



# **BREXIT: GETTING RURAL BUSINESS READY**

December 2020

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## INTRODUCTION

Irrespective of whether there is a deal or not after the end of the transition period with the European Union (EU), the UK will experience a series of significant, and depending on the timing, abrupt changes to how businesses operate. Exports, imports, animal welfare, plant health, food labelling, labour and customs arrangements will all change overnight.

Produced by the Country Land and Business Association (CLA), this guidance sets out the steps which will need to be taken and where rural business owners can find more information. The advice has been independently compiled by CLA experts.

### **It sets out:**

- How to use this guidance;
- The need to be Brexit ready;
- An easy-to-use checklist of issues of concern;
- Planning for the future;
- Up to date briefing notes covering all sectors

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 after 1 January 2021.

Even if you are not directly involved in importing from or exporting to the EU, please look through this document, as the changes may have an indirect impact on your business through your supply chains.

This guidance applies for member in both England and Wales. Wales-specific resources are highlighted in Section 4.

This guidance updates and replaces the CLA's *No-deal Brexit Advice Pack*, distributed in October 2019.

# 1. HOW TO USE THIS BREXIT GUIDANCE

## What areas does this guidance cover?

It covers the following:

- Changes to trading arrangements for agricultural sectors after 1 January 2021;
- The new rules affecting imports and exports of agrifood goods;
- New systems for organic producers, those with products that are currently protected under EU law and food labelling requirements;
- Rules relating to labour and employment and the process of making customs declarations;
- Documentation and registration requirements from 1 January 2021.

**The following guidance is accurate from the date of publication and will be updated to follow the latest advice. It needs to be stressed that Government rules on the period after transition can be subject to change.**

## Who should use this toolkit?

The owner or manager of the business.

## The Government's Rules Post-EU Exit Transition

The Government has set out a series of changes that will apply to how businesses operate after the end of the transition period. These can be found at [www.gov.uk](http://www.gov.uk).

These changes will come into force after the transition period ends, on 1 January 2021. It is the responsibility of businesses to ensure that they are aware of the changes and that future trading arrangements comply with the new rules.

There is likely to be a period of uncertainty as exporting and importing businesses come to terms with how the new trading system operates. This may mean that, even if your business is not directly involved in trade with the EU, you may experience delays within supply chains and it is essential that your business seeks to mitigate these risks.

## 2. BEING “BREXIT READY”

The UK being out of the European Union will lead to change for all businesses. Whether a business is a food producer, importer or exporter of goods or one that deals with the logistics of supply chains, change will lead to many having to rethink how they do business in the future. That is why it is essential that rural businesses understand the changes that will take effect from 1 January 2021.

### **What are the potential problems in the short and medium term?**

Under the Withdrawal Act 2020, the UK will no longer be a part of the EU Single Market or Customs Union. Irrespective of whether there is a deal or not, the very fact that the UK is not part of the Single Market and is seen as a Sovereign Nation means that there will no longer be a free flow of goods, either into Great Britain or exporting to the EU, the UK's largest market. That is likely to mean additional costs for traders which will inevitably flow through to purchasers.

In the short term, there will be an element of uncertainty. In the event of a No Deal Brexit, lamb producers, for example, are likely to face high tariffs on exports meaning that the product will be uncompetitive in the EU. This is likely to lead to oversupply on the domestic market with the real potential of a fall in the producer price.

The new border controls and paperwork could lead to significant delays at ports for imports and exports and knock-on effects in terms of the cost of raw materials. It is very possible that farmers will not only see a reduction in the prices they receive but also higher prices paid for inputs that are sourced from the EU.

In the medium term, it is important that sufficient thought is given to planning the business over the next three years. Covid-19 and Brexit are expected to have major impacts on supply chains, so it is important that the business not only is as robust as possible but flexible in the event of unseen consequences from the market place.

### **How do I plan forward?**

The rest of this section looks at the short term, but we strongly recommend that members look at their plans for the medium-term, and possibly the long-term too. Keeping your business plan as up to date as possible, and reviewing it regularly will put you in a better position to cater for changes in cash flow as a direct result of unexpected costs resulting from Brexit. More details on aspects to consider can be found in Section 4.

### 3. CHECKLIST FOR BEING BREXIT READY

This checklist is to ensure that businesses are aware of the changes that will take place after the end of the transition period.

<b>IMPORTS AND EXPORTS</b>	
Tick when completed	
<b>HAVE YOU:</b>	
<ul style="list-style-type: none"> <li>• Read through the applicable briefing notes (see section 5 below) for the key product being traded?</li> </ul>	
<ul style="list-style-type: none"> <li>• Read through the documentation and inspections that will be required for both importing and exporting (see sections 5.2.1 – 5.2.7 below)?</li> </ul>	
<ul style="list-style-type: none"> <li>• Registered for an economic number in order to continue to trade (see section 5.2.1 – Q4 below)?</li> </ul>	
<ul style="list-style-type: none"> <li>• Checked to see whether other registration requirements are needed (see section 5.5.2 below)?</li> </ul>	
<ul style="list-style-type: none"> <li>• Contacted your EU exporter, in the event of import consignments, to make sure that they will be compliant with UK changes, for example, at ports?</li> </ul>	
<ul style="list-style-type: none"> <li>• Ensured that you have the right documentation required for the destination country (the EU Member State)?</li> </ul>	
<ul style="list-style-type: none"> <li>• Read through the information dealing with Border Control Posts and the inspection of goods within the EU (see sections 5.2.1 – 5.2.4 below)?</li> </ul>	

<b>FOOD, FEED AND RAW MATERIALS</b>	
Tick when completed	
<b>HAVE YOU:</b>	
<ul style="list-style-type: none"> <li>• Read through the applicable briefing notes (see section 5.3 below) that relate to organic production and trade, protected names, food labelling and the manufacture and import of fertilisers?</li> </ul>	
<ul style="list-style-type: none"> <li>• Understood how the various processes and trading systems will change on 1 January?</li> </ul>	
<ul style="list-style-type: none"> <li>• Read through the changes that will take place on food labelling (see Section 5.3.3 below) and that your business is ready to adapt to the changes necessary?</li> </ul>	
<ul style="list-style-type: none"> <li>• Checked the details of the new protected names system (see section 5.3.2 below) and ensured you are ready for the new system on 1 January 2021?</li> </ul>	
<ul style="list-style-type: none"> <li>• Ensured that you have checked to see whether any part of your food production system needs to change in order to meet the new conditions on 1 January 2021?</li> </ul>	

**BUSINESS**

Tick when completed

**HAVE YOU:**

- |  |  |
|--|--|
| • Registered as an employee sponsor under the terms of the new immigration system (see section 5.4.1 below)?   |  |
| • Read through the changes on how to source labour from the EU?  |  |
| • Checked the status of any non-UK employees to ensure they are complying with UK immigration status (see section 5.4.1 below)?  |  |
| • Ensured that if you import goods from the EU now you will either be able to submit a customs declaration or you have appointed a customs agent (see section 5.4.2 below) to act on your behalf?        |  |
| • Checked that, if you are a haulier, you have all the necessary documentation, including licences and permits, (see section 5.4.3 below) in order to import and export goods between the UK and the EU? |  |
| • Ensured that any vehicle being used in transit to the EU and via the EU to third countries complies with EU requirements?  |  |

**DOCUMENTATION AND REGISTRATION**

Tick when completed

**HAVE YOU:**

- |  |  |
|--|--|
| • Checked to see whether you need to register with respective government agencies and how to register (see section 5.5.2 below)? |  |
| • Read the documentation requirements for future trade?  |  |
| • Are you clear on the various documentation and registration requirements (see section 5.5 below)?                              |  |

**FORWARD PLANNING** (see Section 4)

Tick when completed

**HAVE YOU:**

- |   |  |
|---|--|
| • Updated your business plan to take into account the changes from 1 January 2021?  |  |
| • Ensured that future planning in the short, medium and long term is sufficiently flexible in the event of unforeseen events? |  |
| • Adjusted cashflow to account for the reduction in direct payments?  |  |
| • Built in contingency planning in the event of additional raw material costs?  |  |

## 4. START PLANNING FOR THE FUTURE

### 4.1 Things to consider

It is important for all those either directly or indirectly affected by the changes after transition to assess their future business operations. This will inevitably include the impact of fluctuations in currency, the opportunities that exist to increase farm productivity and considering alternative options from the main farming activity.

For each of your farming and non-farming income streams consider the following:

- What proportion of your income is affected by currency fluctuations? Is this something you can mitigate in the short or the medium term (e.g. by increasing your sales on the UK market or diversifying your income streams)?
- What proportion of your costs is affected by currency fluctuations (which result in higher import costs)? Can you delay certain purchases or source inputs elsewhere?
- What is the impact of currency fluctuations on your business?
- How are you going to mitigate against these losses and what are your timescales for making changes?



Regarding the future planning of the business, members should also consider:

- If necessary, revise the objective of the business plan to take into account changes in the short and medium term;
- Revise cashflows;
- Assess the viability of the business over the immediate 12-month timeframe and examine ways in which the business might be able to diversify. There are a number of CLA Advisory Handbooks and guidance notes available on [www.cla.org.uk](http://www.cla.org.uk) which will help;
- Examine the potential to examine other markets and engaging in different supply chains, such as local markets;
- Look into how to use the latest digital technology and plan additional skills training;
- Take into account the impending changes in agricultural policy, in particular, the reduction in direct payments;
- Examine the business operation to see whether there is potential to cut costs and increase productivity

## **4.2 Business resources for CLA members in Wales**

Although in general the changes that take place will affect all of Great Britain and Northern Ireland, there will be some differences and approaches. For businesses based in Wales, bespoke advice is available on the Business Wales Brexit Portal at <https://businesswales.gov.wales/eu-transition-portal/home>

It provides Welsh companies with up-to-date information about a range of issues, including international trading and workforce planning. It also includes a diagnostic tool to help businesses identify how prepared they are for Brexit. The resource also recommends actions to take to increase resilience and signposting to additional sources of support. They have also highlighted five simple actions businesses can take to prepare for after transition, which will be useful in the long term.

## 5. BRIEFING NOTES

### 5.1 Introduction

All briefing notes below can also be found on the CLA Brexit Hub - <https://www.cla.org.uk/brexit> – and provide rural business owners with a detailed framework for the steps which will need to be taken and where you can find more information about trade after transition.

These briefing notes cover:

- Importing and exporting animals and animal products;
- Horses and other equines;
- Poultry and eggs;
- Groupage export scheme;
- Export Health Certificates;
- Importing and exporting plants and plant products;
- Horticulture;
- Timber and wood packaging;
- Moving goods through transit;
- International road haulage – licences and permits;
- Protected names;
- Organic;
- Food labelling;
- Food composition: natural mineral water;
- Labour and employment;
- Customs declarations and HMRC;
- UK Global Tariff;
- Documentation requirements and registrations;
- Glossary of terms.

Of course, decisions about what actions to take will be unique to every business' 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.

## 5.2 Imports and Exports

### 5.2.1 Importing and exporting animals and animal products

#### 1. What is IPAFFS and do I have to register as an importer?

Importers of live animals, animal products and high-risk food and feed will need to register for the Government's "Import of animals, food and feed system", better known as IPAFFS, as soon as possible.

IPAFFS is the domestic system for the import of live animals, animal products and high-risk food and feed not of animal origin into Great Britain.

Importers will need to use IPAFFS to notify:

- the Animal and Plant Health Agency (APHA) about imports of live animals and germinal products from the EU and EEA countries excluding Iceland to Great Britain (GB);
- live animal border control posts (BCPs) about imports of live animals from non-EU countries including Iceland to GB **from 6am, 23 November 2020**;
- Use IPAFFS for high risk animal products and products of animal origin HRFNAO and POAO **from 6am, 7 December 2020**..

*How to register on IPAFFS*

It is vital that importers register on IPAFFS in order to continue trading. To start the registration process, go to: <https://www.gov.uk/guidance/import-of-products-animals-food-and-feed-system>

Before starting registration, decide who is the responsible person to register the business or organisation. The business can use an existing Government Gateway account or create a new one. Each person must have a Government Gateway account that is personal to them.

Gateway accounts must not be shared.

The first person to register the business or organisation will automatically become the organisation administrator for that business. That person will then have permission to invite and remove other team members.

It is important that the organisation administrator allocates at least one other team member to an administrator account role so as to share the account management.

To know more about the registration process go to: [register a business or organisation for the IPAFFS service](#) (ODT, 11.9KB).

*When to submit notifications on IPAFFS*

Notifications on IPAFFS must be made at least 24 hours before the consignment is due to arrive in Great Britain. Notifications can be made up to 30 days in advance.

### *Imports from the EU and non-EU countries*

If the import is from the EU, before putting a notification on IPAFFS, the importer needs to know:

- what is being imported;
- the date of import into Great Britain;
- which country it will come from the consignment's place of destination.

If the import is from a non-EU country, before putting a notification on IPAFFS, the importer needs to know:

- what is being imported;
- the date and the estimated time the consignment will arrive at the border control post;
- which country it will come from and the country in which it is consigned if they are different;
- the consignment's destination.

## **2. What do I need to know about health certificates?**

Requirements for health certificates for imports of animals and animal products into Great Britain will be introduced in 3 phases from January to July 2021 as follows:

- phase 1: 1 January;
- phase 2: 1 April;
- phase 3: 1 July.

Health certificates for imports to GB will be substantially the same as existing EU certificates for imports from the rest of the world. You should use existing EU certificates for guidance on what will be required.

If you import from a non-EU country, you will need to register and use the IPAFFS system (see above).

Imports of high-risk food or feed of non-animal origin into the UK must be through a border control post (BCP) or designated point of entry (DPE).

Imports of live animals, germplasm, POAOs and ABP that require veterinary checks into the UK must also go through a BCP. In addition, the importer must use IPAFFS to notify the relevant BCP at least one working day before your consignment is due to arrive.

For imports of certain POAOs and ABP that do not require veterinary checks at a BCP, there will be no requirement to pre-notify a port of the arrival of the consignment.

## **3. What happens if I import from the EU?**

Under the UK's Border Operating Model, the import process will be introduced in three stages, although the UK will be operating an external border with the EU from 1 January 2021. These stages – 1 January, 1 April, and 1 July - will set out the process's importers will need to understand and follow.

### Stage 1: Imports from the EU – 1 January 2021

#### Products of Animal Origin (POAO) and Animal By-Products (ABPs)

ABPs are in either high risk or low risk categories. The categories are as follows:

<b>Category 1 (high risk)</b>	<ul style="list-style-type: none"> <li>• carcasses and all body parts of animals suspected of being infected with TSE (transmissible spongiform encephalopathy)</li> <li>• carcasses of wild animals suspected of being infected with a disease that humans or animals could contract</li> <li>• carcasses of animals used in experiments</li> <li>• parts of animals that are contaminated due to illegal treatments</li> <li>• international catering waste</li> <li>• carcasses and body parts from zoo and circus animals or pets</li> <li>• specified risk material (body parts that pose a particular disease risk, eg cows' spinal cords)</li> </ul>
<b>Category 2 (high risk)</b>	<ul style="list-style-type: none"> <li>• animals rejected from abattoirs due to having infectious diseases</li> <li>• carcasses containing residues from authorised treatments</li> <li>• unhatched poultry that has died in its shell</li> <li>• carcasses of animals killed for disease control purposes</li> <li>• carcasses of dead livestock</li> <li>• manure</li> <li>• digestive tract content</li> </ul>
<b>Category 3 (low risk)</b>	<ul style="list-style-type: none"> <li>• carcasses or body parts passed fit for humans to eat, at a slaughterhouse</li> <li>• products or foods of animal origin originally meant for human consumption but withdrawn for commercial reasons, not because it's unfit to eat</li> <li>• domestic catering waste</li> <li>• shells from shellfish with soft tissue</li> <li>• eggs, egg by-products, hatchery by-products and eggshells</li> <li>• aquatic animals, aquatic and terrestrial invertebrates</li> <li>• hides and skins from slaughterhouses</li> <li>• animal hides, skins, hooves, feathers, wool, horns, and hair that had no signs of infectious disease at death</li> <li>• processed animal proteins (PAP)</li> </ul>

In order to import ABPs under categories 1 and 2, you will require pre-notification from Defra and use IPAFFS to pre-notify the import of:

- high-risk ABPs and category 3 processed animal protein (PAP);
- products of animal origin which are subject to safeguard measures.

Safeguard measures are those that are taken at short notice to prohibit or restrict the import of certain products from certain countries following an outbreak of disease or a public health issue.

ABPs will continue to be accompanied by commercial documentation when you import them from the EU. Importers who are unsure as to whether a commercial document is required will need to contact the Animal and Plant Health Agency (APHA).

Products of animal origin which are subject to safeguard measures must be accompanied by a health certificate. The importer will also need to give the EU exporter or official veterinarian the unique notification number (UNN) that is produced on IPAFFS when APHA is pre-notified of the import. The EU exporter must add the UNN to the commercial documentation or health certificate (if one is required).

New import requirements for other POAO will not apply until 1 April 2021.

New import requirements for low-risk ABPs will not apply until 1 July 2021.

From 1 January 2021 live animals, including equines and germinal products imported from the EU, will be subject to new import controls. Goods must be:

- accompanied by a health certificate;
- pre-notified by the importer using IPAFFS at least one working day before the expected time of arrival at the point of entry.

The importer will need to give the EU exporter or official veterinarian the unique notification number (UNN) produced by IPAFFS when APHA is pre-notified about the import. The exporter must add the UNN to the commercial documentation or health certificate.

APHA will continue to carry out identity and physical checks on EU imports of live animals at their destination based on assessments of biosecurity and public health risks until July 2021.

#### Stage 2: Imports from the EU – 1 April 2021

Stage 2 of the new importing process will run from 1 April – 30 June 2021. From 1 April 2021, products of animal origin imports must be:

- accompanied by a health certificate so they can have remote documentary checks;
- pre-notified by the importer using IPAFFS.

The import requirements for high-risk ABPs and products of animal origin under safeguard measures introduced on 1 January 2021 (see above) will continue to apply.

New import requirements for low-risk ABPs will not apply until 1 July 2021.

Import controls on live animals, including equines and germinal products, will remain unchanged from those introduced on 1 January 2021 until 1 July 2021.

