

UK Seafood Industry Guide - Preparing your business for EU Exit

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This document was last updated on 23 April 2019

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 by exit day. 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**.

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

Please continue to check our website for our most up to date advice and guidance at <https://www.seafish.org/article/preparing-your-business-for-eu-exit>

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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 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

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?

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.

Exporting seafood to the EU

For businesses who export seafood to the EU, the health and ID marks must carry either:

- The official two-digit ISO Code GB

or

- The full country name in capital letters UNITED KINGDOM.

Exporting seafood to a Non-EU Country

For businesses who export POAO to a non-EU country, the revised GB or UNITED KINGDOM marks may be used. In addition, health and identification marks with the UK abbreviation are acceptable for exports to non-EU countries from day one in the event of a no deal situation.

Seafood placed on the UK Domestic Market

For seafood placed on the UK domestic market, food businesses may choose to apply either:

- The UK abbreviation
- The GB abbreviation

or

- The full country name 'United Kingdom' on the ID mark.

In discussion with the competent authority, businesses may agree which health marks apply directly to their seafood product, this being the UK or GB abbreviations or full country name 'United Kingdom'.

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.

The **health mark** must be an oval mark at least 6.5 cm wide by 4.5 cm high bearing one of the following country identifiers, in perfectly legible characters: GB, UK or UNITED KINGDOM, followed by the approval number of the establishment.

Letters must be at least 0.8 cm high and figures at least 1 cm high.

No Deal Planning

In a 'no deal' scenario, the revised form of the health and ID marks (as set out above) 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 12 April 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. This period may start from 12 April 2019.

More information on this decision and examples of the new mark [can be found here](#).

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 12 April 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. This period may start from 12 April 2019.

2.8 Future EU approval numbers for trading with the EU

The 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 2.5 'What changes need to be made to EU hygiene ID marks?').

If you currently export animal products to the EU, you need to contact the Food Standards Agency (FSA). 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, gaining approval to continue exporting seafood to the UK.

Defra is taking steps to gain listed third country status for the UK. As the FSA administers the UK's central approved establishment database, the FSA have coordinated the collection of establishment specific information for the UK application on behalf of Defra.

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.

- Confirmation that you would like to be included on the list of approval by the EU to export POAO into the EU.
- The product(s) and volume of material exported to the EU by your establishment over the last 12 months and the number of consignments dispatched to the EU.
- All product(s) and volume of material produced by your establishment in the last 12 months that is not exported.

Although the deadline for inclusion on the list has now passed, if you have not already done so you are advised to send this information ASAP to eulistings@food.gov.uk, together with your approval number, address and contact details (email address, telephone number and name).

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 has [written](#) to all UK Approved Establishments requesting such information.

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 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.

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.](#)

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 2.1 and 2.2 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.

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.

Section 4 - Importing

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

There will be no 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, you'll 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 this will continue to be the case as regards IPAFFS until further notice.

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 direct landings of non-UK caught fishery products. If the fish you're importing to the UK has been

- stored, you'll need a storage document from the exporter;
- processed, you'll need 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 paper 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 an 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](#)), 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 product?

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 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.

According to the UK Government's [Trading with the EU if there's no Brexit deal](#) guidance, before importing goods from the EU a business will have to:

- Register for an UK Economic Operator Registration and Identification (EORI) number. The UK government has issued guidance on how to do this: [Get a UK EORI number to trade within the EU](#);
- Ensure their contracts and International Terms and Conditions of Service (INCOTERMS) reflect that they are now an importer;
- Consider how they will submit import declarations, including whether to engage a customs broker, freight forwarder or logistics provider (businesses that want to do this themselves will need to acquire the appropriate software and secure the necessary authorizations from HMRC). Engaging a customs broker or acquiring the appropriate software and authorizations from HMRC will come at a cost; and
- Decide the correct classification and value of their goods and enter this on the customs declaration.

HMRC publishes [tariff information and guidance](#) alongside the list of commodity codes needed to classify goods together with all the tariff rates.

When importing goods from the EU, a business will need to:

- Have a valid EORI number
- Make sure that their carrier has submitted an Entry Summary Declaration at the appropriate time
- [Submit an import declaration](#) to HMRC using their software, or get their customs broker, freight forwarder or logistics provider to do this for them
- Pay Value Added Tax (VAT) and import duties including excise duty on excise goods unless the goods are entered into duty suspension (for example a customs or excise warehouse – a financial security will be required to cover the duty liability of the goods whilst they are being moved to the warehouse). Import VAT may also be due and more information regarding paying import VAT can be found in the [VAT for businesses if there's no Brexit deal technical notice](#).

