**Border Target Operating Model**

**Expert Advice to Welsh Ministers**

Outlined below is a summary of the advice received by Welsh Ministers from the Food Standards Agency, Chief Veterinary Officer and Chief Plant Health Officer.

All three have recommended that Welsh Ministers agree to the Border Target Operating Model. They also noted that continued delays to the introduction of import checks for SPS goods present real risks to our collective national biosecurity, and these risks only grow with time – potentially compromising the UK’s ability to export our own SPS goods.

**Food Standards Agency (FSA)**

The FSA recommended that Welsh Ministers agree to the Target Operating Model. The FSA’s view continues to be that controls on EU commodities should be introduced as soon as possible, but that we can tolerate a brief delay to improve effective implementation. The FSA takes the view that:

* While there is no system of import controls which can ever completely mitigate all risks, the TOM provides scope to review, evolve and improve systems.
* Information provided by the pre-notification and certification processes is essential to the FSA’s ability to mitigate risks. The data collected will be used to help deliver responsive and proportionate controls.
* The amended QNIG (Northern Ireland Qualifying Goods) definition reduces the legal scope for EU traders to avoid SPS controls. This is coupled with existing powers which enable Ministers to act in the event of a serious threat to human health.
* UK Competent authorities will need to work together to develop and deliver systems for effective anti-avoidance measures.

**Chief Veterinary Officer (CVO)**

The CVO recommended that Welsh Ministers agree to the Target Operating Model. He takes the view that:

* It improves the existing situation by introducing risk-based controls on the vast majority of imports from the EU, and its introduction as soon as possible would be the most effective way of reducing biosecurity risk.
* This must be the last delay in implementation, including introduction of pre‑notification from January 2024 (which is already in place elsewhere in GB) – this provides traceability data and useful information to prepare our Border Control Posts.
* The tightening of the QNIG definition will materially reduce the legal scope for avoidance of controls, allowing anti-avoidance to be more easily targeted and in turn reducing biosecurity risk.
* There remain risks around the commercial import of live animals from elsewhere via Northern Ireland, such as dogs from eastern Europe, where there may also be potentially significant financial incentives for deliberate avoidance. The CVO recommends that Welsh Ministers continue to press for the tightening of the QNIG definition with regards to live animals.
* Steps must be taken to ensure that appropriate checks can be conducted on those non-QNIG consignments which arrive on indirect routes via Northern Ireland.
* Clear focus is required on data and monitoring of imports and compliance, with appropriate analysis, to iteratively inform the risk-based approach – including engagement across the UK and with the Republic of Ireland.
* Welsh Government needs to continue to press for anti-avoidance measures and intelligence-sharing, and appropriate resources and funding from the UK Government.
* As we turn to implementation of the Border TOM, it is vital that the Welsh Government continues to seek a co-ordinated approach across the entire west coast, working together with Defra and the Scottish Government on implementation with regard to the imports of SPS goods from EU and non-EU countries.

**Chief Plant Health Officer** **(CPHO)**

The CPHO recommended that Welsh Ministers agree to the Target Operating Model.

He noted that:

* Irish-grown plants are relatively low risk, and the smaller profit margins (compared with commercial pets for example) reduce the incentive for EU traders to divert plants via Ireland.
* The greater volume of plants imports to Wales comes across the Channel via England, so agreeing a coherent UK-wide approach to plant biosecurity is important in mitigating biosecurity risk.
* The risk categorisation for certain plant products is set at ‘low’ when the TOM is brought into operation, to be followed by a risk review in the next few months. The CPHO considered this to be acceptable on the basis that risk will be determined by current evidence, so that products may move up or down risk levels based on a risk assessment. This reflects the balance between risks to our biosecurity on one hand and risks to trade on the other.
* However, moving certain plant products to the low-risk category removes the requirement for pre-notification. This means that we will not have data on volumes of goods which might subsequently be reviewed upwards to medium.