



## SPS Certification WG

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

17 March 2025

Olivia McComb  
Second Clerk  
Environment, Food and Rural Affairs Committee  
House of Commons  
Palace of Westminster  
London SW1A 0AA

Dear Ms McComb,

### **BTOM – CRITICAL ISSUES IMPACTING GB FOOD- and BIOSECURITY**

Thank you for the opportunity to submit evidence to the Committee's inquiry.

Our responses to the Committee's questions are below.

#### **1. The adequacy of personal import controls on animals, plants and their products and the enforcement of controls**

This has always been an issue. The law exists, but is it truly enforced? Is there sufficient staffing/technology to do so? Can it be enforced consistently and say to the standard that Australia does with sniffer dogs at airports etc? At the moment enforcement is primarily based on intelligence and for foot passengers/air traveller is reliant to a large degree on self-reporting (e.g. of more than 2kg of pork).

Illegal meat has been stopped by the tonne, e.g. at Dover by Border Force supported by Dover Port Health Authority, but it is not known how much is not intercepted and not only at Dover. This presents a biosecurity risk to GB that is difficult to quantify, but which has always existed.

Of additional concern is the potential for fraud in completion of EHCs, which may pass through the system without being detected.

In the case of ASF it is known that numerous incidents of notified importation of meat from affected areas, e.g. Romania, were not picked up by IPAFSS/other UK systems and as a result were not diverted to Sevington, so passing into the country. In such a situation it is for LAs to track down affected loads at what was declared to be their destination. However, this leaves open the distinct possibility that the material will have been offloaded at least in part en route, never to be traced.

#### **2. The adequacy of SPS controls on commercial imports, their enforcement, and the impact on businesses**

The UK's controls on imports are based on assessed risk, although the lack of dynamism and granularity (e.g. EU is considered a single country) of the risk review, its schedule and process as well as its (perceived low) sensitivity to signals are concerns to industry.

The EU's requirements are in contrast for inflexible EHC/paper-based documentation across broad categories, set in legislation and requiring OV's to certify most EHCs (except e.g. composite foods and fish where EHOs can do so). However, the TRACES software system, although not used by all MSs (e.g. NL) is perceived to be notably superior to the UK's unique IPAFFS system in terms of usability, reliability and data transfer. Why the previous UK Government saw the need to develop IPAFFS is unclear as the UK was a partner and investor in TRACES.

Issues additionally arise around capacity of systems in both the UK and EU (e.g. staffing levels and 24/7 availability),

stability of software (e.g. IPAFFS) and poor resilience to shocks to those systems, e.g. FMD outbreak demanding additional measures/checks, which create delays and often increase confusion including around associated guidance.

Individuals such as OVAs as well as PHAs frequently appear to have their own interpretations of law/guidance (e.g. insistence that pork pies are meat products even when presented with defra's guidance giving them as an example of a composite product) and therefore their own policies, which results in confusion, delays (with potential for waste in short shelf life foods) and unnecessary cost.

Lack of ownership of issues and clear communication to importers between Government and other parties results in delays, wastage of product from resultant spoilage and loss of money by the importer both from that invested in the product and from any profit that might have been expected from its sale. For example, a company received a notification stating that a consignment of melons they had imported was being held at the point of entry by Port Health. On contacting PH, they were advised that it was being held by APHA who were then contacted but referred the importer back to PH. This is ridiculous and symptomatic of systems failure. It is particularly serious in relation to perishable foods with short shelf lives. All that is needed is a process that works, systems that work, organisations involved to take ownership according to clearly agreed rules and for people in the relevant organisations to communicate with each other and importers in a timely manner.

In addition, tariffs do not necessarily reflect legislation and Port Health acts on legislation, resulting in consignments being held by them. There is an example in the case of supplements where defra have been advised of the error in their guidance, which they have accepted, but instead of acting immediately defra is awaiting further comments from unspecified other parties before making the necessary changes to facilitate trade.

The UK, despite having been a key player in its development, did not implement the EU Animal Health Law Reg 2016/429 (AHR), which applied in the EU from 21 April 2021, i.e. after the end of the Transition Period. As a result, the UK uses the previous EU legislation's definition of composite product, which differs and is less clear than that in the AHR. This is another area of confusion for EU exporters to the UK.

The UK also refers to 'compound products', which appears to be a UK-specific term.

### **3. The performance of Defra and its agencies (such as the APHA) in delivering the Border Target Operating Model and communicating and engaging with stakeholders**

Frequent Government policy about faces and last minute changes (i.e. delays) to deadlines for which industry invested time and money in compliance systems/software/training/supply chain measures have caused an atmosphere of uncertainty and caution and of course have increased costs to industry and therefore for the consumer.

