



Advice

Negotiation of the EU–UK SPS Agreement

Brussels, 24 March 2026

1. Background

Prior to the withdrawal of the United Kingdom (UK) from the European Union (EU)¹, the fisheries and aquaculture sectors developed highly integrated supply chains with different stages of processing being carried out at scale in different parts of the EU, including UK.

On 1 January 2021, the EU-UK Trade and Cooperation Agreement entered provisionally into force with the aim of ensuring sustainability, stability and economic predictability for operators, tools to discipline fishing activities, and stable access to UK waters. The agreement allows tariff-free exports of fishery and aquaculture products. Nevertheless, operators must deal with various administrative aspects, such as food safety checks, catch certificates, processing statements, storage documents, processing statements, and re-export certificates. Sanitary and phytosanitary (SPS) requirements include Export Health Certificates, physical checks at Border Control Posts, and additional administrative procedures.

Despite continued high sanitary standards in both jurisdictions, the absence of a structured SPS agreement has resulted in persistent trade frictions, particularly affecting fresh fishery and aquaculture products. On 13 November 2025, the Council authorised the Commission to open negotiations with the UK on an agreement for a common SPS area, which would remove the need

¹ [MAC Advice on “Withdrawal of the United Kingdom from the European Union” \(11 June 2021\)](#)

for most certificates and checks on animals, plants and related products moving between Great Britain and the EU.

On 5 February 2026, the MAC adopted advice focused on the relevance of the upcoming agreement for the trade of bivalve molluscs². Under the present advice, the MAC would like to put forward further recommendations concerning other fishery and aquaculture products in the context of the ongoing negotiations of the EU-UK SPS Agreement.

2. Current difficulties

The introduction of SPS certificates when trading with the UK, both for imports and exports, creates additional administrative, operational and economic constraints, particularly for the fresh fisheries sector, adding to the many customs formalities already in place. For both exports and imports, validations procedures can be lengthy, with direct consequences for logistics costs, such as delays, additional storage of goods, and carriers charging for waiting times. The risk of administrative errors may result in good being blocked at customs.

For various reasons, such as food product development, laboratory tests, exhibitions and trade fairs, demonstrations, businesses often need to move trade samples. Health certification requirements and animal by-product requirements make the movement of trade samples between the EU and Great Britain very challenging. Currently, the logistical and documentary costs of moving small quantities of product or trade samples are prohibitive.

Under the Northern Ireland Protocol, Northern Ireland remains aligned with the EU sanitary and phytosanitary rules, including for fishery products. Therefore, traders moving fishery products

² [MAC Advice on “Bivalve Molluscs under the EU–UK SPS Agreement” \(5 February 2026\)](#)

between Great Britain and Northern Ireland face issues similar to those faced when moving products between Great Britain and the EU.

Overall, operational and economic challenges linked to border procedures have restricted choice and availability for EU distributors and consumers. The procedures are costly and complex to manage, particularly for small businesses. From a logistics perspective, these contribute to reduce shipment, diversion of trade flows, and strained relationships with partners, as delays may affect product quality. Exporting requires specific expertise to complete the various customs formalities, which may prevent some EU companies from accessing the UK market, even on an occasional basis.

a) Importing into the EU from the UK

The provision of health certification and other documents, such as IUU catch certification and Organic Certificates of Inspection, requires time, causing delays for consignments reaching the EU. Occasionally, to avoid the multiplication of catch certificates, operators have to revise the organisation of shipments of multi-origin products, particularly for batches originating from different fishing vessels, especially in the small-scale coastal fishing sector. The described logistical adjustments increase the risk of breaking the cold value chain. The movement of non-EU origin fishery products between the EU and the UK often requires the re-certification of the product, an additional administrative burden.

Since fresh fish is a perishable commodity, any delay causes the product to lose some of its freshness, shortening the shelf life. In the case of live seafood, such as crabs and lobsters, delays result in increased mortality. Therefore, the delays associated with certification result in the EU consumer being denied fishery and aquaculture products that are as fresh as possible.

When exporting to the EU, the total cost of completing the Export Health Certificates for operators is estimated at 200€³. A proportion of the mentioned cost is passed on to the EU consumer. Since the certification requirement applies to each consignment, it is unprofitable for EU operators to import small volume consignments of fishery and aquaculture products, representing less flexibility for the business operations of EU importers. In the UK, many businesses have cut back on their export activities or stopped trading altogether because of increased costs, administration and border delays⁴. Therefore, EU buyers have to source their fishery and aquaculture products from a smaller pool of suppliers.

