
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Plant Health (Phytosanitary Conditions)
(Amendment) (EU Exit) Regulations 2020**

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020.

(2) They come into force on IP completion day.

PART 2

Amendment to Commission Implementing Regulation (EU) 2019/2072

Commission Implementing Regulation (EU) 2019/2072

2.—(1) Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants⁽¹⁾ is amended as follows.

(2) In Article 1, for the unnumbered paragraph substitute—

“**1.** This Regulation makes provision for the purposes of Regulation (EU) 2016/2031.

1A. It makes provision about:

- (a) GB quarantine pests, provisional GB quarantine pests, PFA quarantine pests and GB regulated non-quarantine pests; and
- (b) measures in relation to the introduction of plants, plant products and other objects into Great Britain and the movement of plants, plant products and other objects within Great Britain to reduce the risks in connection with those pests to an acceptable level.”

(3) In Article 2, in paragraph 2—

(a) in point (a)—

(i) for “Union” substitute “GB”;

(ii) for “protected zone” substitute “PFA”;

(b) in point (b), before “plant” insert “UK”;

- (c) in point (c), for the words from “Union” to the end substitute “GB quarantine pests, provisional GB quarantine pests and PFA quarantine pests”;
- (d) at the end insert—
 - “(d) ‘EPPO code’, in relation to a pest, means the code for that pest in the EPPO code database maintained by the European and Mediterranean Plant Protection Organization;
 - (e) ‘wood packaging material’ means wood in the form of packing cases, boxes, crates, drums or similar packings, pallets, box pallets or other load boards, pallet collars or dunnage, whether or not actually in use in the transport of objects of any kind.”.
- (4) In Article 3—
 - (a) in the heading, for “**Union**” substitute “**GB**”;
 - (b) for the first unnumbered paragraph substitute—
 - “Annex 2 makes provision about GB quarantine pests.”;
 - (c) omit the second unnumbered paragraph.
- (5) After Article 3 insert—

“Article 3a

List of provisional GB quarantine pests

Annex 2A makes provision about provisional GB quarantine pests.”.

- (6) In Article 4—
 - (a) for the heading substitute “**List of PFA quarantine pests and GB pest-free areas**”;
 - (b) for the unnumbered paragraph substitute—
 - “Annex 3 makes provision about PFA quarantine pests and their respective GB pest-free areas.”.
- (7) In Article 5—
 - (a) for the heading substitute “**List of GB regulated non-quarantine pests and their respective plants for planting**”;
 - (b) for the first unnumbered paragraph substitute—
 - “Annex 4 makes provision about GB regulated non-quarantine pests (‘RNQPs’) and the thresholds relating to the presence of those pests on specific plants for planting.”;
 - (c) omit the second unnumbered paragraph.
- (8) In Article 6—
 - (a) for paragraph 1 substitute—
 - “**1.** Annex 5 makes provision about the measures to prevent the presence of RNQPs on specific plants for planting which are moved within, or introduced into, Great Britain.”;
 - (b) in paragraph 2—
 - (i) for the words from the beginning to “pursuant to” substitute “Nothing in Annex 4 or 5 shall affect the application of the requirements specified in retained EU law which transposed the provisions in”;
 - (c) in paragraph 3—
 - (i) in the words before point (a)—

- (aa) for the words from “the list” to “pursuant to” substitute “nothing in Annex 4 or 5 shall affect the application of the exceptions from the requirements on marketing, specified in retained EU law which transposed the provisions in”;
 - (bb) omit “, from the requirements for marketing set out by those Directives”;
 - (ii) omit point (f).
- (9) In Article 7—
 - (a) in the heading, for “**whose introduction into the Union from certain third countries is prohibited**” substitute “**which may not be introduced into Great Britain if originating or dispatched from certain third countries**”;
 - (b) for the unnumbered paragraph, substitute—

“Annex 6 makes provision about plants, plant products and other objects which may not be introduced into Great Britain if originating or dispatched from certain third countries.”.
- (10) In Article 8—
 - (a) in the heading—
 - (i) for “**the Union territory**”, in the first place where it occurs, substitute “**a CD territory or Great Britain**”;
 - (ii) for “**the Union territory**”, in the second place where it occurs, substitute “**Great Britain**”;
 - (b) for paragraph 1 substitute—

“Annex 7 makes provision about plants, plant products and other objects originating from third countries and the corresponding special requirements for their introduction into Great Britain.”.
 - (c) for paragraph 2 substitute—

“Annex 8 makes provision about plants, plant products and other objects originating in a CD territory or Great Britain and the corresponding special requirements for their introduction into Great Britain from a CD territory or their movement within Great Britain.”.
- (11) In Article 9—
 - (a) in the heading, for “, **whose introduction into certain protected zones is prohibited**” substitute “**which may not be introduced into GB pest-free areas**”;
 - (b) for the unnumbered paragraph substitute—

“Annex 9 makes provision about plants, plant products and other objects originating from third countries or CD territories or within Great Britain which may not be introduced into GB pest-free areas.”.
- (12) In Article 10—
 - (a) in the heading—
 - (i) for “**protected zones**”, in the first place where it occurs, substitute “**GB pest-free areas**”;
 - (ii) omit “**for protected zones**”;
 - (b) for the unnumbered paragraph substitute—

“Annex 10 makes provision about plants, plant products and other objects which are to be introduced into or moved within GB pest-free areas and the corresponding special requirements for their introduction into or for their movement within those GB pest-free areas.”.

