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for Environment
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Mr Alistair Carmichael
House of Commons
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Dear Alistair,

Thank you for your letter of 11 February, following on from evidence given at the EFRA session on 4 February. The UK's border biosecurity measures are a key point of focus for Defra and this government. I am grateful to you, your EFRA Committee colleagues, David Smith, Lucy Manzano and Helen Buckingham for facilitating the session.

I have been following the inquiry closely and was planning to write to you in response to some of the points raised on 4 February. I gratefully received your letter on 11 February, and hope that the attached annex, which contains additional and important information, will provide some clarity on the most pertinent points raised during the evidence session and in your letter.

I am keen to emphasise the important work that Defra is undertaking to protect UK biosecurity at the border. This includes the implementation of the UK Government's Border Target Operating Model (BTOM) which provides us with a powerful SPS regime to regulate commercial imports, and the collaborative work undertaken between Defra, PHAs and Border Force across GB to stop illegal meat imports.

It was noted that one of the main focuses of the session was the department's response to the recent confirmed case of Foot and Mouth Disease (FMD) in Germany. Whilst I have replied in greater depth in the annex, Christine Middlemiss, UK Chief Veterinary Officer (CVO), has helpfully provided her summary of Defra's response below:

"Defra responded immediately to the notification of a confirmed case of Foot and Mouth disease in Brandenburg, Germany. I requested on the afternoon of the 10th January that all imports of products of animal origin from susceptible species, not appropriately treated, be halted immediately, therefore including stopping consignments at BCPs.

I know that officials and those working on the front line at the border acted as swiftly and appropriately as they could in the face of an evolving situation, to protect our country and farmers from the risks posed by Foot and Mouth Disease."

It should also be noted that Defra Ministers have held constructive meetings with the German minister responsible, and our two countries continue to work together on this

important biosecurity issue. I am also in continuous contact with the relevant biosecurity ministers from across all devolved nations of the United Kingdom, to ensure that our natural environment and food supply chains are protected.

Another theme of the recent inquiry session was funding for Port Health Authority staff at Dover. It is important to note that Defra is in ongoing discussions with Dover District Council to agree upon a funding position for 2025/2026. In addition, on 29 January 2025 I wrote directly to Lucy Manzano at Dover Port Health Authority setting out our funding position and have recently received a response to which my officials are working up a reply. We look forward to a swift resolution of these discussions and a constructive working relationship ahead to tackle the issues at Dover.

I hope that this information supports the Committee's inquiry. Should I be invited to provide further evidence to the committee, I look forward to the opportunity to do so. I will of course, work with the Animal and Plant Health Agency's Chief Executive Officer and the UK Chief Veterinary Officer, to ensure that they are well prepared for the next inquiry meeting in March.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sue Hayman', written in a cursive style.

BARONESS HAYMAN OF ULLOCK

ANNEX

Before providing an answer to the points in your letter, it is important to note the following detail regarding the Border Target Operating Model (BTOM) and the delegation of responsibilities between Border Force, Local and Port Health Authorities, and the devolved governments.

Border Target Operating Model – Commercial Import Controls

The Border Target Operating Model (BTOM), which has been implemented in phases starting from 31 January and 30 April 2024, provides the risk-based, proportionate and technologically enabled system to control the importation of commercial, declared SPS-regulated goods into GB, post-EU exit. It applies to goods imported both from the EU and from the rest of the world, replacing the “3rd country” model inherited from the EU which applied to non-EU goods during the UK’s membership of the EU.

Until the introduction of the BTOM, only a limited set of controls had been put in place for EU goods since the end of the transition period: health certification and inspection at destination for the highest risk commodities like live animals and plants for planting, plus import pre-notification for other SPS-regulated goods. For non-EU goods, the controls that applied prior to EU exit largely were left in place, except for the de-regulation of some risk-assessed commodities.

On 31 January 2024, health certification was extended to commodities assessed as medium risk from the whole EU and pre-notification for medium-risk commodities and low-risk animal products was extended to non-qualifying goods entering GB from Ireland. Health certification provides assurance that a qualified official veterinarian or plant health inspector has seen the goods and is satisfied that they are free of pests/diseases and meet our import conditions.

On 30 April 2024, physical and ID checks at the border began for medium risk goods and inspection of high-risk commodities (except for live animals) were moved from destination to the border. Check rates for imports from the EU are increasing as new systems become embedded, and we have adopted a proportionate and targeted approach to the introduction of new controls. While strong biosecurity and public health controls continue to apply to imports from the rest of the world they can, where justified by an objective risk assessment, now benefit from the more targeted requirements and check levels that apply under the BTOM compared to the inherited “3rd country” model.

