Technical seminar expert on the preparation for the UK withdrawal in the SPS area

PLANTS and SEEDS

28 February 2018, Brussels
# Phytosanitary import rules

| **imports prohibited** | Applicable EU legislation: Council Directive 2000/29/EC, on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, and in particular:
|                       | - Annex III, Part A for the entire Union, and Part B for certain protected zones;
|                       | - Certain import prohibitions, if adopted by measures pursuant to Article 16(3) |

| **specific requirements for imports** | Applicable EU legislation: Directive 2000/29/EC, and in particular:
|                                      | - Annex IV, Part A for the entire Union, and Part B for certain protected zones;
|                                      | - Wood packaging material will require the mark of ISPM15;
|                                      | - Certain import requirements adopted by measures pursuant to Article 16(3) |

|                                                    | All commodities listed in that Part shall require a phytosanitary certificate for import |
Import Controls

**Plant health controls:**
Plants, plant products and other objects listed in Part B of Annex V to Directive 2000/29/EC, are subject to:

• 100% documentary controls at the point of entry;
• 100% identity and physical controls, unless specified minimum frequencies are established depending on the risk that they present (Regulation 1756/2004)

In seeds and other propagating material:
• In case the commodities are *not* subject to the above plant health controls, they are subject to random controls
Plants Variety Rights: implications

1) For Competent Authorities:
   Technical verifications of the maintenance of the protected varieties will be organised by the CPVO in an EU-27 based Examination Office (Art. 64, 65 of Reg. 2100/94);

2) For stakeholders:
   Breeders domiciled / having a seat in UK only must designate a procedural representative in EU (Art 82 of Reg. 2100/94)
## Propagating material: implications (1)

on the Inclusion in Common Catalogues or national registry or list

<table>
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<tr>
<th>Varieties of agricultural and vegetable species</th>
<th>must be maintained in an EU-27 MS, otherwise their seed cannot be marketed</th>
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| Seed from: fodder plants, cereal, beet, vegetables and vegetable propagating material, potatoes, oil and fibre plants (agricultural and vegetable species) | Impact:  
→ Member States (at least one EU-27 MS) accept(s) the exclusive UK varieties currently included in the Common Catalogues – otherwise not allowed to be marketed in EU |
| Vine propagating material, fruit propagating material | must be included in the national register of one EU-27 MS |
| forest reproductive material | Need for equivalence |
| ornamental propagating material | must be included at least in a suppliers' list of one EU-27 MS |
## Propagating material: implications (2)

**on the Inclusion in Common Catalogues or national registry or list**

<table>
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<tr>
<th>What material?</th>
<th>Impact on Member States and stakeholders</th>
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| **Some varieties** intended for inclusion in the Common Catalogue of Dir. 2002/53/EC or 2002/55/EC are currently **being tested in UK** premises – because bilateral testing arrangements are in place | Impact on breeders:  
1) Bilateral testing arrangements with UK no longer possible: the examination results must stem from examinations in one EU-27 MS for the variety to be included in the Common Catalogues or national registry.  
2) Besides the examinations for DUS (Distinctness, Uniformity and Stability) where all Member States apply the same requirements, **certain varieties will also need additional examinations for VCU (Value for Cultivation and Use)** where the requirements of certain Member States might be different from the UK requirements |

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