



Brussels, 21 March 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON PLANT HEALTH

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, operators involved in production and trade of plants, plant products and other objects addressed in the EU plant health legislation ("other objects") are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU plant health legislation in the field of intra-Union trade in plants, plant products and other objects no longer apply to the United Kingdom.⁴ The legal consequences presented below stem from EU plant health legislation with regard to plants, plant products or other objects placed on the EU-27 market⁵ as from the withdrawal date and coming from a third country (i.e. imported).⁶

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

⁴ This notice does not address the EU rules on plant reproductive material (which is addressed in the *Notice to stakeholders on the withdrawal of the United Kingdom and EU rules in the field of marketing of seeds and other plant reproductive material* of 23 January 2018) nor plant variety rights (which is addressed in the *Notice to stakeholders on the withdrawal of the United Kingdom and EU rules in the field of Union plant variety rights* of 23 January 2018).

⁵ For goods, including plants, plant products and other objects placed on the EU market *before* the withdrawal date, the EU is trying to agree solutions with the United Kingdom in the withdrawal agreement. The essential principles of the EU's position on goods, including plants, placed on the market under Union law before the withdrawal date are available here:

This notice is also relevant for plants, plant products or other objects coming from the Channel Islands and the Isle of Man.⁷

1. INTRODUCTION OF PLANTS, PLANT PRODUCTS OR OTHER OBJECTS INTO THE EU

According to Article 4 of Council Directive 2000/29/EC⁸, the introduction into the Union of certain plants, plant products and other objects listed in Parts A and B of Annex III to Directive 2000/29/EC into the Union is prohibited.

According to Article 5 of Directive 2000/29/EC, certain plants, plant products and other objects listed in Part A of Annex IV to Directive 2000/29/EC may only be introduced into the Union if they comply with the special requirements set out in that Part.

As of the withdrawal date, the introduction of plants, plant products and other objects from the United Kingdom into the EU-27 will be governed by this Directive. This is in particular relevant for the introduction into the EU of wood packaging material: such wood packaging, whether or not actually in use for the transport of objects of all kinds, has to be compliant with a treatment and mark as specified in the FAO International Standard for Phytosanitary measures No 15 ('ISPM 15').⁹

2. OFFICIAL CONTROLS FOR IMPORTS OF PLANTS, PLANT PRODUCTS OR OTHER OBJECTS

According to Article 13 of Directive 2000/29/EC, the plants, plant products or other objects listed in Part B of Annex V to that Directive, introduced into the EU shall be accompanied by a phytosanitary certificate. According to Article 13a, each of those commodities shall be subject to a meticulous documentary, identity and physical check. Article 13a also lays down that for certain plant categories reduced

https://ec.europa.eu/commission/publications/position-paper-goods-placed-market-under-union-law-withdrawal-date_en. Please note that the essential principles of the EU's position on goods build on one single definition of "placing on the market" ("first making available on the market").

⁶ This notice does not address the EU rules for small quantities of plants and plant products accompanying travellers.

⁷ Regulation (EEC) No 706/73 of the Council of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products (OJ L 68, 15.3.1973. p. 1).

⁸ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1). On 14 December 2019 this Directive will be replaced by Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants (OJ L 317, 23.11.2016, p. 4).

⁹ Section I, Part A of Annex IV to Directive 2000/29/EC.

frequencies of identity and physical checks can be applied as set out in Commission Regulation (EC) No 1756/2004.¹⁰

After 14 December 2019, those products shall be subject to the import controls of Articles 44 to 64 of Regulation (EU) 2017/625 on official controls¹¹, which will replace the respective rules of Directive 2000/29/EC.

Private parties are advised that the specific conditions regarding the movement and importation of plants, plant products and other objects subject to the plant health provisions of Union law are regularly updated. The respective website of the Commission (https://ec.europa.eu/food/plant/plant_health_biosecurity_en) provides for general information concerning EU plant health legislation for imported plants, plant products or other objects. These pages will be updated with further information, where necessary.

European Commission
Directorate-General for Health and Food Safety

¹⁰ Commission Regulation (EC) No 1756/2004 of 11 October 2004 specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC, OJ L 313, 12.10.2004, p. 6.

¹¹ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 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, OJ L 095 7.4.2017, p. 1.