

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 IV*

*Measures concerning plants, plant products and other objects*

*Section 1*

*Measures relating to [<sup>F1</sup>Great Britain]*

*Article 40*

**Prohibition of the introduction of plants, plant products and other objects into [<sup>F2</sup>Great Britain]**

[<sup>F31</sup> Plants, plant products or other objects of a description specified in any entry in column (1) of the tables in Parts A and C of Annex 6 to the Phytosanitary Conditions Regulation may not be introduced into Great Britain if they originate from any third country listed in the corresponding entry in column (2) of those tables.]

[<sup>F42</sup> .....

[<sup>F53</sup> The appropriate authority may by regulations amend Parts A and C of Annex 6 to the Phytosanitary Conditions Regulation where the amendment is appropriate in the light of a risk assessment in relation to a plant, plant product or other object originating in or dispatched from a third country.

3A For the purposes of paragraph 3, an amendment is appropriate if, on the basis of the risk assessment, it is concluded:

- a in the case of a plant, plant product or other object which is not included in Part A or C of Annex 6 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object poses a pest risk of an unacceptable level which cannot be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2; or
- b in the case of a plant, plant product or other object which is included in Part A or C of Annex 6 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object no longer poses a pest risk of an unacceptable level, or that it continues to pose a pest risk of an unacceptable level, but that the risk can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2.

3B A plant, plant product or other object may only be regarded as posing a pest risk of an unacceptable level for the purposes of paragraph 3A if the risk assessment shows that the plant, plant product or other object may host a GB quarantine pest and, in determining the acceptability of the level of pest risk, the risk assessment was carried out in accordance with the principles

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 1. (See end of Document for details)

set out in Section 2 of Annex 2, where appropriate with regard to one or more specific third countries.]

F64 .....

Textual Amendments	
<b>F2</b>	Words in Art. 40 heading substituted (31.12.2020) by <a href="#">The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482)</a> , regs. 1(2)(b), <b>29(3)(a)</b> (with regs. 53, 55)
<b>F3</b>	Art. 40(1) substituted (31.12.2020) by <a href="#">The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482)</a> , regs. 1(2)(b), <b>29(3)(b)</b> (with regs. 53, 55)
<b>F4</b>	Art. 40(2) omitted (31.12.2020) by virtue of <a href="#">The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482)</a> , regs. 1(2)(b), <b>29(3)(c)</b> (with regs. 53, 55)
<b>F5</b>	Art. 40(3)-(3B) substituted for Art. 40(3) (31.12.2020) by <a href="#">The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482)</a> , regs. 1(2)(b), <b>29(3)(d)</b> (with regs. 53, 55)
<b>F6</b>	Art. 40(4) omitted (31.12.2020) by virtue of <a href="#">The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482)</a> , regs. 1(2)(b), <b>29(3)(e)</b> (with regs. 53, 55)

Article 41

Plants, plant products and other objects subject to special and equivalent requirements

[F71 Plants, plant products or other objects of a description specified in any entry in column (1) of the tables in Parts A and B of Annex 7 to the Phytosanitary Conditions Regulation, and which originate in a third country listed in the corresponding entry in column (2) of those tables may only be introduced into, or moved within, Great Britain if the special requirements specified in the corresponding entry in column (3) of those tables are fulfilled.

1A Plants, plant products or other objects of a description specified in any entry in column (1) of the tables in Parts A and B of Annex 8 to the Phytosanitary Conditions Regulation, and which originate in a CD territory, may only be introduced into Great Britain if the special requirements specified in the corresponding entry in column (2) of those tables are fulfilled.

1B Plants, plant products or other objects of a description specified in any entry in column (1) of the tables in Parts A and B of Annex 8 to the Phytosanitary Conditions Regulation, and which originate in Great Britain or a CD territory, may only be moved within Great Britain if the special requirements specified in the corresponding entry in column (2) of those tables are fulfilled.]

F82 .....

[F93 The appropriate authority may by regulations amend Annex 7 or 8 to the Phytosanitary Conditions Regulation where the amendment is appropriate in the light of a risk assessment in relation to a plant, plant product or other object.

