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EDINBURGH  
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20 May 2022

Dear Finlay

**EU EXIT LEGISLATION – PROTOCOL 2 WITH SCOTTISH PARLIAMENT  
THE OFFICIAL CONTROLS (PLANT HEALTH) (FREQUENCY OF CHECKS)  
REGULATIONS 2022 (PH/038)**

I am writing in relation to the protocol on obtaining the approval of the Scottish Parliament to proposals by the Scottish Ministers to consent to the making of UK secondary legislation affecting devolved areas arising from EU Exit.

That protocol, as agreed between the Scottish Government and then Parliament, accompanied the letter from the former Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, to the Conveners of the Finance & Constitution and Delegated Powers and Law Reform Committees on 4 November 2020 and replaced the previous protocol that was put in place in 2018.

I attach a Type 1 notification which sets out the details of the SI which the UK Government propose to make and the reasons why I am content that Scottish devolved matters are to be included in this SI. Please note, we are yet to have sight of the final SI and it is not available in the public domain at this stage. We will, in accordance with the protocol, advise you when the final SI is laid and advise you as to whether the final SI is in keeping with the terms of this notification.

PH/038 is subject to negative procedure and on current DEFRA plans is to be laid in Westminster on 30 June and will come into force on 22 July 2022. I am pleased to advise that on this occasion the Scottish Parliament will have the 28 days to consider this notification.

PH/038 is a GB wide SI which as noted in the notification introduces a risk-targeted inspection regime in GB providing a basis for the determination of frequency rates of plant health checks (physical and identity checks) on certain consignments of plants, plant products and other relevant goods entering GB from a third country.

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To align with the changes being introduced pursuant to PH/038, fees legislation in Great Britain is being updated to reflect the new frequency rates. For Scotland, the fees changes are being made through the SSI the Plant Health (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2022 (“the Fees Regulations”) which will amend the principal Plant Health (Import Inspections Fees) (Scotland) Regulations 2014. The Fees Regulations (subject to affirmative procedure) are being laid in draft in the Scottish Parliament on 20 May 2022 to coincide with this notification in relation to PH/038 being sent. The Fees Regulations, if approved, are to come into force on 22 July 2022 to coincide with the coming into force of PH/038.

In addition, the power to make PH/038 (Article 54(3) of the Official Controls Regulation) being made available for use is dependent on plant health amendments being made as part of a GB SI, namely the Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2022 (“OFC/10”). On current plans a separate notification for OFC/10 is to be sent to the Scottish Parliament on or before 20 May 2022.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Kind regards



**LORNA SLATER**

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## SI NOTIFICATION: SUMMARY

<b>Title:</b> The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 (PH/038)
<b>Proposed laying date at Westminster</b> Laying and making on 30 June 2022
<b>Date by which Committee is to respond</b> 24 June 2022
<b>Power(s) under which SI is to be made</b> Articles 22(3) and 54(3) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (the Official Controls Regulation.)
<b>Categorisation under SI Protocol</b> Type 1
<b>Purpose:</b> PH/38 makes the following provision:  <ol style="list-style-type: none"><li>1. makes provision for the introduction of a regime to determine the frequency rates of physical and identity checks of consignments for certain plants, plant products and other objects entering GB from another country. This includes the procedure for the modification of those frequency rates.</li><li>2. makes provision to revoke Part 6 of the Official Controls, Plant Health, Seeds and Seed Potatoes (Amendment etc.) Regulations 2021 which introduced a temporary frequency of checks model for high priority plants, plant products and other objects arriving in GB from the EU, Liechtenstein and Switzerland.</li></ol>
<b>Other information</b>  PH/038 introduces a revised risk based inspection scheme (based on EU principles for reduced checks inspections) which will be used to calculate the frequency rates of physical and identity inspections of certain plants, plants products and other objects which are imported into GB from third countries. PH/38 sets out the framework for calculating the rates of inspections and makes provision for the annual publication of those rates. Fee levels will be set in separate legislation namely the Plant Health (Fees)(Miscellaneous Amendment) Regulations Scotland 2022 which were laid in draft on 20 May 2022 and will come into force on 22 July.  In addition, the powers to make PH/038 are dependent on plant health amendments being made on a GB wide basis in a UKSI; namely The Official Controls (Extension of Transitional Periods)(Amendment) Regulations 2022 ("OFC/10"). On current plans a separate notification for that UK SI is to be sent to the Scottish Parliament on or before 20 May 2022.
<b>SG Policy contact:</b> Yvonne Hay ( <a href="mailto:Yvonne.Hay@gov.scot">Yvonne.Hay@gov.scot</a> )

