



Department
for Environment
Food & Rural Affairs



Llywodraeth Cymru
Welsh Government



Scottish Government
Riaghaltas na h-Alba
gov.scot

Date: 24th February 2022

Dear Sir/Madam,

Response to Consultation on a Pre-notification Requirement for Article 73 Goods

Thank you for submitting views on the above consultation. This letter is to notify you of the outcome.

Proposal

To introduce a pre-notification requirement for 1% of goods referred to in Article 73 of the retained Regulation (EU) 2016/2031 (known as “Article 73 goods”). This measure would be implemented to provide data on the import of these goods, to allow for better targeting of risk-based import checks. It would also ensure consistency between the treatment of imports from Rest of World (the term used for non-EU countries) and EU, Liechtenstein, and Switzerland.

Background

Currently, there is no requirement in the relevant plant health legislation for Article 73 goods to be pre-notified. Instead, 1% of Article 73 goods arriving in Great Britain from Rest of World countries are inspected, using a bespoke process to identify such goods for inspection, though 100% of all other regulated plant and plant product commodities need to be pre-notified before arriving in Great Britain.

Article 73 goods from the EU, Liechtenstein and Switzerland will be inspected at a minimum of 1% frequency from 1 July 2022, as communicated at stakeholder events and on the UK government website via the Plant Health Portal and the Border Operating Model. Pre-notification would improve the process of selecting Article 73 consignments for inspection from all third countries.

Summary of Responses

Three responses were received, these were from:

- Agricultural Industries Confederation (AIC)
- British Society of Plant Breeders (BSPB)
- National Farmers' Union (NFU)

The key concern of BSPB and AIC was the uncertainty around potential import delays, especially at key times for businesses. Both made the point that a delay would unfairly impact consumer confidence in a particular importer over another and highlighted that the uncertain nature of this requirement could amplify the reluctance of carriers to take goods with SPS requirements requested.

The 1% of goods would be selected at random, therefore all importers have the same chance of having a consignment selected for an inspection. To reduce waiting times and prevent delays, the Animal and Plant Health Agency (APHA) use an automated gateway system that alerts staff when a consignment is declared. These alerts allow APHA to respond immediately and initiate contact with the GB importer (or their agent) once the consignment arrives. From there, the GB importer (or their agent) and APHA arrange the timing of the inspection within APHA's Service Level Agreements (SLAs). Information on APHA's current SLA times is published on gov.uk. Similar but separate arrangements apply in Scotland. GB plant health services have sufficient staff to meet current demand and recruitment is ongoing to ensure staffing continues to meet forecast increases in trade flows.

There were also concerns over the rest of the consignment being delayed which may discourage groupage with other goods, especially impacting goods of a smaller quantity, or that other consignments of the same species would be held up. Further information on how 1% of consignments will be calculated and selected, and how the relevant importer would be notified, was requested by these stakeholder groups.

For consignments that are selected for an inspection, only a 1% representative sample of the plants or products will be removed for checks. As requested, further information on the selection process has been provided in the following [guidance](#).

BSPB also raised a concern that any potential import delays associated with a 1% pre-notification requirement could significantly impact the movement and use of rare goods, such as seeds of a new variety intended for a breeding programme. BSPB are concerned that this could negatively impact the commercial capability of that variety.

Protecting the biosecurity of Great Britain across plant and animal health and the wider ecosystem is a priority for government. To that end, plant health controls apply equally to all imports of regulated plant health material, including rare consignments. The risk of introducing harmful organisms is not adequately mitigated by the rarity of a consignment. In

addition, consignments such as seeds have the potential to be associated with pests which may not be easily identified by inspection and to pass these pests on to other material. Therefore, all imports of regulated plants and plant products need to be notified to ensure that the necessary controls can take place.

Overall, however, BSPB supported a process that ensures biosecurity. In addition, the NFU signalled its support of the general aim of taking measures to provide better information and data, to allow for better targeting of inspections, and better determination of whether imported goods present a biosecurity risk.

Next steps

The responses received were generally supportive of introducing a requirement for pre-notifying Article 73 goods. Therefore, this requirement will be introduced in legislation in May 2022, to come into force by 1st July 2022.

I would like to thank those responding for taking the time to submit views on the consultation. 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 sincerely,

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Defra

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