To:
Food Industry Representative Bodies;
Operators of FSA Approved Food Businesses; and
Local Authorities in the UK

Ref: ENF/E/14/009

7 March 2014

Dear Sir/Madam

Retention of approval number when a business moves to a new address
providing operations discontinue at the old address

I am writing to seek your view on the intention of the FSA to allow approved
Food Businesses Operators (FBOs) to retain their approval number when
moving to a new address. Whilst this has been allowed in exceptional
circumstances in the past, the usual approach has been to issue a new
approval number.

We have reviewed the relevant legislation (ref: Article 4 of Regulation (EC)
853/2004 and Art 31 of Regulation (EC) 882/2004) and believe that, subject to
certain conditions discussed below, allowing for the retention of the approval
number would be compliant with legal requirements.

We propose that:

- FSA approved establishments should be able to retain their unique
  approval numbers when moving their activities to operate at a new
  location, provided that their new establishment remains in the same
  country (i.e. Scotland, Wales, Northern Ireland and England); and
- Local Authority (LA) approved establishments should be able to retain
  their unique approval number when moving their activities to operate at
  a new location, provided that their new establishment remains within
  the same LA boundary.

FBOs will need to discuss this on a case by case basis with their Competent
Authority (FSA or LA) prior to relocating.

The geographical restrictions mentioned above are necessary as approval
numbers (essentially these are the unique numbers in the identification marks)
are required to follow a specific numbering system for regional variations. In
the case of FSA approved establishments the sequence is dependent on the
country of location, and in the case of LA approved establishments letters refer to the LA area. It would not therefore be possible to retain the same approval number when a business moves beyond these geographical limits.

Discussion

Regulation (EC) 853/2004 Articles 4 and 5 set out the provisions for the registration and approval of establishments. The main purposes of approval numbers are to ensure traceability of product and to provide assurance throughout the food chain that products have been produced in approved establishments where this is required under the legislation. We do not consider that either objective would be hindered by our proposal.

The imperative in the legal provisions is that each approved establishment must have its own unique approval number. We are therefore of the view that, so long as an approval number relates to only one establishment at any one time, there is scope to allow a business to retain its unique number on moving to a new location. In practice, this means that there must be no overlap in operations between the old and new establishment. The FBO would have to ensure that the approval for the original establishment was surrendered before the FSA or LA could re-issue the approval number to the business at the new address. Close communication between the FBO and FSA or LA would be essential to ensure that any gap between surrender and re-issue of the approval number was kept to an absolute minimum.

In addition to the above, re-allocation of an approval number would only be permissible where the FBO of the business remains the same, and the activities remain substantially the same, when the establishment moves to a new location.

Approval of the new establishment would have to follow the usual process. The FSA or LA would have to approve the establishment before it commenced operations. So long as the infrastructure and equipment requirements were met, conditional approval would be granted followed by full approval when, following a further assessment, the FSA or LA was satisfied that the business at its new address met all relevant requirements of food law.

Impact

We have looked at the scope for businesses to retain their approval number because we believe that this could save businesses some expense on moving to a new location. We anticipate that there would be potential savings because the business might not have to change product labelling, packaging, advertising, signage etc.
Action

Please reply to this letter by **28 March 2014** if you have any comments on this proposal. In particular, I would be interested to know whether:

- you support or object to the proposal with your reasons
- whether you can estimate the savings that this proposal might generate for a business on moving location; and
- conversely, whether you feel that the proposal might generate burdens/costs for businesses or for LAs

Please send your comments to me at the email address:

[stephen.hall@foodstandards.gsi.gov.uk](mailto:stephen.hall@foodstandards.gsi.gov.uk)

Or by letter to:

Stephen Hall  
Head of Meat Hygiene and TSE Policy  
Food Safety Policy  
Aviation House  
1st Floor  
125 Kingsway  
London WC2B 6NH

Next Steps

We will consider all points made in response to this letter before deciding how to proceed. We would hope to be able to do so quickly and will then write to you again. New legislation would not be needed but we will consider whether any guidance or codes of practice would need to be amended.

Yours Faithfully

[Signature]

Stephen Hall  
Head of Meat Hygiene and TSE Policy