## **NOTIFICATION TO THE SCOTTISH PARLIAMENT**

The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 (“PH/038”)

### **Is the notification Type 1 or Type 2**

Type 1

### **A brief overview of the SI**

PH/038 makes provision for determination of the frequency rates of plant health checks (physical and identity) of consignments of certain plants, plant products and other relevant goods entering Great Britain (GB) from a third country, including for the modification of those frequency rates.

It also revokes Part 6 of The Official Controls, Plant Health, Seeds and Seed Potatoes (Amendment etc.) Regulations 2021<sup>1</sup> to remove the existing frequency of checks model for the highest risk goods from the EU so they are replaced by the methods in PH/038.

PH/038 is to be made and laid on 30 June 2022 and is to come into force on 22 July 2022.

### **Details of the provisions that Scottish Ministers are being asked to consent to**

Retained regulation (EU) 2016/2031 (“the Plant Health Regulation”) on protective measures against pests of plants and Retained regulation (EU) 2017/625 (“the Official Controls Regulation”) on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (together “the GB Regulations”) establish controls and restrictions which apply to the import and internal movement of certain plants, plants pests and other material. The purpose of the GB Regulations is to help reduce biosecurity risk and protect the environment from the spread of harmful pests and diseases.

PH/038 is made in exercise of powers contained in Articles 22(3) and 54(3) of the Official Controls Regulation and makes the provision outlined above. It is this provision that the Scottish Ministers are being asked to consent to.

### **Summary of the proposals:**

#### Frequency of Checks

##### *Background*

In order to prevent the introduction of harmful pests and diseases most countries require that consignments of plants and plant products must meet certain plant health standards before they are allowed entry. In order to ascertain that the goods meet those plant health standards, they may require to be inspected or undergo specific checks. A charge is associated with the cost of these inspections and usually required to be paid by the importer.

##### *Why the need for change*

Most consignments of plants, plant products or other objects imported into a country should, in principle, be subject to documentary, identity and physical checks before being permitted entry. To make efficient use of inspection resources, consignments of some plants, plant products or other objects, with a good history of compliance with phytosanitary (health check) requirements, are allowed a reduced frequency of plant health checks, provided they met certain eligibility criteria. The EU has a frequency of checks model based on the level of imports to the EU as a whole and dependant on the risk posed to the EU by the commodity itself and the country of origin of the commodity.

Since the end of the implementation period on 31 December 2020, following the UK's exit from the EU, plant health checks have been carried out on all regulated consignments imported into GB from all non-EU countries and only on higher risk consignments from EU member States, Liechtenstein and Switzerland (these higher risk goods are listed in schedule 2 of the Plant Health (Amendment etc.) (EU Exit) Regulations 2020). The highest risk import trade pathways (i.e. a commodity type from a specific country) are subject to 100% identity and physical checks, and lower risk goods are subject to lower frequencies of checks. These import checks are currently conducted using the EU methodology.

Following the UK's withdrawal from the EU there was a need to develop a risk targeted import inspection regime for GB so that inspections can be targeted using country of origin compliance history for imports on consignments of plants and plant products and if these consignments pose a higher risk to GB biosecurity. This new inspection regime has been created using as a basis the EU principles for risk targeted inspections. The new GB regime now includes plants for planting from the EU.

The Scottish Ministers as competent authority, will continue to carry out inspections (documentary, identity and physical) on consignments of imported plants, plant products and relevant goods to prevent the introduction and spread of organisms harmful to plants or plant products.

#### *Risk-based inspection regime PH/038 is introducing*

This instrument makes provision for a GB focused risk-based frequency of checks regime, allowing the modification of the frequency of plant health checks on specific import trade pathways, depending on the level of plant health risk posed to GB and the history of compliance. This methodology will apply equally to imports from non-EU countries and higher risk goods only from EU member States, Liechtenstein and Switzerland.

The "appropriate authority" in PH/038 for Scotland is defined as the Scottish Ministers or the Secretary of State acting with the consent of the Scottish Ministers.

