

UK-EU Trade: Facilitating Trade in Food and Drink

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Executive Summary

The EU continues to remain a vital partner for trade in food and drink. The UK food and drink manufacturing industry employs 474,00 people, generates a turnover of £143bn and £38bn in value added, making it one of the largest manufacturing industries in the UK. The FDF is committed to working with the government on priorities for a wide ranging 'SPS' agreement and further cooperation to facilitate trade benefiting a broader range of products.

The [FDF's Q2 2024 State of Industry Survey](#) found that UK's average export volumes between 2020 and 2023 were **23% below the 2015 – 2019 average**. In this time, export volumes to the EU fell by 27%, compared to an 8% decline to the rest of the world.

1. Regulatory Environment

To progress, the UK must continue to rebuild trust with **greater emphasis on effective information sharing, technical exchanges and horizon scanning** of regulatory developments through the implementation structures of the UK-EU TCA (Customs, SPS specialised committees), the expanded UK Agri-attaché network and Defra/HMRC/DBT communication networks.

This information should be incorporated into a **regulatory development action plan** (beyond SPS) covering wider EU divergence/alignment strategies (e.g. on food safety and sustainability policy). Early and close **consultation with industry** is needed to facilitate horizon scanning and help enable an assessment of the impact of divergence from / alignment with the EU in the round - noting food safety, food security, environmental impacts, trade, and government resources. At the same time, since leaving the EU, the UK has opportunities to pursue more innovative policies that could provide a comparative advantage to UK manufacturers. This ability should be encouraged in areas where UK growth and investment could be assisted by deliberate non-alignment with EU regulations.

One key area to facilitate trade is to avoid passive divergence by making timely, active decisions on the applicability of new measures to UK interests and production patterns. The new product safety bill, provides an example of how this could work in practice for manufactured goods, allowing horizon scanning of new developments in EU law and actively deciding on their applicability in the UK.

Whilst food safety should always be of fundamental importance, if the Regulator considers the food or process to be safe given UK consumption patterns then it is also important to consider and balance additional risk-benefit factors:

- Does alignment facilitate trade (e.g. internal UK market trade) or remove a significant barrier (e.g. costly certification requirements)
- Does non-alignment meet UK specific interests (e.g. those related to climate and availability of UK supply chains)
- Does non-alignment help drive UK growth and investment (e.g. through creating a sandbox for alternative proteins fast tracking regulation and thus encouraging a new sector to emerge with a potential for large export growth).

2. SPS (Products subject to documents and checks)

In shorter time, the UK should **fulfil unilateral initiatives** including SPS trusted trader schemes set out in the Border Target Operating Model and a new regime **for importing product samples** into the UK.

In longer time, look to a new Sanitary and Phytosanitary equivalence agreement. The starting position will be different as the UK delayed controls until 2024 and even now they apply to a lesser extent compared to UK exports to the continent:

- many product groups that require certification and checks at EU borders are exempt/ 'low risk' under the UK regime.
- The UK is taking a very pragmatic approach to checks focusing on the very highest risk goods.

A comprehensive SPS agreement (of the type that the EU has in place with other third countries) would therefore likely benefit a wider range of UK sectors in comparison to EU counterparts. Indeed, a recent report by Aston University indicates that an SPS agreement with the EU could increase UK agri-food exports by 22.5% and imports by 5.6%.¹ **Such an agreement could lead to the following benefits:**

- Full digitisation/electronic submission of food and drink certification
- Certification equivalence
- Streamlined border clearance
- Reduced physical inspections (i.e. seal check only)
- Reduced border fees

3. Customs and Rules of Origin

Significant industry doubts remain over Rules of Origin provisions relating to cumulation 'insufficient processing' and the ability for UK producers to consider EU origin ingredients as UK originating and vice versa. We encourage the development of joint guidance **that incorporates the learnings from the first 3-4 years of the TCA. This issue has also been raised repeatedly by EU businesses.**

Further guidance is also required on the methods of claiming preferential origin with confusion arising between the statement of origin method and importers knowledge. This has led to unnecessary tariffs on legitimate UK/EU origin goods.

The UK and EU have both committed to modernising border operations through the creation of respective Single Trade Windows. As these are developed, the UK and EU should aim to share best practice and strive to establish a closer partnership between the customs systems of the EU and UK to ensure optimal compatibility and ease of use for traders.

For example, they should actively seek ways to align, integrate and ensure future compatibility of respective STWs via a single portal for importers and exporters.

¹<https://www.aston.ac.uk/latest-news/veterinary-deal-would-increase-uk-agri-food-exports-eu-more-fifth-research-shows>

Regulatory Environment

Summary

Food is rightly subject to stringent regulation. These cover everything from ingredients used, to the types of packaging that can touch food, and how we label the product to inform consumer choice. Increasingly, regulations also stretch back to how that food is grown on farm - beyond longstanding pesticide and animal feed regulations - to looking at sustainable sourcing and forward to how packaging is recycled.

These regulations are devolved competencies and sit under several government departments and agencies, and the end policy outputs can sometimes pull in opposite directions - for example safe food packaging versus increasing recycled content. These are also often global issues that international trading partners are also considering which risks multiple standards emerging driving up cost and complexity for limited gain.

Food safety must always be a priority, but this is rarely a concern when considering adoption of EU changes to food standards. Therefore, the impact on trade, food security and levels of bureaucracy are the key areas of consideration.

In consulting with members, it was broadly agreed that alignment, extending beyond the streamlining of SPS controls, (e.g. on issues to do with food safety, labelling, sustainability etc.) **requires much more detailed thought** and very close working with industry. Members warn of the risks of blanket alignment or viewing it as a silver bullet to solve UK-EU/NI trade given the **complexities of current regulatory developments** affecting our everchanging sector.