3A For the purposes of paragraph 3, an amendment is appropriate if, on the basis of the risk assessment, it is concluded:

- a in the case of a plant, plant product or other object which originates in a third country and is not included in Part A or B of Annex 7 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object poses a pest risk of an unacceptable level which can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2;

- b in the case of a plant, plant product or other object which originates in a third country and is included in Part A or B of Annex 7 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object poses a pest risk of an unacceptable level which can no longer be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2, or that the pest risk can continue to be reduced to an acceptable level by applying alternative measures to those specified in relation to the plant, plant product or other object in Annex 7 to the Phytosanitary Conditions Regulation;
- [<sup>F10</sup>ba in the case of a plant, plant product or other object which originates in a third country and is included in Part B of Annex 7 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object continues to pose a pest risk which can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2, and the plant, plant product or other object and those measures can be included in Part A, instead of in Part B, of Annex 7 to the Phytosanitary Conditions Regulation;]
- c in the case of a plant, plant product or other object which originates in Great Britain or a CD territory and is not included in Annex 8 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object poses a pest risk of an unacceptable level which can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2; or
- d in the case of a plant, plant product or other object which originates in Great Britain or a CD territory and is included in Annex 8 to the Phytosanitary Conditions Regulation <sup>F11</sup>..., that the plant, plant product or other object poses a pest risk of an unacceptable level which can no longer be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2, or that the pest risk can continue to be reduced to an acceptable level by applying alternative measures to those specified in relation to the plant, plant product or other object in [<sup>F12</sup>Annex 8 to the Phytosanitary Conditions Regulation;]
- [<sup>F13</sup>e in the case of a plant, plant product or other object which originates in Great Britain or a CD territory and is included in Part B of Annex 8 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object continues to pose a pest risk which can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex 2, and the plant, plant product or other object and those measures can be included in Part A, instead of in Part B, of Annex 8 to the Phytosanitary Conditions Regulation.]

3B A plant, plant product or other object may only be regarded as posing a pest risk of an unacceptable level for the purposes of paragraph 3A if the risk assessment shows that the plant, plant product or other object may host a GB quarantine pest and, in determining the acceptability of the level of pest risk and the measures to reduce that risk to an acceptable level, the risk assessment was carried out in accordance with the principles set out in Section 2 of Annex 2, where appropriate with regard to one or more specific third countries or parts of specific third countries.]

[<sup>F14</sup> In the event that plants, plant products or other objects have been introduced into, or moved within, [<sup>F15</sup>Great Britain] in violation of paragraph 1 of this Article, [<sup>F16</sup>the competent authority] shall adopt the necessary measures, as referred to in Article 66(3) of Regulation [<sup>X1</sup>(EU) 2017/625]<sup>F17</sup> ...

<sup>F18</sup> ...]

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 1. (See end of Document for details)

### 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

- F7** Art. 41(1)-(1B) substituted for Art. 41(1) (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(4)(a)** (with regs. 53, 55)
- F8** Art. 41(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), **29(4)(b)** (with regs. 53, 55)
- F9** Art. 41(3)-(3B) substituted for Art. 41(3) (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(4)(c)** (with regs. 53, 55)
- F10** Art. 41(3A)(ba) inserted (27.1.2021) by [The Plant Health \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/79\)](#), regs. 1(2), **3(5)(a)**
- F11** Words in Art. 41(3A)(d) omitted (27.1.2021) by virtue of [The Plant Health \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/79\)](#), regs. 1(2), **3(5)(b)(i)**
- F12** Words in Art. 41(3A)(d) substituted (27.1.2021) by [The Plant Health \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/79\)](#), regs. 1(2), **3(5)(b)(ii)**
- F13** Art. 41(3A)(e) inserted (27.1.2021) by [The Plant Health \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/79\)](#), regs. 1(2), **3(5)(c)**
- F14** 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).
- F15** Words in Art. 41(4) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(4)(d)(i)(aa)** (with regs. 53, 55)
- F16** Words in Art. 41(4) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(4)(d)(i)(bb)** (with regs. 53, 55)
- F17** Words in Art. 41(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), **29(4)(d)(i)(cc)** (with regs. 53, 55)
- F18** Words in Art. 41(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), **29(4)(d)(ii)** (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, Section 1. (See end of Document for details)

---

## Article 42

### **Restrictions on the basis of a preliminary assessment for the introduction into [F19 Great Britain] of high-risk plants, plant products and other objects**

1 A plant, plant product or other object originating in a third country <sup>F20</sup>... which, on the basis of a preliminary assessment, presents a pest risk of an unacceptable level for [F21 Great Britain] is a ‘high-risk plant’, ‘high-risk plant product’ or ‘high-risk other object’ (‘high-risk plants, plant products or other objects’).

