

Navigating UK's regulations post- Brexit

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Agota Ditchfield

Regulatory and Scientific Affairs Consultant

Mark Moss

Senior Regulatory and Scientific Affairs
Consultant



Welcome – your panellists



Agota Ditchfield

Regulatory and Scientific
Affairs Consultant



Mark Moss

Senior Regulatory and
Scientific Affairs
Consultant



Chris Landeg

Commercial Director

Science Group fact sheet



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UK food and beverage legislation



Is your product compliant?



What happened to EU Regulations? Changes in the UK legislation landscape since Brexit

[European Union \(Withdrawal\) Act 2018](#)

- The UK Parliament passed the European Union (Withdrawal) Act 2018 which in effect ‘copied’ almost all EU law and ‘pasted’ it into UK law- **retained EU law (REUL)**

[Retained EU Law \(Revocation and Reform\) Act 2022](#) (the ‘Act’)

- It makes provisions for changes to the operation, status and content of Retained EU Law
- It had **sunset clause** on **31 December 2023** to revoke or replace all EU-derived subordinate legislation (but not primary legislation) and retained direct EU legislation

[Amendment, Retained EU Law \(Revocation and Reform\) Act 2023](#)

- By amendment in May 2023 “sunset” date was removed and only the REUL specified in the revocation [Schedule](#) be revoked at the end of the year 2023.
- REUL not specified in the Schedule are retained on the statute book

[The Retained EU Law \(Revocation and Reform\) Act 2023 \(Commencement No. 1\) Regulations 2023](#)

- From 1 January 2024 all retained EU regulations other than the ones listed in Schedule 1 became **assimilated regulation** (names used to describe the regulations change)

No impact on food businesses: 8 Regulations were revoked which were already superseded or inoperable.

Additives



Additives

What has changed after Brexit

- New additives must be separately approved in both EU & UK so additives recently approved in the EU may not be approved in the UK
- Additives that are banned in the EU are not automatically banned in the UK (and vice versa)
- Changes in max limit or extension of use in the EU is not automatically transposed into the UK (and vice versa)

How much divergence has taken place

- Increasing divergence can be seen as UK authority authorised significantly less additives.
- Less choice of using new additives in foods and food supplements affects product development.

Additives

Examples of significant divergence

- **Titanium oxide** is still permitted in the UK although it is banned in the EU
- Different forms of Steviol glycosides permitted
- Purity criteria changed: limit for ethylene oxide of **0.1mg/kg** in all food additives in the EU since September 2022 while in the UK it is only proposal now

	EU	UK
E 960a Steviol glycosides from Stevia	Approved	Approved
E960c Enzymatically produced steviol glycosides	Approved	Approved
E960d Glucosylated steviol glycosides	Approved	Not yet
Rebaudioside M, AM and D produced via enzymatic conversion	Not approved yet	Under risk assessment process
Steviol glycosides produced by Yarrowia lipolytica	Under assessment process	Under assessment process

How will I know if I am impacted

- There is **no** single resource tracking UK/EU additive divergence. No UK food additive database yet, but Regulations are accessible:
 - [Assimilated Regulation \(EU\) 1333/2008, as amended and](#)
 - [The Food Additives, Food Flavourings and Novel Foods \(Authorisations\) \(England\) Regulations 2023 \(legislation.gov.uk\)](#)
 - Monitor consultations

Sourcing for UK regulations

legislation.gov.uk

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Title: Year: Number: Type: All UK Legislation (excluding originating from the EU) Search Advanced Search

Regulation (EC) No 1333/2008 of the European Parliament and of the Council

Regulations originating from the EU > 2008 No. 1333 > ANNEX II

Table of Contents | **Content** | More Resources

Previous: Annex | Next: Annex | Plain View | Print Options

What Version: Latest available (Revised) | Original (As adopted by EU)

Advanced Features: Show Geographical Extent (e.g. England, Wales, Scotland and Northern Ireland) | Show Timeline of Changes

Opening Options: More Resources

This is a Regulation originating from the EU

See the EU version of this legislation on EUR-Lex

See an archived version from EUR-Lex

Changes over time for: ANNEX II

Timeline: 19/03/2020 (EU), 25/03/2020 (EU), 02/07/2020 (EU), 28/10/2020 (EU), 23/12/2020 (EU), End of implementation period 31/12/2020 (UK)

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 1333/2008 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

