

Regulation (EU) 2016/2031 of the European Parliament 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

## *CHAPTER II*

### ***Quarantine pests***

#### *Section 1*

### ***Quarantine pests***

#### *Article 3*

### **Definition of quarantine pests**

A pest is a ‘quarantine pest’, with respect to a defined territory, if it fulfils all of the following conditions:

- (a) its identity is established, within the meaning of point (1) of Section 1 of Annex I;
- (b) it is not present in the territory, within the meaning of point (2)(a) of Section 1 of Annex I, or, if present, is not widely distributed within that territory, within the meaning of points (2)(b) and (c) of Section 1 of Annex I;
- (c) it is capable of entering into, becoming established in and spreading within the territory, or, if present in the territory, but not widely distributed, is capable of entering into, becoming established in and spreading within those parts of that territory where it is absent, within the meaning of point (3) of Section 1 of Annex I;
- (d) its entry, establishment and spread would, within the meaning of point (4) of Section 1 of Annex I, have an unacceptable economic, environmental or social impact on that territory, or, if present but not widely distributed, for those parts of the territory where it is absent; and
- (e) feasible and effective measures are available to prevent the entry into, establishment in or spread of that pest within, that territory and to mitigate the risks and impact thereof.

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)*

## Section 2

### [<sup>F1</sup>GB] quarantine pests

#### Article 4

#### Definition of [<sup>F2</sup>GB] quarantine pests

A quarantine pest is a ‘[<sup>F3</sup>GB] quarantine pest’ if the defined territory referred to in the introductory part of Article 3 is [<sup>F4</sup>Great Britain] and if it is included in the list [<sup>F5</sup>in Annex 2 to the Phytosanitary Conditions Regulation].

#### Textual Amendments

- F2** Word in Art. 4 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(3)(a)** (with regs. 53, 55)
- F3** Word in Art. 4 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(3)(b)(i)** (with regs. 53, 55)
- F4** Words in Art. 4 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(3)(b)(ii)** (with regs. 53, 55)
- F5** Words in Art. 4 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(3)(b)(iii)** (with regs. 53, 55)

#### Article 5

#### Prohibition of introduction, movement, holding, multiplication or release of [<sup>F6</sup>GB] quarantine pests

1 A [<sup>F7</sup>GB] quarantine pest shall not be introduced into, moved within, or held, multiplied or released in, [<sup>F8</sup>Great Britain].

<sup>F9</sup>2 .....

[<sup>F10</sup>3 The appropriate authority may by regulations modify the list of GB quarantine pests in Annex 2 to the Phytosanitary Conditions Regulation where the results of an assessment show, in respect of Great Britain, that a pest which is not included in that list fulfils the conditions listed in Article 3, or that a pest which is included in that list no longer fulfils one or more of those conditions.]

<sup>F11</sup>4 .....

#### Textual Amendments

- F6** Word in Art. 5 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(4)(a)** (with regs. 53, 55)
- F7** Word in Art. 5(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(4)(b)(i)** (with regs. 53, 55)
- F8** Words in Art. 5(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(4)(b)(ii)** (with regs. 53, 55)
- F9** Art. 5(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(4)(c)** (with regs. 53, 55)

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

- F10** Art. 5(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(4)(d)** (with regs. 53, 55)
- F11** Art. 5(4) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(4)(e)** (with regs. 53, 55)

## Article 6

### Priority pests

1 <sup>[F12]</sup>GB] quarantine pests are ‘priority pests’ if they fulfil all of the following conditions:

- a they fulfil, as regards <sup>[F13]</sup>Great Britain], one or more of the conditions set out in point (2) of Section 1 of Annex I;
- b their potential economic, environmental or social impact is the most severe in respect of <sup>[F14]</sup>Great Britain] as set out in Section 2 of Annex I;
- c they are <sup>[F15]</sup>included in the list in the Annex to Commission Delegated Regulation (EU) 2019/1702].

<sup>[F16]</sup>2 The appropriate authority may by regulations amend the list of priority pests in the Annex to Commission Delegated Regulation (EU) 2019/1702 where the results of an assessment show that a GB quarantine pest which is not included in that list fulfils the conditions referred to in points (a) and (b) of paragraph 1, or that a pest which is included in that list no longer fulfils either of those conditions.]

#### Textual Amendments

- F12** Word in Art. 6(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(5)(a)(i)** (with regs. 53, 55)
- F13** Words in Art. 6(1)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(5)(a)(ii)** (with regs. 53, 55)
- F14** Words in Art. 6(1)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(5)(a)(ii)** (with regs. 53, 55)
- F15** Words in Art. 6(1)(c) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(5)(a)(iii)** (with regs. 53, 55)
- F16** Art. 6(2) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(5)(b)** (with regs. 53, 55)

## Article 7

### Amendment of Section 1 of Annex I

The <sup>[F17]</sup>appropriate authority may by regulations amend] Section 1 of Annex I in order to adapt it to the development of scientific and technical knowledge and of relevant international standards.

#### Textual Amendments

- F17** Words in Art. 7 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(6)** (with regs. 53, 55)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

Article 8

**[F18GB] quarantine pests used for official testing, scientific or educational purposes, trials, varietal selections or breeding**

1 By way of derogation from Article 5(1), [F19a competent authority] may, on application, temporarily authorise the introduction into, the movement within, and the holding and multiplication in, [F20in the relevant territory of GB quarantine pests or provisional GB quarantine pests] for official testing, scientific or educational purposes, trials, varietal selections, or breeding.

An authorisation shall be granted for the activity concerned only if adequate restrictions are imposed to ensure that the introduction, movement, holding, multiplication or use of the pest concerned does not result in its establishment or spread within the [F21relevant] territory, taking into account the identity, biology and means of dispersal of the pest, the activity envisaged, the interaction with the environment and other relevant factors relating to the risk posed by that pest.

2 Authorisations granted pursuant to paragraph 1 shall include all of the following conditions:

- a the pest is to be kept in a location and under conditions which:
  - (i) the competent [F22authority considers] to be appropriate; and
  - (ii) are referred to in the authorisation;
- b the activity involving the pest is to be carried out in a quarantine station or a confinement facility designated by the competent authority in accordance with Article 60 and referred to in the authorisation;
- c the activity involving the pest is to be carried out by personnel:
  - (i) whose scientific and technical competence is considered to be appropriate by the competent authority; and
  - (ii) who are referred to in the authorisation;
- d the pest is to be accompanied by the authorisation when introduced into, moved within, or held or multiplied in, the [F23relevant] territory.

3 [F24An authorisation] granted pursuant to paragraph 1 shall be limited as to the quantity of the pest that can be introduced, moved, held, multiplied or used and the length of time that [F25is] adequate for the activity concerned. [F26The authorisation] shall not exceed the capacity of the designated quarantine station or confinement facility.

[F27An authorisation] shall include the restrictions necessary to adequately eliminate the risk of establishment and spread of the [F28GB quarantine pest or provisional GB quarantine pest to which the authorisation relates].

4 The competent authority shall monitor compliance with the conditions referred to in paragraph 2 and the limitation and the restrictions referred to in paragraph 3 and take the necessary action in the event of non-compliance. Where appropriate, that action shall be the revocation of the authorisation referred to in paragraph 1.

