



BREXIT HUB

IMPORTS AFTER TRANSITION: PLANTS AND PLANT PRODUCTS

Introduction

The transition period between the UK and the EU will end on 31 December 2020. This means that the UK will no longer be a member of the EU's Single Market nor the Common Customs Union. These changes will result in a series of significant, and depending on the timing, abrupt changes to how rural businesses operate. Arrangements for the import of plants and plant products will change.

This briefing note, and others on different subjects that can be found on the CLA Brexit Hub -<https://www.cla.org.uk/brexit> - provides rural business owners with a detailed framework for the steps which will need to be taken and where you can find more information relating to importing plants and plant products after transition and has been independently compiled by CLA experts. It covers:

- The rules for imports from the EU after the end of transition;
- The three stages of the UK Border Operating Model;
- Phytosanitary Certificates;
- High-risk and prohibited products

Of course, the decision about what actions to take will be unique to every businesses' needs. This guidance is not intended to make a judgement on the specific activities you should be undertaking, or about the longer-term effects of the UK's exit from the EU.

What is a plant or a plant product?

A "plant" is defined as a living plant (including a fungus or tree) or a living part of a plant (including a living part of a fungus or shrub), at any stage of growth.

A 'plant product' means products of plant origin, unprocessed or having undergone simple preparation, in that they are not considered as plants, such as, wood and bark.

How do I import plants and products from the EU after 31 December 2020?

There will be three stages for imports to Great Britain with new rules on 1 January, 1 April and 1 July.

Stage 1: Importing plants and plant products from 1 January 2021

High-priority plants and plant products from the EU must have:

- a phytosanitary (health) certificate;
- a pre-notification submitted by the importer in England, Scotland or Wales;
- documentary and identity checks;
- a physical inspection.



For each consignment imported the following fees will need to be paid:

- £10.51 to cover the cost of checking the consignment's paperwork and identity;
- A physical inspection fee. The rate of the fee will depend on the type of plant material being imported.

High priority plants and plant products include:

- all plants for planting;
- ware potatoes;
- some seed and timber;
- used agricultural or forestry machinery.

The importer will need to pre-notify for imports of solid fuel wood that are not regulated but these imports will not require phytosanitary certificates.

How do I pre-notify?

In order to pre-notify, the importer needs to register and use the Procedure for Electronic Application for Certificates from the Horticultural Marketing Inspectorate (PEACH) system to give advance notice each time a consignment is imported. It is important that the importer's IT browser can support and access the PEACH website. For more information, go to: <http://ehmipeach.defra.gov.uk/>

Notice must be given for material:

- brought by air, at least 4 working hours before the relevant material lands in the UK;
- not brought by air, at least 1 working day before the relevant material arrives in the UK.

The following documents must also be scanned and uploaded onto the PEACH website before the consignment arrives:

- the phytosanitary certificate for the consignment;
- the travel ticket if the importer is travelling with the plants;
- bill of lading, cargo movement request or delivery company invoice if the importer is not travelling with the plants;
- complete the necessary documentation that records details of the imported plant material (this applies to plant material for planting). Further details can be found at <https://www.gov.uk/government/publications/importing-plant-material-record-of-details>

Becoming a 'place of destination'

If a physical plant health inspection for EU-regulated high priority plants is required, the importer can become a 'place of destination' from 1 January until 30 June 2021. For more information on registration go to

<https://www.gov.uk/guidance/place-of-destination-checks-on-high-priority-plants-and-products-from-the-eu-from-1-january-2021>

On 1 January 2021 the place of destination replaces the 'place of first arrival' scheme which ran from January 2020. Companies that are currently registered on this scheme will be contacted directly by the Animal and Plant Health Agency (APHA).

If the goods are moved onward from the first place of destination after their import checks, a plant passport may be required. More details can be found at:

<https://www.gov.uk/guidance/importing-and-exporting-plants-and-plant-products-from-1-january-2021#imports-with-eu-plant-passports-from-1-january-2021>



Stage 2: Importing plants and plant products from 1 April 2021

The relevant IT system must be used to notify APHA when importing regulated plants and plant products. Details of the new IT systems will be published on the CLA Brexit Hub - <https://www.cla.org.uk/brexit> - before 1 January 2021.

All regulated plants and plant products imported to England, Scotland or Wales from the EU must have phytosanitary certificates, which can take up to 7 days to receive.