From 1 April 2021, businesses importing high-risk food and feed not of animal origin (HRFNAO) must use IPAFFS to submit import pre-notifications.

#### Stage 3: Imports from the EU – from 1 July 2021

As from 1 July 2021, all products of animal origin and certain animal by-products (ABPs) must enter Great Britain at an established point of entry with an appropriate BCP.

It is the responsibility of the importer to check whether the commodity code (CN code) for the product is listed in the European Commission regulation which will show if the product of animal origin or the ABP as imported via a point of entry with an appropriate BCP. To find out the affected products go to: <https://www.legislation.gov.uk/eur/2019/2007/contents>

Imported goods must:

- be accompanied by an Export Health Certificate (EHC) if available (if there is no EHC for the commodity, the importer must contact APHA as goods may be able to travel under licence and a commercial document;
- be pre-notified by the importer using IPAFFS;
- enter at an established point of entry with an appropriate BCP so the consignment is available for documentary, identity and physical checks.

For live animals (including equines) germinal products imports must:

- be accompanied by an EHC so they can have documentary checks;
- be pre-notified by the importer using IPAFFS;
- enter at an established point of entry with an appropriate BCP so the consignment is available for documentary, identity and physical checks

The level of physical and identity checks from 1 July 2021 will be based on assessments of biosecurity and public health risks.

It is important to stress that all high-risk live animals imported from the EU will continue to be checked. The UK Government has said it will review controls on goods following existing and new trade agreements and any changes in risk status during 2021. Any changes to controls on EU live animals and germinal products will only be introduced after January 2022.

From 1 July 2021, any business importing high-risk food and feed not of animal origin must submit import pre-notifications on IPAFFS at least one working day in advance of the goods' arrival. They must enter the goods through a BCP so that have documentary checks, and if necessary, identity and physical checks, can be undertaken.

#### **4. What do I need to do to be able to export animals or animal products to the EU?**

You will need to apply for an Economic Operator and Registration Identification (EORI) Number, using the form found online at <https://www.gov.uk/eori>. To apply you will need your:

- VAT number and effective date of registration - these are on your VAT registration certificate;
- National Insurance number if you're an individual or a sole trader;
- Unique Taxpayer Reference (UTR);
- business start date and Standard Industrial Classification (SIC) code;
- Government Gateway user ID and password.

The importer of the goods should also have an EU EORI number.

You will also need to be listed as a registered establishment. Further guidance can be found online at <https://www.food.gov.uk/business-guidance/listing-of-establishments-to-export-products-of-animal-origin-to-the-eu-or-move-such-products-to-northern-ireland>

#### **5. What do I do if I sell my animals and animal products (including dairy) to another UK business for export?**

You will need to make sure that they are ready to trade after the end of the transition period. Ask them to tell you how much of the process required for exporting has been completed. If they are not, you might want to look for a business which is.

Check who will pay the tariff if one is put on the export. This is very likely to be taken out of the price that is paid to the producer through the supply chain.

Seek information and advice if a market collapses:

- The government may need to intervene in the market to stabilise prices. If it does, all information will be on the government website ([www.gov.uk](http://www.gov.uk)). The CLA will also monitor the markets and make relevant information available on its website.

You will need to consider taking out invoice insurance for contracts you may have with processors. It is possible that the uncertainty that there will undoubtedly be after transition will lead to increased levels of insolvency so it is important that you are protected.

## **6. Will I need an Export Health Certificate in order to export animals and animal products?**

An Export Health Certificate (EHC) will be required from 1 January 2021 if you intend to:

- export live animals, products of animal origin or germplasm from Great Britain (England, Scotland and Wales) to the EU;
- move live animals, products of animal origin or germplasm from Great Britain to Northern Ireland;
- transit through the EU and Northern Ireland.

You will need to have the Export Health Certificate (EHC) signed by an authorised signatory following an inspection of the consignment. The authorised signatory can be found online at <https://www.gov.uk/government/publications/find-a-professional-to-certify-export-health-certificates>

All exports of products need to be labelled correctly. Further guidance can be found online at <https://www.gov.uk/guidance/food-and-drink-labelling-changes-from-1-january-2021>

You will also need to:

- ensure the goods are checked at a Border Control Post (BCP) or point of entry in the first country you enter;
- make sure your EU-based import agent has notified the BCP that your consignment is arriving. You will need to check with the BCP how much notice is required; and,
- comply with the HM Revenues and Customs guidance on customs requirements when exporting to the EU. This guidance can be found at: <https://www.gov.uk/prepare-to-export-from-great-britain-from-january-2021>

From 1 January 2021, you will need to make customs declarations when exporting goods to the EU. These rules currently apply to exporting goods to the rest of the world, including Switzerland, Norway, Iceland and Liechtenstein.

You can make the declarations yourself, but most businesses use a courier, freight forwarder or customs agent.

## **7. Are the rules on identification changing?**

The GB country code must be used from 1 January 2021 when identifying animals you want to:

- export to the EU;
- move to NI;
- transit through the EU or NI.



All tags used must be recorded in the holding register before sending your animals for export. However, you can order the tags you need from your usual ear tag supplier.

### *Sheep and goat tagging*

A third tag should be added with the GB country code to sheep or goats who are already double tagged. You must use the same individual ID number on the GB tag.

For unidentified animals being tagged for the first time, you can choose to either:

- use double UK tags with the GB suffix (UK-GB);
- add a third tag with the GB country code - you must add this if your UK double tags do not state GB.

Single tagged lambs you want to export or move to the EU or NI must be reidentified using double tags. You can either:

- use double UK tags with the GB suffix (UK-GB);
- add a third tag with the GB country code - you must add this if your UK double tags do not state GB.

One of these tags must be electronic. All tags must include the animal's individual ID number. Third tags should not be yellow or red.

You can replace lost or damaged tags with ones that use the GB suffix (UK-GB) if your animals have already been identified.

### *Cattle tagging*

You should add a third tag with the GB country code to cattle who are already double tagged. All tags must include the animal's individual ID number.

For unidentified calves you're tagging for the first time, you can choose to either:

- use double UK tags with the GB suffix (UK-GB);
- add a third tag with the GB country code - you must add this if your UK double tags do not state GB.

You should use a plastic flag or button tag, of any colour, for your third tag. If you export cattle for slaughter, they must be freeze-branded on the hind quarters with an L mark.

You will not need to send passports with your cattle when you export them to the EU from 1 January 2021. You must return any existing passports to the British Cattle Movement Service (BCMS) within 7 days of exporting your animals.

### *Pig tagging*

You should identify pigs you want to export or move to the EU or NI with an ear tag or tattoo that states:

- UK, with the GB suffix (UK-GB);
- the animal's herd mark;
- an individual ID number.

### *Moving animals to GB from NI*

You can continue to use existing UK tags to move animals from NI to GB after 1 January 2021.

## **8. What do I need to do if I am exporting animal by-products?**

If you are exporting or moving animal by-products (ABP), you will need:

- An Export Health Certificate (see above); or,
- a model declaration form.

Some ABPs need to go through a BCP in the EU or a point of entry in NI. You can find out if this is needed by checking the EU list of products (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007D0275>) which must be inspected by a vet at a BCP in the EU.

If the animal by-products need to go through a BCP in the EU, you will need to ensure that:

- goods are checked at a BCP that can accept your type of goods - this must be in the first EU country you enter;
- EU-based import agent has notified the BCP that your consignment is arriving. Check with the BCP or point of entry for how much notice needs to be given.

It is important that you check which BCP can accept which type of product. At present, there are limited numbers of BCPs in the EU.

If the animal by-products do not need to go through a BCP in the EU you must make sure that your EU-based import agent notifies:

- The competent authority of the EU country that your consignment is going to;
- The EU port or airport, within the time limits set out by the competent authority

## **9. Are the rules for exporting to non-EU countries likely to change?**

There is unlikely to be any change to the current export rules and processes for countries outside the EU. However, you should check the current arrangements by go to:

<https://www.gov.uk/government/collections/guidance-on-importing-and-exporting-live-animals-or-animal-products>

## **10. What happens at the Border Control Post?**

Animals and animal products will be checked at an EU BCP from 1 January 2021 in order to protect animal health and welfare as well as public health.

It is important to stress that goods may be refused entry, seized, destroyed or returned to Great Britain if they arrive at:

- a port in the EU without a BCP where checks cannot be carried out;
- an EU BCP that cannot check your type of product;
- an EU BCP without the correct documentation.

It is therefore vital to find a BCP that can actually accept the goods being exported. Although there appear to be more than 400 BCPs, it is important that you check the most viable one for the exported goods. You may need to redirect the export if you cannot find a relevant BCP in the first instance. The full list of BCPs can be found at:

[https://ec.europa.eu/food/animals/vet-border-control/bip\\_en](https://ec.europa.eu/food/animals/vet-border-control/bip_en)

You will need to give advance notice to the BCP the goods are arriving at and check with the BCP how much notice is required.

You will need to contact your import agent in the EU to make sure they notify the BCP through the Trade Control and Expert System (TRACES) of the arrival of the consignment. They must do this within the time limits set out by the BCP.

If the goods fail inspection because of risks to animal or public health, they will be destroyed immediately. If the goods fail for other reasons, the BCP will:

- notify your importer or agent;
- ask them to decide whether your goods should be destroyed or returned to Great Britain.

The BCP is very unlikely to contact the exporter directly.

### **11. What will happen to rejected animal and animal products between 1 January and 30 June 2021?**

From 1 January to 30 June 2021, consignments rejected at EU BCPs may, subject to a risk assessment, re-enter Great Britain (England, Scotland and Wales) through any point of entry. These products are:

- live animals including equines;
- germinal products;
- products of animal origin;
- animal by products

GB importers must submit an import notification on the Import of Products, Animals, Food and Feed System (IPAFFS).

Rejected goods are consignments rejected by the competent authority in an EU country. Consignments rejected for commercial reasons cannot be returned as rejected goods.

There will be documentary requirements to return rejected goods to Great Britain from the EU. The Animal and Plant Health Agency (APHA) will notify you if the returned consignment needs to enter through a BCP or can enter through any point of entry. This is for the period 1 January to 30 June 2021.

#### **Rejected animal by-products**

If the rejected goods are animal by-products and germinal products, you will need to apply to APHA Centre for International Trade (CIT) on IPAFFS to return a consignment.

Submit the notification on IPAFFS one working day in advance. In exceptional circumstances, known as 'logistical constraints', you can submit the notification at least 4 hours before arrival.

The following documents need to be attached to the IPAFFS notification:

- a declaration from the EU BCP describing the reason for refusal of entry;
- full details of destination in Great Britain and the intended use or destruction of the returned consignment from the person responsible for the consignment;
- the original export certificate for the returned product;
- a declaration stating that the consignment has remained sealed with an intact original seal or an official seal applied by the EU BCP.

If the consignment did not require a veterinary certificate or did not have a certificate for export you must present:

- a commercial invoice or similar that verifies the returned consignment corresponds with the one that was exported.

You must have an official declaration from the EU BCP if the products are any of the following:

- have been unloaded, stored, re-loaded in the EU;
- the original seal has been replaced;
- not originally exported in a sealed container.

The official declaration must state the:

- place and date of unloading, storage and re-loading and the seal number put on the container after reloading;
- reasons for unloading and storage.

The official declaration must confirm that the:

- seal on the vehicle or container of the consignment was only broken for the purpose of official controls;
- products were handled only to the extent necessary, and in particular at the appropriate temperature;
- products were handled in a way that prevents cross contamination during the official controls;
- vehicle or container was immediately re-sealed after the official controls.

APHA will assess these documents to decide the conditions of import and if the consignment will have to be returned through any point of entry or a BCP. APHA will give you an authorisation. You must comply with the conditions of the authorisation.

#### Rejected products for human consumption

If the rejected products are those of animal origin for human consumption, you will need to apply to APHA Centre for International Trade (CIT) on IPAFFS to return a consignment. This is for the period 1 January to 30 June 2021.

You will need to submit the notification on IPAFFS one working day in advance. In exceptional circumstances, known as 'logistical constraints', you can submit the notification at least 4 hours before arrival.

The following documents will need to be attached to the IPAFFS notification:

- a declaration from the EU BCP describing the reason for refusal of entry;
- full details of destination in Great Britain and the intended use or destruction of the returned consignment from \* the person responsible for the consignment;
- the original export certificate for the returned product.

If the consignment did not require a veterinary certificate or did not have a certificate for export you must present a commercial invoice or similar that verifies the returned consignment corresponds with the one that was exported.

If the consignment was not originally exported in a sealed container or where the seal is broken for official control purposes, you must have an official declaration from the EU BCP stating the:

- place and date of unloading and reloading of the consignment;
- consignment did not undergo any handling other than unloading, storage and reloading;

- products were handled only to the extent necessary for the purposes of official controls at the appropriate temperature;
- unloading and reloading of the consignment was handled hygienically to avoid cross-contamination;
- consignment was stored under hygienic conditions at the required temperature and not at risk of cross contamination;
- effective measures were put in place to avoid the contamination of the products with disease agents which cause transmissible animal diseases during the unloading, storage and re-loading in the EU country;
- place of any unloading, storage and re-loading in the EU country was not subject to animal health movement restrictions due to transmissible animal diseases during the unloading, storage and re-loading.

If the rejected good was originally exported in a sealed container and maintained an intact original seal, you must have a declaration by the person responsible for the consignment stating:

- since the product was originally exported, the storage and transport conditions have been complied with;
- that the content of the consignment has not been altered.

APHA will assess this information to decide the conditions of import and if the consignment will have to be returned through any point of entry or a BCP and will give you an authorisation. You must comply with the conditions of the authorisation.

### Returned live animals

If live animals are rejected at a BCP and need to be returned, you will need to apply to APHA Centre for International Trade (CIT) on IPAFFS. These requirements are for the period 1 January to 30 June 2021.

You will need to submit the notification on IPAFFS one working day in advance. In exceptional circumstances, known as 'logistical constraints', you can submit the notification at least 4 hours before arrival.

The following documents will need to be attached to the IPAFFS notification:

- the original export certificate and related documentation;
- a statement from the EU BCP of the reasons why the returned animals were refused by the EU BCP;
- a statement from the EU BCP with details of the premises in which the animals were kept since leaving Great Britain, for example in quarantine or in isolation;
- a declaration by the person responsible for the returned animals that the import conditions relating to transport have been complied with in relation to the returned animals;
- a declaration by the person responsible for the animals that they have not been in contact with any other animal of a lesser health status since leaving Great Britain.

APHA will assess this information to decide the conditions of import and if the consignment will have to be returned through any point of entry or a BCP and will give you authorisation. You must comply with the conditions of the authorisation.

## **12. What happens to rejected goods after 30 June 2021?**

From 1 July 2021, returned goods can only enter Great Britain at a designated BCP for checks on entry. These are usually the BCPs for imports to Great Britain. You must notify on IPAFFS and present the relevant documentation to the BCP. The necessary documentation can be found at: <http://apha.defra.gov.uk/official-vets/Guidance/bip/iin/misc-imports.htm>

## **13. Will the UK be listed as a third country to allow for exports to continue?**

In order for British companies to export to the EU, the UK needs to be listed as a third country. The EU is in the process of deciding whether this listing is to be granted although, in the past when the UK appeared to be leaving the EU, third country status was granted.

In the event that the UK is approved as a third country, exporters will need to be listed as an approved establishment with the EU if any of the following activities are undertaken:

- export products of animal origin including red or white meat, fish and fish products, or dairy and egg products;
- export germplasm;
- export animal by-products;
- supply other UK establishments that export these goods to the EU.

The EU has already confirmed that the current list of UK animal by-product and germplasm premises will be accepted.

## **5.2.2 Groupage export facilitation scheme**

### **1. What is the Groupage Export Facilitation Scheme (GEFS)?**

The Groupage Export Facilitation Scheme (GEFS) allows exporters and suppliers to export multiple animal products (known as groupage exports) to or through the EU. It is intended to ease the flow of goods for these goods, therefore, saving both time and money.

### **2. What is a groupage export?**

A groupage export is defined as either:

- different commodity types grouped in a single container;
- quantities of the same commodity type from more than one source, grouped in the same container; or,
- multiple products of the same commodity type grouped as a single consignment.

### **3. How does GEFS work?**

The GEFS will allow you to use 30-day support attestations (SAs) to provide information to a certifying officer - usually an Official Veterinarian (OV) - about your exports.

An Export Health Certificate (EHC) will be required for each consignment under the GEFS. In addition, these goods need to meet the same animal health standards and provide traceability information in order for the product to be certified.

Certifying officers can use this information to complete the EHC. You must register to join the GEFS in order to use the 30-day support attestations. More details can be found at: <https://www.gov.uk/government/publications/groupage-export-facilitation-scheme-application>

### **4. If I join GEFS what am I able to export?**

You can use the scheme to help with the export of the following products of animal origin for human consumption. These are:

- composite products;
- processed meat products, including gelatine;
- meat preparations;
- processed milk and matured or processed dairy products;
- fish or fisheries products;
- eggs or egg products;
- honey;
- frogs' legs; snails and bivalve molluscs.

You can also use the scheme for processed pet food.

The products must be:

- fully packaged for the final consumer (or to be re-packaged directly at the point of sale for the final consumer); and,
- produced using animal content from known suppliers.

But you cannot use the scheme to export:

- fresh meat;
- raw milk;
- products of animal origin not for human consumption (except processed pet food);
- live animals;
- germinal products.

## **5. How do I register for GEFS?**

In order to become a member, you will need to apply. The application form can be found at: <https://www.gov.uk/government/publications/groupage-export-facilitation-scheme-application> Once completed, the form needs to be emailed to [GEFS@defra.gov.uk](mailto:GEFS@defra.gov.uk), together with a copy of your current supplier list.

It is likely to take 5 working days to process the application and official acceptance is usually sent by email. It is important that the acceptance is retained as this may be requested as proof of membership of GEFS.

The following details of your organisation will be listed on GOV.UK so certifying officers can check you are currently part of the scheme:

- organisation name;
- organisation address;
- membership number.

