



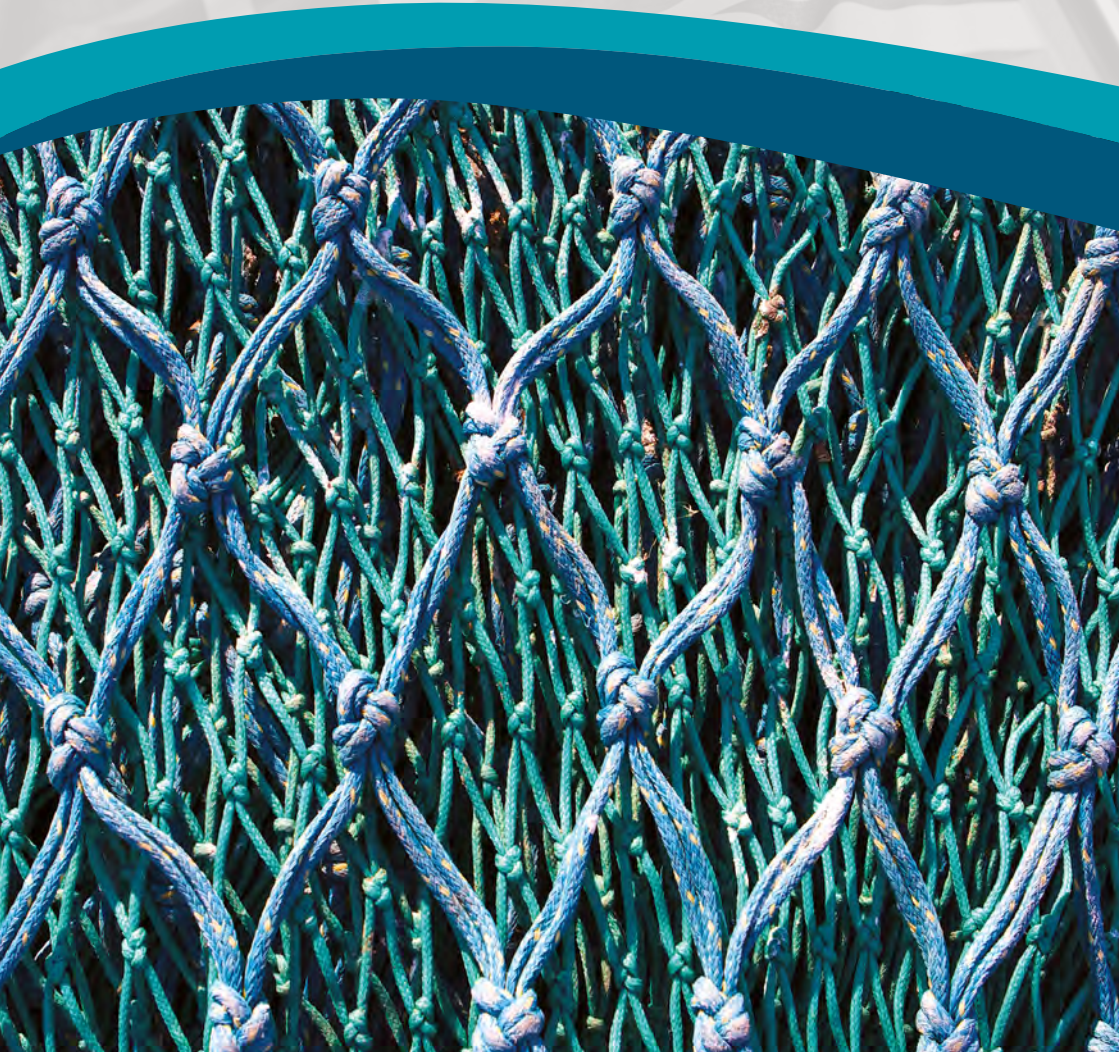
SEA-FISHERIES  
PROTECTION  
AUTHORITY

SAFE SUSTAINABLE SEAFOOD

# Brexit and Trade Compliance: Guidance for Industry



# Brexit Extension



A decision has been taken by the European Council (Article 50) in agreement with the UK to grant an additional extension until 31 January 2020 to the two-year period provided for by Article 50(3) of the Treaty on European Union. This extension allows for an earlier exit by the UK if ratification of the current Withdrawal Agreement is completed quickly. Under this scenario, a transition period would apply until the end of December 2020 when the UK would formally become a Third Country.