For some areas, full equivalence or mutual recognition is fundamental for trade (e.g. trade in organic products) with limited negative consequence. In others, the UK is continuing to fall behind EU developments but with both working to achieve similar goals. For these areas, improved cooperation could bring significant benefits in reducing burden on industry as well as helping to ensure a secure supply chain from third countries who can produce to one unified standard for the EU and UK (e.g. sustainability agenda). Finally, other EU regulations have been developed without any consideration of UK interests or consumption patterns (e.g. those relating to climate/pests, legislation that favours EU grown crops at the expense of UK ones etc.) and the blanket adoption of such EU law could be detrimental to the UK in these areas.

Several members commented on **mitigating risks around 'accidental' or passive divergence**, which would happen if the EU changes regulations without the UK having considered these changes over a similar timeframe. For most manufacturers in the UK, the EU's collective 27 member states make up the largest export market, and many products and ingredients are also imported from these jurisdictions. It is important that any divergence away from EU regulatory frameworks is actively considered and that the **UK carefully monitors and assesses these potential EU changes** to ensure it can take an active and time-sensitive decision on whether it wants to adopt the same changes or follow a different path. Therefore, and as an alternative solution, there could be a presumption of alignment, with **changes considered by the UK on a case-by-case basis** – either as a formal divergence or one that considers whether an **emergency derogation procedure** could be negotiated with the EU to enable sensible and limited divergence. These could be given on occasions that are infrequent – but predictable – events, such as poor climatic conditions impacting the quality of UK agricultural crops.

Members also noted **the benefit of the UK being able to innovate and experiment in regulating new technologies** calling for a more forward-looking regulatory strategy and legislative framework grounded in robust, evidence-based risk assessment. Such an approach will ensure consumer safety while fostering an environment where cutting-edge food technologies, like precision fermentation and new genomic techniques, can thrive. **Having autonomy will be in line with UK aims to be a global leader in innovation.**

Overall, regulatory developments must be **actively assessed** with the greatest risks arising with:

1. Achieving similar goals with very different implementation requirements
2. A lack of consideration for the workings of the UK internal market
3. UK specific scenarios not accounted for

Below we set out some **indicative** examples of challenges and opportunities for regulatory cooperation in line with the risks outlined above.

Case Studies

Compatibility/UK Internal Market

Proposed EU packaging and packaging waste regulation (PPWR)

This draft EU regulation, due to be adopted by end of 2024, is expected to apply directly in Northern Ireland (NI), both for products produced in NI and for those moved to NI from GB (regardless of whether they are moved via the UK Internal Market Schemes or 'Red Lane'.) This is likely to have considerable impact on businesses placing products on the NI market due to the significant differences between the approach to labelling in the PPWR and the proposed UK Extended Producer Responsibility (EPR) system.

Following comments received from the EU during the recent notification process for the draft UK EPR regulations, Defra has announced that it is temporarily removing the recyclability labelling provisions from the UK regulations to "review the forthcoming EU packaging legislation and explore the potential for consistency across our approaches". Whilst this is a welcome step it leaves business in a great deal of uncertainty in planning for the introduction of EPR in the UK. This is an indicative example of policy development that later needs to be reversed due to divergence from EU standards that is irreconcilable for UK internal trade - regardless of how products are moved.

Carbon Border Adjustment Mechanism (CBAM)

The UK CBAM is scheduled to come into force in 2027, and the government recently consulted on the administration and design of the policy. The FDF response is available [here](#). The EU CBAM has already been implemented, and as the UK develops its own similar system, it would be wise to learn from the challenges faced by the EU CBAM.

Given that the EU is our largest trading partner, it would be sensible to link emissions trading schemes to reduce unnecessary bureaucracy and allow mutual exemptions for CBAM reporting. This intention is reflected in Article 392 (6) of the EU-UK Trade and Cooperation Agreement, which states: *"The Parties shall cooperate on carbon pricing. They shall give serious consideration to linking their respective carbon pricing systems in a way that preserves the integrity of these systems and provides for the possibility to increase their effectiveness."*

Failure to align our systems risks placing unnecessary burdens on UK businesses and creating potential divergence issues when trading goods between Northern Ireland, the UK, and the EU. Currently, there is confusion on EU CBAM reporting requirements application to trade between Great Britain and Northern Ireland.

UK and EU Deforestation Regulations

The UK and EU are developing policies on deforestation that require due diligence for all relevant imports. Many businesses operate across borders, with numerous UK manufacturers having sites within the EU. Harmonising the UK and EU systems would reduce complexity and eliminate the need for businesses to navigate two different frameworks. It would also help address the growing concerns that are arising for NI operators with latest indications suggesting that the EUDR and the UK equivalent proposals both will apply in Northern Ireland.

Currently, the UK equivalent proposal (**Forest Risk Commodities**) differs substantially from the EUDR, adding additional layers of complexity.

Where the EU enforces compliance at the point of import, the UK approach – before the election was called – was to mandate companies at each point of the supply chain to conduct an annual due diligence exercise, which would see the same commodity reported on multiple times. Here, the UK should echo the EU model and have the importer or first user of the product conduct the due diligence exercise. These products can then be passed along the supply chain within the UK without duplicating effort.

The UK approach also included “embedded commodities” i.e. those upstream in the supply chain such as soy fed to dairy cows, necessitating detailed information and coordination with multiple suppliers to complete due diligence. **The inclusion of embedded commodities in the scope of the regulations makes compliance extremely complicated** and would not necessarily have a meaningful impact (one FDF member estimated their embedded commodity due diligence for one product would generate 80,000 data requests for 43kg equivalent of soy). Therefore, **closer alignment with the EU approach of publishing a list of HS codes in scope** would be favourable. The move to an annex should also ensure that it is conducted in a suitable manner so that UK importers of products that need to comply with the law for their inputs are not undercut by importers of finished products who are outside of the scope of the EUDR.

Taking into account UK specific interests

Certain areas of EU legislation have been made without regard to the changing climatic conditions or UK specific factors.

For example, the below case study provides an instance of where adoption of EU contaminants law would have a significant negative impact on producers in the UK.

Case Study: Mycotoxins in oats

Food safety regulation is a significant and complex part of EU regulation, covering a wide range of issues including residues, contaminants, food contact materials and more.

EU risk analysis, assessment and regulation in these areas continues as normal, and where regulations change to set new product standards for the EU, this is not always appropriate for UK products.