## **6. What are the rules for exporters?**

If you are an exporter and you wish to use the GEFS, you must:

- be listed as a member of the GEFS;
- source all animal products in your exports from a documented and stable supplier list;
- use suppliers listed with the EU. More details can be found at: <https://www.food.gov.uk/business-guidance/listing-of-establishments-to-export-products-of-animal-origin-to-the-eu-or-move-such-products-to-northern-ireland>
- make your supplier list available on request from a certifying officer.

The supplier list must contain all your suppliers of animal products that are exported to, or through, the EU.

You must ensure that your suppliers:

- arrange inspections with a registered vet who has knowledge of the premises, processes and supply chain;
- agree in advance with you and the vet, what information they need to collect for the inspection;
- allow the vet access to their premises and records;
- ensure SAs are signed by an individual with authority to sign on behalf of your supplier (see below);
- inform you and the vet who signed your SA immediately if there are any changes that affect the SA.

You will need to give a unique reference number to each original SA you use and decide what format the number should be. You will need to inform your supplier of the reference number.



A suggested format for a reference number is:

- Unique supplier number;
- Sequential number;
- Unique number for the vet signing your SA; and,
- The year.

Such an example would be: **15435/0000001/m159607/2020**

## **7. What are the rules for suppliers?**

To be able to act as a supplier under GEFS, and provide products to be exported, you must:

- arrange required inspections with the vet;
- agree with the vet what information they will require and gather the evidence for checks;
- provide a suitable representative to complete and sign the supplier section of the SA;
- use the 30-day SA template to provide information to the registered vet;
- send a completed declaration with all products using an SA; and,
- Provide a suitable representative to sign the SA.

The SA must be signed by someone who has:

- sufficient knowledge of and responsibility for the production, transport and storage processes; and,
- been authorised in writing by the Managing Director (or equivalent) of the supplier to sign on behalf of the company.

As the supplier you will need to complete and send the following declaration, with all products you are using an SA for, to the exporter:

“The evidence required to facilitate export of the products in this consignment has been provided in support attestation [insert unique reference number]. No changes have been made that affect the validity of the information provided in this support attestation.”

## **8. Will the exports be inspected?**

You will have an initial veterinary inspection, followed by regular inspections each time you need a new SA.

The inspections are usually carried out by a registered vet, but the certifying officer may send a certification support officer (CSO). The vet will discuss this with you before the inspection. You will also need to agree with the vet and the exporter, before an inspection, what information is required and collect it.

### *Initial inspection*

For the initial inspection, you will need to provide evidence of a documented and stable supply chain for the previous 6 months. This will include the following evidence:

- accurate supply chain, health, traceability and processing records for your products;
- there have been no changes that affect information certified in the EHC within the previous 30 calendar days, for example, a change to heat treatments;
- there have been no changes that affect information certified in the EHC in at least 4 of the previous 6 months.

The only changes you will be allowed to make are any specifically to meet new export requirements for use after 1 January 2021, or because of disruption caused by Covid-19.

Vets will not be allowed to sign supporting attestations until they have inspected the evidence of the supply chain.

The SA must be signed by both:

- an authorised person that represents the supplier; and,
- a registered vet who will sign after they have reviewed the evidence of the supply chain.

### **9. How long does the SA last for?**

An SA is valid for use from inspection up to and including the expiry date. This is usually 30 calendar days from the inspection date.

### **10. What checks take place on consignments?**

A certifying officer, usually an Official Veterinarian (OV), will carry out documentary and physical checks for each consignment covered by the EHC, before they sign the EHC and will check you are on the list of GEFS members. They will also keep copies of evidence or checklists used for at least 2 years and make them available on request. These can be electronic or paper copies.

#### *Documentation checks*

The certifying officer will use the SA for a series of document checks to confirm the:

- species and origin of animal products;
- methods used for processing of animal products; and,
- approval or registration status of the suppliers.

In addition, they may check:

- your audit history;
- contractual agreements;
- invoices;
- the Hazard Analysis and Critical Control Point (HACCP) system and records for food safety;
- Standard Operating Procedures (SOPs);
- traceability records.

#### *Physical checks*

The certifying officer will physically inspect a representative sample of the products to ensure the information provided in the SA is accurate and valid. This can include checking:

- their description matches that declared by the supplier;
- they are fully packaged for the final consumer;
- any available identification marking matches the description in the SA.

They may also carry out:

- a physical inspection of the manufacturing or processing site;
- random and risk-based spot checks.

## **11. Can I be removed from the GEFS?**

Failure to comply with the rules could lead to Defra removing you from the scheme. If you are removed you will not be able to export consignments using the 30-day SA.

However, you may re-join the scheme if you can provide evidence that you and your suppliers will comply with the rules.

If you have re-joined the scheme, all your suppliers will need to have a veterinary inspection which will check their supply chain for the last 6 months to prove it is stable and documented. You will not be able to use SAs again until the inspection is complete.

Repeated failures or serious breaches of the GEFS rules will lead to permanent removal.

Anyone removed from the scheme can appeal through emailing Defra at [GEFS@defra.gov.uk](mailto:GEFS@defra.gov.uk).

## 5.2.3 Importing and exporting plants and plant products

### 1. What is a plant or a plant product?

A “plant” is defined as a living plant (including a fungus or tree) or a living part of a plant (including a living part of a fungus or shrub), at any stage of growth.

A ‘plant product’ means products of plant origin, unprocessed or having undergone simple preparation, in that they are not considered as plants, such as, wood and bark.

### 2. How do I import plants and products from the EU after 31 December 2020?

There will be three stages for imports to Great Britain with new rules on 1 January, 1 April and 1 July.

#### *Stage 1: Importing plants and plant products from 1 January 2021*

High-priority plants and plant products from the EU must have:

- a phytosanitary (health) certificate;
- a pre-notification submitted by the importer in England, Scotland or Wales;
- documentary and identity checks;
- a physical inspection.

For each consignment imported the following fees will need to be paid:

- £10.51 to cover the cost of checking the consignment’s paperwork and identity;
- A physical inspection fee. The rate of the fee will depend on the type of plant material being imported.

High priority plants and plant products include:

- all plants for planting;
- ware potatoes;
- some seed and timber;
- used agricultural or forestry machinery.

The importer will need to pre-notify for imports of solid fuel wood that are not regulated but these imports will not require phytosanitary certificates.

#### How do I pre-notify?

In order to pre-notify, the importer needs to register and use the Procedure for Electronic Application for Certificates from the Horticultural Marketing Inspectorate (PEACH) system to give advance notice each time a consignment is imported. It is important that the importer’s IT browser can support and access the PEACH website. For more information, go to: <http://ehmipeach.defra.gov.uk/>

Notice must be given for material:

- brought by air, at least 4 working hours before the relevant material lands in the UK;
- not brought by air, at least 1 working day before the relevant material arrives in the UK.

The following documents must also be scanned and uploaded onto the PEACH website before the consignment arrives:

- the phytosanitary certificate for the consignment;
- the travel ticket if the importer is travelling with the plants;
- bill of lading, cargo movement request or delivery company invoice if the importer is not travelling with the plants;
- complete the necessary documentation that records details of the imported plant material (this applies to plant material for planting). Further details can be found at <https://www.gov.uk/government/publications/importing-plant-material-record-of-details>

### Becoming a 'place of destination'

If a physical plant health inspection for EU-regulated high priority plants is required, the importer can become a 'place of destination' from 1 January until 30 June 2021. For more information on registration go to <https://www.gov.uk/guidance/place-of-destination-checks-on-high-priority-plants-and-products-from-the-eu-from-1-january-2021>

On 1 January 2021 the place of destination replaces the 'place of first arrival' scheme which ran from January 2020. Companies that are currently registered on this scheme will be contacted directly by the Animal and Plant Health Agency (APHA).

If the goods are moved onward from the first place of destination after their import checks, a plant passport may be required. More details can be found at: <https://www.gov.uk/guidance/importing-and-exporting-plants-and-plant-products-from-1-january-2021#imports-with-eu-plant-passports-from-1-january-2021>

### *Stage 2: Importing plants and plant products from 1 April 2021*

The relevant IT system must be used to notify APHA when importing regulated plants and plant products. Details of the new IT systems will be published on the CLA Brexit Hub - <https://www.cla.org.uk/brexit> - before 1 January 2021.

All regulated plants and plant products imported to England, Scotland or Wales from the EU must have phytosanitary certificates, which can take up to 7 days to receive.

### How do I get a phytosanitary certificate?

To import controlled materials, the importer must apply for and receive a phytosanitary certificate for each consignment from the plant health authority in the country where the supplier is.

The phytosanitary certificate will state that the consignment:

- has been officially inspected;
- complies with legal requirements for entry into the UK;
- is free from serious pests and diseases.

The inspection referred to in the certificate must take place no more than 14 days before the consignment is dispatched from the country where the supplier is. The certificate must be signed by someone in the inspecting plant health authority within the same 14-day period. If the consignment includes materials from more than one country, the importer will need to get a separate phytosanitary certificate from the plant health authority in each country.

Phytosanitary certificates include a 'quantity declared' section. The importer will need to tell the plant health authority that is completing the form to fill in quantities as follows:

- For cut flowers quantity must be stated as the number of stems;

- Quantities must be stated in kilograms (kg) for fruit, vegetables, soil and branches with foliage, potatoes, grain and the following plants for planting:
  - bulbs
  - corms and rhizomes
  - plants in tissue culture
  - seeds

For any other plants for planting, the quantity must be recorded as the number of items in the consignment.

It is the responsibility of the importer to make sure quantities are stated in this way. The plant health authority may use quantity measures for consignments bound for other countries, so the plant health authority will need to know about the measures required for UK-bound consignments.

APHA will inspect phytosanitary certificates in England and Wales.

Regulated plants and plant products include:

- all plants for planting;
- root and tubercle vegetables;
- some common fruits other than fruit preserves by deep freezing;
- some cut flowers;
- some seeds and grains;
- leafy vegetables other than vegetables preserved by deep freezing;
- potatoes from some countries;
- machinery or vehicles which have been operated for agricultural or forestry purposes.

Phytosanitary certificates will not be required, from 1 April 2021, for these plants:

- fruit and vegetables that have been processed and packaged (salads, sandwiches, frozen material);
- composite products (nut or seed butters that contain processed fruit or vegetables).

Table 1 below shows the other plant and plant products that will not require a phytosanitary certificate to import from the EU to the UK from 1 April 2021.

Table 1: plant products not requiring a phytosanitary certificate

<b>Botanical name and requirement</b>	<b>Common name</b>
Fruit of <i>Ananas comosus</i>	Pineapple
Fruits of <i>Actinidia</i> sp. Lindl,	Kiwi
Fruits of <i>Cocos nucifera</i> L	Coconut
Fruit and leaves of <i>Citrus</i> sp. L.	Fruit and leaves of Citrus
Fruit of <i>Fortunella</i> sp. Swingle	Kumquat
Fruit of <i>Poncirus</i> L. Raf	Bitter orange

<b>Botanical name and requirement</b>	<b>Common name</b>
Fruit of Diospyros sp. L.	Persimmon
Fruits of Durio zibethinus Murray	Durian
Fruits (bolls) of Gossypium spp.	Cotton (bolls)
Leaves of Murraya spp.	Curry leaf
Fruits of Musa	Banana and plantain
Fruits of Mangifera sp. L.	Mango
Fruits of Phoenix dactylifera L.	Dates
Fruits of Passiflora sp. L.	Passionfruit
Fruits of Psidium sp.	Guava

### *Stage 3: Importing plants and plant products from 1 July 2021*

Regulated plants and plant products will have extra documentary checks and physical inspections from 1 July 2021.

The importer will need to use the relevant IT system to notify APHA that they are importing regulated plants and plant products. More details on the IT systems will be published on the CLA Brexit Hub - <https://www.cla.org.uk/brexit> - before 1 January 2021

Advanced notice must be given to the responsible authority each time a regulated consignment is imported. Notice will be required of:

- at least four working hours before the goods land in the UK, for air and 'roll-on-roll-off' freight;
- at least one working day before the goods arrive in the UK for all other freight.

### Exempt plants and plant products for import

Plants and plant products that are already exempt from import controls in England, Scotland and Wales are:

- pineapple;
- coconut;
- durian;
- bananas;
- dates.

They will continue to be exempt from import controls after 31 December 2020.

### Prohibited plants

Some plants are prohibited from entering the UK from third countries on plant health grounds. These prohibitions will not apply to plants and products imported from the EU.

### High-risk plants

These are plants and plant products that due to pest risk level cannot be introduced to the UK from third countries unless they have a risk assessment. These high-risk plants are set out in table 2 below.

Table 2: high risk plant and plant products introduced to the UK from third countries

Acacia	Hamamelis
Acer	Jasminum
Albizia	Juglans
Alnus	Ligustrum
Annona	Lonicera
Bauhinia	Malus
Berberis	Nerium
Betula	Persea
Caesalpinia	Populus
Cassia	Prunus
Castanea	Quercus
Cornus	Robinia
Corylus	Salix
Crataegus	Sorbus
Diospyros	Taxus
Fagus	Tilia
Ficus carica	Ulmus
Fraxinus	

However, this will not apply to the import of high-risk plants and plant products from the EU to the UK from 1 January 2021.

### **3. What happens to EU plant passports from 1 January 2021?**

Imports from the EU which currently arrive into Great Britain with an EU plant passport will now need a phytosanitary certificate from 1 January 2021.

The process for replacing a phytosanitary certificate with a plant passport will remain the same. Importers will need to attach plant passports at the first place of destination, that is the first premises the commodities reach for drop off, such as a depot or retail outlet.

If the commodities traded require a plant passport now, but are moved them on under an existing EU plant passport, from 1 January 2021 the importer may need authorisation to issue a UK plant passport for them. If plant and plant products are imported to the UK under a phytosanitary certificate, a UK plant passport will only be required if:

- the goods are being moved to another professional operator;
- the goods are being sold to final users, that is, those buying for personal use, by means of distance contract, for example online;
- the goods are being moved to another of the importer's own premises which is more than 10 miles from the premises where the consignment arrived;
- the phytosanitary status of the consignment changes. For example, if it has been grown on, or has been reconfigured, such as, 2 plants in separate pots have been planted in a new pot together.

If the importer has already authorised to issue plant passports then authorisation as above will not be required.



EU plant passports do not need to be invalidated when they enter GB. As the format is different to the UK plant passport they can easily be differentiated, and the EU plant passport considered invalid automatically.

### Plant Passports and Pest Free Areas

Some plants and plant products must meet specific requirements to enter “protected zones” within EU countries. More details can be found at: <https://www.gov.uk/guidance/issuing-plant-passports-to-trade-plants-in-the-eu#when-you-need-a-plant-passport>

EU Protected Zones (PZs) allow EU Member States to place controls on imports and movements between member states. This prevents the introduction or spread of plant pests and diseases which are present elsewhere in the EU but absent from the Protected Zone. There will be a number of changes at the end of transition.

The UK cannot designate all or parts of the UK as an EU Protected Zone from 1 January 2021. The UK will replace the biosecurity protections provided by EU Protected Zones by creating 2 new designations. These are quarantine pest designation and pest free areas designations.

### Quarantine pest designation

Quarantine pests are plant pests and diseases which are not established and which would be damaging if introduced, where they are absent from the whole of the UK.

Quarantine pests are prohibited from entering the UK and are subject to statutory control if found on plants or plants products. The requirements to prevent the entry of these pests will remain the same from 1 January 2021.

### Pest Free Areas (PFAs) designations

This will designate Pest Free Areas (PFAs) in line with international standards for those pests and diseases which are absent from part but not the whole, of the UK. PFAs are declared in line with recognised international standards and requirements. They can be applied to movements of plants and plant products into PFAs.

Both EU Protected Zones and PFAs allow countries to control movements of plants and plant products which may carry plant pests and diseases, where the whole country or an area within the country are free from those pests or diseases. Moving from Protected Zones to quarantine pests and PFAs will not change the requirements for goods moving within the UK.

There will be no new import or movement restrictions from the replacement of certain PZs with requirements for quarantine pests. These requirements are already in place now under the PZ system. The requirements for importing into and moving within PFAs will be the same as they currently are for the equivalent PZs.

If plants and plant products are moved into or within UK Protected Zones currently, an EU plant passport must be used. However, from 1 January 2021, a UK plant passport will be required if moving the relevant plants and plant products into or within UK PFAs.

#### **4. What are the rules if I export plant and plant products to the EU?**

From 1 January 2021, all regulated plants and plant products exported from Great Britain to the EU will be subject to EU import controls in line with goods exported from the rest of the world.

Regulated plants and plant products include:

- all plants for planting;
- root and tubercle vegetables;
- most fruits;
- cut flowers;
- some seeds;
- leafy vegetables;
- machinery or vehicles which have been operated for agricultural or forestry purposes.

The process for exporting regulated plants and plant products to the EU will be the same as the current process for sending them to third countries (those outside of the EU). When regulated plants and plant products are exported to third countries, the exporter is required to:

- check whether a phytosanitary certificate is required by contacting the plant health authority of the destination country before exporting. The list of authorities can be found at: <https://www.ippc.int/en/countries/all/list-countries/>
- apply for a phytosanitary certificate from the relevant UK plant health authority before export;
- check if the plants require laboratory testing of samples to ensure they are free from pests and diseases or inspections during the growing season. Contact the local plant health inspector to find out if the plants need these tests before exporting

Growing season inspections which are required for a phytosanitary certificate will remain unchanged from 1 January 2021.

The IT systems to apply for an export phytosanitary certificate for plants and plant products will change, moving from the current eDomero system to a new system. Exporters You should continue to use eDomero until they are directed to register and use the new system. Details of the new system will be posted onto the CLA Brexit Hub - <https://www.cla.org.uk/brexit> - when available.

The intention is that the timing and sequencing of the IT migration will ensure a smooth and orderly transfer between systems and will allow sufficient time for the exporter to become familiar with the new service. Defra will provide full training and support before, during and after migration.

Regulated plant and plant products exports to the EU from the UK may be subject to documentary, identity and physical checks at the EU border.

The following plants and plant products are already exempt from controls to export to EU Member States:

- pineapple;
- coconut;
- durian;
- bananas;
- dates.

They will continue to be exempt from export controls after 31 December 2020.

Plant products such as fruit and vegetables that have been processed and packaged to the point that they no longer pose a biosecurity risk, will also be exempt from controls in EU Member States.

Composite products such as nut and seed butters containing processed fruit or vegetables do not fall within plant health controls or require a phytosanitary certificate.

