



Department
for Environment
Food & Rural Affairs

Seacole Building
2 Marsham Street
London
SW1P 4DF

The Rt Hon George Eustice MP
Secretary of State for Environment,
Food and Rural Affairs

T 03459 335577
defra.helpline@defra.gov.uk
www.gov.uk/defra

via email

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Dear colleague,

Re: European Union prohibitions and restrictions

Following the end of the transition period on 1 January 2021, the United Kingdom (UK) will leave the European Union (EU) customs area and the EU single market. As a result of the UK becoming a third country, there will be new processes that UK exporters and importers must comply with.

There are several live issues which have a bearing on these changes:

- Free trade agreement (FTA) negotiations – these are ongoing with the EU. Whatever the outcome of those negotiations we will be a third country to the EU and will have to comply with, for example, their requirements for export health certificates (EHCs) and phytosanitary certificates.
- Third country listing applications – With or without an agreement, the UK will need to achieve its applications for third country listing to facilitate movement of some goods to the EU from the end of the transition period. Positive technical discussions on third country listing have taken place in recent months between the EU and UK and we are working together to progress listing applications covering animal products and live animals, equivalence of plant reproductive material and plant prohibitions, and breeding bodies. For marketing standards (beef and veal, eggs, fruit and vegetables, hops, poultry meat and wine) the EU have confirmed that they are planning to list the UK for all commodities by the end of December. Further detail on each sector can be found on gov.uk.
- The UK's secondary legislation setting out the UK's listing process to list the EU as a third country to allow the import of various agri-food stuffs has now been laid and published in draft form for the following sectors: animal products and live animals; breeding bodies; equivalence of plant reproductive material and plant prohibitions. We have also updated the marketing standards guidance for all sectors on gov.uk.
- Regardless of the outcome of the above negotiations and listing applications, the Government is keen to support businesses to prepare for the changes that will come at the end of the transition period.

- Joint Committee discussions – Following intensive and constructive work over the past weeks by the EU and the UK, the two co-chairs of the EU-UK Joint Committee (European Commission Vice-President Maroš Šefčovič and the UK Chancellor of the Duchy of Lancaster, the Rt Hon Michael Gove) announced in a [joint statement](#) on 8 December their agreement in principle on all issues, in particular regarding the Protocol on Ireland and Northern Ireland. This agreement ensures, among other outcomes on the Protocol more broadly, the continued supply of chilled meats and other food products to supermarkets at the end of the transition period. Stakeholders should be aware that the Joint Committee outcome on GB to NI trade will not address trade between GB and the EU.

This letter is designed to outline the new trade requirements arising from EU prohibitions and restrictions (P&R), based on the information we have available at this time.

Prohibitions and restrictions on EU trade

Prohibitions and restrictions (P&R) are new trade requirements that will apply to certain commodities from 1 January 2021. These trade requirements are based in EU law and prevent or restrict the import of certain goods from third countries where the EU believe there is a potential for them to present a level of risk. If you currently export to the EU commodities which the EU does not accept from third countries, you will no longer be able to export these from 1 January 2021.

P&R will also affect imports into GB from the EU as of 1 January 2021 when the UK will carry over into domestic law EU provisions on P&R applicable to imports from third countries, including the EU. To address this, we have legislative plans to permit the import from EU to GB of certain prohibited products of animal origin (POAO) affected by P&R from January to April. This would bring the application of those P&R imported from the EU in line with the phased approach to import checks as detailed in the Border Operating Model.

We will be publishing further information on the relevant commodities on gov.uk shortly but wanted to provide you with the information in advance. P&R is a complex and wide-spanning issue which results in a range of commodities being prevented or restricted from being imported or exported between GB and the EU as of 1 January 2021. Please see the attached annex for initial details of which P&R will potentially affect you.

Northern Ireland

On 8 December 2020, the co-chairs of the EU-UK Joint Committee (European Commission Vice-President Maroš Šefčovič and the UK Chancellor of the Duchy of Lancaster, the Rt Hon Michael Gove) issued [a joint statement indicating they have reached agreement on all issues](#), in particular with regards to the Protocol on Ireland and Northern Ireland. The Chancellor of the Duchy of Lancaster confirmed in an [oral statement to Parliament](#) on 9 December that there will be a six-month grace period that will enable chilled meat products that would otherwise not be able to move from GB to NI to continue to do so. Further details will be communicated shortly.

For goods movements from NI to GB, qualifying NI goods will receive unfettered market access from 1 January 2021, which means no declarations, tariffs, new regulatory checks or customs checks, or additional approvals for NI businesses to place goods on the GB market. Direct trade from NI to GB will continue as it does now. The only exceptions to these arrangements will be goods falling within the extremely limited number of procedures relating to specific international obligations binding on the UK and the EU, e.g., the CITES convention on the movement of endangered species.

