



## SPS Certification WG

[www.chilledfood.org/Brexit](http://www.chilledfood.org/Brexit)

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25 January 2024

The Rt Hon Steve Barclay MP  
Secretary of State for Environment, Food and Rural Affairs  
Defra  
2 Marsham Street  
London SW1P 4DF

Dear Secretary of State,

### **BORDER TARGET OPERATING MODEL – CRITICAL ISSUES IMPACTING GB BIO- AND FOOD SECURITY**

The food industry is recognised as Critical National Infrastructure.

We write as a group of some 30 trade and professional organisations representing £100bn of the UK's food supply, production and distribution chain, enforcers and port health.

We are deeply concerned by recent media reports regarding threats to GB biosecurity, food security and food safety that reflect many of the issues our member organisations have raised with Defra, including senior managers, over the gestation period of the BTOM.

A list of a selection of these issues is enclosed, all of which impact the flow of critical food ingredients and final product from EU-GB under BTOM.

It is vital that checks on imports are carried out effectively. Dover Port Health Authority (DPHA) is at the front line of our defences. Concerns expressed by them and others to locate the BCP at Sevington some 22 miles away from the point of entry to GB at the port introduces major challenges to this protection. These concerns must be acknowledged by UKG and addressed transparently to maintain confidence in the BTOM design.

Detail is needed now on the precise measures UKG will be putting in place to ensure security/prevent offloading of uninspected/illegal food en route to Sevington, in addition to clandestines.

DPHA has also reported that funding for its front line defence against imports of illegal meat and surveillance for diseases such as African Swine Fever has also been cut (by up to 70%). If this is the case it would be wholly unacceptable to the members of this group.

This is a matter of huge significance relating to our nation's biosecurity and the ongoing ability of GB to trade. The cost of an animal disease outbreak to GB would dwarf that of establishing and managing an effective and reliable BCP service.

We await your response to these material issues.

Yours sincerely,

**KARIN GOODBURN MBE HON FIFST**  
**Chair – SPS Certification Working Group**

Encs. BTOM issues requiring resolution to protect EU bio- and food security  
GB-EU EHC costs incurred by GB Food Business Operators 2021-2023

Cc Mrs Natalie Elphick OBE MP

Rt Hon Damian Green MP

Sir Roger Gale MP



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### **BTOM Issues to be Resolved**

Although we are very supportive of individual civil servants and the CVO, Defra (and Cabinet Office - CO) lack of concerted timely action presents the following disruption to GB food security/trade:

#### **1) Border Control Posts (BCPs)**

- (a) **Lack of detail on UKG measures to ensure security/prevent offloading of uninspected/illegal food en route from Dover to BCP proposed by UKG at Sevington 22 miles away**

***Impact:*** GB biosecurity and food safety compromised with massive economic, trade and reputational consequences.

***Solution:*** Detail is required now from defra.

- (b) General **lack of information on BCPs' opening hours or 24/7 helplines.**

***Impact:*** Businesses cannot plan trade routes.

***Solution:*** Defra needs to establish and publish a database of BCPs' opening hours and their helplines, requiring the latter if not currently intended to be provided.

- (c) **Unclear charges at BCPs (£10-43 per 'consignment'):** Lack of CO feedback on outcomes of last year's Common User Charge (CUC) consultation. Also, **definition of "consignment"** is different for customs (= per commodity code) from SPS issues (= per Health Certificate). Unless the definition is harmonised to the SPS meaning this **will mean multiple times the expected cost for mixed loads entering GB, potentially rendering imports financially unviable and/or adding to food price inflation.**

***Impact:*** businesses cannot budget for unknown charges.

***Solution:*** CO needs to provide clarity and work with defra to minimise financial impact and food security since companies will take commercial decisions as to whether it is financially viable to export to GB. If definitions are not aligned then as a minimum UKG needs to immediately carry out a broad and deep communication campaign to ensure business awareness.