5 The [F29appropriate authority may by regulations lay] down detailed rules concerning:

<sup>F30</sup>a .....

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

- b the procedure and conditions for granting the authorisation referred to in paragraph 1; and
- c the monitoring of compliance and the actions to be taken in the event of non-compliance, as referred to in paragraph 4.

#### Textual Amendments

- F18** Word in Art. 8 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(a)** (with regs. 53, 55)
- F19** Words in Art. 8(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(b)(i)(aa)** (with regs. 53, 55)
- F20** Words in Art. 8(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(b)(i)(bb)** (with regs. 53, 55)
- F21** Word in Art. 8(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(b)(ii)** (with regs. 53, 55)
- F22** Words in Art. 8(2)(a)(i) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(c)(i)** (with regs. 53, 55)
- F23** Word in Art. 8(2)(d) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(c)(ii)** (with regs. 53, 55)
- F24** Words in Art. 8(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(d)(i)(aa)** (with regs. 53, 55)
- F25** Word in Art. 8(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(d)(i)(bb)** (with regs. 53, 55)
- F26** Words in Art. 8(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(d)(i)(cc)** (with regs. 53, 55)
- F27** Words in Art. 8(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(d)(ii)(aa)** (with regs. 53, 55)
- F28** Words in Art. 8(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(d)(ii)(bb)** (with regs. 53, 55)
- F29** Words in Art. 8(5) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(e)(i)** (with regs. 53, 55)
- F30** Art. 8(5)(a) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(7)(e)(ii)** (with regs. 53, 55)

### Article 9

#### Notification of an imminent danger

F31<sub>1</sub> .....

F31<sub>2</sub> .....

[<sup>F32</sup>3 Where a professional operator has any evidence concerning an imminent danger of the entry of a GB quarantine pest or a provisional GB quarantine pest into Great Britain, or into a part of Great Britain where it is not yet present, the professional operator must immediately notify the competent authority.]

#### Textual Amendments

- F31** Art. 9(1)(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(8)(a)** (with regs. 53, 55)

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)*

**F32** Art. 9(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(8)(b)** (with regs. 53, 55)

### *f<sup>F33</sup> Article 10*

#### **Official confirmation by the competent authorities of the presence of a [<sup>F34</sup>GB] quarantine pest**

Where a competent authority suspects, or has received evidence concerning, the presence of a [<sup>F35</sup>GB quarantine pest or a provisional GB quarantine pest in a part of its territory] where that pest was previously not known to be present, or in a consignment of plants, plant products or other objects introduced into, intended to be introduced into, or moved within [<sup>F36</sup>Great Britain], it shall immediately take any measures necessary to confirm on the basis of a diagnosis of an official laboratory as referred to in Article 37 of Regulation [<sup>X1</sup>(EU) 2017/625] ('to officially confirm'), whether that pest is present or not.

Pending the official confirmation of the presence of that pest, the [<sup>F37</sup>competent authority] shall, where applicable, take phytosanitary measures to eliminate the risk of spread of that pest.

The suspicion or evidence referred to in the first paragraph of this Article may be based on any information received pursuant to Articles 14 and 15, or from any other source.]

#### **Editorial Information**

**X1** Substituted by Corrigendum to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 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, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Official Journal of the European Union L 95 of 7 April 2017).

#### **Textual Amendments**

**F33** Substituted by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 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, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance).

**F34** Word in Art. 10 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(9)(a)** (with regs. 53, 55)

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

- F35** Words in Art. 10 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(9)(b)(i)** (with regs. 53, 55)
- F36** Words in Art. 10 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(9)(b)(ii)** (with regs. 53, 55)
- F37** Words in Art. 10 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(9)(c)** (with regs. 53, 55)

## Article 11

### [<sup>F38</sup>Notification of GB quarantine pests by competent authorities]

[<sup>F39</sup>1 A competent authority that officially confirms any of the situations described in paragraph 2 must immediately provide details of the situation to the other competent authorities.

2 The situations are:]

- (a) the presence in its territory of a [<sup>F40</sup>GB] quarantine pest [<sup>F41</sup>or provisional GB quarantine pest] not known to be present there;
- (b) the presence of a [<sup>F42</sup>GB] quarantine pest [<sup>F41</sup>or provisional GB quarantine pest] in a part of its territory where it was previously not present;
- (c) the presence in its territory of a [<sup>F43</sup>GB] quarantine pest [<sup>F41</sup>or provisional GB quarantine pest] in a consignment of plants, plant products or other objects introduced into, intended to be introduced into, or moved within, [<sup>F44</sup>Great Britain].

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#### Textual Amendments

- F38** Art. 11 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(10)(a)** (with regs. 53, 55)
- F39** Words in Art. 11 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(10)(b)** (with regs. 53, 55)
- F40** Word in Art. 11(2)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(10)(c)** (with regs. 53, 55)
- F41** Words in Art. 11(2) inserted (20.12.2022) by [The Plant Health and Trade in Animals and Related Products \(Amendment\) Regulations 2022 \(S.I. 2022/1367\)](#), regs. 1(1), **2(2)**
- F42** Word in Art. 11(2)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(10)(c)** (with regs. 53, 55)
- F43** Word in Art. 11(2)(c) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(10)(d)(i)** (with regs. 53, 55)
- F44** Words in Art. 11(2)(c) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(10)(d)(ii)** (with regs. 53, 55)
- F45** Words in Art. 11 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(10)(e)** (with regs. 53, 55)

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)*

## Article 12

### Information on [<sup>F46</sup>GB] quarantine pests to be provided to professional operators by the competent authorities

1 Where one of the situations referred to in [<sup>F47</sup>Article 11(2)] is officially confirmed, the competent authority shall ensure that professional operators whose plants, plant products or other objects may be affected are informed of the presence of the [<sup>F48</sup>GB] quarantine pest [<sup>F49</sup>or provisional GB quarantine pest] without delay.

<sup>F50</sup>2 .....

#### Textual Amendments

- F46** Word in Art. 12 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(11)(a)** (with regs. 53, 55)
- F47** Words in Art. 12(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(11)(b)(i)** (with regs. 53, 55)
- F48** Word in Art. 12(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(11)(b)(ii)** (with regs. 53, 55)
- F49** Words in Art. 12(1) inserted (20.12.2022) by [The Plant Health and Trade in Animals and Related Products \(Amendment\) Regulations 2022 \(S.I. 2022/1367\)](#), regs. 1(1), **2(2)**
- F50** Art. 12(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(11)(c)** (with regs. 53, 55)

## Article 13

### Information on priority pests to be provided to the public by the competent authorities

Where one of the situations referred to in points (a) and (b) of [<sup>F51</sup>Article 11(2)] is officially confirmed as regards a priority pest, the competent authority shall inform the public about the measures it has taken or intends to take and about any measures to be taken by relevant categories of professional operators or other persons.

#### Textual Amendments

- F51** Words in Art. 13 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(12)** (with regs. 53, 55)

## Article 14

### Measures to be taken immediately by professional operators

1 Where a professional operator suspects or becomes aware that a [<sup>F52</sup>GB quarantine pest or a provisional GB quarantine pest] is present in plants, plant products or other objects which are under that operator's control, it shall immediately notify the competent authority thereof, in order for that competent authority to take actions in accordance with Article 10. Where appropriate, the professional operator shall also immediately take precautionary measures to prevent the establishment and spread of that pest.