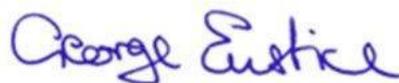
Trader readiness

The UK Government [Border Operating Model](#) sets out processes for importing and exporting to/from the EU from the end of the transition period. Traders must register with the new EHC system to move animals and POAO from GB to the EU or NI from the end of the transition period. Certifiers must also be registered on the system: [How to register for export health certificate \(EHC\) online - GOV.UK \(www.gov.uk\)](#).

From January 2021, all regulated plants and plant products exported from GB to the EU will be subject to EU import controls in line with goods exported from the rest of the world. This will include the requirement for goods to be accompanied by a phytosanitary certificate, EU import pre-notification submitted by the EU importer and documentary, physical and identity checks.

The Import Products, Animals, Food and Feed System (IPAFFS) system will replace TRACES NT at the end of the transition period; importers must register for IPAFFS for imports to GB: [Import of products, animals, food and feed system \(IPAFFS\) - GOV.UK \(www.gov.uk\)](#). A phased approach to sanitary and phytosanitary checks on imports from the EU will apply to GB, as outlined in the Border Operating Model. Information on UK animal and animal product Border Control Posts can be found here: [UK border control posts: animal and animal product imports - GOV.UK \(www.gov.uk\)](#). For plants and plants products visit: [Plant imports: authorised border control posts in the UK - GOV.UK \(www.gov.uk\)](#).

We are keen to discuss these issues and their implications with you as soon as possible and will be in touch in due course to set up a forum for cooperation. We are committed to further programmes of engagement to support businesses in preparing for the end of the transition period.



RT HON GEORGE EUSTICE MP

Annex: Defra list of SPS Prohibitions and Restrictions

1. EU List of Prohibited or Restricted Commodities

The European Union acquis includes an important number of legal provisions that engage customs to carry out checks in the context of the enforcement of many different policies aiming at the safety and security of the European Union. In accordance with Articles 134 and 267 Regulation (EU) No 952/2013 (Union Customs Code) prohibitions or restrictions (P and Rs) may be imposed on imports, exports or goods in transit when they are justified on grounds of:

- public morality, public policy or public security,
- the protection of health and life of humans, animals or plants,
- the protection of the environment,
- the protection of national treasures possessing artistic, historic or archaeological value and
- the protection of industrial and commercial property.

The full list is available here: https://ec.europa.eu/taxation_customs/sites/taxation/files/prohibition_restriction_list_customs_en.pdf

2. Prohibitions and Restrictions Impacting Defra Imports and Exports (Fish)

There are issues, distinct from the EU list of prohibitions and restrictions at customs, that by default prevent or restrict products for trade due to EU law and / or limitations of the EU's export health certificates. These prohibitions and restrictions will prevent or restrict on imports and exports.

Commodity	Description	Impact of issue
FISH		
Farmed aquatic animals not ready for human consumption	Live aquatic animals or their products NOT ready for human consumption can no longer be exported to the EU, if they come from an area in GB subject to disease control measures -	Not exportable unless compliant with conditions for third country imports. This is not a new measure.

	<p><u>unless</u> they conform to certain conditions: in the case of <u>fish</u>: eviscerated; in the case of <u>bivalves, fish and crustacea</u>: packed in retail ready packaging; <u>bivalves and crustacea</u>: non-viable; destined for an establishment that has been authorised for processing infected animals / and or has a water treatment system in place that would inactivate pathogens; or going directly for processing without temporary storage.</p> <p>The intracommunity HCs was less restrictive and allowed for trade from areas subject to disease controls (with conditions) both for live aquaculture animals destined for aquaculture and for and aquaculture animals intended for further processing or dispatch centres/ purification centres (with fewer restrictions than those shown above).</p>	<p>The issue will only be relevant to aquaculture animals produced in areas subject to disease controls.</p> <p>GB generally has a very high aquatic animal health status, so at present, there would be a very limited impact.</p>
<p>Wild harvested live bivalve molluscs from Cat B waters for depuration in EU</p>	<p>Exports of wild harvested live bivalve molluscs (LBM) from Cat B waters for depuration in the EU will be prohibited, as there is no EHC suitable for them.</p> <p>This will not apply to the export of LBMs from Class A waters (which can continue under POAO EHC).</p>	<p>Exports will not be possible.</p>
<p>Live bivalve molluscs and fishery products</p>	<p>Direct landings of fresh fishery products into the EU without the need for an EHC from registered fishing vessels are permitted under EU</p>	<p>Certain vessels currently directly landing LBM and aquaculture salmon will be unable to continue current trade patterns and</p>

from aquaculture
(Directly Landed)

regulations. It is not possible to direct land Live Bivalve Molluscs or unprocessed fish from aquaculture sources, however. These need to be landed in GB and certified for export.

need to land in GB and obtain a health certificate to export.