
STATUTORY INSTRUMENTS

2020 No. 1482

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

PART 3

Amendment of retained direct EU legislation

Chapter 4

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 NPPO 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

II Reg. 29 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, Section 29.