

Method of Determining the Frequency of Risk-Targeted Plant Health Import Inspections - The Follow-Up Consultation

Introduction

1. In May 2021, Defra, Scottish and Welsh Governments proposed to establish a risk-targeted inspection system in GB. This system would allow for lower frequencies of identity checks and physical inspection of regulated plant health goods and apply to both the EU (references to the EU also include Switzerland and Liechtenstein and all are currently subject to phasing in of import controls), and the “rest of the world” (RoW, the term used for non-EU countries and for which a system or risk-targeted inspections already exists). A 10-week consultation was conducted with targeted stakeholders to seek their views on the proposed method for determining the frequency of risk-targeted import inspections.
2. Several stakeholders responded to this consultation, including the National Farmers’ Union, the Horticultural Trade Association, and the Fresh Produce Consortium. The responses received were generally supportive of a GB focused risk-based frequency of checks regime, although key concerns were identified. These concerns focused on the exclusion of plants for planting from the proposed approach and the delay before goods from the EU could benefit from this proposal.
3. In response to this stakeholder feedback, the UK Plant Health Risk Group has revised the methodology to apply to a much wider range of goods (see paragraph 9), including plants for planting as well as produce (e.g. fruit, vegetables and cut flowers). The revised approach will also apply equally to goods from all third countries from 1st July 2022. The default for all produce will not be 100% checks but rather between 3% and up to 100% depending on risk factors, such as the degree of processing they have been subject to and the intended use of the commodities, as well as interception levels. Certain categories of plants for planting will be eligible for inspection frequencies at less than 100%, where such categories represent a lower likelihood of allowing pests (should they be present) to persist and be disseminated.
4. This approach has been adopted following the conclusion that imposing full checks on all categories of plants for planting would not be proportionate to the biosecurity risk when also considering the effects on trade. Therefore, the risk-based requirement for inspections has been balanced with the impact on regulators and on trade. In addition, this approach would ensure that GB was treating all third countries equally from 1st July 2022, in line with the WTO SPS agreement.
5. The aim of this document is to set appropriate baseline inspection frequencies for specified categories of goods of plant health relevance. As a follow-up consultation, we would once again welcome your views on this proposal. At this point, we are only seeking views on the method used to determine the frequency of checks and not the frequency of checks themselves.

Background

6. The inspections carried out by GB plant health services on consignments of imported plants, plant products and other objects serve as an audit to check that the goods comply with GB phytosanitary requirements. The inspections are intended to monitor imports for known and new threats and reduce the likelihood of the introduction and spread of organisms harmful to plants or plant products. Inspections are crucial in protecting GB against risks arising from

trade in plants and plant material as well as providing intelligence about new and emerging issues, which need to be assessed to determine if requirements and controls need to be updated. They help to protect our nation's crops, produce, trees and other plants from the threat of harmful pests and diseases and help support the government's goal of leaving the natural environment in a better state than we found it.

7. In principle, all consignments of regulated plants and plant products, i.e. those which could pose an unacceptable risk to plant health and which must be accompanied by a phytosanitary certificate, could be inspected on arrival at border control points (BCPs) or shortly afterwards at inland control points (CPs), which are inland versions of BCPs. However, this is impractical and in line with the [World Trade Organisation \(WTO\) Protocol amending the Marrakesh Agreement establishing the World Trade Organization, Decision of 27 November 2014 \(Agreement on Trade Facilitation\)](#), GB phytosanitary agencies concentrate inspection efforts on higher-risk consignments and expedite the release of lower-risk goods taking pest threats into account to inform decision making.
8. Although the UK has departed from the EU, for plant health purposes, we currently still distinguish between goods from EU and goods from other third countries. Currently we are in a temporary transition phase where regulated plant health goods from the EU and from RoW are inspected at different frequencies (frequency being inspections per consignment imported). Current inspection frequencies for RoW goods are a legacy from EU membership. Here we aim to develop a single inspection regime applicable to key goods of phytosanitary relevance from both RoW and EU.
9. This approach applies to plants, plant products and other regulated products listed in Annex XI, Part A of Implementing Regulation (EU) 2019/2072 ("the Phytosanitary Conditions Regulation"). Annex 1 provides more background and outlines the rationale for initial target inspection frequencies.

