Preparing your business for EU Exit

Introduction

The UK’s exit from the EU will have a considerable impact on the seafood industry, and it’s likely to take some time before we can fully understand the what, why and how associated with UK withdrawal.

However, there is no organisation better placed than Seafish to help the industry manage the impact of the UK leaving the EU. Our approach to EU exit is simple, pragmatic and non-partisan. We are working in partnership with the seafood industry and with other relevant stakeholders – including government at UK and devolved level – to interpret and understand the changing landscape, identifying risks and promoting opportunities.

The Seafish Regulation Team has compiled a practical, user-friendly and accessible guide for the UK seafood industry on preparing your business for EU exit. We focus on addressing the numerous regulatory FAQs surrounding food safety, traceability and trade linked to the UK’s exit – whether that be with a withdrawal agreement in place, or a ‘no deal’ scenario.

Please note the guide does not cover issues arising from the UK’s future relationship with the EU – we concentrate specifically on the day-to-day scenarios likely to be encountered by industry in the event of a ‘deal’ or ‘no deal’ being reached between the UK and EU.

After originally proposing exit day as 29 March 2019, Parliament extended the deadline to 12 April 2019. On 11 April 2019 a further extension to the period was agreed with the European Council resulting in a Statutory Instrument defining exit day as 31 October 2019. Subsequent parliamentary developments have resulted in the European Council granting an additional extension, now defining exit day as 31 January 2020.

This is very much a ‘living’ guide and will routinely be reviewed and amended as circumstances evolve.

To contact the Seafish Regulation team, email regulation@seafish.co.uk

This document was last updated on 1 November 2019.
Section 1 - General

1.1 Will there still be different rules across England, Scotland, Wales and Northern Ireland?

A recent Food Standards Agency (FSA) consultation considered food safety and hygiene to be a matter for the pan-UK framework (a mechanism that ensures policy consistency or coordination in some areas between the UK and devolved administrations). However, composition and standards, health claims etc. remain a devolved competence. There is recognition of the risk of multiple labels for different UK nations. While issues involving trade remain devolved, there will be an agreement on a pan-UK basis of the regulatory aims. However, regulatory measures and enforcement will be left to the devolved administrations for decision.

1.2 What status will the European Court of Justice (ECJ) have in regard to the UK seafood industry?

The direct jurisdiction of the ECJ will continue to apply in full in the UK during the transition period – currently until 31 December 2020. For a subsequent eight year period following the end of the transition period, the ECJ will have role as regards the rights of EU citizens resident in the UK.

In future, a joint committee of UK and EU officials will meet to decide general UK/EU disputes. If no agreement on a case is reached, a dispute resolution mechanism – a neutral ‘arbitration panel’ – will be formed.

1.3 What status will EU scientific bodies such as EFSA etc. have?

It is understood from the outline draft Political Declaration (the as-yet unratified document exploring the future political relationship between the UK and EU post UK exit) that the “…Parties will explore the possibility of cooperation of United Kingdom Authorities with Union agencies…".

In the event of a ‘no deal’ scenario, EFSA will have no role to undertake – all functions relevant to the UK currently performed by ESFA (and similar pan-EU scientific bodies) will be assumed by the competent UK authority/agency (most likely UKNHCC – see point 2.16)

1.4 When EU legislation is rolled over to become UK law, what will happen to legislation in force but not currently applicable?

The UK Government’s European Union (Withdrawal) Act converts “direct EU legislation” - which is “operative” immediately before exit day - into domestic law
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post-exit day.

EU legislation that has entered into force - but some or all of the provisions contained within do not apply until after exit day - will be converted into UK law. For example Regulation (EC) No 882/2004 will be retained in place of Regulation (EU) 2017/625 on official controls.

1.5 Where will I be able to view the applicable legislation after exit day?

The FSA are working on an archive for EU regulation in force at 23:00 on exit day.

1.6 What does ‘falling back on WTO rules’ mean? What impact would this have?

If the UK leaves the EU without a deal, trade rules would change from those based on the EU’s single market and customs union – to those of the World Trade Organisation (WTO). This means new import duties and various controls will be imposed on trade between the UK and the EU.

The UK has been a member of the WTO since 1995. The WTO originates from the General Agreement on Tariffs and Trade (GATT) which the UK has been party to since 1948. Today, the WTO consists of 164 member states who meet regularly to agree on a range of activities regarding trade.

Strictly speaking there are no rules in the WTO, just agreements that member states have bound themselves by. For instance the GATT promotes international trade by reducing or eliminating trade barriers such as tariffs or quotas. The agreements are usually complex, but there are some general principles:

**Non-discrimination.** WTO members must grant the same market access to all other member countries – except developing countries and those that have free trade agreements. A trading country cannot discriminate between trading partners e.g. by applying bans or discriminatory tariffs that apply only to particular countries. This is where the Most Favoured Nation (MFN) tariff comes in. Under WTO rules the UK will have to apply its import tariffs equally to all trading partners. Any preferential treatment has to be in the context of Free Trade Agreements that are lodged with the WTO. The government can provide benefits to less developed countries, e.g. under the GSP regime.

**Transparency.** The UK tariff schedule, for example, will have to be a public schedule. The same applies for any quotas or non-tariff measures.

More information on the WTO website: [www.wto.org](http://www.wto.org)
1.7 What is the status of the European Maritime and Fisheries Fund (EMFF)?

Planning for a deal

Under the Withdrawal Agreement negotiated with the EU, the UK will continue to participate in the programmes financed by the current EU Budget until their closure. This means that all EU funded programmes will be fully funded under the current 2014-2020 Multiannual Financial Framework.

Planning for a ‘no deal’

In the event that the UK leaves the EU without a deal, the UK will leave the EU Budget, meaning UK organisations would no longer receive future funding for projects under EU programmes without further action.

However, the Chancellor announced in August and October 2016 that the UK government will guarantee EU projects agreed before the UK leaves the EU, to provide more certainty for UK organisations over the course of Brexit.

The guarantee covers funding committed to UK organisations. It does not cover funding committed to partner and participants in other Member States and other participating countries. This means that where a UK organisation is the lead member of a partnership, any funding it distributes to non-UK associated beneficiaries is not covered by the guarantee.

For more information see guidance on ‘the government’s guarantee for EU-funded programmes if there’s no Brexit deal’.
Section 2 - Traceability and Labelling

2.1 What changes will be needed to the labelling of products intended for the UK market to reflect that the UK is no longer a member of the EU?

The current EU labelling Regulations will be rolled over into national legislation. These regulations allow ‘EU’ to be used as a country of origin, but when the UK is no longer a member of the EU any origin information will need to state ‘UK’. Examples of where this could apply are:

A. **Origin labelling.** Where origin labelling of a food or its ingredients are given voluntarily or as a legal requirement the use of the term ‘EU’ will no longer be correct for food or ingredients from the UK. Labelling changes will be required to reflect this.

B. **Food business addresses.** Rolled over legislation will require all pre-packed food to be labelled with the name and a UK address of the business operator under whose name the food is marketed as this is the business operator responsible for the product regardless of the actual producer.

The business operator under whose name the food is marketed could be the producer for a branded product or a retailer in the case of a retailers own label product even though it is produced by a another business.

This must be a UK address or, if that operator is not established in the UK, the importer of the product into the UK. An EU address alone would no longer be valid for the UK market.

More detail can be found in the government guidance [Food labelling changes after Brexit](#).

2.2 What changes will be needed to the labelling of products intended for sale within the EU27 to reflect that the UK is no longer a member of the EU?

As the EU regulations require the name and EU address of the responsible food business operator within the EU, a UK address alone would no longer be valid for the EU market and an address within the remaining EU member states will be required following EU exit.

All pre-packed food intended for sale in the EU27 will need to be labelled with the name and a EU address of the business operator under whose name the food is marketed as this is the business operator responsible for the product regardless of the actual producer.

