose financial obligations  
for packaging they sell that is another  
brand's

# Cost Impacts in Perspective

## Brand Owners

Comparison of Annual Industry Contribution

Move from Shared to Single Party Responsibility

PRN System

£500m  
PRN Revenues  
(2022, est.)

3.4x

Reformed EPR  
system

£1.7bn  
Defra's Estimated 1<sup>st</sup> Year  
System Cost  
(includes PRN revenues)

x

37%  
Packer/Filler  
Responsibility  
Portion

2.7x

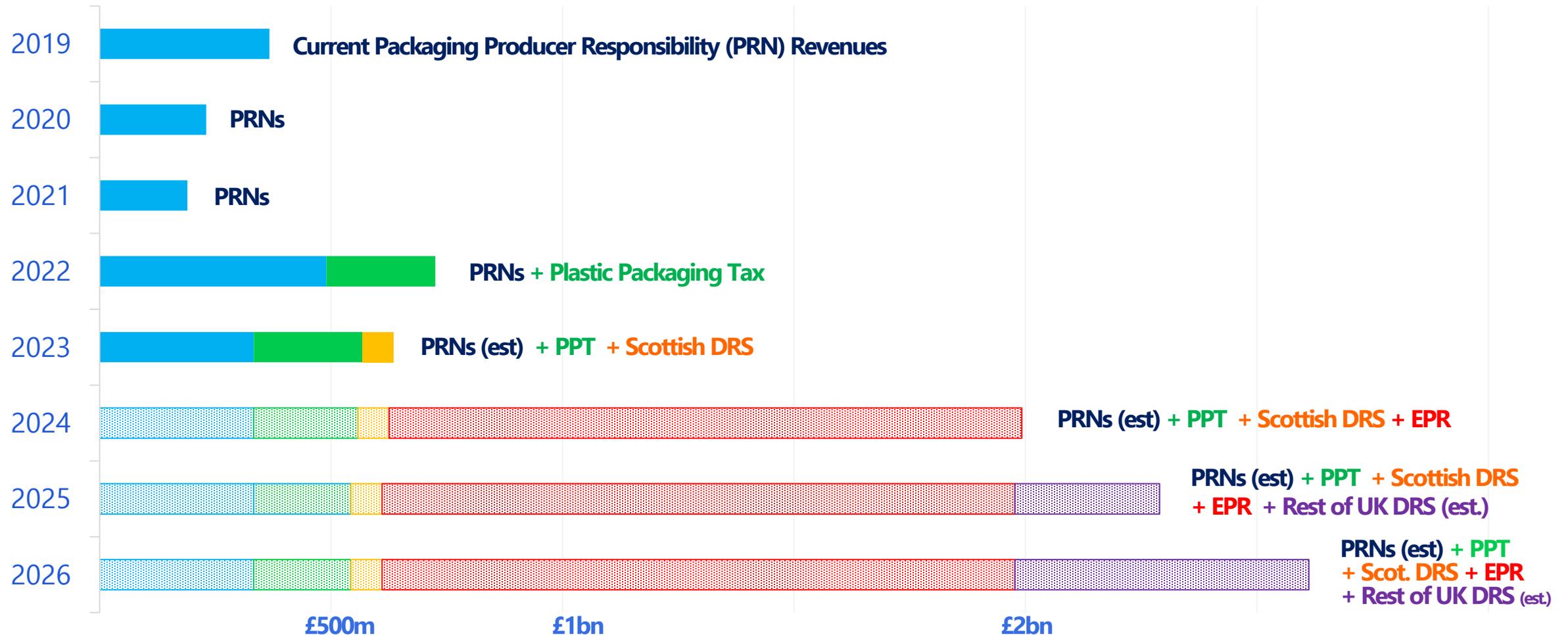
100%  
Single Party Responsibility  
for EPR/PRN Costs

Brand Owners of HH packaging  
not sold direct to consumers may  
see costs rise by

