



Department
for Environment
Food & Rural Affairs



Llywodraeth Cymru
Welsh Government



Scottish Government
Riaghaltas na h-Alba

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18 April 2024

Dear Sir/Madam,

Response to stakeholder engagement on the technical review of plant health regulated goods in Annex 11

Thank you for submitting views on the above stakeholder engagement of the proposed changes to Annex 11 in the retained [Implementing Regulation 2019/2072](#). This letter is to notify you of the outcome.

Background

As outlined in the [Border Target Operating Model](#) (BTOM), we will ensure that biosecurity risks are appropriately targeted, by assessing risks from all origins and ensuring that regulated goods are subject to the most relevant and up to date category as regards their regulation (or deregulation). Defra and the Scottish and Welsh Governments will implement the new SPS regime in accordance with the timetable detailed in the BTOM, with the second stage coming into force by 30 April 2024.

Plant health controls apply to any goods that are regulated to prevent the introduction or movement of harmful pests into, and within, Great Britain:

Part A of Annex 11 lists high- and medium-risk goods posing a known threat, that require a phytosanitary certificate and are subject to 100% checks on import (except where reduced checks are applied).

Part B of Annex 11 lists those medium-risk goods that require a phytosanitary certificate, as they pose a potential threat, but with insufficient evidence currently to categorise in Part A or Part C of Annex 11.

Part C of Annex 11 includes a list of low-risk plant products which are not subject to plant health controls, such as fruits of banana and pineapple.



INVESTORS
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Proposal

Based on a review of goods in Annex 11, we proposed to:

- move goods assessed as lower phytosanitary risk from Part A to Part B of Annex 11 so they have a lower level of checks, though still require a phytosanitary certificate,
- allocate goods of negligible risk from Part A or Part B to Part C of Annex 11; the list of plant products which are not subject to plant health controls,
- finally, to move certain goods from Part B to Part A of Annex 11 so they are subject to a higher rate of checks.

The full list of goods and the proposed changes can be found [here](#).

Summary of responses

Four responses were received on this engagement. Two from outside of the UK, a European trade association (Freshfel Europe, which has UK members), a Dutch trade association (the Fresh Produce Centre) and two UK stakeholders (the Fresh Produce Consortium (FPC) and a UK-based business. We thank the Fresh Produce Centre for their comments. As this stakeholder engagement has been conducted on a domestic platform, this response focuses specifically on comments from UK representatives, but we are happy to answer any further queries from the Fresh Produce Centre separately.

Freshfel Europe first enquired about the proposed inspection frequencies for spinach (*Spinacia oleracea*).

*(Spinach (*Spinacia oleracea*) leaves will be listed in Part A of Annex 11. It will therefore fall under the catch-all row (“Other leaves not specified or included elsewhere in the table”) as published in the [list of inspection rates](#). Therefore, the proposed 3% frequency rate would apply to spinach leaves from EU member states, Switzerland and Liechtenstein, once the transitional arrangements for fruit and vegetables have ended.*

The FPC emphasised the confusion with how Parts A-C of Annex 11 and the risk categorisations align. They requested for simple communication on the Plant Health Portal to be made available.

The updated risk categories will be published on the Plant Health Portal. Traders are encouraged to sign up for the weekly plant health newsletter so they can be notified of when the new risk categories are live. A link for signing up to the newsletter is [here](#).

The FPC raised a concern on the evidence behind some of the proposed measures on goods in Part A or Part B of Annex 11 (including avocados, grapes, apples etc.). They

pointed out that without any published data on total consignment numbers from Rest of World countries, the pest interception numbers could not be put into context. Freshfel were also concerned about a lack of transparency when determining the risk profiles for different commodities and urged Defra to conduct a detailed impact assessment of the measures.

We can reassure the FPC that there has not been a change in risk categorisation regarding many of the goods where the FPC is concerned about a lack of transparency. Goods such as avocados, grapes and apples have always been in Part A of Annex 11 for import controls from any third country and we are not proposing to change this position via this stakeholder engagement. We plan to review the categorisation of these goods in future. Data on consignments from Rest of World countries are published [here](#). We can review the level at which we publish data if needed.

For goods where a change in risk categorisation has been proposed, GB risk assessments are carried out in line with the processes set out in the GB Plant Health Regulation under Articles 72 and 73 and Annexes II and VI. Data informing the categorisation is constantly monitored and the allocation of commodities to categories is dynamic and subject to change on the analysis of risk.

Assessment of the impacts of these measures has been carried out as part of the wider analysis for the BTOM. Defra plans to publish its impact assessment for the second milestone of the BTOM shortly.