The business operator under whose name the food is marketed could be the producer for a branded product or a retailer in the case of a retailers own label product even though it is produced by a another business.
This must be the EU address of the producer or retailer or, if that operator is not established in the EU, the importer of the product into the EU.

More detail can be found in the government guidance Food labelling changes after Brexit.

2.3 Can a PO Box be used as a food business address in the UK?

The address provided on the label must allow the consumer to contact the food business operator quickly and easily regarding any issue arising from their products and to allow enforcement notices to be served if necessary. If PO boxes are used on the label they must be suitable for this purpose and they do not replace the need for the business concerned to be established with a physical presence. Examples of acceptable FBO address includes the address of a unit of an FBO that is undertaking production, distribution or the processing of food.

2.4 Is there a transition period to prepare for any changes?

A transition period of 21 months has been agreed for food bearing an EU address to be placed on the UK market.

21 months has been agreed as it aligns with the Implementation Period for the UK’s withdrawal from the EU if a Deal is reached. It therefore makes sense to require replacement labelling to be implemented to the same timeframe under both a “deal” and “no deal” situation.

In addition, foods already labelled and placed on the UK market bearing a EU27 address will be allowed to be sold through until stocks are exhausted.

A reciprocal arrangement within the EU27 is not within UK government competence and will form part of any agreements with the EU.

More detail can be found in the government guidance Food labelling changes after Brexit.

2.5 Will the transition period remain the same after the extension of article 50?

The transition period will end on the 31st December 2020 regardless of when we exit the EU with a deal. If we exit the EU without a deal then there will not be a transition period.

2.6 What changes need to be made to EU hygiene ID marks in a ‘no deal’ scenario?
Health and identification marks are oval stamps that must be applied to certain food products of animal origin (POAO). Also known as hygiene approval numbers, they are required by EU law to be exhibited on POAO to show that the food business responsible has met the relevant EU hygiene requirements and to allow the product to be traced back to the place of production.

Health marks are generally applied by vets to carcases so identification marks are of most relevance to seafood. Identification marks however are often unofficially referred to as health marks.

If the UK leaves the EU without a negotiated deal, competent authorities and food businesses in the UK will not be able to apply the current ‘EC’ identification (ID) mark to seafood products produced in a UK approved establishment.

In a ‘no deal’ scenario, an ID mark must remove any reference to ‘EC’ or ‘EEC’ and carry either:

- the official two digit ISO Code ‘GB’

  or

- the full country name in capital letters ‘UNITED KINGDOM’.

An ID mark carrying the letters ‘UK’ may only be acceptable on the UK and non-EU markets but would not be eligible for export to the EU market.

To use the ‘UNITED KINGDOM’ or ‘UK’ ID mark, in the first instance, you should discuss with your local authority, the Food Standards Agency or DAERA.

In a ‘no deal’ scenario, the revised form of the health and identifications marks will need to be applied from the day the UK ceases to be a member of the EU. This period may start from 1st November 2019.

For products placed on the UK domestic market, the FSA has introduced a statutory instrument that will allow the continued use of the existing EC identification mark applied to seafood for 21 months after the UK leaves the EU.

**Size and Dimension of the Health and Identification Marks**

The **identification mark** must be legible, indelible, and the characters easily decipherable. It must be clearly displayed for the competent authorities and contain the full country name **UNITED KINGDOM** in capital letters, or **GB** or **UK** depending upon which market the product is destined for, followed by the approval number of the establishment.
There is no minimum or maximum size for the identification mark.

You can find more information and some example ID marks in this [FSA guidance](#).

### 2.7 Will there be any transitional Arrangements for EU hygiene ID marks?

#### If the UK and EU agree a deal

If the UK Government and the EU agree a deal, the current EC health and identifications marks would continue to be used for the duration of the agreed implementation period.

#### If Article 50 is extended

If Article 50 is extended the UK remains a full member of the EU during that extension, and the current EC health and identification marks would continue to be used for the duration of the agreed period.

#### In a ‘no deal’ scenario

The revised form of the health and ID marks (as set out in Question 2.5 ‘What changes need to be made to EU hygiene ID marks?’) must be used for products that are exported to the EU or Non-EU countries, from the day the UK ceases to be a Member State of the EU. Currently this date would stand to be 1 November 2019.

For products placed on the UK domestic market, the FSA has introduced a statutory instrument that will allow the continued use of the existing EC identification mark applied to seafood for 21 months after the UK leaves the EU.

#### 2.8 I have an establishment which is approved by the Food Standards Agency. Will my approval number change? Do I need to take any further steps?

The Food Standards Agency (FSA) is not planning to change approval numbers, but the health and identification marks would need to change after exit day if the UK leaves the EU in a ‘no deal’ scenario (see question ‘What changes need to be made to EU hygiene ID marks in a ‘no deal’ scenario?’).

If you are a UK-approved establishment (including factory, freezer and reefer vessels) that currently exports seafood into the EU, if you are considering doing so in the near future or if you supply products to others that export to the EU, you must provide the information below. This will enable the FSA to provisionally add you to the UK list for approval by the EU. It should be stressed that this is a contingency measure for a no-deal scenario.

- establishment approval number
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- full business name and address
- contact details for the business, email address / telephone number
- description of product exported to the EU
- annual quantity of product produced at the establishment
- annual quantity of products exported to the EU
- number of consignments annually exported to the EU

If you are an approved establishment in England, Wales, or Northern Ireland that requires to be listed to export POAO to the EU please contact eulistings@food.gov.uk.

Scottish food businesses should contact Food Standards Scotland at enquiries@fss.scot.

If you are a UK-approved establishment that exports seafood to the EU and you fail to provide the above information in a 'no deal' scenario, you will not be added to the Defra application seeking approval to export seafood to the EU. This means that you will have to stop exporting seafood to the EU until your establishment is approved under a future revision of the list. It is unknown when the list is next likely to be revised.

If you are a new or existing UK-approved establishment and are considering exporting seafood to the EU you will need to contact the FSA to ask for your establishment to be included in future revisions of the list submitted to the EU for approval. Please see sections 5 and 7 for further exports support.

The FSA have published guidance for the listing of businesses approved to export the EU.

2.9 Will the approval process for establishments change as a result of EU Exit?

The Food Standards Agency (FSA) has clarified that the process for obtaining UK approved establishment status is not changing and it will continue to process approval applications with Food Standards Scotland, Department of Agriculture, Environment and Rural Affairs (DAERA) and local authorities. The only difference is that, should you wish to export seafood into the EU, you will need to contact the Food Standards Agency (FSA) to ask for your establishment to be included in future revisions of the list submitted to the EU for approval (see section ‘future EU approval numbers for trading with the EU’).

2.10 Can I use dual labelling for product intended for sale in the UK and EU?

Yes - a product can have a UK address together with an EU address on the label. This would mean that the label is valid for both UK and EU markets.
More detail can be found in the government guidance [Food labelling changes after Brexit](#).

2.11 Can I use over-stickering on existing label stock to minimise wastage costs?

Yes, over-stickering is perfectly acceptable, as long as it meets the basic labelling requirements. Food labels must be clear, understandable and not interfere with any other mandatory information.

2.12 Can my products destined for the EU27 continue to be labelled in English only?

Post EU-exit requirements do not change at all in this respect from the current situation. Mandatory food information should be provided in “a language easily understood by the consumers of the Member States where the food is marketed,” which generally means the official Member State language(s) of its destination country.

