

Debate Pack  
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## Shellfish aquaculture

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# 1

## Shellfish exports and Brexit

A debate on shellfish aquaculture will be introduced to Westminster Hall at 2.30pm on 15 March 2023 by Anthony Mangnall.

Shellfish exports from the UK to the EU have been affected by restrictions on imports from third countries (which the UK is classified as since leaving the EU). These do not allow the import to the EU of bivalve molluscs unless they are harvested from areas with the cleanest water classification or have been purified (or depurated) prior to export. This restriction did not apply to the UK when it was a Member State.

### Exports and third country listed status with the EU

[Agreement between the UK and the EU](#) on trade was reached on 24 December 2020. The [UK-EU Trade and Cooperation Agreement \(TCA\)](#) came into force in January 2021.

As part of the agreement the UK secured third country 'listed status' with the EU for food, plants and live animals. This means that the UK is recognised as meeting the EU's sanitary and phytosanitary requirements for imports. However, under the TCA, there is now a customs and regulatory border between GB, and the EU and Northern Ireland. Goods can cross between the GB and the EU tariff free, provided rules of origin are met. However, goods still need to comply with the paperwork requirements (customs forms, sanitary documents) at point of entry. This has increased delays for fisheries and fish exporters as they adapt to the new requirements at the border

For UK exporters, the TCA agreement means there are increased requirements to fish and shellfish sent to the EU that need to be complied with, as set out by the EU Commission:

- rules of origin will apply to goods in order to qualify for preferential trade terms under the agreement;
- all imports will be subject to customs formalities and will need to comply with the rules of the importing party;
- and all imports into the EU must meet all EU standards and will be subject to regulatory checks and controls for safety, health and other public policy purposes.<sup>1</sup>

### Impacts on shellfish sector

In addition to the general requirements, certain parts of the fisheries sector have been affected by specific EU rules. The EU bans the import of

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<sup>1</sup> EU Commission, [Questions & Answers: EU-UK Trade and Cooperation Agreement](#), 24 December 2020

most bivalve molluscs, such as muscles and oysters, that have not been purified before export. This has [impacted UK exports](#) which were exempt when the UK was part of the EU but not now it is a 'third country'.

Waters are [classified by the Food Standards Agency](#) according to the level of bacteria present from Class A (cleanest) to Class C. [Politics home](#) and [Fishing News](#) reported on 1 February 2021 that live bivalve exports (such as cockles, clams, oysters, mussels and scallops) from non-Class A water that had not been purified were banned from entering the EU.

This restriction now applied to UK exports of wild and aquaculture bivalve molluscs from waters classified as Class B. Export of bivalve molluscs from these waters for purification within the EU, previously allowed, would no longer be possible.

[As the FSA explains](#) the reason bivalves are of concern is because bivalve molluscs are filter feeders, which means they are at risk of ingesting dangerous bacteria. [Bivalve molluscs harvested from Class B water](#) for human consumption are required by the FSA to undergo one of three processes:

- purification (or depuration) in an approved establishment
- relaying for at least one month in a classified Class A relaying area
- an approved heat treatment process

The difficulties faced by the shellfish sector following Brexit resulted in the Government setting up a UK wide [£23m fund to support fish exporters](#), which was extended to include the catching and shellfish sector.

In a [2021 debate on Fisheries Management](#), the Minister Victoria Prentice, set out how funds were being provided for shellfish producers:

The fund is already open and we are debating a statutory instrument tomorrow that will facilitate the spending of that fund. The money will in the longer term help people adapt their businesses to help with depuration or possibly canning, but it will not help everybody. One of the solutions that I have just outlined ought to be helpful to all our live bivalve mollusc industry. I continue to work closely with colleagues from around the country on this and to bring the matter up with the Commission whenever we have the opportunity.<sup>2</sup>

The Government said, in [a debate in the Lords in November 2021](#), that this is an issue it continued to raise with the EU:

At the [Specialised Fisheries] committee, the UK raised concerns about the justification for the EU's import conditions covering live bivalve molluscs

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<sup>2</sup> HC Deb 13 July 2021 [c64WH](#)

and seed potatoes, including their impact on businesses. The UK and the EU agreed to further technical exchanges on these.<sup>3</sup>

However, [Defra guidance on exports](#) makes clear that currently bivalve molluscs from class B waters cannot be exported to the EU for human consumption (unless deperated) or for deperation in the EU:

This affects both wild harvested LBMs and those from aquaculture. The FHI are unable to certify for these consignments until this situation is resolved. Defra is continuing to look for a solution to allow exports to resume.<sup>4</sup>

## 2 UK Trade in shellfish

Information on recent trends in the UK's trade in shellfish are set out below. Data in this section is for trade in crustaceans, molluscs & aquatic invertebrates, whether in shell or not (SITC code 036. Data from HMRC, [UK Trade Info](#)). This data does not distinguish between farmed and wild-caught shellfish or provide information specific to bivalve molluscs.