Irrespective of the final shape of Brexit, the decision of the UK to leave the EU will result in some changes, both here in Ireland and for our EU partners. While ratification of the Withdrawal Agreement is still the Government's primary focus, given the ongoing political uncertainty in the UK, preparations are continuing for all scenarios.

## FUTURE REGULATORY REQUIREMENTS

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When the UK leaves the EU and becomes a Third Country, changes to the existing reciprocal EU-UK trade arrangements will be inevitable. This will have implications for goods moving across the UK Landbridge between Member States, import and export consignments between the EU and the UK, and direct landings by Irish vessels in UK ports and UK vessels in EU ports. In addition, there may be changes to existing arrangements for reciprocal access to fishing grounds.

New regulatory requirements for pre-notification, documentary submission and physical inspection-based verification of trade flows are anticipated post-Brexit. Importers, exporters and vessel owners should be aware of potential developments in this area, and of the

specific implications for your business. Ensuring that documentation is in order prior to arrival of the goods can help mitigate the risk of delays. The following guidance outlines the new regulatory requirements for importers, exporters and vessel owners in Ireland and the UK post-Brexit.

### Sanitary and phytosanitary (SPS) control inspections

After Brexit, the introduction of all animal products (including fish) from the UK into the EU will be subject to SPS and veterinary controls at the point of entry in to the EU. If you are an importer of fish and fishery products from the UK, you are required to comply with the import conditions as laid down in EU legislation.



# Registration Requirements



## Register with the Department of Agriculture, Food and the Marine (DAFM)

If you want to continue trading fish or fishery products as an importer or exporter with the UK after Brexit, the **person responsible for the consignment\*** must register with:

### DAFM's Corporate Customer System (CCS) as an importer and/or exporter, and

- ✓ The EU's online system **TRACES** (Trade Control and Expert System) to comply with the appropriate SPS requirements for Third Country imports.
- ✓ If the person responsible for the load has not got access to these systems, they should register for access by downloading and completing the application forms from <https://www.agriculture.gov.ie/brexit/preparingforbrexit/registration/> and emailing the form to [BrexitRegistration@agriculture.gov.ie](mailto:BrexitRegistration@agriculture.gov.ie)

\*Please note, in most circumstances, **'the person responsible for the consignment' will be a customs agent** working on behalf of the importer (as opposed to the importer him/herself).

## Register with Customs

Traders will be required to make customs declarations and will need to register with Revenue for **an Economic Operator Registration and Identification (EORI) number**: <https://www.revenue.ie/en/online-services/services/common/register-for-an-eori-number.aspx>

## UK LANDBRIDGE

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### Movement of consignments from one EU Member State to another in either direction

The movement of agri-food goods including fish and fishery products, from one Member State to another across Great Britain, will be subject to Customs transit procedures.

If you are the person responsible for moving fish and fishery products across the UK landbridge in either direction:

- ✓ You must be registered with DAFM's CCS and TRACES.
- ✓ A Common Veterinary Entry Document (CVED) must be completed and submitted via TRACES in advance (recommended 24hrs) of the consignment's re-entry into the EU.
- ✓ Consignments must be moved in accordance with the Customs Transit Procedure: <https://www.revenue.ie/en/customs-traders-and-agents/transit/index.aspx>

# Consignments of Fish and Fishery Products: Imports and Exports



## IMPORTS: Requirements for consignments of fish and fishery products from the UK through Irish Border Inspection Posts

### Pre-notification procedure

- ✓ The person responsible for the consignment must give the Border Inspection Post (BIP) **at least 24 hours advance notification** of the arrival of the consignment.
- ✓ Pre-notification is given by the **submission of Part 1 of the Common Veterinary Entry Document (CVED) through the online TRACES** system accompanied by all supporting documentation associated with the consignment.

