

SASA



Plant Health Regulation

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Why are you talking to me about EU legislation? Didn't we leave?

- ❖ The regulation came into force on 14 December 2019.
- ❖ For a long time we didn't know if we would still be in the EU or not at that point, which made preparation very difficult.
- ❖ However, as a member State we were legally obliged to implement the regulation, and now we are in a transition period we must keep pace with any EU legislation which comes into force until the end of the transition period.
- ❖ We cannot predict the future, but there are no plans to change compliance with this legislation when we finish the transition period.

Where has the new regulation come from?

Smarter Rules for Safer Food (SRSF)

The package includes 3 principal EU regulations:

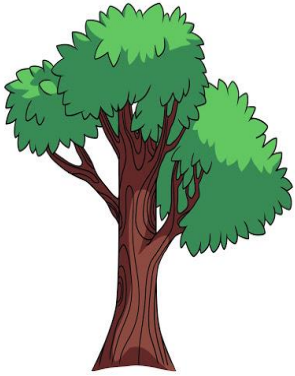
- ❖ **Official Controls Regulation (EU) 2017/625**: how controls across the agri-food chain will be monitored and enforced – applies from 14 December 2019
- ❖ **Animal Health Regulation (EU) 2016/429**: a framework for the principles of European animal health – applies from 21 April 2021
- ❖ **Plant Health Regulation (EU) 2016/2031**: controls for protecting plants from pests and diseases – applies from 14 December 2019

Legislation looks interesting, please explain to me how it works!



**EU LEGISLATION
TREE**

Trunk – Plant Health Regulation (EU) 2016/2031

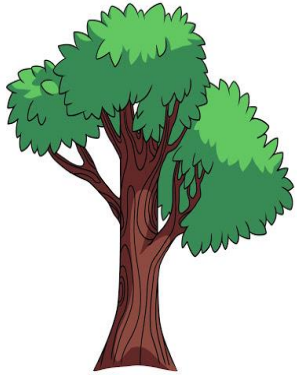


Regulation –
Directly applicable
which means it is
automatically UK law



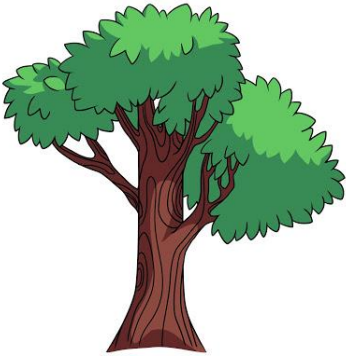
This regulation set out
the high level laws
which we must abide to
which ensures common
safeguards on plant
health across the
member States

Branches – Member States



Domestic legislation gives the EU Regulation some details on how it will operate - **Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019**

Foliage - tertiary legislation

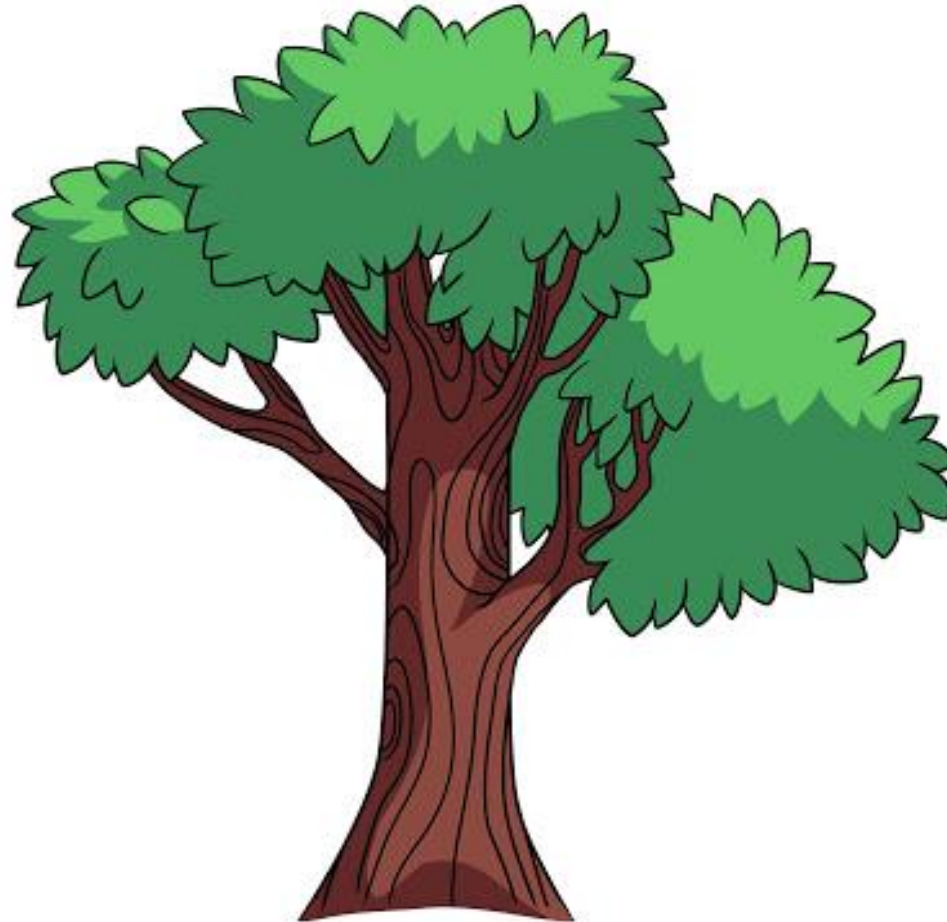


Implementing/Delegating Acts

- adopt measures in order to supplement and amend, or to implement the original regulation. (e.g list of priority pests)



EU legislation tree



All 3 elements shape our Plant Health Regime

What do I really need to know?

