



Department for Environment Food & Rural Affairs

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Sir Robert Goodwill,
Chair, Environment, Food
and Rural Affairs Committee

By email

22 February 2024

Dear Sir Robert,

Thank you for your letter of 30th January regarding the Border Target Operating Model (BTOM). As you will be aware, the first stage of the BTOM (the introduction of health certification on imports of medium risk animal products, plants, plant products and high-risk food and feed of non-animal origin from the EU) has been operational since 31st January. I am pleased to say that this transition proceeded with no significant issues, and we have had some positive feedback from stakeholders on the implementation of the new controls.

Introduction of these new health certification requirements is an important step forward in the plan to strengthen our biosecurity regime. Commercial SPS goods imported into Great Britain from EU member states and the rest of the world will now be subject to the same risk-based certification regime, which will ensure that they continue to meet the high standards required to protect the nation's biosecurity.

Turning to the specific questions raised by the committee:

1. ***The current amount of funding in place for spot checks of POAO at the Port of Dover and whether you have plans to change that funding. Furthermore, what assessment you have made of the potential impact of a reduction in those checks on the UK's biosecurity?***

It might be useful to set out clearly the nature of the checks planned to take place at the Short Straits under future arrangements, as there are two categories of checks that are distinct in nature:

- Firstly, the BTOM has been designed to introduce controls on commercial imports that are required to be pre-notified and provide health certification before arriving in Great Britain. These are high volume imports and the risk-based model outlined in the BTOM will require a percentage of consignments to attend a Border Control Post (BCP) for a physical inspection. At the Short Straits these commercial imports will be inspected at Sevington, subject to the site satisfying the statutory criteria for designation as a BCP.

- The second category of checks relate to illegal imports. Border Force is responsible for the management of illegal imports, and they undertake spot checks at the point of entry to tackle abuse of border controls. Border Force has powers to search baggage, vehicles, and cargo for illegal imports. Port Health Authority (PHA) officers have been asked to support Border Force to deal with illegal imports of Products of Animal Origin (POAO) when they are identified.

Dover Port Health Authority, along with other PHAs, is currently in receipt of grant funding from Defra, under provisions put in place following the decision by government in 2022 to delay the implementation of SPS controls. This funding scheme also supports PHAs with readiness activities ahead of the April 2024 go-live. Once phase two of the BTOM is introduced in April, this transitional grant funding scheme will end as intended: at this point PHAs will be able to charge traders to recover costs.

Whilst in receipt of this funding, Defra has required Dover PHA to provide support to Border Force to tackle illegal imports, with a sharp focus on identifying illegal meat in accordance with African Swine Fever safeguard measures. While Dover Port Health Authority provide support, these operations are led by Border Force at Dover. The level of seizures made has shown that these operations, led by Border Force, have been successful and Defra has agreed to put in place new funding to enable this important work to continue.

Given that the current grant funding was put in place to support BTOM readiness activity, alongside supporting Border Force operations, it is only right that future funding requirements are reviewed to ensure they are proportionate and represent value for money. Defra has advised Dover PHA that we have budget provision in place at a lower level, however we have been clear that we are open to a discussion to agree the level of budget required, based on a transparent assessment of resourcing and the associated funding requirement.

We have also advised all PHAs that we expect them to introduce charging to recover costs incurred when dealing with illegal imports. We have explained this to Dover and are happy to work with them to consider how best to implement this measure, to supplement core funding.

I want to reassure you that biosecurity controls are a priority for Defra. The BTOM introduces proportionate controls that will protect the agri-food sector and public health. We have established mechanisms in place to stop products from being imported into Great Britain from areas with a known pest or disease outbreak. We can use additional safeguarding measures to protect our biosecurity where we have particular concerns and evidence about pest or disease risk. Preventing an outbreak of ASF in the UK remains one of our key biosecurity priorities. Whilst the UK has never had an outbreak of ASF, we are not complacent. We continue to work closely with the devolved administrations on outbreak response contingency planning, and on preventing an incursion from imported goods.

As part of our suite of biosecurity measures, it is our intention that Border Force led operations to tackle illegal imports at the Short Straits continue, with the support of Dover PHA, and we want to work with them to agree appropriate operational and funding arrangements.

2. *How many checks are currently being undertaken for POAO at the Port of Dover, and whether you have plans to change the number of checks being undertaken or the location in which those checks are taking place?*

The new regime for physical checks for imports of Products of Animal Origin from the EU does not commence until April 30th 2024. Checks for POAO arriving from the EU after that date will be carried out at the purpose-built facility at Sevington, provided it meets the relevant statutory criteria for designation as a BCP. Checks will be carried out on high and medium-risk goods, on a risk-basis as outlined in the BTOM.

No checks on POAO are undertaken at Dover Western Docks, which is a commercial BCP with designation for plants and plant products and high-risk food not of animal origin.

Checks relating to illegal imports at the Port of Dover are the responsibility of Border Force and are conducted with support from Dover PHA as set out above. Border Force will continue to undertake these checks and due to their nature, it would not be appropriate to move them to an inland BCP designed for commercial imports.