Changes and effects yet to be applied to Annex II:

Changes and effects yet to be applied to the whole legislation item and associated provisions

Changes to legislation:

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Close

Changes and effects yet to be applied to Annex II: More

Changes and effects yet to be applied to the whole legislation item and associated provisions

Close

- UK Annex 2 Pt. B para. 2 words inserted by S.S.I. 2023/78 sch. 1 para. 1(b)
- UK Annex 2 Pt. B para. 2 Table words inserted by S.I. 2023/343 Sch. 1 para. 2(b)
- UK Annex 2 Pt. B para. 2 words substituted by S.S.I. 2023/78 sch. 1 para. 1(a)
- UK Annex 2 Pt. B para. 2 table words substituted by S.I. 2023/334 reg. 2(2)(a)
- UK Annex 2 Pt. B para. 2 Table words substituted by S.I. 2023/343 Sch. 1 para. 2(a)
- UK Annex 2 Pt. C para. 5(v) inserted by S.I. 2023/334 reg. 2(3)
- UK Annex 2 Pt. C para. 5(v) inserted by S.I. 2023/343 Sch. 1 para. 3
- UK Art. 28A(3)(d) words substituted by S.I. 2019/1013 reg. 79(a) (This amendment not applied to legislation.gov.uk.)

Fortification



Fortification

What has changed after Brexit

- New forms of vitamins and minerals must be separately approved in both EU & UK so recently approved sources in the EU may not be approved in the UK
- Prohibited or restricted substances in foods in the EU are not automatically banned in the UK
- The Bread and Flour Regulations 1998 on labelling and compositional standards for bread and flour amended and under review

How much divergence has taken place

- **Not** significant yet as new approved form of vitamin (niacin) in the EU is product specific not having wide impact across product range in the UK.
- More significant change is the number of prohibited and restricted substances in the EU have increased while in the UK remained unchanged.

Fortification

Examples of significant divergence

- EU has implemented many prohibitions on the presence of substances like hydroxyanthracene derivatives (HAD) in aloe preparations, and restrictions on the use of monacolins from red yeast rice and green tea extracts containing (-)- epigallocatechin-3-gallate. EU has introduced maximum limits and labelling requirements to warn consumers and vulnerable groups
- In the UK, no restriction established yet. Undertaking its own risk analyses of HAD, monacolins and green tea catechins, and the outcomes of these risk analyses published
- White & brown wheat flour imports (but not wholemeal) – flour must be fortified unless the flour is used for production of foods exported to third countries. Proposal to mandate fortification of non-wholemeal flour with folic acid.

How will I know if I am impacted

- Resources and guideline available: [GB Register](#) on the addition of vitamins and minerals and of certain other substances
- Monitor applications under the [NLCS provisional common framework](#) and opinions by the [Committee on Toxicity](#)

Contaminations



Contaminations

What has changed after Brexit

- Safety level of contaminants in foods must be separately evaluated and set for EU & UK
- Maximum permitted limits for contaminants amended in the EU are not mirrored in the UK at the same time
- New contaminants for which limits established in the EU are not automatically introduced into UK legislation

How much divergence has taken place

- UK is clearly lacking behind EU as numerous changes have been made in the EU legislation but nothing has occurred in UK legislation yet
- 12 times the EU Regulation has been amended since Brexit either lowering max. limits for existing contaminants or setting limits for emerging new contaminants

Contaminations

Examples of significant divergence

- Newly introduced MLs for **Pb** in dried spices and salt, while revising a few existing MLs for Pb in some other foods
- For **ergot alkaloids** cereals are now named in the EU
- Maximum levels are set for **PFAS** in eggs, fishery products and certain meat in the EU, not yet in the UK. COT published [Interim Position Paper on Per- and Polyfluoroalkyl Substances](#)

How will I know if I am impacted

- Regulations are accessible
 - [Assimilated Commission Regulation No. 1881/2006](#)
 - [The Contaminants in Food \(Amendment\) \(EU Exit\) Regulations 2019](#)
- Monitor consultations

Call for data: T-2 and HT-2 toxins in food

Labelling



Labelling

What has changed after Brexit

- Changes made in the EU to the Food Information to Consumers (FIC) Regulation are not automatically mirrored in the UK and vice versa
- Environmental labelling initiatives are being pursued independently



How much divergence has taken place

- Very little in the core labelling requirements (i.e. FIC)
- Divergence is starting to be seen in the product sector labelling such as wine and issued areas like recyclability