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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

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2 The competent authority may decide that the notification referred to in paragraph 1 is not required where a specific pest is known to occur in an area. <sup>F53</sup>The competent authority must promptly publish any decision made under this paragraph in such manner as the competent authority considers is appropriate to bring it to the attention of the professional operators who may be affected by the decision.]

3 Where a professional operator receives an official confirmation concerning the presence of a <sup>F54</sup>GB quarantine pest [<sup>F55</sup>or provisional GB quarantine pest] in plants, plant products or other objects which are under that operator's control, it shall consult the competent authority regarding the action to be taken and shall proceed, as applicable, with the actions referred to in paragraphs 4 to 7.

4 The professional operator shall immediately take the necessary measures to prevent the spread of that pest. Where the competent authority has provided instructions concerning those measures, the professional operator shall act in accordance with those instructions.

5 Where so instructed by the competent authority, the professional operator shall take the necessary measures to eliminate the pest from the plants, plant products or other objects concerned and from that operator's premises, land, soil, water or other infested elements which are under its control.

6 Unless otherwise instructed by the competent authority, the professional operator shall, without delay, withdraw from the market the plants, plant products and other objects which are under that operator's control and in which the pest could be present.

Where those plants, plant products or other objects have left the control of the professional operator, the professional operator shall, unless otherwise instructed by the competent authority, immediately:

- a inform the persons in the trade chain to whom those plants, plant products and other objects have been supplied of the presence of the pest;
- b provide those persons with guidelines on the necessary measures to be taken during shipment of the respective plants, plant products and other objects to reduce the risk of spread or escape of the pests concerned; and
- c recall those plants, plant products or other objects.

7 Where paragraph 1, 3, 4, 5 or 6 of this Article applies, the professional operator shall, on request, provide to the competent authority all information which is relevant for the members of the public. Without prejudice to Article 13, if action is necessary with regard to the plants, plant products or other objects in which the respective pest may be present, the competent authority shall inform the public as soon as possible of that fact.

#### Textual Amendments

- F52** Words in Art. 14(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(13)(a)** (with regs. 53, 55)
- F53** Words in Art. 14(2) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(13)(b)** (with regs. 53, 55)
- F54** Word in Art. 14(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(13)(c)** (with regs. 53, 55)
- F55** Words in Art. 14(3) inserted (20.12.2022) by [The Plant Health and Trade in Animals and Related Products \(Amendment\) Regulations 2022 \(S.I. 2022/1367\)](#), regs. 1(1), **2(2)**

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)*

## Article 15

### Measures to be taken by persons other than professional operators

1 Where any person other than a professional operator becomes aware of the presence of a <sup>[F56]</sup>GB] quarantine pest <sup>[F57]</sup>or provisional GB quarantine pest] or has reason to suspect such a presence, that person shall immediately notify the competent authority. Where that notification is not made in writing, the competent authority shall officially record it. If so requested by the competent authority, that person shall provide that authority with the information which is in its possession concerning that presence.

2 The competent authority may decide that the notification referred to in paragraph 1 is not required where a specific pest is known to be present in an area.

<sup>[F58]</sup>2A The competent authority must promptly publish any decision made under paragraph 2 in such manner as the competent authority considers is appropriate to bring the decision to the attention of the public.]

3 The person who made the notification referred to in paragraph 1 shall consult the competent authority on the action to be taken and shall, in accordance with the instructions of the competent authority, take the measures necessary to prevent the spread of that pest and to eliminate it from the plants, plant products or other objects concerned and, where applicable, from that person's premises.

#### Textual Amendments

- F56** Word in Art. 15(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(14)(a)** (with regs. 53, 55)
- F57** Words in Art. 15(1) inserted (20.12.2022) by [The Plant Health and Trade in Animals and Related Products \(Amendment\) Regulations 2022 \(S.I. 2022/1367\)](#), regs. 1(1), **2(2)**
- F58** Art. 15(2A) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(14)(b)** (with regs. 53, 55)

## Article 16

### Derogations to notification obligations

The notification obligations referred to in Articles 14 and 15 shall not apply where:

- (a) a <sup>[F59]</sup>GB] quarantine pest <sup>[F60]</sup>or provisional GB quarantine pest] is found to be present in the infested zone of a demarcated area established for the containment of that pest, as referred to in Article 18(2);
- (b) a <sup>[F59]</sup>GB] quarantine pest <sup>[F60]</sup>or provisional GB quarantine pest] is found to be present in the infested zone of a demarcated area and subject to eradication measures requiring eight years or more, during the period of those first eight years.

#### Textual Amendments

- F59** Word in Art. 16 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(15)** (with regs. 53, 55)

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

**F60** Words in Art. 16 inserted (20.12.2022) by [The Plant Health and Trade in Animals and Related Products \(Amendment\) Regulations 2022 \(S.I. 2022/1367\)](#), regs. 1(1), **2(2)**

## Article 17

### Eradication of [<sup>F61</sup>GB] quarantine pests

1 Where one of the situations referred to in points (a) and (b) of [<sup>F62</sup>Article 11(2)] is officially confirmed, the competent authority shall immediately take all necessary phytosanitary measures to eradicate the relevant [<sup>F63</sup>GB] quarantine pest [<sup>F64</sup>or provisional GB quarantine pest] from the area concerned. Those measures shall be taken in accordance with Annex II.

That obligation to eradicate shall not apply where [<sup>F65</sup>retained direct EU legislation relating to plant health provides or regulations made under Article 28(1) provide] otherwise.

2 The competent authority shall without delay investigate the source of the presence of the [<sup>F66</sup>GB] quarantine pest [<sup>F64</sup>or provisional GB quarantine pest] concerned, in particular where that presence may be related to movements of plants, plant products or other objects, and the possibility that the pest concerned has been spread to further plants, plant products or other objects by those movements.

<sup>F67</sup>3 .....

4 The measures referred to in paragraph 1 and the investigations referred to in paragraph 2 shall be taken irrespective of whether the pest is present on public or private premises.

#### Textual Amendments

- F61** Word in Art. 17 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(16)(a)** (with regs. 53, 55)
- F62** Words in Art. 17(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(16)(b)(i)(aa)** (with regs. 53, 55)
- F63** Word in Art. 17(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(16)(b)(i)(bb)** (with regs. 53, 55)
- F64** Words in Art. 17 inserted (20.12.2022) by [The Plant Health and Trade in Animals and Related Products \(Amendment\) Regulations 2022 \(S.I. 2022/1367\)](#), regs. 1(1), **2(2)**
- F65** Words in Art. 17(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(16)(b)(ii)** (with regs. 53, 55)
- F66** Word in Art. 17(2) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(16)(c)** (with regs. 53, 55)
- F67** Art. 17(3) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(16)(d)** (with regs. 53, 55)

#### Modifications etc. (not altering text)

- C1** Art. 17(1) excluded (24.5.2023) by [The Plant Health and Phytosanitary Conditions \(Oak Processionary Moth and Plant Pests\) \(Amendment\) Regulations 2023 \(S.I. 2023/497\)](#), regs. 1(2), 7

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

Article 18

Establishment of demarcated areas

1 Where one of the situations referred to in points (a) and (b) of [F68 Article 11(2)] is officially confirmed, the competent authority shall immediately establish one or more areas where the eradication measures referred to in Article 17(1) are to be taken ('demarcated area').