That preliminary assessment shall take into account, as appropriate for the plant, plant product or other object concerned, [F22 any existing prohibitions or requirements that apply to that plant, plant product or object by virtue of Article 40, or 41 or any measures in regulations made under Article 49(1), and] the criteria set out in Annex III.

[F23 2 High-risk plants, plant products or other objects listed in Part B of Annex 6 to the Phytosanitary Conditions Regulation may not be introduced into Great Britain from the third countries, groups of third countries or specific areas of third countries of origin specified in respect of those plants, plant products or other objects in that list.]

3 [F24 The appropriate authority may by regulations amend Part B of Annex 6 to the Phytosanitary Conditions Regulation to include at the appropriate taxonomic level, pending the risk assessment referred to in paragraph 4, additional high-risk plants, plant products or other objects and, where appropriate, the third countries, groups of third countries or specific areas of third countries of origin in respect of those plants, plant products or other objects.]

F25  
...

F25  
...

[F26 4 Where a risk assessment in relation to a high-risk plant, plant product or other object originating in any third country has been completed, the appropriate authority must by regulations amend the list of high-risk plants, plant products or other objects in Part B of Annex 6 to the Phytosanitary Conditions Regulation to remove the third country from the entry in that list relating to the plant, plant product or other object.

4A Regulations under paragraph 4 may amend Part A or C of Annex 6, or Part A or B of Annex 7, to the Phytosanitary Conditions Regulation, where appropriate, in the light of the risk assessment.]

5 Provided that demand for import of plants, plant products or other objects listed in [F27 Part B of Annex 6 to the Phytosanitary Conditions Regulation] is identified, the risk assessment referred to in paragraph 4 shall be carried out within an appropriate and reasonable period of time.

Where appropriate, that assessment may be limited to plants, plant products or other objects of a particular third country of origin or dispatch, or a group of third countries of origin or dispatch.

6 The [F28 the appropriate authority may by regulations] lay down specific rules concerning the procedure to be followed in order to carry out the risk assessment referred to in paragraph 4.

F29 7 .....

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 1. (See end of Document for details)

### Textual Amendments

- F19** Words in Art. 42 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(5)(a)** (with regs. 53, 55)
- F20** Words in Art. 42(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), **29(5)(b)(i)(aa)** (with regs. 53, 55)
- F21** Words in Art. 42(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(5)(b)(i)(bb)** (with regs. 53, 55)
- F22** Words in Art. 42(1) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(5)(b)(ii)** (with regs. 53, 55)
- F23** Art. 42(2) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(5)(c)** (with regs. 53, 55)
- F24** Words in Art. 42(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(5)(d)(i)** (with regs. 53, 55)
- F25** Words in Art. 42(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), **29(5)(d)(ii)** (with regs. 53, 55)
- F26** Art. 42(4)(4A) substituted for Art. 42(4) (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(5)(e)** (with regs. 53, 55)
- F27** Words in Art. 42(5) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(5)(f)** (with regs. 53, 55)
- F28** Words in Art. 42(6) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(5)(g)** (with regs. 53, 55)
- F29** Art. 42(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), **29(5)(h)** (with regs. 53, 55)

### Article 43

#### Specific import conditions for the introduction into <sup>F30</sup>Great Britain] of wood packaging material

1 Wood packaging material, whether or not actually in use in the transport of objects of all kinds, shall only be introduced into <sup>F31</sup>Great Britain from a third country] if it fulfils all of the following requirements:

- a it has been subject to one or more of the approved treatments and complies with the applicable requirements set out in Annex 1 to <sup>F32</sup>ISPM15];
- b it is marked with the mark referred to in Annex 2 of ISPM15 attesting that it has been subject to the treatments referred to in point (a).

This paragraph shall not apply to wood packaging material which is subject to the exemptions provided for in ISPM15.