- (d) **Hygienic design (lack of raw/cooked segregation) reported to be insufficient** to prevent cross-contamination of cooked foods.

***Impact:*** potential to compromise food safety.

***Solution:*** Review design specification and ensure that it meets industry High Care/High Risk standards to protect food safety.

**(e) Management of PHA Food Sampling**

The cost and method of sampling of bulk materials at BCPs post April resulting in disposal of large quantities of goods does not appear to have been considered. PHA will need to take representative samples when completing inspections. For example, eight 1 tonne pallets of liquid egg are on a load pulled for inspection, PHA will need to take a sample from more than 1 pallet to build a representative sample for inspection. Any break in the integrity of the seal of the pallet will render goods unusable from a food safety perspective and would require immediate disposal at the BCP.

**Impact:** The importer of the load (UK business) will have to pay for the samples and analysis to be undertaken, cover the loss of product through sampling – several 1000kg of egg - arrange and pay for the disposal of egg and then cover the cost of replacing the egg which had been lost from their just in time short shelf life supply chain. Not only will this create massive food waste at the BCP but it will add such significant cost to product that it will make it unfeasible for current supply chains to continue without significant cost increase on raw materials and ultimately final product. To give an idea of the scale of the issue for this one foodstuff type alone, in 2022 the UK imported 41,293,616kg of liquid egg from the EU, i.e. approx.. 41,300 one tonne pallets.

Industry has been advised that samples sent for analysis may need to be sent to Germany as there is insufficient UK laboratory capacity. This will require raising an EHC to export the sample to the laboratory in Germany, representing additional cost, delay, loss of shelf life and viability of the use of the foodstuff particularly if short shelf life, and ultimately loss of the country's major suppliers affecting GB food security.

**Solution:** Recognition is needed of producer hygiene standards and controls, sampling frequencies must be appropriate and risk-based, with sampling approaches being designed to not create unnecessary food waste.

**(f) GB Protocol on Intensified Official Controls (IOC) communications not made available.**

IOCs occur when goods are stopped after failing sampling tests. Increased sampling of subsequent loads/consignments takes place to check compliance. For GB-EU exports no information is given to vehicle driver, haulage firm, exporter or importer as to what foodstuff has failed or why, or the delay timescale. This is critical for multi-product loads as whole vehicle is delayed and since not advised what the failure is rectification is extremely difficult, resulting in further stoppages. It is understood that a EU-GB trade IOC protocol is being drafted by defra but it has **not responded to or even acknowledged industry contact highlighting its criticality to minimise EU-GB flow delays and therefore risk to GB food security.**

**Impact:** Absence of such a protocol designed effectively would **delay imports to GB, potentially losing short shelf life goods (wasted), compromising GB businesses' viability, employment and GB food security.**

**Solution:** Defra to engage with industry now to address this issue.

**2) Groupage Not Fully Facilitated under BTOM – will curtail imports, increase food inflation & reduce GB food security**

**Current efficient EU-UK just in time supply chain:** regular, small volumes of short shelf-life EU goods transported to UK in same vehicle (multiple pickups and multiple drop offs) to maintain freshness and minimise food waste whilst retaining traceability. **This is not facilitated by the**

**new BTOM**, which only allows for multiple pickups of the same category of products to be on the same EHC. **The new BTOM groupage model is of no benefit if goods are going to different UK destinations even within the same business and with full (often digitised) traceability maintained as they will still need multiple EHCs and other new bureaucracy.** Whilst we accept the requirement for health certification, no facilitation or easing has been made for multiple drop offs in the BTOM groupage model. Current direct delivery supply chain models in place and honed over many years to maximise usable shelf life on receipt of goods and efficiency across the industry will now have to be reviewed and costs of materials will have to increase, this will inevitably have to be passed onto the retailer and finally the consumer. In the chilled prepared food sector the sites to which multiple drop offs are made all operate to the same technical standards and supply the same retailers (under their own labels), and all come under one company, but will be geographically based around the country from Kent to Scotland.