The "competent authority" is defined as the Scottish Ministers (or the Forestry Commissioners where an arrangement has been made under regulation 5(2) of the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019).

PH/038 sets out the factors the appropriate authority must take into account in determining the frequency rate of physical and identity checks as follows: —

- available scientific assessments
- data and information collected through GB imports computer management systems
- whether a plant has been processed, and if so the method and degree of processing

- the manner of storage or means of transportation prior to and during export to GB and if that is likely to prevent the spread or establishment of a GB regulated non-quarantine pest
- the intended use of the plant or plant product following entry to GB
- in the case of plants for planting, whether the plant is a woody plant, appears to be intended for supply to final consumers, is intended to be an indoor plant, or if it is intended to be grown for direct production of other commodities
- in the case of seeds, whether they are intended for marketing within GB, are intended to be used for trial or official testing or have been subjected to testing.

PH/038 requires that the frequency rates of plant health checks (identity and physical) under the GB risk-based inspection regime to be reviewed annually by the appropriate authority.

However, the frequency of checks may be temporarily increased at any time if the competent authority considers it necessary following any new or revised risk assessments, pest interceptions, changes in pest distributions, or other developments. Once the risk, information or outcome of these controls no longer justifies the increased frequency, the authority will reduce the frequency rates of plant health checks.

PH/038 sets out the requirements for selecting consignments for physical checks by a plant health inspector. These must be in one of the following ways—

- the selection of a consignment generated by the relevant computer management system
- the selection of a consignment of the same category and origin as those selected by the computer management system
- the selection of a consignment which the plant health inspector suspects may have been brought into GB in contravention of a plant health rule or may not otherwise comply with a plant health rule.

Finally, to comply with PH/038 the appropriate authority must publish the annual frequency of inspection rates online. It is intended that the frequency rates will be published, based on PH/038 (in anticipation of – and to coincide with - it coming into force) and updated annually thereafter on the UK Plant Health Portal (an online hub on the UK Government website where GB plant health information data and resources are held). This will also be published on SASA website.

To align with the changes being introduced in PH/038, fees legislation is being updated to reflect the new frequency rates. An SSI, the Plant Health (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2022 – which will amend the Plant Health (Import Inspections Fees) (Scotland) Regulations 2014 – was laid in draft at the Scottish Parliament on 20 May 2022 to give effect to these fee changes. If approved the SSI will come into force on 22 July 2022 to coincide with the coming into force of PH/038.

*Approach (approved by Stakeholders) taken to determine risk based inspection frequency as set out in PH/038*

PH/038 sets out the methodology which is to be applied when setting risk based frequency rates. New frequency rates have been set using this methodology which will apply from 22 July 2022. Similar to the existing EU approach, the annual frequency rates do not require to be set out in legislation but are to be published online. When applying the methodology in practice, plant-based commodities are allocated into risk categories according to a number

of different factors, including the degree of processing they have been subject to, and the intended use of the commodities. Once allocated to the risk category, the regime provides a baseline frequency of inspections for that commodity. Thereafter, similar principles are further applied to commodities to discriminate risks posed by country of origin, in particular considering compliance data and where there is a particular pest risk associated:

- Commodities will be checked at one of five frequencies of inspection – 3%, 5%, 10%, 50% and 100%.
- If there is an upsurge of interceptions of pests or new threats are detected, the frequency of inspections will be adjusted rapidly in response to the threat. However, adjustments to inspection frequencies and hence fees will only be made on an annual basis.
- This proposed inspection approach applies to higher risk imports from the EU, Liechtenstein and Switzerland and all rest of the world (RoW) imports.
- The highest risk commodities from RoW, and the EU, Liechtenstein and Switzerland, are subject to 100% documentary, identity and physical checks. The level of identity and physical checks on other commodities is based on the risk presented by the import of different plants and goods from different origins.
- These risk-based checks are in line with WTO/SPS principles.

Annex 1 provides more background and outlines the rationale for initial target inspection frequencies.

Annex 2 provides details of the rate of frequency of checks for each category of goods to apply from 22 July 2022.

*Summary of new frequency of checks process*

A summary of the three steps that are required to set up the new frequency of checks model is set out in the table.

