

BREXIT HUB

HORTICULTURE

Introduction

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

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

- Import arrangements for fruit and vegetables from the EU;
- Export arrangements for fruit and vegetables to the EU;
- The Approved Trader Scheme;
- Trading arrangements with non-EU countries;
- Importing and exporting hops and hop products;
- Importing and exporting wine.

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

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

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

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

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

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

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



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

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

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

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

SMS products include:

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

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

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

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

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

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

What happens if I am an Approved Trader?

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

Approved trader status can be granted if:

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

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

The GB label must contain the following:

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

<div style="border: 1px solid black; width: 100px; height: 50px; margin: 0 auto;"> <p style="text-align: center; margin: 0;">Business LOGO</p> </div>	<p>Marketing standard for fresh fruit and vegetables</p> <p>1234 (approved trader number)</p> <p>Great Britain of GB</p>
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More information about the Approved Traders Scheme can be obtained by emailing APHAHMIATsapproval@apha.gov.uk. This is for England and Wales.

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

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

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

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

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

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

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

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

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



High risk goods

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

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

Certificate of conformity

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

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.

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.

Can I still export hops from the UK to the EU?

As the UK will no longer 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.

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.

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).

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.



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.

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. 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

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.