**Impact:** Example of 2 pallets of short shelf life material (e.g. Continental meats, cheese etc) ordered by the GB FBO several times a week to meet supply chain and shelf life requirements. With the new BTOM arrangements these 2 pallets of the same product, from the same supplier, from the same batch, transported on the same vehicle, imported by the same importer, declared on the same import customs clearance by the same UK legal entity, and supplied to the same UK company, will now need 2 EHCs because they will be going to 2 different UK addresses, both being manufacturing sites of the same importing legal entity. This doubles associated EHC costs, doubles prenotification into IPAFFS, doubles the chance of being selected for inspection by the IPAFFS risk engine and doubles the cost of the Common User Charge as will be seen as 2 separate consignments. 3 pallets of same product to 3 destinations will triple cost, and so on. This is the very real situation for products which are being transported and imported now, as they have been for the last decade with no requirement for additional cost or paperwork. The goods have not doubled in their biosecurity risk to the UK.

This will add **significant cost to small volumes resulting in price/kg increases which will have to be passed onto retailer and end consumer increasing food price inflation, and potential loss of the EU supplier owing to new bureaucracy and costs.**

**Solution:** Trusted Trader pilots and scheme design must be reviewed to ensure that businesses which have the necessary systems in place to assure traceability are not blocked from using groupage as established and successfully managed over many years.

### 3) Export Health Certificates (EHCs) & Phytosanitary Certificates

- (a) **GB EHCs for EU-GB trade do not always match industry's requirements** for ingredient/component supply, e.g. pasteurised liquid egg products – plain egg yolks and egg yolks with sugar are not mentioned in the GB EHC and **therefore no longer possible to import to UK.** There is no flexibility in the GB EHC for alternative equivalent thermal processes to be used. **Scale of the issue: e.g. liquid egg imports from the EU-UK were approx. 41.3 million kg in 2022.**

**Impact:** GB food businesses producing e.g. desserts, mayonnaise, sauces, baked goods, **will have insufficient supply to continue to produce these and other foods using them,** impacting on GB food security and product availability.

**Solution:** EHCs need to be amended now for GB supply to continue and the myriad of foods using them to continue to be produced in GB.

- (b) EU/EFSA Official Vet (OV) capacity** issues have been raised by industry for >12 months with defra but **has not been addressed or industry advised of any UKG contingency measures**. Core issue is lack of 24/7/365 EU/EFTA OV availability - they are civil servants primarily working office hours and not weekends/holidays, unlike UK where they are private. Inability and/or delays (est 24-72h) in OVs signing EHCs **compromises flow of medium risk foods (e.g. meat, meat products) from EU-GB and potentially loss of short shelf life foods from the GB ingredient supply chain**. Has already been reported to expected to result in a major GB receiving factory's closure 2 days a week.

**Impact:** GB food business viability and employment, reduced GB food security.

**Solution:** EU MS must act to provide cover or they will lose trade with GB. GB businesses cannot easily establish alternative validated and accredited supply chains.

- (c) Out of date lists of EU & EFTA trading partners approved to export poultry, hatching eggs, day-old chicks, specified pathogen-free eggs, meat, minced meat, mechanically separated meat, eggs and egg products to GB**

Several key EU MSs supplying poultry meat to the UK (e.g. Netherlands, Poland, Germany) will not be able to export to GB from 31/1/24 unless Defra immediately updates the lists of Avian Influenza disease control zones. Certifying OVs are unable to sign EHCs until the restrictions have been lifted.

**Impact:** GB food businesses will have reduced or no supply of poultry meat, impacting food security, business viability, employment, and GB's economy.

**Solution:** The EC must urgently send the necessary information to Defra to allow them to lift the restrictions to avoid trade and GB food supply being severely impacted.