This could have had a material impact on oats, with a new set of EU limits for mycotoxins (specifically for T-2/HT-2 and heavy metals) in force from 1 July 2024, where the levels proposed may disbenefit UK (and particularly Scottish) producers and dent their export opportunity. Instead, regulatory divergence enables UK regulators to consider UK consumption patterns and advantageous health benefits to consumers, unlike the EU where the consumption of oats per capita is considerably lower and health benefits are not considered.

This shows an area where solely copying EU legislation would not be of benefit to UK producers – as the regulation has been created without consideration of UK production and climate. Instead, UK regulations can be more aligned to international markets and be in the interests of UK consumers & food businesses. In turn, this increases export potential and improves competitiveness vs EU counterparts.

Innovation and Growth Agenda

This is an interesting area for the food sector, providing opportunities for cooperation but also necessitating close working through with industry to ensure UK competitiveness and allowing continued growth.

For example, the UK and EU could develop a shared understanding and technical dialogue on emerging technologies. This is an area where, for example, the EU and Switzerland have agreed to cooperate – on **authorisation of novel foods**. This forms parts of the UK trade and business recommendations for food and drink, which draw upon closer collaboration on **innovation**.²

² <https://www.tradeandbusiness.uk/blueprint#section-1-2> (Recommendation 5)

Precision Breeding

This is a complex area of food legislation, which depending on the stage of execution may necessitate different positions.

The UK and EU are both developing legislation to allow precision bred organisms in food and feed and the overarching Act for England went through Parliament prior to the 2024 General Election. The new UK Government [announced](#) in September 2024 that it intends to proceed with secondary legislation to implement the Act for plants.

The Commission proposal is currently being discussed in the European Parliament and Council. The two sets of proposals are similar but there are some key differences – one of the main ones is around labelling. Under GB legislation precision bred products will not require labelling whereas labelling has been suggested by the European Parliament.

Developments must be closely worked through with industry to ensure that the UK can remain at the forefront of innovation and attract investment without driving up significant trade barriers in the future.

Intellectual Property

Members have raised challenges around IP protection where EU agencies request the inclusion of commercially sensitive company data, such as detailed information about production microorganisms used to produce food ingredients beyond the need for safety evaluation (e.g. raw whole genome sequence data), as part of the regulatory review process.

To foster innovation and encourage companies to bring their most advanced technologies to the UK market, it is vital that businesses continue to feel confident to invest in and contribute to the UK's innovation ecosystem without fear of compromising their proprietary knowledge.

Global Food Safety Risks

Rapid Hazard Monitoring

Since EU Exit, the UK has moved to third country access within the EU Rapid Alert System for Food and Feed (RASFF) and does not directly input its hazard notifications. The UK has produced an '*Imports Intelligence Hub*' but this needs to be developed much further to be a useful tool for industry. For example, data is published monthly in arrears, not providing sufficient real time updates and more information is needed on issues arising from physical inspections. **Both the EU and UK would benefit from efforts to re-pooling hazard intelligence sharing and expertise in this space to deliver more comprehensive global protections** across both territories.

The FDF would support calls for the UK to enhance its monitoring and food surveillance programmes and for these to be recognised internationally. This could include more engagement with international networks, such as the European Centre for Disease prevention and Control (ECDC).

Certification and Inspection requirements

This section relates to the procedures for documents and inspection of products that must be presented at Border Control Posts. At EU borders, this represents a wider range of food and drink; including meat, fish, dairy products, all non-shelf stable composite products (sauces, ready meals, ice cream, pizza etc), a range of further composite products, honey, fresh produce, pet food etc. At UK borders, this comprises the EU products currently classified as 'medium/high' risk under the BTOM model e.g. meat, fish, unprocessed dairy, horticulture etc. with further products due to be phased in next year.

Priorities/Summary of FDF Member Feedback

Members broadly agreed that the most onerous part of the SPS controls (documentary, identity, physical inspection) is the **cost and complexities of completing documentary obligations** (EHCs, phytosanitary certificates etc). The general rationale provided was as follows:

- **Inefficiencies** created by what is generally a **paper-based system** requiring physical signatures from certification bodies accompanying each consignment. (EU exporters to the UK can upload PDF versions of the certificates).
- **Detail required.** Members have noted that the traceability data required for certain products is causing significant delays to the certificate process and disrupting the flow of supply. Obtaining the specific details is also onerous and time-consuming alongside inputting the data through the TRACES system.
- **Lack of flexibility** for changes in orders. The certificate covers only the precise consignment/batch. Generally, the truck or vehicle would need to be loaded ahead of time with all the details provided for the certifier to sign off. The system, therefore, does not allow for any amendments to orders which would render original documents defunct and duplicate costs.
- **Costs**, not only for the certificate, but more pertinently compensating certifier's time. See example here for updated [veterinary costs in Scotland](#).
- General **availability** of certification officers as well as lack of 24hr/7-day a week service e.g. certifiers generally only available Monday-Friday (problem particularly acute for short shelf-life products), difficulty in fulfilling supplier orders (shelf life on receipt etc.)
- **Holds caused by small errors** or inconsistent application e.g. Port vets asking for different versions of health certificates e.g. some asking for breakdown of ingredients lists with percentages etc.

FDF Member: ***'The certificates required to both import from and export to the EU are burdensome logistically and expensive to implement.'***

Given the complexities of the documentary controls, most members noted that targeting check rates and the clearing process/costs specifically (whilst beneficial) would not bring about a significant benefit nor substantially increase the volume or range of companies exporting.

On the import side, there is a question of infrastructure and systems issues that necessitates checks being kept to their current low level with one FDF member noting, *'UK border infrastructure is not yet built to facilitate significant checks and assurances need to be given*

to ensure that consignments will flow smoothly.’ This explains in part further delays to SPS controls on fresh produce and organics announced in September 2024.