HMRC has put in place transitional simplified procedures to make it easier for you to import goods from the EU. Imported goods are normally not released from customs control until you make a full import declaration and pay the duty you owe in full. With transitional simplified procedures, you will be able to import your goods using a simpler import declaration and without paying duty at the point at which the goods cross into the UK – you will submit a full import declaration and pay any duty later. [There is more information in UK government guidance here](#). Note that wild-caught seafood requiring a catch certificate is classed as 'controlled goods' for the purposes of transitional simplified procedures.

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. The UK government is reviewing whether live animals from third countries that arrive in the UK after transiting through the EU will need to go through a BIP.

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 '[Existing trade agreements if the UK leaves the EU without a deal](#)' and on '[Signed UK trade agreements transitioned from the EU](#)' for the latest developments and discussion on the transition of EU trade agreements. It remains a possibility that arrangements will be in place by exit day and it is the UK Government's priority to conclude trade agreements with these countries by exit day or as soon as possible thereafter. However, businesses that trade with these countries under preferences may wish to prepare contingency plans for these trade agreements not being in place on exit day.

Section 5 - Exporting from the UK to non-EU countries

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?

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 may choose to change their tariffs and may apply full MFN tariffs to UK seafood. The UK government is seeking to transition all EU free trade agreements from 'day one' after UK exit to ensure continuity of trade. If successful, this would mean that importers in destination countries will continue to apply the same tariffs on UK seafood that they do now. Whilst the UK Government advises that all non-EU countries have expressed their intention to "continue where we are," the UK cannot conclude binding agreements until it has left the EU (after an implementation period or in the event of a 'no deal' exit in March 2019).

5.4 The importer at the country of destination of my exports currently 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 from 'day one' after UK exit to ensure continuity of trade. If successful, this would mean that UK seafood imports into destination countries will continue to command the same tariffs that they do now.

Trade agreements that have been transitioned are listed in [this UK government notice](#).

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.

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 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 Will I be able to utilise the EU's existing Free Trade Agreements for my exports if the UK leaves the EU without a deal?

UK businesses should refer to government guidance on '[Existing trade agreements if the UK leaves the EU without a deal](#)' and on '[Signed UK trade agreements transitioned from the EU](#)' for the latest developments and discussion on the transition of EU trade agreements. It remains a possibility that arrangements will be in place by exit day and it is the UK Government's priority to conclude trade agreements with these countries by exit day or as soon as possible thereafter. However, businesses that trade with these countries under preferences may wish to prepare contingency plans for these trade agreements not being in place on exit day.

UK businesses should consider whether there is currently preferential tariff access for their exports under existing trade agreements with their destination countries. Should arrangements to maintain these preferences not be in place on exit day, trade would then take place on World Trade Organization (WTO) terms using 'Most Favoured Nation' (MFN) tariffs, until a new arrangement has been implemented.

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

6.3 What documentation would I need to export fisheries products to the EU in a 'no deal' scenario?

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 scenario of a 'no deal' exit, government guidance on '[Fishing and marketing of seafood](#)', '[Exporting and importing fish](#)' and '[Trading with the EU](#)' set out that exporters fish and fisheries products to the EU will need:

- A valid UK Economic Operator Registration and Identification (**EORI**) number.
- To submit an export declaration to HMRC (usually submitted by your customs broker).
- To contact Defra or the FSA to ensure your business has been added to the **UK list of approved establishments**.
- To ensure direct landings from UK flagged vessels into the EU are via a [designated EU port](#).
- To ensure all consignments of fish and fishery products arrive in the EU via an EU [Border Inspection Post \(BIP\)](#).

In addition, exporters of wild-caught marine fish and composite products containing wild-caught marine fish will need a **catch certificate** with each consignment to the EU, accompanied by a Multiple Vessel Schedule for consignments sourced from more than one UK vessel (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 wild-caught marine fish and composite products containing fish: **an export health certificate** is required. This requirement excludes direct landings in EU ports from UK-flagged fishing vessels (see question 'How do I get an Export Health Certificate for my consignment to the EU in a 'no deal' scenario?')

You may also need:

- A **prior notification form** (see question 'In a 'no deal' scenario, I want to land a catch from a UK-flagged vessel directly into the EU. What documentation would I need?')
- A **pre-landing declaration** (see question 'In a 'no deal' scenario, I want to land a catch from a UK-flagged vessel directly into the EU. What documentation would I need?')
- A **storage document** (see question 'How do I get a Catch Certificate, Storage Document and/or Processing Statement for my export to the EU in a 'no deal' scenario?')
- 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?')

6.4 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 or contact your local authority. 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.

2. Nominate an authorised signatory to inspect your product. There are various ways you can find one:
 - check the [list of professionals who can sign EHCs](#) on GOV.UK (note- this list currently excludes local authority EHOs but nomination of your local EHO can still be entered into the form in Step 3)
 - ask at your local vet
 - email csconehealthovteam@apha.gov.uk (if you're in Northern Ireland contact [DAERA](#))
3. Fill in the EHC and supporting forms and email them to the Animal and Plant Health Agency (APHA) address provided in the forms.

