
STATUTORY INSTRUMENTS

2023 No. 1131

**PLANT HEALTH
TRADE**

**The Official Controls (Plant Health) (Prior Notification) and
Phytosanitary Conditions (Amendment) Regulations 2023**

Made - - - - 24th October 2023

Laid before Parliament 26th October 2023

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by—

- (a) Articles 5(3), 30(1) and (1A) and (5), 40(3), 41(3) and 105(6) of [Regulation \(EU\) 2016/2031](#) of the European Parliament and of the Council on protective measures against pests of plants⁽¹⁾ (“the Plant Health Regulation”),
- (b) Article 144(6) of, and paragraph 3(2) 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⁽²⁾ (“the Official Controls Regulation”).

In accordance with Article 2a(2) of the Plant Health Regulation and Article 3(2B) of the Official Controls Regulation, the Secretary of State makes these Regulations with the consent of the Welsh Ministers and the Scottish Ministers.

Risk assessments have been made in accordance with Articles 5(3), 30(1)(a), 40(3) and 41(3) of the Plant Health Regulation, and the Secretary of State—

- (a) is satisfied that the results of the assessments show, in respect of Great Britain, that a pest which is not included in Annex 2 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⁽³⁾ (“the Phytosanitary Conditions Regulation”) fulfils

(1) EUR 2016/2031. Article 2a contains a definition of “the appropriate authority”. Articles 5, 30, 40 and 41 were amended, and Article 105 substituted, by [S.I. 2020/1482](#). Article 41 was also amended by [S.I. 2021/79](#).

(2) EUR 2017/625. Article 3(2A) and (2B) contains a definition of “the appropriate authority”. Article 144 was substituted, and Annex 6 inserted, by [S.I. 2020/1481](#). Annex 6 was amended by [S.I. 2021/429](#), [809](#), [2022/621](#) and [1315](#). It was also amended in relation to England and Wales by [S.I. 2021/1096](#), [1443](#) and in relation to Scotland by [S.S.I. 2021/342](#), [493](#) and [2022/90](#). Article 4 of 2021/493 amended Article 56A (inserted by paragraph 13 of Annex 6 for the purpose of the application of the Official Controls Regulation to the entry into Great Britain of relevant goods from a relevant third country during the transitional staging period).

(3) EUR 2019/2072; relevant amending instruments are [S.I. 2020/1527](#), [2021/136](#), [426](#), [641](#), [1171](#), [1229](#), [2022/114](#), [484](#), [1090](#), [1120](#), [2023/959](#). Annex 2 was substituted by [S.I. 2020/1527](#) (as amended by [S.I. 2020/1631](#)), and amended by [S.I. 2021/641](#), [1171](#), [2022/114](#), [1120](#).

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the conditions listed in Article 3 of the Plant Health Regulation, or that a pest which is included in that list no longer fulfils one or more of those conditions,

- (b) is satisfied that the results of the assessment show, in respect of Great Britain, that a pest which is not included in Annex 2A to the Phytosanitary Conditions Regulation⁽⁴⁾ fulfils the criteria set out in Subsection 2 of Section 3 of Annex 1 to the Plant Health Regulation, or that a pest which is included in Annex 2A no longer fulfils those criteria or fulfils the criteria in Article 3 of the Plant Health Regulations,
- (c) considers that it is appropriate, within the meaning of Article 40(3A) and (3B) of the Plant Health Regulation to amend Part A of Annex 6 to the Phytosanitary Conditions Regulation⁽⁵⁾ in light of the assessments, and
- (d) considers that it is appropriate, within the meaning of Article 41(3A) and (3B) of the Plant Health Regulation, to amend Annex 7 to the Phytosanitary Conditions Regulations⁽⁶⁾ in light of the assessments.

In accordance with Article 144(7) of the Official Controls Regulation, before making these Regulations, the Secretary of State has consulted such bodies and persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as the Secretary of State considers appropriate.

(4) Annex 2A was inserted by [S.I. 2020/1527](#) (as amended by [S.I. 2020/1631](#)), and amended by [S.I. 2021/426](#), [641](#), [1171](#), [2022/114](#), [1120](#).

(5) Annex 6 was substituted by [S.I. 2020/1527](#) (as amended by [S.I. 2020/1631](#)), and amended by [S.I. 2021/426](#), [641](#), [1171](#), [2022/114](#).

(6) Annex 7 was substituted by [S.I. 2020/1527](#) (as amended by [S.I. 2020/1631](#)), and amended by [S.I. 2021/136](#), [426](#), [641](#), [1171](#), [1229](#), [2022/114](#), [484](#), [1090](#), [1120](#), [2023/959](#).