The below table illustrates, at a high level, *indicative* costs, and processes for importing food and drink from the EU. This provides further evidence that targeting **checks on their own are unlikely to have significant benefit with that cost representing the final stage of the process (highlighted in yellow).**

Indicative import process

Cost	‘Low risk’ (Majority of food and drink including fruit, vegetables, oils, chocolate, confectionery, pasta, rice, ice cream, tinned goods etc)	‘Medium-Risk (e.g. meat, milk, fish, honey, eggs etc.
Administrative costs to fill in pre-notification declarations	Yes	Yes
Export Health Certificate/phytosanitary certificate	N/A – commercial document only	£125-200 (document fee). Further charges compensating vets travel and time can lead to total costs of £600+.
Common User Charge - Government Ports Only (per product)* *capped at 5	£10	£29
Port Health Fee (payable per tonne and levied regardless of whether inspected)	£10	£66 (up to 6 tonnes) - £500 (46 tonnes or over)
Inspection fee (Applies to 1%-30% of medium risk products)	N/A (risk-based intervention only)	£109p/h + laboratory sampling fees

Similar processes apply to UK exports to the EU, however with a different appetite to risk, many more products require certification and checks at EU borders with check rates closer to the 15-30% level for certain products.

Case Study: Costs from APHA/Salmon industry

Data from the Animal and Plant Health Agency (APHA) indicates that applications for food related EHCs climbed from 22,990 in 2020 to 288,558 in 2021. In the first year of the TCA’s implementation (2021), EHC requirements are estimated to have cost UK business £60m with a [total cost of over £170m](#)¹ in the first 3 years of the TCA (2021-2023) with over 852,000 certificates being issued. As an example, Brexit has cost the UK up to £100m in lost salmon sales, according to industry body Scotland Salmon.¹

The FDF gave evidence to the Conservative European Forum (CEF) inquiry into the TCA, where the issue around the limited availability of registered vets to conduct physical check was discussed with key Member States, such as Germany and Poland, voicing their concerns about the availability of UK veterinarians to sign EHCs.³

Case Study: British Veterinary Association

The UK is highly reliant on EU vets. As demands on veterinary capacity have increased, there has been a constraint on new veterinary surgeons entering the UK from the EU coupled with a decrease in vets moving to the UK from the EU to work.

In January 2021, Defra provided £14 million in England to support recruitment and training of over 500 new staff, including OVs. Since this time, recruitment numbers are nowhere near the levels needed to meet the increasing demand. As yet, we have not seen a government workforce analysis that estimates the total number of OVs, or full-time equivalents, that will be needed to undertake controls.

Common User Charge/Billing Process

Many members commented on the burdensome and confusing application of border fees, announced shortly before they came into effect in April 2024 with no further detail on the process for payment until August 2024.

Consistency and clarity is required e.g. processes and alignment with use of the same systems at all BCPs to ensure fluid payments if required and that users can be clear about requirements. This could for example, be brought together in expanded guidance on the UK government BCP page.

Whilst the Common User Charge (at government operated facilities) is invoiced directly to the importer, the charges for documents/physical checks are done on an ad-hoc basis and require the creation of individual port accounts, with an array of different systems and processes in place.

Generally, accounts need to be topped-up in advance of the trucks going through the border and the balance is then drawn down as and when needed. In some scenarios, making ad-hoc payments with requirements for purchase orders and payment terms is overly complicated and has led to the late release of certain shipments.

At the short straits, there has been a lot of confusion given the application of the CUC and Ashford Port Health Charges for Sevington, both of which are applied to products, irrespective of whether they are called of inspection. Members have sought clarity on the two charges that apply (the Common User Charge and the Port Health Authority charge) and subsequent fees if an inspection takes place

It would be beneficial if a centralized payment platform (e.g. **through the development of the Single Trade Window platform**) could be created to simplify this process going forward.

³https://assets.nationbuilder.com/conservativegroupforeurope/pages/503/attachments/original/1710236334/Building_on_the_Trade_and_Cooperation_agreement.pdf?1710236334

Policy Solutions

Simplify, streamline existing SPS controls

The table below summarises the gains that could be achieved by assessing SPS agreements that the EU has negotiated with other third countries. Many of these are more centred on streamlining processes built on trust and co-operation, instead of removing substantive documentary requirements.

	Current UK-EU TCA Provisions	Targeted improvement
Documentary Controls (e.g. health certificate)	100% check rate paper certificate, import and export sign off required	Digital certificate* Certification equivalence *useful and mutually agreeable solution for both the EU and UK in the Windsor Framework
Identity Controls e.g. truck registration, seal check, weight, number of packages, labels	Higher % in line with OCR regulations and risks to animal and plant health	Seal check only, discounted border fees (e.g.-22.5%), streamlined border clearance
Physical Controls e.g. Hygiene, integrity of packaging, temperature, aspect of product	(c.15%-30%) in line with OCR regulations and risks to animal and plant health	c.1%, largely risk-based intervention only

Achieve targeted Sector outcomes

e.g. allowing trade to resume in prohibited and restricted items such as seed potatoes.

EU law prohibits the import of some products from outside the bloc entirely. Other products can only be imported if they meet very specific standards some of which make trade unfeasible. The UK has reciprocated by blocking EU exports. This affects third country organics, seed potatoes, bivalve molluscs and chilled meats.

Pragmatic solutions put forward by UK, [EU producers](#) and the EU Domestic Advisory Group should be taken forward to allow trade to resume. This would, for example, help to ensure farmers in the UK and EU have continued access to pest-free, resilient supplies of seed potatoes. All trade would still be subject to SPS and other plant health requirements. The new Plant Health Label System that applies for GB-NI trade provides a good precedent of how this could be effectively implemented.

The European Commission has previously negotiated agreements to lift restrictions on prohibited products with other countries, including an agreement in 2022 with the US to resume trade in live bivalve molluscs.