The demarcated area shall consist of an infested zone and a buffer zone.

2 The infested zone shall, as applicable, contain:

- a all plants known to be infested by the pest concerned;
b all plants showing signs or symptoms indicating possible infestation by that pest;
c all other plants liable to have been or become contaminated or infested by that pest, including plants liable to be infested due to their susceptibility to that pest and their close proximity to infested plants or common source of production, if known, with infested plants, or plants grown from them;
d land, soil, water courses or other elements infested, or liable to be infested, by the pest concerned.

3 The buffer zone shall be adjacent to the infested zone and shall surround it.

Its extent shall be appropriate in view of the risk of the pest concerned spreading out of the infested zone naturally or by human activities in the infested zone and its surroundings, and shall be decided in accordance with the principles set out in Section 2 of Annex II.

However, where any risk of the pest spreading out of the infested zone is eliminated or reduced to an acceptable level through natural or artificial barriers, no buffer zone shall be required to be established.

4 By way of derogation from paragraph 1, where upon initial examination the competent authority concludes, in view of the nature of the pest, the plant, plant product or other object concerned and the site where it was found, that the pest concerned can be eliminated immediately, the competent authority may decide not to establish a demarcated area.

In that case, it shall carry out a survey to determine whether any further plants or plant products have been infested. On the basis of that survey, the competent authority shall determine whether there is a need to establish a demarcated area.

[F69 4A Where, in accordance with paragraph 2 or 3, the competent authority determines that a demarcated area should extend to or be established in another territory of Great Britain, it must immediately inform the competent authority in relation to that other territory of the extent of the proposed demarcated area.

4B Where, in accordance with paragraph 4A, the competent authority in relation to that other territory is informed that a demarcated area should extend to or be established in the territory for which it is responsible, it may, in accordance with paragraphs 2 to 4, establish an appropriate demarcated area in the territory for which it is responsible.]

F70 5 .....

F70 6 .....

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

### Textual Amendments

- F68** Words in Art. 18(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(17)(a)** (with regs. 53, 55)
- F69** Art. 18(4A)(4B) inserted (20.12.2022) by [The Plant Health and Trade in Animals and Related Products \(Amendment\) Regulations 2022 \(S.I. 2022/1367\)](#), regs. 1(1), **2(3)**
- F70** Art. 18(5)(6) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(17)(b)** (with regs. 53, 55)

## Article 19

### Surveys and modifications of demarcated areas and lifting of restrictions

1 <sup>[F71]</sup>The competent] authorities shall at least annually, at appropriate times, carry out a survey of each demarcated area as regards the development of the presence of the pest concerned.

Those surveys shall be carried out in accordance with Article 22(2).

<sup>F72</sup>2 .....

3 <sup>[F73]</sup>Where appropriate, the competent] authorities shall modify the boundaries of <sup>[F74]</sup>the infested zones, the buffer zones and the demarcated areas], in view of the results of the surveys referred to in paragraph 1.

4 <sup>[F75]</sup>The competent] authorities may abolish a demarcated area and terminate the respective eradication measures where the pest-free status of that area has been verified. This will be the case where the following two conditions are fulfilled:

- a the survey referred to in paragraph 1 shows that the area has been found to be free from the pest concerned; and
- b the pest concerned has not been found to be present in that demarcated area for a sufficiently long period.

5 When deciding on the modifications referred to in paragraph 3 or the abolition of the demarcated area referred to in paragraph 4, the competent authority concerned shall take into account at least the following factors:

- a the biology of the pest and the vector concerned;
- b the presence of host plants;
- c the ecoclimatic conditions; and
- d the likelihood of the eradication measures having been successful.

6 By way of derogation from paragraph 1 of this Article, annual surveys shall not be required to be carried out in the infested zone of demarcated areas established for:

- a pests subject to eradication measures requiring eight years or more;
- b pests subject to <sup>[F76]</sup>containment measures, where applicable].

7 <sup>[F77]</sup>The appropriate authority may by regulations supplement] this Regulation by further specifying the pests referred to in point (a) of paragraph 6 of this Article and in point (b) of Article 16 and conditions for the application of those derogations.

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)*

#### Textual Amendments

- F71** Words in Art. 19(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(18)(a)** (with regs. 53, 55)
- F72** Art. 19(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(18)(b)** (with regs. 53, 55)
- F73** Words in Art. 19(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(18)(c)(i)** (with regs. 53, 55)
- F74** Words in Art. 19(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(18)(c)(ii)** (with regs. 53, 55)
- F75** Words in Art. 19(4) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(18)(d)** (with regs. 53, 55)
- F76** Words in Art. 19(6)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(18)(e)** (with regs. 53, 55)
- F77** Words in Art. 19(7) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(18)(f)** (with regs. 53, 55)

#### <sup>F78</sup> Article 20

### Reports on measures taken in accordance with Articles 17, 18 and 19

#### Textual Amendments

- F78** Art. 20 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(19)** (with regs. 53, 55)

#### Article 21

### Amendment of Annex II

[<sup>F79</sup>The appropriate authority may by regulations amend] Annex II in order to adapt it to the development of scientific and technical knowledge and of relevant international standards.

#### Textual Amendments

- F79** Words in Art. 21 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(20)** (with regs. 53, 55)

#### Article 22

### Surveys on [<sup>F80</sup>GB] quarantine pests and pests provisionally qualifying as [<sup>F80</sup>GB] quarantine pests

1 [<sup>F81</sup>The competent authorities] shall carry out risk-based surveys [<sup>F82</sup>in the territories for which they are responsible], over specific periods of time, checking at least for:

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

- a the presence of any [<sup>F83</sup>GB] quarantine pest; and
- b signs or symptoms of any [<sup>F84</sup>provisional GB quarantine pest or any pest which is subject to measures pursuant to Article 29(2A)].

Those surveys shall take place in all areas where the pest concerned was not known to be present.

F85  
...

2 The design of the surveys referred to in paragraph 1 shall be based on the risk that the pest occurs in the area covered by each survey. They shall consist, at least, of visual examinations by the competent authority [<sup>F86</sup>carrying out the survey] and, where appropriate, the collection of samples and performance of tests. Those surveys shall be carried out in all appropriate locations and shall include, where appropriate, premises, vehicles, machinery and packaging used by professional operators and other persons. They shall be based on sound scientific and technical principles and shall be carried out at appropriate times with regard to the possibility to detect the pest concerned.

Those surveys shall take account of scientific and technical evidence, and any other appropriate information, concerning the presence of the pests concerned.

F87  
.....