Phytosanitary inspection rates for other commodities

10. It has already been determined that commodities listed in Part B of Annex XI to the Phytosanitary Conditions Regulation, from RoW, will be inspected at a frequency of 1%, i.e. a physical inspection of 1 in every 100 consignments will be conducted. The type of plant material covered by this legislation includes for example, specified cut flowers, fruits, vegetables and herbs as well as some cereal seed. Such material has been deemed low risk. For a detailed list of the plants and plant products, together with CN codes, refer to the legislation. The rate of inspection of such consignments from the EU will also be 1% in future.

Items that do not need phytosanitary inspection

11. Articles listed in Part C of Annex XI to the Phytosanitary Conditions Regulation, do not require phytosanitary certificates to enter GB and do not require phytosanitary inspection. They are therefore excluded from being part of a risk targeted inspection regime.

Implementation and revision of inspection frequencies

12. The proposed baseline frequency of inspections detailed in Annex 1 provide a harmonized starting point for inspections of selected goods from EU and RoW. Following consultation, which may result in changes to the policy, inspection frequencies will be applied from **1st July 2022**. Inspection will allow monitoring of risk and collection of data to inform decisions and potentially adjust inspection frequencies.

13. Inspection frequencies will be proposed for physical and identity checks at BCPs and CPs. Industry will have the choice of where to have checks carried out and they may choose to vary between BCP and CP according to circumstances.
14. Inspection frequencies are dynamic and when the UK was part of the EU, inspection frequencies on produce trades were altered in response to perceived threats. The Imports Threat and Horizon Scanning sub-group (which reports to the UK Plant Health Risk Group) will monitor import and interception data. If there is an upsurge of interceptions of pests or new threats are detected with a particular commodity or country of origin (considering factors such as compliance data, new scientific evidence and third country controls), the frequency of inspections may be adjusted rapidly in response. However, adjustments to inspection frequencies and hence fees will more routinely be made on an annual basis. Any proposed changes to inspection frequencies will be made by the Imports Threats and Horizon Scanning sub-group and considered by the Plant Health Risk Group in response to a change in the evidence for the relative risk associated with a particular commodity and origin. Interception data will be available on UK Plant Health Interception Notification System and the Plant Health Advisory Forum will be informed of proposed changes to inspection frequencies before their introduction.

Overview

15. Plants for planting will receive the highest frequencies of inspections because they 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. Taking these factors into account, but also noting support for a scheme which includes plants, a broad categorisation of different types of plants for planting has been proposed to determine relative risk profiles, and thereby inspection frequencies. It is not anticipated that these categories/profiles will be routinely updated in the same way as for produce, due to the inherent risk factors associated with plants for planting, as described above. Uncertainty about the exact provenance and history of plants being traded in addition to the risk factors above mean that a broad categorisation based on intended use/lifespan/growing environment is a more proportionate and appropriate approach as regards plants for planting. Notwithstanding this novel approach, and the intention to maintain broad categories and inspection frequencies, if persistent interceptions or new threats were detected on categories of plants listed in Annex XI, Part A of the Phytosanitary Conditions Regulation or their country of origin, these would be considered in the review process, to determine if there should be re-adjustment of inspection frequencies for the category concerned, including the possibility of reverting to 100% if necessary.
16. Whilst within the EU, we inspected some fruits, vegetables and cut flowers at higher rates than now proposed. The reduction in such inspection intensity is based on the lower risk of pest outbreaks resulting from such imports.

Annex 1: Baseline inspection frequencies for higher risk items of phytosanitary relevance