- (d) One day prenotification requirement will break GB's 24/7/365 food supply chain**

The UK imports >1.5 million tonnes p.a. meat and poultry and is absolutely dependent on imports, e.g., 80% of UK-sold beef comes from Ireland. GB's requirement for one working day prenotification is unfeasible for just in time supply to GB of perishable short shelf life fresh foods/ingredients arriving from the EU. A one day delay to exportation can mean a 20% loss of shelf life, ultimately rendering the food unsaleable. EU suppliers will not be commercially able to lose this time so are expected to decide to take commercial decisions whether or not to continue to try to supply GB, especially when taking into account certification and other new administration costs. In addition, exporters will not have all of the data required a day ahead of exportation of multiple consignments on a vehicle to enable them to complete prenotification that far ahead. Although we understand Port Health Authorities have the ability to derogate in certain circumstances from April this is a critical issue for food supply during the period 31/1/24-30/4/24 where Defra has stipulated one working day with no possibility to derogate.

**Impact:** Short shelf life food/ingredients lost to waste while awaiting exportation GB, GB food security, impact on GB FBO viability, on employment and food availability.

**Solution:** Defra to derogate now to allow shorter prenotification periods, e.g. to 4 hours.

**(e) Plant & Plant Products – Fruit, Veg & Cut Flowers – Risk Categorisation Changed Without Notice**

On 24/1/24 an unexpected increase in the range of commodities included in the EU Medium Risk category was published. This change will affect up to 3 million tonnes of product coming into the UK from the EU, many of which are in groupage vehicles over multiple consignments.

**Impact:** Industry estimates that the additional costs it faces from inclusion of these commodities in the medium risk category will be approx. £200m based on new documentation and inspection charges plus the proposed CUC fees (still not confirmed). There is also concern that EU plant health officials may not have capacity to generate the required phytosanitary certificates at this late notice.

**Solution:** An effective and widely communicated solution to the inspection process for goods arriving in groupage vehicles. There must be an opportunity for Authorised Operator Status schemes to be fully implemented prior to 31/10/24 (the deferred date for the newly revised Medium Risk fruit and vegetable commodities) to ensure minimisation of delays and costs introduced as a result of using a single BCP. Alternatively, a delayed implementation date is needed. UKG needs assurances from EU plant health officials that the deferred 31/10/24 deadline is achievable for creating the significant number of phytosanitary certificates required by the UK.

**(f) Food Product Risk Categorisation Methodology Transparency**

Despite having requested this repeatedly since the approach to BTOM was announced information on the risk assessment methodology, criteria and data sources used to establish whether a foodstuff/commodity is categorised under BTOM as low, medium or high risk has not been shared with industry. It is imperative from a food safety, biosecurity and logistics standpoint for importing businesses to know what the basis of risk categorisation of their commodities/foods are so they not only know where they stand in terms of administrative requirements but can take appropriate steps to de-risk their supply chains and thus ensure continuity of supply and prevent loss of incoming materials as waste and even suppliers walking away from GB as a customer given additional bureaucracy and associated costs with non-low risk categorisation. Allied with this are the notice periods UKG has indicated will apply to changes in risk categorisation (4-6 months depending on the commodity), which may mean loss of seasonal commodities from GB.

**Impact:** GB food security, impact on GB FBO viability from loss of raw materials, on GB employment.

**Solution:** UKG (defra and FSA) to publish the risk categorisation methodology, criteria and data sources taken into account for industry to be able to mitigate business risk and minimise loss of incoming raw materials.

**(g) SPS National Monitoring Plan (SPS NMP) not Published**

The Sanitary and Phytosanitary National Monitoring Plan for Import Controls (SPS NMP), sometimes referred to as the 'Official Controls Regime' or the 'SPS Monitoring Plan', which sets out the sampling rates and commodity specific requirements/exceptions has not been published. Without this, importers and regulatory functions effectively do not know what to do in the context of import controls and monitoring regimes at BCPs. The absence of an SPS NMP will

lead to an uncoordinated oversight, poor operational implementation and further confusion and lack of trust in our SPS control regime. Having this document or set of documents is essential to the successful operation of any BCP for POAO imports.

