

## **Importing and exporting plants if there's no Brexit deal**

### **Summary**

How importing plants or plant products would be affected if the UK leaves the EU with no deal.

### **Detail**

If the UK leaves the EU in March 2019 without a deal, find out how this would affect businesses or individuals that trade in plants and plant products with EU countries.

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including 'no deal', until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario>) explaining the government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

## **Purpose**

This notice sets out how businesses and individuals that trade in plants and plant products with countries within and outside the EU would be affected if the UK leaves the EU in March 2019 with no deal. 'Plant' means a living plant (including a fungus or tree) or a living part of a plant (including a living part of a fungus or shrub), at any stage of growth; 'plant product' means products of plant origin, unprocessed or having undergone simple preparation, in so far as these are not plants, including wood and bark.

This includes trade in products that are currently managed under the EU plant passport regime or subject to third country controls under current EU rules. It also includes movement of wood packaging material between the UK and the EU.

## **Before 29 March 2019**

Currently there are no border controls on most imports and exports of plants and plant products between the UK and the EU. Some plants and plant products that present a higher biosecurity risk are managed under the EU plant passport regime. For trade with third countries, the process is different. Some plants and plant products that do not pose a biosecurity risk can move freely. Others, known as 'controlled' plants and plant products, must meet certain import requirements because they are considered to pose a risk to plant health. The importing country determines which plants and plant products are controlled.

The list of plants and plant products managed under the EU plant passport regime for trade between EU countries is not the same as the list of commodities from outside the EU – third country goods - that are controlled by the EU.

Controlled third country goods include all plants for planting (including some seeds) and certain plant products. These goods are specified in the [EU Plant Health Directive](<https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32000L0029>) and associated legislation, implemented in the UK through national legislation in England and the devolved administrations.

Controlled goods exported from the UK to third countries are determined by the country receiving the goods and must travel with a Phytosanitary Certificate (PC) issued by the relevant plant health authority, and are usually checked on arrival at the border of the third country concerned. The relevant plant health authority is

APHA in England and in Wales on behalf of the Welsh Government, the Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland, and the Scottish Government's Plant Health Service in Scotland. For forestry material, the relevant authority is the Forestry Commission (FC) or DAERA in Northern Ireland.

The relevant UK plant health authorities are responsible for enforcing import controls and for issuing Phytosanitary Certificates for export from the UK.

### **Wood Packaging Material**

Wood packaging material (WPM) includes pallets, crates, boxes, cable drums, spools and dunnage.

WPM imported from and exported to third countries is subject to International Standard for Phytosanitary Measure No. 15 (ISPM15). This is an international standard under the International Plant Protection Convention that countries must apply to reduce the risk of the introduction and spread of certain pests. ISPM15 requires WPM to be treated (typically using heat treatment) and marked. Risk-based checks are carried out on WPM moving from third countries into the UK to ensure ISPM15 standards are being met.

Currently, WPM moving between the UK and the rest of the EU does not need to meet ISPM15 requirements and can move freely without checks or controls. WPM moving in and out of Portugal and parts of Spain must conform to ISPM15 standards, owing to the presence of Pinewood nematode.

### **After March 2019 if there's no Brexit deal**

In the unlikely event that the UK leaves the EU in March 2019 with no deal, the UK would be treated as a third country and would lose access to the EU plant passport regime. This would affect businesses that export to the EU, import from the EU, and move some plants and plant products within the UK. Exports to and imports from current third countries would not be directly affected.

### **Exports from the UK to EU countries**

In a 'no deal' scenario, the UK would become a third country, and would need to meet EU third country import requirements to export controlled plants and plant products to the EU, including controls on all plants for planting and all wood packaging material.

The process for sending controlled plants and plant products to the EU would be the same as the current process for sending them to third countries. Under this process, businesses need to apply for a Phytosanitary Certificate (PC) from the relevant UK plant health authority before they can export. Some commodities require laboratory testing of samples to ensure they are free from pests and diseases, while others also need to have had an inspection during the growing season.

These services are subject to fees and charges. [More information about fees and charges](<https://www.gov.uk/guidance/plant-health-controls>) is available on GOV.UK.

Consignments of controlled plants and plant products exported to the EU from the UK may be subject to checks at the EU border.

### **Imports from EU countries to the UK**

To deliver a smooth transition when we leave the EU, in a 'no deal' scenario the Government has decided that the majority of plants and plant products are low-risk and should continue to enter the UK from the EU freely, as they do now.