### Documentation

- ✓ SPS documentation – a **Health Certificate** completed and signed on behalf of the Competent Authorities of the UK.
- ✓ Anti-IUU documentation-Wild caught fishery products will additionally require a **Catch Certificate** submitted as part of pre-notification which needs to be verified by the SFPA through a series of cross-checks.
- ✓ Exemptions: Fishery product imports which do not require Catch Certificates (e.g. farmed fish and farmed shellfish, freshwater fish or freshwater shellfish, fish fry or larvae, and some molluscs including mussels, cockles, oysters and scallops) must have attestation of that status also routed via the SFPA.

## EXPORTS: Requirements for consignments of fish and fishery products to the UK via Border Inspection Posts

The UK have developed a new system IPAFFS (Import of Products, Animals, Food and Feed System). The Department for Environment, Food and Rural Affairs (Defra) is releasing IPAFFS in phases. Phase one has come online first for non-EU countries, the second phase for EU Member States will not be operational until 2020.

### Pre-notification procedure

- ✓ The completion of an **Importer Notification Form at least 24hrs (and up to 30 days)** in advance of the arrival at a UK BIP is the legal responsibility of the UK-based importer.
- ✓ They will need to download, complete and send an **IV66 form / commercial document** by email to the Imports Risk Management Team of the Animal and Plant Health Agency (APHA), Email [SM-Defra-GBImports@apha.gov.uk](mailto:SM-Defra-GBImports@apha.gov.uk)

### Documentation

- ✓ SPS documentation – The UK has stated that fish and fish products exported directly from the EU to the **UK will not require Health Certificates immediately from day-1, but will be necessary later in 2020.**
- ✓ Anti-IUU documentation – Wild-caught fishery products will require a **Catch Certificate.**
- ✓ The **responsibility for obtaining a Catch Certificate falls on the exporter and it will need to be validated by the SFPA.**



# Direct Landings by Irish and UK Vessels





## EXPORTS: Requirements for direct landings by Irish fishing vessels into designated UK ports

As of the withdrawal date, EU vessels wishing to land in the UK will be subject to the rules applicable in the UK. The UK Government is currently reviewing the number and location of ports that will be designated to permit future landings from EU vessels. Details of these locations have yet to be confirmed.

### Pre-notification and pre-authorisation procedure

- ✓ Master of Irish fishing vessels (or representative) will need to send a **'Prior Notification Form'** to the Irish Fisheries Monitoring Centre (FMC) for onward transmission to the UK Authorities, **a minimum of 4hrs prior to landing for fresh fish and 72hrs for frozen fish.**
- ✓ Master of Irish fishing vessels (or representative) will need to send a **'Pre Landing Declaration Form'**, a minimum of 4hrs prior to landing. This will be sent to the Irish FMC for onward transmission to the UK Authorities.

### Documentation

- ✓ Anti-IUU documentation - Export of catches in terms of direct landings by EU vessels into the UK will be subject to fisheries control checks by the UK Authorities and will require a **Catch Certificate**, validated by the SFPA.
- ✓ If the vessel is landing those North East Atlantic Fisheries Commission (NEAFC) resources that are subject to regulatory controls, the submission will also require a **NEAFC PSC1 form** to be completed by the Irish FMC and sent to the UK FMC.

- ✓ **SPS documentation**, from day-1, there is **no immediate requirement** for attestation; however, vessel owners should be aware that future potential exists for this requirement.

