**Authorised Operator Status: Draft Pilot Guidance**

**Summary:**

This document provides an overview of the pilot programme for Authorised Operator Status (AOS) for plant health imports. Interested parties should consult this document to understand how the Pilot will operate, eligibility criteria, roles and responsibilities, and how to apply.

**Background:**

Authorised Operator Status (AOS) for Plant Health Imports aims to allow the operator to carry out their own plant health physical and identity inspections, upon fulfilling certain criteria and requirements.

This is a key proposal under the Border Target Operating Model published on 29 August 2023.

The aim of the Pilot will be to test the approach of AOS to ensure that it:

* Allows commercial operators to perform certain import checks of their own consignments without compromising GB biosecurity;
* Widens potential import pathways for trade and matches import controls to business models;
* Delivers import controls that maintain like-for-like standards with plant health authority quality assured procedures;
* Meets the UK’s commitments set out in international obligations and agreements.

**Section 1: AOS Pilot Outline**

Timeline

* **6 February 2024:** Expression of Interest (EOI) applications will open for eligible businesses to apply.
* **Midday 8 March 2024:** Deadline for businesses to submit EOI applications.
* **16 April 2024:** Businesses will be notified of whether they have been accepted onto the pilot.
* **June - December 2024**: AOS pilot will launch, with training running until August. APs will begin conducting examinations of consignments in August. Audits will be led by the Competent Authority from September 2024.
* **December 2024 – February 2025**: Post-Pilot Evaluation.

Overview

* GB Governments will be operating a pilot programme for Authorised Operator Status (AOS) from June to December 2024.
* The Pilot will test the approach of AOS to ensure it delivers its intended purpose, including to guarantee high standards for biosecurity checks on plant and plant product imports to GB.
* Participants will not be subject to AOS fees during the Pilot.  However, if the Pilot is successful, the AOS will be subject to fees on a cost recovery basis. The pilot will be used to collect data to calculate the fees. Statutory plant health fees for documentary, identity, and physical import inspections, will continue to apply for the participants of AOS during the Pilot.
* Participating businesses and the UK Government will be required to sign a Memorandum of Understanding, demonstrating their commitment to fulfilling the agreed roles and responsibilities for the duration of the Pilot.

Expression of Interest

* Businesses interested in participating in the Pilot can submit an EOI from 6 February 2024, which must be completed and returned by midday 8 March. The outcome of applications will be shared with applicants by 16 April 2024.
* Participant businesses must have Control Point (CP) designation. Businesses that are not yet a designated CP who submit an EOI will only be favourably considered if they are in the later stages of being approved (i.e., a final site visit undertaken or imminently planned, with enough time to enable the designation process to be completed ahead of the pilot start date).

Roles and responsibilities

* Businesses will be required to appoint two Authorised Persons (AP) and one Person Responsible (PR) to take part in the Pilot.
* During the Pilot, a ‘dual regime’ for checking plant consignments will be in operation. There will be examinations of eligible plant consignments for biosecurity risks by the AP(s) under the supervision of an inspector from the Competent Authority. The consignment examined by the AP will then undergo an official inspection by the Competent Authority which must continue as a legal obligation as set out in legislation. The dual regime will ensure high levels of biosecurity during the Pilot and will support in the evaluation of the effectiveness of AOS ahead of rollout in 2025.
* A business’s consignment cannot move into free circulation until all elements of the imports checks are completed, the Common Health Entry Document (CHED) status is marked ‘Valid’, and the consignment is customs cleared.
* The PR will be the overall point of contact for the Authorised Operator, with duties including guaranteeing access to the CP, retaining all records, and ensuring availability of staff for audit checks.
* Auditing will be a central component of the AOS Pilot. Businesses will be expected to comply fully with the auditing process, including granting site access to auditors from the Competent Authority and taking responsibility for the delivery of any required corrective action in the event of non-conformities.

Training

* To train APs to perform plant health examinations, they will complete 120 hours of training over 8 weeks at the start of the Pilot – amounting to 3 hours per day. Phase One of this training will consist of module-based webinars and assessment. Phase Two will consist of face-to-face examination training and assessments via a two-day workshop. There will be flexibility regarding how these hours of training are built into the working week.
* The PR may attend the six webinars during Phase One training alongside the AP, at their discretion.
* The PR is not expected to perform examinations or take any part in Phase Two of the training as their role is different to that of an AP.

