

STATUTORY INSTRUMENTS

**2020 No. 1482**

**EXITING THE EUROPEAN UNION  
PLANT HEALTH**

**The Plant Health (Amendment etc.) (EU Exit) Regulations 2020**

*Made - - - - 10th December 2020*

*Coming into force in accordance with regulation 1(2)*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>M1</sup>.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament in accordance with paragraph 1(1) of Schedule 7 to that Act.

**Marginal Citations**

**M1** 2018 c. 16; section 8 was amended by section 27 of the [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#) and paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraph 53(2) of Schedule 5 to, that Act.

**PART 1** **U.K.**

Introductory

**Citation and commencement** **U.K.**

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

(2) They come into force—

- (a) as regards this Part and regulation 54(a) and (b), immediately before IP completion day;
- (b) as regards Parts 2 and 3 and regulations 52, 53, 54(c) and 55, on IP completion day.

[<sup>F1</sup>(c) as regards the following provisions, in so far as they relate to the prevention of the establishment or spread of the harmful plant pests *Ceratocystis platani* and *Xylella fastidiosa*, on the day after the day on which IP completion day falls—

- (i) regulations 14(2)(b), 15, 23(3)(b)(x), (xvii), and (xxii);

(ii) paragraph 40 of Schedule 3.]

#### Textual Amendments

- F1** Reg. 1(2)(c) inserted (31.12.2020 immediately before IP completion day) by [The Official Controls \(Animals, Feed and Food, Plant Health etc.\) \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1631\)](#), regs. 1(2), **8(2)**

#### Commencement Information

- I1** Reg. 1 in force at 31.12.2020 immediately before IP completion day, see reg. 1(2)(a)

## PART 2 **U.K.**

### Amendment of primary and secondary legislation

#### The Plant Health Act 1967 **U.K.**

**2.** In sections 2(1) and 3(1) of the Plant Health Act 1967 <sup>M2</sup>, omit “or called for by any EU obligation”.

#### Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

#### Marginal Citations

- M2** 1967 c. 8; section 2(1) was amended by paragraph 8(2)(a) of Schedule 4 to the [European Communities Act 1972 \(c. 68\)](#) and [S.I. 2011/1043](#). Section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 and [S.I. 2011/1043](#).

#### The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 **U.K.**

**3.—(1)** The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 <sup>M3</sup> are amended as follows.

(2) In regulation 1A—

(a) in paragraph (1)—

(i) in the definition of “controlled consignment”, for paragraph (b) substitute—

“(b) consists of, or includes, isolated bark or wood of a type that is described in Part A of Annex 11, or Annex 12, to 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 <sup>M4</sup>;”;

(ii) in the definition of “the EU Plant Health Regulation”, omit “EU” in the first place where it occurs;

(iii) omit the definition of “Phytosanitary Conditions Regulation”;

(iv) in the definition of “plant passport authority” omit “EU”;

(v) in the definition of “WPM authorisation” omit “EU”;

- (b) in paragraph (2), omit “EU” in the first and third places where it occurs.

**Commencement Information**

**I3** Reg. 3 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Marginal Citations**

**M3** [S.I. 2015/350](#), amended by [S.I. 2019/1488](#), 1517; there are other amending instruments but none is relevant.

**M4** [EUR 2019/2072](#).

**The Plant Health etc. (Fees) (England) Regulations 2018** **U.K.**

4.—(1) The Plant Health etc. (Fees) (England) Regulations 2018<sup>M5</sup> are amended as follows.

(2) In regulation 2—

- (a) in paragraph (1), omit “EU” in the first place where it occurs;  
(b) in paragraph (2), omit “EU” in the first and third places where it occurs;

(3) In regulation 3—

- (a) in paragraph (1), for the words from “the lists” to “Regulation”, in the second place where it occurs, substitute “ Part A of Annex 11, or Annex 12, to 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 ”;

(b) in paragraph (3)—

- (i) in sub-paragraph (a), for the definition of “controlled plant pest” substitute—

““controlled plant pest” means a GB quarantine pest, a provisional GB quarantine pest, a PFA quarantine pest or a GB regulated non-quarantine pest.”;

- (ii) omit sub-paragraph (aba).

(4) In regulation 4(6)(a), after “issue” insert “ UK ”.

(5) In regulation 5A(5), in the definition of “pre-export service”—

- (a) omit “to a third country”;  
(b) for the “phytosanitary requirements of the third country” substitute “ relevant phytosanitary import requirements within the meaning of Article 99a of the Plant Health Regulation ”.

(6) In regulation 6—

- (a) in paragraph (1), omit the words from “whether” to “Decision.”;  
(b) omit paragraph (2).

(7) Omit regulation 6A.

(8) In Schedule 2, in the table, omit the entries in the first, second and third columns relating to *Citrus*, *Mangifera* and *Passiflora*.

**Commencement Information**

**I4** Reg. 4 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Marginal Citations**

**M5** S.I. 2018/289, amended by S.I. 2019/1257, 1488, 2020/9; there are other amending instruments but none is relevant.

## The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019 **U.K.**

5. The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019<sup>M6</sup> are amended in accordance with regulations 6 to 24.

**Commencement Information**

**I5** Reg. 5 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Marginal Citations**

**M6** S.I. 2019/1517, amended by S.I. 2020/381, 1014; there are other amending instruments but none is relevant.

**Part 1 **U.K.****

6.—(1) Part 1 is amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) in the definition of “controlled consignment”—

(aa) for “the Union territory”, in each place where it occurs, substitute “ Great Britain ”;

(bb) in paragraph (a)(i), omit “EU”;

(cc) omit sub-paragraph (ii) of paragraph (a);

(dd) in paragraph (a)(iii), omit “EU” in both places where it occurs;

(ii) in the definition of “controlled plant pest”—

(aa) in paragraph (a), after “2,” insert “ 2A, ”;

(bb) omit paragraph (b);

(cc) in paragraph (c), omit “EU”;

(iii) omit the definition of “EU emergency decision”;

(iv) in the definition of “EU Plant Health Regulation”, at the end insert “ as it has effect in EU law ”;

(v) omit the definition of “EU plant health rule”;

(vi) in the definition of “Official Controls Regulation”, in the second place where it occurs, omit “EU”;

(vii) after the definition of “plant health inspector”, insert—

““Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants<sup>M7</sup>;

“plant health rule” means a rule of a kind mentioned in Article 1(2)(g) of the Official Controls Regulation;”;

(viii) in the definition of “plant pest”, omit “EU”;

- (ix) in the definition of “regulated item”, for “an EU” substitute “ a ”;
- (b) in paragraph (2), omit “EU” in both places where it occurs.
- (3) Omit regulations 3 and 4.
- (4) In regulation 5—
  - (a) in the heading, omit “EU”;
  - (b) in paragraphs (1) and (2), omit “EU” in each place where it occurs.

**Commencement Information**

**I6** Reg. 6 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Marginal Citations**

**M7** EUR 2016/2031.

**Part 2 U.K.**

- 7.—(1) Part 2 is amended as follows.
- (2) In regulation 6(3)—
  - (a) in the definition of “forestry professional operator”—
    - (i) in the words before paragraph (a), omit “EU”;
    - (ii) in paragraph (b), for “the Union territory”, in both places where it occurs, substitute “ Great Britain or a CD territory ”;
    - (iii) after paragraph (c), insert—
      - “(ca) the introduction of forestry material into Northern Ireland from England,”;
  - (b) omit the definition of “official controls”.

**Commencement Information**

**I7** Reg. 7 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Part 3 U.K.**

- 8.—(1) Part 3 is amended as follows.
- (2) In regulation 7—
  - (a) in paragraph (1), after “by air” insert “ or into a RoRo port in England ”;
  - (b) in paragraph (4)—
    - (i) in the definition of “responsible operator”, for “the Union” substitute “ Great Britain ”;
    - (ii) after that definition insert—
      - ““RoRo port” means a RoRo listed location within the meaning of regulation 130 of the Customs (Import Duty) (EU Exit) Regulations 2018<sup>M8</sup>,”.
- (3) In regulation 8—
  - (a) in paragraph (1), for “an EU”, in both places where it occurs, substitute “ a ”;

- (b) in paragraph (2)(b), for “the Union territory” substitute “ Great Britain ”.
- (4) In regulation 10(1)—
  - (a) in sub-paragraphs (a) and (b), for “an EU”, in both places where it occurs, substitute “ a ”;
  - (b) in sub-paragraph (c), for “the Union territory” substitute “ Great Britain ”.
- (5) In regulation 11(1)(c), for “the Union territory” substitute “ Great Britain ”.
- (6) In regulation 12—
  - (a) in paragraph (1)(a) and (b), omit the words from “, consignments which” to “Schedule 1”, in both places where they occur;
  - (b) omit paragraph (1A).

#### Commencement Information

**I8** Reg. 8 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

#### Marginal Citations

**M8** [S.I. 2018/1248](#) to which there are amendments not relevant to these Regulations.

### Part 4 **U.K.**

- 9.**—(1) Part 4 is amended as follows.
- (2) In regulation 14(2), in the definition of “prohibited material”—
    - (a) in sub-paragraph (b)—
      - (i) for “the Union territory or England” substitute “ Great Britain ”;
      - (ii) for “an EU” substitute “ a ”;
      - (iii) omit “or Part 1 of Schedule 1”;
    - (b) in sub-paragraph (c)—
      - (i) omit “within the Union territory, or”;
      - (ii) for “an EU” substitute “ a ”;
      - (iii) omit “or Part 2 of Schedule 1”.
  - (3) In regulation 16(4), omit “(including representatives of the European Commission)”.

#### Commencement Information

**I9** Reg. 9 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

### Part 5 **U.K.**

- 10.** Omit regulation 18.

#### Commencement Information

**I10** Reg. 10 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

## Part 6 **U.K.**

- 11.—(1) Part 6 is amended as follows.
- (2) In regulation 19, omit “EU”.
- (3) In regulation 20—
- (a) in paragraph (1)—
- (i) in sub-paragraph (b), omit “EU”;
- (ii) in sub-paragraph (c)—
- (aa) for the comma substitute “ or ”;
- (bb) omit “or a pre-export certificate”;
- (b) in paragraph (2)—
- (i) omit “EU” in the first place where it occurs;
- (ii) omit “an EU emergency decision”;
- (iii) omit “EU” in the final place where it occurs.
- (4) In regulation 21—
- (a) in paragraph (1)(c)—
- (i) after “under” insert “ , or by virtue of, ”;
- (ii) omit “EU”;
- (iii) after “Regulation”, in the second place where it occurs, insert “ , any regulations made under the Plant Health Regulation or the Official Controls Regulation, ”;
- (b) in paragraph (3)—
- (i) in the definition of “plant health derogation”—
- (aa) omit “EU” in the first and second places where it occurs;
- (bb) for “an implementing or delegated act adopted by the European Commission” substitute “ retained EU law or regulations made ”;
- (cc) omit sub-paragraph (b), and the “or” which precedes it;
- (ii) in the definition of “potential quarantine plant pest”, for the words from “Union” to “Regulation”, in the first place where it occurs, substitute “ GB quarantine pest or a provisional GB quarantine pest ”.
- (5) In regulation 22(1)—
- (a) omit “EU”;
- (b) for the comma substitute “ or ”;
- (c) after “Regulation or” insert “ for the purposes of, or under, ”.

### Commencement Information

**111** Reg. 11 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

## Part 8 **U.K.**

- 12.—(1) Part 8 is amended as follows.
- (2) Omit regulations 24 and 25.
- (3) In regulation 26—

- (a) in paragraph (1)—
  - (i) omit “any of the following plants or plant products”;
  - (ii) after “into England” insert “ any solid fuel wood from a third country to which Article 47(1) of the Official Controls Regulation does not apply ”;
  - (iii) for “an appropriate” substitute “ a ”;
  - (iv) omit sub-paragraphs (a) to (c);
- (b) in paragraph (2)—
  - (i) in sub-paragraph (c), omit “plants or”;
  - (ii) in sub-paragraph (d)—
    - (aa) omit “plants or”;
    - (bb) for “have been, or are” substitute “ has been, or is ”;
  - (iii) omit sub-paragraph (e);
  - (iv) for sub-paragraph (f) substitute—
    - “(f) the address of the consignor; and
    - (g) details of any phytosanitary treatments applied to the wood.”;
- (c) in paragraph (3), omit the definition of “appropriate plant health inspector”.

#### Commencement Information

**I12** Reg. 12 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

## Part 9 **U.K.**

- 13.**—(1) Part 9 is amended as follows.
- (2) In regulation 27(1) and (2), omit “EU” in each place where it occurs.
  - (3) In regulation 28—
    - (a) in paragraph (1)—
      - (i) in sub-paragraph (a)—
        - (aa) in paragraph (ii), omit “EU”;
        - (bb) in paragraph (iv), for the words from “an EU” to the end substitute “ a plant health rule comply with that rule ”;
      - (ii) in sub-paragraphs (b), (c) and (e), omit “EU”, in each place where it occurs;
    - (b) in paragraph (6), for sub-paragraph (a) substitute—
      - “(a) be accompanied by such persons as the inspector considers necessary; and”;
    - (c) omit paragraph (7);
    - (d) in paragraph (8), in the words before sub-paragraph (a), omit “(ii)”.
  - (4) In regulation 31(4)—
    - (a) omit “other”;
    - (b) omit “(including representatives of the European Commission)”.
  - (5) In regulation 34(1), omit “EU”.
  - (6) In regulation 35(1)—
    - (a) in sub-paragraph (a), omit “EU”;



- (b) in sub-paragraph (b)—
  - (i) for “another part of the Union territory” substitute “ United Kingdom or to a CD authority ”;
  - (ii) omit “EU”.

**Commencement Information**

**I13** Reg. 13 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Part 11** **U.K.**

- 14.**—(1) Part 11 is amended as follows.
- (2) In regulation 38(1)—
    - (a) in sub-paragraph (a), omit “24(1), 25(1) or”;
    - (b) omit sub-paragraph (b);
    - (c) in sub-paragraph (d), omit “EU”;
    - (d) in sub-paragraph (e), for “an EU” substitute “ a ”;
    - (e) in sub-paragraph (f), after “other” insert “ retained direct ”;
    - (f) omit sub-paragraph (g).
  - (3) In regulation 41, for “plant passport or” substitute “ UK plant passport or a ”.
  - (4) In regulation 42—
    - (a) in the heading, after “of” insert “ UK ”;
    - (b) in paragraph (1), in sub-paragraphs (a) to (c), for “plant passport”, in each place where it occurs, substitute “ UK plant passport ”.
  - (5) In regulation 43—
    - (a) in paragraph (1)(a) and (c), omit “EU” in both places where it occurs;
    - (b) for paragraph (2) substitute—
      - “(2) In paragraph (1)—
        - (a) “authorised person” means a person authorised by an appropriate authority;
        - (b) a reference to the Plant Health Regulation or the Official Controls Regulation includes retained EU law adopted, or regulations made, under the Plant Health Regulation or the Official Controls Regulation and any other retained EU law relating to plant health.”.

**Commencement Information**

**I14** Reg. 14(1)(2)(a)(c)-(f)(3)-(5) in force and reg. 14(2)(b) in force for specified purposes at 31.12.2020 on IP completion day  
Reg. 14(2)(b) in force in so far as not already in force at 1.1.2021, see reg. 1(2)(b)(c)

**Schedule 1** **U.K.**

- 15.** Omit Schedule 1.

### Commencement Information

- I15** Reg. 15 in force for specified purposes at 31.12.2020 on IP completion day and in force in so far as not already in force at 1.1.2021, see reg. 1(2)(b)(c)(i)

## Schedule 2 **U.K.**

16. Schedule 2 is amended in accordance with regulations 17 to 22.

### Commencement Information

- I16** Reg. 16 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

## Part 1 **U.K.**

- 17.—(1) Part 1 is amended as follows.

- (2) In paragraph 1—

- (a) omit the definitions of “Directive 93/85/EEC”, “Directive 98/57/EC” and “Directive 2007/33/EC”;
- (b) before the definition of “premises” insert—
- ““EPPO PM 7/21” means the standard describing a diagnostic protocol for *Ralstonia solanacearum*, *R. pseudosolanacearum* and *R. syzygii* approved by the European and Mediterranean Plant Protection Organization <sup>M9</sup>;
- “EPPO PM 7/40” means the standard describing a diagnostic protocol for *Globodera rostochiensis* and *Globodera pallida* approved by the European and Mediterranean Plant Protection Organization <sup>M10</sup>;
- “EPPO PM 7/59” means the standard describing a diagnostic protocol for *Clavibacter michiganensis* subsp. *sepedonicus* approved by the European and Mediterranean Plant Protection Organization <sup>M11</sup>;
- “EPPO PM 7/119” means the standard describing the procedures for nematode extraction approved by the European and Mediterranean Plant Protection Organization <sup>M12</sup>.”.

### Commencement Information

- I17** Reg. 17 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

### Marginal Citations

- M9** First approved by the European and Mediterranean Plant Protection Organization in September 2003 and available from its Secretariat at 21 Boulevard Richard Lenoir, 75011, Paris, France and at [https://www.eppo.int/RESOURCES/eppo\\_standards/pm7\\_diagnostics](https://www.eppo.int/RESOURCES/eppo_standards/pm7_diagnostics).
- M10** First approved by the European and Mediterranean Plant Protection Organization in September 2003 and available from its Secretariat at 21 Boulevard Richard Lenoir, 75011, Paris, France and at [https://www.eppo.int/RESOURCES/eppo\\_standards/pm7\\_diagnostics](https://www.eppo.int/RESOURCES/eppo_standards/pm7_diagnostics).
- M11** Approved by the European and Mediterranean Plant Protection Organization in September 2005 and available from its Secretariat at 21 Boulevard Richard Lenoir, 75011, Paris, France and at [https://www.eppo.int/RESOURCES/eppo\\_standards/pm7\\_diagnostics](https://www.eppo.int/RESOURCES/eppo_standards/pm7_diagnostics).

**M12** Approved by the European and Mediterranean Plant Protection Organization in September 2013 and available from its Secretariat at 21 Boulevard Richard Lenoir, 75011, Paris, France and at [https://www.eppo.int/RESOURCES/eppo\\_standards/pm7\\_diagnostics](https://www.eppo.int/RESOURCES/eppo_standards/pm7_diagnostics).

## Part 2 **U.K.**

**18.**—(1) Part 2 is amended as follows.

(2) In paragraph 2—

- (a) in sub-paragraph (1)(a), for “, other than Switzerland” substitute “ to which the prohibition in Article 40(1) of the Plant Health Regulation applies ”;
- (b) in sub-paragraph (2)—
  - (i) in paragraph (a) for “an officially approved programme in the European Union or Switzerland” substitute “ a programme for the certification of potatoes which has been officially approved by a competent authority or a CD authority ”;
  - (ii) in paragraph (b), for “Annex 1 to Directive [93/85/EEC](#)” substitute “ EPPO PM 7/21 ”;
  - (iii) in paragraph (c), for “Annex 2 to Directive [98/57/EC](#)” substitute “ EPPO PM 7/59 ”.

### Commencement Information

**I18** Reg. 18 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

## Part 4 **U.K.**

**19.**—(1) Part 4 is amended as follows.

(2) In paragraph 8—

- (a) in the definition of “field” for “Article 3 of Directive [2007/33/EC](#)” substitute “ this Part ”;
- (b) after the definition of “Potato cyst nematode” insert—

““specified measures” means—

- (a) for the purposes of paragraph 10(2), the official re-sampling of the field and official testing of the samples, carried out at least three years after appropriate officially approved control measures have been taken in the field or, in any other case, at least five years after the year in which the Potato cyst nematodes were found or potatoes were last grown in the field;
- (b) for the purposes of paragraphs 12(3) and 16—
  - (i) the disinfestation of the bulbs or plants by appropriate methods that ensure that there is no identifiable risk of Potato cyst nematodes spreading;
  - (ii) the removal of soil from the bulbs or plants by washing or brushing them until they are practically free of soil, so as to ensure that there is no identifiable risk of Potato cyst nematodes spreading;”.

(3) After paragraph 8 insert—

### “Official testing

**8A.** Any official testing of samples for the purposes of this Part must be carried out in accordance with EPPO PM 7/40 and EPPO PM 7/119.”.

(4) In paragraph 9—

- (a) in paragraph (a), for “Articles 4 and 5 of Directive 2007/33/EC” substitute “ this Part ”;
- (b) in paragraph (b), for “Article 6 of Directive 2007/33/EC” substitute “ this Part ”.
- (5) Paragraph 9 becomes paragraph 9(1) and after that sub-paragraph insert—
- “(2) An official investigation of a field for the purposes of paragraph 9(1)(a) must be carried out—
- (a) prior to the proposed planting or storing; and
- (b) unless there is documentary evidence of a previous official investigation confirming that no Potato cyst nematodes were found during the investigation and that potatoes or host plants were not present at the time of that investigation and have not been grown in the field since that investigation, between the harvesting of the last crop in the field and the proposed planting of seed potatoes or other susceptible material.
- (3) In the case of a field in which seed potatoes or host plants intended for the production of plants for planting are to be planted or stored, an official investigation for the purposes of paragraph 9(1)(a) must include soil sampling of the field at the appropriate sampling rate and official testing of the samples.
- (4) In the case of a field in which susceptible bulbs or susceptible plants, intended for the production of plants for planting, are to be planted or stored, an official investigation for the purposes of paragraph 9(1)(a) must include—
- (a) soil sampling of the field at the appropriate sampling rate and official testing of the samples; or
- (b) verification, based on the results of appropriate officially approved testing, that Potato cyst nematodes have not been present in the field during the previous 12 years or verification, based on the known cropping history of the field, that no potatoes or host plants have been grown in the field in the previous 12 years.
- (5) An official survey for the purposes of paragraph 9(1)(b) must include soil sampling of the field at the appropriate sampling rate on at least 0.5% of the acreage used for the production of potatoes in the relevant year and official testing of the samples.
- (6) Paragraph 9(1)(a) does not apply where the Secretary of State has established that there is no risk of Potato cyst nematodes spreading and—
- (a) any susceptible material intended for the production of plants for planting is to be used within the same place of production situated within an officially defined area;
- (b) seed potatoes are to be used within the same place of production situated within an officially defined area; or
- (c) in the case of any susceptible bulbs or susceptible plants intended for the production of plants for planting, the harvested plants are to be subject to officially approved measures.
- (7) For the purposes of sub-paragraphs (3) to (5)—
- (a) “the appropriate sampling rate”, in relation to a field, is the minimum sampling rate specified in the following table—

<i>Sub-paragraph</i>	<i>Field</i>	<i>Rate</i>
(3) and (4)	Field ≤ 8 hectares	1,500 ml of soil per hectare collected from at least 100 cores/hectare

	Field > 8 hectares	First hectares	8 1,500 ml of soil per hectare
		Each additional hectare	400 ml of soil per hectare
	Field ≤ 4 hectares that meets at least one of the criteria in paragraph (b)		400 ml of soil per hectare
	Field > 4 hectares that meets at least one of the criteria in paragraph (b)	First hectares	4 400 ml of soil per hectare
		Each additional hectare	200 ml of soil per hectare
(5)	Field ≤ 4 hectares		Any of the following: — 400 ml of soil per hectare — targeted sampling of at least 400 ml of soil following the visual examination of roots with visual symptoms; or — where the harvested potatoes can be traced to the field in which they were grown, 400 ml of soil associated with the harvested potatoes.

(b) the criteria are—

- (i) documentary evidence exists to show that potatoes or host plants have not been grown or were not present in the field in the six years prior to the official investigation;
- (ii) no Potato cyst nematodes have been found during the last two successive official investigations in samples of 1,500 ml soil/hectare and no potatoes or host plants, other than those for which the official investigation is required, have been grown in the field since the first of those two investigations;
- (iii) no Potato cyst nematodes or Potato cyst nematodes without live content have been found in the last official investigation which consisted of a sample size of at least 1,500 ml soil/hectare and no potatoes or host plants, other than those for which the official investigation is required, have been grown in the field since the last official investigation.”.

(6) In paragraph 10(2), for the words from “officially” to “2007/33/EC” substitute “ relevant specified measures ”.

(7) In paragraphs 12(3) and 16, for “the measures set out in Section 3(A) of Annex 3 to Directive 2007/33/EC” substitute “ one of the relevant specified measures ”.

### Commencement Information

**I19** Reg. 19 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

## Part 5 **U.K.**

**20.**—(1) Part 5 is amended as follows.

(2) In paragraph 18—

- (a) in the definitions of “contaminated” and “first growing year”, for “for the purposes of Article 5(1)(a) of Directive 93/85/EEC” substitute “ pursuant to paragraph 20(1)(a) ”;
- (b) in the definition of “possibly contaminated”, for “for the purposes of Article 5(1)(b) of Directive 93/85/EEC” substitute “ pursuant to paragraph 20(1)(b) ”.

