



# **BREXIT HUB**

## **PLANT VARIETY RIGHTS AND MARKETING**

### **Introduction**

The transition period between the UK and the EU will end on 31 December 2020. This means that the UK will no longer be a member of the EU's Single Market nor the Common Customs Union. These changes will result in a series of significant, and depending on the timing, abrupt changes to how rural businesses operate. The rules regarding the import and export and the marketing standards for fruit and vegetables will change.

This briefing note, and others on different subjects that can be found on the CLA Brexit Hub - <https://www.cla.org.uk/brexit> - provides rural business owners with a detailed framework for the steps which will need to be taken and where you can find more information relating to fruit and vegetables marketing standards after transition and has been independently compiled by CLA experts. It covers:

- Import arrangements for fruit and vegetables from the EU;
- Export arrangements for fruit and vegetables to the EU;
- The Approved Trader Scheme;
- Trading arrangements with non-EU countries.

Of course, the decision about what actions to take will be unique to every businesses' needs. This guidance is not intended to make a judgement on the specific activities you should be undertaking, or about the longer-term effects of the UK's exit from the EU.

### **What happens if I import fruit and vegetables from the EU after 31 December 2020?**

There will be changes to the import of fruit and vegetables from the EU after transition with a change in marketing standards.

Imports will need an EU Certificate of Conformity issued by the exporting member state. In addition, a small sample of imports from the EU will be selected for checks to ensure they comply with GB marketing standards.

According to the UK Government, the process for EU Member States to request GB Approved Inspection Services (AIS) status will be published before 1 January 2023.

For those Importing fruit and vegetables from the EU to Northern Ireland there will be no change to the marketing standards requirements for importing fruit and vegetables. This is also the case for moving fruit and vegetables to GB from Northern Ireland.

### **What do I need to do in order to export fruit and vegetables to the EU?**

As the UK is no longer a member of the EU, after transition (from 1 January 2021) it will be classed as a third country, although this status still has to be ratified by the EU.

Exporters should therefore work on the assumption that they will be trading according to the third country import requirements in the EU marketing standards regulations.



The UK has applied to the EU for Approved Inspection Service status.

You will need to apply for a GB-issued certificate of conformity to clear GB customs if you export fruit and vegetables subject to Specific Marketing Standards (SMS) from GB to the EU.

SMS products include:

- Apples;
- citrus fruit (lemons, oranges, clementines, mandarins, satsumas and their hybrids);
- kiwi fruit;
- peaches and nectarines;
- pears;
- strawberries;
- table grapes;
- lettuces (including curly and broad-leaved endives);
- sweet peppers;
- tomatoes.

You will need to register and use the Procedure for Electronic Application for Certificates (PEACH) to apply for a GB-issued certificate of conformity. For more information, go to: <https://www.gov.uk/importing-plants-fresh-produce-using-peach-system>

You will not need a certificate of conformity for your produce to clear GB customs if you export fruit and vegetables subject to General Marketing Standards (GMS) to the EU.

Some EU countries may require a certificate of conformity for some produce subject to GMS. Contact the appropriate authority at the destination country to find out:

- whether your produce will require a certificate of conformity;
- how to get a certificate.

Fruit and vegetables moved from GB to NI will need to enter through designated points of entry and meet EU import marketing standards requirements.

## **What happens if I am an Approved Trader?**

Approved traders are those that have been identified as posing a lower risk and will receive fewer inspections.

Approved trader status can be granted if:

- a grower, packer, importer or exporter;
- the business consistently meets marketing standards requirements.

If you are part of the Approved Trader Scheme in GB, you must remove the EU emblem from your UK food labels and use the replacement GB label from 1 January 2021. You should only sell your existing stock with the EU emblem in GB, until it runs out.



The GB label must contain the following:

- 'Marketing standard for fresh fruit and vegetables';
- number of the approved trader;
- 'Great Britain' or 'GB'.

	Marketing standard for fresh fruit and vegetables 1234 (approved trader number) Great Britain of GB
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More information about the Approved Traders Scheme can be obtained by emailing [APHAHMIATsapproval@apha.gov.uk](mailto:APHAHMIATsapproval@apha.gov.uk). This is for England and Wales.

### **What happens if I import and export fruit and vegetables between the UK and non-EU countries?**

There will be no changes to existing UK marketing standards procedures for:

- importing fruit and vegetables directly from non-EU countries to the UK
- exporting fruit and vegetables directly from the UK to non-EU countries

If you import fruit and vegetables into the UK from a non-EU country and a proportion of your consignment is re-exported to the EU, your consignment will need to undergo both import and export processes.

If you Import from a non-EU country via the EU to the UK horticultural inspectors will continue to assess fruit and vegetables travelling in transit from non-EU countries through the EU to the UK to:

- determine whether an inspection is required at the border;
- ensure that they comply with the UK's marketing standards.

For produce regulated by both marketing standards and plant health regulations, checks may be carried out by both the:

- Horticultural Marketing Inspectorate (HMI); and,
- Plant Health and Seed Inspectorate (PHSI).

Most marketing standards checks will continue to be carried out at the border, but in some cases, PHSI will check produce at inland plant health facilities.



### *High risk goods*

If produce is regulated by both marketing standards and plant health, multiple inspections will only be carried out for imports to the UK that are assessed as being very high risk.

These goods include imports that meet the “high risk” criteria and originate from high risk countries.

### *Certificate of conformity*

The UK will continue to accept certificates of conformity issued by countries in the Approved Inspection Scheme (AIS). Most imports from countries on the AIS scheme will not require routine marketing standards checks, but a small sample will be randomly selected for inspections.