



Department
for Environment
Food & Rural Affairs

Dear Stakeholders,

We wrote to you in November 2024 confirming the UK, Scottish and Welsh Governments' plans to provide a permanent legislative basis for the implementation of the Border Target Operating Model (BTOM). A Statutory Instrument (SI), "[The Official Controls \(Amendment\) Regulations 2024](#)", has now been laid to deliver on these plans.

We now propose to lay a further SI to exercise the powers provided by The Official Controls (Amendment) Regulations 2024, to begin to transition BTOM controls from a temporary to a permanent legislative basis.

This document sets out a summary of the proposed legislative changes, **most of which do not implement new policy and therefore will not change how controls are operated on the ground**. The proposed legislative changes are intended to provide for the continued smooth operation of the BTOM, to safeguard biosecurity and support compliance with our international trading obligations to both the EU and other trade partners.

The UK Government's longer-term goal is to tackle barriers to trade, through seeking to negotiate a veterinary or SPS Agreement with the EU. However, this will take time, and it is important we meet our international obligations and protect the UK's biosecurity and public health throughout this process. As noted above, **most of the changes proposed to be made by the upcoming SI do not implement new policy** but ensure legislation is in place for the smooth operation of controls while negotiations take place.

The changes proposed to be made by this SI fall broadly into 3 categories:

- Amendments that provide a long-term legislative basis for the BTOM, beyond temporary powers.
- Amendments to extend policies which are currently only applied to EU goods, to goods from the Rest of the World.
- Amendments to allow the BTOM to be updated more responsively to biosecurity risks.

Proposed legislative changes:

Amendments that provide a long-term legislative basis for the BTOM, beyond temporary powers:

Mixed Consignment Risk Profiling (MCRP) for plants and plant products

This proposed measure would legislate to allow for risk assessment to take place at the consignment level of plants for planting, rather than at a commodity level. This will provide a targeted approach to consignments containing riskier commodities, therefore ensuring that a more proportionate risk-based approach is taken, whilst maintaining GB biosecurity. This proposal aligns legislation with current operational practice, that has evolved, for practical reasons, since EU Exit.

Zero Routine Checks

This proposed measure would provide the ability to determine the frequency of checks for animals and animal products in line with our risk categorisation model, and to remove the need for 'above zero' routine checks for certain commodities on a formalised legislative basis. This is currently operating, on a temporary legislative basis, via easements which apply during the Transitional Staging Period.

Amendment to extend policies which are currently only applied to EU goods to goods from the Rest of the World (RoW):

Reduced Documentary Checks for certain Plants, Plant Products, and Other Objects

We wrote to you in May 2024¹ with proposals to implement risk-based documentary checks for certain plants, plant products, and other objects (as defined in Article 2 of the Plant Health Regulation²). This is currently implemented for EU goods on a time-limited basis by an easement which applies during the Transitional Staging Period. This proposed legislation would allow risk-based documentary checks on EU goods to continue beyond the end of the Transitional Staging Period. The proposed legislation would also extend these risk-based documentary checks to certain plants, plant products and other related objects from Rest of World (RoW) countries. This proposed measure would mean that the frequency of checks for such goods will be set on a risk basis in line with the methodology detailed in [The Official Controls \(Plant Health\) \(Frequency of Checks\) Regulations 2022](#) and published online.

This is the only proposed change which will affect controls applied on the ground as fewer consignments will be subject to documentary checks (based on the risk posed by those consignments). The main impact would be for the competent authority who will be carrying out the documentary inspection. This change would give inspectors discretion in carrying out risk-based documentary checks and allow them to focus resource on consignments which are considered to pose the most risk.

Following the engagement in May 2024, where no comments on this measure were received³, the UK, Scottish and Welsh Governments, still propose to make this change. However, given the length of time from the previous engagement, we would welcome any views.

¹ [Stakeholder Engagement: amending import checks and fees - UK Plant Health Information Portal](#)

² [Regulation \(EU\) 2016/2031 of the European Parliament of the Council](#)

³ [Stakeholder-response-letter-Final-v2.pdf](#)

Amendment to allow the BTOM to be updated more responsively to biosecurity risks:

Risk Categorisation

We propose to allow technical changes to risk categorisation (and check rates) of animals, animal products, and their countries of origin, to be updated administratively instead of through legislative amendment. This would enable border controls to be more responsive to the risk assessment and management of changing biosecurity risk. Whilst we expect risk categories for commodities and countries to remain largely stable, we will retain the ability to take appropriate immediate action to address urgent biosecurity risks using safeguard measures.

We will communicate with stakeholders ahead of changes to risk categories to ensure that businesses and trading partners have time to adapt.

We would be grateful for your views on the proposed new legislative changes. **Please email your responses to sender by 23:59 on 28th January.**

Thank you in advance for your thoughts and insights on the proposed legislation.