(3) In paragraph 19—

- (a) in sub-paragraph (1), omit “, in accordance with Article 2(1) of Directive 93/85/EEC”;
- (b) after sub-paragraph (1) insert—

“(1A) In the case of tubers of *Solanum tuberosum* L., those surveys must include official testing of samples of seed and other potatoes in accordance with EPPO PM 7/59.

(1B) In the case of plants of *Solanum tuberosum* L., those surveys must be carried out according to appropriate methods and include appropriate official testing of samples.

(1C) The collection of samples for the purposes of sub-paragraphs (1A) and (1B) must be based on sound scientific and statistical principles and the biology of Potato ring rot and take into account relevant potato production systems.”;

- (c) in sub-paragraph (2)(a), for the words from “Annex”, in the first place where it occurs, to “93/85/EEC”, in the second place where it occurs, substitute “ EPPO PM 7/59 ”.

(4) In paragraph 20(1)—

- (a) in paragraph (b), for “taking into account the matters set out in point 1 of Annex 3 to Directive 93/85/EEC” substitute—

“having regard to the following factors—

- (i) the susceptible material grown at the contaminated place of production;
- (ii) places of production with some production link to that susceptible material, including those sharing production equipment and facilities directly or through a common contractor;
- (iii) the production or presence of other susceptible material at the contaminated place of production;
- (iv) the premises handling potatoes from the contaminated place of production and the places of production mentioned in sub-paragraph (ii);
- (v) any object that may have come into contact with the contaminated susceptible material;
- (vi) any susceptible material stored in, or in contact with, any object prior to its disinfection;
- (vii) any susceptible material with a sister or parental clonal relationship to the contaminated susceptible material and the places of production of that susceptible material.”;

- (b) in paragraph (c), for “matters set out in point 2 of Annex 3 to Directive [93/85/EEC](#)” substitute “proximity of other places of production growing potatoes or other host plants and the common production and use of seed potato stocks”;
- (c) after paragraph (1), insert—
  - “(1A) When making a designation or determination under sub-paragraph (1), an inspector must have regard to sound scientific principles, the biology of Potato ring rot and relevant production, marketing and processing systems.”.
- (5) In paragraph 21—
  - (a) in sub-paragraph (2)—
    - (i) in paragraph (a), for “any other measure that complies with point 1 of Annex 4 to Directive [93/85/EEC](#)” substitute “an officially approved disposal method that ensures that there is no identifiable risk of Potato ring rot spreading”;
    - (ii) in paragraph (b), for “in accordance with point 2 of Annex 4 to Directive [93/85/EEC](#)” substitute “in a manner that ensures that there is no identifiable risk of Potato ring rot spreading”;
  - (b) in sub-paragraph (3), for “Directive [93/85/EEC](#)” substitute “this Part”.
- (6) In paragraph 22—
  - (a) in sub-paragraphs (2)(c), (3)(c) and (4)(d), for “Annex 1 to Directive [93/85/EEC](#)” substitute “EPPO PM 7/59”;
  - (b) in sub-paragraph (8), for “Article 2 of Directive [93/85/EEC](#)” substitute “EPPO PM 7/59”.
- (7) In paragraph 24(7)(b), for “Article 2 of Directive [93/85/EEC](#)” substitute “EPPO PM 7/59”.

#### **Commencement Information**

**I20** Reg. 20 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

## **Part 6** **U.K.**

- 21.**—(1) Part 6 is amended as follows.
- (2) In paragraph 25—
    - (a) in the definitions of “contaminated” and “first growing year”, for “for the purposes of Article 5(1)(a)(ii) of Directive [98/57/EC](#)” substitute “pursuant to paragraph 27(2)(c)”;
    - (b) in the definition of “possibly contaminated”, for “for the purposes of Article 5(1)(a)(iii) or (c)(iii) of Directive [98/57/EC](#)” substitute “pursuant to paragraph 27(2)(d)”.
  - (3) In paragraph 26—
    - (a) in sub-paragraph (1), omit “in accordance with Article 2 of Directive [98/57/EC](#)”;
    - (b) after sub-paragraph (1) insert—
      - “(1A) Those surveys must be based on a risk assessment to identify other possible sources of contamination threatening the production of susceptible material and include targeted official surveys in production areas, based on the relevant risk assessment, to identify the presence of Potato brown rot on—
        - (a) relevant material, other than susceptible material;
        - (b) surface water which is used for irrigation or spraying of susceptible material; and
        - (c) liquid waste discharged from industrial processing or packaging premises handling susceptible material.

(1B) Those surveys must also be based on the biology of Potato brown rot and the relevant production systems and must include—

- (a) in the case of susceptible material comprising plants of *Solanum tuberosum* L., visual inspection of the growing crop at appropriate times, or the sampling of both seed and other potatoes in the growing season or in store, which must include official visual inspection by cutting of tubers;
- (b) in the case of seed potatoes and, where appropriate, other potatoes, official testing of samples using the method set out in EPPO PM 7/21;
- (c) in the case of susceptible material comprising plants of *Solanum lycopersicum* L., visual inspection at appropriate times of at least the growing crop of plants intended for replanting for professional use;
- (d) for host plants, other than susceptible material, and for water including liquid waste, official testing.

(1C) The collection of samples for the purposes of sub-paragraph (1B) must be based on sound scientific and statistical principles and the biology of Potato brown rot and take into account relevant potato production systems of susceptible material and other host plants of Potato brown rot.”;

(c) in sub-paragraph (2)—

- (i) in paragraph (a)(i), for the words from “Annex”, in the first place where it occurs, to the end substitute “ EPPO PM 7/21 ”;
- (ii) in paragraph (b), for the words from “specified” to “98/57/EC” substitute “ referred to in EPPO PM 7/21 ”.

(4) In paragraph 27—

(a) in sub-paragraph (2)—

- (i) in paragraph (a), for “in accordance with Annex 4 to Directive [98/57/EC](#)” substitute—

“which includes investigation of the following—

- (i) potatoes which are growing or have been harvested that are clonally related to any contaminated potatoes;
- (ii) tomatoes which are growing or have been harvested that are from the same source as any contaminated tomatoes;
- (iii) potatoes or tomatoes which are growing or have been harvested that are under official control and are suspected to be contaminated with Potato brown rot;
- (iv) potatoes which are growing or have been harvested that are clonally related to any potatoes that have been grown at the contaminated place of production;
- (v) potatoes or tomatoes which are growing nearby the contaminated place of production, including those sharing production equipment and facilities directly or through a common contractor;
- (vi) surface water used for irrigation and spraying from any source confirmed or suspected to be contaminated with Potato brown rot;
- (vii) surface water used for irrigation and spraying from a source used in common with the contaminated and possibly contaminated places of production;
- (viii) places of production which are flooded or have been flooded with contaminated or possibly contaminated surface water;



- (ix) surface water used for irrigation or spraying of the contaminated place of production or flooded fields at the contaminated place of production;”;
- (ii) in paragraph (e), for “in accordance with point 2(i) of Annex 5 to Directive 98/57/EC” substitute “ having regard to the relevant factors ”;
- (b) in sub-paragraph (3)—
  - (i) in paragraph (a), for “in accordance with Annex 4 to Directive 98/57/EC” substitute “ which includes an investigation of the things referred to in sub-paragraph (2)(a) (i) to (ix) ”;
  - (ii) in paragraph (d), for “in accordance with point 2(i) of Annex 5 to Directive 98/57/EC” substitute “ having regard to the relevant factors ”;
- (c) in sub-paragraph (4)(d), for “in accordance with point 2(ii) of Annex 5 to Directive 98/57/EC” substitute “ having regard to the relevant factors ”;
- (d) at the end insert—
  - “(5) The “relevant factors” are—
    - (a) for the purposes of sub-paragraphs (2)(e) and (3)(d)—
      - (i) the proximity of other places of production growing susceptible material;
      - (ii) the common production and use of seed potato stocks;
      - (iii) places of production using surface water for irrigation or spraying of susceptible material where there is or has been a risk of surface water run-off from the contaminated place of production;
    - (b) for the purposes of sub-paragraph (4)(d)—
      - (i) places of production producing susceptible material adjacent to, or which are at risk from flooding by, contaminated surface water;
      - (ii) any discrete irrigation basin associated with the contaminated surface water;
      - (iii) water bodies connected with the contaminated surface water having regard to the direction and rate of flow of the contaminated surface water and the presence of wild solanaceous host plants.”.
- (5) In paragraph 28—
  - (a) in sub-paragraph (2)—
    - (i) in paragraph (a), for “measure that complies with point 1 of Annex 6 to Directive 98/57/EC” substitute “ officially approved disposal method that ensures that there is no identifiable risk of Potato brown rot spreading ”;
    - (ii) in paragraph (b), for “in accordance with point 2 of Annex 6 to Directive 98/57/EC” substitute “ by an officially approved disposal method that ensures that there is no identifiable risk of Potato brown rot spreading ”;
  - (b) in sub-paragraph (3), for “Directive 98/57/EC” substitute “ this Part ”.
- (6) In paragraph 29, in sub-paragraphs (2)(c), (3)(c) and (4)(g), for “Annex 2 to Directive 98/57/EC”, in each place where it occurs, substitute “ EPPO PM 7/21 ”.
- (7) In paragraph 31—
  - (a) in sub-paragraph (7)—
    - (i) in paragraph (a), for “Article 5(1)(a)(iv) of Directive 98/57/EC” substitute “ paragraph 27(3)(d) ”;

- (ii) in paragraph (b), for “Article 5(1)(c)(iii) of Directive 98/57/EC” substitute “paragraph 27(4)(d)”;
- (b) in sub-paragraph (8)(b), for “Article 2 to Directive 98/57/EC” substitute “EPPO PM 7/21”.

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**Commencement Information**

**I21** Reg. 21 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Part 7** **U.K.**

- 22.** In paragraph 32—
- (a) for the heading substitute “**Additional measures relating to Egyptian potatoes**”;
  - (b) in paragraph (1)—
    - (i) for “the Union territory” substitute “Great Britain”;
    - (ii) for “Commission Implementing Decision 2011/787/EC” substitute “Article 41(1) of the Plant Health Regulation”.

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**Commencement Information**

**I22** Reg. 22 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Schedule 3** **U.K.**

- 23.**—(1) Schedule 3 is amended as follows.
- (2) In the heading, for “the EU Regulations” substitute “retained direct EU legislation”.
  - (3) In Part 1—
    - (a) in the heading, omit “EU”;
    - (b) in the table—
      - (i) in the heading to the first column, omit “EU”;
      - (ii) in the entry relating to Article 5(1)—
        - (aa) for “Union quarantine”, in each place where it occurs, substitute “GB quarantine”;
        - (bb) for “the Union territory”, in each place where it occurs, substitute “Great Britain”;
      - (iii) in the entry relating to Article 9(3)—
        - (aa) for “Union”, in the first place where it occurs, substitute “GB”;
        - (bb) for “pest subject to measures adopted pursuant to Article 30(1)” substitute “provisional GB quarantine pest”;
        - (cc) for “the Union territory”, in both places where it occurs, substitute “Great Britain”;
        - (dd) for “protected zone”, in the first place where it occurs, substitute “PFA”;
        - (ee) for “respective protected zone” substitute “GB pest-free area established in respect of that pest”;

- (iv) in the entry relating to Article 14(1)—
  - (aa) for “Union” to “Article 30(1)” substitute “ GB quarantine pest or provisional GB quarantine pest ”;
  - (bb) for “protected zone”, in the first place where it occurs, substitute “ PFA ”;
  - (cc) for “respective protected zone” substitute “ GB pest-free area established in respect of that pest ”;
- (v) in the entry relating to Article 14(3) for “Union” substitute “ GB ”;
- (vi) in the entry relating to Article 15(1)—
  - (aa) for “Union” substitute “ GB ”;
  - (bb) for “protected zone”, in the first place where it occurs, substitute “ PFA ”;
  - (cc) for “respective protected zone” substitute “ GB pest-free area established in respect of that pest ”;
- (vii) in the entry relating to Article 32(2)—
  - (aa) for “protected zone quarantine”, in each place where it occurs, substitute “ PFA quarantine ”;
  - (bb) for “respective protected zone”, in each place where it occurs, substitute “ GB pest-free area established in respect of that pest ”;
- (viii) in the entry relating to Article 37(1)—
  - (aa) for “the Union territory”, in both places where it occurs” substitute “ Great Britain ”;
  - (bb) for “Union”, in the second and third places where it occurs, substitute “ GB ”;
- (ix) in the entry relating to Article 40(1) for “the Union territory” substitute “ Great Britain ”;
- (x) for the entry relating to Article 41(1) substitute—

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“Article 41(1) (as read with Articles 47 and 48(1))	Prohibits the introduction into Great Britain of certain plants, plant products or other objects from third countries unless the special requirements in respect of those plants, plant products or other objects are fulfilled.
Article 41(1A) (as read with Article 48(1))	Prohibits the introduction into Great Britain of certain plants, plant products or other objects from CD territories unless the special requirements in respect of those plants, plant products or other objects are fulfilled.
Article 41(1B) (as read with Article 48(1))	Prohibits the movement within Great Britain of certain plants, plant products or other objects unless the special requirements in respect of those plants, plant products or other objects are fulfilled.”

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- (xi) in the entries relating to Articles 42(2) and 43(1), for “the Union territory”, in both places where it occurs, substitute “ Great Britain ”;
- (xii) in the entry relating to Article 53(1)—

- (aa) for “certain protected zones”, in the first place where it occurs, substitute “ GB pest-free areas ”;
- (bb) for “within the Union territory into certain protected zones” substitute “ in Great Britain or a CD territory into GB pest-free areas ”;
- (xiii) in the entry relating to Article 54(1)—
  - (aa) for “certain protected zones”, in both places where it occurs, substitute “ GB pest-free areas ”;
  - (bb) for “those protected zones”, in both places where it occurs, substitute “ those GB pest-free areas ”;
- (xiv) in the entry relating to Article 59—
  - (aa) for “the Union territory”, in both places where it occurs, substitute “ Great Britain ”;
  - (bb) for “Union quarantine” to “Article 30(1)” substitute “ GB quarantine pests or provisional GB quarantine pests ”;
  - (cc) for “the protected zones” substitute “ GB pest-free areas ”;
  - (dd) for “protected zones”, in the second place where it occurs, substitute “ GB pest-free areas ”;
  - (ee) for “respective protected zone” substitute “ PFA ”;
  - (ff) at the end insert “ relating to those areas ”;
- (xv) in the entry relating to Article 62(1), for “Union” to the end substitute “ GB quarantine pests and provisional GB quarantine pests ”;
- (xvi) in the entry relating to Article 62(2), for “Union” to “Article 30(1)” substitute “ GB quarantine pest or a provisional GB quarantine pest ”;
- (xvii) in the entry relating to Articles 72(1) and 73—
  - (aa) in the first column, omit the words from “(as read” to the end;
  - (bb) in the second column, for “the Union territory” substitute “ Great Britain ”;
- (xviii) in the entry relating to Article 74(1), for “protected zones” substitute “ GB pest-free areas ”;
- (xix) in the entry relating to Article 79(1)—
  - (aa) in the first column, for “and 83” substitute “ , 83 and 92a ”;
  - (bb) in the second column, for “the Union territory without a plant passport” substitute “ Great Britain or the introduction of certain plants, plant products and other objects into Great Britain from a CD territory without a UK plant passport ”;
- (xx) in the entry relating to Article 80(1)—
  - (aa) in the first column, for “and 83” substitute “ , 83 and 92a ”;
  - (bb) in the second column, for “certain protected zones”, in both places where it occurs, substitute “ GB pest-free areas ”, and after “a” insert “ UK ”;
- (xxi) in the entries relating to Article 84(1) and (3), after “issuing”, in each place where it occurs, insert “ UK ”;
- (xxii) in the entry relating to Article 85—
  - (aa) in the first column, omit “and paragraph 4(2) and (3) of Schedule 1”;
  - (bb) in the second column, after “issuing” insert “ UK ”;

- (xxiii) in the entry relating to Article 86(1)—  
    (aa) after “issuing” insert “ UK ”;  
    (bb) for “protected zone” substitute “ GB pest-free area ”;
- (xxiv) after the entry relating to Article 86(1) insert—

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“Article 86a	Prohibits authorised professional operators from issuing UK plant passports for plants, plant products or other objects to be introduced into a CD territory unless the specified requirements are fulfilled in respect of those plants, plant products or other objects.”;
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- (xxv) in the entry relating to Article 88, after “attach” insert “ UK ”;
- (xxvi) in the entry relating to Article 90(1), after “a” insert “ UK ”;
- (xxvii) in the entries relating to Article 93(1) and 93(5), after “replacement” insert “ UK ”;
- (xxviii) in the entry relating to Article 96(1), for “the Union territory” substitute “ Great Britain ”.

(4) In Part 2, in the entries relating to Articles 47(5) and 56(4), for “the Union”, in each place where it occurs, substitute “ Great Britain ”.

(5) In Part 3, in the entry relating to Article 22(4) of Commission Delegation Regulation (EU) 2019/2124, for “the Union territory” substitute “ Great Britain ”.

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**Commencement Information**

- I23** Reg. 23(1)(2)(3)(a)(b)(i)-(ix)(xi)-(xvi)(xviii)-(xxi)(xxiii)-(xxviii)(4)(5) in force and reg. 23(3)(b)(x)(xvii)(xxii) in force for specified purposes at 31.12.2020 on IP completion day  
Reg. 23(3)(b)(x)(xvii)(xxii) in force in so far as not already in force at 1.1.2021, see reg. 1(2)(b)(c)(i)

**Schedule 4** **U.K.**

24. Omit Schedule 4.

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**Commencement Information**

- I24** Reg. 24 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**PART 3** **U.K.**

Amendment of retained direct EU legislation

**Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants** **U.K.**

25. Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants is amended in accordance with regulations 26 to 42.

### Commencement Information

**I25** Reg. 25 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

## Chapter 1 **U.K.**

**26.**—(1) Chapter 1 is amended as follows.

(2) In Article 1—

- (a) in paragraph 2, for “the Union territory” substitute “ Great Britain ”;
- (b) omit paragraph 3.

(3) In Article 2—

- (a) in the definition of ‘plant products’ in point (2), for the words from “implementing” to “41” substitute “ Phytosanitary Conditions Regulation, other retained EU law relating to plant health or regulations made under Article 28(1) or 30(1) ”;
- (b) for point (6) substitute—

“(6) ‘competent authority’ means:

- (a) in relation to England, the Secretary of State or the Forestry Commissioners;
- (b) in relation to Scotland, the Scottish Ministers; and
- (c) in relation to Wales, the Welsh Ministers;”;

(c) at the end insert—

“(23) ‘Regulation (EU) 2017/625’ means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products <sup>M13</sup>;

(24) ‘appropriate authority’ has the meaning given in Article 2a;

(25) ‘appropriate computerised information management system’ means the computerised information management system for official controls referred to in Article 131 of Regulation (EU) 2017/625;

(26) ‘CD authority’, in relation to a CD territory, means the authority that is officially responsible in that territory for the implementation of rules in relation to protective measures against pests of plants;

(27) ‘CD pest-free area’ means a CD territory or an area in that territory which has been established as a pest-free area in accordance with ISPM4 in respect of a CD quarantine pest;

(28) ‘CD quarantine pest’ means a pest which:

- (i) is present in Great Britain, but not in a CD territory that is recognised as free from that pest in accordance with ISPM4; and
- (ii) may not, under the relevant CD legislation, be introduced into the CD territory;

(29) ‘CD territory’ means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;

(30) ‘Commission Delegated Regulation (EU) 2019/1702’ means Commission Delegated Regulation (EU) 2019/1702 establishing a list of priority pests <sup>M14</sup>;

- (31) ‘GB pest-free area’ means an area in Great Britain which has been established as a pest-free area in accordance with ISPM4 in respect of a PFA quarantine pest;
- (32) ‘GB quarantine pest’ has the meaning given in Article 4;
- (33) ‘GB regulated non-quarantine pest’ has the meaning given in Article 36;
- (34) ‘IPPC’ means the International Plant Protection Convention 1951 <sup>M15</sup>;
- (35) ‘ISPM4’ means International Standard for Phytosanitary Measures No. 4 of November 1995 on the requirements for the establishment of pest free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations <sup>M16</sup>;
- (36) ‘ISPM15’ means International Standard for Phytosanitary Measures No. 15 of March 2002 on guidelines for regulating wood packaging material in international trade, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations <sup>M17</sup>;
- (37) ‘PFA quarantine pest’ has the meaning given in Article 32(1);
- (38) ‘the Phytosanitary Conditions Regulation’ means 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 <sup>M18</sup>;
- (39) ‘priority pest’ has the meaning given in Article 6(1);
- (40) ‘provisional GB quarantine pest’ has the meaning given in Article 30(A1);
- (41) ‘relevant CD legislation’, in relation to a CD territory, means legislation on protective measures against pests of plants that is in force in that CD territory;
- (42) ‘relevant legislation on the marketing of seeds and other propagating material’ means retained EU law that implemented:
- (a) in relation to fodder plant seed, Council Directive [66/401/EEC](#) on the marketing of fodder plant seed <sup>M19</sup>;
  - (b) in relation to cereal seed, Council Directive [66/402/EEC](#) on the marketing of cereal seed <sup>M20</sup>;
  - (c) in relation to propagating material of ornamental plants, Council Directive [98/56/EC](#) on the marketing of propagating material of ornamental plants <sup>M21</sup>;
  - (d) in relation to forest reproductive material, Council Directive [1999/105/EC](#) on the marketing of forest reproductive material <sup>M22</sup>;
  - (e) in relation to beet seed, Council Directive [2002/54/EC](#) on the marketing of beet seed <sup>M23</sup>;
  - (f) in relation to vegetable seed, Council Directive [2002/55/EC](#) on the marketing of vegetable seed <sup>M24</sup>;
  - (g) in relation to seed potatoes, Council Directive [2002/56/EC](#) on the marketing of seed potatoes <sup>M25</sup>;
  - (h) in relation to seed of oil and fibre plants, Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants <sup>M26</sup>;
  - (i) in relation to vegetable propagating and plant material, other than seed, Council Directive [2008/72/EC](#) on the marketing of vegetable propagating and plant material, other than seed <sup>M27</sup>;

- (j) in relation to fruit plant propagating material and fruit plants intended for fruit production, Council Directive [2008/90/EC](#) on the marketing of fruit plant propagating material and fruit plants intended for fruit production<sup>M28</sup>;
- (43) ‘UK NPPO’ means the national plant protection organisation of the United Kingdom;
- (44) ‘UK plant passport’ has the meaning given in Article 78.”
- (4) After Article 2 insert—

*“Article 2a*

*Meaning of appropriate authority*

1. In this Regulation, ‘the appropriate authority’ means:
  - (a) in the case of regulations applying in relation to England, the Secretary of State;
  - (b) in the case of regulations applying in relation to Wales, the Welsh Ministers;
  - (c) in the case of regulations applying in relation to Scotland, the Scottish Ministers.
  
2. But ‘the appropriate authority’ is the Secretary of State:
  - (a) if consent is given:
    - (i) in the case of regulations applying in relation to Wales, by the Welsh Ministers;
    - (ii) in the case of regulations applying in relation to Scotland, by the Scottish Ministers; or
  - (b) in relation to any provision in regulations applying in relation to Great Britain which is outside devolved competence.
  
3. For the purposes of paragraph 2, a provision is “outside devolved competence”:
  - (a) in relation to Wales, if it would not be within the legislative competence of the Senedd Cymru if it were contained in an Act of the Senedd Cymru (assuming, in the case of provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975, that such consent were given);
  - (b) in relation to Scotland, if it would not be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

*Article 2b*

*Meaning of third country and related expressions*

1. In this Regulation:
 

‘third country’ means any country or territory outside the British Islands;

‘EU Member State’ means a member State.



2. For the purposes of this Regulation, any reference to the territory of an EU Member State or the European Union is not to be treated as including the Canary Islands, Ceuta, Melilla or the French Overseas Departments.”.

#### Commencement Information

**I26** Reg. 26 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

#### Marginal Citations

**M13** EUR 2017/625.

**M14** EUR 2019/1702.

**M15** Adopted in 1951 (Treaty Series No.16 (1954), Cmd 9077) and last revised in 1997 (Miscellaneous Series No.15 (2003), Cmd 5945).