- ❖ **Plant Passports** – now required for all plants for planting and some seeds.
- ❖ **Regulated plants** - tighter controls on goods coming from third countries, now all plants and plant products will require phytosanitary certificates – except pineapples, coconuts, durians, bananas and dates.

New Definitions

- ❖ **High Risk plants** – prohibition of plants in this category from movement into the EU.
- ❖ **RNQPs** - For seed and other propagating material, the PHR sets out a list of pests and their hosts, known as **Regulated Non-Quarantine Pests (RNQPs)**. The PP attests to the absence of these pests or presence below a specified threshold. These pests are regulated as they are considered to have an unacceptable economic impact.
- ❖ **Priority Pests** – a list of 20 regulated quarantine pests including *Xylella fastidiosa* whose economic, environmental and social impact on EU's territory is the most severe. Member States will have to have plans in place for handling these pests.

Overview of plant passports under SRSF

Overview of plant passports under SRSF

- ❖ There is a new, clearer format to the plant passport to ensure better consistency and recognisability across the Union.
- ❖ There will also be PPs required for internal movements of timber within the UK.
- ❖ The scope within the supply chain has changed, with PPs required down to retail level.
- ❖ The system of authorisation to issue PPs, requirements around record keeping, as well as the labels themselves will improve assurance and traceability throughout the supply chain.



Plant Passport ✓



- ✓ A – Botanical Name [genus and species please]
- ✓ B – Country code [GB] and Registration number [this will start with S for Scotland then may have another letter depending on your commodity then a 5 digit number]
- ✓ C – Traceability Code
- ✓ D – Country of origin code

Overview of plant passports under SRSF

Overview of plant passports under SRSF

- ❖ There is a new, clearer format to the plant passport to ensure better consistency and recognisability across the Union.
- ❖ There will also be PPs required for internal movements of timber within the UK.
- ❖ More species of seed will now require a PP - fodder, vegetables, oil and fibre
- ❖ The scope within the supply chain has changed, with PPs required down to retail level.
- ❖ The system of authorisation to issue PPs, requirements around record keeping, as well as the labels themselves will improve assurance and traceability throughout the supply chain.

Who am I?

- ❖ **Professional operator?**
- ❖ **Registered operator?**
- ❖ **Authorised operator?**

Professional operator

- ❖ This means any person, governed by public or private law, involved professionally in, and legally responsible for, one or more of the following activities concerning plants, plant products and other objects;
 - a) Planting
 - b) Breeding
 - c) Production, including growing, multiplying and maintaining;
 - d) Introduction into, and movement within and out of, the Union territory;
 - e) Making available on the market;
 - f) Storage, collection, dispatching and processing

Registered operator

- ❖ Anyone dealing professionally with plants and plant products must be registered with the competent authority.
- ❖ A registered operator does not have the authority to issue plant passports.

Authorised operator

- ❖ this means an operator authorised by the competent authority (Scottish Ministers by SG officials) to issue plant passports.
 - Existing operators were transferred over to become authorised operators, if you were an existing operator you should have had this communicated to you.
 - In Scotland, the number of authorised operators rose from 71 in December 2019 102 as of March 2020.
 - In order to issue passports, operators will be audited to ensure they have the necessary systems in place to identify and tackle pests of the plants they trade in, and the operator must meticulously examine their plants before issuing a passport for them.

Record keeping

1 | ISSUE PLANT PASSPORTS

- Record each passport you issue
- Record the professional operator you supplied each passport to

2 | ISSUE AND RECEIVE PLANT PASSPORTS

- Record each passport you issue
- Record who the professional operator you supplied each passport to
- Record for each passported unit you receive, who supplied that unit

3 | I RECEIVE PLANT PASSPORTS

- Record, for each passport you receive, who supplied that unit



KEEP PLANT PESTS AND DISEASES OUT OF THE UNITED KINGDOM



You are NOT allowed to bring plants, fruits*, vegetables, flowers or seeds into the United Kingdom without a phytosanitary certificate**

*Bananas, coconuts, dates, pineapples and durians can be brought into the United Kingdom without a certificate.

**You do not need a certificate when the plants, fruits, vegetables, flowers or seeds come from the EU, Switzerland or Liechtenstein.

You will need a certificate when they come from the following EU territories:
Ceuta, Melilla, the Canary Islands, Guadeloupe, French Guiana, Martinique, Mayotte, Réunion, Saint-Barthélemy and Saint Martin.

Useful guides

- ❖ Introductory guide to plant passports -
<https://planthealthportal.defra.gov.uk/assets/uploads/Plant-Passport-Introductory-Guide.pdf>
- ❖ Plant Growers and Traders: Plant Passports
<https://planthealthportal.defra.gov.uk/assets/uploads/Flowcharts-Online-PDF.pdf>
- ❖ SRSF Q & A (Not SG – we are working on our own Q & A which will be available very soon!)
<https://planthealthportal.defra.gov.uk/assets/uploads/SRSF-Question-and-Answer2.pdf>

Contacts

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Thank you!