2.13 Will Government take a pragmatic approach to enforcement where labels are found to be incorrect?

In many cases transitional periods for changes to food labelling are being written into legislation. However, where it has not been possible to make these legal changes government are working with enforcement officials to agree the requirements for a pragmatic approach to be taken where labels are found to be incorrect. Foods which may be subject to this pragmatic approach are:

- Food and ingredients where country of origin labelling is used
- Organic produce
- Foods which use of the EU emblem, e.g. Fruit and vegetables under the Approved Trader Scheme

2.14 Will the current EU Protected Geographical Indications (PGIs) continue to be recognised and protected in the UK?

There are currently 14 EU PGIs for seafood. Defra has consulted on plans to introduce a UK scheme to give the same level of protection to UK PGIs within the UK. Current PGIs will be automatically covered but PGIs from outside the UK and any new applications will need to be submitted for approval. Defra is also proposing to introduce a bespoke enforcement regime.

[Defra Consultation on establishing UK Geographical Indications (GI) schemes after EU Exit](#)
Defra consultation on improved enforcement of the Protected Food Name Scheme

The results of the consultations are not yet known but will be published here for schemes and here for enforcement

2.15 Will the current UK Protected Geographical Indications continue to be recognised and protected in the EU?

Negotiations with the EU on PGIs are ongoing, but the Government anticipates that all current UK GIs will continue to be protected by the EU’s GI schemes post exit as new EU legislation would be necessary to remove UK GIs from EU registers. However, it will be for the EU27 to decide on whether to amend this legislation in the future.

More details can be found in the technical notice Producing food products protected by a ‘geographical indication’ if there’s no Brexit deal.

2.16 Will PGIs have international protection?

The UK Government is working to maintain the current Trade Agreements the UK has as a member of the EU. These agreements may include continued recognition and protection of UK GIs.

More details can be found in the technical notice Producing food products protected by a ‘geographical indication’ if there’s no Brexit deal.

2.17 Can amendments be made to current PGIs?

It is the Government’s assumption that, given the products are currently protected under EU regulations; amendments would continue to receive EU consideration.

More detail can be found in the guidance Protecting food and drink names if there’s no Brexit deal.

Also this letter from George Eustice (then the UK Fisheries Minister) gives further clarification.

2.18 Have bilateral discussions taken place with EU member states about pragmatic approaches to enforcement in the event of No deal?

No. The UK has no control over enforcement outside the UK. The EU and other non-EU countries may require wholly accurate labelling for access to their markets. In these instances, the UK can only recommend that labels are replaced or over-stickered as required to ensure they are fully accurate. This would include ensuring country of origin labelling, health marks and responsible business addresses were
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correct. Please note - a business can use the address of the importer of the goods into the EU as an acceptable alternative.

2.19 Will EU trade marks continue to be protected in the UK and the EU?

The UK Government will ensure that the property rights in all existing registered EU trade marks will continue to be protected and to be enforceable in the UK by providing an equivalent trade mark within the UK.

The government will work to provide continued protection of trade marks and designs, filed through the Madrid and Hague systems, which respectively designate ‘EU’ origin.

Provision will be made regarding the status of legal disputes involving EU trade marks which are currently *sub judice* before the UK courts. More information will be provided on this before the UK exits the EU.

Currently businesses in any country can apply for protection in the UK and/or EU through separate approval processes. This will remain unchanged and UK, EU and third country applicants, will continue to be able to apply for protection in the EU through an EU trade mark, as is currently the case.

More detail can be found in the technical notice *Trade marks and designs if there’s no Brexit deal*.

2.20 Will products made before the UK exits the EU and stored in warehouses be able to be sold legally if we leave the EU without a deal?

Food and drink placed on the market before 11 pm on exit day may continue to be sold through until those stocks become exhausted. Whether this provision will also apply in the EU27 (either in respect of the goods being placed on that market or the principle that they may be sold through) is currently unclear and will depend on policy decisions within the EU.

2.21 Can I continue to use EU approved nutrition and health claims?

It is proposed that upon exit the UK will adopt the existing EU lists of claims, including restrictions and conditions of use.

2.22 Will I be able to get nutrition and health claims approved in the future?

Scientific advisory functions conducted by EFSA will be transferred to the UK Nutrition and Health Claims Committee (UKNHCC), a new committee to be established under the remit of Public Health England (PHE). The UKNHCC will be responsible for the scientific substantiation and providing advice to the four UK administrations on any new nutrition and health claims made within the UK post EU-
exit. The committee will be administrated and staffed by civil servants from within PHE, but will remain politically and operationally independent. Amendments to the rolled over list will follow the same procedure.

2.23 By law, will I still have to provide prescribed traceability information to my customers?

Yes. The European Union (Withdrawal) Act will convert “direct EU legislation” which is “operative” immediately before exit day, into domestic law on ‘day one’. As a result, the laws surrounding minimum traceability requirements such as Regulation (EC) No 1224/2009 (Fisheries Control Regulations) and Regulation (EU) No 1379/2013 (CMO Regulations) will continue to apply. Domestic legislation such as the Fish Labelling Regulations 2013 will also continue to apply.

Post EU-exit, this means legislation surrounding the provision of lot information (such as lot ID number, catch date, vessel name etc.) must be complied with.

2.24 Will there be a delay in the UK achieving third country status?

In the event that the UK leaves the EU without a deal, the UK will need to be listed by the EU as a third country in order to gain approval to continue exporting seafood to the EU.

Defra has taken steps to gain listed third country status for the UK and on 14 October 2019 the UK secured this status in preparation for a ‘no deal’ departure on 31 October 2019.

It is anticipated that third country status would be re-approved in advance of the UK’s planned departure from the EU on 31st January 2020.
Section 3 – Crossing borders

3.1 What can I do to avoid delays at the border for my imports/exports?

Missing or inaccurate paperwork is one of the most common causes of delay at the border. It is important to liaise with your overseas counterpart so the exporter understands what paperwork is required. Ensuring that documentation is legible, complete, thorough and correct can help to mitigate the risk of hold ups during border checks. The timely arrival of documentation contributes to a timely clearance, for example arranging for your documentation to arrive prior to the goods.

Use of a reputable customs broker with a good relationship with the customs authorities in the importing country can also help to ensure your goods are cleared efficiently.

Authorised Economic Operator (AEO) status gives quicker access to some simplified customs procedures and, in some cases, the right to ‘fast-track’ your shipments through some customs and safety and security procedures. If you are interested in achieving AEO status, you are advised to read the relevant guidance published by HMRC here.

If you import from the EU you can also make use of Transitional Simplified Procedures, which allow you to delay submitting a Customs declaration and paying duty at the point of entry.

3.2 Will there continue to be mutual recognition of UK products across the EU?

When the UK leaves the EU it will no longer fall within the scope of the mutual recognition principle. This allows product that is legally sold in one member state to be sold in any other member state even if the product standards are not harmonised. Harmonised products meet the legal requirements in both countries and can continue to be marketed in each country.

UK businesses exporting non-harmonised goods to the EU market will need to consider the national requirements of the first EU country they export to. They will not need to consider the national requirements of any EU countries goods travel through before reaching the EU country in which they are intended to be placed on the market.

UK businesses who have already exported a non-harmonised good to an EU country by meeting the relevant national requirements will not need to take any specific action. The mutual recognition principle will allow the product to be further marketed throughout the EU27.
3.3 Will there continue to be mutual recognition of EU goods sold on the UK market?

No, UK and non-UK businesses who import non-harmonised goods into the UK will need to take action.

3.4 When we export seafood products, we will be exporting as the ‘UK’ and not as the ‘EU’. What impact will this have?

Export health certificates (EHCs) issued by the UK provide guarantees of compliance with the health requirements of the importing country. In future, the authorities of certain countries importing seafood from the UK may choose to carry out an inspection of the UK authorities and/or exporting businesses to ensure that their requirements are continuing to be met post EU-exit. Depending on the severity and nature of any non-compliance found; it is unlikely that any inspection would lead to a suspension in trade.