#### Textual Amendments

- F80** Word in Art. 22 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(21)(a)** (with regs. 53, 55)
- F81** Words in Art. 22(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(21)(b)(i)(aa)** (with regs. 53, 55)
- F82** Words in Art. 22(1) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(21)(b)(i)(bb)** (with regs. 53, 55)
- F83** Word in Art. 22(1)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(21)(b)(ii)** (with regs. 53, 55)
- F84** Words in Art. 22(1)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(21)(b)(iii)** (with regs. 53, 55)
- F85** Words in Art. 22(1) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(21)(b)(iv)** (with regs. 53, 55)
- F86** Words in Art. 22(2) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(21)(c)** (with regs. 53, 55)
- F87** Art. 22(3) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(21)(d)** (with regs. 53, 55)

### Article 23

#### Multiannual survey programmes and collection of information

1 [<sup>F88</sup>The competent authorities] shall establish multiannual survey programmes setting out the content of the surveys to be carried out pursuant to Article 22. Those programmes shall provide for the collection and recording of the scientific and technical evidence and other information referred to in the second subparagraph of Article 22(2).

The multiannual survey programmes shall include the following elements in conformity with Article 22(2):

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)*

- a the specific objective of each survey;
- b the scope of each survey as regards the area concerned and the time scale covered, as well as the pests, plants and commodities targeted;
- c the survey methodology and quality management including a description of the procedures for visual examination, sampling and testing and their technical justification;
- d the timing, frequency and numbers of scheduled visual examinations, samples and tests; and
- e the methods of recording and reporting the information collected.

The multiannual survey programmes shall be for a period of five to seven years.

F89<sup>2</sup> .....

F89<sup>3</sup> .....

#### Textual Amendments

**F88** Words in Art. 23(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(22)(a)** (with regs. 53, 55)

**F89** Art. 23(2)(3) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(22)(b)** (with regs. 53, 55)

### Article 24

#### Surveys of priority pests

1 For each priority pest, [<sup>F90</sup>the competent authorities] shall carry out a survey annually, as set out in Article 22(1) and (2). Those surveys shall include a sufficiently high number of visual examinations, sampling and testing, as appropriate for each priority pest, to ensure, as far as it is possible given the respective biology of each priority pest and the ecoclimatic conditions, with a high degree of confidence, the timely detection of those pests.

F91 ...

F92<sup>2</sup> .....

#### Textual Amendments

**F90** Words in Art. 24(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(23)(a)(i)** (with regs. 53, 55)

**F91** Words in Art. 24(1) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(23)(a)(ii)** (with regs. 53, 55)

**F92** Art. 24(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(23)(b)** (with regs. 53, 55)



## Article 25

### Contingency plans for priority pests

1 Each [<sup>F93</sup>competent authority] shall draw up and keep up to date for each priority pest which is capable of entering into and becoming established in [<sup>F94</sup>Great Britain] a separate plan containing information concerning the decision-making processes, procedures and protocols to be followed, and the minimum resources to be made available and the procedures to make available further resources in the event of an officially confirmed or suspected presence of that pest ('the contingency plan').

[<sup>F95</sup>The competent authorities] shall, at an appropriate stage, consult all relevant stakeholders in the process of drawing up and keeping up to date the contingency plans.

<sup>F96</sup>  
...

2 Each contingency plan shall include the following:

- [<sup>F33</sup>a the roles and responsibilities of the bodies involved in the execution of the plan, in case of a confirmed or suspected presence of the priority pest concerned, as well as the chain of command and procedures for the co-ordination of actions to be taken by [<sup>F97</sup>the competent authority], other public authorities, as referred to in Article 4(2) of Regulation [<sup>X1</sup>(EU) 2017/625], delegated bodies or natural persons involved, as referred to in Article 28(1) of that Regulation, laboratories and professional operators <sup>F98</sup> ...;]
- b access of [<sup>F99</sup>the competent authority] to premises of professional operators, other relevant operators and natural persons;
- c access of [<sup>F100</sup>the competent authority], where necessary, to laboratories, equipment, personnel, external expertise and resources necessary for the rapid and effective eradication or, where appropriate, containment of the priority pest concerned;
- d measures to be taken concerning the provision of information to <sup>F101</sup> ... the professional operators concerned and the public as regards the presence of the priority pest concerned and the measures taken against it in the event that the presence of the pest concerned is officially confirmed or suspected;
- e arrangements for recording findings of the presence of the priority pest concerned;
- f the available assessments as set out in Article 6(2) <sup>F102</sup> ... ;
- g the risk management measures to be taken as regards the priority pest concerned, in accordance with Section 1 of Annex II, and the procedures to be followed;
- h principles for the geographical demarcation of demarcated areas;
- i protocols describing the methods of visual examinations, sampling and laboratory testing; and
- j principles concerning the training of personnel of the competent [<sup>F103</sup>authority] and, where appropriate, the bodies, public authorities, laboratories, professional operators and other persons referred to in point (a).

Where appropriate, the items referred to in points (d) to (j) of the first subparagraph shall take the form of instruction manuals.

3 Contingency plans may be combined for multiple priority pests with similar biology and range of host species. In those cases, the contingency plan shall consist of a general part common to all priority pests covered by it and of specific parts for each priority pest concerned.

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)*

[<sup>F104</sup> The competent authorities must, before 1st January 2023, establish contingency plans for the priority pests included in the list of priority pests in the Annex to Commission Delegated Regulation (EU) 2019/1702, as it has effect on IP completion day.]

[<sup>F105</sup>4A Paragraph 4 does not apply in relation to any priority pest that is removed from that list before 1st January 2023.]

[<sup>F106</sup>4B.] Within one year from the date of the inclusion of any further pest concerned in the list of priority pests, [<sup>F107</sup>the competent authorities] shall establish [<sup>F108</sup>contingency plans] for that priority pest.

[<sup>F109</sup>4C.] [<sup>F110</sup>The competent authorities] shall regularly review and, where appropriate, update their contingency plans.

<sup>F111</sup>5 .....

### Editorial Information

**X1** Substituted by Corrigendum to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 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, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Official Journal of the European Union L 95 of 7 April 2017).

### Textual Amendments

**F33** Substituted by Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 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, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance).

**F93** Words in Art. 25(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(24\)\(a\)\(i\)\(aa\)](#) (with regs. 53, 55)

**F94** Words in Art. 25(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(24\)\(a\)\(i\)\(bb\)](#) (with regs. 53, 55)

**F95** Words in Art. 25(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(24\)\(a\)\(ii\)](#) (with regs. 53, 55)

**F96** Words in Art. 25(1) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(24\)\(a\)\(iii\)](#) (with regs. 53, 55)

**F97** Words in Art. 25(2)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(24\)\(b\)\(i\)\(aa\)](#) (with regs. 53, 55)

**F98** Words in Art. 25(2)(a) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(24\)\(b\)\(i\)\(bb\)](#) (with regs. 53, 55)

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

- F99** Words in Art. 25(2)(b) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(b)(ii)** (with regs. 53, 55)
- F100** Words in Art. 25(2)(c) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(b)(ii)** (with regs. 53, 55)
- F101** Words in Art. 25(2)(d) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(b)(iii)** (with regs. 53, 55)
- F102** Words in Art. 25(2)(f) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(b)(iv)** (with regs. 53, 55)
- F103** Word in Art. 25(2)(j) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(b)(v)** (with regs. 53, 55)
- F104** Words in Art. 25(4) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(c)(i)** (with regs. 53, 55)
- F105** Art. 25(4A) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(c)(ii)** (with regs. 53, 55)
- F106** Words in in Art. 25(4) renumbered as Art. 25(4B) (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(c)(iii)** (with regs. 53, 55)
- F107** Words in Art. 25(4B) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(c)(iv)(aa)** (with regs. 53, 55)
- F108** Words in Art. 25(4B) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(c)(iv)(bb)** (with regs. 53, 55)
- F109** Words in Art. 25(4) renumbered as Art. 25(4C) (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(c)(v)** (with regs. 53, 55)
- F110** Words in Art. 25(4C) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(c)(vi)** (with regs. 53, 55)
- F111** Art. 25(5) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(24)(d)** (with regs. 53, 55)

## Article 26

### Simulation exercises for priority pests

1 [F112The competent authorities] shall carry out simulation exercises [F113in the territories for which they are responsible] concerning the implementation of the contingency plans at intervals set according to the biology of the priority pest or pests concerned and the risk posed by that pest or those pests.

