
STATUTORY INSTRUMENTS

2021 No. 136

The Official Controls and Phytosanitary
Conditions (Amendment) Regulations 2021

PART 1

Citation, commencement and extent

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1.—(1) These Regulations may be cited as the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021 and come into force on 4th March 2021.

(2) These Regulations extend to England and Wales, and Scotland.

PART 2

Places of destination

Introductory and interpretation

2.—(1) This Part applies in relation to the importation of specified goods—

- (a) for the duration of the transitional staging period, and
- (b) for the purpose of supplementing and modifying the transitional derogations and modifications specified in Article 168 of, and Annex 6(1) to the Official Controls Regulation.

(2) Those transitional derogations and modifications have effect in relation to the importation of specified goods as if “territory subject to special transitional import arrangements” did not include Poland, Portugal, Romania or Spain.

(3) In this Part—

- (a) “importation” means bringing goods into Great Britain from a relevant third country, and cognate terms are to be construed accordingly;
- (b) “the Official Controls Regulation” 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;
- (c) “relevant third country” has the meaning given by Annex 6 to the Official Controls Regulation;
- (d) “specified goods” means plants, plant products and other objects specified in the Schedule;

(1) Article 168 was inserted into Regulation (EU) 2017/625 by regulation 28 of [S.I. 2020/1481](#) and provides for the provisions of Regulation (EU) 2017/625 to apply subject to the transitional derogations and modifications specified in Annex 6.

- (e) “transitional staging period” has the meaning given by Annex 6 to the Official Controls Regulation.

Official controls on specified goods at the place of destination

3.—(1) An importer of specified goods must ensure that the goods are presented to the competent authority at the place of destination to enable official control checks to be carried out.

(2) In order to reduce the risk of the spread of any pest, or infestation with or contamination by any pest, an importer of specified goods must at all times during their transportation to, and storage at, the place of destination, ensure that the goods remain sealed, and are not tampered with or subject to any alteration or change of packaging.

(3) Before presenting a consignment of specified goods for official control checks in accordance with paragraph (1), the importer must provide pre-notification information in accordance with Article 56A(2) of the Official Controls Regulation.

(4) The operator in charge of the place of destination must ensure that the contents of a consignment of specified goods presented for official control checks in accordance with paragraph (1) neither leave the place of destination, nor are separated, before the competent authority determines that the consignment has passed the official control checks.

(5) Official control checks performed in accordance with this regulation include a documentary check, and, where the competent authority considers it appropriate (having regard to the extent of the risk to human, animal or plant health, animal welfare or, as regards plant protection products, the environment), may include identity checks and physical checks.

(6) In the event that the competent authority considers that physical checks at the place of destination are required, the competent authority must notify the importer.

(7) The operator in charge of a place of destination must ensure that the place of destination has access to suitable equipment for the anticipated type and volume of goods likely to require a physical check under paragraph (5), including--

- (a) equipment for the weighing of consignments where its use is relevant to the inspection;
- (b) equipment to unload, open and examine consignments for inspection, and
- (c) cleansing and disinfecting equipment and instructions for use.

(8) In this regulation—

- (a) “the competent authority” has the meaning given by Article 3(3) of the Official Controls Regulation;
- (b) “importer”, in relation to any specified goods, means a person who is importing or has imported the goods;
- (c) “official control checks” means official controls within the meaning given by Article 2 of the Official Controls Regulation carried out on specified goods at the place of destination;
- (d) “documentary check”, “identity check”, “operator”, and “physical check” have the meanings given by Article 3 of the Official Controls Regulation;
- (e) “pest” means any of the pests within the meaning given by Article 1(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;
- (f) “place of destination”, in relation to any specified goods, means the first place where the goods are delivered for unloading in Great Britain.

(2) Article 56A was inserted into Regulation (EU) 2017/625 by Annex 6. Annex 6 to Regulation (EU) 2017/625 was inserted by regulation 29(4) of [S.I. 2020/1481](#) for the purpose of the application of and derogations from Regulation (EU) 2017/625, and modifications to its application, in relation to territories subject to special transitional import arrangements.

Offences

4.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019⁽³⁾ have effect in relation to specified goods entering Great Britain from a relevant third country during the transitional staging period, subject to the following modifications.