There is currently no indication that countries wish to carry out inward inspections in the short term. However it is key for exporters to continue to meet the requirements of the destination country and ensure EU requirements as a minimum continue to be met. See sections 2 for the impact on product labelling and origin claims.

3.5 How will EU legislation that is retained in UK legislation apply to trade with EEA countries and Switzerland?

Where Iceland, Liechtenstein, Norway and Switzerland trade with the EU under an agreement, UK trade with these countries will be treated as trade with EU member states in accordance with such agreements.

The UK Government has concluded trade agreements with Norway, Iceland and Switzerland as well as some non-EU countries. When the UK leaves the EU, this will allow trade with these countries to continue with minimal changes to tariffs and quotas. You can find the latest on signed trade agreements here.

3.6 What will happen to UK goods that are on the market in the EU if the UK leaves the EU with no deal?

Food products placed on the EU27 market before the UK leaves the EU can continue to be sold, distributed or transferred in the EU27 as of the exit date without the need for labelling changes.

The definition of ‘food products placed on the EU27 market’ is food that has been:
- held in the EU27 for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not; or
- sold, distributed, or transferred by other forms to the EU27.

3.7 Do I need an EORI number?

In order to trade with the EU in a ‘no deal’ scenario, you may need two types of Economic Operators Registration and Identification (EORI) number.

**UK EORI**

A UK EORI number will allow you to trade goods into or out of the UK. It will allow you or your agent to submit the necessary customs declarations and to apply for customs simplification procedures. Your UK EORI number will start with ‘GB’ and be followed by 12 digits which will include your VAT number. You may already have a UK EORI number if you trade with non-EU countries.

A UK EORI number is not required if you only move goods between Ireland and Northern Ireland.

If you are a VAT registered UK business, HMRC may have automatically allocated you a UK EORI number. If you are not a VAT registered business or have not received your UK EORI number click here to contact HMRC or to apply.

UK businesses should refer to government guidance on UK EORI numbers for the latest information.

**EU EORI**

Your UK business will only need an EU EORI number if it is dealing directly with the EU customs authorities. If your importer or customer in the EU deals with the EU customs authorities on your behalf, they will need to have an EU EORI number.

EU EORI numbers must be applied for in the customs authority in the EU where you first conduct trade, or request a customs decision from. Details on EU Member State customs authorities can be found here.

An EU EORI number is not required if you only move goods between Ireland and Northern Ireland.

UK businesses should refer to EU guidance on EU EORI numbers for more information.
3.8 Should I use a Customs Broker/Agent or Freight Forwarder to help with customs procedures?

Most businesses use a customs broker/agent or freight forwarder to make customs declarations for them. This can make exporting simpler and faster and can reduce the risk of delays at the border.

It is possible to make your own customs declarations by obtaining the approved software. Given the complexity of the process, this approach is generally better suited to the more experienced exporter but can be more cost effective than using an agent. Grant funding has been made available to help UK businesses complete customs declarations themselves, in preparation for the UK leaving the EU.

More information on third parties that can help with the customs process and the movement of the goods can be found here.

3.9 Will my wooden packaging (e.g. pallets) need to meet any new requirements?

You, or your packing service or freight forwarder, must make sure any solid wood packaging you use meets the requirements.

Solid wood packaging includes packing cases, boxes and crates, drums and similar packing, pallets, box pallets and pallet collars and dunnage (loose wood used to protect goods and their packaging).

These rules do not apply to processed woods like plywood, raw wood less than 6mm thick, or cardboard or other packaging materials.

**Importing solid wood packaging**

Solid wood packaging must meet the ISPM15 international standards if you import it from outside the EU, as per World Trade Organisation (WTO) rules.

If you import from the EU (except Portugal), you can specify less strict standards. Packaging can either be bark-free, or have a plant passport if it’s made out of conifer wood. If it’s kiln dried, it must also be marked ‘KD’.

You should specify the requirements for solid wood packaging in your contract with the exporter. This will help protect you if the packaging fails an inspection.

If the packaging fails an inspection and you’re given the option to treat it, you can either:

- find a company authorised to carry out treatment to ISPM15 standards
• send the wood packaging back to the supplier

For more information see UK Government guidance ‘wood packaging goods for import and export’

Exporting solid wood packaging

All wood packaging material and dunnage which is exported to the EU from a non-EU country must be:

• either heat treated or fumigated in line with ISPM15 procedures
• officially marked with the ISPM15 stamp consisting of 3 codes (country, producer and measure applied) and the IPPC logo
• debarked

These requirements do not apply to:

• wood 6mm thick or less;
• wood packaging material made entirely from processed wood produced using glue, heat and pressure e.g. plywood, oriented strand board and veneer;
• wood packaging material used in trade within the EU.

There are special rules for Ireland and Northern Ireland.

For more information see EU guidance ‘requirements for wood packaging and dunnage’.

If you export packaging outside the EU, check if the country you’re trading with accepts ISPM15 standards and if they have any other requirements.

You can either:

• check the global exporters’ guide
• contact the country’s embassy or national plant protection organisation
Section 4 - Importing

Most businesses use a customs broker/agent or freight forwarder to make customs declarations for them. This can make exporting simpler and faster and can reduce the risk of delays at the border.

It is possible to make your own customs declarations by obtaining the approved software. Given the complexity of the process, this approach is generally better suited to the more experienced exporter but can be more cost effective than using an agent. Grant funding has been made available to help UK businesses complete customs declarations themselves, in preparation for the UK leaving the EU.

More information on third parties that can help with the customs process and the movement of the goods can be found here.

4.1 What new import controls will be in place at the UK border? What health documentation will I need?

There will be minimal change in the short term to current veterinary controls and requirements for notifications for seafood, including live seafood, imported directly from third countries outside the EU. The only difference will be that importers or their agents would have to use a new import notification system, called the Import of Products, Animals, Food and Feed System (IPAFFS), which will replace TRACES. The requirement for health certification and catch certification will remain unchanged: the health certificate and other documentation currently used for imports into the EU will be accepted for 6 months after the UK leaves the EU. After that, your supplier will need to use a new UK health certificate.

With direct imports of seafood from EU countries, the UK intends to leave current procedures for importing seafood unchanged, other than the requirement for a catch certificate. A health certificate will not be required. These imports currently do not need to be notified on TRACES, and after Brexit there will be no requirement to use IPAFFS until further notice if you are importing goods from the EU.

You will require a catch certificate and supporting documents, validated by the country of export, for most consignments of wild-caught seafood imported from the EU or elsewhere and for fish and fishery products landed directly into the UK by a non-UK flagged vessel. If the fish you’re importing into the UK has been caught by a vessel flagged to a country other than the exporting country, you will need the following documentation if it has been

- stored for more than 12 hours: you’ll need a copy of the catch certificate and a storage document from the exporter;
- processed: you’ll need a copy of the catch certificate and a processing statement from the exporter – this must be filled in by the processor and endorsed by the authority in the country of processing.
To ensure efficient clearance of your consignment, you should provide the original catch certificate to the port of entry in advance or at the time of your consignment’s arrival. If this is not possible, you should check with your port of entry: some ports may agree to complete the checks if you provide them with electronic catch certificate documents, provided that hard copies of the documents follow.

If your product is listed in Annex I of the IUU Regulation (Regulation 1005/2008), as amended, it is exempt from the catch certificate requirement. You should ensure that the accompanying commercial documents contain information to support your claim that no catch certificate is required, such as documentary evidence that the product is of aquaculture origin.

Non-UK vessels, including EU vessels, intending to land their catch in the UK will need to follow the same rules that will apply to UK-registered vessels accessing an EU port. For example, they’ll need to give notice of their plans to land, except in cases of distress and unexpected events (force majeure). Fish must be landed in a designated UK port. EU vessels fishing in the NEAFC Convention Area and landing into the UK will need to complete a Port State Control form.