<sup>F33</sup>2 The appropriate authority may by regulations:

- a amend the requirements set out in paragraph 1 of this Article to take into account the development of international standards, and in particular of ISPM15; or
- b specify derogations from paragraph 1 for the purpose of exempting other wood packaging material which is not subject to the exemptions provided for in ISPM15 from the requirements of paragraph 1 of this Article, or for the purpose of imposing less stringent requirements on wood packaging material which is subject to the exemptions provided for in ISPM15.]

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 1. (See end of Document for details)

#### Textual Amendments

- F30** Words in Art. 43 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(6)(a)** (with regs. 53, 55)
- F31** Words in Art. 43(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(6)(b)(i)** (with regs. 53, 55)
- F32** Word in Art. 43(1)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(6)(b)(ii)** (with regs. 53, 55)
- F33** Art. 43(2) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(6)(c)** (with regs. 53, 55)

### Article 44

#### Setting out of equivalent requirements

[<sup>F34</sup>1 The appropriate authority may by regulations make provision for the purpose of giving effect to a relevant decision.

1A Regulations under paragraph 1 may in particular:

- a amend any of the special requirements in column (3) of the table in Part A or B of Annex 7 to the Phytosanitary Conditions Regulation to set out the equivalent requirements that apply to the plant, plant product or other object in question; or
- b specify the conditions under which the decision of the UK NPPO applies.

1B In paragraph 1, ‘relevant decision’ means a decision of the UK NPPO confirming that specific measures which are applied in the third country in relation to a particular plant, plant product or other object from that third country provide a level of phytosanitary protection which is equivalent to the measures included in the special requirements in relation to that plant, plant product or other object in Annex 7 to the Phytosanitary Conditions Regulation.]

<sup>F35</sup>2 .....

#### Textual Amendments

- F34** Art. 44(1)-(1B) substituted for Art. 44(1) (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(7)(a)** (with regs. 53, 55)
- F35** Art. 44(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), **29(7)(b)** (with regs. 53, 55)

### Article 45

#### Information to be provided to travellers and clients of postal services

1 [<sup>F36</sup>The competent authorities and seaport, airport and international transport operators must make information available to passengers concerning the prohibitions referred to in Article 40(1) and 42(2), the requirements referred to in Article 41(1) and any exemption which applies by virtue of Article 75(1) as regards the introduction of plants, plant products and other objects into Great Britain from a third country.]

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 1. (See end of Document for details)

They shall provide that information in the form of posters or brochures and, where applicable, on their internet sites [<sup>F37</sup>, in the standardised format published by the appropriate authority (if any)].

Postal services and professional operators involved in sales through distance contracts shall also make available to their clients that information concerning plants, plant products and other objects referred to in the first subparagraph at least through the internet.

[<sup>F38</sup>The appropriate authority may publish, in such manner as the appropriate authority considers appropriate, a standardised format for any poster or brochure which must be used for the purposes of the first subparagraph of this paragraph.]

<sup>F39</sup>2 .....

#### Textual Amendments

- F36** Words in Art. 45(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(8)(a)(i)** (with regs. 53, 55)
- F37** Words in Art. 45(1) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(8)(a)(ii)** (with regs. 53, 55)
- F38** Words in Art. 45(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(8)(a)(iii)** (with regs. 53, 55)
- F39** Art. 45(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), **29(8)(b)** (with regs. 53, 55)

#### <sup>F40</sup> Article 46

### Exception from prohibitions and requirements for frontier zones

.....

#### Textual Amendments

- F40** [Art. 46](#) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(9)** (with regs. 53, 55)

#### Article 47

### Requirements for phytosanitary transit

1 By way of derogation from Article 40(1), Article 41(1), Article 42(2), Article 72(1) and Article 73, plants, plant products and other objects may be introduced into, and be passed through, [<sup>F41</sup>Great Britain] to a third country, either in the form of transit or transhipment ('phytosanitary transit'), if they fulfil both of the following conditions:

- a they are accompanied by a signed declaration of the professional operator in control of those plants, plant products and other objects stating that those plants, plant products or other objects are in phytosanitary transit;
- b they are packed and moved in such a way that there is no risk of spreading of [<sup>F42</sup>GB] quarantine pests during their introduction into, and passing through, [<sup>F43</sup>Great Britain].