Block certificates can be requested at this stage (see question 'Will it be possible to obtain an Export Health Certificate for my consignment promptly?')

4. APHA will send your EHC to your nominated authorised signatory within 7 working days or within 1 working day 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. The authorised signatory will check the product meets the health requirements of the destination country, and complete and sign the EHC. The completed EHC will go with the product, and the authorised signatory will send a copy to APHA.

There's no fee for the certificate but you may be charged by your vet or authorised signatory for their time. Although there is no legal requirement for local authorities to assist with export certification, local authorities undertake this work simply to assist local businesses. As a result, they may charge the exporter for the required certification.

If you cannot find the EHC you need, contact [APHA](#) (or [DAERA](#) in Northern Ireland).

A new certification system is to be launched in summer 2019 to make applying for EHCs easier. Therefore, current arrangements are only expected to be in place for a few months.

6.5 Will it be possible to obtain an Export Health Certificate for my consignment promptly?

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. The block certification system intends to provide exporters with the flexibility to choose what works best for their business i.e. flexibility to change BIP, destination and consignment information.

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?'). As a minimum,

exporters must provide the following information to complete a block EHC application:

- Exporter's name as consignor
- Exporter's nominated Certifying Officer (EHO/OV) as the EHCs will be delivered to the nominated authorised signatory

The remaining information can be completed at the point of certification. Any additional information provided at the point of application will be entered on all certificates (e.g. destination) which can be edited later.

A new certification system is to be launched in summer 2019 to make applying for EHCs easier. Therefore, current arrangements are only expected to be in place for a few months.

6.6 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, you will need a catch certificate for most exports of fish to the EU. The catch certificate is to be completed at the point of export and is the responsibility of the exporter to complete.

The catch certificate shows that the fish was caught legally. It includes:

- Details about the catching vessels
- Amount of fish by species and weight
- Presentation and state, such as whole or filleted, fresh or frozen
- Commodity code, also known as product code
- When and where the fish was caught

If the consignment is sourced from more than one UK vessel, you will need to complete a Multiple Vessel Schedule alongside the catch certificate. To get a catch certificate, you'll need to follow these steps:

1. Complete an [online catch certificate form](#) for each consignment of fish. If you're exporting fish that came from multiple vessels, you'll need to specify quantities from each vessel.
2. The UK fisheries authority will validate your catch certificate.
3. Send the validated catch certificate to your EU importer to complete their sections.
4. The importer will present the certificate to their competent authority.

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.

Storage Document:

If you are exporting to the EU fish sourced from another country that has been stored in the UK, but not processed in any way, you'll need to apply for a [storage document](#). No minimum storage time has been set to determine the applicability of this document.

Keep a copy of the catch certificate from the original consignment with the storage document.

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.

Any sample documents created before exit day will not be valid for export, with the exception of pre-landing documents which will be available 48 hours before the UK leaves the EU in the event of a no deal

(see question 'In a 'no deal' scenario, I want to land a catch from a UK-flagged vessel directly into the EU. What documentation would I need?' 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 ['Exporting and importing fish if there's no Brexit deal'](#) provides more information.

6.7 In a 'no deal' scenario, I want to land a catch from a UK-flagged vessel directly into the EU. What documentation would I need?

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?')

Prior notification form

You will need to land at an [EU designated fish port](#) 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

[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

Any sample pre-landing documents created before exit day will not be valid for export, however pre-landing documents which will be available 48 hours before the UK leaves the EU in the event of a no deal.

[North East Atlantic Fisheries Commission \(NEAFC\) Port State Control form](#)

(PSC1 or PSC2)

You will need to submit a [NEAFC Port State Control form \(PSC1 or PSC2\)](#) before landing. Check with the NEAFC to find out how much notice you need to give. This will vary depending on the country you're exporting to and how your product is presented.

You will not need an Export Health Certificate.

If you do not have the correct documents your consignment might be detained or refused at a port of entry.

For information on non-UK vessels landing in the UK, see question 'what new import controls will be in place at the UK border? What health documentation will I need?'

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

To land your catch from your UK flagged fishing vessel directly in the EU you need to land in a [designated EU port](#).

All consignments of fish and fishery products must be sent through an EU border inspection post (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](#).

Fishery enforcement officers may inspect your fish when you arrive. You'll need to show them the catch certificate.

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.

- [No deal Brexit advice: guidance on food and drink labelling](#). Published 5 February 2019
- [Exporting and importing fish if there's no Brexit deal](#). Published 4 February 2019.
- Fish exports helpline: 0330 159 1989

[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.