Labelling

Examples of significant divergence

- Ingredient & nutrition labelling of wine
- 'Not for EU' labelling
- Nutriscore (proposal)
- Packaging recycling labelling
- Natasha's law (not really Brexit related)



How will I know if I am impacted

- There is no single resource tracking UK/EU labelling divergence
- As most of the label changes are not being implemented via FIC it is necessary to stay informed across the sector & issue-led labelling projects

Claims



Claims

What has changed after Brexit

- Health claims approved in the EU are not automatically usable in the UK
- Separate applications are needed for the two jurisdictions, but the evidence & data requirements are basically the same



How much divergence has taken place

- The number of successful health claim applications in the EU remains very small so not much divergence has occurred

Claims

Examples of significant divergence

- No significant divergence
- A claim that a blend of active ingredients in a supplement called Limicol reduces LDL cholesterol is approved in the EU but not the UK



How will I know if I am impacted

- Authorised claims for the EU can be found in the EU Register of Health Claims ([here](#))
- The equivalent list for the UK, known as the Great Britain nutrition and health claims (NHC) register ([here](#))

European Commission | EN English | Search

EU Register of Health Claims

European Commission > Food > Food and Feed Information Portal > Health Claims > EU register

SEARCH OPTIONS

Claim Status: All

Type of Claim: All

EFSA opinion reference: All

Legislation

Health Claims (1 matching records)

Filter results... Search

A combination of artichoke leaf dry extract standardised in caffeoylquinic acids, monacolin K in red yeast rice, sugar-cane derived policosanols, procyanidolic oligomers from French maritime pine bark, garlic dry extract standardised in allicin, d- α -tocopheryl hydrogen succinate, riboflavin and inositol hexanicotinate

A combination of artichoke leaf dry extract standardised in caffeoylquinic acids, monacolin K in red yeast rice, sugar-cane derived policosanols, procyanidolic oligomers from French maritime pine bark, garlic dry extract standardised in allicin, d- α -tocopheryl hydrogen succinate, riboflavin and inositol hexanicotinate reduces blood LDL-cholesterol concentrations. High LDL-cholesterol is a risk factor in the development of coronary heart disease

Authorised

Novel foods



Novel foods

What has changed after Brexit

- Novel foods approved in the EU are not automatically approved in the UK and vice versa. Changes to the permitted categories also do not automatically update
- Separate applications are needed for the two jurisdictions but the evidence & data requirements are currently the same. UK are looking to overhaul the novel food mechanisms in the UK

How much divergence has taken place

- A number of ingredients have been approved as novel foods in the EU since Brexit and many of these approvals are yet to be mirrored in the UK. However, most of these ingredients are quite specialised (e.g. supplements, insects & infant formula) so the impact outside these specialist areas is quite small

Novel foods

Examples of significant divergence

- The lists of permitted insects in the EU & UK are not currently aligned. The UK only allow - Yellow mealworm, House cricket, Banded cricket and Black soldier fly



How will I know if I am impacted

- View the EU consult Union List of approved novel foods ([here](#)) (consolidated in January 2024)
- The UK list is ([here](#)) (use “Latest available (Revised)”). Ongoing applications for novel foods (as well as other regulated products such as additives, flavourings & GMOs) can be viewed ([here](#))

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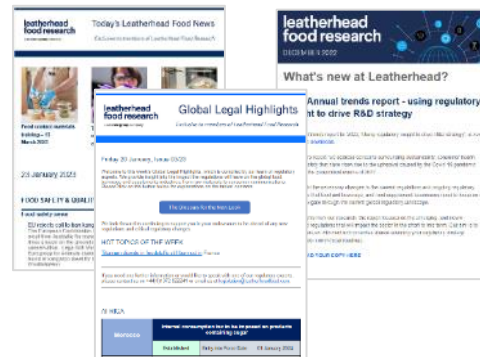
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Precision Fermentation	July 2024
Allergen Declaration	September 2024
Recycling Logos and Symbols	November 2024



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Great Burgh
Yew Tree Bottom Road
Epsom, Surrey
KT18 5XT
UK

Harston Mill
Harston
Cambridge
CB22 7GG
UK

First Floor
17 Waterloo Place
London
SW1Y 4AR
UK

1150 18th Street NW
Suite 475
Washington, DC
20036

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