## IMPORTS: Requirements for direct landings by UK vessels into designated Irish ports for Third Country landings

### Pre-notification and pre-authorisation procedure

At present, UK vessels can land into any Irish port. However, post-Brexit, under existing anti-IUU fishing regulations and NEAFC requirements, direct landings of fresh fishery products by UK fishing vessels:

- ✓ Will need to be **pre-notified at least four hours in advance and pre-authorised** by the Irish authorities prior to their arrival, and;
- ✓ If authorised, **land into Killybegs or Castletownbere only.**

### Documentation

- ✓ Anti-IUU documentation- Direct landings will require a **Catch Certificate** issued by the UK Authorities.
- ✓ If the vessel is landing those NEAFC resources that are subject to regulatory controls, the submission will also require a **NEAFC PSC1 form** to be completed by the UK FMC and sent to the Irish FMC for processing by the Irish authorities.
- ✓ SPS documentation, from day-1, there is **no immediate requirement** for attestation; however, vessel owners should be aware that future potential exists for this requirement.

## SUMMARY OF PRE-NOTIFICATION AND DOCUMENTARY REQUIREMENTS POST-BREXIT

	<b>UK Landbridge</b>	<b>Consignments</b>	<b>Direct Landings</b>		
	UK Landbridge in either direction	Import	Export	Exports by Irish vessels into designated UK ports	Imports by UK vessels into Killybegs and Castletownbere
<b>Pre-notification time frame</b>	24hrs recommended prior to arrival at designated BIP	At least 24 hours in advance of arrival at designated Irish BIP	At least 24 hours in advance of arrival at designated UK BIP	At least 4 hours in advance for fresh fish/ 72 hours for frozen fish	At least 4 hours in advance for fresh fish
<b>Documentation</b>	CVED via TRACES	CVED via TRACES Catch Cert (if applicable) Storage Document (if applicable) Processing Statement (if applicable) SPS: Health Cert from Day 1	Iv66 form to APHA Catch Cert (if applicable) Storage Document (if applicable) Processing Statement (if applicable) SPS: Health Cert 6-9 months from Day 1	Prior Notification form to Irish FMC Pre-Landing Declaration form to Irish FMC NEAFC PSC1 form to Irish Authorities Catch Cert No SPS documentation from Day-1 (future potential exists)	Prior Notification form to UK FMC Pre-Landing Declaration form to UK FMC NEAFC PSC1 form to UK FMC Catch Cert No SPS documentation from Day-1 (future potential exists)

## RECIPROCAL ACCESS

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A legal framework is in place that allows the authorisation of EU and UK vessels to continue to fish in each other's waters until 31 December 2019. The European Commission has put forward a proposal to extend this framework to 31 December 2020, if a Withdrawal Agreement is not in place. This proposal is currently being progressed through the EU legislative process with the aim of being in place by year end. This framework would come into play in the event of a "no deal", on condition that EU vessels are granted reciprocal access to UK waters.

This does not provide a commitment of ongoing reciprocal access - it simply creates the necessary legal framework to allow for the possibility of such access.

In the event that reciprocal access is maintained in the event of a "no deal" Brexit, the UK has advised that fishing vessels greater than or equal to 12m in overall length will require an IMO (International Maritime Organisation) number in order to fish in UK waters. DAFM has written to owners of registered vessels  $\geq 12\text{m}$  who do not have an IMO number to advise them of this requirement.

You can register on the IMO website at <https://imonumbers.ihs.com/>, complete the IMO registration application form online or download the IMO registration application form and send it to [ship.imo@ihs.com](mailto:ship.imo@ihs.com). IMO registration is free. When you have received your IMO number, you should email it without delay to the DAFM Licensing Authority at: [LicensingAuthority@agriculture.gov.ie](mailto:LicensingAuthority@agriculture.gov.ie) and mark the email as URGENT.

If you do not have access to email, the Licensing Authority can be contacted by telephone at 023-8859500 (ask for Licensing Authority).

## BREXIT QUERIES

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If you have any Brexit queries that are not addressed by the information in this leaflet, please contact us via:

**Email:** [sfpabrexit@sfpa.ie](mailto:sfpabrexit@sfpa.ie) or

**Phone:** **+353 (0) 23 885 9300**

and ask to be put through to the Brexit Office.



**Version 4:**

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The guidance in this document reflects current understanding and will be subject to ongoing review as Brexit regulatory detail develops over the coming months.



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