(2) In regulation 2, after the definition of “Phytosanitary Conditions Regulation”, insert—

““place of destination” in relation to any specified goods, means the first place where the goods are delivered for unloading in Great Britain, and for this purpose “specified goods” means plants, plant products and other objects specified in the Schedule to the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021⁽⁴⁾”.

(3) In Schedule 3, in Part 2—

(a) in the entry relating to Article 47(5), in the second column, at the end insert “or place of destination or, where required, any other place specified in Article 44(3)”;

(b) in the entry relating to Article 50(1), in the second column, at the end insert “or place of destination or, where required, any other place specified in Article 44(3)”;

(c) after the entry relating to Article 56(4)—

(i) in the first column, insert “Article 56A”;

(ii) in the second column, insert—

“During the transitional staging period, requires the operators of relevant goods from a relevant third country, to give prior notification to the relevant competent authority before the expected time of arrival of the goods at a point of entry in Great Britain.”.

PART 3

Amendments to Commission Implementing Regulation (EU) 2019/2072

Amendments to Commission Implementing Regulation (EU) 2019/2072

5.—(1) Annex 7 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⁽⁵⁾ is amended as follows.

(a) in Part A—

(i) in the section entitled “Interpretation”, after the definition of “EPPO PM 9/26” insert--

““ISPM41” means International Standard for Phytosanitary Measures No 41 of April 2017 on international movement of used vehicles, machinery and equipment, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations⁽⁶⁾

(ii) in the table—

(aa) in the third column of entry 2, after “plant debris”, insert “in accordance with ISPM41”;

(3) [S.I. 2019/1517](#) amended by [S.I. 2020/1482](#), there are other amending instruments but none is relevant.

(4) [S.I. 2021/136](#).

(5) Annex 7 of EUR 2019/2072 was substituted by Schedule 7 to [S.I. 2020/1527](#).

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

(bb) in the third column of entry 3, in paragraph (b), after “infected area”, insert “in accordance with ISPM41”.

(b) in the table in Part B, for entries 2 to 5 substitute—

<p>“2. Plants for planting, other than those that belong to the genera and species listed in the list of <i>Xylella</i> host plants, other than those referred to in entries 3, 4 and 5 of this Table</p>	<p>Any third country</p>	<p>The plants must be accompanied by an official statement:</p> <p>(a) that they have been grown during a period of at least three years before export, or in the case of plants which are younger than three years, have been grown throughout their life, in a country which, in accordance with the measures specified in ISPM4, is known to be free from <i>Xylella fastidiosa</i> (Wells et al.), or</p> <p>(b) that they have been grown during a period of at least three years before export, or in the case of plants which are younger than three years have been grown throughout their life, in an area which has been established by the national plant protection organisation in accordance with ISPM4 as an area that is free from <i>Xylella fastidiosa</i> (Wells et al.), or</p> <p>(c) in the case of plants which originate in an area* where <i>Xylella fastidiosa</i> (Wells et al.) is not known to be absent, an official statement:</p> <p>(i) that the plants have been produced in a site**.</p> <p>(aa) that is authorised by the national plant protection organisation in accordance with ISPM10 as a site that is free from <i>Xylella fastidiosa</i> (Wells et al.) and its vectors,</p> <p>(bb) that is physically protected against the introduction of <i>Xylella fastidiosa</i> (Wells et al.) by its vectors,</p> <p>(cc) that is surrounded by a zone with a width of 100 m which has been subject to official inspections twice a year, and where all of the plants found to be infected with, or to have symptoms of, <i>Xylella fastidiosa</i> (Wells et al.) have been immediately removed, and appropriate phytosanitary treatments against the vectors of <i>Xylella fastidiosa</i> (Wells et al.) have been applied before that removal,</p>
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(dd) that at appropriate times throughout the year, is subject to phytosanitary treatments to maintain freedom from the vectors of *Xylella fastidiosa* (Wells et al.), including the removal of plants,

(ee) that is subject annually, together with the zone referred to in point (cc), to at least two official inspections during the flight season of the vectors of *Xylella fastidiosa* (Wells et al.),