These BTOM controls form part of our global SPS system which allows us to trade, where safe, with countries that meet our level of protection based on international standards, scientific advice and regular audits. We are committed to ensuring safe trade of consignments to the UK; therefore, certification and pre-notification is vital as it provides us the information we need to understand the goods being brought into the UK. We have had this system in place for the rest of the world for years, therefore we are building this process up for EU traded goods, whilst protecting trade flows.

It is important to note that these import controls cover the flow of commercial goods into GB and are not intended to tackle the illegal movement of meat or other SPS goods, as illegal meat imports do not follow commercial import processes.

Delegation of responsibilities

Protecting Britain's biosecurity, from imported sanitary and phytosanitary (SPS) threats, is complex and involves multiple agencies, each with their own statutory duties. All agencies work together to maximise their impact.

In the first instance, Defra and the UK Office for SPS Assurance work together and work with competent authorities in our trading partner nations to build a global intelligence picture around the disease risk posed from imported animals, animal products, plants and plant products, mapped against the risks posed from their country origin. Officials from these agencies use this information to dynamically design and adjust our border biosecurity measures to protect our country's biosecurity.

Defra also works with our trading partners to tackle the illegal movements of goods, including meats, into this country. This work is constant and happens before any goods or consignments reach our border.

Following this, and once goods reach the border, Border Force is responsible for border compliance checks. This includes checks to further detect illegal commercial imports and illegal personal imports. Border Force officers have powers to stop vehicles and passengers, which PHAs and APHA do not have. Border Force officers have a suite of enforcement powers under the Customs and Excise Management Act 1979 and duties under the Trade in Animals and Animal Products Regulations 2011.

Local and Port Health Authorities are responsible for official controls on commercial imports of products of animal origin in Border Control Posts (BCPs). The Animal Plant Health Agency is responsible for official controls on commercial imports of animals, plants and plant products in BCPs (and Control Points for plants). Commercial importers are required to pre-notify imports and goods are subject to risk-based BCP checks.

The devolved governments have responsibility for their own border controls. All three nations recognise that, while maintaining respect for the devolution settlement, to avoid potential confusion for businesses and administrative complexity it is important to maintain a consistent regime of import health controls across GB. Scottish and Welsh officials have been closely involved in the design of the UK Government's Border Target Operating Model (BTOM) and its key principles are supported by all three administrations.

Finally, to ensure we have the highest protections in place for our biosecurity, the Food Standards Agency and Food Standards Scotland are working with local authorities on targeted inland measures to support the seizure of illegal meat being sold on Britain's high streets. This aligns with their main objective - to protect public health from risks

arising from the consumption of food and generally to protect the interests of consumers in relation to food.

With all of the above agencies working together, from before goods reach our borders through to continuous checks once goods have passed through the border, we have a thorough and rigorous system in place to protect the UK's biosecurity.

Foot and Mouth Disease restrictions

Turning to the item regarding animal disease outbreaks, specifically Foot and Mouth Disease, in your letter and during the committee evidence session which concerned the reaction from Defra and subsequent communications and controls issued.

We were first alerted to the Foot And Mouth Disease (FMD) outbreak in Germany at 15:47 GMT on 10 January 2025. My officials, working across government and with our trading partners worked at speed to implement effective biosecurity controls.

Following the confirmation, we immediately instructed Port Health Authorities (PHAs) across GB to suspend susceptible FMD imports that posed a risk to UK biosecurity. Additionally, we immediately informed border authorities, including Dover Port Health Authority and businesses, with the first communications going out at 17:42 and 21:00 on 10 January, and put in place measures to suspend commercial and personal imports of commodities from susceptible animals. For ease of reference, please see below a summary table of our initial communications response:

Message time	Message recipients	Message summary
10/01 3.47pm	UK Office for SPS Trade Assurance, Defra APHW dept and APHA	Alert to advise that Germany has reported outbreak of Foot and Mouth Disease and to note that the UK Office of SPS Assurance was working with the CVOs to implement restrictions ASAP. Request that the Centre for International Trade (CIT) conduct back tracings to identify any consignments of the following from Germany over the past 28 days. Restrict any future consignments of live ruminants/ porcine or ruminant/porcine germplasm from Germany that may be imported and take the necessary action.
10/01 5:42pm	To PHAs and Official Veterinarians (OVs)	To advise that Germany has reported an outbreak of Foot and Mouth Disease. To advise PHAs to hold all consignments from Germany of impacted species that pose the highest risk – including, importantly, meat and meat products, in addition to all germplasm, dairy and dairy products, ABPs and hay and straw.

10/01 9:10pm	To all PHAs	A full confirmation of applicable holds, risks to the UK, and communications plan.
10/01 9:54pm	To Imports and IPAFFS mailing list (29,144 businesses and individuals – including PHAs who have signed up to the lists)	Provided confirmation that Germany has lost FMD free status and provided guidance on certification.
11/01 5:26pm	To all PHAs	Updated handling guidance around documentation and inspection
12/01 8:12pm	To all PHAs	Provided public facing Q&A to support with trader queries.

