



Department
for Environment
Food & Rural Affairs

Charging arrangements at government-run Border Control Posts – Consultation

Date: 12/06/2023

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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Any enquiries regarding this publication should be sent to us at

BCPcharging@defra.gov.uk

www.gov.uk/defra

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Foreword

When we left the European Union (EU), we embarked on a new chapter for this country as a fully independent and sovereign United Kingdom, in full control of our border and free to design how it operates to ensure that we deliver the greatest benefit for the UK.

Biosecurity controls on goods imported into the UK are a vital component of the operation of the border that protects the nations of the UK. In particular the opportunity to design a model for the robust control of the goods entering Great Britain, including documentary and physical checks to ensure that the environment is protected from invasive species, our food is safe to eat, and criminal activity is disrupted before it can harm our citizens. This is described in the Border Target Operating Model. ([The Border Target Operating Model: Draft for Feedback - GOV.UK \(www.gov.uk\)](#))

To support points of entry in getting ready for these changes, in July 2020, the Government announced a package of more than £700 million of investment in border infrastructure, staff and technology to ensure Great Britain border systems would be ready for new border controls at the end of the transition period. This included the £200 million Port Infrastructure Fund (PIF) which enabled maritime ports, airports and international rail terminals to access funds to build the necessary infrastructure and facilities to complete the necessary sanitary and phytosanitary (SPS) checks.

The Government took action to build infrastructure inland to support ports which did not have space within their boundaries and £270 million was allocated for Inland Sites infrastructure. This included Defra's provision of inland government-run border control posts (BCP) facilities for Port of Dover and Eurotunnel Le Shuttle.

As with existing commercial BCPs, we intend to apply a charge for the provision of government-run BCPs, in line with legislative requirements on charging. We are mindful of the need to develop a fair approach to charging for the services provided at government-run BCPs to minimise any potential distortion in the market and avoid conferring any commercial advantage to specific ports. Defra therefore proposes to administer a single Common User Charge for all commercial consignments which enter through the Port of Dover and Eurotunnel Le Shuttle that are eligible for SPS checks at BCPs.

We are working closely with the Welsh and Scottish Governments on the delivery of Inland Sites in Wales and Scotland where SPS controls and biosecurity are devolved. Though this consultation primarily focuses on BCP charges in England, the Common User Charge may be extended to include other government-run facilities across Great Britain.

We have launched this consultation to seek views from industry on the principles of the Common User Charge, its methodology, and indicative rates. With your help, we can ensure that a fair and proportionate approach to BCP charging is taken which will help us to deliver the world's most effective border by 2025.

Lord Benyon

Executive summary

Defra have developed a charging model to recover operating costs for government-run border control posts (BCPs) in England ahead of planned implementation of SPS checks on EU imports in January 2024. The legal basis for charging is Article 81(b) of the retained Official Control Regulations (OCR).

Defra proposes administering a single Common User Charge: a flat rate levied on every SPS consignment (Plants and Plant Products (P&PP) and Animal Products) which is eligible for BCP checks and enters through the Port of Dover or Eurotunnel Le Shuttle, whether selected for a check or not. This does not include goods arriving as rail freight via the Channel Tunnel, or personal imports arriving on the Eurostar and Dover Ferry passenger services as these goods will not be subject to SPS checks at a BCP. Imports of live animals will not have charges applied until they are subject to checks at a BCP, scheduled for late 2024. The Common User Charge approach flattens the rates, spreads the burden, and provides a high level of certainty to importers. These charges are intended to recover the costs of operating the BCP facilities as set out in Article 81(b) of the retained OCR which are necessary to undertake physical inspections. This charge would be separate to any charges applied by the Port Health Authority and Animal and Plant Health Agency (APHA) for inspections. The Common User Charge also does not include charges applied by other government agencies for activities outside of the BCP, such as any customs checks.

Biosecurity and SPS controls are devolved to the Welsh and Scottish Governments. We are working closely with the Welsh and Scottish Governments on the delivery of Inland Sites in Wales and Scotland. This consultation focuses on BCP charges for government-run facilities in England, however the Common User Charge may be extended to include other government-run facilities across Great Britain once infrastructure plans are finalised. Defra will discuss the issues and key findings raised in this consultation with the Welsh and Scottish Governments.

The Common User Charge will only be applied to government-run BCPs and it is up to commercial ports to determine their own charging structure and rates.

