

Importing high-risk food and animal feed if there's no Brexit deal

Summary

How businesses importing high-risk food and animal feed would be affected if the UK leaves the EU with no deal.

Detail

If the UK leaves the EU in March 2019 without a deal, find out how this would affect imports of food and animal feed both from EU and rest of the world, including:

- changes to the IT system for pre-notifying the import of high-risk food and feed from outside the EU
- changes to the import requirements for high-risk food and feed transiting through the EU from a non-EU country to the UK
- a new requirement for the pre-notification of the import of high-risk food and feed originating within the EU

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including 'no deal', until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario>) explaining the Government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

Purpose

This notice provides information to certain businesses on action they would need to take before EU exit to ensure that trade can be maintained in a 'no deal' scenario. It's specifically aimed at UK businesses that import food and animal feed both from EU and rest of the world. The notice informs them of:

- changes to the IT system for pre-notifying the import of high-risk food and feed from outside the EU
- changes to the import requirements for high-risk food and feed transiting through the EU from a non-EU country to the UK
- a new requirement for the pre-notification of the import of high-risk food and feed originating within the EU

Before 29 March 2019

The current regime for importing high-risk food and feed into the UK is regulated by EU legislation.

'High-risk' means:

- all products of animal origin (POAO)
- specified food and feed not of animal origin (FNAO)

Checks are made at the border on high-risk food and feed from third countries. There are no routine checks on the import of food and feed from other EU countries.

Imports to the UK from outside the EU (third country trade) - notification of imports using TRACES

Consignments of high-risk food and feed from countries outside the EU must be pre-notified at their point of entry into the EU, using the import module of the EU Trade Control and Expert System (TRACES) system.

This means that, where a consignment from outside the EU enters the EU, the UK port or airport is made aware of the consignment's expected arrival to ensure the appropriate safety checks are carried out before its release onto the market.

Information on [the EU's TRACES system](https://ec.europa.eu/food/animals/traces_en) can be found at the European Commission's website.

Imports to the UK from within the EU

Pre-notification is currently required only when high-risk food and feed from third countries is being imported into the EU.

Import controls - Transit consignments

High-risk food and feed products originating in countries outside the EU, destined for the UK, which enter the EU to transit onwards to the UK (transit consignments) are subject to relevant imports controls at the first point of entry into the EU. Once they have entered the EU, these products can then enter the UK by any route and no additional controls are required.

After March 2019 if there's no deal

Currently, the EU determines what FNAO is to be considered high-risk. In future, on any imports to the UK from the EU and third countries, this will be for the UK to decide. Import controls would be risk-based. Broadly, because the risk does not change on day one, no new controls are planned for imports from the EU of food and feed currently categorised as high-risk.

Pre-notification for TRACES users

If the UK leaves the EU in March 2019 with no deal in place, it is anticipated the UK would no longer have access to the EU import notification system, TRACES. This means importers to the UK from the rest of the world will no longer be able to use TRACES to notify the UK about those goods. To ensure those importing high-risk food and feed could continue to do so, a new import notification system is being developed to take the place of TRACES. More information on the new system will be published in the autumn.

Imports from the EU

The UK would also lose access to the systems for exchanging intelligence about food incidents between EU countries and the reciprocal obligations between those countries and the European Commission. In order to respond to food safety incidents effectively, the Food Standards Agency (FSA) intends to require all importers of high

risk food and feed from the EU to pre-notify them using the new UK import notification system.

Currently no EU FNAO is designated as high risk.

Import controls – consignments transiting the EU

If the UK leaves the EU in March 2019 with no deal in place the UK will no longer be able to rely on the EU undertaking full import controls on high-risk consignments transiting through the EU to the UK. The goods will therefore need to be checked as they enter the UK.

Implications

General

Broadly, because the risk is not expected to change on day one, no new controls are envisaged in relation to imports of high-risk food and feed from the EU for a time limited period after Exit.