**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 1. (See end of Document for details)

2 [F44The competent authority] shall prohibit phytosanitary transit if the plants, plant products or other objects concerned do not comply, or there is reasonable evidence that they will not comply, with paragraph 1.

#### Textual Amendments

- F41** Words in Art. 47(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(10)(a)(i)** (with regs. 53, 55)
- F42** Word in Art. 47(1)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(10)(a)(ii)(aa)** (with regs. 53, 55)
- F43** Words in Art. 47(1)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(10)(a)(ii)(bb)** (with regs. 53, 55)
- F44** Words in Art. 47(2) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(10)(b)** (with regs. 53, 55)

#### Article 48

##### **Plants, plant products and other objects used for official testing, scientific or educational purposes, trials, varietal selection or breeding**

1 By way of derogation from Article 40(1), Article 41(1) and Article 42(2), [F45a competent authority] may, on application, authorise temporarily the introduction into, and the movement within, [F46the territory for which it is responsible] of plants, plant products and other objects used for official testing, scientific or educational purposes, trials, varietal selection or breeding.

That authorisation shall be granted for the activity concerned only if adequate restrictions are imposed to ensure that the presence of the plants, plant products or other objects concerned does not cause an unacceptable risk of the spread of a [F47GB quarantine pest or provisional GB quarantine pest], taking into account the identity, biology and means of dispersal of the pests concerned, the activity envisaged, the interaction with the environment and other relevant factors relating to the pest risk posed by those plants, plant products or other objects.

2 Where an authorisation is granted in accordance with paragraph 1, it shall include all of the following conditions:

- a the plants, plant products or other objects concerned are to be kept in a location and under conditions found to be appropriate by the competent [F48authority] and referred to in the authorisation;
- b the activity involving those plants, plant products or other objects is to be carried out in a quarantine station or a confinement facility designated in accordance with Article 60 by the competent authority and referred to in the authorisation;
- c the activity involving those plants, plant products or other objects is to be carried out by personnel whose scientific and technical competence is found to be appropriate by the competent authority and referred to in the authorisation;
- d those plants, plant products or other objects are to be accompanied by the authorisation when introduced into, or moved within, the [F49territory in question].

3 The authorisation referred to in paragraph 1 shall be limited to the amount and duration that is adequate for the activity concerned and shall not exceed the capacity of the designated quarantine station or confinement facility.

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 1. (See end of Document for details)*

It shall include the restrictions necessary to adequately eliminate the risk of the spread of the relevant [<sup>F50</sup>GB quarantine pest or provisional GB quarantine pest].

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 case those conditions, that limitation or those restrictions are not complied with.

Where appropriate, that action shall be the revocation of the authorisation referred to in paragraph 1.

5 The [<sup>F51</sup>appropriate authority may by regulations supplement] this Regulation by laying down detailed rules concerning:

- <sup>F52</sup>a .....
- b the procedures and conditions for granting the authorisation referred to in paragraph 1 of this Article; and
  - c the requirements for the monitoring of compliance and the actions to be taken in the event of non-compliance, as referred to in paragraph 4 of this Article.

#### Textual Amendments

- F45** Words in Art. 48(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(11)(a)(i)(aa)** (with regs. 53, 55)
- F46** Words in Art. 48(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(11)(a)(i)(bb)** (with regs. 53, 55)
- F47** Words in Art. 48(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(11)(a)(ii)** (with regs. 53, 55)
- F48** Word in Art. 48(2)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(11)(b)(i)** (with regs. 53, 55)
- F49** Words in Art. 48(2)(d) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(11)(b)(ii)** (with regs. 53, 55)
- F50** Words in Art. 48(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(11)(c)** (with regs. 53, 55)
- F51** Words in Art. 48(5) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(11)(d)(i)** (with regs. 53, 55)
- F52** Art. 48(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), **29(11)(d)(ii)** (with regs. 53, 55)

### Article 49

#### Temporary measures concerning plants, plant products and other objects likely to pose newly identified pest risks or other suspected phytosanitary risks

