



## Advice

### Bivalve Molluscs under the EU–UK SPS Agreement

Brussels, 5 February 2026

#### 1. Background

Since the withdrawal of the United Kingdom from the European Union on 1 January 2021, trade in live and processed bivalve molluscs between the EU and the UK has been subject to third-country sanitary and phytosanitary (SPS) requirements. These include Export Health Certificates, physical checks at Border Control Posts (BCPs), and additional administrative procedures.

Prior to 2021, the movement of live bivalve molluscs between the EU and the UK was based on harmonised sanitary rules, mutual trust, and shared regulatory frameworks. This allowed predictable, timely, and safe trade flows that supported coastal and rural economies on both sides of the Channel. In April 2021, the Market Advisory Council (MAC) provided advice highlighting the mutual benefits of facilitating trade in live bivalve molluscs from Class B production areas, as was established practice before Brexit<sup>1</sup>.

Despite continued high sanitary standards in both jurisdictions, the absence of a structured SPS agreement has resulted in persistent trade frictions, particularly affecting live and chilled shellfish, for which time sensitivity and regulatory predictability are essential. 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 for most certificates and checks on animals, plants and related products moving between Great Briain and the EU.

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<sup>1</sup> [MAC Advice on “Import of live unpurified bivalve molluscs from the United Kingdom” \(14 April 2021\)](#)

While acknowledging that, since Brexit, movements of bivalve molluscs from the UK to the EU are legally considered imports from a third country, it should also be recalled that, prior to 2021, such movements took place under a common regulatory framework and comparable official control systems in both the EU and the UK. These flows were therefore not subject to the same restrictions applicable to imports from other third countries. Against this background, the MAC considers that avenues could be explored to overcome certain current restrictions, while fully maintaining food safety and biosecurity guarantees.

## **2. Current difficulties**

Five years after the UK's withdrawal, EU and UK operators continue to face operational and economic challenges linked to SPS divergence and border procedures. These include:

- complex and costly certification requirements, with a disproportionate impact on micro, small and medium-sized enterprises;
- delays and inconsistencies at Border Control Posts, notably at certain entry points, leading to product degradation, increased mortality risks of live shellfish, and financial losses for both UK and EU Member States (like Ireland);
- uncertainty regarding the application and interpretation of sanitary controls, undermining long-term business planning and investment.
- additional administrative burdens linked to repeated physical checks and limited digital interoperability between UK and EU systems.

These difficulties cannot be fully resolved by operators alone and reflect structural issues inherent to the current UK–EU SPS relationship. The resulting friction has led to the suspension or reduction of longstanding trade routes and has weakened the economic resilience of shellfish-producing coastal communities from both UK and EU Member States.

### 3. 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 recommends that the European Commission:

- a) Engage, as a matter of priority, in bilateral discussions with the United Kingdom Government to explore the development of a dedicated SPS framework or agreement covering bivalve molluscs;
- b) Encourage closer alignment of key sanitary controls to ensure the smooth movement of shellfish across borders, while upholding high public health and environmental standards;
- c) Examine opportunities to harmonise rules and procedures, with the aim of reducing administrative burdens for operators, particularly micro, small and medium-sized enterprises;
- d) Assess options to simplify routine Export Health Certificates and proportionate physical checks at Border Control Posts, especially for established and low-risk trade flows;
- e) Consider the conditions under which trade in Class B live bivalve molluscs could be facilitated, taking into account the regulatory situation and practices in place prior to 2021, including the exploration of reinforced control arrangements for consignments moving between duly authorised establishments;
- f) Support improved digital data-sharing and interoperability between UK and EU systems to enhance traceability and reduce administrative complexity;
- g) Assess the financial and operational implications of such a framework, including possible contributions required to ensure its effective implementation.

In the view of the MAC, a pragmatic and mutually recognised SPS framework would help shorten border transit times, restore predictability for operators, and provide tangible benefits to the EU



shellfish sector. Such an approach would support economic resilience in coastal communities while safeguarding high food-safety, biosecurity and environmental standards.

The MAC stands ready to contribute its technical expertise and, where appropriate, to provide formal support to the relevant authorities in the context of discussions on a future UK–EU SPS framework for shellfish.