Following established processes, Defra worked quickly to develop and issue guidance for traders and PHAs on safely importing relevant German commodities to support trade. Defra was in continuous contact with the German authorities about the impacted FMD zone.

A press release was issued on Tuesday 14th January (updated 15th January) setting out the UK import restrictions and other Defra actions. Defra has distributed regular emails to over 36,000 subscribers which include Port Health Authorities (PHAs), customs agents and importing businesses providing updates and guidance since 10 January. Defra already invites PHAs to weekly online meetings to discuss issues, listen to queries, and provide guidance.

Official veterinarians (OVs) at PHAs have also received specific technical information about commercial imports of German goods, including eight OVS Notes - official supplements to inspectors' standing instructions that specifically covered FMD controls, a weekly OV forum with Defra, and on 24 January a special session with OVs was held with the Chief Veterinary Officer. We have also held two live online events for more than 1000 traders and continue to send regular update emails, communicating practical and policy information.

As a result of the effective introduction of the Border Target Operating Model (BTOM), we have granular data on what is entering the country. This meant that PHAs were able to put holds on all impacted commodities immediately from Germany. Following this, Defra then began to release and/or return impacted consignments, as we started to understand more about the risks each consignment posed to UK biosecurity. Meanwhile, the IT system (IPAFFS) was updated to align with what was already happening at the border. Working with officials, I recognise that there were challenges in compiling the many thousands of lines of impacted commodity codes at pace. The committee can rest assured that the department is working to reduce these timelines where possible, in contingency of any future and similar scenarios.

Additionally, an important first line of defence against disease incursion was the swift implementation of in-country controls by the relevant authorities in Germany and the

European Commission. They worked quickly to implement risk-mitigating measures and, as valued partners, kept us informed of actions undertaken at every stage – including through daily updates. These controls included the immediate implementation of restricted zones around the outbreak, from which the movement of FMD-susceptible animals and their products was restricted. Additionally, their authorities have kept us informed of the extensive surveillance work they are undertaking, which has so far not detected any further instances of disease.

I note that the NFU's written submission to this evidence session included the lines, "The NFU welcomed the swift action taken by government to stop imports from Germany for both commercial and personal allowance, and the limits on what private passengers can bring into the country from the EU."

I would also like to draw attention to the supportive comment made by Katie Doherty, the CEO of The International Meat Trade Association (IMTA) who praised Defra's immediate communications with trade during an evolving situation.

In your letter you asked, "What assessment have you made of the cause of the delay to controls being implemented?". As I have clearly laid out, the department acted quickly and without delay to stop consignments that presented a risk.

Illegal imports of meat and personal imports

Your letter notes that concerns were raised during the evidence session on the UK's personal imports policy for the EU, with a suggestion that more can be done to restrict personal imports.

Our current legislation provides scope to exempt passenger baggage for personal use and small amounts posted to individuals and not intended for resale – so called 'personal imports' - from controls applied to commercial imports. Since leaving the EU, the government has applied a transitional exemption from the rules that would otherwise apply to personal imports from the EU, i.e. the rules that apply to personal imports from the rest of the world.

In responses to disease outbreaks in the EU, the government has put in place safeguard measures restricting personal imports from the EU. In 2024, we tightened the rules first introduced in 2022, on personal imports of pork and pork products to mitigate the risk of African Swine Fever. We have also introduced restrictions on personal imports of sheep and goat dairy products from certain countries to mitigate the risk of Peste Des Petits Ruminants. In response to Foot and Mouth Disease in Germany, we have introduced further restrictions on personal imports of meat and dairy products. We accept the point that these restrictions are confusing. That is why we are working to develop a long-term personal imports policy taking account of international examples.

Further concerns were raised about illegal imports of animal products into GB and the biosecurity risks that these present.

In 2022, Defra agreed that Port Health Authorities could use the transitional funding available before the launch of the BTOM, to resource support for Border Force with enforcing the new African Swine Fever restrictions on personal imports. Port Health Authorities used their powers under the Trade in Animals and Animal Products Regulations 2011. These powers include the ability to seize illegally imported goods and prosecute offenders. Since the launch of the BTOM, this funding is no longer available as Port Health Authorities have access to cost recovery for commercial checks. However, given the unique circumstances at Dover, Defra has continued to fund Dover Port Health to support Border Force.

I am concerned by the seizure data evidencing ongoing attempts to smuggle significant quantities of meat into GB. Let me express my utmost thanks for the ongoing good work undertaken by Border Force and Port Health Authorities in stopping illegal meat imports. This continued work is critical in protecting the UK's biosecurity.