Approach

17. ISPM 32 (FAO, 2009) allocates plant-based commodities into risk categories according to the degree of processing they have been subject to, and the intended use of the commodities. Similar principles can be further applied to discriminate between commodity risks. Some intended uses of commodities, e.g. plants for planting, result in a much higher probability of introducing pests than others such as plant material for processing (FAO, 2009).
18. Inspections could also be reduced for reasons such as:
 - a. the degree of processing likely to have occurred prior to export, e.g. at harvest and pre-packing, e.g. sorting and washing. During such procedures infested material can be rejected, removing pests from the pathway,
 - b. the manner of storage and shipping, for example rapid cooling, fumigation, cold storage and movement in controlled atmospheres (high CO₂, low O₂); such factors inhibit pest survival,
 - c. low likelihood of pest transfer.
 - d. Finished plants, retailed to the public are likely to be of high quality, and plants such as bedding plants which are annual or biennial plants are short lived and provide a shorter window of opportunity for pests to transfer compared to pests carried on perennials.
 - e. Houseplants will be kept indoors and any pests on them will be physically isolated with limited opportunity to spread to hosts outside or in other houses.
 - f. Seed for sowing are likely to have been tested and a level of quality reached before marketing can take place. However, for some viruses, very large numbers of seeds need to be tested to determine whether a consignment is likely to be infected (Constable et al., 2019; Dall et al., 2019).
 - g. Industry assurance schemes within supply chains contribute to providing biosecurity protection. Industry assurance schemes can have higher standards than phytosanitary legislation requires and include criteria unrelated to plant health, such as quality specifications, which nevertheless contributes to improved biosecurity protection.
19. Reducing import checks on higher risk commodities will have more serious consequences than reducing checks on lower risk but still regulated commodities, such as apple fruit, and manufactured items such as timber products without bark. This is because lower risk commodities are perceived to be less likely to introduce plant pests or cause pest outbreaks than higher risk commodities due to factors such as the pests on the commodity and the intended use of the commodity. Nevertheless, reducing inspections is not risk free; risk managers recognise this and balance the need to provide inspections, which essentially audit a pathway in terms of compliance with GB import requirements, with the resources available to conduct inspections. The impact on trade also needs to be considered.

Suggestions for inspection frequencies

20. Five frequencies of inspection are proposed, i.e. 3%, 5%, 10%, 50% and 100%.
21. For root and tubercle vegetables that are not for planting, a 1% frequency of inspection was considered but because 1% is used for lower risk items in Part B of Annex XI to the

Phytosanitary Conditions Regulation (see paragraph 10), a slightly higher frequency was thought appropriate in this case. However, as data is collected and considered in future the frequency of checks could be revised (up or down), as is the case for all items in this approach.

22. As baseline data is collected on trade of the targeted inspection regime, future decisions regarding inspection frequencies will become better informed.
23. Regarding vegetable and oil seed, 1% was considered but 1% inspection is applied to Article 73 goods and since the seed here have previously been regarded as higher risk, 5% is proposed.
24. Regarding controlled wood, wood products and isolated bark, a 100% frequency of inspection is being considered due to the high risk of pest introduction from these commodities.

Identifying finished plants and plant products that do or do not need 100% of consignments inspected

25. Some categories of plants for planting that are destined for final retail present a lower risk than plants in the same category that are going to be grown for a further period before they are sold to retailers. This is because the period in which plants are grown on will increase the risk of pest spread. For a reduced frequency of inspection to apply to such plants, there will need to be evidence from their packing or labelling or by other means that they are intended for direct sale to final consumers not involved in professional plant production.
26. Longer lived plants such as trees and shrubs are considered to present a greater plant health threat than shorter lived plants such as annual bedding plants. This assessment is based on factors such as the opportunity for pest spread being greater for longer lived plants and the high potential impacts of tree pests.
27. Some categories of plants (e.g. Narcissus bulbs) will be inspected at a lower rate if they are to be grown on for retail sale rather than propagated further before they are used in production because the process of propagation provides an opportunity for pests to multiply further before the production stage.
28. Regarding ware potatoes, they generally represent a low likelihood of introducing harmful organisms, but GB will target inspections and testing of ware potatoes from countries where a specific pest threat has been identified. Non-EU countries which are allowed to export ware potatoes have previously been assessed as having a low risk to EU plant health (with the exception of Egypt), so there is no evidence that they are higher risk than EU ware and therefore should be treated the same as EU.
29. Higher rates of inspection have been proposed for some trades for which there have been a high number of pest interceptions and / or there is a particular risk associated with the trade; these include: *Luffa ssp.*, *Telfaria* from Nigeria, *Ocimum* from the ROW, *Corchorus*, poinsettias (*Euphorbia pulcherrima*) and cut roses from countries where rose rosette virus is present.