**M16** Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/int>.

**M17** Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/int>.

**M18** EUR 2019/2072.

**M19** OJ No 125, 11.7.1966, p.2298, as last amended by Commission Implementing Directive (EU) 2020/177 (OJ No. L 41, 13.2.2020, p.1).

**M20** OJ No 125, 11.7.1966, p.2309, as last amended by Commission Implementing Directive (EU) 2020/177.

**M21** OJ No. L 226, 13.8.1998, p.16, as last amended by Regulation (EU) No 652/2014 (OJ No. L 189, 27.6.2014, p.1).

**M22** OJ No. L 11, 15.1.2000, p.17.

**M23** OJ No. L 226, 13.8.1998, p.16, as last amended by Regulation (EU) No 652/2014 (OJ No. L 189, 27.6.2014, p. ).

**M24** OJ No. L 193, 20.7.2002, p.33, as last amended by Commission Implementing Directive (EU) 2020/432 (OJ No. L 88, 24.3.2020, p.3).

**M25** OJ No. L 193, 20.7.2002, p.60, as last amended by Commission Implementing Directive (EU) 2020/177.

**M26** OJ No. L 193, 20.7.2002, p.74, as last amended by Commission Implementing Directive (EU) 2020/177.

**M27** OJ No. L 205, 1.8.2008, p.28, as last amended by Commission Implementing Directive (EU) 2019/990 (OJ No. L 160, 18.6.2019, p.14).

**M28** OJ No. L 267, 8.10.2008, p.8, as last amended by Commission Implementing Decision (EU) 2019/120 (OJ No L 24, 28.1.2019, p.27).

## Chapter 2 **U.K.**

27.—(1) Chapter 2 is amended as follows.

(2) In Section 2, in the heading, for “**Union**” substitute “**GB**”.

(3) In Article 4—

(a) in the heading, for “**Union**” substitute “**GB**”;

(b) in the unnumbered paragraph—

(i) for “**Union**”, in the first place where it occurs, substitute “**GB**”;

(ii) for “the **Union** territory” substitute “**Great Britain**”;

(iii) for “referred to in Article 5(2)” substitute “in Annex 2 to the Phytosanitary Conditions Regulation”.

## (4) In Article 5—

- (a) in the heading, for “**Union**” substitute “ **GB** ”;
- (b) in paragraph 1—
  - (i) for “Union”, in the first place where it occurs, substitute “ GB ”;
  - (ii) for “the Union territory” substitute “ Great Britain ”;
- (c) omit paragraph 2.
- (d) for paragraph 3 substitute—

“**3.** The appropriate authority may by regulations modify the list of GB quarantine pests in Annex 2 to the Phytosanitary Conditions Regulation where the results of an assessment show, in respect of Great Britain, that a pest which is not included in that list fulfils the conditions listed in Article 3, or that a pest which is included in that list no longer fulfils one or more of those conditions.”;

- (e) omit paragraph 4.

## (5) In Article 6—

- (a) in paragraph 1—
  - (i) in the words before point (a), for “Union” substitute “ GB ”;
  - (ii) in points (a) and (b), for “the Union territory”, in both places where it occurs, substitute “ Great Britain ”;
  - (iii) in point (c), for “listed in accordance with paragraph 2 of this Article” substitute “ included in the list in the Annex to Commission Delegated Regulation (EU) 2019/1702 ”;
- (b) for paragraph 2 substitute—

“**2.** The appropriate authority may by regulations amend the list of priority pests in the Annex to Commission Delegated Regulation (EU) 2019/1702 where the results of an assessment show that a GB quarantine pest which is not included in that list fulfils the conditions referred to in points (a) and (b) of paragraph 1, or that a pest which is included in that list no longer fulfils either of those conditions.”.

(6) In Article 7, for the words from “Commission” to “amending” substitute “ appropriate authority may by regulations amend ”.

## (7) In Article 8—

- (a) in the heading, for “**Union**” substitute “ **GB** ”;
- (b) in paragraph 1—
  - (i) in the first subparagraph—
    - (aa) for “Member States” substitute “ a competent authority ”;
    - (bb) for the words from “their territory” to “Article 30(1)” substitute “ in the relevant territory of GB quarantine pests or provisional GB quarantine pests ”;
  - (ii) in the second subparagraph, for “Union” substitute “ relevant ”;
- (c) in paragraph 2—
  - (i) in point (a), in point (i), for “authorities consider” substitute “ authority considers ”;
  - (ii) in point (d), for “Union” substitute “ relevant ”;

- (d) in paragraph 3—
  - (i) in the first subparagraph—
    - (aa) for “Authorisations”, in the first place where it occurs, substitute “ An authorisation ”;
    - (bb) for “are” substitute “ is ”;
    - (cc) for “Authorisations”, in the second place where it occurs, substitute “ The authorisation ”;
  - (ii) in the second subparagraph—
    - (aa) for “Authorisations” substitute “ An authorisation ”;
    - (bb) for the words from “respective” to the end substitute “ GB quarantine pest or provisional GB quarantine pest to which the authorisation relates ”;
- (e) in paragraph 5—
  - (i) in the words before point (a), for the words from “Commission” to “laying” substitute “ appropriate authority may by regulations lay ”;
  - (ii) omit point (a).
- (8) In Article 9—
  - (a) omit paragraphs 1 and 2;
  - (b) for paragraph 3 substitute—

“3. Where a professional operator has any evidence concerning an imminent danger of the entry of a GB quarantine pest or a provisional GB quarantine pest into Great Britain, or into a part of Great Britain where it is not yet present, the professional operator must immediately notify the competent authority.”.

- (9) In Article 10—
  - (a) in the heading, for “**Union**” substitute “ **GB** ”;
  - (b) in the first subparagraph—
    - (i) for the words from “Union quarantine pest” to “Member State” substitute “ GB quarantine pest or a provisional GB quarantine pest in a part of its territory ”;
    - (ii) for “the Union territory” substitute “ Great Britain ”;
  - (c) in the second subparagraph, for “Member States concerned” substitute “ competent authority ”.
- (10) In Article 11—
  - (a) for the heading substitute “ **Notification of GB quarantine pests by competent authorities** ”;
  - (b) for the words before point (a) substitute—

“1. A competent authority that officially confirms any of the situations described in paragraph 2 must immediately provide details of the situation to the other competent authorities.

2. The situations are:”;

- (c) in points (a) and (b), in both places where it occurs, for “Union” substitute “ GB ”;

- (d) in point (c)—
  - (i) for “Union”, in the first place where it occurs, substitute “ GB ”;
  - (ii) for “the Union territory” substitute “ Great Britain ”;
- (e) omit the final paragraph.
- (11) In Article 12—
  - (a) in the heading, for “**Union**” substitute “ **GB** ”;
  - (b) in paragraph 1—
    - (i) for “Article 11” substitute “ Article 11(2) ”;
    - (ii) for “Union” substitute “ GB ”;
  - (c) omit paragraph 2.
- (12) In Article 13, for “the first paragraph of Article 11” substitute “ Article 11(2) ”.
- (13) In Article 14—
  - (a) in paragraph 1, for the words from “Union” to “Article 30(1)” substitute “ GB quarantine pest or a provisional GB quarantine pest ”;
  - (b) in paragraph 2, for the second sentence substitute—
 

“The competent authority must promptly publish any decision made under this paragraph in such manner as the competent authority considers is appropriate to bring it to the attention of the professional operators who may be affected by the decision.”;
  - (c) in paragraph 3, for “Union” substitute “ GB ”.
- (14) In Article 15—
  - (a) in paragraph 1, for “Union” substitute “ GB ”;
  - (b) after paragraph 2 insert—
 

“**2A.** The competent authority must promptly publish any decision made under paragraph 2 in such manner as the competent authority considers is appropriate to bring the decision to the attention of the public.”.
- (15) In Article 16, for “Union”, in both places where it occurs, substitute “ GB ”.
- (16) In Article 17—
  - (a) in the heading, for “**Union**” substitute “ **GB** ”;
  - (b) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “the first paragraph of Article 11” substitute “ Article 11(2) ”;
      - (bb) for “Union” substitute “ GB ”;
    - (ii) in the second subparagraph, for the words from “an implementing” to “provides” substitute “ retained direct EU legislation relating to plant health provides or regulations made under Article 28(1) provide ”;
  - (c) in paragraph 2, for “Union” substitute “ GB ”;
  - (d) omit paragraph 3.
- (17) In Article 18—
  - (a) in paragraph 1, for “the first paragraph of Article 11” substitute “ Article 11(2) ”;
  - (b) omit paragraphs 5 and 6.

- (18) In Article 19—
- (a) in paragraph 1, for “Competent” substitute “ The competent ”;
  - (b) omit paragraph 2;
  - (c) in paragraph 3—
    - (i) for “Competent” substitute “ Where appropriate, the competent ”;
    - (ii) for “infested zones, buffer zones and demarcated areas, where appropriate” substitute “ the infested zones, the buffer zones and the demarcated areas ”;
  - (d) in paragraph 4, for “Competent” substitute “ The competent ”;
  - (e) in paragraph 6, in point (b), for “the containment measures referred to in Article 28(2)” substitute “ containment measures, where applicable ”;
  - (f) in paragraph 7, for the words from the beginning to “supplementing” substitute “ The appropriate authority may by regulations supplement ”.
- (19) Omit Article 20.
- (20) In Article 21, for the words from the beginning to “amending” substitute “ The appropriate authority may by regulations amend ”.
- (21) In Article 22—
- (a) in the heading, for “**Union**”, in both places where it occurs, substitute “ **GB** ”;
  - (b) in paragraph 1—
    - (i) in the words before point (a)—
      - (aa) for “Member States” substitute “ The competent authorities ”;
      - (bb) after “surveys” insert “ in the territories for which they are responsible ”;
    - (ii) in point (a), for “Union” substitute “ GB ”;
    - (iii) in point (b), for the words from “pest” to the end substitute “ provisional GB quarantine pest or any pest which is subject to measures pursuant to Article 29(2A) ”;
    - (iv) omit the final subparagraph;
  - (c) in paragraph 2, in the first subparagraph, after “authority” insert “ carrying out the survey ”;
  - (d) omit paragraph 3.
- (22) In Article 23—
- (a) in paragraph 1, for “Member States” substitute “ The competent authorities ”;
  - (b) omit paragraphs 2 and 3.
- (23) In Article 24—
- (a) in paragraph 1—
    - (i) in the first subparagraph, for “Member States” substitute “ the competent authorities ”;
    - (ii) omit the second subparagraph;
  - (b) omit paragraph 2.
- (24) In Article 25—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Member State” substitute “ competent authority ”;
      - (bb) for “its territory, or a part thereof,” substitute “ Great Britain ”;

- (ii) in the second subparagraph, for “Member States” substitute “ The competent authorities ”;
  - (iii) omit the third subparagraph.
  - (b) in paragraph 2—
    - (i) in point (a)—
      - (aa) for “competent authorities” substitute “ the competent authority ”;
      - (bb) omit the words from “, including” to the end;
    - (ii) in points (b) and (c), for “competent authorities”, in both places where it occurs, substitute “ the competent authority ”;
    - (iii) in point (d), omit “the Commission, the other Member States,”;
    - (iv) in point (f), omit the words from “and any” to the end;
    - (v) in point (j), for “authorities”, in the first place where it occurs, substitute “ authority ”;
  - (c) in paragraph 4—
    - (i) for the first subparagraph substitute—
 

“4. The competent authorities must, before 1st January 2023, establish contingency plans for the priority pests included in the list of priority pests in the Annex to Commission Delegated Regulation (EU) 2019/1702, as it has effect on IP completion day.”;
    - (ii) after that subparagraph insert—
 

“4A. Paragraph 4 does not apply in relation to any priority pest that is removed from that list before 1st January 2023.”;
    - (iii) the second subparagraph of the existing text becomes paragraph 4B;
    - (iv) in that paragraph—
      - (aa) for “Member States” substitute “ the competent authorities ”;
      - (bb) for “a contingency plan” substitute “ contingency plans ”;
    - (v) the third subparagraph of the existing text becomes paragraph 4C;
    - (vi) in that paragraph, for “Member States” substitute “ The competent authorities ”;
  - (d) omit paragraph 5.
- (25) In Article 26—
- (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) for “Member States” substitute “ The competent authorities ”;
      - (bb) after “exercises” insert “ in the territories for which they are responsible ”;
    - (ii) in the third subparagraph—
      - (aa) omit “the Member State concerned has recently taken”;
      - (bb) at the end insert “ have recently been taken ”;
  - (b) omit paragraphs 2 and 3.
- (26) In Article 27—
- (a) in paragraph 1, in the first subparagraph—

- (i) for “the territory of a Member State” substitute “ Great Britain ”;
  - (ii) after “competent authority” insert “ for the territory in which it has been found to be present ”;
  - (iii) omit “, as provided for in Articles 17, 18, and 19,”;
  - (iv) omit “, as provided for in Article 28(2)”;
  - (b) omit paragraph 2.
- (27) In Article 28—
- (a) in the heading, for “**Union**”, in both places where it occurs, substitute “ **GB** ”;
  - (b) in paragraph 1—
    - (i) for the words before point (a) substitute—

“The appropriate authority may by regulations set out measures against specific GB quarantine pests. The provision that may be made in those regulations may include, in relation to a specific GB quarantine pest, provision:”;
    - (ii) in point (a)—
      - (aa) omit “Article 10”;
      - (bb) after “concerning” insert “ the ”;
      - (cc) for “Union” substitute “ GB ”;
    - (iii) in point (b)—
      - (aa) omit “Article 14”;
      - (bb) after “concerning” insert “ the ”;
    - (iv) in point (c)—
      - (aa) omit “Article 15”;
      - (bb) after “concerning” insert “ the ”;
    - (v) for point (d) substitute—

“(d) concerning the eradication of that GB quarantine pest;”;
    - (vi) after point (d) insert—

“(da) concerning the containment of that GB quarantine pest;”;
    - (vii) in point (e)—
      - (aa) omit “Article 18”;
      - (bb) after “concerning” insert “ the ”;
    - (viii) in point (f), omit “Article 19”;
    - (ix) for point (g) substitute—

“(g) concerning surveys of that GB quarantine pest;”;
    - (x) after point (g) insert—

“(ga) concerning prevention measures in areas outside demarcated areas where necessary to prevent the establishment of that GB quarantine pest in those areas;”;
    - (xi) for point (h) substitute—

“(h) in the case of a GB quarantine pest which is a priority pest:

      - (i) concerning surveys for that priority pest, as regards the number of visual examinations, samples and tests for the priority pest;

- (ii) concerning contingency plans for that priority pest;
- (iii) concerning simulation exercises for that priority pest;
- (iv) concerning action plans for that priority pest.”;
- (xii) omit points (i) to (k);
- (xiii) omit the final subparagraph;
- (c) for paragraph 2 substitute—

“2. Regulations under paragraph 1 may only make provision under point (da) of that paragraph if the appropriate authority has concluded, on the basis of surveys or other evidence, that the eradication of the GB quarantine pest in a demarcated area is not possible.”;

- (d) omit paragraph 3;
- (e) for paragraph 4 substitute—

“4. Regulations made under paragraph 1 may include any of the measures specified in Annex 2, taking into account the specific risks of the GB quarantine pest to which the regulations relate and any specific eco-climatic conditions and risks as regards any part of Great Britain.”;

- (f) omit paragraphs 5 to 7.

(28) In Article 29—

- (a) in the heading—

- (i) for “**Member States**” substitute “ **competent authorities** ”;
- (ii) for “**Union**” substitute “ **GB** ”;

- (b) in paragraph 1—

- (i) in the first subparagraph—

- (aa) for the first sentence substitute—

“Where the presence of a pest that is not included in Annex 2 or 2A to the Phytosanitary Conditions Regulation is officially confirmed to be present in a part of Great Britain, and the competent authority considers that the pest may fulfil the conditions for inclusion in Annex 2 to the Phytosanitary Conditions Regulation, the competent authority must immediately assess whether the pest fulfils the criteria set out in Subsection 1 of Section 3 of Annex 1 and notify the other competent authorities of its conclusion.”;

- (bb) in the third sentence, for “20” substitute “ 19 ”;

- (ii) in the third subparagraph—

- (aa) for “the territory of a Member State, that Member State” substitute “ Great Britain, the competent authority ”;

- (bb) for “the Union territory” substitute “ the territory for which it is responsible ”;

- (iii) in the fourth subparagraph, for “Member State” substitute “ competent authority ”;

- (iv) in the fifth subparagraph, for “Member State” substitute “ competent authority ”;

- (c) for paragraph 2 substitute—



“2. The competent authority must notify the other competent authorities of the measures that it has taken pursuant to paragraph 1 and the competent authorities must promptly assess whether the pest concerned fulfils the criteria for quarantine pests set out in Section 1 of Annex 1.”;

(d) after paragraph 2 insert—

“2A. Each competent authority must ensure that interim measures are taken in relation to the pest where it is present in its territory or in a consignment of plants, plant products or other objects introduced into, or moved within, its territory until:

- (a) a risk assessment has been carried out which shows that the pest does not fulfil the criteria set out in Subsection 1 of Section 3 of Annex 1; or
- (b) regulations in relation to the pest have been made under Article 30(1).

2B. In paragraph 2A, ‘interim measures’, in relation to a pest which has been provisionally assessed, in accordance with paragraph 2, as fulfilling the criteria set out in Subsection 1 of Section 3 of Annex 1, means any of the following measures insofar as they are relevant:

- (a) official confirmation of the presence of the pest where its presence is suspected;
- (b) pending official confirmation of the presence of the pest, phytosanitary measures to mitigate the risk of the pest spreading;
- (c) where the pest is officially confirmed to be present, eradication measures equivalent to the measures specified in Articles 17 to 19 in relation to GB quarantine pests or, if it is concluded, on the basis of the surveys referred to in Article 19 or other evidence, that the eradication of the pest in a demarcated area is not possible, containment measures; and
- (d) any other measures which are necessary or appropriate to prevent the entry of that pest into Great Britain, or its establishment or spread within Great Britain, including risk-based surveys to check for signs and symptoms of that pest.”;

(e) omit paragraph 3.

(29) In Article 30—

- (a) for the heading substitute “ **Measures concerning provisional GB quarantine pests** ”;
- (b) before paragraph 1 insert—

“A1. In this Article, ‘provisional GB quarantine pest’ means a pest which is not included in the list of GB quarantine pests in Annex 2 to the Phytosanitary Conditions Regulation, but which, according to an appropriate assessment, meets the criteria set out in Subsection 2 of Section 3 of Annex 1 and is listed in Annex 2A to the Phytosanitary Conditions Regulation.

A2. A provisional GB quarantine pest may not be introduced into, moved within, or held, multiplied or released in, Great Britain.”;

(c) for paragraph 1 substitute—

“1. The appropriate authority may by regulations:

- (a) modify Annex 2A to the Phytosanitary Conditions Regulation where the results of an assessment show, in respect of Great Britain, that a pest which is not included in that Annex fulfils the criteria set out Subsection 2 of Section 3 of Annex 1, or that a pest which is included in that Annex no longer fulfils those criteria or fulfils the criteria in Article 3;
- (b) make temporary provision for the purposes of preventing the introduction of a provisional GB quarantine pest into Great Britain, or the spread of a provisional GB quarantine pest within Great Britain.”;

(d) after paragraph 1 insert—

“1A. Regulations under paragraph 1 may include, in relation to a pest which is listed, or is to be listed, in Annex 2A, provision concerning:

- (a) measures to be taken in the event of suspicion and official confirmation by competent authorities of the presence of that pest;
- (b) measures to be taken immediately by professional operators;
- (c) measures to be taken by persons other than professional operators;
- (d) the eradication of that pest;
- (e) the containment of that pest;
- (f) the establishment of demarcated areas;
- (g) surveys and modifications of demarcated areas and lifting of restrictions;
- (h) surveys of that pest;
- (i) prevention measures in areas outside demarcated areas where necessary to protect the establishment of that pest in those areas.”;

(e) omit paragraph 2;

(f) for paragraph 3 substitute—

“3. Regulations under paragraph 1 may only make provision under point (e) of paragraph 1A if the appropriate authority has concluded, on the basis of the surveys or other evidence, that the eradication of the pest in a demarcated area is not possible.”;

(g) omit paragraph 4;

(h) for paragraph 5 substitute—

“5. Regulations under paragraph 1 may include any of the measures specified in Annex 2, taking into account the specific risks of the pest.”;

(i) omit paragraphs 6 to 8.

(30) In Article 31—

(a) in the heading, omit “**adopted by Member States**”;

(b) in paragraph 1—

- (i) in the first subparagraph, for the words from the beginning to “(4)” substitute “ The competent authorities may apply within their respective territories more stringent measures than those specified in regulations made under Article 28(1) or 30(1) ”;
  - (ii) in the second subparagraph—
    - (aa) for “the Union territory” substitute “ Great Britain ”;
    - (bb) after “by” insert “ , or under, ”;
    - (cc) for “102” substitute “ 101 ”;
  - (c) omit paragraph 2.
- (31) In the heading of Section 3, for “**Protected zone**” substitute “ **PFA** ”.
- (32) In Article 32—
- (a) in the heading, for “**protected zones**” substitute “ **GB pest-free areas** ”;
  - (b) for paragraph 1 substitute—
    - “1. ‘A PFA quarantine pest’ is a pest which:
      - (a) is present in Great Britain but not in a part of Great Britain that is recognised as free of that pest in accordance with ISPM4; and
      - (b) is listed in column (1) of the table in Annex 3 to the Phytosanitary Conditions Regulation.”;
    - (c) in paragraph 2—
      - (i) for the first subparagraph substitute—

“A PFA quarantine pest may not be introduced into, moved within, or held, multiplied or released in, any GB pest-free area established in respect of that PFA quarantine pest, and described in the corresponding entry in column (2) of the table in Annex 3 to the Phytosanitary Conditions Regulation.”;
      - (ii) in the second subparagraph, for “protected zones of protected zone quarantine pests” substitute “ a GB pest-free area of the PFA quarantine pest in respect of which the area was established ”;
    - (d) in paragraph 3—
      - (i) omit the first subparagraph;
      - (ii) for the second subparagraph substitute—

“The appropriate authority may by regulations modify Annex 3 to the Phytosanitary Conditions Regulation where:
        - (a) a pest is no longer recognised as a PFA quarantine pest;
        - (b) any additional GB pest-free area is recognised in relation to a PFA quarantine pest;
        - (c) the extent of an existing GB pest-free area has been altered; or
        - (d) an existing GB pest-free area is no longer recognised as free from the PFA quarantine pest in respect of which the area was established.”;
      - (iii) omit the third and fourth subparagraphs;
    - (e) omit paragraphs 4 to 7.
- (33) In Article 33—
- (a) in the heading, for “**protected zones**” substitute “ **GB pest-free areas** ”;

- (b) in paragraph 1—
  - (i) for “protected zone”, in the first place where it occurs, substitute “ GB pest-free area ”;
  - (ii) for “respective protected zone” substitute “ relevant PFA ”;
- (c) for paragraph 2—

“2. Where a PFA quarantine pest is found to be present in a GB pest-free area established in respect of that PFA quarantine pest and the competent authority has established a demarcated area in response to its presence, any plant, plant product or other object originating in the demarcated area may only be moved from that demarcated area into the remaining part of that GB pest-free area or into any other GB pest-free area established in respect of that PFA quarantine pest if its movement has been authorised by, or on behalf of, the competent authority by notice.

2A. By way of derogation from paragraph 2, a plant, plant product or other object may be moved out of that demarcated area and through and out of the GB pest-free area concerned if it is packed and moved in such a way that there is no risk of spreading the relevant PFA quarantine pest within the GB pest-free area.”;

- (d) omit paragraph 3.
- (34) In Article 34—
  - (a) in the heading, for “**protected zone**” substitute “ **PFA** ”;
  - (b) in paragraph 1—
    - (i) for the first subparagraph, substitute—

“1. The competent authorities must carry out annual surveys of each GB pest-free area within their respective territories as regards the presence of the PFA quarantine pests in respect of which those areas have been established.”;

- (ii) for the second subparagraph substitute—

“1A. The appropriate authority may by regulations supplement this Regulation by laying down detailed rules for the preparation and the content of the surveys referred to in paragraph 1.”;

- (c) omit paragraph 2.
- (35) Omit Article 35.