Seed potatoes case study

- *Before the end of the transition period GB supplied EU with 25,000-30,000 tons of seed potatoes annually;*
- *High grade Scottish seed potatoes have lower levels of diseases and viruses;*
- *Scotland applies very high plant health standards, certified by accreditation e.g. Safe Haven Certification Scheme; Seeds of certain varieties are only available in Scotland and nowhere else; and*
- *While Ireland is heavily dependent on GB seed potatoes, many other Member States have been impacted particularly Spain – the second largest EU importer (around 30% of needs). These seed potatoes were used for further multiplication creating significant value for the wider EU potato production and processing sectors.*

Develop trusted trader schemes for SPS goods (UK gift)

We previously welcomed the UK government's ambition in the Border Target Operating Model to extend trusted trader schemes beyond customs to also include SPS facilitations.

Present proposals include:

- **Certification Logistics Pilot:** this pilot would enable trusted traders to avoid having an OV re-certify their products when they reach a consolidation hub in the EU. This would, in theory, save on administrative resources and expedite the entire import process.
- **Checks Away from Border Pilot:** this module would allow trusted traders to conduct SPS inspections at their own bio-secure premises, waiving the need to move goods through a BCP. **Following delays and issues at the government control points, pressure is growing** to deliver on these pilots with industry making investments in their own facilities in order to have more control and predictability over their supply chain.

FDf understands that these pilots have now been paused and it is unclear if and when they may resume. This is unfortunate and we encourage Government to revisit these proposals with a view towards the establishment of a fully functioning SPS trusted trader scheme. Building on the recent pilots, further detail and ambition would be required to enable these schemes to provide real benefits to industry. UK government has indicated that medium-risk goods imported from the EU face 1%-30% physical check rates. Since the checks have been introduced, we understand check rates to be around 1%. This wide range means businesses can't easily assess the potential benefit of joining the proposed SPS trusted trader schemes particularly when the indications from Defra are that the requirements for certificates will not be removed for Trusted Traders.

We would like to see more ambition in this area, with protocols focused not on each dispatched consignment, but on firms' SPS capabilities and processes. This could include

auditing of businesses to ensure their SPS capabilities and processes meet required standards. We recognise this would be hard and time consuming to achieve, but UK government should look to innovative pilots and tests for new approaches with trusted businesses. Ultimately, the benefits should be delivered for trade in relevant goods moving in both directions between the UK and EU.

Develop a permissive regime for product samples (UK Gift)

The UK's current approach replicates the EU's approach, which treats samples in the same way as large-scale commercial imports. This is more practical for the EU because it means that samples, once admitted, can move freely through all member states. But it's costly and in some cases entirely prohibitive for a single country to apply this regime.

Many companies have faced a range of significant issues trading product samples both for organoleptic tasting but also for research and innovation, a **crucial part of product development** for our sector. It's also not possible to return product samples between sites for example.

Two routes into the UK currently exist:

1. **Commercial route** (replicating process for large volume shipments i.e. EHCs etc)
This causes issues around obtaining documentation when conducting competitor analysis, using prototype ingredients from brand new suppliers where contract information doesn't exist and high costs/administrative burden for very small volume of product tested in controlled conditions and not for the general market.
2. **Current import licence** (IV58). This is geared towards biohazardous materials (pathogens etc) and not appropriate for food and drink. FDF member Devro set out the following challenges with this option during an evidence session to Scottish parliament in March 2024; *'the document is about 12 pages long and asks all sorts of questions about things that have no relevance to our product. The system is also completely opaque. We have no idea when we will get a decision, and we cannot challenge that decision. We are also required to implement biosecurity measures that are disproportionate to what we are trying to do.'*⁴

These shipments are very low risk as they are small volumes and will never be placed on the market for consumption. Given the presence of global centres of new product development on both sides, we urge UK government and the European Commission to work in partnership to put in place a more permissive regime for movements of product samples to help foster innovation and investment. This could be based on existing assurances such as approved premises and approved countries lists, and clear inspection and compliance requirements for UK importers choosing to bring samples in through this route.

Review the application of the Common User Charge (CUC)

The current CUC is a £10-29 flat fee imposed on all imports moving through the government operated Border Control Posts (BCPs) at Dover, Sevington and the Eurotunnel. It is creating confusion for businesses, and disproportionately impacts SMEs.

The charge applies per product (with a cap set at 5 lines). It places a higher burden on smaller businesses bringing across mixed loads, who currently pay more in charges than larger businesses bringing across entire truckloads of a single commodity. We believe that

⁴ <https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=15781>

government needs urgently to review the application of the fees in a way that does not disadvantage SMEs.

Principles for a more effective relationship

1. Guidance, Support, and effective cooperation

It is important that clear and consistent guidance and instructions are issued when changes, such as new certificates, are introduced. This is crucial given that the smallest detail can lead to a document being rejected and a consignment held. FDF members cited issues with vet stamps, document numbers, the usage of the wrong model of EHC through the implementation of the BTOM this year. It was disappointing that UK guidance⁵ covering these errors was released months after certificates came into effect, with no lessons learnt from when UK exporters faced the same challenges in 2021.

FDF Member Comments:

Dairy Sector: *Better guidance is needed to support businesses. Most of our supply points had issues initially as the guidance wasn't clear. Clarity is needed on what version of EHCs are required. We have had shipments held at ports because of this lack of clarity, with port vets refusing to tell us exactly what version of the EHC they needed.*

Meat Sector: *Another problem is the UK not actively informing importers when certificates had changed and the BCP not understanding what import certificate is needed and what the requirements mean. Our production was days away from being halted because the Port Authority vet did not understand the nature of the raw material and refused to clear it.*

Processed foods: *[We have] faced challenges in obtaining timely support from DEFRA when dealing with inconsistencies at ports or challenges related to UK-issued health certificates. In some cases, our products have been delayed at ports, and it has taken weeks to receive a response from DEFRA. Establishing a dedicated team within DEFRA to respond promptly to specific issues—whether related to the EU or to imports from around the world—would be highly beneficial and help ensure smoother trade processes.*

UK government should also look to cooperate more effectively with the European Commission and EU Member States when changes are introduced. For example, the private attestation form for shelf stable composites was updated earlier this year. By the time the changes were communicated to industry, the deadline for submitting the new form had expired and an extension was granted. Guidance on the new fields in the document was not provided until months after this date. Similar issues were experienced when the Export Health Certificate for POAO changed in May. These updates, for example, could be streamlined through the agri-attaché network and DBT officers in Europe, with both networks expanded recently.