There will be new import requirements for imports of seafood from third countries that arrive in the UK via an EU country. They are described below in question 4.6. The requirements will apply from the date when the UK leaves the EU.

4.2 Will my consignment be checked? Who pays for the border checks?

Checks on seafood imported directly from EU and non-EU countries, and payment for the checks, will remain as they are currently. While there is no intention to change the frequency or nature of the checks, this may be revised in the future on the basis of the UK-specific risk.

4.3 What labelling should I have on the consignment?
There will be no change to the requirement for labelling of the consignment presented for import. For changes to labelling of packaged seafood intended for the UK market, see Section 2 of this guide.

4.4 How will I be able to check the Customs tariff for my import?

In the event of a ‘no deal’ exit from the EU, there will be a number of changes to tariffs. The UK government announced a temporary UK tariff schedule on 13 March 2019 that will supersede the current EU-wide schedule in the event that the UK leaves the EU with no deal. There is more information on the UK tariffs here.

HMRC publishes tariff data online, which importers will be able to continue to use to check tariffs on imported goods.
4.5 How will Customs requirements change?

If you have been importing from non-EU countries, you will already have arrangements in place with HMRC and these will remain unchanged.

If you want to import from an EU country, you will have to apply the same customs rules to goods moving between the EU and the UK as currently apply in cases where goods move between a country outside of the EU and the UK.

Check the UK Government’s ‘Get your business ready to import from the EU to the UK after Brexit’ to see what you need to do before importing goods from the EU.

Getting started

- Register for UK Economic Operator Registration and Identification (EORI) number. [Get an UK EORI number](#).
- Decide if you want to make customs declarations yourself or get help.
- You may need to [buy specialist software to use simplified procedures](#).
- You could be entitled to [financial help](#) to help your business complete customs declarations.
- If you already have authorisations to use special or simplified procedures [check if they still apply](#).
- If you do not already use simplified customs procedures, find out if you can register to use transitional simplified procedures. You can also find out about [making declarations using transitional simplified procedures](#). This can make it easier for you to import goods from the EU, by giving you extra time to submit a full import declaration and to pay import duties and VAT.
- Check whether any [duty relief schemes apply](#) - these let you pay less (or no) duty on imports.

Prepare the information for your declaration

- **Find the commodity code for your goods.** This will tell you the rate of duty and VAT you’ll need to pay, if a licence is required and if your goods are covered by certain other measures.
- **Value your goods** to work out the amount of customs duty you’ll need to pay.
- If you use roll on roll off ports or the Channel Tunnel you will not be able to complete customs formalities when goods arrive in the UK. This means you must make your customs declaration before checking your goods onto the ferry or train on the EU side. [Find out more](#).

When your goods arrive

- **Make your customs declaration** if you’re doing this yourself.
- If you’re using a haulage company, confirm with them that you’ve made a customs declaration before departure by giving them either your movement reference or EORI number. [Find out more](#).
- You’ll need to [pay customs duty](#) even if you decide to account for import VAT on your VAT Return. If you’re a UK VAT-registered importer you can [account for import VAT on your VAT Return](#) rather than pay when, or soon after, goods arrive at the UK border. There will also be changes to the way you pay or reclaim [VAT if the UK leaves EU-wide VAT IT systems](#).
4.6 I import seafood from a non-EU country via the EU. What will change?

If there is no deal negotiated with the EU, there will be new requirements for imports of seafood from non-EU countries that move through the EU before arriving in the UK. These requirements will apply from the date when the UK leaves the EU. Importers will need to notify the UK authorities using the new import notification system (the Import of Products, Animals, Food and Feed System, IPAFFS), which will replace TRACES. The seafood will have to be imported through a Border Inspection Post (BIP) to ensure that the necessary checks are carried out.

Seafood that is cleared for free circulation in the EU (and Liechtenstein, Norway and Switzerland) and subsequently imported into the UK will be treated as an import from the EU.

4.7 Will I be able to take advantage of the EU’s existing Free Trade Agreements for my imports if the UK leaves the EU without a deal?

UK businesses should refer to government guidance on 'UK trade agreements with non-EU countries in a no-deal Brexit' for the latest developments and discussion on the transition of EU trade agreements.

UK businesses should consider whether there is currently preferential tariff access for their imports under existing trade agreements with their destination countries.

The UK Government has concluded Continuity Agreements with Norway, Iceland and Switzerland as well as some non-EU countries. When the UK leaves the EU, this will allow trade with these countries to continue with minimal changes to tariffs and quotas. You can find the latest on signed Continuity Agreements here.

Some agreements however will not be in place before the UK leaves the EU. In this case, trade with these countries would take place on World Trade Organization (WTO) terms using 'Most Favoured Nation' (MFN) tariffs, in a 'no deal' scenario.

Information on preferential and MFN rates can be accessed at the European Commission's Market Access database.
Section 5 - Exporting from the UK to non-EU countries

5.1 What UK legislation covers seafood exports?

Legislation governing seafood exports is largely set out by the importing country. It is the responsibility of the exporter to identify what the importing country’s requirements are, to take the necessary measures to meet them and to carry out any confirmatory checks.

The UK places no particular controls on seafood exports other than those relevant to all food businesses, i.e. those related to compliance with food law. In the domestic context, these food laws include the UK’s Food Safety Act 1990 (as amended) which covers operations involved in the export of food. It requires food businesses to ensure that they do not render food injurious to health, sell food not of the nature or substance or quality demanded to the purchaser’s prejudice nor falsely describe or present food.

The European Union (Withdrawal) Act will convert “direct EU legislation” which is “operative” immediately before exit day, into domestic law on ‘day one’. As a result, the following EU food laws will remain applicable to UK food exports:

**General Food Law**

Article 12 of the General Food Law Regulation (EC) No 178/2002 requires that food exported or re-exported for placing on the market abroad needs to comply with relevant food law.

**Hygiene Regulations**

Article 11 of Regulation (EC) No 852/2004 requires food for export to comply with the following hygiene requirements, in particular:

- The specific requirements in Regulation (EC) No 853/2004
- Microbiological criteria
- Hygiene procedures
- Temperature control and maintenance of the cold chain
- Sampling and analysis
- The requirement to have in place a permanent documented procedure based on HACCP principles
5.2 How do I find out the seafood safety requirements in my destination market?

Each importing country has its own legislation governing seafood imports. UK exporters should check with the authorities in the destination country for the requirements they need to comply with. Importers in the destination market are usually very knowledgeable of the import specifications in their country.

If you do not have a contact in the importing country, you should contact the Department for International Trade’s Food & Drink Exports Team.

The team can provide advice on the standards and regulations that your product should seek to comply with and can also assist with introductions in new markets.

5.3 The importer at the country of destination of my exports pays no duty or reduced duty on my goods. Is this likely to change if the UK leaves the EU without a deal?

Countries that are currently applying full (MFN) tariffs on imported seafood from the EU will continue to do so on goods originating from the UK. Countries that are currently benefiting from a trade agreement with the EU and are currently applying reduced tariffs on goods from the EU would be expected to apply full tariffs to UK seafood after the UK leaves the EU.

The UK government is seeking to transition all EU free trade agreements to ensure continuity of trade from ‘day one’ after UK exit.

An updated list of signed UK trade agreements transitioned from the EU is available here. The agreements may contain minor changes to the original agreement, particularly in the area of rules of origin.

The rules of origin in transitioned agreements will enable businesses in the UK and the trading partner to continue to operate as much as possible through their established value and supply chains, including continuing to make use of EU content in their exports to one another. The proof of origin required under transitioned agreements is as similar as possible to those used in the previous EU agreement. Different trade deals permit different types of proof to be submitted to demonstrate the origin of goods. This may include a certificate of origin in a particular format or a declaration on an invoice.