(ff) where throughout the production time of the plants, neither symptoms of *Xylella fastidiosa* (Wells et al.) nor its vectors were found in the site or, if suspect symptoms were observed, testing was carried out and the absence of *Xylella fastidiosa* (Wells et al.) confirmed, and

(gg) where throughout the production time of the plants, no symptoms of *Xylella fastidiosa* (Wells et al.) were found in the zone referred to in point (cc) or, if suspect symptoms were observed, testing was carried out and the absence of *Xylella fastidiosa* (Wells et al.) confirmed,

(ii) that representative samples of each species of the plants from the site have been subject to annual testing, at the most appropriate time, and the absence of *Xylella fastidiosa* (Wells et al.) has been confirmed on the basis of tests carried out in accordance with internationally validated testing methods,

(iii) that the plants have been transported in closed containers or packaging, to prevent infection with *Xylella fastidiosa* (Wells et al.) or any of its known vectors,

(iv) that as close to the time of export as is practically possible, the lots of the plants were subject to official visual inspection, sampling and molecular testing, carried out in accordance with internationally validated testing methods, using a sampling scheme able to identify with 99% reliability the level of presence of infected plants of 1%, that targets in particular plants displaying symptoms of *Xylella fastidiosa* (Wells et al.), and that confirmed the absence of *Xylella fastidiosa* (Wells et al.), and

(v) that immediately before export, the lots of the plants were subject to phytosanitary treatments

against any known vectors of *Xylella fastidiosa* (Wells et al.), or

(d) in the case of plants which originate in an area where *Xylella fastidiosa* (Wells et al.) is not known to be absent, and which have been grown for their entire production cycle in vitro, an official statement:

(i) that the plants have been grown in a site** of production

(aa) that is authorised by the national plant protection organisation in the country of origin in accordance with ISPM10 as a site of production that is free from *Xylella fastidiosa* (Wells et al.) and its vectors,

(bb) that is physically protected against the introduction of *Xylella fastidiosa* (Wells et al.) by its vectors,

(cc) that is subjected annually to at least two official inspections carried out at appropriate times, and

(dd) where throughout the production time of the plants, neither symptoms of *Xylella fastidiosa* (Wells et al.) nor its vectors were found in the site or, if suspect symptoms were observed, testing was carried out, and the absence of *Xylella fastidiosa* (Wells et al.) confirmed,

(ii) that the plants have been transported under sterile conditions in a transparent container that precludes the possibility of infection by *Xylella fastidiosa* (Wells et al.) through its vectors, and

(iii) that the plants have been grown from seeds, propagated under sterile conditions from mother plants which have spent their entire lives in an area free from *Xylella fastidiosa* (Wells et al.) and have been tested and found free from *Xylella fastidiosa* (Wells et al.), or have been propagated under sterile conditions from mother plants which meet the requirements in point (c)(i) and have been tested and found free from *Xylella fastidiosa* (Wells et al.).

A phytosanitary certificate may not include the official statement referred to in (a) unless the national plant protection organisation of the country of origin has previously notified the

national plant protection organisation of the United Kingdom of this information in writing.

* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration".

** The name of the site(s) must be included in the phytosanitary certificate under the heading "Additional declaration".

3. Plants intended for planting Any third The plants must be accompanied by an official statement:
other than seeds, of *Coffea sp.* country
and *Polygala myrtifolia L.*

(a) that they have been grown during a period of at least three years before export, or in the case of plants which are younger than three years, have been grown throughout their life in a country which, in accordance with the measures specified in ISPM4, is known to be free from *Xylella fastidiosa* (Wells et al.), and

(b) that they have been grown in a site that is subject to annual official inspection, with sampling and testing carried out at the appropriate times for the presence of *Xylella fastidiosa* (Wells et al.) and in accordance with international standards, using a sampling scheme which is able to identify with 99% reliability a level of presence of infected plants of 5%, and in which the absence of *Xylella fastidiosa* (Wells et al.) was confirmed, and

(c) in the case of plants of *Polygala myrtifolia L.* intended for planting, other than seeds, that before their movement out of their production site and as close to that time as practically possible, each lot of plants was subjected in addition to official visual inspection and sampling, as well as testing, in line with international standards for the presence of *Xylella fastidiosa* (Wells et al.), using a sampling scheme which is able to identify with 99% reliability a level of presence of infected plants of 5%, and in which the absence of *Xylella fastidiosa* (Wells et al.) was confirmed.