## **5. What happens if I try to export high-risk plant products to the EU?**

From 1 January 2021, some prohibited commodities such as UK high-risk plants, seed potatoes and ware potatoes cannot be exported to the EU.

These prohibitions and requirements fall into 3 categories: high-risk plants, seed and other propagating materials, and prohibited plants.

### High-risk and prohibited plants

These are plants and plant products that have been assessed by the EU as presenting a pest risk of an unacceptable level for the EU. These products are listed in table 1 below. However, the high-risk plant list is continually reviewed by the UK and the EU and Defra will publish any updates to the list when they are made.

It will not be possible to export seed and other propagating material to the EU from 1 January 2021.

Some plants will be prohibited on plant health grounds, including current EU third country prohibitions.

Table 1: List of prohibited plants

Plants of <i>Abies</i> Mill., <i>Cedrus</i> Trew, <i>Chamaecyparis</i> Spach, <i>Juniperus</i> L., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. and <i>Tsuga</i> Carr., other than fruit and seeds
Plants of <i>Castanea</i> Mill. and <i>Quercus</i> L., with leaves, other than fruit and seeds
Isolated bark of <i>Castanea</i> Mill
Plants for planting of <i>Chaenomeles</i> Ldl., <i>Crateagus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L. and <i>Rosa</i> L., other than dormant plants free from leaves, flowers and fruits
Plants for planting of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. and <i>Pyrus</i> L. and their hybrids, and <i>Fragaria</i> L., other than seeds
Plants of <i>Vitis</i> L., other than fruits
Plants of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., and their hybrids, other than fruits and seeds
Plants for planting of the family <i>Poaceae</i> , other than plants of ornamental perennial grasses of the subfamilies <i>Bambusoideae</i> and <i>Panicoideae</i> and of the genera <i>Buchloe</i> , <i>Bouteloua</i> Lag., <i>Calamagrostis</i> , <i>Cortaderia</i> Stapf., <i>Glyceria</i> R. Br., <i>Hakonechloa</i> Mak. Ex Honda, <i>Hystrix</i> , <i>Molinia</i> , <i>Phalaris</i> L., <i>Shibataea</i> , <i>Spartina</i> Schreb., <i>Stipa</i> L. and <i>Uniola</i> L., other than seeds

Tubers of <i>Solanum tuberosum</i> L., seed potatoes
Plants for planting of stolon- or tuber-forming species of <i>Solanum</i> L. or their hybrids
Tubers of species of <i>Solanum</i> L., and their hybrids
Plants for planting of Solanaceae
Soil as such consisting in part of solid organic substances
Growing medium as such, other than soil, consisting in whole or in part of solid organic substances, other than that composed entirely of peat or fibre of <i>Cocos nucifera</i> L., previously not used for growing of plants or for any agricultural purposes

To be ready to be able to export to the EU from 1 January 2021:

- check with the relevant UK plant health authority to find out if plants and plant products intended for export to the EU from 1 January 2021 need to be accompanied by a phytosanitary certificate;
- check with the relevant plant health authority to find out if plants and plant products for export to the EU from 1 January 2021 are classified as prohibited or high-risk plants;
- check with the relevant UK plant health authority to find out if plants and plant products intended for export to the EU require growing season inspections to apply for a phytosanitary certificate;
- follow the guidance issued for exporting plants, seeds, bulbs and wood on EU plant health import requirements to help prepare the export correctly. For more information, go to: <https://www.gov.uk/guidance/export-plants-seeds-bulbs-and-wood-special-rules>;
- register with the Forestry Commission as a professional operator if exporting wood or wood products from England and Wales.

#### UK plant health authorities

To check if plants and plant products for export to the EU from 1 January 2021 need to be accompanied by a phytosanitary certificate, exporters can contact:

- England: contact APHA or the Plant Health and Seeds Inspectorate (PHSI):  
PHSI Headquarters  
Sand Hutton  
York  
telephone: 0300 1000 313 - select option 3 when calling  
email: [planthealth.info@apha.gov.uk](mailto:planthealth.info@apha.gov.uk)
- Wales: Contact APHA or the Plant Health and Seeds Inspectorate (PHSI):  
PHSI Headquarters  
Sand Hutton  
York  
telephone: 0300 1000 313 - select option 3 when calling  
email: [planthealth.info@apha.gov.uk](mailto:planthealth.info@apha.gov.uk)

## Moving regulated plant material from 1 January 2021

If an exporter is already authorised to issue plant passports, they will not require a new authorisation to issue UK plant passports. However, the exporter must renew authorisations every year through an audit inspection to check for compliance by contacting APHA.

Exporters will not be able to attach UK plant passports in the EU and EU plant passports cannot be attached in England, Scotland or Wales (Great Britain).

An operator in the EU cannot issue a UK plant passport under GB plant health rules. A UK plant passport will be used for movements in GB under GB health rules from 1 January 2021.

### **6. What will happen to plant passports?**

Plant passports will change in different ways from 1 January 2021.

The content and format will change to differentiate UK plant passports from EU plant passports. The EU plant passport will no longer be recognised as an official label in GB. UK passports will have the following changes:

- there will be no EU flag;
- the words 'Plant Passport' will change to 'UK Plant Passport';
- Section B (the registration number) will no longer have a 'GB' prefix as this was only necessary on EU plant passports to differentiate between Member States;
- Section D (the country of origin) will remain the same except for some plants for which the UK has national measures;
- Section A (botanical names) and Section C (traceability codes) will remain the same.

Changes to Protected Zone plant passports can be found at:

<https://www.gov.uk/guidance/importing-and-exporting-plants-and-plant-products-from-1-january-2021#changes-to-protected-zone-plant-passports>

Where a plant passport is combined with a certification label, the only changes to the plant passport section will be the:

- removal of the EU flag;
- words 'Plant Passport' replaced with 'UK Plant Passport'.

For some fruit and vegetable propagating material and some ornamental material the exporter may also need a supplier document in addition to the UK plant passport. This is an existing requirement and will remain in place after 1 January 2021.

More information about how to make a supplier document for certain plants can be found at:

<https://www.gov.uk/guidance/issuing-plant-passports-to-trade-plants-in-the-eu#supplier-document>

Old EU plant passport labels will remain valid if in circulation before 1 January 2021. From 1 January 2021, UK plant passports should be issued to state compliance with the UK's new plant health regulations.

There will also be changes to "country of origin" labelling. The two-letter code 'GB' applies to the whole of the UK, including Northern Ireland. Guidance will change from 1 January 2021 to hosts of *Xylella fastidiosa* and hosts of *Ceratocystis platani*. The change means that these commodities must have been in the UK for 12 months following their import before a plant passport issued for their movement can list 'GB' as the country of origin.

This applies regardless of whether plants are grown under protection or not in the UK.

It is important to keep records of importation date and other details to then amend the country of origin to GB 12 months after importation.

### Plant Passports and Pest Free Areas

Some plants and plant products must meet specific requirements to enter “protected zones” ‘**protected zones**’ within EU countries. More details can be found at: <https://www.gov.uk/guidance/issuing-plant-passports-to-trade-plants-in-the-eu#when-you-need-a-plant-passport>

EU Protected Zones (PZs) allow EU Member States to place controls on imports and movements between member states. This prevents the introduction or spread of plant pests and diseases which are present elsewhere in the EU but absent from the Protected Zone. There will be a number of changes at the end of transition.

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Quarantine pests are plant pests and diseases which are not established and which would be damaging if introduced, where they are absent from the whole of the UK.

Quarantine pests are prohibited from entering the UK and are subject to statutory control if found on plants or plants products. The requirements to prevent the entry of these pests will remain the same from 1 January 2021.

### Pest Free Areas (PFAs) designations

This will designate Pest Free Areas (PFAs) in line with international standards for those pests and diseases which are absent from part but not the whole, of the UK. PFAs are declared in line with recognised international standards and requirements. They can be applied to movements of plants and plant products into PFAs.

Both EU Protected Zones and PFAs allow countries to control movements of plants and plant products which may carry plant pests and diseases, where the whole country or an area within the country are free from those pests or diseases. Moving from Protected Zones to quarantine pests and PFAs will not change the requirements for goods moving within the UK.

There will be no new import or movement restrictions from the replacement of certain PZs with requirements for quarantine pests. These requirements are already in place now under the PZ system. The requirements for importing into and moving within PFAs will be the same as they currently are for the equivalent PZs.

If plants and plant products are moved into or within UK Protected Zones currently, an EU plant passport must be used. However, from 1 January 2021, a UK plant passport will be required if moving the relevant plants and plant products into or within UK PFAs.

## **7. What happens to plants I've exported to the EU but have been rejected?**

Plants and plant product consignments rejected at EU Border Control Points can re-enter GB through any point of entry from 1 January to 30 June 2021.

For rejected goods returning to England or Wales an import pre-notification using the relevant IT system must be submitted to notify APHA which will publish details of these IT systems before 1 January 2021.

## **5.2.4 Exporting horses and other equines**

### **1. How do I move horses and other equines from the UK to the EU after transition? Who do I contact?**

The UK has to be listed as a third country by the EU before any horses or other equines can move from the UK to the EU at the end of the transition period. It is anticipated that the EU will grant the UK third country status so you will need to contact:

- An Official Veterinarian (OV) so that you can book an appointment for blood tests to be taken in time. This could take six weeks;
- An agent or transporter and tell them when you plan to travel. You will need to consider that you will need to travel through an EU Border Inspection Post and this is likely to take more time.

### **2. What tests will need to be taken before I can export my horses?**

There will need to be two tests to ensure the horses are disease free:

- Equine infectious anaemia - This must be conducted within 30 days before travel for permanent exports. For temporary exports, such as sporting competitions, as long as the event is less than 90 days long, you will need to test within 90 days before travel;
- Equine viral arteritis - This needs to be done within 21 days of travel for uncastrated male horses older than 180 days unless they meet vaccination conditions.

### **3. Will I need to keep my horses in isolation before I can export?**

Yes, there are certain isolation conditions that need to be met.

#### **PERMANENT AND TEMPORARY EXPORTS**

If a horse is exported for fewer than 90 days for sporting competition purposes, it will need to be kept on a holding in the UK or a country with a similar health status for 40 days. If the horse is to be permanently exported it needs to be kept separate from other equines that do not have the same health status for at least 30 days.

If the horse was imported direct from the EU and is then to be exported it must be kept on the holding for 90 days before it can be exported.

#### **IMPORTS**

If the horse was imported directly from the EU into the UK, or a country with a similar health status to the UK, it can be kept on a holding for less than 40 days.

#### **VETERINARY SUPERVISION BEFORE EXPORT**

The horse will need to be kept on a holding in the UK (or a country with similar health status) under veterinary supervision for 90 days. A horse will also need to be kept on a holding for at least a period of 90 days if it was born on the holding.



If the horse was imported direct from the EU and is then to be exported it must be kept on the holding for 90 days before it can be exported.

An Official Veterinarian (OV) will need to confirm that the conditions set out here have been met before the horse can be exported.

#### **4. What process do I need to follow to export horses and other equines?**

As with other animals and animal products, there is a set process which needs to be followed:

- Apply for an Export Health Certificate (EHC). This will replace the Intra Trade Animal Health Certificate (ITAHC) for exports to the EU. You can find guidance on where to get the EHC online at <https://www.gov.uk/guidance/get-an-export-health-certificate>
- An Official Veterinarian (OV) will need to be nominated in order to inspect the horse and other equines. There are three ways of finding an OV:
  - Check the list of professionals who can authorise EHCs. More guidance can be found online at <https://www.gov.uk/guidance/get-an-export-health-certificate>
  - Contact the Animal and Plant Health Agency (APHA) by email: [cscconehealthovteam@apha.gov.uk](mailto:cscconehealthovteam@apha.gov.uk)
  - Ask your local vet.
- Complete the EHC and email to the APHA on the address given on the EHC;
- APHA will send the EHC to your nominated OV within seven working days, or within one working day if the horse or other equine is to be exported in the next seven days. The EHC will be translated into the language(s) of both the destination country and the country where the horse first enters the EU;
- The OV will need to inspect the horse and check that the requirements of the EHC have been met. The OV will then complete and sign the EHC and send a copy to the APH;
- You need to receive the EHC from the OV on the same day the horse or other equine is loaded for travel;
- The completed EHC must go with the horse during travel.

The EHC is free but you will need to pay for the inspection and other services by the OV.

#### **5. What kind of equine ID will I need?**

You will still be able to use the horse passport to export equines as long as they are registered with either:

- An EU-recognised studbook or pedigree register; or
- A national branch of an international racing or competition organisation.

If you are exporting horses and other equines which are not registered you will need to apply for a government-issued equine ID from the APHA for Great Britain (England, Scotland and Wales). Further guidance can be found online at [www.apha.gov.uk](http://www.apha.gov.uk)

APHA will tell you when they have sent the equine ID to the OV, who will give you the equine ID with the EHC when the equine is inspected before travel. The equine ID should be kept with the horse passport and the EHC during travel.

The equine ID is only valid for a single journey to the EU and return into the UK. You will need to apply for a government-issued equine ID every time an unregistered horse or other equine is exported to the EU.

## **6. What will happen at an EU border?**

There are three steps that need to be taken:

### **STEP 1**

- Complete a customs declaration form, which can be found online at <https://www.gov.uk/guidance/making-a-full-export-declaration>, before the horse arrives at the EU border.

### **STEP 2**

- Plan your route so that the horse can be inspected at an EU Border Control Post (BCP). Although some EU BCPs accept both registered and unregistered horses, not all do. You can check the nearest appropriate EU BCP online at <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1563184991622&uri=CELEX:02009D0821-20190107>

### **STEP 3**

Make sure either you or your EU-based import agent has notified the EU BCP you are going to use the Trade Control and Expert System (TRACES), before the export arrives at the EU BCP. Check with the EU BCP how much notice is required.

## **7. What do I do if I import horses and other equines into the UK?**

After the end of the transition period you will need to be aware of the following issues when importing from the EU:

- There will be no immediate change to the present entry paperwork needed for horses entering the UK from:
  - France when using a commercial document;
  - Ireland without any animal health documentation. This is part of the Tripartite Agreement between France, Ireland and the UK.
- Registered horses travelling from the EU will also be able to continue using health attestations.
- Horses and other equines originating from the EU will not have to enter the UK through a BCP.
- EU owners returning horses to the EU are able to use a streamlined re-entry process for registered horses that have been in the UK for 30 days or less for racing or other competitions. Under EU regulations, these horses will need an animal health attestation from their own country showing that the horse left the EU.

- These horses will still need an EHC and equine ID but will not need blood tests.

#### **8. What happens if my horse and/or other equine are rejected at an EU Border Control Post before 1 July 2021?**

From 1 January to 30 June 2021, the Animal and Plant Health Agency (APHA) will carry out a risk assessment of horses and other equines rejected at EU BCP and will decide which point of entry they may use to re-enter Great Britain.

You will need to apply to APHA Centre for International Trade (CIT) on the Import of Products, Animals, Food and Feed System (IPAFFS) to submit a notification to return horses or other equines.

You must submit the notification one working day in advance or at least 4 hours before arrival if it is not possible to do so sooner.

In addition, you will have to attach the following documentation to the IPAFFS notification:

- the original export certificate and related documentation;
- a statement from the EU BCP of the reasons why the horses or other equines were refused by the EU BCP;
- a statement from the EU BCP with details of the premises in which the horses or other equines were kept since leaving Great Britain, for example in quarantine or in isolation;
- a declaration by the person responsible for the returned horses or other equines that the import conditions relating to transport have been complied with;
- a declaration by the person responsible for the horses or other equines that they have not been in contact with any other animal of a lesser health status since leaving Great Britain.

APHA will then decide:

- the conditions of import; and,
- if the consignment will have BCP checks on entry to Great Britain

APHA will then authorise the return of the horse and/or other equine and you must comply with the conditions of the authorisation.

#### **9. What happens if my horse and/or other equine are rejected at an EU Border Control Post from 1 July 2021?**

From 1 July 2021, returned horses and other equines must enter Great Britain at a designated BCP for checks on entry. More information can be found at: <https://www.gov.uk/government/publications/uk-border-control-posts-animal-and-animal-product-imports>

You will need notify the Import of Products, Animals, Food and Feed System (IPAFFS) and present the relevant documents to the BCP. For more information on IPAFFS go to: <https://www.gov.uk/guidance/import-of-products-animals-food-and-feed-system>

**10. Are your key inputs going to be affected after the end of transition? Do you import any of your inputs directly from an EU-based business?**

**IF YES...**

- Check their level of readiness. Ask them what they have done to prepare for customs checks etc. If they are not ready, you might want to look for an alternative supplier who is.
- You may want to consider building stocks of inputs and consumables that may be delayed temporarily at ports in the weeks after a No Deal Brexit, finding UK sources, or a mixture of both.
- This may also help manage exchange rate fluctuations. Sterling has weakened since the referendum and may continue to do so if we leave the EU without a deal, making imported goods more expensive.

**IF NO...**

- Check with your suppliers where the products they sell come from. Are they ready for Brexit? If not, you might want to consider an alternative supplier who is.
- Ask them whether there will be any increases in the cost of inputs and other materials. You may want to consider building stocks of inputs and consumables that may be delayed temporarily at ports in the weeks after transition, particularly if no agreement is reached between the UK and the EU, finding UK sources, or a mixture of both. This may help manage exchange rate fluctuations. Sterling has weakened since the referendum and may continue to do so if we leave the EU without a deal, making imported goods more expensive. Buying forward, for example, supplies of imported animal feed, may also help mitigate any further fall in the value of Sterling.