Principles to consider for furthering technical conversations

More detail on possible options is set out below, drawing upon different precedents cited and outlined in the Aston Report which provides details on SPS provisions relating to agrifood trade.

- Greater **information sharing** between the UK and EU about policies and new SPS measures e.g. notifying each other directly of measures or new frameworks, scientific basics for measures etc. There is currently very little cooperation or collaboration in this regard even though the UK and EU are pursuing similar legislative agendas. The

⁵ createsend.com/t/y-85A38D622AC712C02540EF23F30FEDED

current structures are very rigid (the SPS specialised committee between the UK and EU meets once a year with a very formulaic agenda). This has led to the following recommendation in the CEF inquiry: *'increase the frequency of meetings for the TCA committees to strengthen oversight and cooperation'*⁶. Much more momentum is needed to make these conversations more worthwhile and help support the quicker resolution of issues.

- **Recognition/equivalence:** One party recognising that the other party's measures, although different to theirs, provide an appropriate level of protection. This could be on a system wide or product by product basis. Some limitations remain, for example, recognition to export is afforded via the UK/EU approved listed establishment system which manufacturers of POAO etc needed to conform to. This does not remove subsequent steps e.g. checks, EHCs.
- **Harmonisation provisions:** parties maintain and enhance cooperation through international standardisation bodies. This could include rights and protections for farm and food workers, animal welfare standards and levels of good manufacturing practice for food and drink production facilities broadly aligned with those applied in the UK and established in standards frameworks such as ISO or the FAO's Codex Alimentarius.⁷
- **Institutionalisation;** the implementation and effectiveness of SPS commitments can be discussed and analysed through bodies such as the WTO's SPS Committee.

A comprehensive list of EU SPS agreements is available [here](#). **New Zealand's** agreement with EU incorporates many of the gains summarised above with around 1-2% of selected goods (red meat, dairy, certain shellfish) subject to SPS identity and physical checks compared to up to 15-30% for certain UK products.

This agreement references the WTO SPS agreement, with both parties collaborating on transparency, fast information exchange and technical consultations, bilateral and international cooperation in key areas, official controls, and certification as well as border import checks.⁸ It would be prudent for the UK to build on these principles with the delays and poor communication with the Commission causing a number of issues with the BTOM⁹.

Case Study: Report from the Commission to the European Parliament on the implementation and application of the TCA

'The late publication of the final Border Target Operating Model and the lack of detail on many of its provisions, together with delays in introducing electronic certification by the United Kingdom, raised significant concerns in the EU about the exact requirements and procedures that EU exports would face. Moreover, additional administrative requirements, costs and possible long delays at the border could have a dissuasive effect on the export of agri-food products to the United Kingdom.'

⁶ [Building on the Trade and Cooperation agreement- How the UK and the EU can cooperate better for economic growth and political stability \(nationbuilder.com\)](#)

⁷ <https://www.fdf.org.uk/globalassets/resources/publications/reports/trade-reports/a-uk-trade-and-investment-strategy-for-food-and-drink.pdf>

⁸ https://policy.trade.ec.europa.eu/news/key-elements-eu-new-zealand-trade-agreement-2022-06-30_en

⁹ https://commission.europa.eu/document/download/def518e5-144b-4e73-a54a-5b078544da48_en?filename=COM-2024-127_0_en.pdf

On equivalence, a mechanism exists in the **EU-NZ** agreements where the legislation of both parties is compared, leading to a determination of positive or negative equivalency.

Other, more comprehensive EU SPS models, include the **EU-Swiss** arrangement. **This agreement removes nearly all physical SPS checks and documentary requirements** through a dynamic regulatory mechanism, creating a Common Veterinary Area. Switzerland's Federal Food Safety and Veterinary Office (FSVO) seeks to represent its position to the EU when new legislation is being drafted and as scientific developments occur. This is achieved through participation in working groups and the standing committee. Consignments from outside of the EU/Switzerland do not get checked at the Swiss border if they have been through the EU. This creates limitations for Switzerland who are unable to agree equivalence with other third countries.

Switzerland and the EU have sought to improve on the current arrangement, which is seen as cumbersome. Recent [discussions](#) on renegotiating the Agreement on Trade in Agricultural Products propose the establishment of a common **“EU-Switzerland Food Safety Area”**, which would extend the agreement to cover the entire food chain. This would allow Switzerland to align its legislation while also creating the option to negotiate certain exemptions if they do not lead to lower standards.

The precedents show that different options exist, but they are tailored to a very different frequency and volume of trade and for a different mix of products than that which takes place between the UK and EU. **The EU and UK should jointly explore options to design a bespoke SPS equivalence agreement** that supports the highest standards of food safety, and which is tailored to facilitate future growth in trade flows moving in both directions between the UK and EU.

For example, Food and Drink business would benefit from **mutual recognition of beneficial standards and practices with the EU** to ensure fair and seamless trade and solve issues at the border that continue to impact business. The UK and EU should explore options to put in place an **agreement** aiming to harmonise and eliminate the requirement for certificates. This may even be on a risk basis product by product but reducing the number of products requiring veterinary certificates would be key to boosting trade for animal derived products.

Working towards the removal of “not for EU” labelling in Northern Ireland

The Windsor Framework sets out new processes for movements of goods from Great Britain (GB) into Northern Ireland (NI). It includes a ‘green lane’ solution where companies can move finished goods into NI without checks. To benefit from the simplified procedures, a ‘not for EU’ labelling system applies for food and drink subject to SPS controls. Alternatively, businesses can move these products into NI without ‘not for EU’ labels via the red lane or via the Republic of Ireland.

Meat, dairy, petfood, fish, some composite products and pre-packed fresh fruit/veg entering via the green lane must have the label on the consumer unit, with this requirement phased in between October 2023 and July 2025.

While industry welcomed the [decision](#) not to proceed with plans to extend this requirement on a UK-wide basis from October 2024, exploring digital solutions to demonstrate that goods moving into Northern Ireland are not at risk of moving into the Single Market should remain a priority. This would remove the need for labelling altogether.