When consignments of fresh fishery and aquaculture reach Border Control Posts in the EU, border control staff are obligated to carry out checks, including a proportion of physical checks, on food intended for import, inevitably causing delays as consignments await clearance. Occasionally, physical checks involve the removal of a representative sample of the product. In the case of consignments of small value and high value, for example, live lobsters or *Nephrops*, there can be disputes between the EU importer and the non-EU supplier regarding volume and value. Furthermore, the amount of information that must be included in health certifications increases the chances of documentary errors, resulting in further delays or rejections.

b) Exporting from the EU into the UK

Depending on the case, exports of fishery products to the UK, require either an Annex IV (Processing), a Re-Export Certificate, or a Non-Manipulation Document (proof of storage). EU operators must request these documents, essential requirements for entry into the UK, from their national authority. Delays in the issuing of the documents can delay the import process,

³ [Written evidence submitted to UK Parliament by the SPS Certification Working Group, 25 July 2024](#)

⁴ [UK Cabinet Office, Policy Paper, UK-EU Summit Explainer \(2025\)](#)

leading to consumer dissatisfaction and the added risk of a break in the cold chain. As an example, the competent Spanish authority usually takes approximately ten days to issue these documents.

When exporting from the EU to the UK, EU operators frequently face difficulties in determining the appropriate health certificate to request from their national authorities, as the UK follows a risk-based approach under the Border Target Operating Model. For example, since the risk classification for frozen fishery products does not align with the one used by the UK authorities, on several occasions, the Spanish authorities issued a Non-Manipulation Document, whereas the UK authorities required an Export Health Certificate to permit entry into UK territory. The health certificate is subject to a reservation, which requires the identification of the truck crossing the border. Sometimes, due to logistical issues, reservations change dates or even the truck itself, resulting in an incorrect health certificate, as the date and identification do not match.

For the issuance of the Re-Export Certificate, EU operators must submit several documents to their competent fisheries authority, including 1) Export Customs Declaration, 2) Consignment Note, 3) proforma invoice signed by the client, invoice, and packing list, 4) production records and production certification letters, if the goods have been processed or undergone a production process, 5) the reservation made for the shipment, 6) details of the carrier, truck, customs office of exist (e.g., truck license plates, EU port of exit, UK port of entry, UK Border Control Post of entry, date and time of departure from the EU, date and time of entry into the UK), 7) health certificates issued by the health authorities, 8) catch certificates, and 9) Manufacturing Processing Annex.

The EU operator is also required to provide customs declarations per container and a certification letter from their national competent authority. In practice, there are several overlapping or incompatible requirements, as, for example, the International Road Consignment Note is not issued until the day of loading, and the customs declaration is not completed until the day the

truck crosses the border. Once an application is submitted to the national competent authority, it can take from three days to a week for a response, which causes import delays and additional demurrage charges.

3. Expected benefits

The development of a common EU-UK SPS area would mean that sanitary certificates would no longer be required, constituting, primarily, a simplification and cost-reduction measure.

The reduction of border control formalities would facilitate the trade of fresh fishery products between the EU and the UK, resulting in better business conditions and opportunities for traders and smaller enterprises, including fishers and Producer Organisations. In the period of 2019 to 2023, following the UK's withdrawal and the less of free movement of goods, exports of fishery products from the UK to the EU dropped by 26%⁵. The reduction of SPS-related border controls and other SPS requirements would allow that trade to resume. The trade of fishery products, especially fresh fishery products, would significantly improve. The availability and quality of fishery products on the EU would increase. Operators of the fishery sector, particularly smaller ones, would benefit from a better business environment.

Nevertheless, even if, thanks to the EU-UK SPS agreement, the overall volume of SPS documentation processing decreases, local sanitary inspection services would still need to be maintained. EU companies will continue to export fishery products to third countries, so fully operational public services at all export points will continue to be needed.

4. Other legislation

⁵ [Marine Management Organisation, UK sea fisheries annual statistics report 2023. \(2024, last updated 10 March 2025\)](#)

The EEA Agreement allows the free movement for certain fishery products between Iceland, Liechtenstein and Norway and the EU. In the view of the MAC, the EU should work with the relevant administrations to broaden the envisioned EU-UK common area to encompass the EFTA States, with the aim of facilitating trade in fishery products.

5. Recommendations

In the context of the ongoing negotiations for an EU-UK SPS agreement, to reduce unnecessary administrative friction while maintaining high levels of food safety and biosecurity, the MAC considers that the European Commission should:

- a) Through the harmonisation of SPS requirements, proceed with the establishment of a common SPS area, removing the requirements on health certification and routine border checks, so that fishery and aquaculture products traded between the EU and the UK can move freely across the market;
- b) Aim for the maximisation of the sharing of SPS-related data between the EU and the UK, so that all parties hold the necessary information to minimise food safety risks;
- c) Prioritise the harmonisation of other SPS-related legislation that may have diverged since the UK's withdrawal from the EU and that may cause significant mismatch in food safety standards.

If an agreement on a common EU-UK SPS area is not possible, to ensure a pragmatic and appropriate implementation of the existing and potential new requirements, the MAC considers that the European Commission should:

- d) Promote the harmonisation and reduction of processing times, particularly by strengthening local sanitary inspection posts;



- e) Adapt legal and administrative requirements in a manner proportionate to the level of risk presented by the products;
- f) Promote dialogue between the relevant public authorities and the professional representative organisations;
- g) Appoint a single point of contact dedicated to the processing and monitoring of sanitary certificates, to secure and streamline procedures;
- h) Proceed with a simplification of the export health certificates – the model used for Switzerland or Norway could be used as basis, which requires only the invoice, packing list, and the corresponding transport document.