1 The [<sup>F53</sup>appropriate authority may by regulations impose] temporary measures as regards the introduction into, and movement within, [<sup>F54</sup>Great Britain] of plants, plant products and other objects from third countries where the following conditions are fulfilled:

- a the plants, plant products or other objects are likely to pose newly identified pest risks which are not sufficiently covered by any [<sup>F55</sup>existing measures and are not linked, or cannot yet be linked to, GB quarantine pests or provisional GB quarantine pests];
- b there is insufficient phytosanitary experience, such as in relation to new plant species or pathways, as regards trade in the plants, plant products and other objects concerned originating in or dispatched from the third countries concerned;

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Section 1. (See end of Document for details)*

- c no assessment has been carried out as regards the newly identified pest risks for [F56Great Britain] in respect of those plants, plant products or other objects from the third countries concerned.

F57 ...

2 The temporary measures referred to in paragraph 1 shall be adopted taking into account Section 2 of Annex II and Annex IV.

They shall provide for one or more of the following, as necessary in the case concerned:

- a systematic and intensive inspections and sampling, at the point of introduction, of each lot of plants, plant products or other objects introduced into [F58Great Britain] and the testing of samples;
- b a quarantine period, within a quarantine station or a confinement facility as referred to in Article 60, to verify the absence of the newly identified pest risk concerned in those plants, plant products or other objects;
- c a prohibition of the introduction of those plants, plant products or other objects into [F59Great Britain].

In the cases referred to in points (a) and (b) of the second subparagraph, [F60regulations made under] paragraph 1 may also set out specific measures to be taken before the introduction into [F61Great Britain] of those plants, plant products or other objects.

3 The temporary measures referred to in paragraph 1 shall apply for an appropriate and reasonable period of time, pending the characterisation of pests likely to be associated with those plants, plant products or other objects from those third countries and the full assessment of the risks posed by those pests in accordance with Section 1 of Annex I.

F624 .....

5 By way of derogation from the measures adopted pursuant to paragraph 1 of this Article, Article 48 shall apply to the introduction into, and the movement within, [F63Great Britain] of plants, plant products or other objects used for official testing, scientific or educational purposes, trials, varietal selection or breeding.

F646 .....

#### Textual Amendments

- F53** Words in Art. 49(1) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **29(12)(a)(i)(aa)** (with regs. 53, 55)
- F54** Words in Art. 49(1) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **29(12)(a)(i)(bb)** (with regs. 53, 55)
- F55** Words in Art. 49(1)(a) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **29(12)(a)(ii)** (with regs. 53, 55)
- F56** Words in Art. 49(1)(c) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **29(12)(a)(iii)** (with regs. 53, 55)
- F57** Words in Art. 49(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), **29(12)(a)(iv)** (with regs. 53, 55)
- F58** Words in Art. 49(2)(a) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **29(12)(b)(i)** (with regs. 53, 55)
- F59** Words in Art. 49(2)(c) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **29(12)(b)(i)** (with regs. 53, 55)
- F60** Words in Art. 49(2) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **29(12)(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, Section 1. (See end of Document for details)

- F61** Words in Art. 49(2) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(12)(b)(ii)(bb)** (with regs. 53, 55)
- F62** Art. 49(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), **29(12)(c)** (with regs. 53, 55)
- F63** Words in Art. 49(5) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(12)(d)** (with regs. 53, 55)
- F64** Art. 49(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), **29(12)(e)** (with regs. 53, 55)

#### <sup>F65</sup>Article 50

### Report from the Commission on the enforcement and effectiveness of measures relating to imports into the Union territory

#### Textual Amendments

- F65** Art. 50 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(13)** (with regs. 53, 55)

#### Article 51

### Amendment of Annexes III and IV

The [<sup>F66</sup>appropriate authority may by regulations amend] Annexes III and IV in order to adapt them to the development of scientific and technical knowledge and of relevant international standards.

#### Textual Amendments

- F66** Words in Art. 51 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(14)** (with regs. 53, 55)

#### <sup>F67</sup>Article 52

### Temporary measures by Member States concerning imminent danger

#### Textual Amendments

- F67** Art. 52 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(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, Section 1. (See end of Document for details)

---

.....

### Textual Amendments

- F1** Words in [Ch. 4 Section 1 heading](#) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **29(2)** (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, Section 1.