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**Commencement Information**

**I27** Reg. 27 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Chapter 3** **U.K.**

- 28.—(1) Chapter 3 is amended as follows.
- (2) In the heading of that Chapter, for “**Union**” substitute “ **GB** ”.
- (3) In Article 36—

- (a) in the heading, for “**Union**” substitute “ **GB** ”;
- (b) in the unnumbered paragraph—
  - (i) in the words before point (a)—
    - (aa) for “Union” substitute “ GB ”;
    - (bb) for “the list referred to in Article 37” substitute “ column (1) of the tables in Annex 4 to the Phytosanitary Conditions Regulation ”;
  - (ii) in point (b), for “the Union territory” substitute “ Great Britain ”;
  - (iii) in point (c)—
    - (aa) for “Union” substitute “ GB ”;
    - (bb) for “pest subject to measures adopted pursuant to Article 30(1)” substitute “ provisional GB quarantine pest ”.
- (4) In Article 37—
  - (a) in the heading for “**Union**” substitute “ **GB** ”;
  - (b) in paragraph 1, for the first subparagraph substitute—

“A professional operator may not introduce a GB regulated non-quarantine pest into Great Britain, or move a GB regulated non-quarantine pest within Great Britain, on the plants for planting through which it is transmitted, as specified in the entries in respect of that pest in column (2) of the tables in Annex 4 to the Phytosanitary Conditions Regulation, if the presence of that pest on those plants for planting exceeds the thresholds specified in those tables in respect of that pest and those plants for planting.”;
  - (c) omit paragraphs 2 to 4;
  - (d) before paragraph 5 insert—

“**4A.** A professional operator may not introduce into Great Britain, or move within Great Britain, any plants for planting referred to in Annex 5 to the Phytosanitary Conditions Regulation, unless the measures specified in that Annex in respect of those plants for planting to prevent the presence of the GB regulated non-quarantine pests have been taken. ”;
  - (e) for paragraph 5 substitute—

“**5.** The appropriate authority may by regulations modify Annex 4 or 5 to the Phytosanitary Conditions Regulation where the results of an assessment show that:

    - (a) a pest not listed in column (1) of the tables in Annex 4 to the Phytosanitary Conditions Regulation fulfils the conditions referred to in Article 36;
    - (b) a pest listed in column (1) of the tables in Annex 4 to the Phytosanitary Conditions Regulation no longer fulfils one or more of the conditions referred to in Article 36; or
    - (c) amendments to Annex 4 or 5 to the Phytosanitary Conditions Regulation are necessary as regards the categories referred to in paragraph 7 of this Article or the thresholds referred to in paragraph 8 of this Article.”;
    - (f) after paragraph 5 insert—

“**5A.** The appropriate authority may by regulations modify Annex 5 to the Phytosanitary Conditions Regulation to make provision as to the measures to be taken

to prevent the presence of a GB regulated non-quarantine pest on the plants for planting concerned.

**5B.** Regulations under paragraph 5A may specify whether the measures are to apply to the introduction of the plants for planting into Great Britain, the movement of those plants for planting within Great Britain, or both.

**5C.** Any measures specified in regulations under paragraph 5A must be consistent with the principles set out in Section 2 of Annex 2 to this Regulation and are to apply in addition to the measures specified in the relevant legislation on the marketing of seeds and other propagating material.”;

- (g) omit paragraph 6;
  - (h) in paragraph 7—
    - (i) after “of the” insert “ categories of ”;
    - (ii) for the words from “Directives” to “set out” substitute “ the relevant legislation on the marketing of seeds and other propagating material, the tables in Annex 4 to the Phytosanitary Conditions Regulation must include ”;
    - (iii) omit the words from “stating” to the end;
  - (i) in paragraph 8—
    - (i) in the first subparagraph, for the words from “the list” to the end substitute “ the tables in Annex 4 to the Phytosanitary Conditions Regulation must include that threshold ”;
    - (ii) in the second subparagraph—
      - (aa) in the words before point (a), for “set” substitute “ included ”;
      - (bb) in point (a), for “Union” substitute “ GB ”;
  - (j) in paragraph 9—
    - (i) for “Member States” substitute “ competent authorities ”;
    - (ii) after “concerning” insert “ GB ”.
- (5) In Article 38, for the words from “Commission” to “amending” substitute “ appropriate authority may by regulations amend ”.
- (6) In Article 39—
- (a) in the heading, for “**Union**” substitute “ **GB** ”;
  - (b) in the unnumbered paragraph, for “Union” substitute “ GB ”.

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**Commencement Information**

**128** Reg. 28 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Chapter 4** **U.K.**

**29.**—(1) Chapter 4 is amended as follows.

(2) In the heading to Section 1, for “**the entire Union territory**” substitute “ **Great Britain** ”.

(3) In Article 40—

- (a) in the heading, for “**the Union territory**” substitute “ **Great Britain** ”;

(b) for paragraph 1 substitute—

“1. Plants, plant products or other objects of a description specified in any entry in column (1) of the tables in Parts A and C of Annex 6 to the Phytosanitary Conditions Regulation may not be introduced into Great Britain if they originate from any third country listed in the corresponding entry in column (2) of those tables.”;

(c) omit paragraph 2;

(d) for paragraph 3 substitute—

“3. The appropriate authority may by regulations amend Parts A and C of Annex 6 to the Phytosanitary Conditions Regulation where the amendment is appropriate in the light of a risk assessment in relation to a plant, plant product or other object originating in or dispatched from a third country.

**3A.** For the purposes of paragraph 3, an amendment is appropriate if, on the basis of the risk assessment, it is concluded:

- (a) in the case of a plant, plant product or other object which is not included in Part A or C of Annex 6 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object poses a pest risk of an unacceptable level which cannot be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2; or
- (b) in the case of a plant, plant product or other object which is included in Part A or C of Annex 6 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object no longer poses a pest risk of an unacceptable level, or that it continues to pose a pest risk of an unacceptable level, but that the risk can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2.

**3B.** A plant, plant product or other object may only be regarded as posing a pest risk of an unacceptable level for the purposes of paragraph 3A if the risk assessment shows that the plant, plant product or other object may host a GB quarantine pest and, in determining the acceptability of the level of pest risk, the risk assessment was carried out in accordance with the principles set out in Section 2 of Annex 2, where appropriate with regard to one or more specific third countries.”;

(e) omit paragraph 4.

(4) In Article 41—

(a) for paragraph 1 substitute—

“1. Plants, plant products or other objects of a description specified in any entry in column (1) of the tables in Parts A and B of Annex 7 to the Phytosanitary Conditions Regulation, and which originate in a third country listed in the corresponding entry in column (2) of those tables may only be introduced into, or moved within, Great Britain if the special requirements specified in the corresponding entry in column (3) of those tables are fulfilled.

**1A.** Plants, plant products or other objects of a description specified in any entry in column (1) of the tables in Parts A and B of Annex 8 to the Phytosanitary Conditions Regulation, and which originate in a CD territory, may only be introduced into Great Britain if the special requirements specified in the corresponding entry in column (2) of those tables are fulfilled.

**1B.** Plants, plant products or other objects of a description specified in any entry in column (1) of the tables in Parts A and B of Annex 8 to the Phytosanitary Conditions Regulation, and which originate in Great Britain or a CD territory, may only be moved within Great Britain if the special requirements specified in the corresponding entry in column (2) of those tables are fulfilled.”;

- (b) omit paragraph 2;
- (c) for paragraph 3 substitute—

**“3.** The appropriate authority may by regulations amend Annex 7 or 8 to the Phytosanitary Conditions Regulation where the amendment is appropriate in the light of a risk assessment in relation to a plant, plant product or other object.

**3A.** For the purposes of paragraph 3, an amendment is appropriate if, on the basis of the risk assessment, it is concluded:

- (a) in the case of a plant, plant product or other object which originates in a third country and is not included in Part A or B of Annex 7 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object poses a pest risk of an unacceptable level which can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2;
- (b) in the case of a plant, plant product or other object which originates in a third country and is included in Part A or B of Annex 7 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object poses a pest risk of an unacceptable level which can no longer be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2, or that the pest risk can continue to be reduced to an acceptable level by applying alternative measures to those specified in relation to the plant, plant product or other object in Annex 7 to the Phytosanitary Conditions Regulation;
- (c) in the case of a plant, plant product or other object which originates in Great Britain or a CD territory and is not included in Annex 8 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object poses a pest risk of an unacceptable level which can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2; or
- (d) in the case of a plant, plant product or other object which originates in Great Britain or a CD territory and is included in Annex 8 to the Phytosanitary Conditions Regulation (“Annex 8”), that the plant, plant product or other object poses a pest risk of an unacceptable level which can no longer be reduced to an acceptable level by applying one or more of the measures set out in points (2)



and (3) of Section 1 of Annex 2, or that the pest risk can continue to be reduced to an acceptable level by applying alternative measures to those specified in relation to the plant, plant product or other object in Annex 8.

**3B.** A plant, plant product or other object may only be regarded as posing a pest risk of an unacceptable level for the purposes of paragraph 3A if the risk assessment shows that the plant, plant product or other object may host a GB quarantine pest and, in determining the acceptability of the level of pest risk and the measures to reduce that risk to an acceptable level, the risk assessment was carried out in accordance with the principles set out in Section 2 of Annex 2, where appropriate with regard to one or more specific third countries or parts of specific third countries.”;

- (d) in paragraph 4—
  - (i) in the first subparagraph—
    - (aa) for “the Union territory” substitute “ Great Britain ”;
    - (bb) for “Member States” substitute “ the competent authority ”;
    - (cc) omit the words from “, and shall notify” to the end;
  - (ii) omit the second subparagraph.
- (5) In Article 42—
  - (a) in the heading, for “**the Union territory**” substitute “ **Great Britain** ”;
  - (b) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) omit the words from “and which is” to “Article 49 and”;
      - (bb) for “the Union territory” substitute “ Great Britain ”;
    - (ii) in the second subparagraph, after “concerned,” insert “ any existing prohibitions or requirements that apply to that plant, plant product or object by virtue of Article 40, or 41 or any measures in regulations made under Article 49(1), and ”;
  - (c) for paragraph 2 substitute—

“**2.** High-risk plants, plant products or other objects listed in Part B of Annex 6 to the Phytosanitary Conditions Regulation may not be introduced into Great Britain from the third countries, groups of third countries or specific areas of third countries of origin specified in respect of those plants, plant products or other objects in that list.”;

- (d) in paragraph 3—
  - (i) for the first subparagraph substitute—

“The appropriate authority may by regulations amend Part B of Annex 6 to the Phytosanitary Conditions Regulation to include at the appropriate taxonomic level, pending the risk assessment referred to in paragraph 4, additional high-risk plants, plant products or other objects and, where appropriate, the third countries, groups of third countries or specific areas of third countries of origin in respect of those plants, plant products or other objects.”;
  - (ii) omit the second and third subparagraphs;
- (e) for paragraph 4 substitute—

“4. Where a risk assessment in relation to a high-risk plant, plant product or other object originating in any third country has been completed, the appropriate authority must by regulations amend the list of high-risk plants, plant products or other objects in Part B of Annex 6 to the Phytosanitary Conditions Regulation to remove the third country from the entry in that list relating to the plant, plant product or other object.

**4A.** Regulations under paragraph 4 may amend Part A or C of Annex 6, or Part A or B of Annex 7, to the Phytosanitary Conditions Regulation, where appropriate, in the light of the risk assessment.”;

- (f) in paragraph 5, in the first subparagraph, for “the implementing act provided for in paragraph 3” substitute “ Part B of Annex 6 to the Phytosanitary Conditions Regulation ”;
  - (g) in paragraph 6, for the words “Commission may, by means of implementing acts,” substitute “ the appropriate authority may by regulations ”;
  - (h) omit paragraph 7.
- (6) In Article 43—
- (a) in the heading, for “**the Union territory**” substitute “ **Great Britain** ”;
  - (b) in paragraph 1—
    - (i) in the words before point (a), for “the Union territory” substitute “ Great Britain from a third country ”;
    - (ii) in point (a), for the words from “the International Standard” to the end, substitute “ ISPM15 ”;
  - (c) for paragraph 2 substitute—

“2. The appropriate authority may by regulations:

- (a) amend the requirements set out in paragraph 1 of this Article to take into account the development of international standards, and in particular of ISPM15; or
- (b) specify derogations from paragraph 1 for the purpose of exempting other wood packaging material which is not subject to the exemptions provided for in ISPM15 from the requirements of paragraph 1 of this Article, or for the purpose of imposing less stringent requirements on wood packaging material which is subject to the exemptions provided for in ISPM15.”.

(7) In Article 44—

- (a) for paragraph 1 substitute—

“1. The appropriate authority may by regulations make provision for the purpose of giving effect to a relevant decision.

**1A.** Regulations under paragraph 1 may in particular:

- (a) amend any of the special requirements in column (3) of the table in Part A or B of Annex 7 to the Phytosanitary Conditions Regulation to set out the equivalent requirements that apply to the plant, plant product or other object in question; or
- (b) specify the conditions under which the decision of the UK NPPO applies.

**1B.** In paragraph 1, ‘relevant decision’ means a decision of the UK NPPPO confirming that specific measures which are applied in the third country in relation to a particular plant, plant product or other object from that third country provide a level of phytosanitary protection which is equivalent to the measures included in the special requirements in relation to that plant, plant product or other object in Annex 7 to the Phytosanitary Conditions Regulation.”;

(b) omit paragraph 2.

(8) In Article 45—

(a) in paragraph 1—

(i) for the first subparagraph substitute—

“The competent authorities and seaport, airport and international transport operators must make information available to passengers concerning the prohibitions referred to in Article 40(1) and 42(2), the requirements referred to in Article 41(1) and any exemption which applies by virtue of Article 75(1) as regards the introduction of plants, plant products and other objects into Great Britain from a third country.”;

(ii) in the second subparagraph, at the end insert “, in the standardised format published by the appropriate authority (if any) ”;

(iii) for the fourth subparagraph substitute—

“The appropriate authority may publish, in such manner as the appropriate authority considers appropriate, a standardised format for any poster or brochure which must be used for the purposes of the first subparagraph of this paragraph.”;

(b) omit paragraph 2.

(9) Omit Article 46.

(10) In Article 47—

(a) in paragraph 1—

(i) in the words before point (a), for “the Union territory” substitute “ Great Britain ”;

(ii) in point (b)—

(aa) for “Union” substitute “ GB ”;

(bb) for “the Union territory” substitute “ Great Britain ”;

(b) in paragraph 2, for “Competent authorities” substitute “ The competent authority ”.

(11) In Article 48—

(a) in paragraph 1—

(i) in the first subparagraph—

(aa) for “Member States” substitute “ a competent authority ”;

(bb) for “their territory” substitute “ the territory for which it is responsible ”;

(ii) in the second subparagraph, for the words from “Union” to “Article 30(1)” substitute “ GB quarantine pest or provisional GB quarantine pest ”;

(b) in paragraph 2—

(i) in point (a), for “authorities” substitute “ authority ”;

(ii) in point (d), for “Union territory” substitute “ territory in question ”;

(c) in paragraph 3, in the second subparagraph, for the words from “Union” to the end, substitute “ GB quarantine pest or provisional GB quarantine pest ”;

- (d) in paragraph 5—
  - (i) in the words before point (a), for the words from “Commission” to “supplementing” substitute “ appropriate authority may by regulations supplement ”;
  - (ii) omit point (a).
- (12) In Article 49—
  - (a) in paragraph 1, in the first subparagraph—
    - (i) in the words before point (a)—
      - (aa) for “Commission may adopt, by means of implementing acts,” substitute “ appropriate authority may by regulations impose ”;
      - (bb) for “the Union territory” substitute “ Great Britain ”;
    - (ii) in point (a), for the words for “Union measures” to the end substitute “ existing measures and are not linked, or cannot yet be linked to, GB quarantine pests or provisional GB quarantine pests ”;
    - (iii) in point (c), for “the Union territory” substitute “ Great Britain ”;
    - (iv) omit the final subparagraph;
  - (b) in paragraph 2—
    - (i) in the second subparagraph, in points (a) and (c), in both places where it occurs, for “the Union territory” substitute “ Great Britain ”;
    - (ii) in the final subparagraph—
      - (aa) for “the implementing act referred to in” substitute “ regulations made under ”;
      - (bb) for “the Union territory” substitute “ Great Britain ”;
  - (c) omit paragraph 4;
  - (d) in paragraph 5, for “the Union territory” substitute “ Great Britain ”;
  - (e) omit paragraph 6.
- (13) Omit Article 50.
- (14) In Article 51, for the words from “Commission” to “amending” substitute “ appropriate authority may by regulations amend ”.
- (15) Omit Article 52.
- (16) In the heading of Section 2, for “**protected zones**” substitute “ **GB pest-free areas** ”.
- (17) In Article 53—
  - (a) in the heading, for “**protected zones**” substitute “ **GB pest-free areas** ”;
  - (b) for paragraph 1 substitute—
    - “1. Any plants, plant products or other objects of a description specified in any entry in column (1) of the table in Annex 9 to the Phytosanitary Conditions Regulation, whether originating in a third country, Great Britain or a CD territory, may not be introduced into, or moved within, a GB pest-free area listed in the corresponding entry in column (2) of the table.”;
  - (c) for paragraph 2 substitute—

“2. The appropriate authority may by regulations amend Annex 9 to the Phytosanitary Conditions Regulation where the amendment is appropriate in the light of a risk assessment in relation to a plant, plant product or other object.”;

(d) for paragraph 3 substitute—

“3. For the purposes of paragraph 2, an amendment is appropriate if, on the basis of the risk assessment, it is concluded:

- (a) in the case of a plant, plant product or other object which is not included in Annex 9 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object poses a pest risk of an unacceptable level which cannot be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2; or
- (b) in the case of any plant, plant product or other object which is included in Annex 9 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object no longer poses a pest risk of an unacceptable level, or that it continues to pose a pest risk of an unacceptable level, but that the risk can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2.

3A. A plant, plant product or other object may only be regarded as posing a pest risk of an unacceptable level for the purposes of paragraph 3 if the risk assessment shows that the plant, plant product or other object may host a PFA quarantine pest and, in determining the acceptability of the level of pest risk to the GB pest-free area which relates to the PFA quarantine pest, the risk assessment was carried out in accordance with the principles set out in Section 2 of Annex 2.”;

(e) omit paragraph 4.

(18) In Article 54—

(a) in the heading, for “**protected zones**” substitute “**GB pest-free areas**”;

(b) for paragraph 1 substitute—

“1. Plants, plant products or other objects of a description specified in any entry in column (1) of the table in Annex 10 to the Phytosanitary Conditions Regulation, whether originating in a third country, Great Britain or a CD territory, may only be introduced into, or moved within, a GB pest-free area listed in the corresponding entry in column (3) of the table if the special requirements specified in the corresponding entry in column (2) of the table are fulfilled.”;

(c) omit paragraph 2;

(d) for paragraph 3 substitute—

“3. The appropriate authority may by regulations amend Annex 10 to the Phytosanitary Conditions Regulation where the amendment is appropriate in the light of a risk assessment in relation to a plant, plant product or other object.

**3A.** For the purposes of paragraph 3, an amendment is appropriate if, on the basis of the risk assessment, it is concluded:

- (a) in the case of a plant, plant product or other object which is not included in Annex 10 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object poses a pest risk of an unacceptable level which can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2; or
- (b) in the case of a plant, plant product or other object which is included in Annex 10 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object poses a pest risk of an unacceptable level which can no longer be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2, or that the pest risk can continue to be reduced to an acceptable level by applying alternative measures to those specified in Annex 10 to the Phytosanitary Conditions Regulation.

**3B.** A plant, plant product or other object may only be regarded as posing a pest risk of an unacceptable level for the purposes of paragraph 3A if the risk assessment shows that the plant, plant product or other object may host a PFA quarantine pest and, in determining the acceptability of the level of pest risk to the GB pest-free area which relates to the PFA quarantine pest and the measures to reduce that risk to an acceptable level, the risk assessment was carried out in accordance with the principles set out in Section 2 of Annex 2.”;

(e) omit paragraph 4.

(19) In Article 55—

- (a) in the heading, for “**protected zones**” substitute “ **GB pest-free areas** ”;
- (b) in the unnumbered paragraph, for “protected zones” substitute “ GB pest-free areas ”.

(20) Omit Article 56.

(21) In Article 57—

- (a) in the heading, for “**protected zones**” substitute “ **GB pest-free areas** ”;
- (b) in the unnumbered paragraph, for the words from “listed” to the end substitute “ of a description specified in any entry in column (1) of the tables in Annex 9 and 10 to the Phytosanitary Conditions Regulation through the GB pest-free areas related to those plants, plant products or other objects. ”.

(22) In Article 58—

- (a) in the heading, for “**protected zones**” substitute “ **GB pest-free areas** ”;
- (b) in the unnumbered paragraph—
  - (i) omit “the prohibitions and requirements provided for in”;
  - (ii) for the words from “protected” to “54(2) and (3)” substitute “ a GB pest-free area of plants, plant products and other objects of a description specified in any entry in column (1) of the tables in Annex 9 and 10 to the Phytosanitary Conditions Regulation which relate to that GB pest-free area ”.

(23) In Article 59—

- (a) for paragraph 1 substitute—

- “1. Vehicles, machinery and packaging material used for plants, plant products or other objects of a description specified in any entry in Annex 6, 7 or 8 to the Phytosanitary Conditions Regulation, or in any regulations made under Article 28(1), 30(1) or 49(1), and moving into or within Great Britain, or through Great Britain pursuant to Article 47, must be free from GB quarantine pests and GB provisional quarantine pests.”;
- (b) in paragraph 2—
- (i) for “protected zones” substitute “ any GB pest-free area ”;
  - (ii) for “the respective protected zone pests” substitute “ a PFA quarantine pest relating to that GB pest-free area ”.
- (24) In Article 60—
- (a) in paragraph 1—
- (i) in the words before point (a), for “Member States” substitute “ the competent authorities ”;
  - (ii) in point (a), for “their territory” substitute “ the territories for which they are responsible ”;
  - (iii) omit point (b);
  - (iv) in point (c), after “persons” insert “ in the territories for which they are responsible ”;
- (b) omit paragraph 2.
- (25) In Article 61—
- (a) in paragraph 1—
- (i) in the words before point (a), for “Union” substitute “ GB ”;
  - (ii) in point (e), for the words from “Union” to “Article 30(1)” substitute “ GB quarantine pests and provisional GB quarantine pests ”;
- (b) in paragraph 2—
- (i) in the first subparagraph, for “Commission may, by means of implementing acts,” substitute “ appropriate authority may by regulations ”;
  - (ii) omit the second subparagraph.
- (26) In Article 62, in paragraph 1, for the words from “Union” to the end substitute “ GB quarantine pests and provisional GB quarantine pests ”.
- (27) In Article 63—
- (a) in paragraph 1—
- (i) in the first subparagraph—
    - (aa) for “authority” substitute “ authorities ”;
    - (bb) after “facilities” insert “ which they have designated ”;
  - (ii) in the second subparagraph, for “It” substitute “ They ”;
- (b) in paragraph 2—
- (i) in the first subparagraph—
    - (aa) for “On the basis of the inspection referred to in paragraph 1”; substitute “Where corrective actions to ensure compliance with Articles 61 and 62 are considered by a competent authority to be necessary”;
    - (bb) after “implement” insert “ those ”;

- (cc) omit “to ensure compliance with Articles 61 and 62”;
- (ii) in the second subparagraph—
  - (aa) after “facility” insert “ does not comply with Articles 61 and 62 ”;
  - (bb) for “fails” substitute “ has failed ”.
- (28) In Article 64—
  - (a) in paragraph 1—
    - (i) for “the quarantine stations or confinement facilities” substitute “ a quarantine station or a confinement facility ”;
    - (ii) for “authorities” substitute “ authority ”;
    - (iii) for the words from “Union” to “zone” substitute “ GB quarantine pests and provisional GB quarantine pests, or, where applicable, PFA ”;
  - (b) in paragraph 2, for the words from “Union” to “Article 30(1)” substitute “ GB quarantine pest or provisional GB quarantine pest ”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, for “Commission may, by means of implementing acts,” substitute “ appropriate authority may by regulations ”;
    - (ii) omit the second subparagraph.

