
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to—

- (a) Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants (OJ No. L 317, 23.11.2016, p.4) (“the EU Plant Health Regulation”); and
- (b) Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, in so far as it applies to the rules referred to in Article 1(2)(g) (OJ No. L 95, 7.4.2017, p.1) (“the Official Controls Regulation”).

The Regulations also implement in relation to England—

- (a) Council Directive [69/464/EEC](#) on control of Potato Wart Disease (OJ No. L 323, 24.12.1969, p.1);
- (b) Council Directive [93/85/EEC](#) on the control of potato ring rot (OJ No. L 259, 18.10.1993, p.1);
- (c) Council Directive [98/57/EC](#) on the control of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* (OJ No. L 235, 21.8.1998, p.1); and
- (d) Council Directive [2007/33/EC](#) on the control of potato cyst (OJ No. L 156, 16.6.2007, p.12). Part 1 is introductory and includes definitions. Regulation 3(2) provides for references to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants (OJ No. L 319, 10.12.2019, p.1), and to the European Union instruments listed in regulation 3(1), to be read as references to those instruments as amended from time to time.

Regulation 6 (in Part 2) designates the Secretary of State and the Forestry Commissioners as the competent authorities in England for the purposes of the EU Plant Health Regulation and the Official Controls Regulation.

Part 3 makes further provision in relation to consignments of plants, plant products and other objects from third countries which are subject to official controls on their entry into the European Union.

Part 4 contains powers to enable plant health inspectors appointed by the Secretary of State or the Forestry Commissioners, and the Secretary of State and the Forestry Commissioners, to take measures to prevent the establishment or spread of harmful plant pests in England.

Part 5 and Schedule 1 impose additional temporary measures to prevent the entry of certain harmful plant pests into England or their establishment in, or spread within, England.

Part 6 makes further provision in relation to the registration of professional operators and the granting of authorisations to professional operators by the Secretary of State and the Forestry Commissioners.

Part 7 and Schedule 2 impose additional requirements in relation to certain solanaceous species (potatoes and tomatoes) to implement the Directives mentioned above.

Part 8 imposes additional notification requirements in respect of certain plants and plant products which are to be brought into England from third countries, other member States or Switzerland.

Part 9 sets out general powers of plant health inspectors to enable them to perform official controls and other official activities, and enforce the EU Plant Health Regulation, the Official Controls Regulation and these Regulations.

Changes to legislation: *There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019. (See end of Document for details)*

Part 10 contain general and supplemental provisions in relation to notices given by plant health inspectors.

Part 11 contains offences for non-compliance with specified provisions of the EU Plant Health Regulation, the Official Controls Regulation and other EU instruments, and offences in relation to these Regulations. Regulation 48 sets out the penalties for these offences.

Part 12 deals with minor and consequential amendments to secondary legislation, revocations and transitional provisions in relation to plant health legislation.

Part 13 amends the Official Controls (Animals, Feed and Food, Plant Health Fees etc.)

Regulations 2019 (S.I. 2019/1488) to extend certain provisions in those Regulations relating to the implementation and enforcement of Regulation (EU) 2017/625 to official controls on the deliberate release into the environment of genetically modified organisms for the purposes of food and feed production.

Regulation 56 (in Part 14) requires the Secretary of State to review the operation and effect of the EU Plant Health Regulation, the Official Controls Regulation and these Regulations and publish a report at five-yearly intervals.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019.