
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of section 8(1) of 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) to (c) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

Part 1 amends [Commission Implementing Regulation \(EU\) 2019/2072](#) establishing uniform conditions for the implementation of [Regulation \(EU\) 2016/2031](#) of the European Parliament and the Council on protective measures against pests of plants.

Part 2 makes amendments to retained EU law relating to plant health not previously amended, to correct operability deficiencies.

Part 3 makes amendments to secondary legislation in relation to seeds and seed potatoes.

Part 4 revokes certain retained EU law relating to plant health.

Part 5 makes an amendment to secondary legislation in relation to official controls.

Part 6 makes provision to supplement and modify the transitional derogations and modifications specified in Article 168 of, and 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, as they apply in relation to ware potatoes.

It modifies [Commission Implementing Regulation \(EU\) 2019/66](#) on rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects in order to verify compliance with Union rules on protective measures against pests of plants applicable to those goods.

It makes provision for the minimum frequency of physical checks and identity checks of consignments of certain plants, plant products and other objects entering Great Britain from an EU member State, Liechtenstein or Switzerland.

The fees applicable to physical checks and identity checks of consignments are set out, as regards consignments which include bark (other than bark as planting material) or wood, in the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 (S.I. 2015/350), and otherwise, in the Plant Health etc. (Fees) (England) Regulations 2018 (S.I. 2018/289).

A full 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 Official Controls, Plant Health, Seeds and Seed Potatoes (Amendment etc.) Regulations 2021.