This consultation seeks the views and expertise of stakeholders to help inform and develop a fair and proportionate approach to BCP charging at government-run BCPs. The objectives of the consultation, which is being carried out under Article 85(3) of the retained Official Controls Regulation (2017/625), are to:

- Consult on Defra's intention to administer a single Common User Charge for eligible SPS consignments at government-run BCPs serving the Port of Dover and Eurotunnel Le Shuttle;
- Seek views on the principles, methodology and indicative rates to determine fair and reasonable charges; and

- Obtain feedback from stakeholders and users in the form of evidenced examples to demonstrate any potential impacts and implications of the introduction of these charges.

We would welcome responses from:

- All UK ports, international rail facilities and airports including:
 - Those which have existing BCP facilities;
 - Those which have received government grants through the Port Infrastructure Fund towards the cost of building infrastructure and facilities to enable the necessary customs and sanitary and phytosanitary (SPS) checks to be carried out following the end of the transition period; and
 - Those supported by government-run border facilities.
- Stakeholders associated with the port industry including Port Health Authorities, ferry operators, logistics, haulage and customs intermediary firms, industry associations and representative bodies, and those who support others to move goods through cross-border supply chains;
- UK businesses of all sizes who trade SPS goods across the UK border, or who are considering doing so; and
- International businesses of all sizes who trade SPS goods across the UK border, or who are considering doing so.

We are primarily seeking the views of those who may be affected by the introduction of BCP charges associated with the checking of imported goods for SPS purposes. We are therefore not seeking views from individual travellers or commuters who move across the border for leisure or business purposes who will be unaffected by these proposals. We are keen to hear from stakeholders in all parts of the UK.

Policy proposal

Common User Charge – Proposed methodology

The Common User Charge rate would be generated by dividing the total annual estimated BCP operating costs at all government-run BCPs serving the Port of Dover and Eurotunnel Le Shuttle across the estimated annualised numbers of SPS consignments which enter through these ports. A consignment is defined as each eligible item listed in a Customs Declaration. The rate would not vary irrespective of whether eligible consignments are selected for BCP checks. The rate is intended to achieve full recovery of operating costs. Operating costs include the site operator contract, utilities, maintenance, business rates, and on-site tankering. Further work is required to determine the charging approach for transits. We will publish charges applicable to these goods as part of our final charging rates before implementation.

The Common User Charge is estimated to be in the region of £20 to £43 per consignment, inclusive of VAT. This is an indicative range while we continue to determine the full scale of operating costs and finalise the risk categories under the TOM for SPS products; the final rates will be published before we start charging. We are also proposing to introduce a discounted charge for low-risk Animal Product consignments. Though these goods are no longer going to be routinely checked at BCPs under the new TOM, these consignments will still be subject to low-frequency spot checks at BCPs to monitor compliance, therefore there is a basis for extending charges to them. Applying a discounted charge of £10 to low-risk Animal Product consignments is likely to have the effect of reducing the standard Common User Charge rate to the lower end of the indicative £20 to £43 range.

The range of indicative figures has been provided to help users understand the potential impact of the charges for their business operations. The variation is caused by uncertainty in the precise volumes of trade which will be more clearly understood once BCP operations commence. These rates are for Plants and Plant Products and Animal Products only and we will publish an updated Common User Charge for physical inspections on live animals from the EU once infrastructure for live animal checks is in place, scheduled for late 2024. Penalty charges may apply for non-compliance to recoup additional administrative costs associated with delayed payments. We will publish any penalty charges as part of our final charging rates before implementation.

The intention is that the rate would undergo periodic review every twelve months, and once physical checks begin in Wales and Scotland, and on live animals. This is to ensure that the rate successfully achieves full recovery of the total operating costs of undertaking physical inspections. Factors that could impact the Common User Charge rate would therefore include:

- An increase or decrease in the use of the government-run BCP facilities including by any schemes which remove the number of eligible consignments;
- Changes in the number of consignments which are eligible for BCPs checks entering through the Port of Dover and Eurotunnel Le Shuttle;
- Changes in the total operating costs;
- The introduction, removal, or consolidation of government-run BCP facilities. If the Common User Charge is extended to include other government-run facilities across Great Britain, the joint running costs of all facilities will be spread across eligible consignments that enter through Port of Dover, Eurotunnel Le Shuttle and any other port that uses a government-run BCP. We intend to legislate to enable charges to be made across different Competent Authorities.
- Changes to the checking regime in response to the assessed national biosecurity risk.