Those exercises shall take place with regard to all priority pests concerned within a reasonable period of time and with the involvement of the relevant stakeholders.

Those exercises shall not be required where <sup>F114</sup>... measures for the eradication of the pest or pests concerned [F115have recently been taken].

F116<sub>2</sub> .....

F116<sub>3</sub> .....

#### Textual Amendments

- F112** Words in Art. 26(1) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(25)(a)(i)(aa)** (with regs. 53, 55)
- F113** Words in Art. 26(1) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(25)(a)(i)(bb)** (with regs. 53, 55)

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

- F114** Words in Art. 26(1) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(25)(a)(ii)(aa)** (with regs. 53, 55)
- F115** Words in Art. 26(1) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(25)(a)(ii)(bb)** (with regs. 53, 55)
- F116** Art. 26(2)(3) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(25)(b)** (with regs. 53, 55)

## Article 27

### Action plans for priority pests

1 Where the presence of a priority pest is officially confirmed in [<sup>F117</sup>Great Britain] pursuant to Article 10, the competent authority [<sup>F118</sup>for the territory in which it has been found to be present] shall immediately adopt a plan (the ‘action plan’) setting out the measures for the eradication of that pest <sup>F119</sup>... or its containment <sup>F120</sup>..., as well as a time schedule for the application of those measures.

The action plan shall include a description of the design and organisation of the surveys to be carried out and set out the number of visual examinations, samples to be taken and laboratory tests to be carried out, as well as the methodology to be applied for the examination, sampling and testing.

The action plan shall be based on the relevant contingency plan and shall be immediately communicated by the competent authority to the professional operators concerned.

<sup>F121</sup><sub>2</sub> .....

#### Textual Amendments

- F117** Words in Art. 27(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(26)(a)(i)** (with regs. 53, 55)
- F118** Words in Art. 27(1) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(26)(a)(ii)** (with regs. 53, 55)
- F119** Words in Art. 27(1) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(26)(a)(iii)** (with regs. 53, 55)
- F120** Words in Art. 27(1) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(26)(a)(iv)** (with regs. 53, 55)
- F121** Art. 27(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(26)(b)** (with regs. 53, 55)

## Article 28

### [<sup>F122</sup>GB] measures for specific [<sup>F122</sup>GB] quarantine pests

1 [<sup>F123</sup>The appropriate authority may by regulations set out measures against specific GB quarantine pests. The provision that may be made in those regulations may include, in relation to a specific GB quarantine pest, provision:]

- a <sup>F124</sup>... concerning [<sup>F125</sup>the] measures to be taken in the event of suspicion and official confirmation by competent authorities of the presence of that [<sup>F126</sup>GB] quarantine pest;
- b <sup>F127</sup>... concerning [<sup>F128</sup>the] measures to be taken immediately by professional operators;

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)*

- c <sup>F129</sup>... concerning [<sup>F130</sup>the] measures to be taken by persons other than professional operators;
- [<sup>F131</sup>d concerning the eradication of that GB quarantine pest;]
- [<sup>F132</sup>da) concerning the containment of that GB quarantine pest;]
- e <sup>F133</sup>... concerning [<sup>F134</sup>the] establishment of demarcated areas;
- f <sup>F135</sup>... concerning surveys and modifications of demarcated areas and lifting of restrictions;
- [<sup>F136</sup>g concerning surveys of that GB quarantine pest;]
- [<sup>F137</sup>ga) concerning prevention measures in areas outside demarcated areas where necessary to prevent the establishment of that GB quarantine pest in those areas;]
- [<sup>F138</sup>h in the case of a GB quarantine pest which is a priority pest:
  - i) concerning surveys for that priority pest, as regards the number of visual examinations, samples and tests for the priority pest;
  - ii) concerning contingency plans for that priority pest;
  - iii) concerning simulation exercises for that priority pest;
  - iv) concerning action plans for that priority pest.]

<sup>F139</sup>1 .....

<sup>F139</sup>j .....

<sup>F139</sup>k .....

<sup>F140</sup> ...

[<sup>F1412</sup> Regulations under paragraph 1 may only make provision under point (da) of that paragraph if the appropriate authority has concluded, on the basis of surveys or other evidence, that the eradication of the GB quarantine pest in a demarcated area is not possible.]

<sup>F142</sup>3 .....

[<sup>F1434</sup> Regulations made under paragraph 1 may include any of the measures specified in Annex 2, taking into account the specific risks of the GB quarantine pest to which the regulations relate and any specific eco-climatic conditions and risks as regards any part of Great Britain.]

<sup>F144</sup>5 .....

<sup>F144</sup>6 .....

<sup>F144</sup>7 .....

### Textual Amendments

**F122** Word in Art. 28 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(27)(a)** (with regs. 53, 55)

**F123** Words in Art. 28(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(27)(b)(i)** (with regs. 53, 55)

**F124** Words in Art. 28(1)(a) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(27)(b)(ii)(aa)** (with regs. 53, 55)

**F125** Word in Art. 28(1)(a) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(27)(b)(ii)(bb)** (with regs. 53, 55)

**F126** Word in Art. 28(1)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(27)(b)(ii)(cc)** (with regs. 53, 55)

**F127** Words in Art. 28(1)(b) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(27)(b)(iii)(aa)** (with regs. 53, 55)

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

- F128** Word in Art. 28(1)(b) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(iii)(bb)** (with regs. 53, 55)
- F129** Words in Art. 28(1)(c) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(iv)(aa)** (with regs. 53, 55)
- F130** Word in Art. 28(1)(c) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(iv)(bb)** (with regs. 53, 55)
- F131** Art. 28(1)(d) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(v)** (with regs. 53, 55)
- F132** Art. 28(1)(da) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(vi)** (with regs. 53, 55)
- F133** Words in Art. 28(1)(e) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(vii)(aa)** (with regs. 53, 55)
- F134** Word in Art. 28(1)(e) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(vii)(bb)** (with regs. 53, 55)
- F135** Words in Art. 28(1)(f) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(viii)** (with regs. 53, 55)
- F136** Art. 28(1)(g) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(ix)** (with regs. 53, 55)
- F137** Art. 28(1)(ga) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(x)** (with regs. 53, 55)
- F138** Art. 28(1)(h) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(xi)** (with regs. 53, 55)
- F139** Art. 28(1)(i)-(k) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(xii)** (with regs. 53, 55)
- F140** Words in Art. 28 omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(xiii)** (with regs. 53, 55)
- F141** Art. 28(2) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(c)** (with regs. 53, 55)
- F142** Art. 28(3) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(d)** (with regs. 53, 55)
- F143** Art. 28(4) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(e)** (with regs. 53, 55)
- F144** Art. 28(5)-(7) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(f)** (with regs. 53, 55)