There would be some exceptions:

Plants and plant products managed under the EU plant passport regime: Plants and plant products currently managed under the EU plant passport regime would be subject to UK import controls to replace the assurance and traceability offered by the EU plant passport regime, maintaining biosecurity whilst minimising the impact on businesses.

Consignments of these plants and plant products entering the UK would require a PC issued in the country of export (or re-export), and the importer or the importer's agent would need to inform the relevant plant health authority in the UK before the consignment arrived. Further details of how to [inform the relevant plant health authority](<https://www.gov.uk/guidance/importing-plants-fruit-vegetables-or-plant-material-to-the-uk>) are available on GOV.UK. The importer or agent would also need to provide scanned copies of the PC and relevant documents in advance to the relevant UK plant health authority, and supply the original copy of the PC once the consignment has arrived.

Consignments of plants and plant products from EU countries would not be stopped at the border. The relevant UK plant health authority would carry out documentary and identity checks remotely. These checks would be charged for by the plant health authority.

As currently, plant health inspectors would continue to carry out follow-up inspections inland on a risk-targeted basis. The government does not charge for such inspections.

Plants and plant products originating outside the EU and arriving in the UK via the EU: Plants and plant products that come from non-EU countries, but travel to the UK via the EU without an EU member state carrying out plant health checks, would be treated as non-EU imports and subject to third country controls on arrival in the UK. Further details on [current third country controls](<https://www.gov.uk/guidance/importing-plants-fruit-vegetables-or-plant-material-to-the-uk>) are available on GOV.UK. Detail on alternative arrangements for points of entry that do not have capacity to carry out third country controls at the border will be made available in due course.

### **Plants and plant products moving within the UK**

In the unlikely event of a 'no deal' scenario, there would be a new UK plant passport regime. Plants and plant products currently covered by the EU plant passport regime when moved within the UK would be managed by the new UK regime. Businesses wishing to move these plants and plant products within the UK would need to be authorised by the relevant UK plant health authority to issue UK plant passports. They would need to issue plant passports when moving those plants and plant products within the UK.

### **Wood Packaging Material**

As indicated in the [EU's technical notice on this topic]([https://ec.europa.eu/food/sites/food/files/plant/docs/notice\\_brexit\\_plant\\_health.pdf](https://ec.europa.eu/food/sites/food/files/plant/docs/notice_brexit_plant_health.pdf)) , in the unlikely event of the UK leaving the EU in March 2019 without a deal, all WPM moving between the UK and the EU would need to be ISPM15 compliant (treated and marked). These products may be subject to official checks either upon entry to the EU or after entry.

Defra, the Forestry Commission and other relevant UK plant health authorities are working with the WPM sector who understand what actions they will need to take to manage this new requirement in a no deal scenario.

### **More information**

Information on the [UK and EU's current third country import requirements can be found on GOV.UK](<https://www.gov.uk/guidance/plant-health-controls>).

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.

The UK government is clear that in this scenario we must respect our unique relationship with Ireland, with whom we share a land border and who are co-signatories of the Belfast Agreement. The UK government has consistently placed upholding the Agreement and its successors at the heart of our approach. It enshrines the consent principle on which Northern Ireland's constitutional status rests. We recognise the basis it has provided for the deep economic and social cooperation on the island of Ireland. This includes North-South cooperation between Northern Ireland and Ireland, which we're committed to protecting in line with the letter and spirit of Strand two of the Agreement.

The Irish government have indicated they would need to discuss arrangements in the event of no deal with the European Commission and EU Member States. The UK would stand ready in this scenario to engage constructively to meet our commitments and act in the best interests of the people of Northern Ireland, recognising the very significant challenges that the lack of a UK-EU legal agreement would pose in this unique and highly sensitive context.

It remains, though, the responsibility of the UK government, as the sovereign government in Northern Ireland, to continue preparations for the full range of potential outcomes, including no deal. As we do, and as decisions are made, we'll take full account of the unique circumstances of Northern Ireland.

Norway, Iceland and Liechtenstein are party to the Agreement on the European Economic Area and participate in other EU arrangements. As such, in many areas, these countries adopt EU rules. Where this is the case, these technical notices may also apply to them, and EEA businesses and citizens should consider whether they need to take any steps to prepare for a 'no deal' scenario.