It is the government's intention that the administration of these charges and any associated debt recovery of unpaid CUC charges would be undertaken by a third-party, although details

are still being finalised. Government is looking at the option to take fees per consignment or aggregate it as a monthly sum for regular importers. Following a short transitional period, charging is likely to start in April 2024. Traders may be liable for any fees incurred from the opening of the BCP. Other charges that will be applied include charges from the Port Health Authority for inspections on Animal Products and APHA normally apply for inspections.

Trusted Trader

The UK government is committed to creating an ecosystem of trust working in partnership with industry and an important part of this will be the creation of an innovative Trusted Trader approach. This will be a single, unified approach across government that will minimise burdens on industry, facilitate trade, and provide wider benefits across the entire supply chain.

Our intention is to begin piloting aspects of these schemes from January 2024 and they will be introduced in phases. If the pilots are successful, it is our intention to introduce a number of Trusted Trader schemes which will become part of a fully integrated cross-government Trusted Trader programme. These schemes will be open to businesses importing goods from the EU and Rest of World, and membership of these schemes will be determined by a set of clearly defined and robust criteria.

Membership of the schemes may exempt certain consignments from the Common User Charge, therefore there may be an impact on charging rates. These schemes are still being developed, and it is our intention to provide more detail on their impacts once they have been finalised.

Consultation details

Responding to this consultation

The consultation will be open for **4 weeks** from **12/06/2023** to **09/07/2023**. Responses should be received by 23:59 on 09/07/2023. Our preferred way of receiving responses is through the Citizen Space platform.

If you are unable to use Citizen Space, you can download the consultation documents and return your response via email to BCPcharging@defra.gov.uk

How to respond

Stakeholders can provide their feedback on the proposed changes set out in this document via the online portal.

Campaign responses

We recognise that respondents may choose to use some standard text to inform their response. Campaigns are when organisations (or individuals) coordinate responses across their membership or support base, often by suggesting a set of wording for respondents to use. Campaign responses are usually very similar or identical to each other. For this consultation, campaign responses may be analysed separately to other responses to ensure the breadth of views received can be summarised effectively and efficiently. All campaign responses will be taken into account in the final analysis of public views and campaigns help provide an indication of the strength of feeling on an issue. The preferred route for all respondents to provide their views (including where a response is based on a campaign) is via the Citizen Space platform.

Confidentiality and data protection information

A summary of responses to this consultation will be published on the Government website at: www.gov.uk/defra. An annex to the consultation summary will list all organisations that responded but will not include personal names, addresses or other contact details.

Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (for example home address, email address, etc).

If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data with external analysts. This is for the purposes

of consultation response analysis and provision of a report of the summary of responses only.

This consultation is being conducted in line with the Cabinet Office “Consultation Principles” and can be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

Please find our latest privacy notice uploaded as a related document alongside our consultation document.

If you have any comments or complaints about the consultation process, please address them to:

Charging arrangements at government-run Border Control Posts

Consultation Coordinator, Defra

2nd Floor, Foss House, Kings Pool,

1-2 Peasholme Green, York, YO1 7PX

Or email: consultation.coordinator@defra.gov.uk

Extra copies

Paper copies of this consultation can be requested by email to BCPcharging@defra.gov.uk and it is also available online at <https://consult.defra.gov.uk/government-bcp-charging-strategy-implementation/charging-at-government-border-control-posts>

Alternative format versions of this publication can be requested by email to BCPcharging@defra.gov.uk

A Welsh language summary/consultation paper is available at <https://consult.defra.gov.uk/government-bcp-charging-strategy-implementation/charging-at-government-border-control-posts>

Questionnaire

We are seeking the views and expertise from industry on the principles of the Common User Charge, its methodology, and indicative rates to help inform and develop a fair and reasonable approach to charging at government-run BCPs.

Respondents should try to minimise any references to commercially sensitive information as much as they can. Where a respondent wishes to support their position with more detailed information that may be commercially sensitive, it should do so by providing aggregate or average figures or by using indicative ranges rather than exact prices, costs or customer information.

Thank you for participating in this consultation exercise.