Where continuity agreements are in place, updated certificates of origin will be available immediately after the UK has left the EU from your usual provider. Certificates will look very similar to those currently in use, but will show the UK as the place of origin rather than the EU.
5.4 I already export to non-EU countries. Will my export procedures change?

In the immediate instance, requirements for trade to third countries outside the EU should not change when the UK leaves the EU. However, changes may be required to the wording of the documentation, which would need to be agreed with the destination country, to reflect the fact the UK would no longer be a member of the EU. Defra is working to agree updates for all existing export health certificates, prioritising the countries to which the UK exports the highest volumes. Exporters to non-EU third countries would need to check, before export, the latest version of the Export Health Certificate for that particular destination.

See question ‘Will I be able to take advantage of the EU’s existing Free Trade Agreements for my exports if the UK leaves the EU without a deal?’ for more information on tariff arrangements with non-EU countries.
Section 6 - Exporting from the UK to EU countries

6.1 I export to the EU so no Customs duties are paid on the goods at their destination. Will this change?

In a ‘no deal’ scenario, trade with the EU will be on non-preferential WTO terms. This means that full, 'Most Favoured Nation' (MFN), tariffs and non-preferential rules of origin would apply to consignments of UK seafood at the EU destination country. The applicable tariffs are listed in the EU’s Common Customs Tariff, where they are listed as ‘erga omnes’ (which translates as ‘towards all’). The EU may change these rates between now and the point at which the UK leaves the EU, but the current tariff rates can be used as an indication.

6.2 How do I check the Commodity Code and/or tariff for my goods going to the EU in a ‘no deal’?

Prior to the UK’s departure from the EU
The UK Trade Tariff Tool can help you to find the correct commodity code for your exports. The tool however should be used with caution as identifying the wrong code risks paying the wrong tariff, costly delays at the border or even goods being blocked into the EU.

If you are unsure which commodity code best fits your product, HMRC are best placed to offer the necessary advice. Contact details are provided in this government guidance.

Once the correct commodity code has been identified, the UK Trade Tariff Tool lists the VAT and tariff applicable to that commodity code. Whilst the UK is a member of the EU, the UK Trade Tariff Tool will show the tariffs that currently apply for imports into the EU.

More information on how to use the UK Trade Tariff Tool can be found here.

When the UK has left the EU
In a ‘no deal’ scenario the UK Trade Tariff Tool will show the tariffs applicable for imports into the UK and not imports into the EU as is currently shown.

To access commodity code and tariff information for your exports to the EU after 31st October 2019, UK businesses are advised to use the EU’s TARIC tool.
6.3 Will I be able to take advantage of the EU’s existing Free Trade Agreements for my exports if the UK leaves the EU without a deal?

No, the UK will no longer be a party to these agreements. However the UK has been making arrangements with these countries to ensure that trade continues under similar conditions following a no-deal exit. UK businesses should refer to government guidance on [UK trade agreements with non-EU countries in a no-deal Brexit](#) for the latest developments and discussion on the transition of EU trade agreements.

The UK Government has concluded trade agreements with Norway, Iceland, The Faroes and Switzerland as well as other non-EU countries. When the UK leaves the EU, this will allow trade with these countries to continue with minimal changes to tariffs and quotas. You can find the latest on UK trade agreements [here](#).

Some agreements however will not be in place before the UK leaves the EU. In this case, trade with these countries would take place on World Trade Organization (WTO) terms using ‘Most Favoured Nation’ (MFN) tariffs.

Information on preferential and MFN rates can be accessed at the European Commission’s [Market Access](#) database.

6.4 What do I need to do to export my fisheries products from the UK to the EU in a 'no deal' scenario? (excluding direct landings)

While the process of exporting fisheries and aquaculture products from the UK to the EU is expected to change after exit day, the details and extent of this change will be dependent on the outcome of the ongoing negotiations with the EU.

In the case of a ‘no deal’, UK exporters of fisheries products to the EU should consider the following:

- Do you have a valid [UK Economic Operator Registration and Identification](#) (EORI) number and a valid [EU EORI number](#) where applicable? (see question 'do I need an EORI number?')
- Have you contacted Defra or the FSA to ensure your business, supplier or cold store has been added to the [UK list of establishments approved to export to the EU](#)? You need to tell Defra or the FSA that you want to export to the EU. Having an approval number is not enough.
- Ensure your consignment is dispatched from EU approved premises.
- Will your consignment of fish and fishery products arrive into the EU via an [EU Border Inspection Post](#) (BIP) which is approved to handle your category of goods?
- Have you obtained a signed [Export Health Certificate](#) for every consignment? (see question ‘How do I get an Export Health Certificate for my consignment to the EU in a ‘no deal’ scenario’)


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- Have you obtained a **Catch Certificate**, where applicable for your product? (see question ‘**How do I get a Catch Certificate, Storage Document and/or Processing Statement for my consignment to the EU in a ‘no deal’ scenario’’)
- If you are exporting fish sourced from another country that has been stored in the UK for more than 12 hours, have you obtained a **Storage Document**? (see question ‘**How do I get a Catch Certificate, Storage Document and/or Processing Statement for my consignment to the EU in a ‘no deal’ scenario’’)
- If you are exporting fish sourced from another country that has been processed in the UK, have you obtained a **Processing Statement**? (see question ‘**How do I get a Catch Certificate, Storage Document and/or Processing Statement for my consignment to the EU in a ‘no deal’ scenario’’)
- Does your packaging display the new **UK health/identification mark**? (see question ‘**What changes need to be made to EU hygiene ID marks?’’)
- If your consignment contains pre-packaged food, does it have an **EU address** on the packaging? (see question ‘**What changes will be needed to the labelling of products intended for sale within the EU27 to reflect that the UK is no longer a member of the EU?’’)
- Submit an **export declaration to HMRC yourself** or get your **customs broker** to submit on your behalf.

Government guidance ‘**get your business ready to export from the UK to the EU after Brexit’**, ‘**export fish after a no-deal Brexit**’ and ‘**Flowchart for exporting wild-caught marine fishery products to the EU after Brexit**’ can also provide more info.

**6.5 What do I need to do to land a catch from a UK-flagged vessel directly into the EU in a ‘no deal’ scenario?**

While the process of landing fishery products from UK-flagged vessels directly into the EU is expected to change after exit day, the details and extent of this change will be dependent on the outcome of the ongoing negotiations with the EU.

In the case of a ‘no deal’, UK flagged vessels landing fisheries products directly into the EU should consider the following:

**For all types of UK-flagged vessels:**

1. **IMO Number**

In order to grant UK vessels access to EU waters in some circumstances, UK flagged vessels will be required to register with the International Maritime Organization (IMO).

IMO registration is free and all UK fishing vessels will have to submit their IMO number to the Single Issuing Authority being established by the Marine Management Organisation (MMO).
Further advice on preparing for the introduction of International Maritime Organization (IMO) numbers can be found here.

2. You must land in a NEAFC designated EU port.
   A list of which can be found here.

3. Catch Certificate
(see question ‘How do I get a Catch Certificate, Storage Document and/or Processing Statement for my consignment to the EU in a 'no deal' scenario?’)

4. Prior notification form
You will need to land at an EU port designated by North East Atlantic Fisheries Commission (NEAFC) and give the port prior notification of your arrival:

- for frozen fish, at least 72 hours before landing
- for fresh fish, at least 4 hours before landing

There are different prior notification forms for exempt e.g. some freshwater and aquaculture species and non-exempt fisheries products.

More information on prior notification forms can be found in government guidance.

5. Pre-landing declaration
You’ll need to fill in a pre-landing declaration and email it to your destination EU designated port 4 hours before landing. You’ll need to give details of the:

- area fished
- quantity of fish by species on board the vessel

More information on pre-landing declarations can be found in government guidance.

