

ANNEX III

Detailed rules on the operations to be carried out during physical checks on plants, plant products and other objects referred to in Article 4(6)

1. The competent authority shall carry out physical checks of consignments and their lots in their entirety or on representative samples. Homogenous lots in the consignment shall be identified based on the information provided in the official phytosanitary certificate and taking into account the elements referred to in point 2.
2. The homogeneity of a lot within the meaning of Article 2(7) of Regulation (EU) 2016/2031 of the European Parliament and of the Council⁽¹⁾, shall be identified on the basis of the following elements, as presented in the official phytosanitary certificate:
 - origin,
 - grower,
 - packing facility,
 - type of packaging,
 - genus, species, variety, or degree of maturity,
 - exporter,
 - area of production,
 - regulated pests and their characteristics,
 - treatment at origin,
 - type of processing.
3. Sampling of lots in a consignment shall include the identification of the appropriate independent unit for sampling. In the case of certain plants or plant products, the unit shall be identified as follows:
 - fruit in the botanical sense: 1 fruit,
 - cut flower: 1 stem,
 - foliage, leafy vegetable: 1 leaf,
 - tubers, bulbs, rhizomes: 1 tuber or bulb or rhizome,
 - plants intended for planting: 1 plant,
 - branches: 1 branch,
 - wood and bark: to be determined on a case by case basis, with the smallest piece weighing not less than 1 kg,
 - seed: one seed.

When the unit is not definable because of the size, shape or way of packaging, the smallest package unit shall be defined as the sampling unit.

4. Sampling for physical checks performed by visual inspection shall be carried out under the following sampling schemes depending on the goods and as referred to in the relevant table of the International Standards for Phytosanitary Measures No 31 *Methodologies for sampling of consignments* (ISPM31):
 - (a) rooted non-dormant plants for planting:

sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 1 % or above;
 - (b) dormant plants for planting including tubers, bulbs and rhizomes:

Changes to legislation: There are currently no known outstanding effects for the Commission
Implementing Regulation (EU) 2019/2130, ANNEX III. (See end of Document for details)

sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 2 % or above;

- (c) seeds or plant products that comply with the specific conditions listed in [F¹relevant legislation in force in the relevant constituent territory of Great Britain] Articles 3 and 4 of Commission Regulation (EC) No 1756/2004⁽²⁾:

sampling scheme able to identify with 80 % reliability a level of presence of infected plants of 5 % or above;

- (d) unrooted cuttings, plants, plant products and other objects, not falling under points (a), (b) and (c):

sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 5 % or above;

- (e) lots of seeds and leafy vegetables of less than or equal to 500 units:

hypergeometric sampling scheme able to identify with 95 % reliability a level of presence of infected plants of 10 % or above.

Textual Amendments

- F1** Words in Annex 3 point 4(c) inserted (31.12.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health etc.\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1481\)](#), regs. 1, **37(10)(a)** (with reg. 46)

5. Any measure taken in response to non-compliance shall be related to the lot as identified ahead of the physical checks.
6. A minimum amount of samples for laboratory tests shall be taken for latent infection detection concerning plants for planting according to a risk analysis, in accordance with the following criteria:
- (a) the history of the level of [F²GB quarantine pests, which has the meaning given in Article 4 of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants] intercepted and notified by the [F³competent authorities], according to point (c) of the first paragraph of Article 11 of Regulation (EU) 2016/2031, including priority pests, as defined in Article 6(1) of that Regulation, of a third country of origin;
- (b) the occurrence of a priority pest in the third country of origin, according to available scientific information;
- (c) information available via the [F⁴appropriate computerised information management system].

Textual Amendments

- F2** Words in Annex 3 para. 6(a) substituted (31.12.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health etc.\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1481\)](#), regs. 1, **37(10)(b)(i)(aa)** (with reg. 46)

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2130, ANNEX III. (See end of Document for details)

- F3** Words in Annex 3 para. 6(a) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1481), regs. 1, **37(10)(b)(i)(bb)** (with reg. 46)
- F4** Words in Annex 3 para. 6(c) substituted (31.12.2020) by The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1481), regs. 1, **37(10)(b)(ii)** (with reg. 46)

Changes to legislation: There are currently no known outstanding effects for the Commission
Implementing Regulation (EU) 2019/2130, ANNEX III. (See end of Document for details)

- (1) Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (*OJL 317, 23.11.2016, p. 4.*).
- (2) Commission Regulation (EC) No 1756/2004 of 11 October 2004 specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC (*OJL 313, 12.10.2004, p. 6.*).

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/2130, ANNEX III.