1. Would you like your response to be confidential? (Select one option only)
 - Yes
 - No
2. If you answered “Yes” to Question 1, please give your reason. (Free text)
3. What is the name of your organisation?
4. How would you best describe your organisation? (Select one option only)
 - UK business – You trade SPS goods across the UK border or are considering doing so
 - International business – You trade SPS goods across the UK border or are considering doing so
 - UK seaport, airport, or international rail facility – SPS goods transit through your facilities
 - Ferry operator, Logistics, Haulage, or Intermediary business – You support others to move goods through cross-border supply chains
 - Representative body, Trade Association – You represent the interests of a group of businesses and/or individuals within the same industry
 - Public sector body – In an official capacity as a representative of a local government organisation / public service provider / other public sector body in the UK or elsewhere
 - Other – (Please specify)
5. If you are responding on behalf of a business, please indicate below the size¹ of the business you are responding on behalf of. (Select one option only)
 - Sole proprietorship (a business run by one self-employed person)
 - Ordinary partnership (a business run by two or more self-employed people)
 - Small and medium-sized enterprises (0 to 249 employees)
 - Large business (250 or more employees)

¹ For the purposes of this consultation, [official government business size classifications](#) were used to distinguish categories.

6. Where are you or your organisation based? (Select all that apply)

- England
- Scotland
- Wales
- Northern Ireland
- Other – (Please specify)

7. Where is your organisation interested in importing SPS consignments from? (Select all that apply)

- Imports from mainland Europe
- Imports from Republic of Ireland
- Imports from Rest of World
- Not applicable

8. For Importers only, how likely are you to import goods that would, if called for inspection, need to attend a government-run BCP? (Select one option only)

- Never
- Infrequently (once a year)
- Occasionally (monthly)
- Frequently (weekly or more)

9. To what extent do you agree or disagree with the government's intention to apply the Common User Charge to government-run BCPs within England? (Select one option only)

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree
- Don't know

10. Please provide any reasons to support your answer to Question 9

11. To what extent do you agree or disagree with the government's intention to extend the Common User Charge to include government-run BCPs within Scotland and Wales? (Select one option only)

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree
- Don't know

12. Please provide any reasons to support your answer to Question 11

13. To what extent do you agree or disagree with the indicative range of charges? (Select one option only)

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree
- Don't know

14. Please provide any reasons to support your answer to Question 13

15. In your opinion, will the introduction of the proposed charges broadly have any impact for your business or organisation? (Select one option only)

- Extremely Positive
- Fairly Positive
- Neither Positive nor Negative
- Fairly Negative
- Extremely Negative
- Don't know

16. Please provide any reasons to support your answer to Question 15

17. To what extent do you agree or disagree with the proposed £10 charge for low-risk Animal Products consignments? (Select one option only)

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree
- Don't know

18. Please provide any reasons to support your answer to Question 17

19. How frequently should government review the Common User Charge? (Select one option only)

- Every six months
- Annually
- Every two years or more
- Don't know

20. Please provide any reasons to support your answer to Question 19

21. How frequently would you like the Common User Charge to be collected? (Select one option only)

- Per consignment
- Monthly
- Any other frequency, please specify

22. Please provide any reasons to support your answer to Question 21

23. We have designed this charging model to minimise impact across all businesses. We would welcome feedback on the impacts of the proposal on businesses of all sizes and operating different business models. We are particularly keen not to disproportionately impact small business. Please describe how you see the model impacting your business, and what would be helpful to mitigate this

24. The implementation date proposed for the Common User Charge is April 2024. We are aware that businesses face a range of global supply chain pressures and we will therefore consider the implementation date for these charges in light of broader economic conditions. Please provide any feedback on the proposed implementation date

Next steps

We will be carefully reviewing all responses to the consultation taking into account views expressed, as well as any additional information provided which will be used to further refine proposals and inform the impact assessment. A summary of responses is due to be published on the gov.uk website following the consultation.

Following the consultation relevant Ministers from Defra will make the final decision on any legislative changes, taking into account responses received.

Before implementing the Common User Charge, we will publish a detailed breakdown of operating costs at government-run BCPs, and the final charging rates. This will provide further clarity and assurance on the Common User Charge and will help stakeholders understand the potential impacts of this charge on their operations.

What will happen with the responses?

The objective of this engagement will be to test the draft model and capture insight. The insights from stakeholders, both through the online portal and at stakeholder engagement events, will be used to test our assumptions about the Border Target Operating Model and will be used to refine our proposals before a final version of the model is published in the Spring.