

## **BREXIT HUB**

# **EXPORTS 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 export 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 exporting plants and plant products after transition and has been independently compiled by CLA experts. It covers:

- The rules for exports to the EU after the transition period;
- Exporting high-risk plants to the EU;
- The use of plant passports;
- Rejected exports and returned 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 are the rules if I export plant and plant products to the EU?**

From 1 January 2021, all regulated plants and plant products exported from Great Britain to the EU will be subject to EU import controls in line with goods exported from the rest of the world.

Regulated plants and plant products include:

- all plants for planting;
- root and tubercle vegetables;
- most fruits;
- cut flowers;
- some seeds;
- leafy vegetables;
- machinery or vehicles which have been operated for agricultural or forestry purposes.

To find out the rules for exporting timber and wood products to the EU, go to the CLA briefing note on timber products found on the CLA Brexit Hub - <https://www.cla.org.uk/brexit>



The process for exporting regulated plants and plant products to the EU will be the same as the current process for sending them to third countries (those outside of the EU). When regulated plants and plant products are exported to third countries, the exporter is required to:

- check whether a phytosanitary certificate is required by contacting the plant health authority of the destination country before exporting. The list of authorities can be found at: <https://www.ippc.int/en/countries/all/list-countries/>
- apply for a phytosanitary certificate from the relevant UK plant health authority before export;
- check if the plants require laboratory testing of samples to ensure they are free from pests and diseases or inspections during the growing season. Contact the local plant health inspector to find out if the plants need these tests before exporting

Growing season inspections which are required for a phytosanitary certificate will remain unchanged from 1 January 2021.

The IT systems to apply for an export phytosanitary certificate for plants and plant products will change, moving from the current eDomero system to a new system. Exporters You should continue to use eDomero until they are directed to register and use the new system. Details of the new system will be posted onto the CLA Brexit Hub - <https://www.cla.org.uk/brexit> - when available.

The intention is that the timing and sequencing of the IT migration will ensure a smooth and orderly transfer between systems and will allow sufficient time for the exporter to become familiar with the new service. Defra will provide full training and support before, during and after migration.

Regulated plant and plant products exports to the EU from the UK may be subject to documentary, identity and physical checks at the EU border.

The following plants and plant products are already exempt from controls to export to EU Member States:

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

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

Plant products such as fruit and vegetables that have been processed and packaged to the point that they no longer pose a biosecurity risk, will also be exempt from controls in EU Member States.

Composite products such as nut and seed butters containing processed fruit or vegetables do not fall within plant health controls or require a phytosanitary certificate.

## **What happens if I try to export high-risk plant products to the EU?**

From 1 January 2021, some prohibited commodities such as UK high-risk plants, seed potatoes and ware potatoes cannot be exported to the EU.

These prohibitions and requirements fall into 3 categories: high-risk plants, seed and other propagating materials, and prohibited plants.

### High-risk and prohibited plants

These are plants and plant products that have been assessed by the EU as presenting a pest risk of an unacceptable level for the EU. These products are listed in table 1 below. However, the high-risk plant list is continually reviewed by the UK and the EU and Defra will publish any updates to the list when they are made.

It will not be possible to export seed and other propagating material to the EU from 1 January 2021.

Some plants will be prohibited on plant health grounds, including current EU third country prohibitions.

Table 1: List of prohibited plants

Plants of <i>Abies</i> Mill., <i>Cedrus</i> Trew, <i>Chamaecyparis</i> Spach, <i>Juniperus</i> L., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. and <i>Tsuga</i> Carr., other than fruit and seeds
Plants of <i>Castanea</i> Mill. and <i>Quercus</i> L., with leaves, other than fruit and seeds
Isolated bark of <i>Castanea</i> Mill
Plants for planting of <i>Chaenomeles</i> Ldl., <i>Crateagus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L. and <i>Rosa</i> L., other than dormant plants free from leaves, flowers and fruits
Plants for planting of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. and <i>Pyrus</i> L. and their hybrids, and <i>Fragaria</i> L., other than seeds
Plants of <i>Vitis</i> L., other than fruits
Plants of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., and their hybrids, other than fruits and seeds
Plants for planting of the family Poaceae, other than plants of ornamental perennial grasses of the subfamilies Bambusoideae and Panicoideae and of the genera <i>Buchloe</i> , <i>Bouteloua</i> Lag., <i>Calamagrostis</i> , <i>Cortaderia</i> Stapf., <i>Glyceria</i> R. Br., <i>Hakonechloa</i> Mak. Ex Honda, <i>Hystrix</i> , <i>Molinia</i> , <i>Phalaris</i> L., <i>Shibataea</i> , <i>Spartina</i> Schreb., <i>Stipa</i> L. and <i>Uniola</i> L., other than seeds
Tubers of <i>Solanum tuberosum</i> L., seed potatoes
Plants for planting of stolon- or tuber-forming species of <i>Solanum</i> L. or their hybrids
Tubers of species of <i>Solanum</i> L., and their hybrids
Plants for planting of Solanaceae
Soil as such consisting in part of solid organic substances

