



**Technical seminar expert
on the preparation for the UK withdrawal
in the SPS area**

PLANTS and SEEDS

**28 February 2018,
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, are subject to:

- 100% documentary controls at the point of entry;
- 100% identity and physical controls, unless specified minimum frequencies are established depending on the risk that they present (Regulation 1756/2004)

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



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Plants Variety Rights: implications

1) For **Competent Authorities**:

Technical verifications of the maintenance of the protected varieties will be organised by the CPVO in an EU-27 based Examination Office (Art. 64, 65 of Reg. 2100/94);

2) For **stakeholders**:

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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Propagating material: implications (1)

on the Inclusion in Common Catalogues or national registry or list

Varieties of agricultural and vegetable species	must be 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
Vine propagating material, fruit propagating material	must be included in the national register of one EU-27 MS
forest reproductive material	Need for equivalence
ornamental propagating material	must be included at least in a suppliers' list of one EU-27 MS



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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 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 registry.
- 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