A phytosanitary certification may not include the official statement referred to in (a) unless the national plant protection organisation of the country of origin has previously notified

<p>4. Plants intended for planting other than seeds, of <i>Lavandula sp. L.</i>, <i>Nerium oleander L.</i> and <i>Salvia Rosmarinus</i> (Spenner)</p>	<p>Any third country</p>	<p>the national plant protection organisation of the United Kingdom of this information in writing.</p> <p>The plants must be accompanied by an official statement:</p> <p>(a) that they have been grown:</p> <p>(i) during a period of at least three years before export, or in the case of plants which are younger than three years, have been grown throughout their life, in a country which, in accordance with the measures specified in ISPM4, is known to be free from <i>Xylella fastidiosa</i> (Wells et al.), and</p> <p>(ii) in a site that is subject to annual official inspection, with sampling and testing carried out at the appropriate times on those plants for the presence of <i>Xylella fastidiosa</i> (Wells et al.) and in accordance with international standards, using a sampling scheme able to identify with 99% reliability a level of presence of infected plants of 5%, in which the absence of <i>Xylella fastidiosa</i> (Wells et al.) was confirmed, or</p> <p>(b) in the case of plants, other than unrooted cuttings that:</p> <p>(i) the plants have been grown in a place of production which has been registered and supervised by the national plant protection organisation for a period of at least one year before the export of the plants,</p> <p>(ii) the place of production, together with a 200m zone surrounding the place of production, is known to be free from <i>Xylella fastidiosa</i> (Wells et al.) on the basis of official inspections, which included testing where appropriate, that was carried out at appropriate times;</p> <p>(iii) the plants have been subjected to an annual official inspection at an appropriate time, which included sampling and testing, that confirmed the absence of <i>Xylella fastidiosa</i> (Wells et al.) and was carried out in accordance with international standards using a sampling scheme able to identify with 99% reliability a level of presence of infected plants of 5%,</p> <p>(iv) immediately before their export, the plants were subjected to an official visual inspection for the presence of <i>Xylella fastidiosa</i> (Wells et</p>
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al.) and, where any symptoms giving rise to a suspicion of its presence were observed, were tested in line with international standards for its presence, confirming its absence,

(v) where there has been any evidence of the presence of the vector of *Xylella fastidiosa* (Wells et al.) at the place of production, chemical and cultural controls have been used to suppress the vector, and

(vi) the plants have been grown throughout their life under complete physical protection, and appropriate hygiene measures have been implemented at the place of production to ensure that *Xylella fastidiosa* (Wells et al.) is not transmitted by tools or equipment,

(c) in the case of unrooted cuttings, that they derive from mother plants which were grown in accordance with the requirements specified in paragraph (a) or (b), or

(d) in the case of plants which originate in an area where *Xylella fastidiosa* (Wells et al.) is not known to be absent and which have been grown for their entire production cycle in vitro:

(i) that the plants have been grown in a site** of production:

(aa) that is authorised by the national plant protection organisation in the country of origin in accordance with ISPM10 as a site of production that is free from *Xylella fastidiosa* (Wells et al.) and its vectors,

(bb) that is physically protected against the introduction of *Xylella fastidiosa* (Wells et al.) by its vectors,

(cc) that is subjected annually to at least two official inspections carried out at appropriate times, and

(dd) where, throughout the production time of the plants, no symptoms of *Xylella fastidiosa* (Wells et al.) or its vectors were found in the site or, if suspect symptoms were observed, testing was carried out, and the absence of *Xylella fastidiosa* (Wells et al.) confirmed,

(ii) that the plants have been transported under sterile conditions in a transparent container that precludes the possibility of infection by *Xylella fastidiosa* (Wells et al.) through its vectors, and

(iii) that the plants have been grown under sterile conditions:

(aa) from seeds,

(bb) from mother plants which meet the requirements set out in (a), or

(cc) from mother plants which meet the requirements set out in (b).