### Trends 2018-2022

The value of UK shellfish exports fell year-on-year for a four-year period between 2018 and 2021, down from a high of £481 million in 2017 to a low of £368 million in 2021.

This fall was most noticeable in shellfish exports to the EU between 2019 and 2021 – between 2019 and 2020, the value of UK shellfish exports to the EU fell by 15% in cash terms and by a further 3% between 2020 and 2021; compared to 2019 levels, UK shellfish exports to the EU in 2021 were 17% lower in cash terms, a fall of almost £70 million.

This was a result of the coronavirus pandemic, which led to reduced levels of economic activity and international trade in 2020, combined with a fall in demand for fish and lower than average market prices, as well as the end of the Brexit transition period on 1 January 2021, which caused various logistical difficulties in exporting fish to the EU from the UK.

The delays and restrictions resulting from the UK leaving the EU's single market and customs union and the UK acquiring third country status (as set out in the previous section), caused shellfish prices to fall

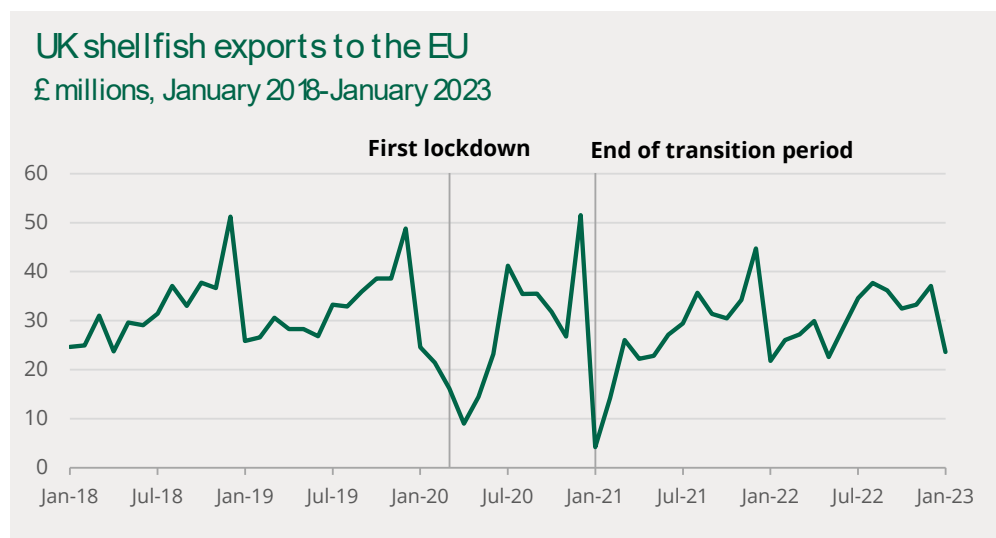
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<sup>3</sup> HL Deb 15 November 2021 [c47GC](#)

<sup>4</sup> Defra, [Guidance on Exporting or moving live fish and shellfish](#), 11 October 2022

dramatically in February 2021, owing to the highly time-sensitive nature of live and fresh shellfish.<sup>5</sup>

The value of UK shellfish exports to the EU fell by 92% in cash terms between December 2020 and January 2021, before recovering slightly in subsequent months.



Source: HMRC, [UK Trade Info](#)

In 2022, the value of UK shellfish exports to the EU increased by 14% in cash terms, from £323 million to £367 million, as fish and shellfish prices rose between 2021 and 2022.

However, in terms of quantity, UK shellfish exports to the EU remained flat between 2021 and 2022 – the UK exported 43,580 tonnes to shellfish to the EU in 2021 and 43,066 tonnes in 2022.

