Rt Hon XXX XXX MP

House of Commons

London

SW1A 0AA

Dear XXXX,

I’m writing to you as a constituent about an urgent issue impacting on trade in organic products that is having/will have a serious impact on my business/the sale of organic goods in the UK. As someone with business interests in the organic farming, food and drink sector, I’m concerned this threatens the future of trade in organic products between Great Britain and the EU & Northern Ireland.

Can I ask that you raise this issue with both the Minister for the Cabinet Office and the Secretary of State for Environment, Food and Rural Affairs, as a matter of urgency, and in particular, ask that the government:

* Work with the EU to revise the terms of the Trade & Cooperation Agreement (TCA) to include products that are imported from third countries and re-exported without further processing, thus allowing important trade to continue; OR, if the scope of the TCA cannot be amended, retain Annex IV to enable continued certification of products that fall outside its scope for export between EU/GB
* Provide clarity, along with the EU Commission, over the trade deal to all affected businesses within the UK and EU; if it was the intention of both the EU and UK to prevent future trade of these out-of-scope products, this would be highly regrettable, but we’d now need clear communications and timelines to affected operators in the EU and GB to raise awareness of this so new trade routes/supply chains can be developed
* Press the EU Commission to retain GB control bodies in Annex IV to prevent significant disruption, and allow for further discussions around the TCA and its implementation, and to give operators time to change their supply chains, if necessary
* Press the EU Commission to immediately give access to all UK control bodies for TRACES NT under their annex IV approval to facilitate trade

I appreciate this is a somewhat technical matter and hope that the below background will help you to take action to prevent serious harm to an important business sector and my own business activities.

As it stands, the scope of the EU/GB Trade & Cooperation Agreement (TCA) fails to extend to products imported into GB that are then re-exported without undergoing further processing; nor does it extend to products imported into the EU from non-EU countries that are then exported to GB without being processed in the EU. In practice, this means that while an organic lemon not of UK origin may be processed into a beverage and exported to the EU & Northern Ireland, a lemon imported into UK and simply placed in a net may not be re-exported to the EU or Northern Ireland.

The export of out of scope product to the EU & Northern Ireland is currently facilitated by approval of individual UK control bodies that are detailed in the UK section of Annex IV - EC1235/2008. Control bodies must also be enabled to operate under this regulation in the EU’s TRACES NT system under this approval. Following approval of all UK control bodies in Annex IV in December 2020, inexplicably, only one UK control body has been granted the functionality under the Annex IV within the EU TRACES NT system, enabling approval of their licensees consignments for export.

The import of organic products from the EU that are outside the scope of the TCA is currently facilitated by a delay in implementation of organic import requirements, which do not come into force for product from the EU until January 2022. Although this delay does not expressly allow out-of-scope products to be traded, it does mean that, in practice, such products are currently exported to GB ‘under the radar.’

This has resulted in a false impression of the implications of the TCA, as many operators along those supply chains are not fully aware that the trade is not in compliance with the terms of the TCA. This will obviously become apparent in January 2022 when the GB Certificates of Inspection (COIs) will be required for all organic goods.  
  
The UK competent authority has indicated that they will not put a mechanism for approval of EU control bodies in a UK version of Annex IV until the EU Commission clarify that approval under Annex IV enables trade of products that fall outside the scope of the TCA.

The impact on organic business who export is already significant in GB, where their control bodies cannot approve COIs due to lack of access to TRACES NT as an approved 1235/2008 Annex IV control body. My concern is that the impact will be even more significant in GB, and throughout the EU, should products be prevented from moving from the EU to the UK on 1st January 2022.  
   
The organic regulations within GB and the EU, including the import of products from third countries, are aligned, so we can see no objective reason why the products that currently fall outside the TCA should not be included.

The UK organic food and drink market was valued at £2.62B in 2020 and grew at 1.6% value\*. Although precise data on EU trade is not available, it’s estimated that total UK organic exports to the EU could be as high as £248M a year. Around 25% of certified exporters to the EU registered on the EU TRACES NT system are known to have requested to export products outside the scope of the TCA. Given that business exporting out-of-scope product may command a disproportion share of exports, should export of such products be prevented, the overall impact could be significantly more than 25% of all EU export value.

[*Insert example of impact on your own business – as applicable*]

Unless there is a change in the scope of the TCA, as outlined above, important and well established trade routes involving third country products that access the EU through GB, or GB through the EU, will have to cease, negatively impacting not only my business, but also the wider UK organic market, and reducing not only its growing contribution to UK economy, but also the positive impact it has on climate, nature and health.

Given that time is running out to provide assurances to GB businesses who import and export organic food and drink to and from the EU & Northern Ireland, I urge swift action to ensure that trade remains uninterrupted.

Yours,

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