Post-pilot and Evaluation

* The AOS Pilot will be fully evaluated during and post Pilot. Businesses will be expected to fully support this process by providing the necessary quantitative and qualitative data to enable Defra to make a full assessment of the effectiveness of the Pilot. The results of this evaluation will determine whether AOS can proceed to rollout in 2025.
* The post-pilot period will see import controls (documentary, ID and physical checks) being conducted at CPs and Border Control Points (BCPs) by the Competent Authority, as per the business-as-usual, non-AOS arrangements.

**Pilot Scope of Commodities**

Details of the plant commodities in scope of the Pilot are set out below.

*Commodities in Scope:*

* Plants for Planting
* Produce including Cut Flowers
* Used Agricultural and Forestry Machinery (UAFM)

*Commodities Out of Scope*

* Seeds
* Potatoes
* Grain
* Wood and wood products

**What are the eligibility criteria for the Pilot?**

Businesses seeking to participate in the Pilot will need to comply with the following criteria. Further information relating to the training programme and auditing schedule for the AOS Pilot is detailed later in this document:

1. **Be established in the UK:** AOs will need to [established in the UK](https://www.gov.uk/guidance/check-if-youre-established-in-the-uk-or-eu-for-customs) for Customs purposes, as well as registered with the relevant UK plant health service.
2. **Appoint at least two Authorised Persons and one Person Responsible**. The Authorised Person(s) will perform the physical and identity import examinations. The Person Responsible will act as the central point of contact and have overall accountability for the organisation’s AO status.
3. **Compliance with Competent Authority Inspection Management System (IMS):** AOs will be supplied with Standard Operating Procedures (SOPs) outlining the procedures that they will need to follow.
4. **Must be Control Point (CP) designated premises and associated customs authorisation:** AOs must have a premise which is designated, and customs authorised as a CP to enable goods to move away from the border to the AO’s site for their import checks in a bio-secure manner.
5. **Authorised Person(s) must complete training and demonstrate competence through Competent Authority assessment to be able to carry out inspections**: the Authorised Person(s) must complete training and pass all module based and face-to-face assessments.
6. **Participate in systematic audits as well as risk-targeted visits to ensure comprehensive oversight.** Audits will be undertaken during the pilot, businesses handling plants for planting can expect to be audited a minimum of 6 times. Unscheduled audits may be conducted where non-compliance is suspected.

**How to apply for the Pilot**

Businesses that are interested in participating in the Pilot should submit this Expression of Interest (EOI) Application Form by midday 8 March 2024.

[insert link to the form]

Applications should be sent to: AOSImports@apha.gov.uk (England and Wales) and BCPScotland@gov.scot (Scotland).

Applicants will be notified regarding the outcome of their application by 16 April 2024.

**Selection Process**

Once the EOI date passes, there will be a selection process to decide which businesses are included in the Pilot. Defra will select businesses for the Pilot based on the following criteria:

* The eligibility criteria
* Industry representation – GB Governments want to include participants representing a range of businesses across the horticulture and produce industries.
* If not already designated as a Control Point, the business’s position in the Control Point designation process.

Businesses will be notified by email whether they have been successful or not. **Please note, there is no guarantee of being accepted on the Pilot.** There will be no appeals process for the Pilot. Any complaints can be handled through the existing [complaints procedure](https://www.gov.uk/government/organisations/animal-and-plant-health-agency/about/complaints-procedure).

Businesses that are not selected for the Pilot can still apply for Authorised Operator Status, should it proceed to full roll out.

For Control Point applicants that are not selected for the Pilot, plant health checks will take place at your premises by the inspector from the Competent Authority. Inspector cover will be restricted to resource availability and may not match the operating hours of the site.

**Section 2: Further detail on criteria and requirements during the Pilot**

This section contains further detail on the following areas:

* Memorandum of Understanding
* Roles and responsibilities
* Conflict of interest
* Requirements for Control Point designation for Pilot participation
* Register of AOS Pilot Participants on the Plant Health Portal
* Training during the AOS Pilot
* Auditing during the Pilot
* Managing non-conformity and Withdrawal from Pilot
* Fees and Charges

**The Memorandum of Understanding (MoU)**

An MoU is a written document which outlines the respective obligations of the parties in relation to a joint project. It is **not a legally binding agreement** but sets out the shared understanding of the parties in relation to the project, including the conditions and roles and responsibilities of each party.

Prior to the Pilot launch in June, participating businesses and the government will be required to sign the AOS Pilot Memorandum of Understanding (MoU), demonstrating their commitment to fulfilling the roles and responsibilities for the duration of the Pilot. More information about the MoU will be shared with successful applicants prior to the Pilot launch.