## Trade in 2022

The table below summarises the UK's trade in shellfish in 2022.<sup>6</sup>

<sup>5</sup> Murie Dickie and Jim Brunsten, [Seafood exporters hit hard by Brexit disruption](#), Financial Times, 12 January 2021

<sup>6</sup> Data in this section is for trade in crustaceans, molluscs & aquatic invertebrates, whether in shell or not, SITC code 036. Data from HMRC, [UK Trade Info](#). This data includes both farmed and wild-caught shellfish.

UK trade in shellfish, 2022			
£ millions			
	Exports	Imports	Balance
EU	367	61	306
Non-EU	45	434	-389
World	413	496	-83

Source: HMRC, [UK Trade Info](#)

In 2022:

- The UK exported £413 million of shellfish and imported £496 million, resulting in a trade deficit of -£83 million - a trade surplus with the EU of £306 million was more than outweighed by a trade deficit with non-EU countries of -£389 million.
1. The EU accounted for the vast majority of UK shellfish exports – shellfish exports to the EU were worth £367 million, equal to 89% of all UK shellfish exports by value.
- Non-EU countries accounted for the vast majority of UK imports of shellfish – shellfish imports from non-EU countries were worth £434 million, equal to 88% of all UK shellfish imports by value.

## 3 Parliamentary material

### 3.1 Debate

Westminster Hall debate: [Post-Brexit Fisheries Management](#)

HC Deb 13 October 2022 | Vol 720 c165WH-

### 3.2 PQs

[Trade Barriers: Food and Farming](#)

**Asked by: Gareth Thomas**

According to the Centre for Business Prosperity, more than 40% of products such as shellfish and seed potatoes are no longer exported to European markets, for want of a veterinary agreement with the EU—yet the Government do nothing. I know that exports in ex-Prime Ministers' speeches have increased recently, thanks to the efforts of Ministers, but why will they not act now to negotiate a veterinary agreement, which would be transformational for British farmers, thousands of British businesses and the British food industry in particular?

**Answered by: Andrew Bowie | Department: International Trade**

This negativity about our export position with the European Union is precisely why so many people are turned off from the Labour party and have been for such a long time. Contrary to what the hon. Gentleman said, trade with the EU is actually up by 18%. The veterinary agreement would involve dynamic alignment with the EU, which I believe the Labour party is opposed to; the hon. Gentleman might want to correct the record. In terms of overall relations with the EU, my right hon. Friend the Minister for Trade Policy is engaging every single day with our European partners to see what we can do to drive down trade barriers further, so that we can promote British exports on the continent. Notwithstanding that, we are looking for new export opportunities in emerging markets around the world.

**HC Deb 15 December 2022 | Vol 724 c1208**

Fisheries: Exports

**Asked by: Carmichael, Mr Alistair**

To ask the Secretary of State for Environment, Food and Rural Affairs, how many applications have been made for compensation for lost sales under the Seafood Disruption Support Scheme; what proportion of applications to that scheme were accepted for payment; what proportion of successful applications to that scheme were paid out to the full amount requested; and what the average payout was to firms in receipt of compensation payments under that scheme.

**Answering member: Victoria Prentis | Department: Department for Environment, Food and Rural Affairs**

The Seafood Disruption Support Scheme (SDSS) was launched in February 2021 to help seafood businesses cover a proportion of verifiable losses that occurred during export to the single market in January. The scheme was designed in line with Government public funding principles, which apply strict conditions and evidence requirements to business to ensure that taxpayers' money is spent responsibly. In February the scheme received 119 applications across the UK with 31 applicants meeting the criteria for the scheme. Successful applicants were eligible for 50% of their verifiable loss, up to a value of £100,000. Defra can confirm that the total amount delivered through the scheme was £377,138.11.

Alongside the SDSS, Defra also delivered the Seafood Response Fund (SRF), which made payments to cover the fixed costs of catching and shellfish aquaculture businesses. The SRF provided funding to some businesses which were unsuccessful under the SDSS scheme.

In total over £22 million was delivered through both UK-wide and devolved emergency schemes in 2021, of which £16 million was provided directly by Defra.

Financial support was only one of the many actions taken by this Government to alleviate the pressures faced in early 2021 as a result of export disruption. Defra's priority has always been to keep exports moving – which is why the Government acted swiftly to form the Seafood Exports Working Group and the Scottish Seafood Exports Taskforce, working closely with industry to identify and address priority issues to minimise disruption to trade flows. Through ongoing engagement with the EU, Defra has been able to resolve a number of issues with the EU and improved consistency between Border Control Posts, such as certification for organic salmon, ink colour on export health certificates (EHC), and which species are exempt from catch certificate requirements.