This uncertainty also applies to EU suppliers/exporters who have, given the history of BTOM and Brexit in general, indicated lack of confidence in any future non-legislated deadline being realised. This creates a situation where there can be a lack of preparedness for changes that come into effect, impacting GB food security.

In terms of responsiveness to urgent (particularly Just In Time) industry requests for clarification/provision of guidance/resolution of border stoppage and other issues, Government departments' and agencies' responses have been glacial if not completely non-existent.

Currently a response is awaited from senior staff at defra on matters raised in writing with them on 6/2/25 regarding delays at ports (Felixstowe, Immingham and at Heathrow ) caused by unexplained enhanced checking and sampling.

Hundreds of questions have been asked/posted in the various defra webinars over the last few years, but it has sometimes taken several months to receive a response, if at all, and that response not providing any further information than was already published on gov.uk, the lack of clarity of which being the very subject of the query.

In addition, Defra teams have stated in their webinars that they would only respond to the person asking the question, not to others to whom it also applied, i.e. they would not publish their responses for all to see, resulting in the need for webinar participants to 'like' queries posted in Teams chats so they could also receive the response.

Numerous enquiry email addresses have been provided to industry, with changes being made resulting in confusion. There has even been the example of industry being referred to a critically important enquiry email address but it some weeks transpired it had not even been activated.

There is a clear need for more policy officials including gin the veterinary facilitation team, as there is only a small pool of experts (e.g. John Briggs, Scott Reaney, Richard Watson) on whom industry can in reality contact for resolution of BTOM technical trade issues.

Defra has also advised industry to contact relevant PHAs in the case of queries, but each can have their own interpretations of requirements, leading to different approaches. It has become known that PHAs will go to defra for answers to questions received, which begs the question why defra does not deal with industry queries themselves. The situation is made worse by the known chronic understaffing of PHAs. For example, at Felixstowe OV occupancy is only 44% (7 OVs in place, 9 vacancies), Port Health Officers occupancy is 79% and that of Authorised Officers 74% (3 and 8.6 vacancies, respectively).

**4. How any concerns may be remedied (in advance, or in the absence, of an SPS agreement with the EU).**

With BTOM development slowed down and the Single Trade Window shelved, traders will not benefit from many of the promised trade facilitations e.g. trusted trader schemes, electronic certificates, not needing to enter data multiple times.

For trade from GB to NI and IE, the expected removal of Government support for the Movement Assistance Scheme and the potential loss of the Groupage Export Facilitation Scheme for are severe threats to the ability of GB businesses to send goods across the Irish Sea, which for some major sectors such as chilled prepared foods, are the only viable export markets since Brexit.

Please see our enclosed various correspondence with 3 different defra Ministers on this topic, sent since January 2024. Each letter sets out the issue of concern, its impact and potential remedy. We did not receive a response to the first letter, to Rt Hon Steve Barclay.

Our [June 2021 Report ‘Minimising Friction in SPS Trade’](#) is enclosed.

Although individual sectors have their own view our membership overall would seek a customised SPS Agreement with the EU that assessed each post-Brexit amended/new EU Regulation/Decision and determined whether it was appropriate to the UK’s particular market and its unique position in being a previous EU MS, the vast majority of its legislation still being the same as in the EU.

\*\*\*\*

The costs to GB food industry just for completion of EHCs by certifiers to export products of animal origin to the EU since December 2020 to the end of December 2024 is now >£230 million, running at an average of ~£5m pcm, which equates to the profit from £250m pcm food sales. Certifiers had by the end of December last year spent more than a millennium dealing with GB-EU EHCs (APHA data, with cost estimates agreed by SPS Certification WG members):

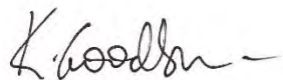
1 December 2020 - 31 December 2024	
Food EHCs issued by APHA	1,157, 731
Certifier hours (@2h/cert)	2,314,316
Certifier days (8h)	289,293
Certifier years (253d)	1,143.5
£m certifier cost @£200/EHC (ex FBO admin, software, staff, food waste, lost business)	231.4
<b>£bn new sales required to pay for certifier cost</b>	<b>£ 11.572</b>

For some unknown reason no data have yet been published for January or February, which will necessitate an FOI request being made by us.

To facilitate continued GB-EU trade and protect EU-GB food security these costs and the root cause bureaucracy must be minimised, if not eliminated. It needs to be recognised in an SPS Agreement that UK food hygiene law is EU legislation.

We are happy to respond to any questions you may have.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Goodburn', followed by a horizontal flourish.

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