6. North East Atlantic Fisheries Commission (NEAFC) Port State Control form (PSC1 or PSC2)
You will need to register your fishing vessel with NEAFC. Once your vessel is registered you will need to submit a NEAFC Port State Control form (PSC1 or PSC2) before landing.

- PSC 1 is required if the vessel is landing its own catch.
- PSC 2 is required if the vessel has been engaged in transshipment operations.

Vessels carrying both their own catch and fish transshipped from other vessels shall fill in both PSC 1 and PSC 2.
Check with the [NEAFC website](http://www.neafc.org.uk) to find out how much notice you need to give for your PSC1 or PSC2. This will vary depending on the country you’re exporting to and how your product is presented.

7. You will **not need an Export Health Certificate for fresh fishery products** (processed fishery products, whether whole or prepared, including products packaged under vacuum or in a modified atmosphere, that have not undergone any treatment to ensure preservation other than chilling) landed directly from a UK-flagged fishing vessel into a NEAFC designated EU port in a no deal scenario. However…

**For UK-flagged factory vessels only:**

If authorised to do so by the UK competent authority, the captain (or another officer) of a UK-flagged factory vessel will be required to sign a health certificate for the fishery products their vessel lands into the EU.

This is in accordance with [Article 14 in conjunction with Annex VI Point 1, third sentence, of Regulation (EC) No 854/2004](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R0854:EN:NOT).

**For UK-flagged freezer vessels only:**

When fishery products are imported directly from a freezer vessel, a document signed by the captain may replace an Export Health Certificate. In accordance with [Article 15(3) of Regulation 854/2004](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R0854:EN:NOT).

This [sample captain's document](http://www.neafc.org.uk) and [Guidance Notes for Vessel Owners and Ship Captains to Certify Exports of Frozen Fish Landed in the EU](http://www.neafc.org.uk) provides more information.

Frozen fisheries products must be landed in a NEAFC designated EU port that is also a Border Inspection Post. [Click here to see whether your EU port is also a BIP](http://www.neafc.org.uk).

6.6 Can I land my catch/export my seafood products to any port in the EU in a ‘no deal’ scenario?

To land a catch from your UK flagged fishing vessel directly into the EU, you will need to land in a [NEAFC designated EU port](http://www.neafc.org.uk). Fishery enforcement officers may inspect your fish when you arrive. You’ll need to show them the UK catch certificate.

Fresh fish directly landed into the EU will not have to go through an EU Border Inspection Post (BIP) but fisheries products landed from factory and freezer vessels must be landed in a NEAFC designated EU port that is also a Border Inspection Post. [Click here to see whether your EU port is also a BIP](http://www.neafc.org.uk).
All other consignments of fish and fishery products must be sent through an EU BIP if the fish was both:

- caught by a UK flagged vessel
- landed in the UK before being transported to the EU by sea, air, road or rail

A list of EU BIPs, by country, can be found [here](#).

### 6.7 How do I get an Export Health Certificate for my consignment to the EU in a ‘no deal’ scenario?

To start the Export Health Certification (EHC) application process you can use the new [EHC form finder](#) on GOV.UK. Most EHCs also have guidance documents telling you how to fill out the certificate. To make your application, you will need to follow these steps:

1. Find the EHC and other relevant documentation on the EHC form finder. If you’re exporting from Northern Ireland, contact your local Department of Agriculture, Environment and Rural Affairs (DAERA) office.

   If you cannot find the EHC you need, contact APHA, or DAERA in Northern Ireland.

2. Choose a certifying officer (a local authority environmental health officer or an official vet) to name on your forms. There are various ways you can find a certifying officer:
   - check the list of professionals who can sign EHCs on GOV.UK (Note: the list does not include every certifier in England, Scotland and Wales, and not every certifier will be able to certify every consignment. Check the details in the list to make sure you are choosing the right one.)
   - ask your local vet
   - email csconehealthovteam@apha.gov.uk
   - if you’re in Northern Ireland contact DAERA

   You will need to check that your certifying officer is able to inspect your consignment and sign your EHC in the days before you want to export.

3. Fill in the remainder of the EHC, export application form (EXA) and any supporting forms and email them to the Animal and Plant Health Agency (APHA) address provided in the forms. Send a separate email for each application.

   Exporters can apply for blocks of serially numbered EHCs to be held by their certifying officer at this stage. This would negate the need to complete the
above process for each consignment to the EU. For more information see question ‘are there other ways I can get an Export Health Certificate?’

4. APHA will send your EHC to your certifying officer 7 working days before your export date or within 1 working day of receiving the completed form if you plan to export in the next 7 working days. Exporters of perishable fishery products should contact their authorised signatory to discuss specific needs.

5. In England, Wales and Scotland, you will need to make arrangements for your certifying officer to inspect your export. The arrangements for getting your export inspected are different however in Northern Ireland - check the inspection process on the DAERA website.

6. The certifying officer will then inspect your export to check it meets the health requirements of the destination country. If your consignment is compliant, they will then complete, sign and give the EHC to you. They will also send a copy to APHA.

The EHC must travel with your animal products to the export destination.

Local Authorities may charge a fee to the exporter for the required certification.

Further advice on getting an EHC can be found in this government guidance.

For specific advice relating to Export Health Certification in Northern Ireland, DAERA has published the following Q&A advice.

6.8 Are there other steps I can take to get an Export Health Certificate?

Block Certification

Exporters can apply for blocks of Export Health Certificates (EHCS) to be held by local authorities (LAs) or Official Veterinarians (OVs) ready for export, as required. Issuing ‘blocks’ of serially numbered EHCs to LAs/OVs in advance, will help when certificates are required at pace.

Block certificates can be requested by indicating the number of certificates required on the relevant EHC application form (see question ‘How do I get an Export Health Certificate for my consignment to the EU in a ‘no deal’ scenario?’).

‘Hub’ Approach

DFDS in conjunction with the Scottish Government have developed a ‘hub’ approach to Export Health Certification (EHC). The purpose of this approach is to allow for the
consolidation of goods under one EHC. It is anticipated that it would assist seafood exporters in rural locations or areas with limited certifying officers. For more information contact DFDS Larkhall.

This approach is currently being considered for development in England.

**Official Veterinarian**

An official veterinarian may be able to sign your export health certificate, if this is more convenient. Check the list of commercial vets who can sign EHCs.

**6.9 What language should my EHC be in?**

Export Health Certificates (EHCs) should be presented in English, the language at the port of entry into the EU and the language of the destination. It is not necessary to include the language of any countries through which the consignment passes.

A translation of the EHC may be required upon entry at an EU Border Inspection Post (BIP) and at the EU Member State of destination. Translated EHCs can be found with the EHC application forms on the EHC form finder.

If you include export destination details in the Export Application Form, APHA will complete the translations for you, and send them to your certifying officer. If you don’t know the destination when you apply, it will be down to you or your certifying officer to prepare the translations.

**6.10 How do I get a Catch Certificate, Storage Document and/or Processing Statement for my consignment to the EU in a ‘no deal’ scenario?**

**Catch Certificate:**

In a ‘no deal’ scenario, UK exporters will be required to obtain a validated catch certificate for every export of most fish and fishery products to the EU. The catch certificate shows that the fish was caught legally and it is the responsibility of the exporter to ensure that a catch certificate is completed at the point of export. The Catch Certificate is not required to physically accompany the consignment.

You won’t need a catch certificate to export:

- Farmed fish and farmed shellfish
- Freshwater fish or freshwater shellfish
- Fish fry or larvae
• Some molluscs including scallops, mussels and oysters, but you may still need a live shellfish registration document - contact your local council for more information.

The Marine Management Organisation (MMO) has launched an online service to create a UK catch certificate. Whilst this service is currently in test mode, it is recommended that exporters familiarise themselves with the system.

