



**Technical expert seminar (EU27) in the Sanitary and
Phytosanitary (SPS) area in relation to the withdrawal of the
United Kingdom from the EU**

PLANTS and SEEDS

**28 February 2019,
Brussels**



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Phytosanitary import rules

Imports prohibited

Applicable EU legislation: Council Directive 2000/29/EC, on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, and in particular:

- Annex III, Part A for the entire Union, and Part B for certain protected zones;
- Certain import prohibitions, if adopted by measures pursuant to Article 16(3).

Specific requirements for imports

Applicable EU legislation: Directive 2000/29/EC, and in particular:

- Annex IV, Part A for the entire Union, and Part B for certain protected zones;
- Wood packaging material will require the mark of ISPM15;
- Certain import requirements adopted by measures pursuant to Article 16(3).

Required phytosanitary certificate for imports

Applicable EU legislation: Part B of Annex V to Directive 2000/29/EC;
All commodities listed in that Part shall require a phytosanitary certificate for import

Import Controls

Plant health controls:

Plants, plant products and other objects listed in Part B of Annex V to Directive 2000/29/EC for import from the UK will be subject to:

- 100% documentary controls at the point of entry;
- 100% identity and physical controls;
- On wood packaging material: Member States can carry out inspections to ensure that it complies with the relevant special requirement indicated in Annex IV, Part A of Directive 2000/29/EC.

In seeds and other propagating material:

- In case the commodities are not subject to the above plant health controls, they are subject to random controls.

Plant Variety Rights: implications

- Plant variety rights granted by the CPVO before the withdrawal date will remain applicable in the UK after the withdrawal date and until their date of expiration;
- Varieties that had been examined and maintained in the UK only, will be examined and maintained by EU-27 Examination Offices if they belong to species for which those Offices have been entrusted under the "new species procedure" (324 species);
- Breeders domiciled / having a seat in UK only must designate a procedural representative in EU (Art 82 of Reg. 2100/94).



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Plant reproductive material: implications (1)

on the Inclusion in Common Catalogues or national registry or list

Varieties of agricultural and vegetable species

Must be registered and maintained in an EU-27 MS, otherwise their seed cannot be marketed

Seed from: fodder plants, cereal, beet, vegetables and vegetable propagating material, potatoes, oil and fibre plants (agricultural and vegetable species)

Impact:

- ➔ Member States (at least one EU-27 MS) accept(s) the exclusive UK varieties currently included in the Common Catalogues – otherwise not allowed to be marketed in EU
- ➔ The Common Catalogue is going to be updated by removing all varieties registered or maintained in the UK only

Vine propagating material, fruit propagating material

Must be included in the national register of one EU-27 MS

Ornamental propagating material

Must be included at least in a suppliers' list of one EU-27 MS

Import of seeds and other reproductive material, including forest reproductive material

Need for equivalence, in addition to the above requirements

Propagating material: implications (2)

on the Inclusion in Common Catalogues or national registry or list

What material?

Some varieties intended for inclusion in the Common Catalogue of Dir. 2002/53/EC or 2002/55/EC are currently **being tested in UK** premises – because MS bilateral testing arrangements are in place

Impact on Member States and stakeholders

Impact on breeders:

1. Bilateral testing arrangements with UK no longer possible: the examination results must stem from examinations in one EU-27 MS for the variety to be included in the Common Catalogues or national register.
2. Besides the examinations for DUS (Distinctness, Uniformity and Stability) where all Member States apply the same requirements, **certain varieties will also need additional examinations for VCU (Value for Cultivation and Use)** where the requirements of certain Member States might be different from the UK requirements

https://ec.europa.eu/food/sites/food/files/plant/docs/notice_brexit_plant_rep_prop_material.pdf