This option is in line with Windsor Framework command paper, which includes a commitment to make use of technology to improve the working of the Windsor Framework, including review labelling requirements.

Trade in Organics

Trade in organic products is premised on equivalence and mutual recognition principles and Certification Bodies in the UK remain highly integrated with counterparts in the EU.

The EU initially agreed to recognise the UK as equivalent for organics (and vice versa) until 31 December 2023, allowing continued trade in UK and EU grown organic products (or non-UK or EU products that are further processed in the UK or EU). This agreement was extended on [6 December 2023](#)¹⁰ and has similar coverage to all agreements that the EU has with third countries. (With the exception of Switzerland).

The UK has waived the requirement for Certificates of Inspection on imports of organic products from the EU, EEA and Switzerland until **1 February 2027**.

The completion of the certificate represents a significant barrier to trade. In the opposite direction, during the first year of the TCA, the requirement for UK COIs upon entry to the EU increased the shipping times from 1 day to minimum 4 days with the delays and extra time required to request and receive the document before shipping.

Policy Solutions

Defra is currently carrying out a full review of the existing GB organic regulations to replace the EU Retained Organic Regulations. Industry requires reassurance that any changes to GB Organic regulations will ensure that equivalence with the EU is preserved and extended.

This review presents an opportunity for wider integration on organics and addressing future issues for the sector. FDF members in the sector would support broader cooperation with EU organic regulations to remove barriers to current and future trade.

Process

1) Comprehensive guidance on processing requirements and upskilling trade well ahead of the February 2027 deadline

- a. industry requires reassurance that the UK Border Control / Port Health Authority are prepared and resourced effectively for this change and increase in workload. Similar reassurance is needed on the EU side to understand whether EU certifying bodies are ready for the additional COI needs and expectations of UK Port Health Authorities. This is particular concern given the burden that the BTOM has placed on existing infrastructure, and delays faced by various parts of the food and drink sector.
- b. More guidance and case studies are required on the processing requirements for non-UK/EU sourced ingredients to be in scope with a high degree of uncertainty remaining.

2) E-COI/Electronic Signature (particularly for first consignees)

¹⁰ https://agriculture.ec.europa.eu/farming/organic-farming/trade/agreements-trade-organic-products_en#:~:text=United%20Kingdom,-In%20accordance%20with&text=Following%20the%20completion%20of%20the,equivalence%20on%206%20December%202023.

Scope

We understand that out-of-scope products have [continued to be imported](#) into the UK from the EU with industry confusion over the scope/processing and lack of requirement for the certificate.

- 3) **An extension to the current narrow definition of ‘processing’ to include ‘preparation’ and further activities**

Certificate

- 4) **Removal of the requirement for a COI (UK-EU Origin only)**

Case Study: EU-Switzerland

- Most intensive integration with the EU Organic System.
- Direct EU-Swiss trade: Products of Swiss/EU origin in free circulation in one of the Parties and which are covered by equivalence arrangements **do not require certificates of inspection.**
- Imports into Switzerland from outside of the EU:
 - Products from countries listed in an Annex
 - Products that have been certified by EU-recognized third country control bodies may be imported into Switzerland.
 - These products require E-COI in TRACES (issued by the inspection body in the country of origin)
- No certificate of inspection is required for consignments from EU member states, provided that the imported products have been cleared through customs in the EU member states.

Roadmap

Current UK Position

- Third country SPS status.
- Full customs declarations
- Export Health Certificates & Documentary and physical inspections on up to 30% of UK goods upon entry to EU. UK currently checks 1% of EU goods entering the UK
- UK retains full ability to negotiate independent trade policy (AUS/NZ/CPTPP etc)
- Independently pursuing wider trade policy objectives e.g. deforestation, CBAM etc and regulatory regimes



Policy Cooperation

- Closer communication and cooperation on pipeline policy
- Complementary schemes where UK/EU share same objectives or where required for internal UK trade.



Limited Scale SPS Agreements

- Agreements allowing resumption of trade of prohibited products (e.g. seed potatoes)
- EU has shown willingness to do these limited deals in the past e.g. with USA.



Digitisation Agreement

- Digitisation of Customs and SPS certification (in both directions)
- Remote vet sign off on EHCs



SPS Agreement

- Rules are regarded as “Equivalent” (not necessarily adoption of same laws)
- Covers specific targeted products agreed between the partners
- Export Health Certificates required (main cost/burden for exporters)
- Reduced checks, streamlined border clearance, reduced fees



Wider Regulatory Integration

- Address more substantive trade barriers e.g. certification
- Actioning of regulatory development plan
- Cooperating on areas of mutual interest
- Retaining ability to diverge where necessary e.g. emergency procedures or innovation agenda.
- Match EU requirements on third country imports (already needed for many products to allow movement to NI)

Full EU Membership



Customs and Rules of Origin

Clarity on ‘insufficient processing’

Critical issues remain around carousel and triangular trade issues, particularly for just in time movements of goods. The TCA includes ‘bilateral cumulation’ provisions – allowing UK businesses to count EU ingredients as ‘originating’ in their product (and vice versa).

To benefit from this provision, processing of the ingredients from the partner country must go beyond a prescribed list of ‘insufficient processes’. There is a high degree of ambiguity around the ‘simple’ processes, for agri-food:

- *Simple cutting*
- *Simple placing in bottles, cans, flasks etc*
- *Simple mixing of products*

‘Simple’ is defined as ‘operations that require neither special skills nor machinery specifically produced or installed’. However, uncertainty persists around this provision and **joint guidance that incorporates the learnings from the first 3-4 years of the TCA** would be beneficial. **This issue has also been raised repeatedly by EU businesses.**

- [UK guidance](#)
- [EU guidance](#)

Where the sufficient processing requirement cannot be met, guidance and simplification is required on other options and facilitations available to traders e.g. provisions on Returned Goods Relief (RGR) or customs warehousing. EU goods located in the UK are subject to extremely burdensome formalities and procedures when returned to the EU, which can be highly problematic for trade destined for the Republic of Ireland in particular.