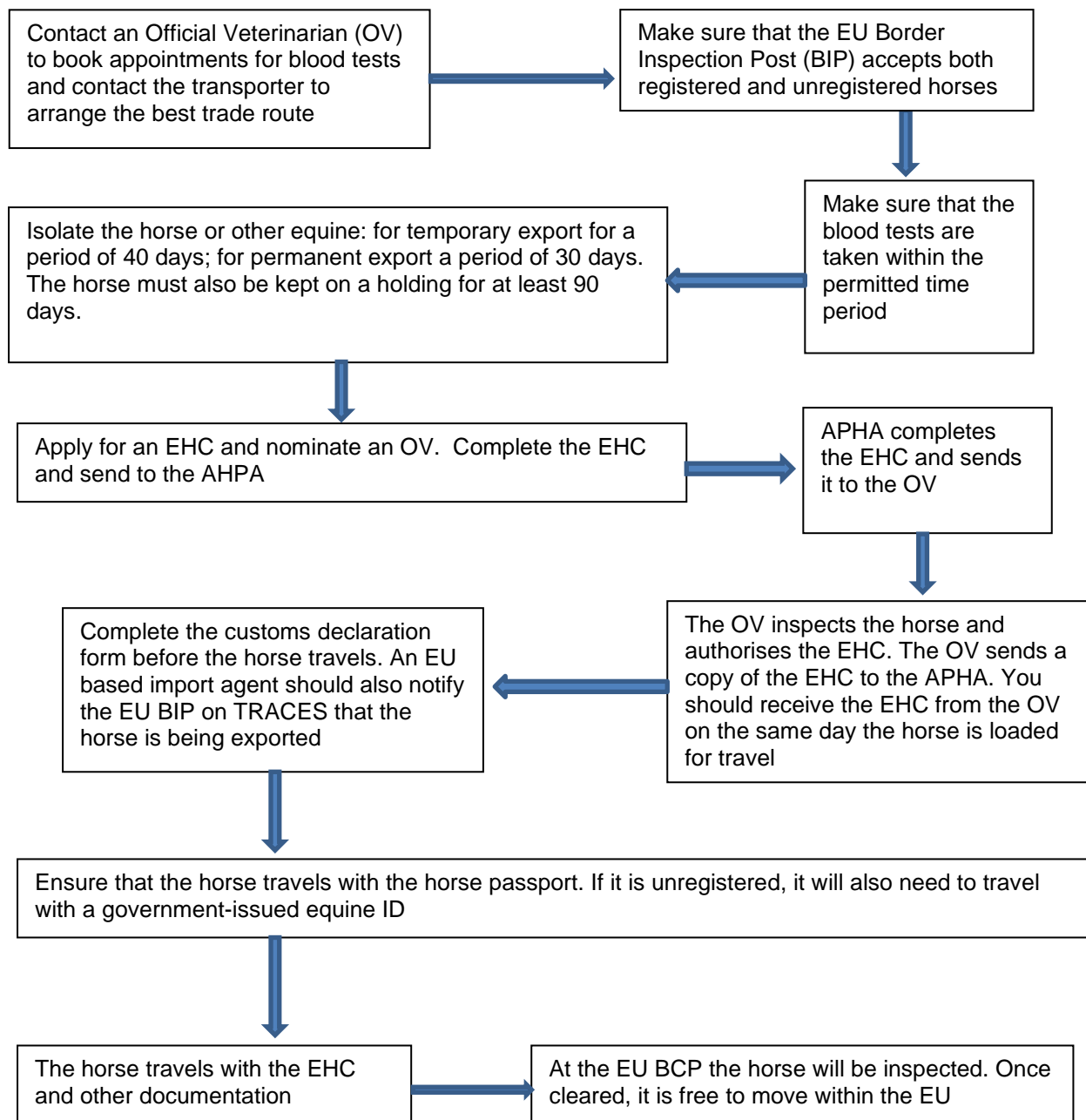
**11. Are there other changes that will affect the horse and equine sector?**

Very much will depend on the robustness of supply chains in terms of veterinary supplies. Whilst it is possible that there may be a shortage of available medicines for veterinary practices and businesses reliant on veterinary services need to take this into account, the National Office for Animal Health (NOAH) and the Veterinary Medicines Directorate (VMD) have advised that vets should continue with normal ordering patterns to maintain appropriate and proportionate stocks of veterinary medicines. Therefore, it is advisable that members check the position with their respective veterinary practice.

It is also possible that prices of some drugs may increase in the short term. You should therefore factor this into your short-term planning in consultation with your vet.

A fall in the value of Sterling is likely to have an effect on goods coming into the UK and make them more expensive. This is particularly the case with horses being imported to the UK, for example, from the Middle and Far East, such as Dubai, as horse sales are valued in US dollars. You should therefore monitor the value of Sterling if you are importing horses from a non-EU country in order to mitigate any possible losses.

**FIGURE 1: THE EXPORTING PROCESS**



## 5.2.5 Importing and exporting horticultural products

### 1. 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.

### 2. 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.

### **3. 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.

### **4. 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.

### **5. Will hops grown in Great Britain still be certified?**

Certification centres will still issue hops certificates for hops produced in Great Britain (England, Scotland and Wales) from 1 January 2021.

However, GB hops certification centres must remove all EU branding (including references to the EU and the EU emblem) from certificates from 1 January 2021. The form of the certificate and the process for getting a certificate will not change.

The certification centre number will not change but it should be pre-fixed with ‘GB’ instead of ‘UK’. All certificates and official stamps will need to be updated.

Wording on official stamps should include:

- certified product - Regulation (EC) No 1850/2006;
- certifying officer signature;
- GB hops certificate centre number.

### **6. How do the rules change for hops imported to Great Britain?**

It will be necessary for hops imported into GB from 1 January 2021 to 30 June 2021 to be accompanied by one of the following documents:

- EU Attestation of Equivalence issued by an authorised agency listed in Annex 1 of EC Regulation 1295/2008. For more information go to: <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:32008R1295>;
- EU certificate from EU member states only, issued by an approved certification centre.

All imports from a third country will require a GB Attestation of Equivalence from 1 July 2021.



However, the government has said that the process for GB Attestation of Equivalence requirements and listing will not be published until early 2021. Details will be posted on <https://www.cla.org.uk/brexit> when available.

## **7. Can I still export hops from the UK to the EU?**

As the UK will no longer be a member of the EU, from 1 January 2021 will be classed as a third country which will mean that exporters will need to comply with EU third country import requirements to export hops and hop products from GB to the EU.

Exporters will need to register with the Rural Payments Agency (RPA) and apply for an EU Attestation of Equivalence. For more details, go to: <https://www.gov.uk/government/publications/enrol-with-the-rural-payments-agency-to-export-hops-to-the-eu>

Once the RPA has been recognised by the EU as the UK agency authorised to issue EU Attestations of Equivalence, rules will then be set out as to how to apply.

## **8. How do I label the hops for export?**

Those exporting hops and hops products to the EU from 1 January 2021, must include the following information on each unit of packaging:

- description of the product;
- variety or varieties;
- country of origin;
- marks and numbers indicated in section 9 of the Attestation of Equivalence.

## **9. Are the rules changing for exporting hops and hop products to non-EU countries?**

There will be no changes to the process of exporting hops from the UK directly to non-EU countries. However, the exporter should check the individual requirements of the country that is being exported to.

If hops and hop products are being exported to non-EU countries via the EU, it is important for exporters to check the import requirements of the country of destination.

Consignments will need an Attestation of Equivalence and comply with requirements requested by the country if they:

- are destined for a non-EU country;
- will transit through the EU;
- are not entered into EU transit procedures (and will be released for free circulation in the EU).

## **10. Are there any changes to import rules for wine from non-EU countries?**

There will be no change to the requirements for wine imported into the UK from a non-EU country from 1 January 2021 to 1 October 2021.

A VI-1 is a document issued in a third country that fully describes wines imported into the EU. Government bodies in third countries are responsible for issuing VI-1s for wine to be exported to the UK and to the EU. VI-1 certificates will not be required for EU wine imported into Great Britain (England, Scotland and Wales) from 1 January 2021 to 30 June 2021.

In terms of labelling imports of wine from EU and non-EU countries, the importer can continue to use the name and address of an exporter, or bottler in the case of bulk wine imports, based in the EU, GB or Northern Ireland on the label for bottles of wine marketed in GB until 30 September 2022.

From 1 October 2022, wine marketed in GB must be labelled with the name and address of an importer or bottler located within the UK.

### **11. Are the rules changing for exporting wine to the EU?**

Consignments of wine exported from GB to the EU will be subject to EU third country requirements for wine which include having an EU VI-1. However, there are a number of exemptions. These are for wines:

- in labelled containers up to 10 litres with a single use stopper, where the total quantity of the shipment (which can be in separate consignments) is less than 100 litres;
- that are the personal property of the exporter if they are moving to the UK;
- in the personal luggage of travellers, up to a maximum of 30 litres;
- sent in consignments from one person to another, up to a maximum of 30 litres per consignment;
- for trade fairs if the wine is in labelled containers of up to 2 litres with a single use stopper;
- imported for the purpose of scientific and technical experiments up to a maximum of 100 litres;
- held in stores on board ships and airplanes operating in international transport;
- originating from and bottled in the UK, exported and then returned to the UK to be sold.
- originating from and bottled in the EU, exported and then returned to the EU to be sold;
- traded for diplomatic purposes in accordance with the Vienna Convention or the New York Convention.

### **12. Will wines still be inspected? Do I need to register to export?**

Defra will be required to certify that wines comply with EU regulations and have been produced using winemaking practices either recommended and published by The International Organisation of Vine and Wine or authorised by the EU.

The Food Standards Agency (FSA) is responsible for the inspection and registration of wine exporters in England and Wales. Exporters need to have registered with the FSA's Wine Standards Team before an application can be made to Defra for a VI-1.

In order to register with the FSA, exporters should email [wineexportsregistration@food.gov.uk](mailto:wineexportsregistration@food.gov.uk). This should include 'VI-1 Exporter registration request' in the subject heading of the email.

The FSA is likely to reply to requests within 20 working days. It is advised that registration is done as soon as possible.

After registering with the FSA, the exporter will receive a WSB number. This will be required when applying to Defra for a VI-1 certificate. For more information about WSB numbers email Defra at [wine.exports@defra.gov.uk](mailto:wine.exports@defra.gov.uk)

Simplified VI-1 certificates for importing wines from Australia and Chile can still be used. Wines from the United States (US) can continue to use a simplified VI-1 and US wineries can continue to self-certify their VI-1s.

## 5.2.6 Importing and exporting timber and timber products

### 1. How do I import timber from the EU after 31 December 2020?

At the end of the transition period on 1 January 2021, the European Timber Regulation and Forest Law Enforcement Governance and Trade (FLEGT) will no longer apply in Great Britain and will be replaced by the UK Timber Regulation and UK FLEGT.

However, this will still mean that due diligence will need to be undertaken to confirm that timber is legally harvested if you are a:

- business importing from non-EU or EEA countries;
- GB producer placing timber on the GB market for the first time.

From 1 January 2021, a business will need to show imports from the EU and the European Economic Area (EEA) have been legally harvested.

To show that the imported timber has been legally harvested timber, you will need to carry out due diligence. This means you will need to:

- gather information on the timber - its species, quantity, supplier, country of harvest and how it complies with relevant laws;
- assess the risk of illegally harvested timber entering your supply chain;
- mitigate any identified risk to negligible by gathering more information or implementing further actions.

Timber will be recognised as legally harvested if one of the following applies:

- it has a Convention on International Trade in Endangered Species (CITES) import permit;
- it is accompanied by a valid FLEGT licence.

More details on FLEGT licences can be found at: <https://www.gov.uk/guidance/eu-timber-regulation-guidance-for-business-and-industry>

You will not need to carry out due diligence on this timber.

### 2. Are there any changes to rules for exporting timber to the EU?

If you are exporting timber to the EU, it is very likely that you have to supply documentation about the source and legality of the timber in order to comply with EU due diligence rules.

Timber will be recognised as legally harvested if one of the following applies:

- it has a CITES import permit;
- it is accompanied by a valid FLEGT licence.

You will not need to carry out due diligence on this timber.

### 3. Will standards and enforcement change?

The Office for Product Safety and Standards' (OPSS) work will be unchanged and the Government is working to ensure that Forest Law Enforcement Governance and Trade (FLEGT) licences are still recognised.

The UK will still recognise monitoring organisations based in the UK, but will not automatically recognise those based in the EU. The EU will no longer recognise monitoring organisations based in the UK.

More information on the OPSS can be found at:

<https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>

#### **4. How will moving wood packaging change?**

Wood packaging material (WPM) moving between the UK and the rest of the EU can currently move freely without checks or controls. WPM includes:

- pallets;
- crates;
- boxes;
- cable drums;
- spools;
- dunnage.

From 1 January 2021 all WPM moving between the UK and the EU must meet ISPM15 international standards by undergoing heat treatment and marking. All WPM may be subject to official checks either upon or after entry to the EU. More information can be found at:

<https://www.ippc.int/en/publications/regulation-wood-packaging-material-international-trade-0/>

Checks on WPM will continue to be carried out in the UK on a risk-targeted basis only. The plant health risk from WPM imported from the EU is not expected to change from 1 January 2021. For more information go to: <https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>

## **5.2.7 Importing and exporting hatching eggs and chicks**

### **1. How do the rules change for importing hatching eggs and chicks from the EU after 31 December 2020?**

If a business is importing hatching eggs and chicks to Great Britain (England, Scotland and Wales) from the EU, there will be changes to the information that will need to be provided from 1 January 2021.

When marking individual hatching eggs, they will need to be printed with the:

- country of origin;
- word 'hatching' in English or in the language of the country of origin;
- breeding establishment approval number

The text should be printed in type at least 3mm high.

If the business is marking packs of hatching eggs, these must show the:

- country of origin;
- word 'hatching' in English, or in the language of the country of origin;
- poultry species the eggs come from;
- name and address of the sender or business.

Great Britain will only accept imports of packs of chicks where the individual chicks are from the same sender and country of origin from 1 January 2021.

Chicks must be packed by species, type and category of poultry. Packs can only contain a single species, category and type of poultry from the same establishment.

Boxes of chicks should be marked with the:

- country of origin;
- poultry species;
- type (eg: table use laying, or dual purpose);
- category (eg: parent, grandparent or utility stock);
- name and address of the sender or business.

The packaging information should be marked by using:

- indelible black ink;
- letters or figures at least 20mm high and 10mm wide, drawn 1mm thick.

If the following categories are marked with a breeding establishment number that contains a reference to the country of origin, there will be no need to mark the country of origin separately:

- hatching eggs;
- packs of eggs;
- chick boxes.

## **2. What are the new rules if I export hatching eggs to the EU?**

As the UK will no longer be a member of the EU on 1 January 2021, and will have left the Single Market and the Common Customs Union, it will be treated as a “Third Country” and given this status by the EU. This is important as without Third Country status Great Britain will not be allowed to export products to the EU.

As with imports, Individual hatching eggs for export will need to be printed with the:

- country of origin;
- word ‘hatching’ in English or in the language of the country of origin;
- breeding establishment approval number.

This text should be printed in type at least 3mm high.

It is stressed that The EU may not accept GB exports of hatching eggs that are not marked with this information.

As stated above, individual hatching eggs will need to be marked with their breeding establishment approval number in order to get an Export Health Certificate (EHC).

## **3. What code should I use for Country of Origin?**

Although there is no specific requirement to use the UK’s ISO code on individual hatching eggs, GB producers should use one of the following:

- GB;
- United Kingdom;
- UNITED KINGDOM;
- UK.

Packs of hatching eggs should be marked with the:

- country of origin, (use ‘GB’, ‘United Kingdom’, ‘UNITED KINGDOM’ or ‘UK’);
- word ‘hatching’ in English or in the language of the country of origin;
- species the eggs come from;
- name and address of the sender or business.

If the following are marked with a hatchery number that contains ‘UK’, you do not need to mark the country of origin separately:

- hatching eggs;
- packs of eggs;
- chick boxes.

## **4. What are the rules for exporting chicks to the EU?**

The EU will only accept exports of packs of chicks where the individual chicks are from the same sender and country of origin.

Chicks must be packed by species, type and category of poultry and each pack must contain one species, category and type of poultry from the same establishment.

Boxes of chicks should be marked with the:

- country of origin, use GB, United Kingdom, 'UNITED KINGDOM' or UK;
- poultry species;
- type (eg: table use laying, or dual purpose);
- category - for example, parent, grandparent or utility stock;
- name and address of the sender or business.

The packaging information should be marked using:

- indelible black ink;
- letters or figures at least 20mm high and 10mm wide, drawn 1mm thick.

If packs are not marked in this way or are marked incorrectly, the exports of hatching eggs and chicks may be delayed or rejected at an EU border.

#### **5. Are there likely to be customs checks and controls?**

Customs checks may be carried out on products. Hatching eggs and chicks, along with all products of animal origin will need to enter the EU through a Border Control Post (BCP).

More details regarding customs checks and frequency of checks will be posted on the CLA Brexit Hub when they become available.

#### **6. How will the process of importing and exporting hatching eggs and chicks to non-EU countries work after 31 December 2020?**

In terms of imports, there will be no change to the requirements for importing hatching eggs and chicks from non-EU countries. Importers should follow the existing rules.

Hatching eggs and chicks for export to non-EU countries may, however, need to meet different requirements. Exporters should check the import requirements of the country they are exporting to.

For more information on exporting hatching eggs and chicks from the UK to non-EU countries via the EU (by transit), go to: <https://www.gov.uk/guidance/exporting-animals-and-animal-products-to-the-eu-from-1-january-2021>



## 5.2.8 Imports and exports between Great Britain and Northern Ireland

### 1. How will trade differ between Great Britain and Northern Ireland?

From 1 January 2021, there will be no changes in how qualifying Northern Ireland goods move directly from Northern Ireland to Great Britain but there will be some changes for qualifying goods moved indirectly through Ireland.

The qualifying goods regime forms part of a phased approach to the implementation of 'unfettered access' designed to avoid disruption and ensure maximum continuity after the transition period. More details regarding a longer term qualifying regime is to be published, meaning with only businesses established in Northern Ireland benefitting from unfettered access.

### 2. How do I move goods from Great Britain into Northern Ireland?

Under the Northern Ireland Protocol goods from Great Britain which remain in the UK's customs territory will not be subject to tariffs. However, goods 'at risk' of entering the EU's single market will pay EU tariffs.

Businesses may be able to declare that the goods are not 'at risk' if it can be proved that the goods are sold to, or used by, consumers in the UK. To be able to do this, the business will need to be authorised for the UK Trader Scheme.

From 1 January 2021, a business will need to make declarations and may need to pay any tariffs due when bringing goods into Northern Ireland from Great Britain or from outside the EU.