**Commencement Information**

**I29** Reg. 29 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Chapter 5 U.K.**

- 30.**—(1) In Article 65—
- (a) in paragraph 1—
    - (i) in the first subparagraph, in the words before point (a)—
      - (aa) for “authority” substitute “ authorities ”;
      - (bb) for the “territory of the Member State concerned” substitute “ Great Britain ”;
    - (ii) in point (a)—
      - (aa) for “the Union” substitute “ Great Britain ”;
      - (bb) for “plant passport” substitute “ UK plant passport ”;
      - (cc) omit “on the basis of the implementing acts adopted”;
    - (iii) in point (c), for “, 101 and 102” substitute “ and 101 ”;
    - (iv) in point (d), omit the words from “introducing” to “Article 56,”;
    - (v) in point (e), for the words from “an implementing act” to the end substitute “ the special requirements in Annex 7, 8 or 10 or by regulations made under Article 28(1), 30(1) or 49(1) ”;
    - (vi) omit the second subparagraph;
  - (b) in paragraph 2, for the first sentence substitute “ The competent authorities must ensure that a professional operator is registered only once ”;
  - (c) in paragraph 3—



- (i) omit point (a);
- (ii) omit the second subparagraph;
- (d) in paragraph 4—
  - (i) for the words before point (a) substitute “ The appropriate authority may by regulations ”;
  - (ii) in point (a), for “amending” substitute “ amend ”;
  - (iii) in point (b), for “supplementing” substitute “ supplement ”;
  - (iv) omit point (c).
- (2) In Article 66—
  - (a) in paragraph 2—
    - (i) in point (a), for “the Member State of registration” substitute “ Great Britain ”;
    - (ii) in point (d), omit “in the Member State concerned”;
  - (b) omit paragraph 4;
  - (c) in paragraph 6, for “the”, in the second place where it occurs, substitute “ a ”.
- (3) In Article 67, in point (a), for the words from “, which shall” to the end substitute “ for the professional operator ”.
- (4) In Article 68—
  - (a) omit paragraph 1;
  - (b) in paragraph 2—
    - (i) for “Member State keeping the register” substitute “ competent authority ”;
    - (ii) for “the Union” substitute “ Great Britain ”;
  - (c) in paragraph 3, omit “national and Union”.
- (5) In Article 69—
  - (a) in paragraph 1, for the words from “points” to “Article 79(1)” substitute “ , or under, Article 28(1), 30(1), 37(1), 41, 48(1), 49(1), 54(1), 57, 58 or 79(1) ”;
  - (b) in paragraph 2, for the words from “points” to “Article 79(1)” substitute “ , or under, Article 28(1), 30(1), 37(1), 41, 47(1), 48(1), 49(1), 54(1), 57, 58 or 79(1) ”;
  - (c) in paragraph 3, for “plant passport”, in each place where it occurs, substitute “ UK plant passport ”;
  - (d) in paragraph 5—
    - (i) in the first subparagraph, in the words before point (a), for “Commission may, by means of implementing acts,” substitute “ appropriate authority may by regulations ”.
    - (ii) omit the second subparagraph.

#### **Commencement Information**

**I30** Reg. 30 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

## **Chapter 6 U.K.**

**31.**—(1) Chapter 6 is amended as follows.

(2) In the heading to Section 1, for “**the Union territory**” substitute “ **Great Britain** ”.

- (3) In Article 71—
- (a) in the heading, for “**the Union territory**” substitute “ **Great Britain** ”;
  - (b) in paragraph 1—
    - (i) in the words before point (a), for “the Union territory” substitute “ Great Britain ”;
    - (ii) in point (a), for the words from “Union” to the end substitute “ GB quarantine pests and provisional GB quarantine pests ”;
    - (iii) in point (b), for “Union” substitute “ GB ”;
    - (iv) in point (c), for “(2) and (3)”, in both places where it occurs, substitute “ (1) ”;
    - (v) in point (d), for the words from “rules” to the end substitute “ any requirements specified in regulations made under Article 28(1) or 30(1) ”;
  - (c) in paragraph 2, in the first sentence—
    - (i) for “The” substitute “ Where one or more options are specified for the purposes of meeting any such requirements, the ”;
    - (ii) omit the words from “, whenever” to the end;
  - (d) in paragraph 3—
    - (i) for “applicable” substitute “ required by regulations made under Article 44(1) ”;
    - (ii) after “recognised” insert “ for the purposes of those regulations ”;
    - (iii) omit the words from “, pursuant to Article 44” to the end;
  - (e) in paragraph 4, for the words from “Commission” to “amending” substitute “ appropriate authority may by regulations amend ”.
- (4) In Article 72—
- (a) in paragraph 1—
    - (i) for the first subparagraph substitute—
 

“**1.** Plants, plant products and other objects of a description specified in any entry in columns (1) and (2) of the table in Part A of Annex 11 to the Phytosanitary Conditions Regulation which originate in any third country listed in the corresponding entry in column (3) of that table may not be introduced into Great Britain unless they are accompanied by a phytosanitary certificate.”;
    - (ii) omit the second, third and fourth subparagraphs;
  - (b) omit paragraph 2;
  - (c) in paragraph 3—
    - (i) for the words from the beginning to “paragraph 1” substitute “ The appropriate authority may by regulations amend Part A of Annex 11 to the Phytosanitary Conditions Regulation ”;
    - (ii) for the words from “that act”, in the first place where it occurs, to “Article 30(1)” substitute “ that Part hosts a GB quarantine pest or provisional GB quarantine pest ”;
    - (iii) for “that act”, in the second place where it occurs, substitute “ that Part ”;
  - (d) omit paragraph 4;
  - (e) in paragraph 5—
    - (i) omit “, 2”;
    - (ii) for “Articles 46, 47 and 48 and Article 75(1)” substitute “ Articles 47, 48 and 75(1) ”.

(5) In Article 73—

- (a) for the first unnumbered paragraph substitute—

“1. Plants of a description specified in columns (1) and (2) of Part B of Annex 11 to the Phytosanitary Conditions Regulation may not be introduced into Great Britain from third countries unless they are accompanied by a phytosanitary certificate.”;

- (b) the second unnumbered paragraph of the existing text becomes paragraph 2 and in that paragraph for the words from “ However ” to “those plants” substitute “ The appropriate authority may by regulations amend Part C of Annex 11 to the Phytosanitary Conditions Regulation ”;
- (c) omit the remaining unnumbered paragraphs.

(6) In Article 74—

- (a) in the heading for “**protected zone**” substitute “ **GB pest-free area** ”;
- (b) for paragraph 1 substitute—

“1. Any plants, plant products and other objects of a description specified in an entry (if any) in columns (1) and (2) of the table in Annex 12 to the Phytosanitary Conditions Regulation, which originate in a third country specified in the corresponding entry in column (3) of the table and are destined for a GB pest-free area established in respect of those plants, plant products or other objects, may not be introduced into Great Britain unless they are accompanied by a phytosanitary certificate.”;

- (c) omit paragraph 2;
- (d) for paragraph 3 substitute—

“3. The appropriate authority may by regulations amend Annex 12 to the Phytosanitary Conditions Regulation in accordance with the principles set out in Section 2 of Annex 2, where there is a risk that a plant, plant product or other object not listed in Annex 11 or in Annex 12 to the Phytosanitary Conditions Regulation hosts a PFA quarantine pest, or where, for a plant, plant product or other object listed in Annex 11 or 12 to the Phytosanitary Conditions Regulation, that risk no longer exists.”;

- (e) after paragraph 3 insert—

“3A. Regulations under paragraph 3 may apply in relation to a plant, plant product or other object originating in, or dispatched from, all third countries or particular third countries or regions.”;

- (f) omit paragraph 4;
- (g) in paragraph 5—
- (aa) omit “, 2”;
- (bb) for “Articles 56, 57 and 58 and Article 75(1)” substitute “ Article 57, 58 or 75(1) ”.

(7) After Article 74 insert—

*“Article 74a*

*Commodity classification*

The appropriate authority may by regulations amend Annex 11 to the Phytosanitary Conditions Regulation to:

- (a) remove the references to any CN codes used in that Annex to identify the plants plant products and other objects listed; or
  - (b) identify the plants, plant products and other objects listed in that Annex by any alternative commodity code classification system that the appropriate authority considers appropriate.”
- (8) In Article 75—
- (a) in paragraph 1—
    - (i) in the words before point (a), omit “accordance with”;
    - (ii) in point (a), for “the Union territory” substitute “ Great Britain ”;
    - (iii) in point (c), for “an implementing act provided for in” substitute “ regulations made under ”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph, for “Commission shall, by means of implementing acts,” substitute “ appropriate authority may by regulations ”;
    - (ii) omit the final subparagraph.
- (9) In Article 76—
- (a) in paragraph 1, in the first subparagraph, for “International Plant Protection Convention (IPPC)” substitute “ IPPC ”;
  - (b) in paragraph 2—
    - (i) in point (a), for “at least one of the official languages of the Union” substitute “ English ”;
    - (ii) in point (b), for “a Member State” substitute “ the United Kingdom ”;
  - (c) in paragraph 4—
    - (i) in the first subparagraph—
      - (aa) in the first sentence, for “Commission” substitute “ UK NPPO ”;
      - (bb) omit the second sentence;
    - (ii) in the second subparagraph, for the words from “Commission” to “Article 105, to” substitute “ appropriate authority may by regulations ”;
  - (d) in paragraph 5, for the words from “IMSOC” to the end substitute “ appropriate computerised information management system ”.
- (10) In Article 77—
- (a) in paragraph 1, in the second subparagraph—
    - (i) in the first sentence—
      - (aa) for “certificate cancelled” substitute “ CERTIFICATE CANCELLED ”;
      - (bb) omit “respective”;
    - (ii) omit the second sentence;
  - (b) omit paragraph 2;
  - (c) in paragraph 3—

- (i) in the first sentence, for “Commission may, by means of implementing acts,” substitute “ appropriate authority may by regulations ”;
  - (ii) omit the second sentence.
- (11) In Section 2, in the heading—
- (a) at the beginning, for “**Plant**” substitute “ **UK plant** ”;
  - (b) for “**the Union territory**” substitute “ **or into Great Britain** ”.
- (12) In Article 78—
- (a) in the heading, for “**Plant**” substitute “ **UK plant** ”;
  - (b) for the unnumbered paragraph substitute—

“1. A UK plant passport shall be an official label to be used for:

- (a) the movement of plants, plant products and other objects described in Articles 79 and 80 (including the introduction of plants, plant products and other objects into Great Britain from a CD territory); and
- (b) the movement of plants, plant products and other objects from Great Britain to a CD territory.

2. Articles 83 to 92 and 93 to 95 apply in relation to any UK plant passport issued in Great Britain.

3. Article 92a applies to any UK plant passport issued in a CD territory that accompanies plants, plant products or other objects that are introduced into Great Britain from that CD territory and are subsequently moved within Great Britain.”.

- (13) In Article 79—
- (a) in the heading—
    - (i) after “**a**” insert “ **UK** ”;
    - (ii) for “**the Union territory**” substitute “ **or into Great Britain** ”;
  - (b) for paragraph 1 substitute—

“1. Plants, plant products and other objects listed in Annex 13 to the Phytosanitary Conditions Regulation may not be moved within Great Britain or introduced into Great Britain from a CD territory, unless they are accompanied by a UK plant passport.”;

- (c) after that paragraph insert—

“1A. Paragraph 1 is subject to Articles 81 and 82.”;

- (d) omit paragraph 2;
- (e) for paragraph 3 substitute—

“3. The appropriate authority may by regulations amend Annex 13 to the Phytosanitary Conditions Regulation in accordance with the principles set out in Section 2 of Annex 2:

- (a) to include a plant, plant product or other object that is not included in Annex 13 to the Phytosanitary Conditions Regulation, where there is a risk that the plant, plant product or other object hosts a GB quarantine pest or a provisional GB quarantine pest;
  - (b) to remove a plant, plant product or other object listed in that Annex, where the risk that it hosts a GB quarantine pest or a provisional GB quarantine pest no longer exists.”;
  - (f) omit paragraph 4;
  - (g) in paragraph 5—
    - (aa) omit “, 2”;
    - (bb) for “Articles 46, 47, 48 and 75” substitute and “ Article 47, 48 or 75(1) ”;
  - (h) omit paragraph 6.
- (14) In Article 80—
- (a) in the heading—
    - (i) after “**a**” insert “ **UK** ”;
    - (ii) for “**protected zones**” substitute “ **GB pest-free areas** ”;
  - (b) for paragraph 1 substitute—
 

“**1.** Any plants, plant products and other objects described in any entry in column (1) of the table in Annex 14 to Phytosanitary Conditions Regulation may not be introduced into, or moved within, a GB pest-free area specified in the corresponding entry in column (2) of the table unless they are accompanied by a UK plant passport.”;
  - (c) after paragraph 1 insert—
 

“**1A.** Paragraph 1 is subject to Articles 81 and 82.”;
  - (d) omit paragraph 2;
  - (e) for paragraph 3 substitute—
 

“**3.** The appropriate authority may by regulations amend Annex 14 to the Phytosanitary Conditions Regulation in accordance with the principles set out in Section 2 of Annex 2:

    - (a) to include a plant, plant product or other object which is not listed in Annex 14 to the Phytosanitary Conditions Regulation, where there is a risk that the plant, plant product or other object hosts a PFA quarantine pest; or
    - (b) to remove a plant, plant product or other object from the list in Annex 14 to the Phytosanitary Conditions Regulation where the risk that it hosts a PFA quarantine pest no longer exists.”;
  - (f) omit paragraph 4;
  - (g) in paragraph 5—
    - (aa) omit “, 2”;
    - (bb) for “Articles 56, 57 and 58” substitute “ Article 57 or 58 ”.
- (15) In Article 81—
- (a) at the beginning insert—

“**A1.** This Article applies to the movement of plants, plant products or other objects in Great Britain and the introduction of plants, plant products or other objects into Great Britain from a CD territory.”;

(b) in paragraph 1—

(i) in the first subparagraph—

(aa) after “No” insert “ UK ”;

(bb) after “objects” insert “ which are ”;

(ii) the second subparagraph of the existing text becomes paragraph 1A and in that paragraph, in point (b), for the words from “ for ” to the end, substitute “ described in an entry (if any) in column (1) of the table in Annex 14 to Phytosanitary Conditions Regulation, who are situated in a GB pest-free area specified in the corresponding entry in column (2) of the table ”;

(iii) for the third subparagraph substitute—

“**1B.** The appropriate authority may by regulations specify that point (b) of paragraph 1A only applies to particular PFA quarantine pests and plants, plant products or other objects.”;

(c) in paragraph 2—

(i) in the first sentence, for the words from “Commission” to “supplementing” substitute “ appropriate authority may by regulations supplement ”;

(ii) in the second sentence, for “delegated acts shall” substitute “ regulations must ”.

(16) In Article 82—

(a) in the first subparagraph, after “No” insert “ UK ”;

(b) omit the second and third subparagraphs.

(17) In Article 83—

(a) in the heading, after “**the**” insert “ **UK** ”;

(b) in paragraph 1, in the first subparagraph—

(i) for “The” substitute “ A UK ”;

(ii) for “referred to in paragraph 2” substitute “ set out in Part A, B, C or D of Annex 7 ”;

(c) in paragraph 2—

(i) in the first subparagraph—

(aa) for “The”, in the first place where it occurs, substitute “ A UK ”;

(bb) omit “for movement within the Union territory”;

(cc) at the end insert “ , except where paragraph 4 or 5 applies ”;

(ii) in the second subparagraph—

(aa) in the words before point (a), after “required” insert “ on a UK plant passport for the movement of plants for planting in Great Britain, or the introduction of plants for planting into Great Britain from a CD territory, ” and after “where” insert “ the ”;

(bb) in point (a), for the words from “Union” to the end substitute “ GB quarantine pests or provisional GB quarantine pests ”;

- (cc) in point (b), for “listed in an implementing act provided for in” substitute “specified in regulations made under”;
- (d) in paragraph 3—
  - (i) for “Commission shall, by means of implementing acts,” substitute “the appropriate authority may by regulations”;
  - (ii) omit the second sentence;
- (e) in paragraph 4—
  - (i) for “The” substitute “A UK”;
  - (ii) for “protected zone” substitute “GB pest-free area or CD pest-free area”;
- (f) in paragraph 5—
  - (i) in the first subparagraph—
    - (aa) for the words from “Directives” to “the plant passport” substitute “the relevant legislation on the marketing of seeds and other propagating material, a UK plant passport”;
    - (bb) for “those Directives” substitute “the relevant retained EU law”;
  - (ii) for the second and third subparagraphs substitute—
 

“Where this paragraph applies, a UK plant passport must contain:

    - (a) the elements set out in Part C of Annex 7; or
    - (b) in the case of plants, plant products or objects which are to be introduced into a GB pest-free area or CD pest-free area, the elements set out in Part D of Annex 7.”;
- (g) in paragraph 6, for the words from “Commission” to “amending” substitute “appropriate authority may by regulations amend”;
- (h) for paragraph 7 substitute—

“7. A UK plant passport must comply with the requirements set out in Commission Implementing Regulation (EU) 2017/2313 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement within, a protected zone <sup>M29</sup>.”;

- (i) after paragraph 7 insert—
 

“7A. The appropriate authority may by regulations make provision relating to the format or size of UK plant passports.”;
- (j) in paragraph 8—
  - (i) in the first subparagraph—
    - (aa) after “A” insert “UK”;
    - (bb) for “referred to in paragraph 2” substitute “set out in Part A, B, C or D of Annex 7 (as the case may be)”;
    - (cc) for “through the implementing acts referred to in the second subparagraph of this paragraph” substitute “in regulations made under paragraph 9”;
  - (ii) for the second subparagraph substitute—



“9. The appropriate authority may by regulations set out technical arrangements for the issuance of electronic UK plant passports to ensure an appropriate credible and effective mode for their issuance.”.

(18) In Article 84—

- (a) in the heading, after “of” insert “ UK ”;
- (b) in paragraph 1—
  - (i) in the first subparagraph, for “Plant” substitute “ UK plant ”;
  - (ii) in the second subparagraph, after “issue” insert “ UK ”;
- (c) in paragraphs 2 and 3, after “issue”, in both places where it occurs, insert “ UK ”.

(19) In Article 85—

- (a) in the heading—
  - (i) after “a” insert “ UK ”;
  - (ii) omit “for movement within the UK territory”;
- (b) in the words before point (a)—
  - (i) for “plant passport shall be issued for movement within the Union territory for” substitute “ UK plant passport may only be issued for the movement of ”;
  - (ii) for “which” substitute “ within Great Britain if the plant, plant product or other object ”;
- (c) in point (a), for the words from “Union” to the end substitute “ GB quarantine pests and provisional GB quarantine pests ”;
- (d) in point (b)—
  - (i) for “Union” substitute “ GB ”;
  - (ii) for “37(4)” substitute “ 37(4A) ”;
- (e) in point (c)—
  - (i) omit “concerning its movement within the Union as”;
  - (ii) for “(2) and (3)” substitute “ (1B) ”;
- (f) in point (d), for the words from “rules” to the end substitute “ any requirements specified in regulations made under Article 28(1) or 30(1) ”;
- (g) in point (e)—
  - (i) after “with” insert “ any ”;
  - (ii) for “authorities” substitute “ authority ”;
  - (iii) for “Union”, in the first place where it occurs, substitute “ GB ”;
  - (iv) for the words from “pests”, in the second place where it occurs, to the end substitute “ the eradication of provisional GB quarantine pests pursuant to regulations made under Article 30(1) ”.

(20) In Article 86—

- (a) in the heading—
  - (i) after “a” insert “ UK ”;
  - (ii) for “protected zone” substitute “ GB pest-free area ”;
- (b) at the beginning insert—

“**A1.** This Article applies to any plant, plant product or other object of a description specified in any entry in column (1) of the table in Annex 14 to the Phytosanitary Conditions Regulation which is to be introduced into, or moved within, a GB pest-free area specified in the corresponding entry in column (2) of the table.”;

- (c) in paragraph 1—
  - (i) in the words before point (a), for the words from “plant passport” to “which” substitute “ UK plant passport may only be issued for the introduction into, or movement within, a GB pest-free area of a plant, plant product or other object if it ”;
  - (ii) in point (a), for “respective protected zone quarantine pest” substitute “ PFA quarantine pest which relates to that GB pest-free area ”;
  - (iii) in point (b), for “(2) and (3)” substitute “ (1) ”;
- (d) in paragraph 2—
  - (i) for the words from the beginning to “shall” substitute “ But where Article 33(2) applies, a UK plant passport may ”;
  - (ii) for “protected zone” substitute “ PFA quarantine ”.
- (21) After Article 86 insert—

*“Article 86a*

*UK plant passports for the introduction of plants, plant products  
and other objects into CD territories from Great Britain*

1. This Article applies to any plant, plant product or other object which is to be introduced into a CD territory from Great Britain and is required by the relevant CD legislation to be accompanied by a UK plant passport on its introduction into that territory.
  2. A UK plant passport may only be issued for the introduction of a plant, plant product or other object into a CD territory if the plant, plant product or other object:
    - (a) fulfils all of the requirements of Articles 85 and 86, where applicable; and
    - (b) fulfils any additional requirements that apply under the relevant CD legislation to the introduction of that plant, plant product or other object into the CD territory.”.
- (22) Article 87 is amended in accordance with paragraphs (23) to (26).
  - (23) In the heading, after “**for**” insert “ **UK** ”.
  - (24) In paragraph 1—
    - (a) after “A” insert “ UK ”;
    - (b) for “Article 86” substitute “ Articles 86 and 86a ”.
  - (25) In paragraph 3—
    - (a) in the first subparagraph—
      - (i) in point (b), for the words from “by the” to “Article 54(2)” substitute “ by or under regulations made under Article 28(1) or 30(1) or pursuant to Article 37(4A), 41(1B) or 54(1) ”;
      - (ii) in point (c)(i)—
        - (aa) for “Union” substitute “ GB ”;

- (bb) for “pests subject to measures adopted pursuant to Article 30(1)” substitute “provisional GB quarantine pest”;
  - (cc) for “protected zone quarantine pest in the respective protected zone” substitute “PFA quarantine pest in the relevant GB pest-free area”;
  - (iii) in point (c)(ii), for “Union” substitute “GB”;
  - (b) in the second subparagraph, for the words from “adopted” to “Article 54(2) or (3)” substitute “applicable by virtue of regulations made under Article 28(1) or 30(1), or requirements or measures under Article 37(4A), 41(1B) or 54(1), and in the case of plants, plant products and other objects that are to be introduced into a CD territory, under the relevant CD legislation”.
- (26) In paragraph 4—
- (a) in the first subparagraph—
    - (i) in the first sentence, for the words from “Commission” to “supplementing” substitute “appropriate authority may by regulations supplement”;
    - (ii) in the second sentence, for the words from “, as respectively” to the end substitute “in accordance with relevant legislation on the marketing of seeds and other propagating material”;
  - (b) for the second subparagraph substitute—

“5. Where regulations made under paragraph 4 make provision in relation to specific plants for planting, and those plants for planting are subject to certification schemes under relevant legislation on the marketing of seeds and other propagating material, the regulations must set out the requirements as regards the examinations for the presence of GB quarantine pests, provisional GB quarantine pests and GB regulated non-quarantine pests, and other characteristics of the plants for planting under the relevant legislation, in a single certification scheme.”;

- (c) for the third subparagraph substitute—

“6. Regulations made under paragraph 4 must take account of developments in scientific and technical knowledge and international standards.”.

- (27) In Article 88—
- (a) in the heading, after “**the**” insert “**UK**”;
  - (b) in the unnumbered paragraph—
    - (i) in the first sentence—
      - (aa) for “Plant” substitute “UK plant”;
      - (bb) after “passports” insert “issued in Great Britain”;
      - (cc) for “the Union territory” substitute “Great Britain”;
      - (dd) for “protected zone” substitute “GB pest-free area”;
      - (ee) at the end, insert “, or before they are introduced into a CD territory”;
    - (ii) in the second sentence, after “the” insert “UK”.
- (28) In Article 89—
- (a) in the heading, after “**issue**” insert “**UK**”;
  - (b) in paragraph 1—

- (i) in the words before point (a), after “issue”, in both places where it occurs, insert “UK”;
  - (ii) in point (a), for the words from “Union quarantine” to “and Union” substitute “GB quarantine pests, provisional GB quarantine pests, PFA quarantine pests, CD quarantine pests and GB”;
  - (c) in paragraph 2, for the words from “Commission” to “supplementing” substitute “appropriate authority may by regulations supplement”.
- (29) In Article 90, in paragraph 1, in the first subparagraph—
- (a) after “a” insert “UK”;
  - (b) for the words from “Article 37(1)” to the end substitute “Articles 33(2), 37(4A), 41(1B), 54(1), 85, 86, 86a and 87 (as the case may be) and any requirements specified in regulations made under Article 28(1) or 30(1)”.
- (30) In Article 91, in paragraph 2, in point (f), for “plant passports”, in both places where it occurs, substitute “UK plant passports”.
- (31) In Article 92—
- (a) in paragraph 1—
    - (i) after “comply with” insert “, where applicable,”;
    - (ii) for “or”, in each place where it occurs, substitute “and”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph—
      - (aa) after “issued a” insert “UK”;
      - (bb) after “Article 86” insert “or 86a”;
    - (ii) in the second subparagraph, after “issue” insert “UK”;
  - (c) in paragraph 3—
    - (i) after “issue” insert “UK”;
    - (ii) after “Article 86” insert “or “86a”.
- (32) After Article 92 insert—

*“Article 92a*

*UK plant passports issued in CD territories*

1. A UK plant passport issued in a CD territory may only accompany plants, plant products or other objects that are introduced into Great Britain from that CD territory, and are subsequently moved within Great Britain, if the UK plant passport:

- (a) has been issued, in accordance with the relevant legislation in the CD territory, by the CD authority for that territory or by a professional operator under the supervision of the CD authority;
- (b) is in the relevant form and has the relevant content specified in Article 83; and
- (c) is attached to the trade unit of the plants, plant products or other objects, or where the plants, plant products or other objects are moved in a package, bundle or container, to that package, bundle or container.