**HC Deb 16 December 2021 | PQ 89515**



### Bivalve Molluscs

**Asked by: Saville Roberts, Liz**

To ask the Secretary of State for Environment, Food and Rural Affairs, what assessment he has made of the potential impact of shortages of water treatment chemicals and sewage treatment on water classification in areas used for the production of bivalve molluscs.

**Answering member: Rebecca Pow | Department: Department for Environment, Food and Rural Affairs**

England has an adequate supply of water chemicals, there is no shortage.

The situation with hauliers may lead to a requirement for a temporary reduction in chemical dosing at some wastewater treatment sites. The Regulatory Position Statement (RPS) was issued by the Environment Agency (EA) to facilitate a reduction in dosing requirements as a last resort. The RPS does not allow changes to discharges to shellfish waters and therefore will not impact the classification of shellfish harvesting areas used for the production of Bivalve Molluscs.

**HC Deb 27 September 2021 | PQ 51014**

### Shellfish: Exports

**Asked by: Clark, Greg**

To ask the Secretary of State for Environment, Food and Rural Affairs, pursuant to his oral response to the Urgent Question from the hon. Member for Barnsley East of 8 February 2021, Official Report, column 37, on UK Shellfish Exports, what progress his Department has made on that matter; and if he will make a statement.

**Answering member: Victoria Prentis | Department: Department for Environment, Food and Rural Affairs**

In 2019 correspondence between the UK CVO and the EU Commission, the Commission assured us that aquaculture Live Bivalve Molluscs (LBMs) for purification could be exported to the EU after the end of the Transition period. We understood that there would be a temporary export ban on wild harvested LBMs only, pending the introduction of new European Health Certificates (EHCs) in April 2021. The relevant correspondence was placed in the House of Commons library on 17 February. Following the end of the transition period, the Commission stated that LBMs from GB class B waters cannot be imported to the EU for purification. It is unacceptable that the Commission has changed its position regarding the export of live bivalve molluscs from Class B waters. There is no scientific or technical justification for this, and it is

already impacting businesses on both sides of the channel. Defra intends to raise this issue through the SPS Committee under the TCA, now that the agreement has been ratified.

Defra officials have continued to engage with the Shellfish Association of Great Britain and individual businesses to understand the impacts of this issue and adaptation options. The number of businesses experiencing significant direct impacts is small, but those impacts are extensive. The UK Government provided up to £23m in early 2021 through the Seafood Response Scheme (SRF) and Seafood Disruption Support Scheme. The SRF provided fixed cost support for eligible seafood business across the UK. Some LBM businesses benefitted from grants of up to £10k. In addition, £32.7m was committed to replace previous European seafood funding across the UK. In England the Fisheries and Seafood Scheme launched in April 2021. This scheme is open to shellfish fishers, cultivators, and processors, including those wishing to invest in infrastructure to help them adapt to new markets.

The Food Standards Agency (FSA) has considered proposals from industry for changes to the process for classifying shellfish harvesting areas. The FSA agreed there was scope for improvement and, as a first step has reviewed its approach for Class A beds. The FSA is extending the criteria for excluding E. coli testing results that are uncharacteristically higher than those usually seen in an area. These changes will help ensure decisions affecting classification of harvesting areas are proportionate, provide appropriate levels of public health protection, and remain compliant with the legislation in Great Britain and Northern Ireland. The FSA advises that there is no added risk to consumers from the changes. It has applied rigorous scientific evidence so public health will continue to be protected. In addition, the FSA has reviewed monitoring data for borderline Class B areas and, to date, 20 shellfish harvesting areas in England and Wales have been awarded Class A status for all or part of the year. These changes and updated classifications have the potential to impact a small number of individual harvesting areas and exports to the EU, illustrating the Government's commitment to support businesses while maintaining the existing high standards of consumer protection.

**HC Deb 17 June 2021 | PQ 15203**

### [Water: Standards](#)

**Asked by: Mangnall, Anthony**

To ask the Secretary of State for Environment, Food and Rural Affairs, what steps he is taking to improve water quality in shellfishing areas to meet class A standards.