### Article 29

#### Measures by [<sup>F145</sup>competent authorities] concerning pests not listed as [<sup>F146</sup>GB] quarantine pests

1 [<sup>F147</sup>Where the presence of a pest that is not included in Annex 2 or 2A to the Phytosanitary Conditions Regulation is officially confirmed to be present in a part of Great Britain, and the competent authority considers that the pest may fulfil the conditions for inclusion in Annex 2 to the Phytosanitary Conditions Regulation, the competent authority must immediately assess whether the pest fulfils the criteria set out in Subsection 1 of Section 3 of Annex 1 and notify the other competent authorities of its conclusion.]. If it concludes that those criteria are fulfilled, it shall immediately take eradication measures in accordance with Annex II. Articles 17 to [<sup>F148</sup>19] shall apply.

Where it is concluded, on the basis of the surveys referred to in Article 19 or other evidence, that the eradication of a pest in a demarcated area is not possible, Article 28(2) shall apply *mutatis mutandis*.

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

Where the presence of a pest fulfilling the criteria referred to in the first subparagraph is officially confirmed in a consignment of plants, plant products or other objects introduced into, or moved within, [<sup>F149</sup>Great Britain, the competent authority] shall take the necessary measures to prevent the entry of that pest into, and its establishment and spread in, [<sup>F150</sup>the territory for which it is responsible].

Where a [<sup>F151</sup>competent authority] suspects the presence in its territory of a pest fulfilling the criteria referred to in the first subparagraph, Article 10 shall apply *mutatis mutandis*.

Pending the official confirmation of the presence of that pest, the [<sup>F152</sup>competent authority] shall, where appropriate, take phytosanitary measures to mitigate the risk of it spreading.

[<sup>F153</sup> The competent authority must notify the other competent authorities of the measures that it has taken pursuant to paragraph 1 and the competent authorities must promptly assess whether the pest concerned fulfils the criteria for quarantine pests set out in Section 1 of Annex 1.]

[<sup>F154</sup>2A Each competent authority must ensure that interim measures are taken in relation to the pest where it is present in its territory or in a consignment of plants, plant products or other objects introduced into, or moved within, its territory until:

- a) a risk assessment has been carried out which shows that the pest does not fulfil the criteria set out in Subsection 1 of Section 3 of Annex 1; or
- b) regulations in relation to the pest have been made under Article 30(1).

2B In paragraph 2A, ‘interim measures’, in relation to a pest which has been provisionally assessed, in accordance with paragraph 2, as fulfilling the criteria set out in Subsection 1 of Section 3 of Annex 1, means any of the following measures insofar as they are relevant:

- a) official confirmation of the presence of the pest where its presence is suspected;
- b) pending official confirmation of the presence of the pest, phytosanitary measures to mitigate the risk of the pest spreading;
- c) where the pest is officially confirmed to be present, eradication measures equivalent to the measures specified in Articles 17 to 19 in relation to GB quarantine pests or, if it is concluded, on the basis of the surveys referred to in Article 19 or other evidence, that the eradication of the pest in a demarcated area is not possible, containment measures; and
- d) any other measures which are necessary or appropriate to prevent the entry of that pest into Great Britain, or its establishment or spread within Great Britain, including risk-based surveys to check for signs and symptoms of that pest.]

<sup>F155</sup>3 .....

#### Textual Amendments

**F145** Words in Art. 29 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(28)(a)(i)** (with regs. 53, 55)

**F146** Word in Art. 29 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(28)(a)(ii)** (with regs. 53, 55)

**F147** Words in Art. 29(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(28)(b)(i)(aa)** (with regs. 53, 55)

**F148** Word in Art. 29(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(28)(b)(i)(bb)** (with regs. 53, 55)

**F149** Words in Art. 29(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(28)(b)(ii)(aa)** (with regs. 53, 55)

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

- F150** Words in Art. 29(1) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(28)(b)(ii)(bb)** (with regs. 53, 55)
- F151** Words in Art. 29(1) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(28)(b)(iii)** (with regs. 53, 55)
- F152** Words in Art. 29(1) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(28)(b)(iv)** (with regs. 53, 55)
- F153** Art. 29(2) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(28)(c)** (with regs. 53, 55)
- F154** Art. 29(2A)(2B) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(28)(d)** (with regs. 53, 55)
- F155** Art. 29(3) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(28)(e)** (with regs. 53, 55)

### Article 30

#### [<sup>F156</sup>Measures concerning provisional GB quarantine pests]

[<sup>F157</sup>A1 In this Article, ‘provisional GB quarantine pest’ means a pest which is not included in the list of GB quarantine pests in Annex 2 to the Phytosanitary Conditions Regulation, but which, according to an appropriate assessment, meets the criteria set out in Subsection 2 of Section 3 of Annex 1 and is listed in Annex 2A to the Phytosanitary Conditions Regulation.

A2 A provisional GB quarantine pest may not be introduced into, moved within, or held, multiplied or released in, Great Britain.]

[<sup>F158</sup>1 The appropriate authority may by regulations:

- a modify Annex 2A to the Phytosanitary Conditions Regulation where the results of an assessment show, in respect of Great Britain, that a pest which is not included in that Annex fulfils the criteria set out Subsection 2 of Section 3 of Annex 1, or that a pest which is included in that Annex no longer fulfils those criteria or fulfils the criteria in Article 3;
- b make temporary provision for the purposes of preventing the introduction of a provisional GB quarantine pest into Great Britain, or the spread of a provisional GB quarantine pest within Great Britain.]

[<sup>F159</sup>1A Regulations under paragraph 1 may include, in relation to a pest which is listed, or is to be listed, in Annex 2A, provision concerning:

- a measures to be taken in the event of suspicion and official confirmation by competent authorities of the presence of that pest;
- b measures to be taken immediately by professional operators;
- c measures to be taken by persons other than professional operators;
- d the eradication of that pest;
- e the containment of that pest;
- f the establishment of demarcated areas;
- g surveys and modifications of demarcated areas and lifting of restrictions;
- h surveys of that pest;
- i prevention measures in areas outside demarcated areas where necessary to protect the establishment of that pest in those areas.]

<sup>F160</sup>2

.....



**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

[<sup>F1613</sup> Regulations under paragraph 1 may only make provision under point (e) of paragraph 1A if the appropriate authority has concluded, on the basis of the surveys or other evidence, that the eradication of the pest in a demarcated area is not possible.]

<sup>F1624</sup> .....

[<sup>F1635</sup> Regulations under paragraph 1 may include any of the measures specified in Annex 2, taking into account the specific risks of the pest.]

<sup>F1646</sup> .....

<sup>F1647</sup> .....

<sup>F1648</sup> .....