3. *Your rationale for persisting with the plans to open the Sevington inland border facility despite stakeholder concerns.*

Following the development of the BTOM it was only right that government reviewed infrastructure requirements at the Short Straits to ensure that border facilities aligned with future policy requirements. This review was in line with infrastructure reviews undertaken by commercial ports outside the Short Straits, which also assessed the capacity required under the new model.

You will be aware that the BTOM introduces a risk-based and proportionate approach, along with new trusted trader schemes, and this new design means that fewer physical checks will be required at the border compared to earlier plans.

Following a careful review of infrastructure requirements, Defra announced our intention to consolidate commercial SPS checks for the Short Straits at the inland border facility at Sevington. This is subject to Sevington receiving approval for designation as a BCP, which it is seeking prior to 30th April.

In announcing our intention to move forward with a single site at Sevington, the department considered a wide range of factors.

- The need to safeguard the UK's biosecurity.
- The strategic importance of the Short Straits trade routes and the anticipated volume of checks in accordance with the policy design of the BTOM.
- The nature, size and location of the Sevington and Bastion Point facilities, and the fact that Bastion Point would be unable to act as the only BCP for all required checks.

- The unique geography of Kent, the transport infrastructure surrounding its entry points, and the lack of viable alternative sites.
- The importance of minimising the costs and barriers to trade.
- The need to ensure value for money for future border operations.

Sevington was always designed as a site for checking high and medium-risk SPS goods. It has modern facilities and will be able to carry out checks on all types of consignments, including POAO, plants & plant products and live animals.

In taking the decision to consolidate checks at Sevington (subject to it satisfying the statutory criteria for designation as a BCP), we engaged extensively with stakeholders and carefully weighed up biosecurity requirements and the costs to business. A key concern from traders was the level of charge likely to be needed to pay for the running of two Border Control Posts (Sevington & Bastion Point). As Sevington has the capacity to deliver the full range of checks on the volume of consignments anticipated to arrive via the Short Straits, the user charge to cover this will be substantially lower than one based on dual running of both facilities.

4. What safeguards will be in place to ensure the required loads travel from the point of entry (Port of Dover) to the Sevington site (22 miles away), without either offloading goods on route or not presenting at Sevington at all?

The BTOM is a system deliberately designed to target risk in a proportionate way, it is not intended to carry out checks on all goods.

Goods selected for inspection will not be legally cleared for sale or use within the UK until they have attended and been cleared at the BCP. Where the BCP has concerns, for example due to non-attendance, there are existing provisions for the goods to be referred for inland controls by the local authority. There are also established processes for Border Control facilities that sit outside the controlled zone of ports.

As noted above, BTOM checks have been designed to provide biosecurity controls for commercially imported products. The responsibility for illegal and smuggled goods sits with Border Force who carry out intelligence-led checks at the point of entry. Defra and Border Force have worked closely on a new personal imports policy which is currently subject to a write round and will be published in April 2024.

5. What engagement you have had with the Dover Port Health Authority and other stakeholders on this matter?

Defra officials and ministers have engaged extensively with Dover PHA, Dover District Council, Ashford Borough Council, local MPs, and other border stakeholders on this matter.

In-person meetings were arranged in May 2023 to discuss BCP provision for Kent with Ashford, Dover, and Kent County Council, as the principal local authorities concerned with the management of SPS checks in Kent under the post-Brexit BTOM and given the potential impact on local infrastructure.

Thereafter, Defra continued to engage with the local authorities separately, including giving them an opportunity to contribute data to inform the decision-making process, and to highlight any legal or operational concerns regarding options for border infrastructure. In July 2023 Dover PHA provided a large quantity of import volume data in order to challenge Defra's assessment of the operational capacity required for the BCP (or BCPs) serving the Short Straits.

There was considerable contact over the following months by email and in meetings to understand the significance of Dover's data and engage with its concerns. Ultimately, Defra concluded that the data supplied by Dover PHA did not materially affect its assessment.

In addition, Dover PHA had weekly meetings with their single point of contact within the Defra borders team until 17th January 2024, when they withdrew from engagement. A fortnightly call takes place between Defra and all Port Health Authorities, Dover PHA have been a regular attendee of this.

Natalie Elphicke, MP for Dover, has had meetings with both Lord Benyon and myself, to discuss this. In addition, Lord Benyon met with Damian Green, MP for Ashford, to discuss arrangements for consolidation at Sevington.

6. *Your plans for the Bastion Point inland border facility.*

The site under lease at Bastion Point is currently, and will continue to be, retained in a non-operational state until the operational environment at Sevington is understood following the full implementation of physical SPS checks under the BTOM. At that point the Government will examine further options for the site. This approach ensures that costs are kept at a minimum for the taxpayer.

I would be happy to meet with you and the relevant officials at Defra to provide a private briefing on any of the points raised if that would be helpful.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'K Douglas-Miller', with a long horizontal flourish extending to the right.

LORD DOUGLAS-MILLER