FPC, Freshfel and the UK-based business all noted that the inclusion of goods into Part A of Annex 11, requiring a phytosanitary certificate, pre-notification, and physical inspection, would have a significant impact on trade. The FPC recommended that these goods be kept in Part B of Annex 11. The UK-based business suggested that instead they provide records at regular intervals to provide full traceability and biosecurity assurances, or that some of their consignments complete inspections whilst the remainder move without additional paperwork or checks.

*We are only proposing to move three commodity groups to Part A of Annex 11. These are: the leaves of spinach (*Spinacia oleracea*) and parts of plants (other than fruits and seeds) of *Ipomoea* and *Solanaceae* species (other than those already in Part A of Annex 11). As noted in the [Appendix](#), this decision may be reviewed in future after monitoring periods, policy reviews etc. The remaining goods have always been in Part A of Annex 11 for import controls from any third country and we are not proposing to change this position.*

*The UK Plant Health Services plan to move all plants from Part B of Annex 11 (other than fruit of *Prunus* and *Cydonia*) from the EU and Switzerland to Part C of Annex 11 and therefore be deregulated (with 0% checks and no requirement for a phytosanitary certificate).*

To support businesses in adopting the new EU-GB requirements, the UK Government took the decision to introduce new measures in phases for the import of EU plants and plant

material. This has allowed us to protect GB biosecurity whilst maintaining the efficient trade in goods such as plants and plant products.

FPC and Freshfel both listed several additional costs for both EU and UK trading partners, including checks and the Common User Charge.

The introduction of checks, and the levels of the charge for documentary and physical checks, were consulted on earlier in 2024 and UK Government's response has been published on [gov.uk](https://www.gov.uk).

The queries regarding the Common User Charge are out of scope of this stakeholder engagement, which focuses on the categorisation of plant health regulated goods in Annex 11.

The FPC, Freshfel and the UK-based business raised operational concerns, including the impact of this proposal on the food supply chain and market access, groupage, and the lack of clarity regarding the end date for the fruit and vegetables easement. The FPC stated that more than four months' notice concerning the latter would be needed for businesses to effectively plan.

The scope of the BTOM is beyond the EU. It creates a new global regime, aimed at making the border easier to use and, where possible, reducing processes and administrative burdens on businesses. The BTOM will deliver a suite of new digital improvements and digital systems to improve efficiencies across border processes, and data will be used to inform the risk profile of commodities being moved across the border.

The temporary easement on fruit and vegetables was put in place to allow additional time for businesses to adapt to the new requirements, thereby ensuring smooth supply of goods for GB consumers. Traders will be notified with a minimum of 3 months' notice.

The UK-based business had some additional comments and queries. They firstly asked what commodities were in scope of the deregulatory measure concerning plants from the EU, Switzerland, and Liechtenstein, being moved from Part B to Part C of Annex 11. They then went on to ask if this meant that all fruit and vegetables would be deregulated (other than fruit of *Cydonia* and *Prunus*).

We originally proposed to extend this measure to plants from the EU, Switzerland and Liechtenstein. We have removed plants from Liechtenstein to ensure these goods can continue to move under the Northern Ireland Retail Movement Scheme (deregulated goods from the EU and Switzerland will continue to be able to move under the Northern Ireland Retail Movement Scheme as currently).

All of the plants in Part B of Annex 11 from the EU and Switzerland (and therefore not listed in Part A or Part C of Annex 11) as of 30 April 2024 are in scope of this measure. Plants are defined as living plants and the following living parts of plants: (a) seeds, in the

botanical sense, other than those not intended for planting; (b) fruits, in the botanical sense; (c) vegetables; (d) tubers, corms, bulbs, rhizomes, roots, rootstocks, stolons; (e) shoots, stems, runners; (f) cut flowers; (g) branches with or without foliage; (h) cut trees retaining foliage; (i) leaves, foliage; (j) plant tissue cultures, including cell cultures, germplasm, meristems, chimaeric clones, micro-propagated material; (k) live pollen and spores; (l) buds, budwood, cuttings, scions, grafts.

Not all fruit and vegetables will be deregulated as some fruit and vegetables, such as sweetcorn and tomatoes, are still listed in Part A of Annex 11.

Next steps

Defra and the Scottish and Welsh Governments intend to implement the changes to Annex 11 from 30 April 2024.

Please note that fruit and vegetables from the EU are currently excluded from import controls, under transitional arrangements. The review of goods in Part B of Annex 11 is still ongoing, as these are regulated within broad categories containing many different products, not all of which are easy to identify/assess individually.

I would like to thank those responding for taking the time to submit views on the stakeholder engagement. Your comments have been very valuable in working to develop a policy position.

If you have any views about how this review was handled, or its outcome, please let me know.

Yours faithfully,

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