When bringing goods into Northern Ireland from Great Britain, no duty will be paid if:

- The business is authorised under the UK Trader Scheme and can declare that the goods are not "at risk" of onward movement to the EU:
- The business is eligible to claim a waiver on the duty up to specified limits.

When bringing goods into Northern Ireland from outside Great Britain and the EU, the business will pay the UK duty rate if the goods are not 'at risk' of onward movement to the EU.

### 3. What must I do before moving goods to Northern Ireland?

If a business intends to move goods between Northern Ireland and non-EU countries (which includes Great Britain), it will need an Economic Operator and Registration Identification (EORI) number that starts with XI. If it is intended to move goods between Northern Ireland and Great Britain, or bring goods into Northern Ireland from outside the UK, a business can sign up to the Trader Support Service. More details can be found at:

<https://www.gov.uk/guidance/trader-support-service> <https://www.gov.uk/guidance/trader-support-service>.

If the business is not using the Trader Support Service, it can use a customs agent. If the business wishes to import goods into Northern Ireland and wants to declare the goods as not "at risk" so that EU duty will not be payable, it must apply for an authorisation for the UK Trader Scheme. If goods are imported regularly, the business can apply for a duty deferment account that will delay paying most customs charges. More details can be found at:

<https://www.gov.uk/guidance/check-which-type-of-account-to-apply-for-to-defer-duty-payments-when-you-import-goods#apply-for-a-duty-deferment-account-to-use-in-northern-ireland-from-1-january-2021>

#### **4. What declarations will I have to make?**

If a business is exporting goods from Great Britain to Northern Ireland a customs declaration will not be required.

For goods being exported from Northern Ireland to Great Britain Declarations will not be needed for the vast majority of goods. The Government will publish guidance on when declarations may be needed for some goods at a later date.

## 5.3 FOOD, FEED AND RAW MATERIALS

### 5.3.1 Organic trade after transition

#### 1. The importance of the organic sector

Organic farming is one of the success stories of UK agriculture. Over the last two decades there has been a significant increase in the number of hectares that are now registered as organic and adhere to a list of strict production standards.

A key element of organic farming is that of certification – emphasising the importance of certain production methods and systems that lead to a product that is certified as organic and therefore attracts a significant price premium.

There will be a number of significant consequences for the organic farming sector that will shape it in the short, medium and long term after transition.

Here we set out how the end of transition will lead to a series of changes and what those changes are likely to be. We then examine the implications of these changes for organic producers immediately after transition and in the near future.

#### 2. What rules do I need to follow from 1 January 2021?

If you produce, process, label or trade in organic food and feed in Great Britain (England, Scotland and Wales), you'll have to follow GB rules from 1 January 2021.

Great Britain will recognise the EU as equivalent for the purpose of trade in organics until 31 December 2021. This means that food and feed certified as organic in the EU will continue to be accepted as organic in GB until 31 December 2021.

The EU has now recognised the UK control bodies for the purpose of exporting organic products to the EU until 31 December 2021 and food and feed certified as organic in GB will continue to be accepted as organic in the EU until 31 December 2021.

#### 3. Will I still need to be certified as an organic producer after the end of transition?

If you grow, process or import organic food for trade within the UK you will still need to be certified by an approved organic control body. Further details on approved control bodies can be found at: <https://www.gov.uk/government/publications/organic-certification-list-of-uk-approved-organic-control-bodies>

Any organic food you produce, sell or import must be labelled with details of the relevant organic control body and you need to meet the conditions set.

#### 4. Which logos and labels do I have to use in order to meet the new standards?

There will be different labelling requirements depending on whether the organic product is produced for the GB, the EU or other third (non-EU) country market.

If you are:

- certified to Great Britain (GB) standards and sell your products in GB, you must continue to include your UK allocated control body code 'GB-ORG-XX';
- certified to GB standards and sell in GB, the EU and Northern Ireland, you must include both the 'GB-ORG-XX' code to confirm you meet the GB domestic standards and the EU code 'GB-BIO-XXX' to confirm you meet the equivalent EU standards for export;
- exporting to other third countries, you must include the 'GB-ORG-XX' code as this confirms that you're certified to the GB domestic standards.

The following statements of agriculture must be placed on products produced in GB:

- 'UK Agriculture' (where 98% of the ingredients are produced in the UK);
- 'UK or non-UK Agriculture' (where the product is produced with ingredients grown in and outside the UK);
- 'Non-UK Agriculture' (where 98% of the ingredients are produced outside the UK).

These changes must be made by 30 September 2022.

Regarding the use of organic logos, as the EU will now recognise UK control bodies until 31 December 2021, you can continue to use the EU organic logo on GB organic food or feed until that time. The EU organic logo will be optional. If used, it must meet the EU organic labelling requirements and statement of agricultural origin.

If you use the EU organic logo for exports to the EU, you will need to include both the GB statement of agriculture ('UK or non-UK Agriculture') and the EU statement of agriculture ('EU or non-EU Agriculture'). However, you can continue to use your UK organic control body logo.

#### **5. Will I be able to export my organic produce to the EU after 31 December 2020?**

As the EU has recognised UK control bodies, you can export GB organic food and feed to the EU until 31 December 2021.

From 1 January 2021, all organic goods exported to the EU must have a valid Certificate of Inspection (Col) using the EU's Trade Control and Expert System New Technology (TRACES NT).

You will need to contact your control body to approve your business on TRACES NT for exports as well as staying up to date with any changes.

#### **6. Will I be able to export my organic produce to non-EU countries after 31 December 2020?**

There are a number of different steps that need to be taken into account when exporting to non-EU countries. These are:

- Some non-EU countries may ask for an export certificate for each consignment and you should check with the relevant country;
- Trading rules are likely to stay the same for countries that accept UK goods even without an agreement to accept each other's standards. This will be part of future trade agreements between the UK and non-EU countries;
- As the EU has equivalency standards with a number of non-EU countries as part of existing trading arrangements, it is possible that UK producers will be permitted to

export if the UK can negotiate ongoing trade agreements with these countries after transition;

- However, in terms of imports of organic food and feed, it is likely that there will be different export trading rules where equivalency is not agreed between the UK and non-EU countries. You should contact the exporting control body of the country you are importing from.

## **7. Are there changes to imports of organic food and feed?**

As a temporary measure, organic products imported into GB from the EU will not require a Certificate of Inspection (Col) until 30 June 2021.

From 1 July 2021, organic products imported into GB from the EU will require a Col. You will then use the interim manual GB organic import system. You can request forms for the manual UK system from your organic control body.

All imports from non-EU countries will require a Col. You will need to use the interim manual GB organic import system from 1 January 2021 and request the necessary forms from your organic control body.

## **8. There are significant changes after transition. What are the implications for my business as an organic farmer?**

There is now a degree of certainty that organic farmers will be able to export to the EU as before for the next 12 months. As the EU has now formally recognised UK organic production standards exports can continue after transition.

However, organic producers need to be aware that this is for one year only. The UK exports £2.2bn of organic food and feed to the EU. Clearly, it is a sizeable market. Without permanent EU recognition, these exports would cease which could lead to the UK's competitors filling the market void left by UK producers.

The available options are:

- UK organic production standards are formally recognised quickly by the EU. This has now been achieved in the short term (up to 31 December 2021);
- UK organic production is sold as conventional product onto the EU market from 1 January 2022. However, this negates higher standards the crop will have been grown to whilst removing the significant price premium;
- The UK seeks to expand non-EU country markets in order to cater for those exports normally entering the EU market. This is possible but it will take time to find new markets that are able to accommodate sufficient volumes and there may be a need to negotiate trade agreements with non-EU countries to allow this to happen;
- UK production that would have been exported remains on the UK market. If prices are to remain stable, even with a price premium, it would require a rise in consumption. While the latest figures from the Soil Association show a 5.3% increase in sales in the UK for 2018 (the full report can be found online at <https://www.soilassociation.org/certification/market-research-and-data/download-the-organic-market-report/>), this rate of increase will have to continue for the foreseeable future if the volume that would come onto the UK market through a failure to export is not to have a depressing effect on price.

## 5.3.2 Protected Food Names

### 1. What are PDOs, PGIs and TSGs?

The EU's Protected Food Scheme system, known as Protected Designation of Origin (PDO), Protected Geographical Indication (PGI) and Traditional Specialities Guaranteed (TSG), came into force in 1993. It is seen as a way of guaranteeing the quality of food products on sale in EU Member States as well as globally.

Consumers' increasing interest in the provenance of the food they buy and eat means that products awarded the PDO, PGI or TSG status have, in effect, a marketing advantage over other products. In addition, those producers who have secured EU protected status over the years have benefitted from an increase in income.

The UK government has said that, although it will seek to mirror the EU system, it will in fact be putting in place a unique UK version as a result of Brexit.

### 2. What happens to those products already protected by the EU protected designations system?

It has now been agreed that UK products that already have EU protected status will be permitted to continue to be protected in the EU. However, rather than being called EU protected products, they will be covered under the UK Geographic Indications scheme.

### 3. What will a UK scheme look like?

Although the full details of the new scheme have still to be published by the UK government, the intent is to copy the present EU scheme. This means that the geographic names of:

- Food, drink and agricultural products (including beer, cider and perry);
- Spirit drinks; and,
- Wine and aromatised wine,

will be protected in the UK.

In addition, the three standards used in the EU GI scheme – Protected Designation of Origin (PDO), Protected Geographical Indication (PGI) and Traditional Specialities Guaranteed (TSG) – will continue to be used in the UK GI scheme.

Producers or retailers of food and agricultural GI products produced and for sale in GB and registered before 1 January 2021, will have until 1 January 2024 to change packaging and marketing materials to display the new UK GI logos.

For those GI products produced and for sale in GB and registered from 1 January 2021, must use the relevant UK logo on any product packaging or marketing materials as soon as the product is registered.

GB GI products that are protected in the EU can continue to use the EU logo in the UK, in addition to the UK logo, after the transition period.

For producers or retailers of food and agricultural GI products in Northern Ireland, it will be:

- mandatory to continue using the EU logos when the product is on sale in Northern Ireland if the product is registered under the EU GI schemes

- optional to use the new UK GI logos if the product is registered under the UK GI schemes

The logos will remain optional for producers of wine and spirit GIs.

#### **4. How can I apply for a Geographic Indication under the UK scheme?**

Details of the application process will be issued by the UK Government before the end of the transition period on 31 December 2020. The scheme will be open to UK, EU and non-EU country producers.

Defra will be responsible for:

- Managing the UK scheme;
- Maintaining the registers of protected products;
- Processing new applications and,
- deciding of those products granted UK GI status.

From 1 January 2021, producers with new products will need to apply to the relevant:

- UK scheme to protect a new product name in Great Britain (GB);
- EU scheme to protect a new product name in Northern Ireland (NI) and the EU;

Importantly, GB producers will need to secure protection under the UK schemes before applying to the EU schemes.

NI producers do not need to secure protection under the EU schemes before applying to the UK schemes.

Defra will publish further guidance for producers on how to apply to the UK and EU schemes at the end of the transition period.

#### **5. What will the logos look like and how can they be used?**

The new UK GI logos can be used from 1 January 2021. They will identify products protected under the UK schemes.

There are 3 logos that mark each designation of geographical indication (GI):

- Protected Designation of Origin (PDO);
- Protected Geographical Indication (PGI);
- Traditional Speciality Guaranteed (TSG)

The logos are set out below.



**6. How do I use the new UK Geographic Indications logo on my product and packaging?**

Producers or retailers of food and agricultural GI products produced and for sale in GB and registered before 1 January 2021, will have until 1 January 2024 to change packaging and marketing materials to display the new UK GI logos.

Producers or retailers of food and agricultural GI products produced and for sale in GB and registered from 1 January 2021, must use the relevant UK logo on any product packaging or marketing materials as soon as the product is registered.

GB GI products that are protected in the EU can continue to use the EU logo in the UK, in addition to the UK logo, after the transition period.

For producers or retailers of food and agricultural GI products in Northern Ireland, it will be:

- mandatory to continue using the EU logos when the product is on sale in Northern Ireland if the product is registered under the EU GI schemes
- optional to use the new UK GI logos if the product is registered under the UK GI schemes

The logos will remain optional for producers of wine and spirit GIs.



## **7. Will UK Geographic Indications status be recognised in the EU?**

It has already been agreed that UK products that already have EU protected status will continue to be protected. In addition, you can also apply for two other EU protections:

- Trade mark. For more information go to: - find more guidance online at <https://www.gov.uk/topic/intellectual-property/trade-marks>
- EU collective mark. For more information go to: find more guidance online at <https://euipo.europa.eu/ohimportal/en>

GI protection will continue after 1 January 2021 for products currently named in:

- EU free trade agreements where the UK has signed a continuity agreement, such as, Chile and Switzerland;
- other EU third country sectoral agreements where the UK has signed a continuity agreement.

## **8. Will the EU Geographic Indications scheme apply in the UK?**

The present EU GI scheme will not apply in the UK. However, EU producers can reapply to the UK for UK GI status. This will mean that the product needs to conform to the standards adopted under the UK GI system.

### 5.3.3 Food Labelling

#### **1. I currently export to the EU. Do I have to change the labels on these products?**

EU food labelling rules apply to all food placed on the EU market, independently of the place of production of the food. When the UK leaves the EU, there will be changes to the way food is labelled in the UK and the way UK food is labelled when exported to the EU.

Food produced in the UK should not be labelled with “EU” as its origin after 31 December 2020.

After the UK leaves, it is important that you check with your EU importer to see how the EU’s new labelling requirements affect your products. The European Commission has issued guidance on the labelling changes required which can be found online at [https://ec.europa.eu/info/sites/info/files/eu\\_food\\_law\\_en.pdf](https://ec.europa.eu/info/sites/info/files/eu_food_law_en.pdf)

Food of animal origin placed on the EU market before 1 January 2021 can continue to circulate within the EU market without labelling changes.

Food of non-animal origin placed on either the UK or EU markets before 1 January 2021 can continue to circulate both in the EU and UK markets without labelling changes.

A good is ‘placed on the market’ in the EU, when it is first supplied for distribution, consumption, or commercial use, whether free of charge or not. All food placed on the EU market from 1 January 2021 will have to meet EU rules.

#### **2. Can I still use the EU logo?**

You will not be able to use the EU logo on goods produced in the UK after Britain leaves the EU, unless you have been authorised by the EU. You should apply to the European Commission for authorisation. Further guidance can be found online at [https://ec.europa.eu/info/sites/info/files/eu\\_food\\_law\\_en.pdf](https://ec.europa.eu/info/sites/info/files/eu_food_law_en.pdf)

#### **3. I currently import goods from the EU. What labels and identification marks will I need on 1 January 2021?**

The UKCA (UK Conformity Assessed) marking is a new UK product marking that will be used for goods being placed on the market in Great Britain (England, Wales and Scotland). It covers most goods which previously required the CE marking.

From 1 January 2021 the technical requirements (‘essential requirements’) you must meet – and the conformity assessment processes and standards that can be used to demonstrate conformity – will be largely the same as they are now.

The UKCA marking can be used from 1 January 2021. However, to allow businesses time to adjust to the new requirements, you will still be able to use the CE marking until 1 January 2022 in most cases.

In some cases, you will need to apply the new UKCA marking to goods being sold in Great Britain immediately from 1 January 2021. You are encouraged to be ready to use the UKCA marking as soon as possible before this date.

The CE marking will only be valid in Great Britain for areas where GB and EU rules remain the same. If the EU changes its rules and you CE mark your product on the basis of those new rules you will not be able to use the CE marking to sell in Great Britain even before 31 December 2021.

#### **4. What identification and health marks should I use on products of animal origin?**

The following logos show which identification and health marks should be used on products of animal origin according to the destination market.

*Identification and health marks that can be applied from 1 January 2021 and destination market*



GB Market:	YES
EU Market:	YES
Non-EU Market:	YES



GB Market:	YES
EU Market:	YES
Non-EU Market:	YES



GB Market:	YES
EU Market:	NO
Non-EU Market:	YES

#### **5. Can I still use the EU organic logo?**

You must not use the EU organics logo from 1 January 2021 unless:

- your UK control body is authorised by the EU to certify UK goods for export to the EU;
- the UK and the EU agree to recognise each other's standards (called 'equivalency')

You will need to contact your control body to stay up to date.

More information about how the rules regarding organic trading and labelling can be found at <https://www.gov.uk/guidance/trading-and-labelling-organic-food-from-1-january-2021>

This information will be updated following the EU's decision to recognise UK organic control bodies to 31 December 2021.

## **6. What do I do with my existing “EC” identification mark stock on 1 January 2021?**

### *Goods sold in the UK*

There will be a 21-month transition period where labelling changes can be made following the end of transition.

### *Animal products*

The label must state ‘Origin: non-UK’ if the animal from which the product came from was born, reared or slaughtered outside of the UK and EU. Where the country of origin of the animal is not known, the label should read “(the name of the animal product – such as beef from a live import into the UK)”. Further guidance is available from the Food Standards Agency.

For beef and veal sold in GB you can refer to ‘non-EU’ until 30 September 2022. From 1 October 2022, you must use ‘non-UK’ when the full individual country information is not available.

### *Fruit and Vegetables*

References to the EU will need to be replaced with UK on the label for UK fruit and vegetables mixed with fruit and vegetables from other sources. Therefore, a ‘mix of EU and non-EU origin’ should be changed to a ‘mix of UK and non-UK’ origin.

For mixes of fruit and vegetables sold in GB you can continue to refer to ‘EU’ and ‘non-EU’ until 30 September 2022.

From 1 October 2022, you must use ‘non-UK’ or ‘UK and non-UK’ when the label does not list each country of origin.

For those who are part of the Approved Trader Scheme, the EU emblem will need to be removed from UK food labels and replaced with UK labels. You will need to 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.

### *Eggs*

In GB, you can continue to mark eggs that do not meet domestic egg trade regulations as ‘non-EC standard’ or ‘non-UK standard’ until 30 September 2022.

From 1 October 2022, you should mark these eggs as ‘non-UK standard’ instead of ‘Non-EC standard’.

## **5.3.4 Manufacturing, importing and marketing of fertilisers**

### **1. How will the current rules change?**

Most of the existing standards and rules that apply to manufacturing, importing and marketing fertilisers in the UK will stay the same. In addition, the current domestic frameworks for Great Britain (GB) and Northern Ireland (NI) will stay in place allowing fertilisers to be sold in the UK.