***Impact:*** Business uncertainty on sampling to be carried out at BCPs resulting in aversion by exporters to GB as a customer, GB food security and business viability.

***Solution:*** SPS NMP to be published in advance of BTOM implementation.

#### **4) Authorised Operator Scheme (AOS)**

##### **(a) Timeline of introduction of the AOS scheme.**

SPS checks will first move from Place of Destination (POD) to Border Control Posts (BCPs) or inland Control Points before the AOS is in place for growers.

***Impact:*** This will cause great disruption to businesses who would have to sign up to become Control Points (CP). They would incur all the related costs to comply with the requirements before knowing the details of the AOS that would help them make an informed decision with regards to their participation in it. Moreover, there is no guarantee that the AOS will be rolled out as this is dependent on the results of the pilot scheme. This causes great uncertainty for businesses.

***Solution:*** UKG to provide a transparent and accessible application process, so businesses can evaluate whether becoming a Control Point is the right option for their business.

##### **(b) Groupage of Plants and Plant Products (Ornamental)**

A very high proportion of ornamental plants come from the EU on groupage transport with mixed loads heading mainly to retailers with some plants destined for growers (same types of plants but for different distribution). When one product within a consignment requires a physical check and the others do not this may mean that the entire consignment must be diverted for a check. Under the current proposals most vehicles would have to go via a BCP unless the European hauliers keep growers' and retailers' plants on separate vehicles. If they do, this will make the UK grower's transport from the EU difficult to obtain and very expensive because the volumes are relatively small (but high value per trolley).

***Impact:*** Reduction of the range of plants available to the GB consumer, further increase retail prices, further reduction in UK production as growers will be unable to source propagation material (young plants & liners) from the EU.

***Solution:*** **Currently the AOS scheme is not fit for purpose for ornamental growers that rely on groupage. It needs to be revised to facilitate this trade to maintain supply.**

# Improve current systems: remove bureaucracy, reduce time, error and costs



- Huge new costly unwieldy paperwork demands from 1/1/21 – and soon to be introduced to EU-GB:
  - Already under-resourced GB certifiers, e.g. OV, EHOs. 24/7/365 OV service in EU/EFTA lacking
  - FBOs: Low profit margins being consumed by new certification + other bureaucracy costs – **continued trade viability and/or further food price inflation?** Delays from errors with complex paperwork. **System not designed for short shelf life/JIT, multicomponent foods, groupage**

## APHA data: GB-EU EHCs exc NI, equines, germplasm, pets

Month	Period		% Change vs 2020
	2020	Monthly mean 1/21-11/23	
January	279	39,991	14,334%
February	164	22,291	13,592%
March	272	24,973	9,181%
April	73	21,436	29,364%
May	89	19,689	22,122%
June	170	29,133	17,137%
July	139	18,088	13,013%
August	390	25,314	6,491%
September	595	18,211	3,061%
October	329	24,542	74,60%
November	181	19,768	10,922%
December	20,309		
<b>Cumulative total</b>	<b>22,990</b>	<b>276,122</b>	<b>16,558%</b>

## GB-EU EHC certifier burden Dec 2020-Dec 2023

GB-EU EHCs	852,165
certifier hours (@2h/cert)	1,704,330
certifier days (@8h)	213,041
certifier years (@253d)	842.1

Dec 21-23 v. Dec 20:  
10% reduction in EHCs

### What this means to GB FBOs

852,165 EHCs @£200 certifier cost = ~£170m new GB-EU cost  
@2% profit: ~£8.52bn extra sales required to cover these costs

### Note

Excludes: NI, FBO new admin systems & staff, OV SHA costs + time waiting, e.g. at exporting sites. Many food producers don't know whether their products will leave GB so need certification in case