



Department
for Environment
Food & Rural Affairs



Llywodraeth Cymru
Welsh Government



Scottish Government
Riaghaltas na h-Alba

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Dear Sir/Madam,

Stakeholder engagement for a new requirement on plants for planting

Thank you for submitting views on the above stakeholder engagement of the proposed regulatory changes on plants for planting in the assimilated [Implementing Regulation 2019/2072](#) (“the Phytosanitary Conditions Regulation”). This letter is to notify you of the outcome.

Background

The phytosanitary import regime in Great Britain is not static and is kept under continuous review to ensure that it continues to address any biosecurity risk posed to the UK, and that it meets our WTO obligations by being risk-based.

Plants for planting are generally considered as presenting a higher risk of pest introduction than other commodities. This is because, firstly, pests can survive, and possibly reproduce, on their living hosts or in growing media during transport of the plants for planting. Secondly, once at destination, the plants will remain planted or be replanted, facilitating survival and possible spread of the pest when hosts are likely to be nearby.

Proposal

We proposed to introduce a requirement for all imports of plants for planting (excluding bulbs, corms, rhizomes, seeds, tubers, and plants in tissue culture) moving into Great Britain to have been grown on a registered nursery and have been inspected prior to export. This was to provide greater biosecurity assurances for these plants, that otherwise carried greater biosecurity risks as a result of being grown in the wild or not being inspected prior to export.



The full details of the proposed legislative changes can be found in Appendix A [here](#).

Summary of responses

9 responses were received on this engagement, these were from:

- British Society of Plant Breeders (BSPB)
- Buglife
- Elsoms Seeds
- Horticultural Trades Association (HTA)
- National Farmers' Union (NFU)
- Ornamental Aquatic Trade Association (OATA)
- Private trading group
- The Cyclamen Society
- The Woodland Trust

Views on impact

The HTA could not foresee the existing commercial trade in plants for planting being negatively impacted by this proposal, given that all plants currently purchased for retail and amenity sale in the UK would be expected to be produced on a registered nursery. In addition, some members of the BSPB noted that the exemptions to these requirements (bulbs, corms, rhizomes, seeds, tubers, and plants in tissue culture) would cover the majority of movements they dealt with.

The Woodland Trust and Buglife both welcomed the proposal as a positive step for greater biosecurity. The Woodland Trust views the imports of trees as a biosecurity risk and believes that we must protect our woods and trees from the increasing number of pest and pathogen arrivals. The NFU were supportive of the proposal. In their experience, all imported stocks come from duly certified propagators and are inspected prior to departure from third countries. Finally, the HTA were supportive of the principle of this proposal in order to bolster the biosecurity of the UK.

However, the private trading group, Elsoms Seeds, the BSPB, OATA and the Cyclamen Society all had concerns regarding this proposal. The Cyclamen Society suggested that this proposal would prevent any scientific research which requires the collection of living plants, given that a Phytosanitary Certificate could not be issued for plants grown in the wild. Elsoms Seeds, OATA and members of the BSPB similarly had a concern that the import of plants from non-registered nurseries or the wild would be prevented.

We would like to reassure stakeholders that we are not proposing to prohibit the import of plants grown in the wild or by non-registered nurseries. All stakeholders are encouraged to meet these import requirements to enhance UK biosecurity. However, if organisations, such as botanic gardens, plant breeding companies, collections and research institutes, are unable to meet these requirements for scientifically justified reasons, they can apply

for scientific authorisations to enable the import and movement of these plants (please see [here](#) for more information).

Elsoms Seeds also mentioned that the proposed changes would create an additional level of administration and likely cost for their partners if they were to register. They highlighted these changes would put breeders at a competitive disadvantage to other plant breeders in the EU and worldwide. The private trading group highlighted that although they expected that the Dutch National Plant Protection Organisation (“NPPO”) could certify that domestic plants had been grown in a registered location, it would require evidence to do so for plants grown in other EU Member States. They warned that this could lead to additional administrative burdens for both growers, exporters and wholesalers in the EU.

The EU introduced similar measures against all third countries in 2021, therefore breeders in GB will be on an equal footing to EU breeders when trading with partners from non-EU countries. There are existing GB requirements for plants for planting from any third country to be grown in nurseries, and additionally from countries outside of the Euro-Mediterranean area, to be inspected prior to export. We do not anticipate significant costs for the requirement for a nursery to be registered by the exporting NPPO.

Follow-up queries

Buglife requested assurances that the proposed changes would not offshore biosecurity checks and that checks on imports will continue upon arrival in the country. OATA asked if the new requirement would result in reduced checks at the border.