However, there will be changes to the existing EU framework which will apply in Northern Ireland under the terms of the Northern Ireland Protocol.

### **2. What are the rules for manufacturing and selling fertilisers in Great Britain?**

A business can continue to manufacture under the domestic GB regulation for fertilisers. Products previously marketed as 'EC fertilisers' can be sold in GB as 'UK fertilisers' from 1 January 2021 provided:

- it is established in the UK;
- a UK approved laboratory has been used to test the product.

Fertiliser products not sold as 'UK fertilisers' from Northern Ireland will be able to be placed on the GB market providing they are 'qualifying Northern Ireland goods'.

Qualifying Northern Ireland goods are defined as:

- goods in 'free circulation' in NI, and not under customs supervision (except if the good is being taken out of Northern Ireland or the EU);
- any good processed in NI and only incorporates GB inputs.

According to the Government, this is part of a phased approach to provide unfettered access. A longer-term approach will be introduced in 2021.

### **3. Can I sell "EC fertiliser" labelled products in Great Britain?**

There will be a 2-year transitional period from 1 January 2021, during which a business will be able to continue to manufacture and sell material labelled as an 'EC fertiliser' in GB provided those products conform to EU standards which can be found at: [https://ec.europa.eu/info/sites/info/files/brexit\\_files/info\\_site/fertilisers\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/fertilisers_en_0.pdf)

Manufacturers will need to be established within the EU or in Northern Ireland. EC fertiliser that is a 'qualifying Northern Ireland good' can be placed on the GB market on an ongoing basis.

A business can continue to manufacture and market fertilisers under Northern Ireland domestic fertiliser regulations and will still be able to manufacture and sell products in Northern Ireland as 'EC fertilisers' but it will need to make sure it meets EU standards. Manufacturers will need to be established within the EU or in NI.

### **4. Can I still trade with the EU?**

It will be possible to manufacture products as 'EC fertilisers' and export to the EU but they must meet EU standards. These can be found at: [https://ec.europa.eu/info/sites/info/files/brexit\\_files/info\\_site/fertilisers\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/fertilisers_en_0.pdf)

Manufacturers will need to be established within the EU or Northern Ireland.

If the business is based in Great Britain and is sending goods to the EU it will need to complete a UK customs export declaration from 1 January 2021. Great Britain will no longer be able to import or export fertiliser from the EU using the mutual recognition principle. A business will be able to import into NI from the EU under this principle, but it cannot export to the EU.

The EU carries out additional checks on goods imported into and placed on the EU market from third countries. As Great Britain will qualify as a third country, it will be subject to these checks from January 1st 2021.

#### **5. What happens if my products are rejected at an EU border?**

If a consignment is rejected at an EU border control post (BCP), it can re-enter Great Britain through any point of entry. For consignments of solid ammonium nitrate fertiliser with a nitrogen content of more than 28% of its weight, in a consignment weighing 500 kilograms or more, the business with the rejected consignment must:

- notify the return port authority of the consignment type, arrival date and that it is a returned good and the reason for return;
- email [fertilisers@defra.gov.uk](mailto:fertilisers@defra.gov.uk) at least 5 days before the shipment arrives in Great Britain.

Defra will require:

- a valid detonation resistance test (DRT) certificate;
- the sampling certificate;
- Defra's Shipment Identification Document;
- the reason for the return outlined in the covering email.

If a valid DRT certificate is not presented, Border Force will detain the goods and the Trading Standards Office (TSO) will be contacted.

#### **6. What will happen to ammonium nitrate imports?**

There will be changes to the rules for the import of ammonium nitrate fertilisers from EU and non-EU countries into GB. This will affect solid ammonium nitrate fertilisers if:

- nitrogen content is more than 28% of its weight;
- the consignment weighs 500 kilograms or more.

From 1 January 2021, the new rules will be the same for all countries.

To import ammonium nitrate, the importer will need to apply for a DRT certificate issued by a UK-based competent laboratory accredited under standard ISO 17025. Each certificate should relate to a sample from each production run batch. A 'batch' is defined as the quantity of material manufactured without alteration of composition or characteristics, with a maximum batch run of 92 days.

The importer will also need to:

- make sure that each batch, or part batch, arrives in GB no more than 60 days after the DRT certificate is issued;
- email [fertilisers@defra.gov.uk](mailto:fertilisers@defra.gov.uk) at least 5 days before the shipment arrives in GB.

The importer must keep the records of any batch or part batch and the DRT certificates for at least 2 years. For imports from the EU, there will be a 2-year transitional period to introduce these changes from 1 January 2021. For imports from non-EU countries, the 2-year transitional period will not apply.

## 5.4 BUSINESS

### 5.4.1 Labour and employment

#### 1. What are the changes being made to the UK immigration system?

The Government is to introduce a points-based immigration system that will take effect from 1 January 2021. Migrant workers will only be permitted to work in the UK if they have been sponsored by a UK employer. They will also need to be skilled, meet a salary benchmark and be able to accrue sufficient points.

#### 2. Can my permanent employees, who are EU nationals, continue to work for me?

Yes. EU nationals currently residing in the UK can apply for Settled Status or Pre-Settled Status, which will allow them to live and work in the UK as they do currently. If they fail to apply for Settled or Pre-Settled Status, their right to remain will be questioned by the UK's immigration authorities.

Please note there is exceptions for Irish citizens are entitled to remain and work in the UK without needing to apply for Settled or Pre-Settled Status.

Those who have resided in the UK for over five years can apply for Settled Status, a permanent guarantee of the right to work in the UK.

Those who have resided in the EU for less than five years can apply for Pre-Settled status, which will allow them to stay for five years, after which they can apply for Settled Status. For more details, go to: [https://www.gov.uk/settled-status-eu-citizens-families?utm\\_campaign=transition\\_p1&utm\\_medium=cpc&utm\\_source=seb&utm\\_content=eut\\_act84&qclid=CNr4noSZmO0CFY-DhQodh1QH8g](https://www.gov.uk/settled-status-eu-citizens-families?utm_campaign=transition_p1&utm_medium=cpc&utm_source=seb&utm_content=eut_act84&qclid=CNr4noSZmO0CFY-DhQodh1QH8g)

#### 3. Will I still be able to source seasonal labour from the EU?

The UK is intending to introduce a new Seasonal Agricultural Workers Scheme although the detail off this has still to be released. It is thought that the present 10,000 limit from the pilot scheme could be increased.

#### 4. Will workers require a visa to work in the UK?

EU based migrant workers will require a visa and immigration routes are now open for applications to work, live and study in the UK from 1 January 2021.

For most visas a digital photo of the applicant will be required but fingerprint information will not be required.

If the worker is a non-EU citizen, they will need to continue to submit fingerprint information and a digital photo at an overseas visa application centre.

#### 5. What are the rules for skilled workers?

The points-based system will allow skilled workers who have a job offer from an approved employer sponsor to able to live and work in the UK.



From January 2021, the job offered by an approved sponsor will need to be at a required skill level of **RQF3 or above** (equivalent to A level). The worker will also need to be able to speak English and be paid the relevant salary threshold by the sponsor. This will either be the general salary threshold of £25,600 or the going rate for your job, whichever is higher.

It may still be possible for a worker to earn less, but no less than £20,480, if they are able to “trade” points on specific characteristics against salary. For example, if the job offer is in a shortage occupation or that person has a PhD relevant to the job. However, very few occupations on the shortage occupation list are relevant for rural economic sectors.

Employers who wish become a licensed sponsor will need to apply. For more information, go to: <https://www.gov.uk/uk-visa-sponsorship-employers>

## **6. What do I do if I want to employ students?**

Students will be able to apply for a visa to study in the UK if they:

- have been offered a place on a course;
- can speak, read, write and understand English;
- have enough money for support and can pay for the course.

## **7. What happens to visitors to the UK?**

EU, EEA and Swiss citizens and other non-visa nationals will not require a visa to enter the UK when visiting the UK for up to 6 months. All migrants looking to enter the UK for other reasons (such as work or study) will need to apply for entry clearance in advance.

Until at least January 2026 the UK will continue to recognise identity cards used for travel by EU citizens and their EU family members who are both resident in the UK before the end of the transition period and hold status under the EU Settlement Scheme. The UK will also recognise ICAO compliant identity cards from this group beyond 2026.

## **8. How will I be able to prove that my workers are legally permitted to work in the UK?**

Employers will continue to accept EU citizens’ passports and identity cards as evidence of their immigration status until 30 June 2021. For further information, go to: <https://www.gov.uk/guidance/employing-eu-citizens-in-the-uk>

Non-EU citizens can continue to use a physical document to prove their immigration status. Those with a valid, current Biometric Residence Permit, Biometric Residence Card or status granted under the EU Settlement Scheme can prove their right to work using an online service. Employers will also be able to carry out a physical document check or online check. More details can be found at: <https://www.gov.uk/check-job-applicant-right-to-work>

## **9. What are the potential implications of restricting immigration to the rural economy?**

The Covid-19 pandemic has already shown what can happen if there is a shortage of supply in certain rural economic sectors. For example, in agriculture, there are an estimated 80,000 migrant workers, both permanent and seasonal. During 2020, it was estimated that only 25% or 20,000 workers were able to travel to the UK as a result of border controls and closures. This led to a significant shortfall in available labour supply.

This meant that other methods had to be used in order to try and meet labour demand. The main route used was to try and employ domestic labour. Depending on the type of employment, however, this was less than successful.

Despite the possibility of an increase in the number of migrant workers as part of a seasonal agricultural workers scheme, even if this was 20,000, it would still mean a substantial labour shortage. The Covid-19 crisis has shown what the impact would be to the rural economy. Indeed, the consequences could be worse in that for some sectors which employ a high volume of migrant labour, such as rural tourism, the impact of Covid-19 meant that many businesses were required to close for long periods. Once the virus is brought under control, the shortage of labour is likely to have a severely destabilising effect on the rural economy.

#### **10. What can I do to limit the impact of a changing immigration policy?**

The Government believes that a drop in migrant labour will be replaced by domestic labour. Most businesses state that they already try to recruit British labour, but do not find adequate numbers or quality of applicants. It is, however, possible that British labour might meet some of the fall in migrant labour, particularly if economic uncertainty causes some redundancies.

The Government has, in the past, encouraged employers to meet the labour supply gap by hiring veterans and/or ex-prisoners in their business. For the former, The Ministry of Defence's Career Transition Partnership (CTP) can provide a free recruitment service for UK employers. For details, go to: <https://www.ctp.org.uk/>

If a business wants help employing ex-offenders, they can contact the New Futures Network (NFN), a specialist part of the prison service that brokers partnerships between prisons and employers and can advise on the best way to engage with ex-offenders.

If a business is struggling to find people with adequate skills, they can consider running an apprenticeship scheme. The Government can provide aid in hiring an apprentice. If a business does not pay the apprenticeship levy (only applicable for businesses with an annual wage bill of over £3 million), then the Government will fund 95% of the costs of the apprenticeship. If a business does pay the levy, then the Government will also provide funding, but this will be calculated differently, depending on each individual business. Further guidance on how to employ an apprentice can be found at: <https://www.gov.uk/employing-an-apprentice>

Alternatively, you could look into ways to make your business more efficient and resilient. Further guidance on how to prepare for after transition can be found in the CLA "Brexit Ready" toolkit which will be available on the CLA Brexit Hub. You might, for example, investigate whether there is any machinery and/or technology which you could invest in, to limit the number of employees you need. Improved efficiency and greater innovation can lead to a business becoming more resilient.

## 5.4.2 Customs declarations for imports entering Great Britain

### 1. What imported goods will require a customs declaration?

A business will need to follow the normal rules for making an import declaration if either:

- The goods are controlled (the full list of controlled goods can be found at <https://www.gov.uk/guidance/list-of-goods-imported-into-great-britain-from-the-eu-that-are-controlled>)
- HMRC has told you to, because you have a poor compliance record

If goods that are imported are in EU free circulation into Great Britain (England, Scotland and Wales) between 1 January and 30 June 2021 and the goods are not controlled, the importer can:

- declare these goods by entering them in their own records without needing authorisation in advance;
- delay sending HMRC the full information about your goods by up to 6 months on a supplementary declaration.

The business must also:

- account for the import VAT on the business VAT return (if the business is not VAT registered it must pay at the time of the supplementary declaration);
- have authorisation to use simplified declarations before it can make a supplementary declaration (or use someone dealing with customs for the business who has an authorisation);
- submit monthly intrastat supplementary declarations for arrivals from the EU as required.

Given the complexities of the customs system and the likelihood that these will increase, businesses are strongly advised to hire an independent customs agent who will deal with and make the necessary declarations on the business' behalf. This needs to include entering the goods in the business' records and making the supplementary declaration.

If the business or customs agent are already authorised to use simplified declarations at the time the entry was made in the records the submission of the supplementary declaration to HMRC can still be delayed.

### 2. How does my business make a customs declaration?

After transition, businesses will need to make a customs declaration when importing goods from the EU. To do so there are steps that must be followed.

#### Step 1: Set up your business to make a customs declaration

The business importing the goods and any transporter or customs agent acting on their behalf will both need an EORI number. You can apply at: <https://www.gov.uk/eori?step-by-step-nav=8a543f4b-afb7-4591-bbfc-2eec52ab96c2>

You will need to register for the Customs Handling of Import and Export Freight (CHIEF) system to make a declaration which you can do at: <https://www.gov.uk/government/publications/import-and-export-request-for-chief-access-c1800?step-by-step-nav=8a543f4b-afb7-4591-bbfc-2eec52ab96c2> You will also need to buy commercial software that can submit declarations through CHIEF.

You can apply for simplified declaration procedures and for Authorised Economic Operator status. These are most suitable for businesses that import goods regularly. More information is available at: <https://www.gov.uk/guidance/using-simplified-declarations-for-imports?step-by-step-nav=8a543f4b-afb7-4591-bbfc-2eec52ab96c2>

If you import products such as plants and plant products or animal products, you will need to register with different government agencies. These can be found in section 5.5 below.

**Step 2: Set up a duty deferment account if you import regularly**

You will be able to set up a duty deferment account if you want to be able to make one payment of customs duties a month instead of paying for individual shipments. You will need to set one up if you use simplified procedures. More details can be found at:

<https://www.gov.uk/guidance/check-which-type-of-account-to-apply-for-to-defer-duty-payments-when-you-import-goods>

**Step 3: Arrange for the goods to be inspected**

You need to choose a place where the goods can be inspected if you import goods such as plant or animal products and this needs to happen before they are allowed through the UK border. Information on inspection points for different products can be found at

You need to let the inspection point know when the goods are arriving and an inspection fee may be required. The rules on inspections can be found at: <https://www.gov.uk/starting-to-import/import-licences-and-certificates?step-by-step-nav=8a543f4b-afb7-4591-bbfc-2eec52ab96c2>

**Step 4: Submit the import declaration**

If you import goods from non-EU countries, you will need to submit an import declaration.

More details can be found at: <https://www.gov.uk/guidance/customs-declarations-for-goods-brought-into-the-eu#content>

**Step 5: Pay VAT and duty**

HMRC will tell you how much to pay after you submit the declaration. Further details can be found at: <https://www.gov.uk/guidance/paying-vat-and-duties-on-imports?step-by-step-nav=8a543f4b-afb7-4591-bbfc-2eec52ab96c2>

**Step 6: Get the goods released if they are held up at the border**

The goods will be held at the border, for example if:

- you have not paid the right amount of duty or VAT;
- you do not have the right import licences for the goods or business;
- they did not pass inspection;
- they have been combined with a shipment that has been held up

You will be informed why goods may have been held up so that the process will be smoother next time.

### **3. What is “free circulation”?**

Free circulation is where goods from the EU are not subject to other import regulations and where the goods have been declared and the customs duties paid. This can be one of the following:

- directly from import;
- from a custom’s special procedure (for example customs warehousing);
- from a temporary storage facility;
- using transit if the movement of the goods started in the EU.

The transitional simplified procedures will be withdrawn on 1 January 2021.

From 1 January 2021 to 30 June 2021 a business can import controlled and non-controlled goods from the EU without making a safety and security declaration.

However, it is important that all customs procedures set out by HMRC are followed correctly.

### 5.4.3 Haulage and transit

#### 1. What kind of operator licence will I need?

From 1 January 2021, the operator licensing requirements for journeys to, through or from the EU, Iceland, Liechtenstein and Norway will change.

The Community Licence will be phased out and replaced with a UK Licence for the Community. The new licence and certified copies will be issued automatically and must be carried when driving abroad.

However, you will still need a standard international operator licence. This licence means you can carry your own goods, and other people's goods, both in the UK and on international journeys. These allow:

- trips between all EU member countries;
- transit traffic through EU member countries;
- cabotage (journeys entirely within one EU country).

From 1 January 2021, you may need an ECMT (European Conference of Ministers of transport) or other additional permits for journeys to or through the EU. You should apply for these in case they are needed.

You can apply for ECMT permits for 2021 between 2 November and 20 November 2020.

You will need to:

1. Check if you need ECMT permits
2. Check if you're eligible to apply
3. Apply for ECMT permits
4. If you get permits, get an ECMT 'certificate of compliance' for your vehicle or trailer from its manufacturer
5. Apply for an ECMT 'certificate of roadworthiness' for your vehicle or trailer

More details relating to ECMTs can be found at: <https://www.gov.uk/guidance/ecmt-international-road-haulage-permits>

#### 2. How do I register my vehicle trailers?

You must register these types of trailers before you drive to or through most EU countries, Iceland, Liechtenstein and Norway:

- commercial trailers weighing over 750kg;
- non-commercial trailers weighing over 3,500kg.

For more information go to: <https://www.gov.uk/register-trailer-to-take-abroad>

If you are using an abnormal load trailer, you now need a keeper's certificate to use it abroad and keep this certificate in the vehicle to show at border crossings.

Some countries measure abnormal loads differently from the UK. You will need to check with each country you are travelling through to find out if the load you are transporting counts as abnormal there. To apply for a keeper's certificate for an abnormal load trailer for use abroad

go to: <https://www.gov.uk/government/publications/get-an-abnormal-load-trailer-keepers-certificate-to-use-it-abroad>

### **3. What kind of vehicle registration documents will I need from 1 January 2021?**

Drivers will need to carry all vehicle registration documents when driving abroad for less than 12 months. This can be either:

- the vehicle log book (V5C), if they have one; or,
- a VE103 to show you are allowed to use a hired or leased vehicle abroad.

