



HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ

Rt Hon Mel Stride MP
Chair of the Treasury Select Committee
Treasury Select Committee
London
SW1A 0PW

17 November 2020

Dear Mel,

THE CUSTOMS SAFETY AND SECURITY PROCEDURES (EU EXIT) REGULATIONS 2020

I am writing regarding The Customs Safety and Security Procedures (EU Exit) Regulations 2020 which were laid in Parliament in draft on 16 November.

Making safety and security (S&S) declarations on exports are a non-fiscal requirement of retained EU law as amended by provision made under the European Union (Withdrawal) Act 2018, and will be required for exports to the EU from 1 January 2021.

This draft instrument provides a power to waive temporarily the S&S requirement on exports, or to modify the deadline for declaration submission, by publication of a notice. This is similar to the power provided for the fiscal export declaration under subordinate legislation of the Taxation (Cross-border Trade) Act 2018.

The instrument represents part of the Government's contingency planning for the end of the Transition Period, and provides a mechanism to address any disruption that might occur if businesses are not ready to submit safety and security declarations, or the safety and security element of a combined export declaration.

The power is targeted and limited. These notices would only be used if the UK faced disruption at the border, or there is evidence that border disruption is likely to occur. Notices cannot specify a date for a waiver or modified deadline for declaration submission later than 1 July 2021. In addition, the notices could be limited by time, location, sector of trade or type of good, allowing HMRC to target any contingency waiver to where and when it is needed and minimise security risks.

As ever,

A handwritten signature in black ink, reading 'Jesse Norman'. The signature is fluid and cursive, with the first name 'Jesse' and the last name 'Norman' clearly distinguishable.

RT HON JESSE NORMAN MP