2. In paragraph 1, ‘relevant legislation’ means legislation containing provision which only permits UK plant passports to be issued for plants, plant products or other objects that are to be introduced into Great Britain if:

- (a) the plants, plant products or other objects:
  - (i) are free from GB quarantine pests, provisional GB quarantine pests, and where applicable, PFA quarantine pests;
  - (ii) comply with the provisions of Article 37(1) concerning the presence of GB regulated non-quarantine pests on plants for planting and the provisions of Article 37(4A) concerning the measures to be taken;
  - (iii) comply with the requirements concerning their introduction into, and movement within, Great Britain referred to in Article 41(1A) and (1B) and, where applicable, the requirements referred to in Article 54(1);
  - (iv) comply with any requirements specified in regulations made under Article 28(1) or 30(1); and
  - (v) comply with any measures adopted by the competent authority for the eradication of GB quarantine pests pursuant to Article 17(1) or the eradication of provisional GB quarantine pests pursuant to regulations made under Article 30(1); and
- (b) examinations have been carried out for the purpose of attesting that the plants, plant products or other objects fulfil those requirements in a manner equivalent to the examinations required under Article 87 in respect of UK plant passports issued for the movement of plants, plant products or other objects within Great Britain.”.

(33) In Article 93—

- (a) in the heading, after “a” insert “ UK ”;
- (b) in paragraphs 1 to 5, for “plant passport”, in each place where it occurs, insert “ UK plant passport ”;
- (c) in paragraph 2, in the second sentence, after “those” insert “ UK ”.

(34) In Article 94—

- (a) in the heading, for “Plant” substitute “ UK plant ”;
- (b) in paragraph 1—
  - (i) in the first subparagraph—
    - (aa) for the words from “, introduced into” to “requires a plant passport” substitute “ is introduced into Great Britain from a third country and a UK plant passport is required for the movement of the plant, plant product or other object within Great Britain ”;
    - (bb) for “the passport” substitute “ a UK plant passport ”;
    - (cc) after “issuance of a” insert “ UK ”;
  - (ii) in the second subparagraph—
    - (aa) for “plant passport” substitute “ UK plant passport ”;
    - (bb) omit “, as referred to in Union legislation on official controls”;
- (c) for paragraph 2 substitute—

“2. By way of derogation from the first subparagraph of paragraph 1, a UK plant passport need not be issued for the movement of a plant, plant product or other object from

its place of entry into Great Britain to its initial destination in Great Britain if the plant, plant product or other object is accompanied by a copy, issued by the competent authority, of the original phytosanitary certificate that accompanied it on its arrival in Great Britain.”.

(35) In Article 95—

- (a) in the heading, for “**the**” substitute “ **a UK** ”;
- (b) at the beginning insert—

“**A1.** This Article applies where a professional operator becomes aware that a trade unit of plants, plant products or other objects, which is under the operator's control does not comply with any of the requirements in Article 83 to 86, 87, 89, 90, 92a, 93 or 94.”;

- (c) [<sup>F2</sup>in paragraph 1, for the first subparagraph] substitute—

“**1.** The professional operator must invalidate the UK plant passport and, where possible, remove it from that trade unit.”;

- (d) in paragraphs 2 to 4, for “plant passport”, in each place where it occurs, insert “ UK plant passport ”;
- (e) omit paragraph 5.

(36) In Article 96—

- (a) in paragraph 1—
  - (i) in the first subparagraph—
    - (aa) for “the Union territory”, in each place where it occurs, substitute “ Great Britain ”;
    - (bb) in point (b), at the end insert “ to a third country or Northern Ireland ”;
    - (cc) in point (c), for the words from “, if required” to the end substitute “ or into Great Britain from a CD territory, if so required by regulations made under Article 28(1) or 30(1), or by Article 41 or 54(1), or in the case of wood packaging material moving from Great Britain to a CD territory, if required by legislation in force in that CD territory; ”;
  - (ii) in the third subparagraph, for “the Union territory” substitute “ Great Britain ”;
- (b) in paragraph 2, for the words from “Commission” to “amending” substitute “ appropriate authority may by regulations amend ”.

(37) In Article 97—

- (a) in the heading, for “**the Union territory**” substitute “ **Great Britain** ”;
- (b) in paragraph 2—
  - (i) in the first sentence—
    - (aa) for the words from “Commission” to “acts,” substitute “ appropriate authority may by regulations ”;
    - (bb) at the end insert “ , taking into account relevant international standards and in particular ISPM15 ”;
  - (ii) omit the second and third sentences.

(38) In Article 98—

- (a) in the heading, for “**the Union territory**” substitute “ **Great Britain** ”;
- (b) in paragraph 1—

- (i) in the first subparagraph, in point (a), for “the acts” substitute “regulations”;
  - (ii) in the second subparagraph, for “Commission” to “supplementing” substitute “appropriate authority may by regulations supplement”;
  - (c) in paragraph 2—
    - (i) in point (b), for the words from “those” to the end substitute “the treatment facilities referred to in point (a)(i) and (ii) of this paragraph”;
    - (ii) in point (c)—
      - (aa) for the words from “Article 28(1)” to “Article 54(2) and (3)” substitute “regulations made under Article 28(1) or 30(1), or pursuant to Article 41 or 54(1)”;
      - (bb) after “by a” insert “UK”;
  - (d) in paragraph 3, after “operators” insert “it has”;
  - (e) in paragraph 4, in the first subparagraph, for “the competent authority” substitute “any of the competent authorities”.
- (39) In Article 99—
- (a) in paragraph 1—
    - (i) for the words from “Commission” to “supplementing” substitute “appropriate authority may by regulations supplement”;
    - (ii) for the words from “adopted” to the end substitute “specified in regulations made under Article 28(1), 30(1) or 44(1), or the implementation of measures specified in the requirements to be fulfilled under Article 41 or 54(1)”;
  - (b) in paragraph 2, for “The delegated acts referred to in paragraph 1” substitute “Those regulations”;
  - (c) in paragraph 3—
    - (i) in the first sentence, for “Commission shall adopt, by means of implementing acts,” substitute “appropriate authority may by regulations make provision about”;
    - (ii) omit the second sentence.
- (40) In the heading to Section 4, for “**the Union territory**” substitute “**Great Britain**”.
- (41) Before Article 100 insert—

*“Article 99a*

*Interpretation*

In Articles 100 and 101, “relevant phytosanitary import requirements” means:

- (a) in relation to the export of plants, plant products or other objects to a third country other than an EU Member State, the phytosanitary import requirements of that third country;
  - (b) in relation to the export of plants, plant products or other objects to an EU Member State, the phytosanitary import requirements of the European Union;
  - (c) in relation to the movement of plants, plant products or other objects to Northern Ireland, the phytosanitary import requirements of the European Union that apply by virtue of the Protocol on Ireland/Northern Ireland to the withdrawal agreement.”.
- (42) In Article 100—
- (a) in the heading, for “**the Union**” substitute “**Great Britain**”;
  - (b) in paragraph 1—

- (i) in the words before point (a)—
  - (aa) for “the Union territory” substitute “ Great Britain ”;
  - (bb) after “country”, in the first place where it occurs, insert “ or Northern Ireland ”;
  - (cc) for “phytosanitary import requirements of that third country” substitute “ relevant phytosanitary import requirements ”;
- (ii) in point (c), for “phytosanitary import requirements of the third country concerned” substitute “ relevant phytosanitary import requirements ”;
- (c) in paragraph 2—
  - (i) in the words before point (a) for “phytosanitary import requirements of the third country concerned” substitute “ relevant phytosanitary import requirements ”;
  - (ii) in point (c)—
    - (aa) for “plant passport”, in both places where it occurs, substitute “ UK plant passport ”;
    - (bb) for “the”, in the final place where it occurs, substitute “ a ”;
  - (iii) omit point (e);
  - (iv) in point (f), for “the Union territory” substitute “ Great Britain ”;
- (d) in paragraph 4—
  - (i) for the words from “Commission” to “amending” substitute “ appropriate authority may by regulations amend ”;
  - (ii) omit “and Part A of Annex VIII”;
- (e) in paragraph 5, for “IMSOC” substitute “ appropriate computerised information management system, where the use of electronic phytosanitary certificates is permitted by the competent authority ”.
- (43) In Article 101—
  - (a) in the heading, for “**the Union**” substitute “ **Great Britain** ”;
  - (b) in paragraph 1—
    - (i) for “the Union territory” substitute “ Great Britain ”;
    - (ii) for “the Union” substitute “ Great Britain ”;
  - (c) in paragraph 2—
    - (i) in the words before point (a), for “phytosanitary import requirements of the third country concerned” substitute “ relevant phytosanitary import requirements ”;
    - (ii) in point (b), for “the Union territory” substitute “ Great Britain ”;
    - (iii) in point (c)—
      - (aa) for “by” substitute “ for the purposes of imports into ”;
      - (bb) for the words from “storage” to the end substitute “ its storage in Great Britain ”;
  - (d) in paragraph 6, for “IMSOC” substitute “ appropriate computerised information management system, where the use of electronic phytosanitary certificates is permitted by the competent authority ”.
- (44) Omit Article 102.



**Textual Amendments**

- F2** Words in reg. 31(35)(c) substituted (31.12.2020 immediately before IP completion day) by [The Official Controls \(Animals, Feed and Food, Plant Health etc.\) \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1631\)](#), regs. 1(2), **8(3)**

**Commencement Information**

- I31** Reg. 31 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Marginal Citations**

- M29** EUR 2017/2313.

**Chapter 7** **U.K.**

- 32.** Omit Articles 103 and 104.

**Commencement Information**

- I32** Reg. 32 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Chapter 8** **U.K.**

- 33.—(1)** For Article 105 substitute—

*“Article 105  
Regulations*

- 1.** Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
- 2.** For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 <sup>M30</sup>.
- 3.** A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
- 4.** A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the Senedd Cymru.
- 5.** Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- 6.** Such regulations may—

- (a) contain supplementary, incidental, consequential, transitional, transitory or saving provision, including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018);
  - (b) make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas.”.
- (2) Omit Articles 106 to 108.
- (3) After Article 113, omit the words from “This Regulation” to “Member States”.

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**Commencement Information**

**I33** Reg. 33 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

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**Marginal Citations**

**M30** 2010 asp 10.

**Annex 1** **U.K.**

**34.** Annex 1 is amended as follows.

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**Commencement Information**

**I34** Reg. 34 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**U.K.**

**35.—(1)** In the heading to Annex 1, for “THE UNION TERRITORY” substitute “ GREAT BRITAIN ”.

- (2) In Section 1
- (a) in the heading, omit “*Article 30(2)*”;
  - (b) in point (4)(n), after “Natura 2000” insert “within the meaning of the Conservation of Habitats and Species Regulations 2017 <sup>M31</sup>”.
- (3) In Section 2—
- (a) in the heading for “*Union*” substitute “ **GB** ”;
  - (b) in the words before point (a)—
    - (i) for “Union”, in the first place where it occurs, substitute “ GB ”;
    - (ii) for “the Union territory” substitute “ Great Britain ”;
  - (c) in point (a), for “the Union territory” substitute “ Great Britain ”;
  - (d) in point (b)(iii)—
    - (i) for “the Union territory” substitute “ Great Britain ”;
    - (ii) for “for the Union” substitute “ for Great Britain ”;
  - (e) in point (c)—
    - (i) in point (i), for the words from “listed” to the end substitute “ protected by retained EU law relating to the conservation of natural habitats and wild fauna and flora ”;
    - (ii) in point (iii)—

- (aa) for “the Union territory” substitute “ Great Britain ”;
  - (bb) for “for the Union” substitute “ for Great Britain ”.
- (4) In Section 3—
- (a) in the heading—
    - (i) for “**Union**” substitute “ **GB** ”;
    - (ii) for “**Article 30(1)**” substitute “ **Article 30(A1)** ”;
  - (b) in Subsection 1—
    - (i) in point (2)—
      - (aa) in the heading, for “the Member State’s territory” substitute “ Great Britain ”;
      - (bb) for “the territory of a Member State” substitute “ Great Britain ”;
      - (cc) for “that Member State” substitute “ the competent authorities ”;
      - (dd) for “the Union territory”, in both places where it occurs, substitute “ Great Britain ”;
    - (ii) in point (3)—
      - (aa) in the heading, for the words from “the Union territory” to “present” substitute “ Great Britain ”;
      - (bb) for “Member State” substitute “ competent authorities ”;
      - (cc) for the words from “its territory” to the end substitute “ Great Britain ”;
    - (iii) in point (4)—
      - (aa) for “Member State”, in the first place where it occurs, substitute “ competent authorities ”;
      - (bb) for the words from “its territory” to “Union territory” substitute “ Great Britain ”;
      - (cc) for “that territory” substitute “ Great Britain ”;
  - (c) in Subsection 2—
    - (i) in the heading—
      - (aa) for “**Union**” substitute “ **GB** ”;
      - (bb) for “**Article 30(1)**” substitute “ **Article 30(A1)** ”;
    - (ii) in point (2)—
      - (aa) in the heading for “the Union territory” substitute “ Great Britain ”;
      - (bb) for “Union territory” and “the Union territory” substitute “ Great Britain ”;
    - (iii) in point (3)—
      - (aa) for “the Union territory”, in each place where it occurs, substitute “ Great Britain ”;
      - (bb) omit “to the Union”;
    - (iv) in point (4)—
      - (aa) omit “to the Union”;
      - (bb) for “the Union territory” substitute “ Great Britain ”;
      - (cc) for “that territory” substitute “ Great Britain ”.
- (5) In Section 4—

- (a) in the heading, for “*Union*” substitute “*GB*”;
- (b) in point (2), in the heading and in point (1), for “the Union territory” substitute “Great Britain”.

#### Commencement Information

**I35** Reg. 35 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

#### Marginal Citations

**M31** S.I. 2017/1012, prospectively amended by [S.I. 2019/579](#); there are other amending instruments but none is relevant.

## Annex 2 **U.K.**

36. Annex 2 is amended as follows.

#### Commencement Information

**I36** Reg. 36 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

## **U.K.**

37.—(1) In Section 1—

- (a) in the heading—
  - (i) for “*Article 28(4) and (6)*” substitute “*Article 28(4)*”;
  - (ii) for “*Article 30(5) and (7)*” substitute “*Article 30(5)*”;
  - (iii) for the words from “*Article 40(3)*” to “*Article 54(3)*” substitute “*Article 40(3A), Article 41(3A), Article 53(3), Article 54(3A)*”;
- (b) in point (1), in the third subparagraph, in point (ii), for “plant passport” substitute “UK plant passport”;
- (c) in point (2), in the second subparagraph, in point (i), for “plant passport” substitute “UK plant passport”.

(2) In Section 2—

- (a) in the heading—
  - (i) for “*Article 28(4) and (6)*” substitute “*Article 28(4)*”;
  - (ii) for “*Article 30(5) and (7)*” substitute “*Article 30(5)*”;
  - (iii) for “*Article 37(4)*” substitute “*Article 37(5C)*”;
  - (iv) for the words from “*Article 40(3)*” to “*Article 54(3)*” substitute “*Article 40(3B), Article 41(3B), Article 49(2), Article 53(3A), Article 54(3B)*”;
- (b) in the words before point (1)—
  - (i) for “Union”, in both places where it occurs, substitute “GB”;
  - (ii) for “protected zone” substitute “PFA”;
- (c) in point (4), for “the Union territory” substitute “Great Britain”.

**Commencement Information**

**I37** Reg. 37 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Annex 3 U.K.**

**38.** In Annex 3—

- (a) in point (1)(a), for “into the Union” substitute “ into Great Britain ”;
- (b) for “the Union territory”, in each place where it occurs, substitute “ Great Britain ”.

**Commencement Information**

**I38** Reg. 38 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Annex 4 U.K.**

**39.** In Annex 4—

- (a) in the heading, for “**THE UNION TERRITORY**” substitute “ **GREAT BRITAIN** ”;
- (b) for “the Union territory”, in each place where it occurs, substitute “ Great Britain ”;
- (c) in point (2)(a), for “pursuant to Article 5(2)” substitute “ in Annex 2 to the Phytosanitary Conditions Regulation ”.

**Commencement Information**

**I39** Reg. 39 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Annex 5 U.K.**

**40.** In Annex 5, in the heading, for “**THE UNION TERRITORY**” substitute “ **GREAT BRITAIN** ”.

**Commencement Information**

**I40** Reg. 40 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Annex 6 U.K.**

**41.**—(1) Annex 6 is amended as follows.

(2) In point (1)—

- (a) for “Union quarantine pests or pests subject to measures adopted pursuant to Article 30” substitute “ GB quarantine pests or provisional GB quarantine pests ”;
- (b) for “the Union” substitute “ Great Britain ”.

(3) In point (2), for “the Union territory” substitute “ Great Britain ”;

(4) In point (3)—

- (a) for “Union quarantine pests or pests subject to the measures adopted pursuant to Article 30” substitute “ GB quarantine pests or provisional GB quarantine pests ”;

- (b) for “the Union territory” substitute “ Great Britain ”.

#### Commencement Information

**I41** Reg. 41 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

#### Annex 7 **U.K.**

**42.**—(1) Annex 7 is amended as follows.

- (2) In the heading to Annex 7, at the beginning insert “ **UK** ”.
- (3) In Part A—
- (a) in the heading—
- (i) for “*Plant passports*” substitute “ *UK plant passports* ”;
- (ii) omit “*for movement within the Union territory*”;
- (b) in point (1)—
- (i) in the words before point (a), for “plant passport for movement within the Union territory” substitute “ UK plant passport for the movement of plants, plant products and other objects within Great Britain, the introduction of plants, plant products and other objects into Great Britain from a CD territory or the introduction of plants, plant products and other objects into a CD territory from Great Britain ”;
- (ii) for point (a) substitute—
- “(a) the words ‘UK Plant Passport’ in its upper right-hand corner in English;”;
- (iii) omit point (b);
- (iv) in point (d)—
- (aa) omit the words from “subsequently” to “a hyphen and”;
- (bb) at the end insert “ or the CD authority ”;
- (v) in point (f), for point (ii) substitute—
- “(ii) if originating in or from Great Britain or a CD territory, ‘GB’.”
- (4) In Part B—
- (a) for the heading substitute “ *UK plant passports for movement into GB pest-free areas and CD pest-free areas, as referred to in Article 83(4)* ”;
- (b) in point (1)—
- (i) in the words before point (a)—
- (aa) after “The” insert “ UK ”;
- (bb) for “protected zones” substitute “ GB pest-free areas and for movement into CD pest-free areas ”;
- (ii) for point (a) substitute—
- “(a) the words ‘UK Plant Passport — PFA’ in its upper right-hand corner in English;”;
- (iii) in point (b), for “protected zone quarantine pest(s), as referred to in Article 32(3)” substitute “ PFA quarantine pest(s) or CD quarantine pest(s) ”;
- (iv) omit point (c);

- (v) in point (e)—
    - (aa) omit the words from “subsequently” to “a hyphen and”;
    - (bb) at the end, insert “ or the CD authority ”;
  - (vi) in point (g)(ii), for the words from “two” to “origin and” substitute “if originating in or from Great Britain or a CD territory, ‘GB’”.
- (5) In Part C—
- (a) in the heading—
    - (i) for “***Plant passports***” substitute “ ***UK plant passports*** ”;
    - (ii) omit “***for movement within the Union territory***”;
  - (b) in point (1)—
    - (i) in the words before point (a)—
      - (aa) for “plant passport for movement within the Union territory” substitute “ UK plant passport for the movement of plants, plant products and other objects within Great Britain, the introduction of plants, plant products and other objects into Great Britain from a CD territory or the introduction of plants, plant products and other objects into a CD territory from Great Britain ”;
      - (bb) for the words from “respectively” to “Directive 2008/90/EC” substitute “ in the relevant legislation on the marketing of seeds and other propagating material ”;
    - (ii) for point (a) substitute—
      - “(a) the words ‘UK Plant Passport’ in its upper right-hand corner in English;”;
    - (iii) omit point (b);
    - (iv) in the second subparagraph, for “plant passport” substitute “ UK plant passport ”.
- (6) In Part D—
- (a) in the heading—
    - (i) for “***Plant passports***” substitute “ ***UK plant passports*** ”;
    - (ii) for “***protected zones***” substitute “ ***GB pest-free areas and for movement into CD pest-free areas*** ”;
  - (b) in point (1)—
    - (i) in the words before point (a), for “plant passport for movement into and within protected zones” substitute “ UK plant passport for movement into and within GB pest-free areas and for movement into CD pest-free areas ”;
    - (ii) for the words from “respectively” to “Directive 2008/90/EC” substitute “ in the relevant legislation on the marketing of seeds and other propagating material ”;
    - (iii) for point (a) substitute—
      - “(a) the words ‘UK Plant Passport — PFA’ in its upper right-hand corner in English;”;
    - (iv) in point (b), for “protected zone quarantine pest(s)” substitute “ PFA quarantine pest(s) or CD quarantine pest(s) ”;
    - (v) omit point (c);
  - (c) in the second subparagraph, for “plant passport” substitute “ UK plant passport ”.

#### Commencement Information

**I42** Reg. 42 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

### Commission Decision [2002/757/EC](#) on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov **U.K.**

**43.**—(1) Commission Decision [2002/757/EC](#) on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov <sup>M32</sup> is amended as follows.

- (2) In Article 1, omit paragraphs 2 to 4.
- (3) Omit Articles 2 to 9.
- (4) In Annex 1—
  - (a) omit paragraphs 1 to 3;
  - (b) in paragraph 4—
    - (i) for “the Community” substitute “ Great Britain ”;
    - (ii) for “Member States” substitute “the competent authority.
- (5) Omit Annex 2.

#### Commencement Information

**I43** Reg. 43 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

#### Marginal Citations

**M32** EUDN 2002/757.

### Commission Decision [2005/51/EC](#) authorising Member States temporarily to provide for derogations from certain provisions of Council Directive [2000/29/EC](#) in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes **U.K.**

**44.**—(1) Commission Decision [2005/51/EC](#) authorising Member States temporarily to provide for derogations from certain provisions of Council Directive [2000/29/EC](#) in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes <sup>M33</sup> is amended as follows.

- (2) Before Article 1, insert—

*“Article A1*

In this Decision:

‘contaminated soil’ means:

- (a) soil contaminated by pesticides governed by the programme of the Food and Agriculture Organization of the United Nations on the prevention and disposal of obsolete and unwanted pesticides or any other similar multilateral programme; or



- (b) soil contaminated with persistent organic pollutants listed in the Stockholm Convention on persistent organic pollutants <sup>M34</sup> or in the 1998 Protocol to the 1979 Convention on long-range trans-boundary air pollution on persistent organic pollutants <sup>M35</sup>;
- ‘dedicated hazardous waste incinerator’ means an incinerator in Great Britain which is officially authorised to treat contaminated soil under retained EU law relating to industrial emissions;
- ‘Plant Health Regulation’ means Regulation (EU) 2016/2031 on protective measures against pests of plants.”.
- (3) In Article 1—
- (a) for the first paragraph substitute—
- “1. The competent authorities may authorise the introduction into Great Britain of contaminated soil originating in third countries by way of derogation from:
- (a) any prohibition that would otherwise apply to its introduction by virtue of Article 40(1) of the Plant Health Regulation; or
- (b) any requirements that would otherwise apply to its introduction by virtue of Article 41(1) of the Plant Health Regulation.”;
- (b) number the second paragraph as paragraph 2 and in that paragraph—
- (i) for “the Community” substitute “ Great Britain ”;
- (ii) after “2024 and” insert “ is ”;
- (c) number the third subparagraph as paragraph 3;
- (d) omit Articles 2 to 5.
- (4) In the Annex—
- (a) for paragraphs 1 to 6 substitute—

“1. In this Annex, IMDG Code’ means the 2018 edition of the International Maritime Dangerous Goods Code <sup>M36</sup>.

