



Postponement of post-Brexit border checks in Great Britain

DLA PIPER TRADE TRUTHS

23 March 2021

By: Paul Hardy | John Forrest | Gaurav Kapoor | Victoria Artaza

The three-stage UK border model

In order to soften the impact of the UK's departure from the EU, the UK Government introduced a Border Operating Model for a phased introduction of full customs and regulatory checks on imports from the EU into Great Britain. The Border Operating Model phased the introduction of these customs procedures into three "Stages".

In the **first stage**, from 1 January 2021, traders:

- Could decide whether to defer the UK customs import declaration for up to six months after the date of the import (the deferred declarations scheme) or complete full customs declarations on import.
- Would not have to submit Entry Safety and Security declarations on all imports.
- Would not have to submit pre-notification and health documentation for imports of Products of Animal Origin (POAO) or regulated plants and plant products.

In the **second stage**, from 1 April 2021, traders:

- Would have to submit pre-notification and health documentation for POAO imports or regulated plants and plant

products.

In the **third stage**, from 1 July 2021, the full new border regime would be implemented. Traders:

- Would no longer be able to defer customs declarations.
- Would have to submit Entry Safety and Security declarations on all imports.
- Would have to be prepared for relevant POAO goods to enter Great Britain via a Border Control Post either at port or an inland site, accompanied by POAO documentary requirements.

Delay in the implementation of stages 2 and 3

On 11 March 2021, Michael Gove, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, announced a six-month delay in the introduction of the stage 2 and 3 border controls.

Postponed until 1 October 2021

- The requirement to submit pre-notification and health documentation for POAO imports or regulated plants and plant products has been postponed from 1 April to 1 October 2021.

Postponed until 1 January 2022

- The option to use the deferred declaration scheme has been extended from 1 July 2020 to 1 January 2022.
- Entry Safety and Security declarations for imports have been delayed from 1 July 2020 to 1 January 2022.
- Physical sanitary and phytosanitary (SPS) checks for POAO and regulated plants and plant products at Border Control Posts have been delayed from 1 July 2020 to 1 January 2022.

Why has the UK government postponed these checks?

The postponements come as a consequence of business lobbying, but also of a recognition in the UK Government, albeit privately rather than publicly expressed, that the UK's border infrastructure is not ready for the new changes. The impact of COVID-19 has not helped.

Businesses and trade bodies have urged the UK Government to allow for more time to prepare. The British Chambers of Commerce (BCC) said that 49% of UK-based exporters in a survey of 470 firms had suffered problems with post-Brexit arrangements. They reported that companies have been struggling to adapt and have faced higher costs due to extra border checks and paperwork since the start of the year. The British Retail Consortium said it would have been a mistake not to delay checks given the current state of border infrastructure and IT systems; and, that had the Government pushed ahead without delaying the timetable, shops may have seen empty shelves for some products. Transport and logistics trade bodies have been swift to support the announcement too.

Construction of the necessary infrastructure at British ports including Portsmouth and Killingholme has only just started, and the location of some Border Control Posts remains to be announced. Port authorities have blamed the UK Government for the delays, citing lack of public funding for the construction works.

Comment

The delay in SPS checks is good news for businesses relying on importing food and plant products from the EU. This sector has been one of the worst hit by the changes to import rules since the beginning of the year. It gives supply-chain managers six months more to ensure affected EU imports are ready for the new SPS checks which will be put in place from October. It also gives the UK Government time to develop the UK's port infrastructure and related IT network.

Contact

DLA Piper's Global Trade and Regulatory Affairs team is advising clients on post-Brexit trade issues such as import and export procedures, rules of origin, trade remedies and compliance with the Brexit deal and other free trade agreements. Please do not hesitate to contact us if we can be of assistance.

AUTHORS



Paul Hardy

London | T: +44 (0)20 7349 0296 [UK Switchboard]
Paul.Hardy@dlapiper.com



John Forrest

London | T: +44 (0)20 7349 0296 [UK Switchboard]
John.Forrest@dlapiper.com