**Roles and responsibilities during the Pilot**

External Roles

Businesses will need to put forward two to three employees to act as Authorised Persons (AP) and conduct the day-to-day inspections, with one senior employee chosen to take the role of a Person Responsible (PR).

APs will need to be able to understand SPS certificates/commercial paperwork, while PRs will need to be senior enough to act and take decisions on behalf of the business.

It will not be acceptable for a single employee to take both roles. The AP must be allowed to carry out their examinations without undue pressure on or influence over their findings.

Key responsibilities are as follows:

*Person Responsible:*

* Acting as the central point of contact with the Competent Authority, with overall accountability for the organisation’s authorised operator status.
* Ensuring access to the Control Point
* Retaining all records within the expected timeframe and making them available
* Guaranteeing availability of staff for audit checks
* Planning for succession and continuity in PR and AP roles in the case of unexpected departures

*Authorised Person(s):*

* Performing examinations solely for goods for which they have been signed off as competent.
* Committing to and completing relevant training.
* Keeping accurate inspection records, in line with Competent Authority SOPs.
* Cooperating with and addressing audit findings.

Internal Roles

Defra:

* Will provide policy and comms direction and governance for the programme. Governance responsibilities will include decision making regarding withdrawal and suspension from the Pilot.
* Will provide legal oversight of the programme.
* Will also lead the collection and analysis of evidence that will be used to support a robust post-pilot evaluation. The results of this will determine whether AOS can progress to rollout in 2025.

APHA and/or Scottish Government:

* Will lead in delivering the training and auditing during the Pilot.
* Will coordinate ongoing inspections at Control Points.
* Will be the point of contact for PRs during the Pilot. Correspondence during the Pilot is to be handled through the AOS inbox (AOSImports@apha.gov.uk ) and Scottish BCP inbox (BCPScotland@gov.scot). This includes general queries.

**Conflict of Interest during the AOS Pilot**

Delegating physical and ID checks to commercial operators will put the interests of the business and the requirement to act impartially in competition with one another. However, there is a broad expectation that businesses understand and agree with the need to prioritise GB biosecurity above all other interests given the risks that an outbreak poses.

Nevertheless, to ensure that any conflict of interest is managed responsibly, businesses will be provided with the following documents which they will be need to comply with during the Pilot:

* A **Code of Ethics**: This will set out 8 ethical principles that all employees in the business will be expected to comply with for the duration of the Pilot.
* A **Conflict of Interest Internal Business Protocol**: APs and PRs will sign to commit to managing conflict of interest during the Pilot and will set the measures they will take to do so.

More information will be provided during the training and following selection process.

**Control Point (CP) designated premises and associated customs authorisation**

AO’s premises need to be designated as a CP and be customs authorised. Businesses that are not yet a designated CP who submit an EOI will only be favourably considered if they are in the later stages of being approved i.e., a final site visit undertaken or imminently planned, with enough time to enable the designation process to be completed ahead of the pilot start date.

There is flexibility in the Official Controls Regulation legislation to allow CPs to be adapted or built to the requirements of individual businesses. Infrastructure costs for designation will vary significantly depending on the volumes of consignments, the existing facilities and what standard of facility the business requires.

There are numerous designated CPs currently in GB. The full list can be found [here](https://www.gov.uk/government/publications/plant-imports-authorised-points-of-entry-to-the-uk/plant-imports-authorised-border-control-posts-in-the-uk).

Further information on CPs can be found on the [Plant Health Portal.](https://planthealthportal.defra.gov.uk/trade/imports/imports-from-the-eu/bcpscpspods/cp-guidance/#anchor3)

Check out this [CP leaflet](https://planthealthportal.defra.gov.uk/assets/uploads/Control-Point-leaflet.pdf) which gives a step-by-step guide and more information on the requirements for obtaining CP designation.

Click [here](https://planthealthportal.defra.gov.uk/trade/imports/imports-from-the-eu/bcpscpspods/cp-guidance#Anchor7) for a case study of JZ Flowers’ experience of obtaining CP designation.

**Training during the AOS Pilot**

The AOS training programme has been designed to align strictly with, and not go beyond the requirements of International Standards for Phytosanitary Measures (ISPM) 45. Under ISPM 45 the training requirements should be equivalent to those required for the National Plant Protection Organisation (NPPO) if it were to undertake the same phytosanitary actions.