<p>Methodology</p>	<p>The new methodology is set out in PH/038. This prescribes the steps that are required to be undertaken by the appropriate authority when calculating the rate for frequency of checks.</p> <p>The frequency of checks model applies to higher risk goods from the EU, Liechtenstein and Switzerland and all goods from the RoW.</p>
<p>Rate of frequency of checks</p>	<p>The process by which consignments will be allocated frequency of checks rates is undertaken annually following</p>



	<p>the methodology established in PH/038 and the rates are required to be published on-line.</p> <p>The rates to apply from July 2022 have already been calculated on the basis of the methodology in PH/038 (in anticipation of it being made and coming into force) and communicated to importers via the UK Plant Health Portal.</p> <p>NB: The next review is set for July 2023 but it may then be moved to another time of year at a later date once more data has been received.</p>
<p>Fees associated with import checks</p>	<p>When new frequency of checks rates are calculated annually, the Scottish Government will then calculate the fees which will apply to the checks based on the frequencies determined. This will be set out by amending existing import fees legislation – currently Plant Health (Import Inspections Fees) (Scotland) Regulations 2014.</p> <p>The new fee levels to apply in Scotland from July 2022 have been calculated based on the frequencies arrived at applying the PH/038 methodology and will be introduced in legislation in the Plant Health (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2022 which amends the Plant Health (Import Inspections Fees) (Scotland) Regulations 2014</p>

Part 6 of the Official Controls, Plant Health, Seeds and Seed Potatoes (Amendment etc.) Regulations 2021

Part 6 of the 2021 Regulations is revoked. This legislation introduced a temporary frequency of checks model for high priority plants, plant products and other objects arriving in GB from the EU, Liechtenstein and Switzerland and is no longer required due to the introduction of the risk-based targeted inspection regime being introduced through PH/038.

Other information

This SI does not transfer any legislative functions.

The World Trade Organisation (WTO) rules require that a consultation period of 60 days takes place after new Sanitary/Phytosanitary measures (SPS) are notified by a WTO member-state to the WTO. This procedure was carried out in February 2021 (when UK plant first consulted with stakeholders) and again in March 2022 the regime was refined and finalised.

### **Does the SI relate to a common framework or other scheme?**

No.

### **Summary of stakeholder engagement/consultation**

The UK Plant Health Services (“UKPHS”), comprised of the four UK administrations, are in continuous informal and formal engagement with GB-wide stakeholders. This includes stakeholders such as the Plant Health Advisory Forum (PHAF) and the Scottish Tree Health Advisory Group (STHAG). PHAF members include the Fresh Produce Consortium, the Horticultural Trades Association (HTA) and the National Farmers Union for Scotland (NFUS). STHAG members include Confor, Woodland Trust, Cheviot Trees and other Scottish stakeholders. There is also engagement with individual Scottish Stakeholders.

In May 2021 the new proposed risk based inspection regime was sent to PHAF and STHAG as part of [a consultation paper](#) and was made public on the UK Plant Health Portal. The responses to the consultation received were generally supportive of a GB focused risk-based frequency of checks regime, although key concerns were identified.

The UK Plant Health Risk Group revised the risk-based inspection regime to address these concerns, mainly on the exclusion of plants for planting from the proposed approach and the delay before goods from the EU could benefit from this proposal. In December 2021, a [follow up consultation paper](#) was issued. The approach in that paper 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.

One change adopted as a consequence of the consultation was that 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. In addition, 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. The revised approach will apply to goods from all third countries including higher risk goods from the EU, Liechtenstein and Switzerland.

Following the requirement to publish frequencies on-line on an annual basis, the Scottish Government will provide a mail shot to make the frequencies known to those importers who will be affected. At the same time, these will be published on the SASA website regarding what the revised fee will be due to the risk based inspection regime being implemented.

## **A note of other impact assessments, (if available)**

The UK Government intend to produce an impact assessment but it is not yet available to be shared.

## **Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation**

The Scottish Ministers' reasons for proposing to consent are as follows:

The instrument sets the basis for determination of frequency of checks on a cross GB basis. The methodology is clear and technically justified. It will provide a basis for determining appropriate frequency of checks on imported plants, plant products and other objects necessary to safeguard GB plant biosecurity. It ensures a consistent approach to determining frequency of checks at GB borders.

Scottish Ministers consider that consenting to PH/038 is the most effective and transparent way to introduce the new system. It provides certainty to Scottish importers that there is to be a GB wide approach.