**Answering member: Victoria Prentis | Department: Department for Environment, Food and Rural Affairs**

A review of shellfish waters undertaken by the Food Standards Agency has resulted in 15 sites securing seasonal Class A status for between three and ten months of the year, and an additional 3 harvesting areas were upgraded to a year-round Class A status. The Food Standards Agency (FSA) is also considering changes to the classification system to ensure that classifications are awarded in a proportionate and pragmatic way while continuing to ensure high levels of public health protection. The FSA's focus is on proposals that could impact harvesting areas that would allow more businesses to export live bivalve molluscs to the EU from Class A waters.

Longer term improvements to the quality of shellfish waters are set out in Environment Agency's Shellfish Action Plans. The EA assesses the reason for waters not achieving the microbial standard and develops a programme of appropriate measures to address the failures. These improvement measures are then taken forward by working with water companies and the agricultural sector in the relevant catchment.

**HC Deb 26 May 2021 | PQ 3166**

### Shellfish Industry

**Asked by: Anthony Mangnall**

What steps his Department is taking to support the shellfish industry.

**Answering member: The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis) |  
Department: Environment, Food and Rural Affairs**

The European Commission's ban on the import of live bivalve molluscs from class B waters is wrong and unjustified. We have repeatedly told the European Commission that and we will continue to raise the issue. I am pleased to say that the Food Standards Agency has recently revised its shellfish waters classification process, ensuring that classifications are awarded in ways that are proportionate and pragmatic, and provide high levels of public health protection.

**HC Deb 17 June 2021 | Vol 697 c431**

### Territorial Waters

**Asked by: Pollard, Luke**

To ask the Secretary of State for Environment, Food and Rural Affairs, whether the reclassification of coastal waters as Class A waters from Class B waters was explicitly requested by Government Ministers or reclassified as a result of a routine review.

**Answering member: Victoria Prentis | Department: Department for Environment, Food and Rural Affairs**

Defra has worked at pace with the Food Standards Agency (FSA) over the past few months to explore the potential for re-classification of harvesting areas on a seasonal basis where supported by the testing data, to enable more businesses to export live bivalve molluscs to the EU from Class A waters. Existing procedures allow local authorities and harvesters to request a review of shellfish waters. The FSA has additionally revised its procedures so that it will proactively consider seasonal classifications. The outcome of this review was reflected in the classifications listing published on 31 March 2021 on the FSA's website at:

[https://www.food.gov.uk/sites/default/files/media/document/classification-list-1-april-2021\\_0.pdf](https://www.food.gov.uk/sites/default/files/media/document/classification-list-1-april-2021_0.pdf).

**HC Deb 29 April 2021 | PQ 185475**

Territorial Waters

**Asked by: Pollard, Luke**

To ask the Secretary of State for Environment, Food and Rural Affairs, which coastal waters have been re-designated as Class A waters from Class B waters.

**Answering member: Victoria Prentis | Department: Department for Environment, Food and Rural Affairs**

The Food Standards Agency (FSA) has recently undertaken a review of *E.coli* testing data for Class B shellfish harvesting areas in England and Wales, which identified eleven new areas that meet the requirements for seasonal Class A classification for at least five months of the year. This includes shellfish waters in Kent, Essex, Dorset, Cornwall and Northumberland. Further details of the locations of these waters can be found on the FSA's website at:

[https://www.food.gov.uk/sites/default/files/media/document/classification-list-1-april-2021\\_0.pdf](https://www.food.gov.uk/sites/default/files/media/document/classification-list-1-april-2021_0.pdf)

**HC Deb 29 April 2021 | PQ 185474**

## 4

# News and blogs

Fish Farmer

13 June 2022

[UK fishing industry reports Brexit woes](#)

Guardian

5 March 2022

[A happy food chain: can mussel farming restore the UK's damaged coastline?](#)

The Fish Site

18 June 2021

[In defence of farming a non-native species](#)

Food Standards Agency blog

14 June 2021

[What the updated approach for shellfish harvesting areas means for industry and consumers](#)

The Fish Site

18 May 2021

[British shellfish farmers crippled by legislative "anomalies and nonsenses"](#)

Guardian

31 March 2021

[UK shellfish farmers threaten legal action over ban on exports to EU](#)

BBC News Online

25 March 2021

[Brexit: EU shellfish ban indefensible, says minister](#)

The Fish Site

22 February 2021

[The EU bivalve trade ban is killing business for Britain's shellfish farmers](#)

Prospect

19 February 2021

[The Brexit shellfish fiasco, explained](#)

Seafish

[Aquaculture water quality and classification for shellfish](#)

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