To create a catch certificate you need:

• a Government Gateway user ID and password
• the company name and address of the exporter
• the name of the person responsible for the export
• the species (or FAO code), its state and its presentation
• the EU tariff commodity code for each product
• the names or PLNs of the vessels that caught the species, and the landing dates
• the export weights of each product
• to say whose waters the species were caught in
• transport details for how the export will leave the UK and where it will leave from
• the identification numbers of the containers used to export the product

You must send the validated catch certificate to the importer so that they can provide them to the receiving country’s competent authority. You must do this for exports by:

• sea: 72 hours before landing
• air and rail: 4 hours before arriving
• road: 2 hours before arriving

If you need help completing the catch certificate, you can contact the fish exports helpline.

See UK Government Guidance ‘Create a UK Catch Certificate’ for more information.

Storage Document:

If you are exporting to the EU fish sourced from another country that has been stored in the UK for more than 12 hours, but not processed in any way, you’ll need to apply for a storage document.

Include a copy of the catch certificate from the original consignment with the storage document.
See UK Government Guidance ‘Create a UK storage document’ for more information.

**Processing Statement:**

If you’re exporting to the EU fish sourced from another country that has been processed in the UK, you’ll need to apply for a processing statement. Include a copy of the catch certificate from the original consignment with the processing statement.

Businesses are encouraged to register to use the Fish Exports digital service now, in case the UK leaves the EU without a deal. Registering early gives exporters time to test the new service before the UK leaves the EU.

See UK Government Guidance ‘Create a UK processing statement’ for more information.

If you do not have the correct documents your consignment might be detained or refused at a port of entry UK Government guidance on ‘Export fish after a no-deal Brexit’ provides more information.

**6.11 When I land my catch in the UK it goes straight onto a lorry for export to the EU. Can I still operate this way in a ‘no deal’ scenario?’**

In the event of a no deal, the EU will require that fish and fishery products exported from the UK to the EU are dispatched from an approved food establishment.

For UK businesses exporting unprocessed seafood to the EU immediately upon landing in the UK, you may need to consider one of the following options:

1. Sell your products at a fish market that is an approved food establishment, and from where the products can be issued with an oval health/identification mark and an Export Health Certificate;

   OR

2. Discuss requirements for becoming an approved food establishment with your Local Authority. This may require a change to your current process. If you utilise vivier lorries, you may be able to acquire approved establishment status for the vehicle (see question ‘can my vivier lorry obtain approved establishment status?’)

**6.12 Do I need to agree Incoterms with my EU trading partners?**
Incoterms define the responsibility of buyers and sellers in the delivery of goods and could be vital if you experience any issues at the EU border. Incoterms seek to avoid costly misunderstandings by clarifying the tasks, costs and risks involved in the delivery of goods from sellers to buyers.

More information can be found here.

6.13 I export composite products containing seafood from the UK to the EU. Will my export procedures change in a ‘no deal’ scenario?

Composite products contain a mix of processed products of animal origin (POAO) and plant products (used as a main ingredient - not just added for flavouring or processing).

**Composite products containing more than 50% milk, dairy, egg or fishery products**

- If the unprocessed milk, dairy, egg or fish component in your product comes from a non-EU country, that country must be approved by the EU. The establishment in that non-EU country must also be EU-approved (an EU-approved establishment is not required for wild-caught fish).
- The non-EU country must have a residue plan for the component you’re processing.
- The food component must also have undergone heat treatment to meet EU rules. To find out more about these rules, check the details on your Export Health Certificate (EHC) or speak with your official vet.
- Complete the EHC and supporting documents for sending composite products to the EU. Follow the process to get your EHC signed by a vet.
- Plan your route to get an inspection at an EU BIP that can accept your type of goods.
- To export some UK-caught fish and fishery products in composite products, you may need a catch certificate

(see question ‘How do I get a Catch Certificate, Storage Document and/or Processing Statement for my consignment to the EU in a ‘no deal’ scenario?’).

Your composite product can be assembled at a registered establishment rather than an EU-approved establishment.

**Composite products containing less than 50% milk, dairy, egg or fishery products**
Some composite products do not need an Export Health Certificate (EHC) or inspection at a Border Inspection Post (BIP). Check whether your composite products are exempt from inspection at an EU border post here.

If your composite product is exempt you:

- will need a commercial document instead of an EHC
- can send your products through any EU point of entry (you do not need to go through an EU BIP for inspections)
- need to follow the wider changes for exporting to the EU, for example, tariffs and customs declarations

Your goods also need to be labelled in:

- an official EU language, with the nature, quantity and number of packages in the composite products
- country of origin
- manufacturer
- ingredients

However composite products containing more than 20% fishery products or using tariff codes 1604 and 1605 may need a catch certificate…

Exempt species include some freshwater fish and aquaculture - check the list of exempt species.

If the fish is imported from a third country and then stored or processed in the UK before it’s exported to the EU, you’ll need to show storage documents or processing statements as well as the original catch certificate used to import the fish into the UK.

For more information see question ‘How do I get a Catch Certificate, Storage Document and/or Processing Statement for my consignment to the EU in a ‘no deal’ scenario?’

For further advice on exporting composite products see UK Government Guidance: Export composite food products to the EU in a no-deal Brexit and Export fish after a no-deal Brexit.

### 6.14 Can my vivier lorry obtain approved establishment status?

Generally speaking, transport operations are considered exempt from approval requirements in food law. However if some businesses are involved in activities other than transport, then they may require approval. This should be discussed with your local authority.
Further guidance

Where can I access further guidance?

**Seafish**

We issue a wealth of guidance for the seafood industry. Search our publications database and sign up to our newsletters for the latest advice.

**Department for Environment, Food and Rural Affairs (Defra)**

Defra has responsibility for fisheries, food and marine policy areas and provides practical support and information to business on such areas.

- [Prepare your fisheries business for Brexit](#), Published 1 March 2019
- Fish exports helpline: 0330 159 1989
- fisheuexit@defra.gov.uk

**Department for International Trade (DIT)**

The Food & Drink Team in DIT can help seafood businesses to export and grow into global markets whilst promoting innovation and helping overseas companies invest in the UK.

**Gov.UK - Brexit Collection**

The Gov.UK website hosts all the technical notices published in preparation for a no-deal situation.

**Animal and Plant Health Agency (APHA)**

In England, Scotland and Wales, APHA is responsible for issuing specific export health certificates (EHCs) for seafood destined for countries such as Australia, Canada, New Zealand, China, USA and Taiwan. This is generally in circumstances where the destination country requires information different to that provided for on a standard EU EHC. You will need to contact APHA before exporting seafood to make an initial check on APHA’s list of currently available EHCs.

**Department of Agriculture, Environment and Rural Affairs (DAERA)**

DAERA is a competent authority in Northern Ireland and works closely with Defra in the establishment and maintenance of new markets and developing export health certificates.

**Food and Drink Wales**
This department of the Welsh Government can help Welsh seafood businesses export and grow whilst providing practical support on protected food names, financial matters, innovation and other operational matters.

**Food Standards Agency (FSA) / Food Standards Scotland (FSS)**

FSA and FSS are responsible for food safety and food hygiene across the UK, working with local authorities to enforce food safety regulations. They provide advice to businesses on how to manage food hygiene and safety at every stage of the process.

**Marine Management Organisation (MMO) / Marine Scotland**

Both agencies have responsibility in their territory for marine planning, marine protected areas, marine licensing, managing the UK fishing fleet capacity, UK fisheries quotas and fisheries control.

**Chambers of Commerce**

British Chambers support and advise businesses in all areas of international trade development. They are focused on exporting and maintain a national and worldwide network.

**Your Local Authority**

Local authorities can provide assurance to authorities in the destination country that the food products being exported meets minimum food safety requirements as well as any additional conditions required by the destination authority. Contact your local environmental health/ port health department for more information.