How do I get a phytosanitary certificate?

To import controlled materials, the importer must apply for and receive a phytosanitary certificate for each consignment from the plant health authority in the country where the supplier is.

The phytosanitary certificate will state that the consignment:

- has been officially inspected;
- complies with legal requirements for entry into the UK;
- is free from serious pests and diseases.

The inspection referred to in the certificate must take place no more than 14 days before the consignment is dispatched from the country where the supplier is. The certificate must be signed by someone in the inspecting plant health authority within the same 14-day period. If the consignment includes materials from more than one country, the importer will need to get a separate phytosanitary certificate from the plant health authority in each country.

Phytosanitary certificates include a 'quantity declared' section. The importer will need to tell the plant health authority that is completing the form to fill in quantities as follows:

- For cut flowers quantity must be stated as the number of stems;
- Quantities must be stated in kilograms (kg) for fruit, vegetables, soil and branches with foliage, potatoes, grain and the following plants for planting:
 - bulbs
 - corms and rhizomes
 - plants in tissue culture
 - seeds

For any other plants for planting, the quantity must be recorded as the number of items in the consignment.

It is the responsibility of the importer to make sure quantities are stated in this way. The plant health authority may use quantity measures for consignments bound for other countries, so the plant health authority will need to know about the measures required for UK-bound consignments.

APHA will inspect phytosanitary certificates in England and Wales.

Regulated plants and plant products include:

- all plants for planting;
- root and tubercle vegetables;
- some common fruits other than fruit preserves by deep freezing;
- some cut flowers;
- some seeds and grains;

- leafy vegetables other than vegetables preserved by deep freezing;
- potatoes from some countries;
- machinery or vehicles which have been operated for agricultural or forestry purposes.

Phytosanitary certificates will not be required, from 1 April 2021, for these plants:

- fruit and vegetables that have been processed and packaged (salads, sandwiches, frozen material);
- composite products (nut or seed butters that contain processed fruit or vegetables).

Table 1 below shows the other plant and plant products that will not require a phytosanitary certificate to import from the EU to the UK from 1 April 2021.

Table 1: plant products not requiring a phytosanitary certificate

Botanical name and requirement	Common name
Fruit of <i>Ananas comosus</i>	Pineapple
Fruits of <i>Actinidia</i> sp. Lindl,	Kiwi
Fruits of <i>Cocos nucifera</i> L	Coconut
Fruit and leaves of <i>Citrus</i> sp. L.	Fruit and leaves of Citrus
Fruit of <i>Fortunella</i> sp. Swingle	Kumquat
Fruit of <i>Poncirus</i> L. Raf	Bitter orange
Fruit of <i>Diospyros</i> sp. L.	Persimmon
Fruits of <i>Durio zibethinus</i> Murray	Durian
Fruits (bolls) of <i>Gossypium</i> spp.	Cotton (bolls)
Leaves of <i>Murraya</i> spp.	Curry leaf
Fruits of <i>Musa</i>	Banana and plantain
Fruits of <i>Mangifera</i> sp. L.	Mango
Fruits of <i>Phoenix dactylifera</i> L.	Dates
Fruits of <i>Passiflora</i> sp. L	Passionfruit
Fruits of <i>Psidium</i> sp.	Guava



Stage 3: Importing plants and plant products from 1 July 2021

Regulated plants and plant products will have extra documentary checks and physical inspections from 1 July 2021.

The importer will need to use the relevant IT system to notify APHA that they are importing regulated plants and plant products. More details on the IT systems will be published on the CLA Brexit Hub - <https://www.cla.org.uk/brexit> - before 1 January 2021

Advanced notice must be given to the responsible authority each time a regulated consignment is imported. Notice will be required of:

- at least four working hours before the goods land in the UK, for air and 'roll-on-roll-off' freight;
- at least one working day before the goods arrive in the UK for all other freight.

Exempt plants and plant products for import

Plants and plant products that are already exempt from import controls in England, Scotland and Wales are:

- pineapple;
- coconut;
- durian;
- bananas;
- dates.

They will continue to be exempt from import controls after 31 December 2020.

Prohibited plants

Some plants are prohibited from entering the UK from third countries on plant health grounds. These prohibitions will not apply to plants and products imported from the EU.