A phytosanitary certificate may not include the official statement referred to in (a) unless the national plant protection organisation of the country of origin has previously notified the national plant protection organisation

of the United Kingdom of this information in writing.

A phytosanitary certificate may not include the official statement referred to in (b) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the place(s) of production.

A phytosanitary certificate may not include the official statement referred to in (c) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the place(s) of production.

A phytosanitary certificate may not include the official statement referred to in (d) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the site(s) of production.

5. Plants intended for planting Any third The plants must be accompanied by an official
other than seeds and plants country statement:
grown for their entire

production cycle in vitro, of
Olea europaea L. and *Prunus
dulcis* (Mill.) D.A. Webb

(a) that they have been grown:

(i) during a period of at least three years before export, or in the case of plants which are younger than three years, throughout their life, in a country which, in accordance with the measures specified in ISPM4, is known to be free from *Xylella fastidiosa* (Wells et al.), and

(ii) in a site that is subject to annual official inspection, with sampling and testing carried out at the appropriate times for the presence of *Xylella fastidiosa* (Wells et al.) and in accordance with international standards, using a sampling scheme able to identify with 99% reliability a level of presence of infected plants of 5%, in which the absence of *Xylella fastidiosa* (Wells et al.) was confirmed, or

(b) that:

(i) the plants have been grown in a place of production which has been registered and supervised by the national plant protection organisation for a period of at least one year before the export of the plants,

(ii) the place of production, together with a 200m zone surrounding the place of production, is known to be free from *Xylella fastidiosa* (Wells et al.) on the basis of official inspections, which included testing where appropriate, carried out at appropriate times during the 12 months before the export of the plants,

(iii) the plants have been subjected to an annual official inspection at an appropriate time, which included sampling and testing, that confirmed the absence of *Xylella fastidiosa* (Wells et al.) and was carried out in accordance with international standards using a sampling scheme able to identify with 99% reliability a level of presence of infected plants of 1%,

(iv) immediately before their export, the plants were subjected to an official visual inspection for the presence of *Xylella fastidiosa* (Wells et al.) and, where any symptoms giving rise to a suspicion of its presence were observed, were tested in line with international standards for its presence, confirming its absence, and

(v) where the place of production of the plants is located in an area where *Xylella fastidiosa* (Wells et al.) is known to occur, the plants have been grown under complete physical protection for a period of at least four years before their export or, in the case of plants which are younger than four years, throughout their life,

or

(c) in the case of plants which originate in an area where *Xylella fastidiosa* (Wells et al.) is not known to be absent and have been grown for their entire production cycle in vitro, an official statement:

(i) that the plants have been grown in a site** of production:

(aa) that is authorised by the national plant protection organisation in the country of origin in accordance with ISPM10 as a site of production that is free from *Xylella fastidiosa* (Wells et al.) and its vectors,

(bb) that is physically protected against the introduction of *Xylella fastidiosa* (Wells et al.) by its vectors,

(cc) that is subjected annually to at least two official inspections carried out at appropriate times, and

(dd) where, throughout the production time of the plants, no symptoms of *Xylella fastidiosa* (Wells et al.) or its vectors were found in the site or, if suspect symptoms were observed, testing was carried out, and the absence of *Xylella fastidiosa* (Wells et al.) confirmed,

(ii) that the plants have been transported under sterile conditions in a transparent container that precludes the possibility of infection by *Xylella fastidiosa* (Wells et al.) through its vectors, and

(iii) that the plants have been grown under sterile conditions:

(aa) from seeds, or

(bb) from mother plants which meet the requirements set out in (a), or

(cc) from mother plants which meet the requirements set out in (b).

A phytosanitary certificate may not include the official statement referred to in (a) unless the national plant protection organisation of the country of origin has previously notified the national plant protection organisation of the United Kingdom of this information in writing.

A phytosanitary certificate may not include the official statement referred to in (b) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the place(s) of production.

Plants meeting the requirements of the official statement referred to in (b) should be individually labelled with a tamper proof label or other secure seal that cannot be re-used, is readable and undamaged, and gives the detail of the place of production, and the place of production should also be indicated on the phytosanitary certificate.

A phytosanitary certificate may not include the official statement referred to in (c) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the site(s) of production.”

10th February 2021

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