= ~10 times

# UK Packaging Reforms

Consider EPR costs in context of wider reform



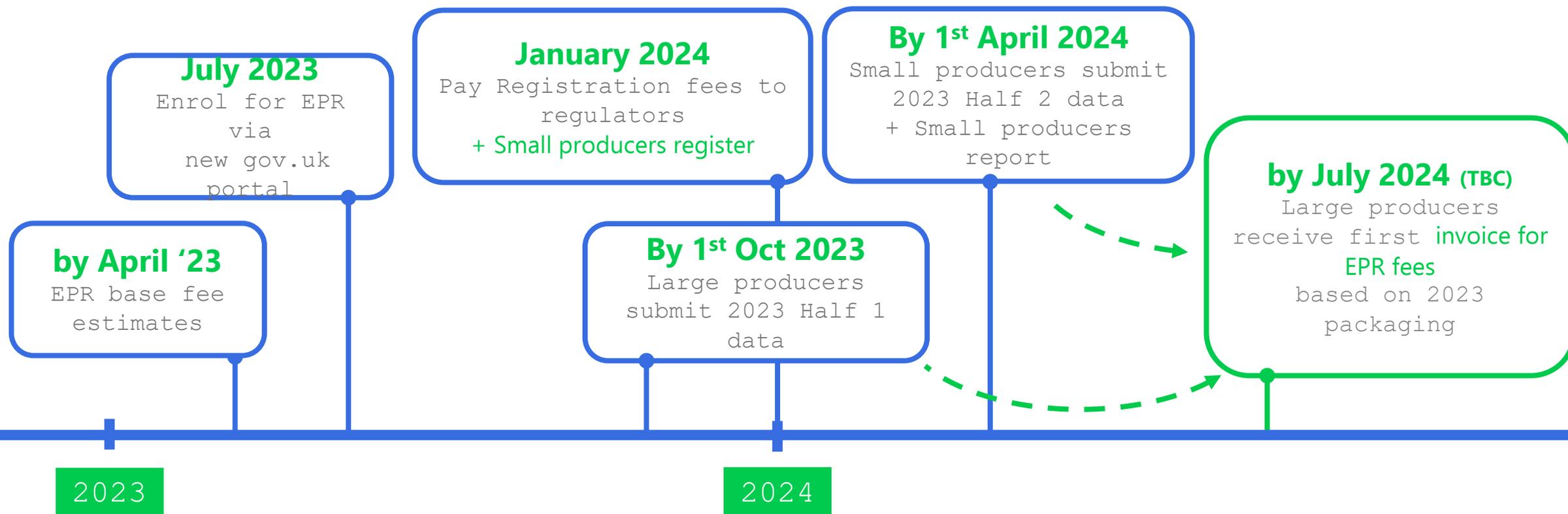
# EPR Data Reporting



- **New packaging declaration categories**
- **Bi-annual data declarations**
- **Halved thresholds for data reporting**
- **Eco-modulation of EPR fees from 2025**
- **New 'supply by nation' reporting once a year**
- **Data declaration rules for parent companies & franchise models changing**