UK government and the European Commission could consider a threshold under which there is no need for a formal proof of origin for returned goods or at the more ambitious end of the scale pursue negotiations with the EU to secure an exemption that would permit the re-export to the EU of non-processed EU originating goods without incurring tariffs.

A mechanism should also be included in the Rules of Origin chapter to enable the future establishment of full diagonal cumulation between the UK, EU and shared preferential trade partners.

Consistent approach at ports and borders

The experience of UK traders since 1 January 2021 is that the EU Single Market does not operate consistently in terms of the treatment of third-country imports, with individual Member States applying rules differently and inconsistently. Traders moving goods in both directions should rightly expect consistent and fair treatment of exports by both UK and EU authorities.

This raises questions about what can be done to identify and address unique and often challenging demands imposed by some EU Member States that generate complexity for

exporters of UK products and what additional support can be provided to assist UK companies navigating such differing requirements.

For example, we regularly see demands for additional and unique paperwork in some EU Member States. Some border officials continue to press for the provision of Meursing Codes for goods traded under preference. It has even been suggested by some Member State authorities that such steps have been taken to actively push for inward trade from the UK to be rerouted via other Member States due to a lack of capacity/preparedness to implement the TCA with one FDF member rerouting all products to the Netherlands where the customs officers there act as *'a help and not a hinderance.'* Other members noted

- Inconsistent asks such a ingredients lists at ports in Greece and France
- Delays in Dublin for as small an issue as page numbers missing.
- products taking 5 months to clear (in Spain)
- Certain ports being blocked due to complexities (in Italy)
- transport agents / haulage companies refusing to carry organic goods for fear of the whole consignment being stopped and delayed resulting in an increase in haulage prices.

It is thus vital for the competent authority in each country to understand the terms of the TCA and have consistent interpretation. This affects movements of both finished goods for UK producers but we also see detrimental impacts for movements of UK-produced specialist ingredients that are required by EU manufacturers.

Close cooperation in developing Single Trade Windows

The UK recently announced its decision to delay the development of a Single Trade Window. This was a disappointing development for a project that, if implemented correctly, could provide valuable streamlining to the import process, and cut down on unnecessary duplication. We encourage Government to revisit this decision.

Assuming a resumption in development, and with the EU also committed to developing their own STW, the UK and EU should aim to share best practice and strive to establish a closer partnership between the customs systems of the EU and UK to ensure optimal compatibility and ease of use for traders.

For example, they should actively seek ways to align, integrate and ensure future compatibility of respective STWs via a single portal for importers and exporters.

The model pioneered by Sweden and Norway before Sweden's accession to the EU, and sustained upon EU membership¹¹, demonstrates that such approaches can work in practice.

This model is based on integration and open sharing of information between the two parties, allowing a low percentage of goods to be selected for documentary/physical controls. Part of the process involves the use of risk-management technology to select vehicles for checks including advanced scanning to x-ray goods vehicles.

These advances in technology should be explored fully to move checks away from the border and provide real time information to customs authorities on the movement of goods.

This recommendation in the FDF Trade and Investment Strategy is echoed by further industry stakeholders. *'The UK and the EU should consider the implementation of a pilot programme aimed at enhancing customs cooperation through the establishment of joint customs offices, similar to those operational on the Norway/Sweden border. Dr Anna*

¹¹ <https://www.fdf.org.uk/fdf/resources/publications/trade-reports/a-uk-trade-and-investment-strategy-for-food-and-drink/>

Jerzewska reminded the Inquiry that the UK initially proposed the idea of "potentially joining customs offices around bilateral cooperation on customs."¹²

Consideration could also be made on closer alignment on Safety and Security declarations. As the UK chose not to align with the EU's Union Customs Code (UCC), exporters have required safety and security declarations since January 2021 and importers will require from October 2024. (BTOM phase 3).

The EU, along with Norway and Switzerland, has established a Safety and Security Zone. Within this zone, there exists a framework for the mutual recognition of security measures for the movement of goods, removing the necessity for safety and security declarations and prenotifications. The Government could consider joining this zone reducing costs and bureaucracy for UK and EU exporters.

¹²https://assets.nationbuilder.com/conservativegroupforeurope/pages/503/attachments/original/1710236334/Building_on_the_Trade_and_Cooperation_agreement.pdf?1710236334

Annexes

Trade Statistics

Since 2020 we have seen some significant falls in exports to the EU.

Exports to the EU			
	2015 - 2019 average	2021 - 2023 average	Difference
Fruit	157.2m kg	43.8m kg	-72.1%
Beef	129.2m kg	111.1m kg	-14.0%
Butter	53.3m kg	45.6m kg	-14.3%
Cheese	140.8m kg	132.4m kg	-6.0%
Fish	200.8m kg	126.8m kg	-36.9%
Ice cream	48.7m kg	36.9m kg	-24.3%
Milk and cream	992.3m kg	931.7m kg	-6.1%
Poultry	285.7m kg	216.2m kg	-24.3%
Salmon	55.3m kg	59.9m kg	8.2%
Sausages	5.5m kg	4.1m kg	-25.5%
Pork	178.1m kg	138.3m kg	-22.4%
Chocolate	133.0m kg	113.1m kg	-14.9%
Nuts	7.7m kg	4.3m kg	-44.3%
Yogurt	23.7m kg	9.6m kg	-59.4%
Tinned tomatoes	5.3m kg	3.9m kg	-25.8%
Molluscs	29.0m kg	22.9m kg	-21.2%
Shellfish	66.7m kg	49.6m kg	-25.6%
Whey	44.0m kg	36.6m kg	-16.8%
Protein concentrates	22.3m kg	7.6m kg	-66.1%
Total	2607.0m kg	2097.2m kg	-19.6%

[Our Q1 2024 trade snapshot](#) and [H1 2024 snapshot](#) covers the initial impact of the BTOM and SPS controls, with a focus on the drop off in meat exports from the EU to the UK after the introduction of the Export Health Certificate at the end of January 2024.

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