UK Border Target Operating Model (TOM)

Background

The TOM is the Government plan for introducing full border checks for imports from the EU. You will be aware unlike the EU the UK has yet to introduce border controls, and has postponed their introduction until now.

Whilst drawing on a similar approach to the EU model, the TOM attempts to simplify imports, particularly of food, to speed up controls and link them to existing and emerging technology. The TOM also is linked to the wider work on the Single Trade Window, the Government’s approach to simplifying imports which will apply globally and expected to be in place by 2025.

A full copy of the TOM is available [here](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1148852/The_Border_Target_Operating_Model_Draft_for_Feedback.pdf) . The Government will be taking comments on it from stakeholders, to refine its implementation and any comments should be sent to the BRC by **10th May 2023** to allow us to collate and submit comments. The Government has also scheduled a programme of engagement to explain the TOM and provide opportunities to comment, a full list is available [here](https://www.gov.uk/government/publications/the-border-target-operating-model-draft-for-feedback)

Key Dates for Delivery of the TOM

* April 2023 – Government publishes risk categorisation (high, medium, low) for imports of POAO from EU
* April 2023 – Government publishes simplified EHCs for use for POAO imports from EU
* May 2023 – Government begins rolling out e-phytocertificates for imports of plants and plant products
* July 2023 – Government publishes risk categorisation for imports of POAO from RoW
* October 2023 – Introduction of EHCs for all high and medium risk POAO imports, plant and plant products from EU
* January 2024 – Introduction of physical and documentary checks of POAO, plant imports from the EU. Also RoW imports subject to same regime as EU for imports
* October 2024 – Safety and Security declarations required for imports from the EU

What’s in the TOM

Full details of its operation are in the linked document above but the key elements are as follows

1. Safety and Security Declarations

These have not been required for imports from the EU since Brexit, although they are still required for RoW imports. With the exception of a small proportion of low risk categories, these will be required for all EU imports from October 2024.

The Government is still trialling systems with some importers to see if existing commercial data could replace the requirement for a separate declaration and will conclude these trials in November 2023. It is also keen to work with fast parcel operators to reduce the burden on them. It believes a separate, but reduced, declaration will be required and that will apply to all imports from EU and RoW. It also continues to stress there will be the option to amend declarations right up to the point of arrival.

The TOM suggests there will be a separate S&S declaration despite the trials. However, it will be reduced in terms of required data input and that approach will apply to all imports from EU and RoW. It also is exploring how it can use the Single Trade Window to allow importers to use one portal for S&S and other import declarations to simplify the process.

1. Sanitary Controls for Meat and Dairy

As exporters to the EU have found, SPS controls are the most challenging element in terms of the certification and submission of documents. Whilst not entirely moving away from the EU model the TOM proposes to simplify the process and apply appropriate controls on a risk basis.

Different categories of food imports from live animals to products of animal origin have been assigned a risk level from high, to medium to low. It will be assigned both on the generic risk of a commodity and the effective level of controls in the country of origin. The FSA and Defra are currently assessing the risk and will publish the categories for each EU country in April 2023 and for the RoW in July 2023. These risk categories are subject to change, for example a major food incident could change how UK controls operate.

The indicative risk categories (subject to amendment based on country controls) are

* High Risk. Live animals and categories of food covered by exceptional safeguard measures
* Medium Risk. Raw, chilled, frozen meat, meat products, dairy, ABP used in animal feed, fishery products
* Low Risk. Processed, shelf stable products – composites, canned meat products, processed ABP and some fishery products.

Each of these categories will see a different level of checks

* High risk. Pre-notification with health certificates, documentary checks and high level of physical checks
* Medium risk. Pre-notification with health certificates, documentary checks and risk based physical checks (1-30% depending on risk). The trusted trader scheme moving physical checks away from the border could also be possible for this level
* Low risk. Pre-notification but only customs and commercial data, no health certificates and no physical checks
1. Trusted Trader

The TOM is considering 2 approaches by which importers could reduce the need for physical checks at the border for medium risk products. The first is the Accredited Trusted Trader Scheme. This would apply to UK based businesses, with good record of compliance and able to demonstrate excellent end to end controls of their supply chain. The Government will run pilots in the coming months to understand how these could work, the information required for entry and any risks from its operation. The pilots are set to run for 6-12 months before evaluation and a decision on whether to introduce them, likely to be mid 2024 at the earliest.

The second approach is a Technology Assurance Scheme (TAS). This will build on the work the Government has been piloting with importers on the Ecosystem of Trust. It will be more accessible than the Accredited Scheme but only offer a reduced rate of physical inspection at the borders rather than the wider delegated powers.

1. Importing Plants, Fruit and Vegetables

The TOM proposes a lighter touch for checks on imports of plants. High risk plants, commercial plants for planting will be subject to checks at the borders, but likely to be a lower % than the EU approach. Medium risk plants, which includes some fruit and vegetables will be subject to a small amount of checks, but these may apply at control points away from the border. Low risk plants, the bulk of fruit and vegetables will not be subject to physical checks or documentary checks at the border. The Government will also cease checks on low risk fruit and vegetables from the RoW in January 2024

For those higher risk plant imports which require physical checks there will be an equivalent of the trusted trader schemes, the Authorised Operator Scheme (AOS). UK registered businesses, who can demonstrate supply chain controls, have qualified staff and authorised premises to conduct checks will be able to perform physical checks at their own premises. However, a full pilot of the scheme wont begin until January 2024 so it is unlikely to be available for some time.

1. Export Health Certificates

The TOM simplifies existing EHCs for POAO and Phytosanitary certificates for plants. It will publish the simplified EHC in April 2023 and once adopted for EU imports they will be available for RoW imports. Phytosanitary certificates have been simplified and are available for all importers.

There will also be e-certificates, with the ability for them to be cloned from previous declarations. They expect to begin rolling these out for plant products from May 2023 and animal products from the EU using TRACES from October 2024.