Members of the BSPB and the HTA questioned why additional measures were required, in addition to any phytosanitary certificates and/or checks. Elsoms Seeds similarly stated that the issuance of a phytosanitary certificate by the country of origin should be enough of a guarantee that the plants have been inspected and are free of pests or diseases.

Phytosanitary certificates are required for all plants for planting, other than certain seeds. We can confirm that risk-based inspections will continue to be carried out on regulated commodities at the border, after being imported into Great Britain. However, inspections prior to export provides greater biosecurity assurances that a commodity is not infested. It also reduces the risk of pest introduction, which is more likely once an infested commodity has arrived on GB soil.

Plants grown in the wild, without controls in place such as pesticides or biological controls, are expected to be exposed to a greater number of pests and diseases. In addition, they are unlikely to have inspections conducted prior to export, similar to plants grown at nonregistered nurseries. As a result, these commodities are a greater biosecurity risk to the UK, therefore additional measures are justified.

The HTA asked who would be conducting the inspections prior to export, and what mechanism to check that this has been done.

It would be the responsibility of the exporting NPPO to ensure that their inspectors had met this requirement before it issued the phytosanitary certificate for these plants.

The HTA also enquired on how this proposal interacts with the Windsor Framework and trade in plants into Northern Ireland, noting that the EU already has this requirement in place.

As mentioned, EU already have this requirement in their legislation. Therefore, there will be no impact on goods moving from Great Britain to Northern Ireland, either with the Northern Ireland plant health label (“NIPHL”) scheme or with a phytosanitary certificate. This will have no impact on the movement of Qualifying Northern Ireland Goods which will continue to have unfettered market access into GB.

OATA and HTA asked if an assessment had been conducted on which countries will be impacted by these new requirements, requesting that the details of any impact assessments on the proposed changes to be shared.

A De Minimis Assessment is currently being conducted on these proposed changes in accordance with the Better Regulation Framework. This will estimate the impact on GB importers, considering the new requirements on trading countries, and will be considered before any changes in legislation are approved. However, we expect the impact of the legislative changes to be minimal. This monetised figure will be provided in the Explanatory Memorandum that will be published in early January 2025.

The HTA also recommended that a presentation be prepared for the Plant Health Advisory Forum on these changes before the legislation is approved. They also stated that they would have preferred a more collaborative approach taken to engaging with trade before the proposal was published, via the Plant Health Advisory Forum, to gain initial feedback.

We are happy to provide a presentation on these changes at the next meeting of the Plant Health Advisory Forum. The intention to introduce a requirement for all plants to be grown on nurseries was included in a presentation to the Plant Health Advisory Forum in February 2024.

OATA also argued that the proposed measures do not reflect the varying biosecurity risks posed by different types of plants for planting, for example, plants intended for indoor use which are already subject to a lower level of checks than other plants for planting. OATA asked if certain commodities (e.g. indoor plants) could be exempt from the requirements.

Certain types of plants for planting are already exempted from the proposed requirements on a risk basis. These are: bulbs, corms, rhizomes, seeds, tubers, and plants in tissue culture. Given that the risk-based import checks with indoor plants are only subject to a 5% inspection, it is important to have robust pre-export requirements.

The private trading group queried by whom and in what form the official statements should be issued. Elsom's Seeds suggested that the proposed requirement should only apply if additional declarations are needed for the relevant plants for planting.

Additional Declarations (ADs) are statements added to the phytosanitary certificate, issued by the exporting National Plant Protection Organisation, to provide specific information pertinent to the certificate accompanying the relevant plant, plant product or other regulated imported material. ADs are already required for the affected plants for planting under entry 6 (and others for certain imports, including entries 8, 9 and 13) of Annex 7 in the Phytosanitary Conditions Regulation.

Under the guidance on providing ADs (see [here](#)), these proposed changes would not require another AD as the phytosanitary certificate itself confirms that such a requirement is met as there are no options in the proposed import requirements.

Buglife asked how the proposed changes in legislation would address the risk of pests associated with growing media imported with plants for planting from the EU, Liechtenstein and Switzerland. It recommended the current requirements on growing medium should apply to all third countries.

The import of growing media, attached to or associated with plants, are not within scope of these proposed changes. Our dedicated UK-wide risk and horizon scanning team assesses new and revised threats on a continuous basis, to determine whether there is technical phytosanitary justification for specific measures to be introduced, including on soil from the EU, Liechtenstein and Switzerland.

Next steps

The responses received were mixed, with some stakeholders indicating their support whilst others highlighting their concerns. Hopefully, those concerns have been alleviated in this response letter. Defra and the Scottish and Welsh Governments therefore intend to implement these changes from 30 January 2025.

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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