(13) In Article 11, for paragraphs 1 to 3 substitute—

“1. Annex 11 makes provision about plants, plant products and other objects originating or dispatched from third countries which may not be introduced into Great Britain unless they are accompanied by a phytosanitary certificate.

2. Part A of that Annex makes provision for the purposes of Article 72 of Regulation (EU) 2016/2031 about the plants, plant products and other objects originating or dispatched from third countries which may not be introduced into Great Britain unless they are accompanied by a phytosanitary certificate.

3. Part B of that Annex makes provision about plants, other than plants listed in Parts A and C of that Annex, which may not be introduced into Great Britain unless they are accompanied by a phytosanitary certificate.

4. Part C of that Annex makes provision about plants which are subject to the exception referred to in Article 73 of Regulation (EU) 2019/2031.”.

(14) In Article 12—

(a) in the heading for “**protected zone**” substitute “**GB pest-free area**”;

(b) for the unnumbered paragraph substitute—

“Annex 12 makes provision about plants, plant products and other objects originating or dispatched from third countries which may not be introduced into GB pest-free areas unless they are accompanied by a phytosanitary certificate.”.

(15) In Article 13—

(a) in the heading—

(i) before “**plant passport**” insert “**UK**”;

(ii) for “**the Union territory**” substitute “**Great Britain, or their introduction into Great Britain from a CD territory**”;

(b) for paragraph 1 substitute—

“Annex 13 makes provision about plants, plant products and other objects in respect of which a UK plant passport is required for their movement within Great Britain, or their introduction into Great Britain from a CD territory.”;

(c) omit paragraph 2.

(16) In Article 14—

(a) in the heading—

(i) before “**plant passport**” insert “**UK**”;

(ii) for “**PZ**” substitute “**PFA**”;

(iii) for “**protected zones**” substitute “**GB pest free areas**”;

(b) for the first unnumbered paragraph substitute—

“Annex 14 makes provision about plants, plant products and other objects in respect of which a UK plant passport is required for their introduction into or their movement within GB pest-free areas.”;

(c) in the second unnumbered paragraph—

(i) for “Plant passports” substitute “UK plant passports”;

(ii) for “PZ” substitute “PFA”.

(17) After Article 18, omit the words from “This Regulation” to “Member States”.

3. In Annex 1, in the unnumbered paragraph, for the words from “, when” to the end substitute “have the same meaning in the Annexes listed in the first column of the table in Part B as they have in the retained EU law transposing the Directives listed in the corresponding entries in the second column of that table”.

4. For Annex 2, substitute the Annex in Schedule 1.

5. After Annex 2, insert new Annex 2A in Schedule 2.

6. For Annex 3, substitute the Annex in Schedule 3.

7. For Annex 4, substitute the Annex in Schedule 4.

8. For Annex 5, substitute the Annex in Schedule 5.

9. For Annex 6, substitute the Annex in Schedule 6.

10. For Annex 7, substitute the Annex in Schedule 7.

11. For Annex 8, substitute the Annex in Schedule 8.

12. In Annex 9—

(a) in the heading, for “, **whose introduction into certain protected zones is prohibited**” substitute “**which may not be introduced into GB pest-free areas**”;

(b) omit the unnumbered paragraph;

(c) in the table—

(i) omit the column headed “CN Code”;

(ii) for the column headings in the table substitute—

“(1)”	“(2)”
<i>Description of plants, plant products or other objects</i>	<i>Description of GB pest-free area</i> ”

(iii) omit the entries in the table.

13. For Annex 10, substitute the Annex in Schedule 9.

14. For Annex 11, substitute the Annex in Schedule 10.

15. In Annex 12—

(a) in the heading for “**protected zone**” substitute “**GB pest-free area**”;

(b) omit the entries in the table.

16. For Annex 13, substitute the Annex in Schedule 11.

17. In Annex 14—

(a) in the heading—

(i) before “**plant passport**” insert “**UK**”;

(ii) for “**PZ**” substitute “**PFA**”;

(iii) for “**protected zones**” substitute “**GB pest-free areas**”;

(b) before paragraph 1 insert—

“(1)”	“(2)”
	<i>Description of GB pest-free area</i> ”

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK
Statutory Instrument. This draft has been replaced by a new draft, *The Plant Health
(Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020* ISBN 978-0-348-21490-1

*Description of plants, plant
products or other objects*

(c) omit paragraphs 1 to 12.

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs