**Feb 2024**

**Dear FPC Member**

If you are a business that trades with the EU and specifically imports fruit, vegetables, cut flowers, planting material, seeds or plants, you will be affected by the proposals laid out in the Border Target Operating Model (BTOM) that was published in August 2023.

There are three key elements that are relevant to your business:

**BTOM – Border Target Operating Model**

The Border Target Operating model sets out the UK government strategy for biosecurity for goods entering the UK.

For full information, details can be found here: [Final\_Border\_Target\_Operating\_Model.pdf (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/media/64f6e2629ee0f2000db7be8e/Final_Border_Target_Operating_Model.pdf)

Plant and Plant products (including fruit, vegetables and cut flowers) are being classified by APHA into High, Medium and Low based on their biosecurity risk. The risk will determine the SPS requirements and frequency of checks upon point of entry to the UK. The most recently determined EU classifications can be found here:

[TOM risk categorisations - UK Plant Health Information Portal (defra.gov.uk)](https://planthealthportal.defra.gov.uk/trade/imports/target-operating-model-tom/tom-risk-categorisations)

**Authorised Operator Status**

Defra is trialling an Authorised Operator Status scheme whereby businesses are trained by APHA to objectively conduct their own inspections are place of destination or arrival. This would mean that approved businesses with a designated Control Point and trained inspectors could receive goods directly at their Control Point, rather than the goods entering via Sevington (the Govt run BCP).

For full information, details can be found here: [Authorised Operator Status (AOS) - UK Plant Health Information Portal (defra.gov.uk)](https://planthealthportal.defra.gov.uk/trade/imports/target-operating-model-tom/authorised-operator-status-aos/)

**Common User Charge**

In addition, there is a proposed Common User Charge - a flat rate levied on every SPS consignment which is eligible for BCP checks and enters through the Port of Dover or Eurotunnel Le Shuttle. These charges are intended to recover the costs of operating the Government managed BCP facility at Sevington and would be in addition to any charges applied by Port Health Authority or APHA.

The details of implementation and fees have not yet been finalised.

For full information, details can be found here: [Charging arrangements at government-run Border Control Posts - Defra - Citizen Space](https://consult.defra.gov.uk/government-bcp-charging-strategy-implementation/charging-at-government-border-control-posts/)

Key Points of Note for the Fresh Produce Industry

* High risk goods already require pre-notification and a phytosanitary certificate. They will also be required to be inspected at a government run Border Control Post (BCP) or designated Control Point (CP) from April 30th 2024.
* Medium risk goods will require pre-notification and a phytosanitary certificate from January 31st 2024 and be subject to varying levels of plant health inspection at a Border Control Post (BCP) or Control Point from April 30th 2024.
* Fresh produce items that are considered Medium Risk but are classified as ‘***temporarily Low Risk’*** will be considered as low risk until further notice and then will become subject to Medium Risk SPS controls. There has been no confirmed date for how long this derogation will last.

It is this issue that poses the most significant to industry as there are a whole range of edible fruit and vegetables that will then be subject to cost and delay.

Products currently classed as ‘***temporarily Low Risk’*** such as tomatoes, potatoes, aubergines and peppers, apples, berries, stonefruit and root vegetables will all be affected the changes.

* Low risk goods will not require a pre-notification, a phytosanitary certificate or a border inspection.
* Place of Destination (PODs) will no longer be permitted as a location for plant health checks to take place from April 30th 2024.
* Common User Charges are being proposed for High and Medium risk consignments (those eligible for SPS checks) entering GB from the EU via the Port of Dover or the Eurotunnel. This is a single, flat rate levy on every SPS consignment which is eligible for BCP checks, whether selected for a check or not. This charge is proposed to be between £20 and £43 per consignment.
* A consignment is defined as “each eligible item listed in a Customs Declaration”. The rate would not vary irrespective of whether eligible consignments are selected for inspection or not.
* All inspection and CUC fees are likely to start from April 2024.
* The Authorised Operator Status Scheme is not likely to be fully operational during 2024 and therefore, the only alternative to the government model for fees and inspection at BCP’s will be the use of APHA inspections taking place at designated Control Points.

How could this affect your Business?

1. When importing from the EU, your High and Medium goods will be subject to delays if they are selected to attend a BCP or CP for inspection.

2. If your goods are currently in the ‘Temporarily Low Risk’ category, they will face Medium Risk SPS controls and charges in the future – but this has not been confirmed when.

3. Low risk goods are travelling in groupage with High or Medium risk goods, they will also be stopped and subject to delay.

4. If you import direct deliveries (direct from EU to customer depot), there may be delays due products being selected for inspection which may affect service level performance.

5. Your High or Medium risk goods will be subject to additional costs for Common User Charges if travelling through the Port of Dover or Eurotunnel. These costs cannot yet be calculated due to no confirmation from Government but are thought to come in from April 30th 2024.

What Next?

The FPC have been engaging continuously with Defra and the Cabinet Office throughout the entire consultation and implementation period to lobby against the CUC and also to advise of the increased cost and delay that these additional checks will cause.

Whilst it is essential the UK has a bio-secure border, the FPC have given the UK Government a consistent message that the proposed strategy will add cost and delay to food supplies from the EU.

To date, there has been a lack of consistent approach by Government, delays to implementation and confusions surrounding risk classification and justification. Industry and trading partners have been unable to prepare appropriately and assess cost implications to their business as a result of this.

For this reason, the FPC are advising their members to contact their local MP to make them aware of the significant impact these proposals are likely to have on food security, food inflation and disruption this is likely to cause fresh produce businesses and their customers.

**We have prepared the following letter which can be used to send to your MP as a template. We suggest you include specific details regarding your business, the products you are importing and the likely impact the proposals will have.**

You can identify who your local MP is and how to contact them via:

[Find your MP - MPs and Lords - UK Parliament](https://members.parliament.uk/FindYourMP)

Please can you share any responses to your MP with the FPC by sending a copy to kshields@freshproduce.org.uk .

It would help us if you could advise of any further contact you have with your MP to progress our lobbying on this issue on your behalf.

The FPC continue to lobby on behalf of the fresh produce industry to ensure that a bio secure border is achieved without adding unnecessary administrative and cost burden onto our industry and will update all members on progress as it develops.

Please contact us if you wish to receive more information on any of these points.

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