The GB risk targeted inspection system will allow inspection resources to be allocated where they are most needed – it allows for fewer checks on the lowest risk material (eg fruit and vegetables). Justification for developing a system of reduced frequency rates on these goods is supported by the fact that there are no records of regulated pests becoming established in GB as a result of infestation on regulated imports of these commodities.

Officials have worked with the UK Government to ensure the drafting of the legislation delivers for Scotland's interests, respecting devolved competence in Scotland.

## **Intended laying date (if known) of instruments likely to arise**

PH/038 is a negative SI and it is intended to be made and laid on 30 June 2022 and will come into force on 22 July.

## **If the Scottish Parliament does not have 28 days to scrutinise Scottish Ministers' proposal to consent, why not?**

N/A

## **Information about any time dependency associated with the proposal.**

PH/038 introduces the methodology for calculating frequency of checks.

It is to be made in exercise of powers in the Official Controls Regulation, including Article 54(3). Article 54 of the Official Controls Regulation is currently suspended in its application to imports of plants and plant products from the EU, Liechtenstein and Switzerland by Annex 6 of the Official Controls Regulation which makes provision for the 'transitional staging period' for goods entering GB from the EU and certain other countries. The transitional

staging period had been due to end on 30 June 2022, as set out in the Official Controls (Extension of Transitional Periods) Regulations 2021<sup>2</sup>. Following a UK Government announcement on 28 April 2022, a UK SI making provision on a GB wide basis - the Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2022 (OFC/010) - is to be laid in the UK Parliament to come into force on 29 June 2022 and which will change the end of the transitional staging period to 31 December 2022. That SI will also remove the suspension of the regulation-making power in Article 54(3), allowing PH/038 to be made during the transitional staging period to make provision for both imports from non-EU countries *and* higher risk goods from EU member States, Liechtenstein and Switzerland.

Plant health checks on lower risk goods from the EU, Liechtenstein and Switzerland had been due to commence from 1 July 2022 following what was to be the end of the transitional staging period on 30 June 2022 but that is no longer the case given that the transitional staging period is extended to 31 December 2022. It is in those circumstances that PH/038 makes provision only for determining frequency of checks for higher risk imports from the EU, Liechtenstein and Switzerland.

Notification of the Scottish Ministers' intention to consent to the Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2022 (OFC/010) will be sent separately to the Scottish Parliament.

The new frequency of checks rates for imports using the new methodology set out in PH/038 have been calculated and shared with stakeholders. The frequency rates for checks will apply from 22 July 2022, when PH/038 comes into force.

To align with the changes being introduced pursuant to PH/038, fees legislation in Great Britain is being updated to reflect the new frequency rates. For Scotland, this is being undertaken in an SSI, the Plant Health (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2022 ("the Fees Regulations") which will amend the principal Plant Health (Import Inspections Fees) (Scotland) Regulations 2014. The Fees Regulations (subject to affirmative procedure) are being laid in draft in the Scottish Parliament on 20 May 2022 to coincide with this notification in relation to PH/038 being sent. The Fees Regulations, if approved, are to come into force on 22 July 2022 to coincide with the coming into force of PH/038.

**Are there any broader governance issues in relation to this proposal, and how with these be regulated and monitored post-withdrawal**

None.

**Any significant financial implications?**

PH/038 sets out the methodology that is required to determine the risk based inspection frequency rates. Therefore there is no, or no significant impact upon businesses, charities or voluntary bodies.

However, PH/038 is linked to the SSI the Plant Health (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2022. The fees in that SSI are calculated as a the frequency rates as determined by this provision. It is recognised that importers may be affected if a

commodity was subject to a lower frequency rate of checks - and therefore a lower import fee - previously.

## Baseline inspection frequencies for higher risk items of phytosanitary relevance

### *Approach*

International Standards for Phytosanitary Measures (ISPM 32) 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.

*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 CO<sub>2</sub>, low O<sub>2</sub>); 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.

### *Targeting lower risk goods*

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.

### For inspection frequencies

Five frequencies of inspection are proposed, i.e. 3%, 5%, 10%, 50% and 100%.

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 5 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.

As baseline data is collected on trade of the targeted inspection regime, future decisions regarding inspection frequencies will become better informed.

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.

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

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.

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.

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.