**2. The specific conditions are:**

- (a) the introduction of the contaminated soil is authorised in accordance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste prior to its introduction <sup>M37</sup> by the appropriate competent authority within the meaning of that Regulation;
- (b) the soil is packaged in sealed drums or bags in compliance with the IMDG Code and transported in sealed shipping containers from the packaging site in the country of origin to the dedicated hazardous waste incinerator treatment site in accordance with the authorisation mentioned in point (a);
- (c) the soil is accompanied on its introduction into Great Britain by a phytosanitary certificate issued by the national plant protection organisation in the country of origin which includes under the heading “Additional declaration” the statement: “Authorised under Decision 2005/55/EC”;
- (d) the soil is introduced through a point of entry in Great Britain approved by the competent authority;

- (e) the soil is transported directly from its point of entry in Great Britain to the dedicated hazardous waste incinerator where it is to be treated.”;
- (b) omit paragraph 7.

#### Commencement Information

**I44** Reg. 44 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

#### Marginal Citations

**M33** EUDN 2005/51.

**M34** Adopted in Stockholm, Sweden on 22nd May 2001 (Treaty series No. 22 (2005), Cm 6581).

**M35** The 1979 Convention on long range trans-boundary air pollution was adopted in Geneva, Switzerland on 13th November 1979 (Treaty series No. 57 (1983), Cmnd 9034); the 1998 Protocol on persistent organic pollutants was adopted in Aarhus, Denmark on 24th June 1998 (Treaty series No. 5 (2006), Cm 6757).

**M36** A copy of this edition of the code may be obtained from IMO Publishing: ISBN: 978-92-801-1683-0 (2018 edition).

**M37** EUR 2006/1013, prospectively amended by [S.I. 2019/590](#).

### **Commission Implementing Regulation (EU) 2018/2018 laying down specific rules concerning the procedure to be followed in order to carry out the risk assessment of high risk plants, plant products and other objects within the meaning of Article 42(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council **U.K.****

**45.**—(1) Commission Implementing Regulation (EU) 2018/2018 laying down specific rules concerning the procedure to be followed in order to carry out the risk assessment of high risk plants, plant products and other objects within the meaning of Article 42(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council <sup>M38</sup> is amended as follows.

(2) In Article 1, at the end insert—

“In this Regulation, ‘UK NPPO’ means the national plant protection organisation of the United Kingdom.”.

(3) In Article 2—

- (a) the first paragraph becomes paragraph 1 and in that paragraph, for “ Commission ” substitute “ UK NPPO ”;
- (b) the second paragraph becomes paragraph 2;
- (c) after that paragraph insert—

“3. The UK NPPO must:

- (a) produce a document setting out the detailed information that must be included in a technical dossier to support the completion of a risk assessment which is required to be carried out under Article 42(4) of Regulation (EU) 2016/2031; and
- (b) publish the document in such manner as it considers appropriate.”.

(4) In Article 3—

- (a) in the first paragraph—
- (i) in point (d), for “Commission and the European Food Safety Authority (EFSA)” substitute “ UK NPPO ”;

- (ii) at the end insert—
    - “(e) the detailed information referred to in point (a) of Article 2(3).”;
  - (iii) omit the second paragraph;
  - (iv) in the final paragraph, for “one of the official languages of the Union” substitute “English”.
- (5) In Article 4—
- (a) in the heading, for “**Commission**” substitute “**UK NPPO**”;
  - (b) in the first paragraph, for “Commission” substitute “UK NPPO”;
  - (c) in the second paragraph, for “(d)” substitute “(e)”;
  - (d) omit the third paragraph.
- (6) In Article 5—
- (a) omit the first paragraph;
  - (b) in the second and third paragraphs, for “EFSA”, in both places where it occurs, substitute “the UK NPPO”;
  - (c) omit the fourth paragraph;
  - (d) in the fifth paragraph—
    - (i) omit the first sentence;
    - (ii) for the second sentence substitute “The UK NPPO must publish the risk assessment in such manner as it considers appropriate.”;
  - (e) omit the final paragraph.
- (7) After Article 7, omit the words “This Regulation” to “Member States”.

**Commencement Information**

**I45** Reg. 45 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Marginal Citations**

**M38** EUR 2018/2018.

**Commission Delegated Regulation (EU) 2019/827 on criteria to be fulfilled by the professional operators in order to comply with the conditions set out in Article 89(1) point (a) of Regulation (EU) 2016/2031 of the European Parliament and of the Council and procedures to ensure that those criteria are met **U.K.****

**46.**—(1) Commission Delegated Regulation (EU) 2019/827 on criteria to be fulfilled by the professional operators in order to comply with the conditions set out in Article 89(1) point (a) of Regulation (EU) 2016/2031 of the European Parliament and of the Council and procedures to ensure that those criteria are met <sup>M39</sup> is amended as follows.

- (2) Before Article 1 insert—

*“Article A1*

*Interpretation*

Unless the context otherwise requires, words and expressions which are not defined in this Regulation and appear in Regulation (EU) 2016/2031 of the European Parliament and of the Council have the same meaning in this Regulation as they have in Regulation (EU) 2016/2031.”.

- (3) In Article 1—
- (a) in the heading, after “**issue**” insert “ **UK** ”;
  - (b) in the words before point (a), after “of” insert “ **UK** ”;
  - (c) in point (a), for “Union quarantine” to “Union” substitute “ **GB quarantine pests, provisional GB quarantine pests, PFA quarantine pests and GB** ”.
- (4) In Article 2, in paragraph 1, in the first subparagraph, after “of” insert “ **UK** ”.
- (5) After Article 3, omit the words from “This Regulation” to “Member States”.

**Commencement Information**

**I46** Reg. 46 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Marginal Citations**

**M39** EUR 2019/827.

**Commission Delegated Regulation (EU) 2019/829 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, authorising Member States to provide for temporary derogations in view of official testing, scientific or educational purposes, trials, varietal selections, or breeding **U.K.****

47.—(1) Commission Delegated Regulation (EU) 2019/829 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, authorising Member States to provide for temporary derogations in view of official testing, scientific or educational purposes, trials, varietal selections, or breeding<sup>M40</sup> is amended as follows.

- (2) In Article 1—
- (a) in the first paragraph—
    - (i) in the first sentence—
      - (aa) for “the Union” substitute “ **Great Britain** ”;
      - (bb) for “protected zones” substitute “ **GB pest-free areas** ”;
    - (ii) for points (a) to (i) substitute—
      - “(a) Article 5(1);
      - (b) Article 30(A2);
      - (c) Article 32(2);
      - (d) Article 40(1);
      - (e) Article 41;
      - (f) Article 42(2);
      - (g) Article 49(1);
      - (h) Article 53(1);
      - (i) Article 54(1).”;

- (b) in the second paragraph—
  - (i) omit point (a);
  - (ii) in point (b), for “Member States” substitute “competent authorities”.
- (3) In Article 2—
  - (a) in point (a)—
    - (i) for point (i) substitute—  
“(i) GB quarantine pests;”;
    - (ii) for point (ii) substitute—  
“(ii) provisional GB quarantine pests;”;
    - (iii) for point (iii) substitute—  
“(iii) PFA quarantine pests;”;
  - (b) in point (b), for the words from “subjected” to “54(2) and (3)” substitute “that are subject to measures specified in regulations made under Article 30(A2) or 49(1), or are subject to Article 40(1), 41, 42(2), 53(1) or 54(1)”;
  - (c) in point (d)—
    - (i) after “within,” insert “or the”;
    - (ii) for “the Union and protected zone thereof” substitute “, Great Britain or any GB pest-free area”;
  - (d) at the end insert—  
“Unless the context otherwise requires, any other words and expressions which are not defined in this Regulation and appear in Regulation (EU) 2016/2031 of the European Parliament and of the Council have the same meaning in this Regulation as they have in Regulation (EU) 2016/2031.”.
- (4) In Article 3—
  - (a) for the heading substitute “**Recording of information**”;
  - (b) omit paragraphs 1 and 2;
  - (c) in paragraph 3—
    - (i) for “the Union” substitute “Great Britain”;
    - (ii) for the words from “a computerised” to “(IMSOC)” substitute “the appropriate computerised information management system”.
- (5) In Article 4, in the first unnumbered paragraph—
  - (a) for “the Union” substitute “Great Britain”;
  - (b) for “authorities” substitute “authority”.
- (6) In Article 5—
  - (a) in the words before point (a)—
    - (i) for “the Union” substitute “Great Britain”;
    - (ii) for “Member States” substitute “competent authority”;
  - (b) in point (d)—
    - (i) for “has been” substitute “will be”;
    - (ii) omit “or”;
    - (iii) after “use” insert “, or released and moved”.

- (7) In Article 6—
- (a) in paragraph 1, in the first sentence, omit the words from “of the Member State” to the end;
  - (b) in paragraph 2—
    - (i) in the first sentence, omit the words from “In” to “Union,”;
    - (ii) for “the”, in the third place where it occurs, substitute “ The ”;
    - (iii) omit “Part A of”;
    - (iv) omit the second sentence;
  - (c) omit paragraph 3;
  - (d) in paragraph 4—
    - (i) in the first paragraph, for “the Union” substitute “ Great Britain ”;
    - (ii) in the second paragraph—
      - (aa) omit “Parts A and B of”;
      - (bb) for “the Union” substitute “ Great Britain ”.
- (8) In Article 7, in the words before point (a)—
- (a) for “Member States” substitute “ the competent authority ”;
  - (b) for “authorities”, in both places where it occurs, substitute “ authority ”;
  - (c) for “professional operators” substitute “ the professional operator ”.
- (9) In Article 8, in point (a), for “the Union”, in both places where it occurs, substitute “ Great Britain ”.
- (10) After Article 11, omit the words from “This Regulation” to “Member States”.
- (11) In Annex 1, in paragraph 1, in point (h), for “or storage” substitute “ , storage or release and movement to another quarantine station or confinement facility ”.
- (12) In Annex 2—
- (a) in the heading preceding the first model letter of authority—
    - (i) omit “A.”;
    - (ii) after “for”, in the first place where it occurs, insert “ **the introduction into, or** ”;
    - (iii) for “**the Union**” substitute “ **, Great Britain** ”;
  - (b) in the first model letter of authority—
    - (i) in box 1, in the first column, for “organisation]\* of the Member State of origin” substitute “ organisation of the third country of origin]\*/[competent authority of the place of origin]\* ”;
    - (ii) in box 2, in the first column, for “responsible body of the Member State of issue” substitute “ issuing competent authority ”;
    - (iii) in box 9, in the second column—
      - (aa) after “material” insert “ introduced into or ”;
      - (bb) for the words from “the Union territory” to the end substitute “ Great Britain under Regulation (EU) 2016/2031 ”;
    - (iv) in box 11, in the second column, for “or storage” substitute “ /storage/release/movement ”;
    - (v) in box 12, for the entry substitute “ Endorsement by the National Plant Protection Organization (NPPO) of the third country of origin of the specified material\*/

Endorsement by the competent authority of the place of origin of the specified material\* ”;

(vi) in box 13, for “Competent Authority” substitute “ issuing competent authority ”;

(vii) in box 14, for “IMSOC Reference” substitute “ Appropriate computerised information management system reference ”;

(c) omit the second model letter of authority and the heading preceding it.

**Commencement Information**

**I47** Reg. 47 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Marginal Citations**

**M40** EUR 2019/829.

**Commission Delegated Regulation (EU) 2019/1702 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by establishing the list of priority pests** **U.K.**

**48.**—(1) Commission Delegation Regulation (EU) 2019/1702 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by establishing the list of priority pests is amended<sup>M41</sup> as follows.

(2) In Article 1, for “6(2)” substitute “ 6(1)(c) ”.

(3) After Article 2, omit the words from “This Regulation” to “Member States”.

(4) For the Annex substitute the Annex in Schedule 1.

**Commencement Information**

**I48** Reg. 48 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Marginal Citations**

**M41** EUR 2019/1702.

**Commission Implementing Regulation (EU) 2017/2313 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement within, a protected zone** **U.K.**

**49.**—(1) Commission Implementing Regulation (EU) 2017/2313 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement within, a protected zone<sup>M42</sup> is amended as follows.

(2) Before Article 1 insert—

*“Article A1*

*Interpretation*

Unless the context otherwise requires, words and expressions which are not defined in this Regulation and appear in Regulation (EU) 2016/2031 of the European Parliament and of the Council have the same meaning in this Regulation as they have in Regulation (EU) 2016/2031.”

(3) In Article 1—

- (a) in the heading, after “**for**” insert “ **UK** ”;
- (b) in paragraph 1—
  - (i) for “Plant” substitute “ UK plant ”;
  - (ii) for “the Union territory” substitute “ Great Britain, the introduction into Great Britain from a CD territory and the introduction into a CD territory from Great Britain ”;
- (c) in paragraph 2—
  - (i) for “Plant” substitute “ UK plant ”;
  - (ii) for “protected zone” substitute “ GB pest-free area and for the introduction into a CD pest-free area ”;
- (d) in paragraph 3—
  - (i) for “Plant” substitute “ UK plant ”;
  - (ii) for “the Union territory” substitute “ Great Britain, the introduction into Great Britain from a CD territory and the introduction into a CD territory from Great Britain ”;
  - (iii) for “second” substitute “ first ”;
- (e) in paragraph 4—
  - (i) for “Plant” substitute “ UK plant ”;
  - (ii) for “protected zone” substitute “ GB pest-free area and for the introduction into a CD pest-free area ”;
  - (iii) for “third” substitute “ first ”;
- (4) In Article 2—
  - (a) in the heading, for “**plant**” substitute “ **UK plant** ”;
  - (b) in the first paragraph, for “plant” substitute “ UK plant ”.
- (5) In Article 4, after “with” insert “ legislation transposing ”.
- (6) After Article 4, omit the words from “This Regulation” to “Member States”.
- (7) In the Annex—
  - (a) omit the second paragraph;
  - (b) in point 1—
    - (i) for “Plant”, in both places where it occurs, substitute “ UK plant ”;
    - (ii) for “PZ” substitute “ PFA ”;
    - (iii) omit the words from “and” to the end;
  - (c) omit point 3;
  - (d) for point 7 substitute—
 

“7. Where originating in, or from, Great Britain or a CD territory, ‘GB’.”;
  - (e) in point 9—
    - (i) for “protected zone” substitute “ PFA ”;
    - (ii) for the words from “the codes” to the end substitute “ their EPPO codes ”;
  - (f) in point 10, for the words from “respectively” to the end substitute “ in the relevant legislation on the marketing of seeds and other propagating material ”;
  - (g) in Part A—
    - (i) in the heading—



- (aa) for “**the**”, in the first place where it occurs, substitute “**UK**”;
- (bb) omit “**for the movement within the Union territory**”;
- (ii) omit the EU flag symbol in each model;
- (iii) before “Plant”, in each model, insert “**UK**”;
- (h) in Part B—
  - (i) in the heading—
    - (aa) for “**the**”, in the first place where it occurs, substitute “**UK**”;
    - (bb) omit “**for the introduction into, and movement within, a protected zone**”;
  - (ii) omit the EU flag symbol in each model;
  - (iii) for “Plant Passport - PZ”, in each model, substitute “**UK Plant Passport - PFA**”;
- (i) in Part C—
  - (i) in the heading—
    - (aa) for “**the**”, in the first place where it occurs, substitute “**UK**”;
    - (bb) omit “**for the movement within the Union territory**”;
  - (ii) omit the EU flag symbol in each model;
  - (iii) before “Plant”, in each model, insert “**UK**”;
- (j) in Part D—
  - (i) in the heading—
    - (aa) for “**the**”, in the first place where it occurs, substitute “**UK**”;
    - (bb) omit “**for the introduction into, and movement within, a protected zone**”;
  - (ii) omit the EU flag symbol in each model;
  - (iii) for “Plant Passport - PZ”, in each model, substitute “**UK Plant Passport - PFA**”.

**Commencement Information**

**I49** Reg. 49 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Marginal Citations**

**M42** EUR 2017/2313.

**Commission Implementing Regulation (EU) 2020/918 establishing a derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for the introduction into the Union of ash wood originating or processed in Canada **U.K.****

**50.**—(1) Commission Implementing Regulation (EU) 2020/918 establishing a derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for the introduction into the Union of ash wood originating or processed in Canada <sup>M43</sup> is amended as follows.

- (2) In Article 1—
  - (a) for “Article 8(1) and point 87(a) and (b)” substitute “Article 41(1) of Regulation (EU) 2016/2031 and entry 125 of Part A of Annex 7 to Commission Implementing Regulation (EU) 2019/2072”;
  - (b) for “the Union” substitute “Great Britain”.

- (3) In Article 2—
- (a) in paragraph 1—
- (i) for “Union”, in the first place where it occurs, substitute “ GB ”;
  - (ii) for “pests not listed as Union” substitute “ provisional GB ”;
  - (iii) for “the measures adopted pursuant to” substitute “ any measures specified in regulations made under ”;
- (b) in paragraph 2, in point (a), for “European Union” substitute “ GB ”;
- (c) after paragraph 2 insert—
- “3. In paragraph 1, ‘GB quarantine pest’ and ‘provisional GB quarantine pest’ have the meanings given in Regulation (EU) 2016/2031.”.
- (4) After Article 4, omit the words from “This Regulation” to “Member States”.
- (5) In the Annex—
- (a) in Part A, in point 4, for “the Union” substitute “ Great Britain ”;
  - (b) in Part B, for “Union” substitute “ GB ”.

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**Commencement Information**

**I50** Reg. 50 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

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**Marginal Citations**

**M43** EUR 2020/918.

**Commission Implementing Regulation (EU) 2020/1002 establishing a derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for introduction into the Union of ash wood originating or processed in the United States **U.K.****

**51.**—(1) Commission Implementing Regulation (EU) 2020/1002 establishing a derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for the introduction into the Union of ash wood originating or processed in the United States <sup>M44</sup> is amended as follows.

- (2) In Article 1—
- (a) for “Article 8(1) and points 87(a) and (b)” substitute Article 41(1) of Regulation (EU) 2016/2031 and entry 125 of Part A of Annex 7 to Commission Implementing Regulation (EU) 2019/2072”;
  - (b) for “the Union” substitute “ Great Britain ”.
- (3) In Article 2—
- (a) in paragraph 1—
    - (i) for “Union”, in the first place where it occurs, substitute “ GB ”;
    - (ii) for “pests not listed as Union” substitute “ provisional GB ”;
    - (iii) for “the measures adopted pursuant to” substitute “ any measures specified in regulations made under ”;
  - (b) in paragraph 2, in point (a), for “European Union” substitute “ GB ”;
  - (c) after paragraph 2 insert—

“3. In paragraph 1, ‘GB quarantine pest’ and ‘provisional GB quarantine pest’ have the meanings given in Regulation (EU) 2016/2031.”.

(4) After Article 4, omit the words from “This Regulation” to “Member States”.

(5) In the Annex—

(a) in Part A, in point 4, for “the Union” substitute “ Great Britain ”;

(b) in Part B, for “Union” substitute “ GB ”.

**Commencement Information**

**I51** Reg. 51 in force at 31.12.2020 on IP completion day, see reg. 1(2)(b)

**Marginal Citations**

**M44** EUR 2020/1002.

**PART 4 U.K.**

Miscellaneous

**Transitional provision: plants, plant products and other objects from EU Member States** **E**

**+W**

52.—<sup>F3</sup>(1) This regulation applies to plants, plant products and other objects which—

(a) originate in, or are dispatched from, an EU Member State, Liechtenstein or Switzerland; and

(b) are introduced into Great Britain on or after 31st January 2024 and before the end of the transitional staging period.]

(2) In relation to plants, plant products and other objects to which this regulation applies—

<sup>F4</sup>(a) Article 72(1) of Regulation (EU) 2016/2031 does not apply in relation to plants which—

(i) are of a kind other than those listed in Schedule 2; and

(ii) meet the conditions specified in paragraph (2A) or (2B);]

(b) Article 73(1) of Regulation (EU) 2016/2031 does not apply.

<sup>F5</sup>(2A) The conditions specified in this paragraph are that the plants—

(a) are introduced into Great Britain as part of a traveller’s personal luggage; and

(b) are not to be used for professional or commercial purposes.

(2B) The condition specified in this paragraph is that the plants are of a category specified in column 1, and of a description specified in the corresponding entry in column 2, of the table in Schedule 2A.

(2C) Article 72(1) does not apply in relation to plants, plant products or other objects of a kind other than those listed in Schedule 2 which are dispatched from an EU Member State, Liechtenstein or Switzerland before 31st January 2024.]

<sup>F6</sup>(3) .....

<sup>F7</sup>(4) In paragraph (1), “the transitional staging period” has the meaning given in Annex 6 to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and

other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.]

#### Extent Information

- E1** This version of this provision extends to England and Wales; separate versions have been created for Scotland and Northern Ireland only

#### Textual Amendments

- F3** Reg. 52(1) substituted (E.W.S.) (31.1.2024) by [The Official Controls \(Extension of Transitional Periods\) \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/20\)](#), regs. 1(1), **4(2)(a)**
- F4** Reg. 52(2)(a) substituted (E.W.S.) (31.1.2024) by [The Official Controls \(Extension of Transitional Periods\) \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/20\)](#), regs. 1(1), **4(2)(b)**
- F5** Reg. 52(2A)-(2C) inserted (E.W.S.) (31.1.2024) by [The Official Controls \(Extension of Transitional Periods\) \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/20\)](#), regs. 1(1), **4(2)(c)**
- F6** Reg. 52(3) omitted (E.W.S.) (31.1.2024) by virtue of [The Official Controls \(Extension of Transitional Periods\) \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/20\)](#), regs. 1(1), **4(2)(d)**
- F7** Reg. 52(4) inserted (E.W.) (30.12.2021) by [The Official Controls \(Extension of Transitional Periods\) \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/1443\)](#), regs. 1(1)(b), **5(2)(b)**

#### Commencement Information

- I52** Reg. 52 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

### Transitional provision: plants, plant products and other objects from EU Member States **S**

- 52.**—<sup>F3</sup>(1) This regulation applies to plants, plant products and other objects which—
- (a) originate in, or are dispatched from, an EU Member State, Liechtenstein or Switzerland; and
  - (b) are introduced into Great Britain on or after 31st January 2024 and before the end of the transitional staging period.]
- (2) In relation to plants, plant products and other objects to which this regulation applies—
- <sup>F4</sup>(a) Article 72(1) of [Regulation \(EU\) 2016/2031](#) does not apply in relation to plants which—
- (i) are of a kind other than those listed in Schedule 2; and
  - (ii) meet the conditions specified in paragraph (2A) or (2B);]
- (b) Article 73(1) of Regulation (EU) 2016/2031 does not apply.
- <sup>F5</sup>(2A) The conditions specified in this paragraph are that the plants—
- (a) are introduced into Great Britain as part of a traveller’s personal luggage; and
  - (b) are not to be used for professional or commercial purposes.
- (2B) The condition specified in this paragraph is that the plants are of a category specified in column 1, and of a description specified in the corresponding entry in column 2, of the table in Schedule 2A.
- (2C) Article 72(1) does not apply in relation to plants, plant products or other objects of a kind other than those listed in Schedule 2 which are dispatched from an EU Member State, Liechtenstein or Switzerland before 31st January 2024.]

<sup>F6</sup>(3) .....

<sup>F21</sup>(4) In paragraph (1), “the transitional staging period” has the meaning given in paragraph 2 (interpretation) of Annex 6 to Regulation (EU) 2017/625 of the European Parliament and of the

Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.]

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales and Northern Ireland only

#### Textual Amendments

- F3** Reg. 52(1) substituted (E.W.S.) (31.1.2024) by [The Official Controls \(Extension of Transitional Periods\) \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/20\)](#), regs. 1(1), **4(2)(a)**
- F4** Reg. 52(2)(a) substituted (E.W.S.) (31.1.2024) by [The Official Controls \(Extension of Transitional Periods\) \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/20\)](#), regs. 1(1), **4(2)(b)**
- F5** Reg. 52(2A)-(2C) inserted (E.W.S.) (31.1.2024) by [The Official Controls \(Extension of Transitional Periods\) \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/20\)](#), regs. 1(1), **4(2)(c)**
- F6** Reg. 52(3) omitted (E.W.S.) (31.1.2024) by virtue of [The Official Controls \(Extension of Transitional Periods\) \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/20\)](#), regs. 1(1), **4(2)(d)**
- F21** Reg. 52(4) inserted (S.) (1.1.2022) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 3\) Regulations 2021 \(S.S.I. 2021/493\)](#), regs. 1, **5(2)(b)**

#### Commencement Information

- I112** Reg. 52 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

#### [<sup>F21</sup>Transitional provision: plants, plant products and other objects from EU Member States **N.I.**

**52.**—(1) This regulation applies to plants, plant products and other objects which originate in, or are dispatched from, an EU Member State, other than qualifying Northern Ireland goods, and are introduced into Great Britain during the period commencing on IP completion day and ending on 31st March 2021.