The AOS training will be delivered in two phases:

* Phase One consists of six webinars and ten modules to be undertaken over a three-week period.
* The AP will be assessed via a 20 multiple-choice questionnaire at the end of Phase One. An AP will have three attempts to pass the Phase One assessment. If the AP fails all three attempts at this assessment they will be withdrawn from the training programme.
* An AP must pass the Phase One assessment to be eligible to move to Phase Two. APs will be required to achieve an 80% pass mark.
* Phase Two will involve completion of the AOS Training Record in five weeks and to be signed off as competent in relevant section/s of the AOS Training Record. For Phase Two, the AOS Imports team and/or Scottish Government will assess the competence of the AP before signing them off as competent in the relevant commodity.

The total qualification time (TQT) for an AP is 120 hours. This is an average of 3 hours for 40 days over 8 weeks based on a standard working week (Mon – Fri). The TQT covers self-learning and guided learning. As a result, the competent authority (APHA/SG) will have delivered as part of the guided learning:

* 6 hours of webinars virtually in Phase One
* 13 hours of face-to-face training via a two-day workshop in Phase Two
* 5 hours of 1-2-1 support to the AP through an assigned mentor or local plant health inspector in Phase Two.

The completion of the AOS training package will enable commercial operators to be recognised as competent to perform identification and physical import checks of produce including cut flowers and foliage, plants for planting and used agricultural/forestry machinery in England, Scotland, and Wales only during the Pilot.

**Auditing during the Pilot**

The Competent Authority will implement a two-tier audit regime for businesses partaking in the Pilot:

* **Tier 1** audits will focus on APs to ensure they are following the relevant Standard Operating Procedures and records are being kept appropriately. As a minimum, Tier 1 audits will be undertaken monthly where plants are being inspected and every two months for sites handling only produce. The PR is responsible for ensuring an AP is available to facilitate the audit. Where a non-conformity is identified, the AP and/or PR must take steps to rectify and provide the required evidence within stipulated timescales.
* **Tier 2** audits will be undertaken less frequently than Tier 1 and will have a broader scope. Tier 2 audits for plant importing businesses will take place twice over the period of the Pilot, and once for plant produce importing businesses. These audits will assess whether processes are being followed in accordance with SOPs by PR(s), inspection logs are being completed correctly and training records of all APs associated to the AO are maintained. Some elements may be undertaken remotely, and PRs will be expected to provide documents in advance upon request from the auditor. Tier 2 audits will also incorporate an audit of Control Point facilities to ensure minimum requirements are being maintained. Where non-conformity is identified, the PR must take steps to rectify and provide the required evidence within stipulated timescales.

Unannounced audits may be undertaken by the Competent Authority with no prior notice made to the AO. Tier 1 and Tier 2 audits will be scheduled in advance.

Pilot participants should also be aware that the frequency and scheduling of audits is under the full control of the Competent Authority.

**Managing non-conformity and Withdrawal from Pilot**

It is expected that non-conformity will be identified at Tier 1, Tier 2, and unannounced audits. Depending on the circumstances of the non-conformity, it will either be managed by those responsible for the tier of audit being undertaken by detailing corrective action and a timescale to rectify in the audit outcome or by following an escalation process. The AP and PR will be responsible for ensuring that remedial action is taken to address any non-conformities.

Businesses should be aware of the risk of withdrawal from the AOS Pilot if there is evidence of critical non-conformity. If the Competent Authority detects a critical non-conformity, it will be referred to a withdrawal review panel who will consider the case and decide whether the business can remain on the Pilot.

Businesses will be able to withdraw from the Pilot. However, it is expected that businesses should only apply for the EOI if they are confident they can commit fully to the Pilot, and that the decision to withdraw is due to exceptional or unforeseen circumstances. Businesses that do withdraw from the Pilot will be asked to set out the reasons why they have decided to do so in an Exit Interview.

**Fees and Charges**

Participants will not be subject to AOS fees during the Pilot.  However, if the Pilot is successful, there will be a cost to gaining AOS if it is decided to roll out the authorisation. It will operate at cost recovery to cover training, auditing and authorisation costs. Indicatively, we believe this will range between £6,800 and £9,800 per annum. The pilot will be used to gather data that will assist with calculating the costs for AOS.

The statutory plant health fees for documentary, identity, and physical import inspections, will continue to apply for the participants of AOS during the Pilot.  These fees will be charged as they are currently.

Competent Authorities are looking into a fee structure based on cost recovery for the services being provided. This is standard Government approach that means government neither profits at the expense of consumers nor makes a loss for taxpayers to subsidise. Costs will be calculated on an accruals basis, including overheads, depreciation, and the cost of capital.

**Further Information**

If there are any questions on the AOS Pilot that have not been covered in this guidance document, please contact the AOS inbox (AOSImports@apha.gov.uk) for England and Wales, or the Scottish BCP inbox (BCPScotland@gov.scot) for Scotland.