It will also be important that the HGV being used is ready to cross the border.

The intention is that hauliers will be able to use the 'check an HGV is ready to cross the border' service established by the Government to prove that an HGV has the right EU import and commodities documents for the goods it is carrying before it crosses the GB / EU border.

You must use this service for HGVs travelling via the Port of Dover or Eurotunnel to get a 'Kent Access Permit' before they enter Kent. Failure to use the service can result in a £300 fine. Details of the demonstration of the service can be found at: <https://check-an-hgv-is-ready-to-cross-the-border-demo.fbplatform.co.uk/>

It is thought that the service should be fully operational by December 2020. Full details will be posted on the CLA Brexit Hub when they are available (<https://www.cla.org.uk/brexit>)

It will be optional to use the service for all other GB ports.

### **4. Do I need to display a GB sticker on my vehicle?**

Yes. You will need to display a Great Britain (GB) sticker on the rear of the vehicle and trailer, even if the vehicle has a number plate with the Euro symbol or a GB national identifier.

However, this will not be required for journeys to the Republic of Ireland.

### **5. What kind of motor insurance will I need in the future?**

A 'green card' is proof of motor insurance cover when driving abroad. Drivers will need to carry one for the vehicle they are driving in the EU and EEA from 1 January 2021.

Drivers will need to carry multiple green cards if:

- you have fleet insurance: you will need a green card for each vehicle;
- the vehicle is towing a trailer - they will need one for the towing vehicle and one for the trailer (separate trailer insurance is needed in some countries);
- there are 2 policies covering the duration of the trip, for example, if the policy renews during the journey.

You should contact your vehicle insurance provider at least 6 weeks before you need green cards.

### **6. What happens if the vehicle is involved in a road accident?**

If drivers are involved in a road accident in an EU country they should in the first instance contact their insurer.

From 1 January 2021, any legal proceedings against either the responsible driver or the insurer of the vehicle will need to be brought in the EU or EEA country where the accident happened. You might have to make your claim in the local language.

You may not get compensation in some countries if the accident is caused by an uninsured driver or if the driver cannot be traced.

## **7. What are common transit countries?**

The Common Transit Convention is used for the movement of goods between or through Common Transit countries. The Common Transit countries are:

- Iceland;
- Norway;
- Liechtenstein;
- Switzerland;
- Turkey;
- North Macedonia;
- Serbia.

The EU is also a member of the Common Transit Convention.

The advantage of using Common Transit is that you can move your goods quicker as:

- customs declarations and duties are not required at each border crossing;
- you can complete some customs processes away from the border.

You need to plan the route your goods will take and choose the:

- office of departure or authorised consignor where your transit movement will start;
- office of destination or authorised consignee where your goods will end their transit.

Your goods must go to the offices of transit at border crossing points every time they enter a different customs territory along your selected route.

For Union and Common Transit, the different customs territories are:

- the EU;
- each Common Transit country;
- each EU special territory;
- San Marino;
- Andorra.

You do not need to go to an office of transit when your goods cross the border between the UK and EU or when your goods cross the borders between EU countries.

You need to ensure you check the following:

- the list of offices of transit for each country;
- if you need to complete an export declaration.

You will need to submit a UK export declaration before completing your transit declaration if your goods are:

- going to an office of destination in a Common Transit country;
- being exported outside the EU once your transit movement has ended.

For more information go to: <https://www.gov.uk/guidance/customs-declarations-for-goods-taken-out-of-the-eu?step-by-step-nav=e169b2ac-8c90-4789-8e6c-3657729e21b2>



Following submission of the export declaration a transit declaration will need to be completed. You will need to know the status your goods have under transit.

Goods are T1 status if they are:

- non-union goods;
- union goods where a refund of duties applies.

Your goods are T2 status if they are union goods going:

- through a Common Transit country;
- to San Marino;
- to Andorra - industrial goods only.

Your goods are T2F status if they are union goods going to EU special territories.

To complete the transit declaration, you will need the reference numbers for:

- the office of departure or authorised consignor (your own or an agent's premises);
- offices of transit (based on the route your goods are taking);
- the office of destination or authorised consignee (your own or an agent's premises).

To find the reference numbers for offices of departure, transit and destination, go to:

[https://ec.europa.eu/taxation\\_customs/dds2/col/col\\_home.jsp?Lang=en](https://ec.europa.eu/taxation_customs/dds2/col/col_home.jsp?Lang=en)

If you are using an authorised consignor or consignee, they will give you the reference number.

#### **8. What is a consignor and a consignee?**

The consignor is the sender of goods and the consignee is the receiver of the goods (this can be the buyer or their agent).

#### **9. Are there any other requirements?**

You will need:

- your EORI number
- the status of the good
- your local reference number (a unique number less than 22 characters that you create yourself)
- your guarantee reference number
- The estimated time it will take to for your goods to reach the office of destination
- the master reference number from your UK export declaration - if you needed to submit one
- the master reference number from the previous declaration for the goods – if you made one and do not need to submit an export declaration

If you do not need to submit an export declaration and your goods are moving through a Common Transit country (apart from just Norway or Switzerland), you will need to include safety and security data on your transit declaration or you must submit an exit summary declaration.

## **10. What happens when I submit the transit declaration?**

When you have submitted the transit declaration through the New Computerised Transit System (NCTS) this will give you a movement reference number (also known as master reference number) for the transit movement which you will need to keep a copy.

If you can print barcodes, print off the transit accompanying document. If you cannot print barcodes the office of departure or authorised consignor will print it for you.

## **11. How do I start the transit of goods?**

Start the movement of your goods at either:

- an office of departure;
- the premises of an authorised consignor (your own or an agent's premises).

At the office of departure or authorised consignor, your goods must be presented with the transit accompanying document.

If you are unable to print the transit accompanying document at your premises, present your goods with the movement reference number from your transit declaration and your local reference number. The office of departure or authorised consignor will then print the document for you.

The following documents must be with the goods at all times:

- the transit accompanying document with the movement reference number;
- any licences (if required).

## **12. What happens if the goods are travelling through a country outside the EU?**

You must tell the haulier to present your goods with all accompanying documents to the offices of transit listed on the transit declaration.

When your goods reach the country, they are moving to the haulier must present your goods with all accompanying documents, at either:

- an office of destination (a customs office);
- the premises of an authorised consignee (your own or an agent's premises).

Even if the goods have been presented to an office of transit at the border in the country of destination, the haulier must still go to an office of destination or premises of an authorised consignee.

Your guarantee will be released when customs end the transit movement.

## 5.4.4 UK Global Tariff

### 1. What is a tariff and what is the UK Global Tariff?

A tariff is simply a charge that is set on a good being imported by a country. When the UK was a member of the European Union, it was part of the EU Common Customs Tariff that imposed tariffs on imports from non-EU countries unless the EU had a trade agreement with that country. Goods that were exported from the UK to the EU did not have a tariff imposed and therefore, were competitive on the EU market.

However, as the UK has left the EU and the transition period ends on 31 December 2020, there needs to be a trade deal if UK exports are to be tariff free. Otherwise, UK goods will need to pay tariff rates on exports to the EU, for some products these are extremely high.

In the event of there not being a deal, the UK will trade under World Trade Organisation rules which sets tariff rates for imports and exports. The UK Global Tariff is consistent with WTO rules.

From 1 January 2021, the UK will apply a UK-specific tariff to imported goods. This UK Global Tariff (UKGT) will replace the EU's Common External Tariff, which applies until 31 December 2020.

The UKGT will apply to all goods imported into the UK unless:

- an exception applies, such as a relief or tariff suspension;
- the goods come from countries that are part of the Generalised Scheme of Preferences;
- the country you're importing from has a trade agreement with the UK.

The UKGT only shows the tariffs that will be applied to goods at the border when they are imported into the UK.

It does not cover:

- other import duties, such as VAT;
- the precise details of trade remedy measures, such as anti-dumping, countervailing and safeguards.

### 2. What is a tariff rate quota?

A tariff rate quota is given for some commodities that can be imported at either a low tariff rate or a zero-tariff rate. The most notable example is the tariff rate quota for New Zealand lamb which is set at 0% for a defined volume.

Duty suspensions however, allow unlimited quantities to be imported into a country and, put simply, the duty or tariff to be paid on the product is suspended.

Regarding tariff rate quotas, the limit may be expressed in units of:

- weight;
- volume;
- quantity;
- value.

If the quota is exceeded, either a tariff or higher tariff rate applies.

If there is a tariff-rate quota on the product you wish to import, you can apply to import a limited amount at a reduced rate of customs duty. Some tariff-rate quotas are only applicable to products imported from a specified country.

### **3. What are trade remedy measures?**

Trade remedies protect domestic industries against injury caused by unfair trade practices (imports of dumped or subsidised goods) or unforeseen surges in imports. They usually take the form of an additional duty placed on imports of specific products.

The UK Government is considering whether to place these types of measures on certain products that will be imported from 1 January 2021. Importantly, the type of measures adopted will very much depend on whether the UK and EU can agree a new trading arrangement.

### **4. How do I know which tariff is the correct one to use?**

You will need to use the UK Global Tariff tool to check the tariffs that will apply to goods you import from 1 January 2021. This can be found at: <https://www.check-future-uk-trade-tariffs.service.gov.uk/tariff?q=&n=25&p=2>

It provides details of all tariffs on products under the Common Customs Code.

The Government has simplified and liberalised many tariffs on goods imported into the UK. Government amendments are highlighted in the 'change' column in the UK Global Tariff tool.

### **5. What do the terms used in the UK Global Tariff mean?**

<b>Term</b>	<b>Meaning</b>
Liberalised	Tariff has been reduced to zero
Simplified	Tariff has been rounded down or 'banded'. For some complex tariffs this means the tariff is now expressed as a single percentage
Reduced	Tariff has been lowered beyond the simplification measure
Currency conversion	Tariffs have been converted at an exchange rate of €1 = 0.83687 GBP. After this conversion, rates equal to or over £10 have been rounded down to the nearest whole pound. Rates under £10 have been rounded down to the nearest 10 pence.

## 5.5 Documentation and Registration Requirements: What is needed and when it should be received

### 5.5.1 Relevant documentation

The table below sets out the relevant documentation for businesses wishing to trade with the EU and non-EU countries. It also sets out the anticipated time it will take for a business to receive the necessary documentation.

Activity	Documentation required	Time before receipt of documentation
Exporting plants and plant products	Phytosanitary certificate	Up to 7 days. For more information go to: <a href="https://www.gov.uk/guidance/importing-and-exporting-plants-and-plant-products-from-1-january-2021">https://www.gov.uk/guidance/importing-and-exporting-plants-and-plant-products-from-1-january-2021</a>
Exporting animals and animal products	Export Health Certificate	Up to 3 days. For more information go to: <a href="https://www.gov.uk/guidance/importing-animals-animal-products-and-high-risk-food-and-feed-not-of-animal-origin-from-1-january-2021">https://www.gov.uk/guidance/importing-animals-animal-products-and-high-risk-food-and-feed-not-of-animal-origin-from-1-january-2021</a>
Transport of fruit and vegetables to and through EU	EU certificate of conformity (with marketing standards)	Up to 7 days. For more information go to: <a href="https://www.gov.uk/guidance/fresh-fruit-and-vegetable-marketing-standards-from-1-january-2021">https://www.gov.uk/guidance/fresh-fruit-and-vegetable-marketing-standards-from-1-january-2021</a>
International road haulage	Driver licences and permits: <ul style="list-style-type: none"> <li>- UK licence for the Community</li> <li>- European Conference of Ministers of Transport (ECMT) permit</li> </ul>	Automatic authorisation  Go to: <a href="https://www.gov.uk/guidance/ecmt-international-road-haulage-permits">https://www.gov.uk/guidance/ecmt-international-road-haulage-permits</a>
Exporting poultry marketing standards	Marketing with a farming method (eg Free Range) Poultrymeat optional indications certificate	Up to 6 weeks  Up to 6 weeks. For more information go to: <a href="https://www.gov.uk/guidance/poultry-meat-marketing-standards-from-1-january-2021">https://www.gov.uk/guidance/poultry-meat-marketing-standards-from-1-january-2021</a>
Exporting horses and other equines	Export Health Certificate Supplementary travel identification (other equines)	Allow for at least 6 weeks before exporting horses and other equines. For more information go to: <a href="https://www.gov.uk/guidance/export-horses-and-ponies-from-1-january-2021">https://www.gov.uk/guidance/export-horses-and-ponies-from-1-january-2021</a>

## 5.5.2 Registration

The table below sets out the registration requirements businesses will need to undertake before they are in a position to be able to trade in a number of sectors.

Activity	Registration required	Time before receipt of documentation
Importing and exporting goods with the EU	Economic Operator and Registration Identification number (EORI)	Up to 7 days before authorisation. For more information go to: <a href="https://www.gov.uk/eori">https://www.gov.uk/eori</a>
Importing and exporting fruit and vegetables	Procedure for Electronic Application for Certificates from the Horticultural Marketing Inspectorate (PEACH)	Digital registration: go to <a href="http://ehmipeach.defra.gov.uk/">http://ehmipeach.defra.gov.uk/</a>
Protected names:	UK Geographic Indication (GI) scheme	Up to 6 weeks: Go to: <a href="https://www.gov.uk/guidance/protecting-food-and-drink-names-from-1-january-2021">https://www.gov.uk/guidance/protecting-food-and-drink-names-from-1-january-2021</a>
Exporting food products	Approved Food Establishment	Up to 4 weeks. Go to: <a href="https://www.food.gov.uk/business-guidance/applying-for-approval-of-a-food-establishment">https://www.food.gov.uk/business-guidance/applying-for-approval-of-a-food-establishment</a>
Marketing seeds in the UK and EU	Plant variety rights	Up to 9 weeks for both UK and EU. Go to: <a href="https://www.gov.uk/guidance/plant-variety-rights-and-marketing-plant-reproductive-material-from-1-january-2021">https://www.gov.uk/guidance/plant-variety-rights-and-marketing-plant-reproductive-material-from-1-january-2021</a>
Exporting Hops to the EU	Rural Payments Agency	Up to 7 days. Go to: <a href="https://www.gov.uk/government/publications/enrol-with-the-rural-payments-agency-to-export-hops-to-the-eu">https://www.gov.uk/government/publications/enrol-with-the-rural-payments-agency-to-export-hops-to-the-eu</a>

**Members are advised to read carefully the briefing notes set out above to ensure compliance with the new rules from 1 January 2021.**

## GLOSSARY OF TERMS

Acronym/Abbreviation	Meaning
<b><i>Animals and animal products</i></b>	
APHA	Animal and Plant Health Authority (UK)
BCP	Border Control Post – a designated site where animal products can be checked for entry to and exit from the UK and the EU
EORI	Economic Operator and Registration Identification Number – EORI Numbers can either be UK or EU
EHC	Export Health Certificate
IPAFFS	The new Import of Products, Animals, Food and Feed System (UK)
OV	Official Veterinarian
TRACES	The Trade Control and Expert System (EU)
UNN	Unique Notification Number – an identifying number allocated to a consignment
WTO	World Trade Organisation – the body that will govern trade laws after transition
<b><i>Groupage Export Facilitation Scheme</i></b>	
SA	Support Attestation
<b><i>Plants and plant products</i></b>	
APHA	Animal and Plant Health Agency
DRT certificate	Detonation Resistance Test
DUS tests	Tests for distinctiveness, uniformity and stability
PC	Phytosanitary Certificate
PEACH	Procedure for Electronic Application for Certificates from the Horticultural Marketing Inspectorate
RoRo	Roll on Roll Off Port
PoFA	Place of First Arrival - trade premises that have been authorised to host plant health controls on third country material entering the UK via the EU at RoRo ports
PZs	Protected Zones - the current EU designation for areas free of certain pests
PFAs	Pest Free Areas - the future UK designation for areas free of certain pests
<b><i>Horses and other equines</i></b>	
APHA	Animal and Plant Health Authority (UK)
BCP	Border Control Post – a designated site where animal products can be checked for entry to and exit from the UK and the EU
EHC	Export Health Certificate
ITAHC	Intra Trade Animal Health Certificate
OV	Official Veterinarian

<b>Acronym/Abbreviation</b>	<b>Meaning</b>
<b><i>Horticulture</i></b>	
GMS	General Marketing Standards
PEACH	Procedure for Electronic Application for Certificates from the Horticultural Marketing Inspectorate
RPA	Rural Payments Agency
SMS	Specific Marketing Standards – standards and checks that apply only to certain plants
VI-1	A certificate confirming the quality and conformity of wine – these are currently only issued by the EU but will in future also be issued by the UK
<b><i>Timber and timber products</i></b>	
CITES	Convention on International Trade in Endangered Species
EEA	European Economic Area
FLEGT	Forest Law Enforcement Governance and Trade
<b><i>Organic produce</i></b>	
CoI	Certificate of Inspection
TRACES NT	The Trade Control and Expert System New Technology (EU)
<b><i>Protected Names</i></b>	
PDO	Protected Designation of Origin
PGI	Protected Geographical Indication
TSG	Traditional Specialties Guaranteed
UK GI	UK Geographical Indicators
<b><i>Food labelling</i></b>	
EC Identification Mark	European Community Identification Mark
ISO	International Standards Organisation
UKCA	United Kingdom Conformity Assessed
<b><i>Haulage and transit</i></b>	
ECMT	European Conference of Ministers of transport permit
NCTS	New Computerised Transit System
V5C	Vehicle log book
<b><i>UK Global Tariff</i></b>	
<b>Term</b>	<b>Meaning</b>
Liberalised	Tariff has been reduced to zero
Simplified	Tariff has been rounded down or 'banded'. For some complex tariffs this means the tariff is now expressed as a single percentage
Reduced	Tariff has been lowered beyond the simplification measure
Currency conversion	Tariffs have been converted at an exchange rate of €1 = 0.83687 GBP. After this conversion, rates equal to or over £10 have been rounded down to the nearest whole pound. Rates under £10 have been rounded down to the nearest 10 pence.