We are not complacent about this illegal meat smuggling. We are working closely with the Home Office and the Food Standards Agency to tackle this issue with the support of Border Force, Port Health Authorities and local authorities.

Regarding Dover Port Health Authority's (PHA) comments on the Port of Dover Facilities – in which the PHA operates – these facilities are used by Border Force to direct vehicles pulled over for detention of illegal activity. Border Force takes the necessary biosecurity precautions in line with Defra advice to stop and search vehicles within these facilities. I accept that these facilities do not meet the high standards of BCPs which are approved to check goods intended for human consumption. However, illegally imported goods could in theory be detected anyway and it will not necessarily be feasible to have access to BCP-standard facilities to seize goods which do not meet our import requirements.

In response to the comments made during the evidence session regarding funding for Dover PHA staff, Defra is in ongoing discussions with Dover District Council and Dover Port Health Authority to agree upon a funding position for 2025/2026. In addition, on 29 January 2025 I wrote directly to Lucy Manzano at Dover Port Health Authority setting out the funding position and we look forward to a swift resolution of these discussions.

With regards to Defra communications with Dover PHA, it should be noted that Dover PHA enjoys the same access to Defra's weekly PHA Forum and OV sessions to raise general issues or queries such as those on FMD or other operational issues. Importantly, Dover PHA also has frequent 1-2-1 discussions with Defra officials on a range of issues. I personally met with Dover PHA on 14 November 2024 to discuss these important issues.

Defra's auto-clearance system

During the evidence session, it was suggested that Defra's digital contingency solution, known as the Timed-Out Decision Contingency Feature (TODCOF) is allowing goods to enter the UK without being checked, which might act as a temptation for otherwise compliant businesses to take greater risks.

Our Sanitary and Phytosanitary (SPS) border control regime, as set out in the Border Target Operating Model (BTOM), is dynamic and risk based and allows us to focus on those goods which present the greatest risk to Great Britain's biosecurity.

The Timed Out Contingency Feature (TODCOF) is a contingency measure that the public would expect a government digital service to have. It applies to commercial imports only and is designed to support PHAs in their management of imports. TODCOF can be configured to ensure that goods of greatest risk and concern are not auto cleared. Individual holds on consignments, which supersede TODCOF, can be put in place by the PHAs, and they retain the ability to call any consignments in for inspection.

TODCOF acts in the background to manage normal trade flows. It is important to note that where there are significant biosecurity concerns, such as FMD and PPR, TODCOF does not operate and PHAs act as the first line of defence.

We have set the IPAFFS Risk Engine for all the Commodities from the impacted countries to 100% inspection, as a result nothing can use the TODCOF process as everything defaults to an "Inspection Required" status. If the PHA don't finalise the CHED prior to arrival, it is held and directed to a BCP.

It remains the case that it is a legal requirement for businesses to be compliant with the UK Government's SPS import processes and controls.

Sevington Border Control Post & Bastion Point

The UK Government carefully reviewed the provision of Border Control Post facilities in Kent to ensure that we protect the nation's biosecurity, reduce import burdens for trade whilst also managing operating costs. The Government's decision was that SPS checks on goods arriving through the shorts straits should be undertaken at Sevington Inland Border Control Post (BCP).

Both Sevington and Bastion Point are inland BCPs and off site from the point of entry at the Port of Dover. The co-location of the BCP at Sevington Inland Border Facility alongside HMRC operations provides, on one modern and purpose-built site, SPS and customs checks on the whole range of animal products, plants and plant products, that arrive through both the Port of Dover and Eurotunnel. It is also ideally located to support the smooth flow of goods out of both points of entry without disrupting traffic flows out of the Port of Dover.

Bastion Point does not offer these same advantages as it was built to support checks only on animal products arriving through the port of Dover, and its location rules out being able to route goods from the Eurotunnel without causing significant disruption to the transport network. In addition, this site is not suitable for undertaking checks on live animals.

We examined the option of maintaining operations at both sites, but this was not considered viable on value for money grounds. Two sites are not required for the volume of checks and maintaining both would cost an estimated additional £7 million per year and the additional burden of these costs would fall to trade.

Additionally, Defra is aware of criticism regarding consignment drivers not arriving at Sevington BCP. I would like to emphasise that this would be the same for Bastion Point as it is also an inland facility. Please note, wherever the BCP is, the onus is on the importers to notify (declare) that they are importing SPS goods and present them to the BCP as required. Even if the BCP was at Bastion Point, not Sevington, we would still be reliant on that compliance as it is not feasible to hold and check every single vehicle or container coming through the port. The system is backed up by targeted Border Force checks on undeclared consignments to verify that they are not carrying undeclared goods. Specifically, at Sevington BCP, Ashford PHA have robust procedures for following up with businesses importing animal products where consignments do not show up for inspection as required.