Pre-notification for TRACES users

Anyone currently using the TRACES system to pre-notify the UK about high-risk food and feed product imports from the rest of the world will need to start using the UK's new import notification system, ahead of March 2019.

Updates will be issued to the industry between now and March 2019 to assist users to prepare for this change and ensure their own businesses are ready for imports on the day the UK leaves the EU. Representatives from key user groups are involved in the design, testing and preparation of the system.

Guidance and training material will be available several months in advance of March 2019 clearly setting out any differences from the existing system, although these will be minimal as it has been developed to replicate TRACES functionality.

Pre-notification for importers from the EU

In order to maintain high levels of food safety, the UK would require importers of high-risk food and feed to pre-notify the FSA of their imports from the EU. The FSA is working closely with Defra to establish when this requirement could be satisfactorily introduced. There would be no change on the day the UK leaves the EU to current import controls or requirements for notifications of imports of live animals and animal products for imports direct from the EU.

This requirement is not expected to have direct impact at the border or for port health authorities. Pre-notifications would be made electronically, in advance, by those

introducing high-risk foods and feed into the UK, and would be managed by the FSA. As noted above, currently no EU FNAO is designated as high risk.

Import controls - transit consignments

Importers wishing to transit high-risk food and feed through the EU to the UK would need to recognise that the requirements differ depending on whether these are POAO or FNAO.

EU food law provides a clear provision for POAO. For this purpose, POAO would need to transit the EU under seal and land in the UK at a location with a Border Inspection Point (BIP) so that UK officials can perform the necessary import controls on these products.

However, there is not an equivalent transit provision within EU food law for high-risk FNAO. Therefore, to ensure that the UK's imported food control regime remains sufficiently robust with no increased risk to public health, high-risk FNAO (as identified by country and by commodity), currently controlled under EU legislation must enter the UK via a Designated Point of Entry (DPE) so that UK officials can perform the necessary import controls on these products

For information about [which locations have BIPs](https://ec.europa.eu/food/animals/traces_en) please go to the European Commission's website. For information on [locations that have DPEs](<http://www.food.gov.uk/business-guidance/port-designations>), please go to the FSA's website.

More information

For more information, please read [Importing animals and animal products if there's no Brexit deal](<https://www.gov.uk/government/publications/importing-animals-and-animal-products-if-theres-no-brexit-deal/importing-animals-and-animal-products-if-theres-no-brexit-deal>). The FSA will continue to engage with stakeholders as we develop processes in the lead up to March 2019.

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.

The UK government is clear that in this scenario we must respect our unique relationship with Ireland, with whom we share a land border and who are co-signatories of the Belfast Agreement. The UK government has consistently placed upholding the Agreement and its successors at the heart of our approach. It enshrines the consent principle on which Northern Ireland's constitutional status rests. We recognise the basis it has provided for the deep economic and social cooperation on the island of Ireland. This includes North-South cooperation between Northern Ireland and Ireland, which we're committed to protecting in line with the letter and spirit of Strand two of the Agreement.

The Irish government have indicated they would need to discuss arrangements in the event of no deal with the European Commission and EU Member States. The UK would stand ready in this scenario to engage constructively to meet our commitments and act in the best interests of the people of Northern Ireland, recognising the very significant challenges that the lack of a UK-EU legal agreement would pose in this unique and highly sensitive context.

It remains, though, the responsibility of the UK government, as the sovereign government in Northern Ireland, to continue preparations for the full range of potential outcomes, including no deal. As we do, and as decisions are made, we'll take full account of the unique circumstances of Northern Ireland.

Norway, Iceland and Liechtenstein are party to the Agreement on the European Economic Area and participate in other EU arrangements. As such, in many areas, these countries adopt EU rules. Where this is the case, these technical notices may also apply to them, and EEA businesses and citizens should consider whether they need to take any steps to prepare for a 'no deal' scenario.