High-risk plants

These are plants and plant products that due to pest risk level cannot be introduced to the UK from third countries unless they have a risk assessment. These high-risk plants are set out in table 2 below.

Table 2: high risk plant and plant products introduced to the UK from third countries

Acacia	Hamamelis
Acer	Jasminum
Albizia	Juglans
Alnus	Ligustrum
Annona	Lonicera
Bauhinia	Malus
Berberis	Nerium
Betula	Persea
Caesalpinia	Populus
Cassia	Prunus
Castanea	Quercus
Cornus	Robinia
Corylus	Salix



Crataegus Diospyros Fagus Ficus carica Fraxinus	Sorbus Taxus Tilia Ulmus
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However, this will not apply to the import of high-risk plants and plant products from the EU to the UK from 1 January 2021.

What happens to EU plant passports from 1 January 2021?

Imports from the EU which currently arrive into Great Britain with an EU plant passport will now need a phytosanitary certificate from 1 January 2021.

The process for replacing a phytosanitary certificate with a plant passport will remain the same. Importers will need to attach plant passports at the first place of destination, that is the first premises the commodities reach for drop off, such as a depot or retail outlet.

If the commodities traded require a plant passport now, but are moved them on under an existing EU plant passport, from 1 January 2021 the importer may need authorisation to issue a UK plant passport for them. If plant and plant products are imported to the UK under a phytosanitary certificate, a UK plant passport will only be required if:

- the goods are being moved to another professional operator;
- the goods are being sold to final users, that is, those buying for personal use, by means of distance contract, for example online;
- the goods are being moved to another of the importer's own premises which is more than 10 miles from the premises where the consignment arrived;
- the phytosanitary status of the consignment changes. For example, if it has been grown on, or has been reconfigured, such as, 2 plants in separate pots have been planted in a new pot together.

If the importer has already authorised to issue plant passports then authorisation as above will not be required.

EU plant passports do not need to be invalidated when they enter GB. As the format is different to the UK plant passport they can easily be differentiated, and the EU plant passport considered invalid automatically.

Plant Passports and Pest Free Areas

Some plants and plant products must meet specific requirements to enter "protected zones" 'protected zones' within EU countries. More details can be found at: <https://www.gov.uk/guidance/issuing-plant-passports-to-trade-plants-in-the-eu#when-you-need-a-plant-passport>

EU Protected Zones (PZs) allow EU Member States to place controls on imports and movements between member states. This prevents the introduction or spread of plant pests and diseases which are present elsewhere in the EU but absent from the Protected Zone. There will be a number of changes at the end of transition.

The UK cannot designate all or parts of the UK as an EU Protected Zone from 1 January 2021. The UK will replace the biosecurity protections provided by EU Protected Zones by



creating 2 new designations. These are quarantine pest designation and pest free areas designations.

Quarantine pest designation

Quarantine pests are plant pests and diseases which are not established and which would be damaging if introduced, where they are absent from the whole of the UK.

Quarantine pests are prohibited from entering the UK and are subject to statutory control if found on plants or plants products. The requirements to prevent the entry of these pests will remain the same from 1 January 2021.

Pest Free Areas (PFAs) designations

This will designate Pest Free Areas (PFAs) in line with international standards for those pests and diseases which are absent from part but not the whole, of the UK. PFAs are declared in line with recognised international standards and requirements. They can be applied to movements of plants and plant products into PFAs.

Both EU Protected Zones and PFAs allow countries to control movements of plants and plant products which may carry plant pests and diseases, where the whole country or an area within the country are free from those pests or diseases. Moving from Protected Zones to quarantine pests and PFAs will not change the requirements for goods moving within the UK.

There will be no new import or movement restrictions from the replacement of certain PZs with requirements for quarantine pests. These requirements are already in place now under the PZ system. The requirements for importing into and moving within PFAs will be the same as they currently are for the equivalent PZs.

If plants and plant products are moved into or within UK Protected Zones currently, an EU plant passport must be used. However, from 1 January 2021, a UK plant passport will be required if moving the relevant plants and plant products into or within UK PFAs.

Summary

In order to prepare for the changes, importers need to:

- understand and be able to comply with phytosanitary import certificate requirements;
- consider setting up a UK registered address, or appoint a UK-based proxy to act on their behalf, to import plants and products to England, Scotland or Wales;
- register with the Forestry Commission if they are importing wood or wood products to England and Wales.