(2) In relation to plants, plant products and other objects to which this regulation applies—

- (a) Article 72(1) of Regulation (EU) 2016/2031 only applies if the plants, plant products and other objects are specified in Schedule 2;
- (b) Article 73(1) of Regulation (EU) 2016/2031 does not apply.

(3) In paragraph (1), “qualifying Northern Ireland goods” has the meaning given in the Definition of Qualifying Northern Ireland Goods (EU Exit) Regulations 2020 <sup>M49</sup>.]

#### Extent Information

- E3** This version of this provision extends to Northern Ireland only; separate versions have been created for England and Wales and Scotland only

#### Textual Amendments

- F21** Reg. 52(4) inserted (S.) (1.1.2022) by [The Official Controls \(Transitional Staging Period\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 3\) Regulations 2021 \(S.S.I. 2021/493\)](#), regs. 1, **5(2)(b)**

#### Commencement Information

- I113** Reg. 52 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

#### Marginal Citations

**M49** [S.I. 2020/1454](#).

#### Transitional provision: UK plant passports **U.K.**

**53.**—(1) An authorisation to issue plant passports which has been granted and has effect immediately before IP completion day continues to apply after IP completion day as if it were an authorisation to issue UK plant passports.

(2) In the case of any plant passport that has been issued in respect of any plant, plant product or other object before IP completion day for the purposes of the movement of that plant, plant product or other object which takes place in part before and in part after IP completion day, the plant passport is after the IP completion day to be treated as if it were a UK plant passport and references to a UK plant passport are to be construed accordingly.

(3) In this regulation—

“plant passport” has the meaning given in Article 78 of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, as it has effect in EU law <sup>M45</sup>;

“UK plant passport” has the meaning given in Article 78 of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants <sup>M46</sup>.

#### Commencement Information

**I53** Reg. 53 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

#### Marginal Citations

**M45** OJ No L 317, 23.11.2016, p.4, as amended by Regulation (EU) 2017/625 (OJ No L 95, 7.4.2017, p.1).

**M46** EUR 2016/2031.

#### Revocations **U.K.**

**54.** The following are revoked—

- (a) the Plant Health (Amendment) (England) (EU Exit) Regulation 2019 <sup>M47</sup>;
- (b) the Plant Health (EU Exit) Regulations 2019 <sup>M48</sup>;
- (c) the retained direct EU legislation listed in Schedule 3.

#### Commencement Information

**I54** Reg. 54(a)(b) in force at 31.12.2020 immediately before IP completion day, see [reg. 1\(2\)\(a\)](#)

**I55** Reg. 54(c) in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

#### Marginal Citations

**M47** [S.I. 2019/786](#).

**M48** [S.I. 2019/787](#).

## Savings **U.K.**

**55.**—(1) The revocations of the instruments listed in Schedule 3 and the amendments to Regulation (EU) 2016/2031 have no effect on the validity of any notice issued or any licence, authorisation or other approval given under or for the purposes of those instruments or that Regulation before IP completion day.

(2) Any such notice, licence, authorisation or other approval remains in force and continues to have effect on or after IP completion day in so far as it applies to anything done, or omitted to be done, before or after IP completion day.

(3) Paragraph (1) is subject to regulation 53.

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### Commencement Information

**I56** Reg. 55 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

Department for Environment, Food and Rural  
Affairs

*Gardiner of Kimble*  
Parliamentary Under Secretary of State

SCHEDULE 1 U.K.

Regulation 48(4)

New Annex to Commission Implementing Regulation (EU) 2019/1702

**Commencement Information**

**I57** Sch. 1 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

“Annex U.K.

List of priority pests

*Agrilus anxius* Gory

*Agrilus planipennis* Fairmaire

*Anoplophora chinensis* (Forster)

*Anoplophora glabripennis* (Motschulksy)

*Aromia bungii* (Faldermann)

*Bactericera cockerelli* (Sulc.)

*Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr

*Clavibacter sepedonicus* (Spieckermann & Kotthoff) Li *et al.*

*Epitrix cucumeris* (Harris)

*Epitrix papa* (Orlova-Bienkowskaja)

*Epitrix subcrinita* (Leconte)

*Epitrix tuberis* Gentner

*Fusarium circinatum* Nirenberg & O'Donnell

*Ips amitinus* (Eichhoff)



*Ips duplicatus* (Sahlberg)

*Ips typographus* (L.)

*Leptinotarsa decemlineata* Say

Rose Rosette virus and *Phyllocoptes fructiphilus* Keifer

*Thaumetopoea pityocampa* Denis & Schiffermüller

*Thaumetopoea processionea* L.

*Thrips palmi* Karny

*Xylella fastidiosa* (Wells *et al*) (all strains and subspecies).”

SCHEDULE 2 U.K.

Regulation 52(2)(a)

Transitional provision: EU plants, plant products and other objects

1. Machinery and vehicles which have been operated for agricultural or forestry purposes.

**Commencement Information**

**I58** Sch. 2 para. 1 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

2. Plants for planting, other than seeds.

**Commencement Information**

**I59** Sch. 2 para. 2 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

3. Tubers of *Solanum tuberosum* L. intended for planting (seed potatoes).

**Commencement Information**

**I60** Sch. 2 para. 3 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

4. Tubers of *Solanum tuberosum* L. (ware potatoes).

**Commencement Information**

**I61** Sch. 2 para. 4 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

5. Seeds of—

- (a) *Allium cepa* L.,
- (b) *Allium porrum* L.,
- (c) *Castanea* Mill.,
- (d) *Capsicum* spp. L.,
- (e) *Helianthus annuus* L.,
- (f) *Medicago sativa* L.,
- (g) *Phaseolus cocineus*.,
- (h) *Phaseolus vulgaris* L.,
- (i) *Solanum lycopersicum* L.,
- (j) *Solanum tuberosum* L. (True potato seed).

**Commencement Information**

**I62** Sch. 2 para. 5 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

6. Vegetable seeds of *Pisum sativum* L. and *Vicia faba* L.

**Commencement Information**

**I63** Sch. 2 para. 6 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

7. Seeds of oil and fibre plants of—

- (a) *Brassica napus* L.,
- (b) *Brassica rapa* L.,
- (c) *Sinapis alba* L.,
- (d) *Glycine max* (L.) Merrill,
- (e) *Linum usitatissimum* L.

**Commencement Information**

**I64** Sch. 2 para. 7 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

8. Isolated bark of—

- (a) *Castanea* Mill.,
- (b) Conifers (Pinales),
- (c) *Juglans* L.,
- (d) *Pterocarya* Kunth.

**Commencement Information**

**I65** Sch. 2 para. 8 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

9. Wood of *Platanus* L., including wood which has not kept its natural round surface.

**Commencement Information**

**I66** Sch. 2 para. 9 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**10.** Wood of *Castanea* Mill., excluding wood which is bark-free.

**Commencement Information**

**I67** Sch. 2 para. 10 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**11.** Wood of Conifers (Pinales), including wood which has not kept its natural round surface.

**Commencement Information**

**I68** Sch. 2 para. 11 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**12.** Wood of *Prunus* L. including wood which has not kept its natural round surface, other than wood of *Prunus laurocerasus* L.

**Commencement Information**

**I69** Sch. 2 para. 12 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**13.** Wood, including wood which has not kept its natural round surface of—

- (a) *Acer* L.,
- (b) *Aesculus* L.,
- (c) *Alnus* L.,
- (d) *Betula* L.,
- (e) *Carpinus* L.,
- (f) *Cercidiphyllum* Siebold & Zucc.,
- (g) *Corylus* L.,
- (h) *Fagus* L.,
- (i) *Fraxinus* L.,
- (j) *Koelreuteria* Medikus.,
- (k) *Platanus* L.,
- (l) *Populus* L.,
- (m) *Salix* L.,
- (n) *Tilia* L.,
- (o) *Ulmus* L.

**Commencement Information**

**I70** Sch. 2 para. 13 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**14.** Wood of *Juglans* L. and *Pterocarya* Kunth.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

**Commencement Information**

**I71** Sch. 2 para. 14 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

[<sup>F8</sup>SCHEDULE 2A **E+W+S**

Regulation 52(2B)

Transitional provision: plants to which Article 72(1) does not apply

**Textual Amendments**

**F8** Sch. 2A inserted (E.W.S.) (31.1.2024) by [The Official Controls \(Extension of Transitional Periods\) \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/20\)](#), [reg. 1\(1\)](#), **Sch. 1**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Category of plants</i>	<i>Description of plants</i>	<i>Entry number in the table in Part A of Annex 11 to the Phytosanitary Conditions Regulation<sup>(1)</sup> corresponding to the category of plants in Column 1 of this table</i>
Root and tubercle vegetables	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled.  Other root and tubercle vegetables, fresh or chilled.  Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, not frozen or dried, not sliced or in the form of pellets.  Ginger, saffron, turmeric (curcuma), and other spices, in the form of root or tubercle plant parts, fresh or chilled.  Sugar beet, not ground, fresh or chilled.	5

(1) “Annex 11 to the Phytosanitary Conditions Regulation” means Annex 11 to [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.]

Column 1	Column 2	Column 3
Category of plants	Description of plants	Entry number in the table in Part A of Annex 11 to the Phytosanitary Conditions Regulation <sup>(1)</sup> corresponding to the category of plants in Column 1 of this table
	Chicory roots, fresh or chilled.	
	Other root and tubercle vegetables, fresh or chilled.	
	Swedes, mangolds, fodder roots, similar forage products, not in the form of pellets, fresh or chilled.	
<b>Parts of plants, other than fruit and seeds of:</b>		
[ <sup>F9</sup> Solanaceae Juss. and <i>Ipomoea</i> L	Vegetable products not elsewhere specified or included, fresh.	7]
<i>Zea mays</i> L.	[ <sup>F11</sup> Spinach and other] vegetables, fresh or chilled:	8
Leafy vegetables of <i>Apium graveolens</i> L., <i>Eryngium</i>	Sweetcorn	10
Tournier ex Linnaeus,	Other vegetables, fresh or chilled.	
<i>Limnophila</i> R.Br. [ <sup>F10</sup> <i>Ocimum</i> L. and <i>Spinacia oleracea</i> L.]	Parts of plants (other than fruit and seeds), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh, chilled, crushed or powdered.	
	Vegetable products not elsewhere specified or included, fresh or chilled.	
Leaves of <i>Manihot esculenta</i> Crantz	Leaves of cassava ( <i>Manihot esculenta</i> ), fresh or chilled.	11
	Vegetable products of cassava ( <i>Manihot esculenta</i> ), not elsewhere specified or included, fresh or chilled.	
<b>Fruits of:</b>		

(1) “Annex 11 to the Phytosanitary Conditions Regulation” means Annex 11 to 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.]

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Category of plants</i>	<i>Description of plants</i>	<i>Entry number in the table in Part A of Annex 11 to the Phytosanitary Conditions Regulation<sup>(1)</sup> corresponding to the category of plants in Column 1 of this table</i>
<i>Momordica</i> L. and Solanaceae Juss.	[ <sup>F12</sup> Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> .]  Tomatoes, fresh or chilled.  Other vegetables, of Solanaceae, fresh or chilled.  Other fruit, fresh or chilled.	19
<sup>F13</sup> ... <i>Fragaria</i> L., <i>Malus</i> Mill., <i>Persea americana</i> Mill., <sup>F14</sup> ... <i>Pyrus</i> L., <sup>F15</sup> ... <i>Rubus</i> L., <sup>F16</sup> ... <i>Vaccinium</i> L. and <i>Vitis</i> L.	<sup>F17</sup> ...  Apples [ <sup>F18</sup> and pears], fresh or chilled.  <sup>F19</sup> ...  Strawberries, fresh or chilled.  Raspberries, blackberries and loganberries, fresh or chilled.  <sup>F20</sup> ...  Cranberries, bilberries, and other fruit of the genus <i>Vaccinium</i> , fresh or chilled.  Other, fresh or chilled.	20

(1) “Annex 11 to the Phytosanitary Conditions Regulation” means Annex 11 to 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.]

#### Textual Amendments

**F9** Words in Sch. 2A inserted (30.4.2024) by The Official Controls (Miscellaneous Amendments) Regulations 2024 (S.I. 2024/541), regs. 1, 9(2)(a) (with reg. 5)

- F10** Words in Sch. 2A substituted (30.4.2024) by [The Official Controls \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/541\)](#), regs. 1, **9(2)(b)(i)** (with reg. 5)
- F11** Words in Sch. 2A substituted (30.4.2024) by [The Official Controls \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/541\)](#), regs. 1, **9(2)(b)(ii)** (with reg. 5)
- F12** Words in Sch. 2A inserted (30.4.2024) by [The Official Controls \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/541\)](#), regs. 1, **9(3)(a)** (with reg. 5)
- F13** Words in Sch. 2A omitted (30.4.2024) by virtue of [The Official Controls \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/541\)](#), regs. 1, **9(3)(b)(i)(aa)** (with reg. 5)
- F14** Words in Sch. 2A omitted (30.4.2024) by virtue of [The Official Controls \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/541\)](#), regs. 1, **9(3)(b)(i)(bb)** (with reg. 5)
- F15** Words in Sch. 2A omitted (30.4.2024) by virtue of [The Official Controls \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/541\)](#), regs. 1, **9(3)(b)(i)(cc)** (with reg. 5)
- F16** Words in Sch. 2A omitted (30.4.2024) by virtue of [The Official Controls \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/541\)](#), regs. 1, **9(3)(b)(i)(dd)** (with reg. 5)
- F17** Words in Sch. 2A omitted (30.4.2024) by virtue of [The Official Controls \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/541\)](#), regs. 1, **9(3)(b)(ii)(aa)** (with reg. 5)
- F18** Words in Sch. 2A substituted (30.4.2024) by [The Official Controls \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/541\)](#), regs. 1, **9(3)(b)(ii)(bb)** (with reg. 5)
- F19** Words in Sch. 2A omitted (30.4.2024) by virtue of [The Official Controls \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/541\)](#), regs. 1, **9(3)(b)(ii)(cc)** (with reg. 5)
- F20** Words in Sch. 2A omitted (30.4.2024) by virtue of [The Official Controls \(Miscellaneous Amendments\) Regulations 2024 \(S.I. 2024/541\)](#), regs. 1, **9(3)(b)(ii)(dd)** (with reg. 5)

### SCHEDULE 3 **U.K.**

Regulation 54(c)

#### Revocation of retained direct EU legislation

1. Commission Decision [91/261/EEC](#) recognising Australia as being free from *Erwinia amylovora* (Burr.) Winsl. *et al.*

#### Commencement Information

**I72** Sch. 3 para. 1 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

2. Commission Decision [93/360/EEC](#) authorising the Member States to provide for derogations from certain provisions of Council Directive [77/93/EEC](#) in respect of wood of *Thula* L., originating in Canada.

#### Commencement Information

**I73** Sch. 3 para. 2 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

3. Commission Decision [93/365/EEC](#) authorising the Member States to provide for derogations from certain provisions of Council Directive [77/93/EEC](#) in respect of heat-treated coniferous wood, originating in Canada, and establishing the details of the indicator system to be applied to the heat-treated wood.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

**Commencement Information**

**I74** Sch. 3 para. 3 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

4. Commission Decision [93/422/EEC](#) authorising the Member States to provide for derogations from certain provisions of Council Directive [77/93/EEC](#) in respect of kiln dried coniferous wood, originating in Canada, and establishing the details of the indicator system to be applied to the kiln dried wood.

**Commencement Information**

**I75** Sch. 3 para. 4 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

5. Commission Decision [93/423/EEC](#) authorising the Member States to provide for derogations from certain provisions of Council Directive [77/93/EEC](#) in respect of kiln dried coniferous wood, originating in the United States of America, and establishing the details of the indicator system to be applied to the kiln dried wood.

**Commencement Information**

**I76** Sch. 3 para. 5 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

6. Commission Decision [98/109/EC](#) authorising Member States temporarily to take emergency measures against the dissemination of *Thrips palmi* Karny as regards Thailand.

**Commencement Information**

**I77** Sch. 3 para. 6 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

7. Commission Regulation [\(EC\) No 1040/2002](#) establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for plant-health control and repealing Regulation [\(EC\) No 2051/97](#).

**Commencement Information**

**I78** Sch. 3 para. 7 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

8. Commission Decision [2004/200/EC](#) on measures to prevent the introduction into and the spread within the Community of Pepino mosaic virus.

**Commencement Information**

**I79** Sch. 3 para. 8 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

9. Commission Decision [2005/359/EC](#) providing for a derogation from certain provisions of Council Directive [2000/29/EC](#) as regards oak (*Quercus* L.) logs with bark attached, originating in the United States of America.



**Commencement Information**

**I80** Sch. 3 para. 9 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**10.** Commission Decision [2006/750/EC](#) amending Decision [2005/359/EC](#) as regards the ports of unloading of oak (*Quercus* L.) logs with bark attached, originating in the United States.

**Commencement Information**

**I81** Sch. 3 para. 10 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**11.** Commission Decision [2010/723/EU](#) extending the period of validity of Decision [2005/359/EC](#) providing for a derogation from certain provisions of Council Directive [2000/29/EC](#) as regards oak (*Quercus* L.) logs with bark attached, originating in the United States of America.

**Commencement Information**

**I82** Sch. 3 para. 11 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**12.** Commission Implementing Decision [2011/787/EU](#) authorising Member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt.

**Commencement Information**

**I83** Sch. 3 para. 12 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**13.** Commission Implementing Decision [2012/138/EU](#) as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis*.

**Commencement Information**

**I84** Sch. 3 para. 13 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**14.** Commission Implementing Decision [2012/270/EU](#) as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix papa* sp.n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner).

**Commencement Information**

**I85** Sch. 3 para. 14 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**15.** Commission Implementing Decision [2012/535/EU](#) on emergency measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. (the pine wood nematode).

**Commencement Information**

**I86** Sch. 3 para. 15 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

16. Commission Implementing Decision 2012/697/EU as regards measures to prevent the introduction into and the spread within the Union of the genus *Pomacea* (Perry).

**Commencement Information**

**I87** Sch. 3 para. 16 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

17. Commission Implementing Decision 2013/780/EU providing for a derogation from Article 13(1)(ii) of Council Directive [2000/29/EC](#) in respect of bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America.

**Commencement Information**

**I88** Sch. 3 para. 17 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

18. Commission Implementing Decision 2014/356/EU amending Implementing Decision 2012/138/EU as regards the conditions of introduction into and movement within the Union of specified plants to prevent the introduction and the spread of *Anoplophora chinensis* (Forster).

**Commencement Information**

**I89** Sch. 3 para. 18 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

19. Commission Implementing Decision 2014/679/EU amending Implementing Decision 2012/270/EU as regards its period of application and as regards the movement to packing facilities of potato tubers originating in areas demarcated in order to prevent the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner).

**Commencement Information**

**I90** Sch. 3 para. 19 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

20. Commission Implementing Decision (EU) 2015/179 authorising Member States to provide for a derogation from certain provisions of Council Directive [2000/29/EC](#) in respect of wood packaging material of conifers (Coniferales) in the form of ammunition boxes originating in the United States of America under the control of the United States Department of Defence.

**Commencement Information**

**I91** Sch. 3 para. 20 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

21. Commission Implementing Decision (EU) 2015/226 amending Implementing Decision 2012/535/EU as regards the definition of susceptible wood and measures to be taken in demarcated areas.

**Commencement Information**

**I92** Sch. 3 para. 21 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

22. Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky).

**Commencement Information**

**I93** Sch. 3 para. 22 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

23. Commission Implementing Decision (EU) 2015/1199 recognising Bosnia and Herzegovina as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al.

**Commencement Information**

**I94** Sch. 3 para. 23 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

24. Commission Implementing Decision (EU) 2016/1359 amending Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner).

**Commencement Information**

**I95** Sch. 3 para. 24 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

25. Commission Implementing Decision (EU) 2016/2004 amending Implementing Decision 2013/780/EU providing for a derogation from Article 13(1)(ii) of Council Directive 2000/29/EC in respect of bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America.

**Commencement Information**

**I96** Sch. 3 para. 25 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

26. Commission Implementing Decision (EU) 2017/427 amending Implementing Decision 2012/535/EU as regards measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. (the pine wood nematode).

**Commencement Information**

**I97** Sch. 3 para. 26 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

27. Commission Implementing Decision (EU) 2017/2187 extending the period of validity of Implementing Decision (EU) 2015/179 authorising Member States to provide for a derogation from certain provisions of Council Directive 2000/29/EC in respect of wood packaging material of conifers (Coniferales) in the form of ammunition boxes originating in the United States of America under the control of the United States Department of Defence.

**Commencement Information**

**I98** Sch. 3 para. 27 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

**28.** Commission Implementing Decision (EU) 2018/5 amending Implementing Decision 2012/270/EU as regards the symptoms of *Epitrix cucumeris* (Harris), *Epitrix papa* sp. n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner) and the establishment of relevant demarcated areas.

.....  
**Commencement Information**

**I99** Sch. 3 para. 28 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**29.** Commission Implementing Decision (EU) 2018/618 amending Implementing Decision 2012/535/EU as regards measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pine wood nematode).

.....  
**Commencement Information**

**I100** Sch. 3 para. 29 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**30.** Commission Implementing Decision (EU) 2018/638 establishing emergency measures to prevent the introduction into and spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith).

.....  
**Commencement Information**

**I101** Sch. 3 para. 30 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**31.** Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann).

.....  
**Commencement Information**

**I102** Sch. 3 para. 31 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**32.** Commission Implementing Regulation (EU) 2018/2019 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation.

.....  
**Commencement Information**

**I103** Sch. 3 para. 32 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**33.** Commission Implementing Decision (EU) 2019/1598 amending Implementing Decision (EU) 2018/638 establishing emergency measures to prevent the introduction into and the spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith).

.....  
**Commencement Information**

**I104** Sch. 3 para. 33 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**34.** Commission Implementing Decision (EU) 2019/1739 establishing emergency measures to prevent the introduction into and the spread within the Union of Rose Rosette Virus.

**Commencement Information**

**I105** Sch. 3 para. 34 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**35.** Commission Implementing Decision (EU) 2019/2032 establishing measures to prevent the introduction into and the spread within the Union of *Fusarium circinatum* Nirenberg & O'Donnell (formerly *Gibberella circinata*) and repealing Decision [2007/433/EC](#).

**Commencement Information**

**I106** Sch. 3 para. 35 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**36.** Commission Implementing Regulation (EU) 2020/885 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto.

**Commencement Information**

**I107** Sch. 3 para. 36 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**37.** Commission Implementing Regulation (EU) 2020/1191 establishing measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV).

**Commencement Information**

**I108** Sch. 3 para. 37 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**38.** Commission Implementing Regulation (EU) 2020/1164 providing for a temporary derogation from certain provisions of Implementing Regulation (EU) 2019/2072 in respect of measures to prevent the introduction into and the spread within the Union of the pest *Agilus planipennis* Fairmaire from Canada and the United States.

**Commencement Information**

**I109** Sch. 3 para. 38 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**39.** Commission Implementing Regulation (EU) 2020/1199 of 13 August 2020 amending Annex VI to Implementing Regulation (EU) 2019/2072 to temporarily prohibit the introduction into the Union of certain fruits originating in Argentina to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa.

**Commencement Information**

**I110** Sch. 3 para. 39 in force at 31.12.2020 on IP completion day, see [reg. 1\(2\)\(b\)](#)

**40.** Commission Implementing Regulation (EU) 2020/1201 of 14 August 2020 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.).

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Amendment etc.) (EU Exit) Regulations 2020. (See end of Document for details)

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**Commencement Information**

**III1** Sch. 3 para. 40 in force for specified purposes at 31.12.2020 on IP completion day and in force in so far as not already in force at 1.1.2021, see [reg. 1\(2\)\(b\)\(c\)](#)

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular the deficiencies referred to in paragraphs (a), (d) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of plant health. Part 2 amends domestic legislation relating to plant health. Part 3 amends Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants and other retained direct EU legislation relating to plant health. Part 4 contains transitional provisions and savings, and revocations.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Health (Amendment etc.) (EU Exit) Regulations 2020.