# UK Packaging EPR

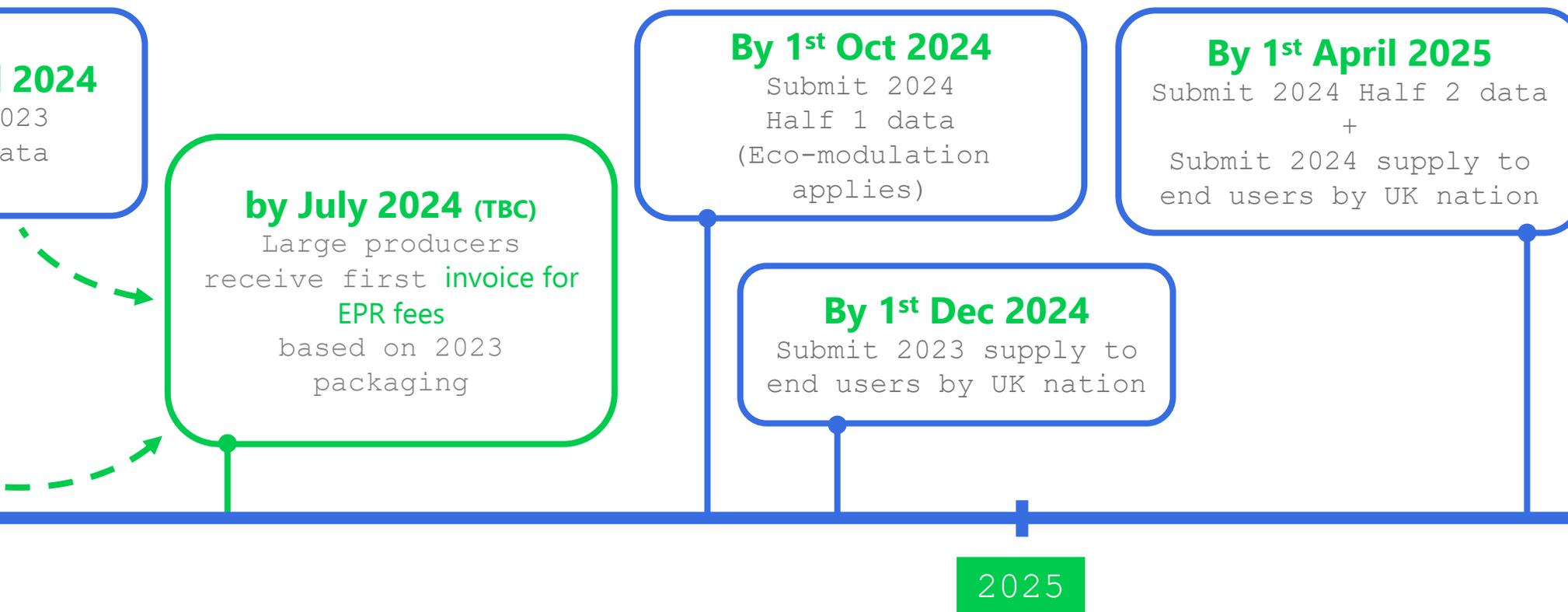
## What is still to come?



PRN fees billed to obligated producers as current  
(subject to shift to single party responsibility)

# UK Packaging EPR

## What is still to come?



as current

Don't forget reporting obligations under Plastics tax, Scottish DRS!

# How to Comply?

## Compliance Bodies



Assist the majority of producers with:

- EPR registration
- Form creation & data collation
- submission

Undertake PRN procurement at favourable prices

- Schemes invoice producer members for PRN fees



### Administrator

Public-body overseeing EPR

- May involve private delivery partners

All obligated businesses must enrol through new gov.uk portal

Sets EPR fees payable by producers

- Invoices producers for EPR fees
- Disperses funding to local councils

Scheme Administrator final design expected to be confirmed late 2023



## Takeaways

### Preparing for the UK reforms

- Is my business going to be liable to pay? Check import terms
- How do our future UK compliance costs compare to current?
  - What incurs the highest costs: both overall & per tonne?
- Who will we be paying fees to? How? When?
- Can we optimise backhauling operations?
- Do/can we track what UK nation our packaging is sold in?
- Are we able to report packaging by recyclability factors?

# Thank you



George Atkinson  
Head of Policy  
[George.Atkinson@Valpak.co.uk](mailto:George.Atkinson@Valpak.co.uk)  
[www.linkedin.com/in/george-atkinson-valpak](http://www.linkedin.com/in/george-atkinson-valpak)



#beprepared

# Q&A

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# Bord Bia Supports 2023

- **Webinars**
- **LSP Database (updated April 2023)**
- **Trading with UK webpage - [www.bordbia.ie/industry/trading-with-uk/](http://www.bordbia.ie/industry/trading-with-uk/)**
- **1:1's and Workshops**
- **UK Daily Media Report**
- **[Brexit@bordbia.ie](mailto:Brexit@bordbia.ie)**



# Thank You

**BORD BIA**  
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