Growing medium as such, other than soil, consisting in whole or in part of solid organic substances, other than that composed entirely of peat or fibre of *Cocos nucifera* L., previously not used for growing of plants or for any agricultural purposes

To be ready to be able to export to the EU from 1 January 2021:

- check with the relevant UK plant health authority to find out if plants and plant products intended for export to the EU from 1 January 2021 need to be accompanied by a phytosanitary certificate;
- check with the relevant plant health authority to find out if plants and plant products for export to the EU from 1 January 2021 are classified as prohibited or high-risk plants;
- check with the relevant UK plant health authority to find out if plants and plant products intended for export to the EU require growing season inspections to apply for a phytosanitary certificate;
- follow the guidance issued for exporting plants, seeds, bulbs and wood on EU plant health import requirements to help prepare the export correctly. For more information, go to:  
<https://www.gov.uk/guidance/export-plants-seeds-bulbs-and-wood-special-rules>;
- register with the Forestry Commission as a professional operator if exporting wood or wood products from England and Wales.

#### UK plant health authorities

To check if plants and plant products for export to the EU from 1 January 2021 need to be accompanied by a phytosanitary certificate, exporters can contact:

- England: contact APHA or the Plant Health and Seeds Inspectorate (PHSI):  
PHSI Headquarters  
Sand Hutton  
York  
telephone: 0300 1000 313 - select option 3 when calling  
email: [planthealth.info@apha.gov.uk](mailto:planthealth.info@apha.gov.uk)
- Wales: Contact APHA or the Plant Health and Seeds Inspectorate (PHSI):  
PHSI Headquarters  
Sand Hutton  
York  
telephone: 0300 1000 313 - select option 3 when calling  
email: [planthealth.info@apha.gov.uk](mailto:planthealth.info@apha.gov.uk)

#### Moving regulated plant material from 1 January 2021

If an exporter is already authorised to issue plant passports, they will not require a new authorisation to issue UK plant passports. However, the exporter must renew authorisations every year through an audit inspection to check for compliance by contacting APHA.

Exporters will not be able to attach UK plant passports in the EU and EU plant passports cannot be attached in England, Scotland or Wales (Great Britain).

An operator in the EU cannot issue a UK plant passport under GB plant health rules. A UK plant passport will be used for movements in GB under GB health rules from 1 January 2021.



## What will happen to plant passports?

Plant passports are changing in different ways from 1 January 2021.

The content and format will change to differentiate UK plant passports from EU plant passports. The EU plant passport will no longer be recognised as an official label in GB. UK passports will have the following changes:

- there will be no EU flag;
- the words 'Plant Passport' will change to 'UK Plant Passport';
- Section B (the registration number) will no longer have a 'GB' prefix as this was only necessary on EU plant passports to differentiate between Member States;
- Section D (the country of origin) will remain the same except for some plants for which the UK has national measures;
- Section A (botanical names) and Section C (traceability codes) will remain the same.

Changes to Protected Zone plant passports can be found at:

<https://www.gov.uk/guidance/importing-and-exporting-plants-and-plant-products-from-1-january-2021#changes-to-protected-zone-plant-passports>

Where a plant passport is combined with a certification label, the only changes to the plant passport section will be the:

- removal of the EU flag;
- words 'Plant Passport' replaced with 'UK Plant Passport'.

For some fruit and vegetable propagating material and some ornamental material the exporter may also need a supplier document in addition to the UK plant passport. This is an existing requirement and will remain in place after 1 January 2021.

More information about how to make a supplier document for certain plants can be found at: <https://www.gov.uk/guidance/issuing-plant-passports-to-trade-plants-in-the-eu#supplier-document>

Old EU plant passport labels will remain valid if in circulation before 1 January 2021. From 1 January 2021, UK plant passports should be issued to state compliance with the UK's new plant health regulations.

There will also be changes to "country of origin" labelling. The two-letter code 'GB' applies to the whole of the UK, including Northern Ireland. Guidance will change from 1 January 2021 to hosts of *Xylella fastidiosa* and hosts of *Ceratocystis platani*. The change means that these commodities must have been in the UK for 12 months following their import before a plant passport issued for their movement can list 'GB' as the country of origin.

This applies regardless of whether plants are grown under protection or not in the UK.

It is important to keep records of importation date and other details to then amend the country of origin to GB 12 months after importation.

### 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.

### **What happens to plants I've exported to the EU but have been rejected?**

Plants and plant product consignments rejected at EU Border Control Points can re-enter GB through any point of entry from 1 January to 30 June 2021.

For rejected goods returning to England or Wales an import pre-notification using the relevant IT system must be submitted to notify APHA which will publish details of these IT systems before 1 January 2021.



Pre-notification must be submitted:

- for Roll-On Roll-Off and air movements, at least 4 working hours prior to arrival;
- by all other modes of transport, at least one working day prior to arrival.

A copy of the original phytosanitary certificate must be included with pre-notification. If the consignment was exported without a phytosanitary certificate the exporter will need to contact APHA on 0300 1000 313 before returning your goods.

APHA will assess this information before deciding the conditions of import and if the consignment needs further checks on entry to Great Britain. If further checks are required APHA will contact the exporter.