

The timed-out decision contingency feature

What is the TODCOF?

The timed-out decision contingency feature (TODCOF) is an automated process for finalising a Common Health Entry Document for animal products (CHED.P) for low-risk and medium risk animal product imports (from the EU to GB) without undertaking a documentary check. The automated clearance process will be in place from April 2024 for low-risk consignments on a permanent basis (i.e., business as usual) and medium-risk consignments on an interim basis (i.e., it is intended as a contingency feature in the initial period of the new import controls- from April until September '24).

- The TODCOF will not apply to high-risk animal product imports.
- The TODCOF will not apply if the risk engine has selected a consignment/product for inspection at a BCP.
- The TODCOF triggering does not impact the ability for a BCP/PHA to charge for a documentary check.

Why is the TODCOF needed?

BCP capacity (for EU-GB animal product imports) was planned/built to receive around 1% of all animal product consignments for identity and physical inspection. Under the Target Operating Model (TOM), the policy is for documentary checks to be undertaken on 100% of medium and high-risk animal product imports. For EU imports we are dealing with a flow process. For a period after April 2024 there is, therefore, a possibility that some BCPs - despite good planning - may not be able to complete 100% documentary checks before a consignment's arrival in GB.

Without the TODCOF if a BCP had not finalised Part 2 of a medium-risk CHED.P ahead of a consignment's arrival in GB, the driver would (by default) be instructed (via an automated messaging service) to attend a BCP for inspection.

Likewise, if a BCP did not manually finalise the CHED Part 2 for a low-risk product ahead of a consignment's arrival in GB, the SPS customs hold would not be lifted, and the automated messaging service would (by default) instruct attendance a BCP for inspection.

How does the TODCOF work?

The 'trigger point' for the TODCOF will be based on the estimated date/time of arrival the operator responsible for the consignment enters in their CHED.P (or for GVMS movements on the 'actual time of arrival'). For example, if the 'trigger point' was set at 30 mins prior to the estimated/actual time of arrival, if a CHED.P was submitted at 1pm with an estimated/actual arrival time of 6pm the BCP would need to complete a documentary check and finalise Part 2 of the CHED before 5.30pm. If they had not done so the TODCOF would apply the risk engine recommendation at 5.30pm.

If the risk engine recommendation was 'inspection required', unless the recommendation was overridden by the BCP, the TODCOF would not be triggered, and the automated messaging service would require attendance at a BCP. If the risk engine recommendation was 'inspection not required' the TODCOF would be triggered (at 5.30pm) and the CHED would be finalised (i.e., end stated). To note, if finalised by the TODCOF the completed CHED will indicate a documentary check had not been undertaken but the consignment was cleared for entry (see section below on legislation).

The 'trigger point' will need to provide as much time as possible for a BCP to undertake a documentary check (and take a decision on whether to call the consignment to a BCP) but also provide enough time for a message to be sent (via the automated messaging service) ahead of its arrival - as to whether it needs to stop at a BCP for inspection. Or (if not selected to attend a BCP) enable a clearance message to be sent to HMRC (so that the Sanitary customs hold can be lifted) and free circulation status granted ahead of the consignment's arrival in GB.

We will engage with BCPs ahead of go-live on the timing at which the TODCOF should be set (i.e., at what point should the feature trigger if a documentary check has not been undertaken ahead of arrival). To note, we will need to agree on a trigger time that will work for all BCPs, it is not possible to configure the trigger for individual BCPs (but this is something we will explore for future iterations of the feature, post April '24).

In a scenario in which the operator responsible for the consignment had not raised a medium-risk CHED ahead of the product's arrival in GB, or needed to submit a new medium-risk CHED whilst at the BCP: if they entered an estimated arrival time in their notification which was in the future (for example it was 1pm, but they entered 4pm as the estimated time of arrival in their CHED), this would ensure that the TODCOF would not trigger when the CHED was submitted and the BCP could undertake controls as needed.

Legislation

Legislation requires all SPS consignments to be subject to documentary checks and states a CHED is finalised only after a decision on the consignment has been taken (i.e., at a minimum, a documentary check) and "recorded on the CHED".

Without amendments to legislation, it will not be possible to implement the TOM policy for low-risk products to not be subject to document checks and it will not be possible to introduce a contingency for medium-risk consignments (in the case that, despite their best effort to do so a BCP/PHA has been unable to undertake a documentary check ahead of a consignment's arrival in GB).

We are, therefore, pursuing a legislative amendment (for April 2024) to operate the feature in IPAFFS for animal products. This will also ensure a BCP/PHA would not bear liability when the TODCOF had been used to clear a consignment/product without a documentary check being undertaken/recorded.