#### Textual Amendments

**F156** Art. 30 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(29)(a)** (with regs. 53, 55)

**F157** Art. 30(A1)(A2) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(29)(b)** (with regs. 53, 55)

**F158** Art. 30(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(29)(c)** (with regs. 53, 55)

**F159** Art. 30(1A) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(29)(d)** (with regs. 53, 55)

**F160** Art. 30(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(29)(e)** (with regs. 53, 55)

**F161** Art. 30(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(29)(f)** (with regs. 53, 55)

**F162** Art. 30(4) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(29)(g)** (with regs. 53, 55)

**F163** Art. 30(5) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(29)(h)** (with regs. 53, 55)

**F164** Art. 30(6)-(8) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(29)(i)** (with regs. 53, 55)

### Article 31

#### More stringent requirements <sup>F165</sup>...

1 [<sup>F166</sup>The competent authorities may apply within their respective territories more stringent measures than those specified in regulations made under Article 28(1) or 30(1)], if justified by the objective of phytosanitary protection and in accordance with the principles set out in Section 2 of Annex II.

Those more stringent measures shall not impose, or result in, any prohibitions or restrictions on the introduction into, or movement within and through, [<sup>F167</sup>Great Britain] of plants, plant products and other objects, other than those imposed by [<sup>F168</sup>, or under,] Articles 40 to 58 and 71 to [<sup>F169</sup>101].

<sup>F1702</sup> .....

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

#### Textual Amendments

- F165** Words in Art. 31 heading omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(30)(a)** (with regs. 53, 55)
- F166** Words in Art. 31(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(30)(b)(i)** (with regs. 53, 55)
- F167** Words in Art. 31(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(30)(b)(ii)(aa)** (with regs. 53, 55)
- F168** Words in Art. 31(1) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(30)(b)(ii)(bb)** (with regs. 53, 55)
- F169** Word in Art. 31(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(30)(b)(ii)(cc)** (with regs. 53, 55)
- F170** Art. 31(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(30)(c)** (with regs. 53, 55)

#### Textual Amendments

- F1** Word in [Ch. 2 Section 2](#) heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(2)** (with regs. 53, 55)

### Section 3

#### *[<sup>F171</sup>PFA] quarantine pests*

#### Article 32

#### Recognition of [<sup>F172</sup>GB pest-free areas]

- <sup>F173</sup>1 ‘A PFA quarantine pest’ is a pest which:
- a) is present in Great Britain but not in a part of Great Britain that is recognised as free of that pest in accordance with ISPM4; and
  - b) is listed in column (1) of the table in Annex 3 to the Phytosanitary Conditions Regulation.]

2 [<sup>F174</sup>A PFA quarantine pest may not be introduced into, moved within, or held, multiplied or released in, any GB pest-free area established in respect of that PFA quarantine pest, and described in the corresponding entry in column (2) of the table in Annex 3 to the Phytosanitary Conditions Regulation.]

Article 8 shall apply *mutatis mutandis* to the introduction into, movement within, and holding and multiplication in, [<sup>F175</sup>a GB pest-free area of the PFA quarantine pest in respect of which the area was established].

3 <sup>F176</sup> ...

<sup>F177</sup>The appropriate authority may by regulations modify Annex 3 to the Phytosanitary Conditions Regulation where:

- a) a pest is no longer recognised as a PFA quarantine pest;
- b) any additional GB pest-free area is recognised in relation to a PFA quarantine pest;
- c) the extent of an existing GB pest-free area has been altered; or

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

- d) an existing GB pest-free area is no longer recognised as free from the PFA quarantine pest in respect of which the area was established.]

F178 ...  
F178 ...  
F179<sup>4</sup> .....  
F179<sup>5</sup> .....  
F179<sup>6</sup> .....  
F179<sup>7</sup> .....

#### Textual Amendments

- F172** Words in Art. 32 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(32)(a)** (with regs. 53, 55)
- F173** Art. 32(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(32)(b)** (with regs. 53, 55)
- F174** Words in Art. 32(2) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(32)(c)(i)** (with regs. 53, 55)
- F175** Words in Art. 32(2) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(32)(c)(ii)** (with regs. 53, 55)
- F176** Words in Art. 32(3) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(32)(d)(i)** (with regs. 53, 55)
- F177** Words in Art. 32(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(32)(d)(ii)** (with regs. 53, 55)
- F178** Words in Art. 32(3) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(32)(d)(iii)** (with regs. 53, 55)
- F179** Art. 32(4)-(7) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(32)(e)** (with regs. 53, 55)

### Article 33

#### General obligations concerning [<sup>F180</sup>GB pest-free areas]

1 With regard to a [<sup>F181</sup>GB pest-free area], the obligations set out in Articles 9 to 19 shall apply *mutatis mutandis* to the [<sup>F182</sup>relevant PFA] quarantine pest.

[<sup>F183</sup>2 Where a PFA quarantine pest is found to be present in a GB pest-free area established in respect of that PFA quarantine pest and the competent authority has established a demarcated area in response to its presence, any plant, plant product or other object originating in the demarcated area may only be moved from that demarcated area into the remaining part of that GB pest-free area or into any other GB pest-free area established in respect of that PFA quarantine pest if its movement has been authorised by, or on behalf of, the competent authority by notice.

2A By way of derogation from paragraph 2, a plant, plant product or other object may be moved out of that demarcated area and through and out of the GB pest-free area concerned if it is packed and moved in such a way that there is no risk of spreading the relevant PFA quarantine pest within the GB pest-free area.]

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

F184<sup>3</sup>

#### Textual Amendments

- F180** Words in Art. 33 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(33)(a)** (with regs. 53, 55)
- F181** Words in Art. 33(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(33)(b)(i)** (with regs. 53, 55)
- F182** Words in Art. 33(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(33)(b)(ii)** (with regs. 53, 55)
- F183** Art. 33(2)(2A) substituted for Art. 33(2) (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(33)(c)** (with regs. 53, 55)
- F184** Art. 33(3) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(33)(d)** (with regs. 53, 55)

#### Article 34

#### Surveys on [<sup>F185</sup>PFA] quarantine pests

[<sup>F186</sup>1 The competent authorities must carry out annual surveys of each GB pest-free area within their respective territories as regards the presence of the PFA quarantine pests in respect of which those areas have been established.]

[<sup>F187</sup>1A The appropriate authority may by regulations supplement this Regulation by laying down detailed rules for the preparation and the content of the surveys referred to in paragraph 1.]

F188<sup>2</sup>

#### Textual Amendments

- F185** Word in Art. 34 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(34)(a)** (with regs. 53, 55)
- F186** Words in Art. 34(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(34)(b)(i)** (with regs. 53, 55)
- F187** Art. 34(1A) substituted for words in Art. 34(1) (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(34)(b)(ii)** (with regs. 53, 55)
- F188** Art. 34(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(34)(c)** (with regs. 53, 55)

#### <sup>F189</sup>Article 35

#### Amendment of extent and revocation of recognition of protected zones

#### Textual Amendments

- F189** Art. 35 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(35)** (with regs. 53, 55)

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II. (See end of Document for details)

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### Textual Amendments

**F171** Word in [Ch. 2 Section 3](#) heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **27(31)** (with regs. 53, 55)

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, CHAPTER II.