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.

High risk plants for planting/trades

High risk plants for planting will remain at 100%

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: *Momordica* (belonging to gourd family) , and *Ocimum* (Basil) from the ROW, cut flowers like *Chrysanthemum* L. and *Dendranthema* (DC.) Des Moul and cut roses from countries where rose rosette virus is present.



Frequencies of Checks for Introduction on 22 July 2022 for goods specified in Part A of Annex 11 of the retained Phytosanitary Conditions Regulation (EU) 2019/2072

<u>High-level Category</u>	<u>Sub Category</u>	<u>Frequency of ID and physical checks from EU and RoW</u>
Machinery and vehicles	Machinery and vehicles which have been operated for agricultural or forestry purposes	5%
Grain (other than seed for sowing) of the genera <i>Triticum</i> , <i>Secale</i> and <i>x Triticosecale</i>	Grain (other than seed for sowing) of the genera <i>Triticum</i> , <i>Secale</i> and <i>x Triticosecale</i> from countries with Karnal bunt (Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA)	100%
Plants for planting, other than seed	Dormant bulbs, corms, rhizomes, tubers, onion, garlic, shallots, not in substrate intended for planting (other than tubers of potatoes) not for final users* or commercial flower production only	100%
	Dormant bulbs, corms, rhizomes, tubers, onion, garlic, shallots, not in substrate intended for planting (other than tubers of potatoes) for final users * or commercial flower production only	10%
	Cuttings	100%
	Non-woody plants (other than seed) for final users* sale. Excludes shrubs, trees, other woody nursery plants, forest reproductive material	30%
	Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed); plants not specified elsewhere in this table	100%
	Indoor plants (including plants for use in aquaria) for final users*	5%
Indoor Plants: "clearly packed and ready for supply to final users, identifiable as being for indoor use or use in aquaria"		

<b>High-level Category</b>	<b>Sub Category</b>	<b>Frequency of ID and physical checks from EU and RoW</b>
Fruits, vegetables (other than leafy vegetables)	Not specified elsewhere in this table (EU)	3%
	Not specified elsewhere in this table (non-EU)	5%
	<i>Momordica</i> L. and <i>Solanaceae</i> Juss. (excluding <i>Solanum tuberosum</i> ) (all other non-EU third countries)	50%
	<i>Solanum melongena</i> (Turkey)	30%
Leaves of plants, such as herbs, spices and leafy vegetables	Not specified elsewhere in this table (EU)	3%
	Not specified elsewhere in this table (non-EU)	5%
	<i>Ocimum</i> (non-EU)	50%
Cut Flowers	Not specified elsewhere in this table (EU)	3%
	Not specified elsewhere in this table (non-EU)	5%
	<i>Eryngium</i> (non-EU), <i>Solidago</i> (non-EU), <i>Lisianthus</i> (all third countries)	10%
	<i>Chrysanthemum</i> L. and <i>Dendranthema</i> (DC.) Des Moul. (Colombia and Ecuador)	50%
	<i>Rosa</i> (Canada, USA, Mexico and India)	50%
	<i>Rosa</i> (Colombia, Ecuador)	3%
Branches with foliage, parts of conifers other than bark	EU	3%
	Non-EU	5%
Tubers of <i>Solanum tuberosum</i>	Egypt, Poland, Portugal, Romania and Spain	50%
	All other third countries	3%
	Seed potatoes - <i>Solanum tuberosum</i>	100%
Seeds	Not specified elsewhere in this table	5%

<u>High-level Category</u>	<u>Sub Category</u>	<u>Frequency of ID and physical checks from EU and RoW</u>
	For trials or testing	10%
	<i>Brassicaceae, Poaceae</i> and <i>Trifolium</i> spp. (Argentina, Australia, Bolivia, Brazil, Chile, New Zealand, Uruguay)	100%
	<i>Capsicum</i> sp., <i>Solanum lycopersicum</i> , <i>Solanum tuberosum</i> (turt seed)	100%
	<i>Triticum</i> , <i>Secale</i> and <i>Triticosecale</i> (Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA)	100%
Cut Christmas Trees (less than 3m height)	EU	3%
	Non-EU	5%
Bark	Bark	100%
Wood	Wood	100%

**\* Intended for final users: means intended, by evidence from the packaging, labelling or by other means, for direct sale to final users**