

SCHEDULE 3

Regulation 38(1)(d) to (f)

Offences: relevant provisions in the EU Regulations

PART 1

The EU Plant Health Regulation

<i>Provision of the EU Plant Health Regulation</i>	<i>Subject matter</i>
Article 5(1) (as read with Article 8(1))	Prohibits the introduction of a Union quarantine pest into the Union territory, the movement of a Union quarantine pest within the Union territory or the holding, multiplication or the release of a Union quarantine pest in the Union territory ⁽¹⁾ .
Article 9(3) (as read with Article 33(1))	Requires professional operators immediately to notify competent authorities of any evidence they may have concerning an imminent danger of the entry of: <ul style="list-style-type: none"> (a) a Union quarantine pest or a pest subject to measures adopted pursuant to Article 30(1) into the Union territory or into a part of the Union territory where it is not yet present; or (b) a protected zone quarantine pest into the respective protected zone.
Article 14(1) (as read with Articles 16 and 33(1))	Requires a professional operator who suspects or becomes aware that: <ul style="list-style-type: none"> (a) a Union quarantine pest or a pest subject to measures adopted pursuant to Article 30(1) is present in plants, plant products or other objects which are under the operator's control; (b) a protected zone quarantine pest is present in plants, plant products or other objects which are under the operator's control in the respective protected zone, <p>immediately to notify the competent authority and take precautionary measures to prevent the establishment and spread of the pest.</p>
Article 14(3)	Requires a professional operator: <ul style="list-style-type: none"> (a) to consult the competent authority where the professional operator has received an official confirmation concerning the presence of a Union quarantine pest in plants, plant products or other objects

⁽¹⁾ The list of Union quarantine pests is set out in Annex 2 to 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) ("the Phytosanitary Conditions Regulation").

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	which are under the operator's control; and (b) where applicable, proceed with the actions required under Article 14(4) to (7).
Article 15(1) (as read with Articles 15(2), 16 and 33(1))	Requires a person who is not a professional operator immediately to notify the competent authority where the person becomes aware of, or has reason to suspect: (a) the presence of a Union quarantine pest, (b) the presence of a protected zone quarantine pest in the respective protected zone.
Article 32(2)	Prohibits the introduction of a protected zone quarantine pest into the respective protected zone, the movement of a protected zone quarantine pest within the respective protected zone or the holding, multiplication or the release of a protected zone quarantine pest in the respective protected zone(2).
Article 37(1) (as read with Article 39, and Article 17 of the Phytosanitary Conditions Regulation)	Prohibits the introduction into the Union territory by a professional operator of a Union regulated non-quarantine pest on plants for planting through which it is transmitted, or the movement of a Union regulated non-quarantine pest within the Union territory by a professional operator on plants for planting through which it is transmitted(3).
Article 40(1) (as read with Articles 47 and 48(1))	Prohibits the introduction into the Union territory of certain plants, plant products or other objects if they originate from all or certain third countries or territories(4).
Article 41(1) (as read with Articles 47 and 48(1))	Prohibits: (a) the introduction into the Union territory of certain plants, plant products or other objects from third countries unless the special requirements in respect of those plants, plant products or other objects are fulfilled(5); (b) the movement within the Union territory of certain plants, plant products or other

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- (2) The list of protected zones and the respective protected zone pests is set out in Annex 3 to the Phytosanitary Conditions Regulation.
- (3) The list of Union-regulated non-quarantine pests and the relevant plants for planting, with categories and thresholds, is set out in Annex 4 to the Phytosanitary Conditions Regulation.
- (4) The list of plants, plant products and other objects and the third countries, groups of third countries or specific areas of third countries to which the prohibition applies is set out in Annex 6 to the Phytosanitary Conditions Regulation.
- (5) The list of plants, plant products and other objects originating from third countries and the corresponding special requirements in relation to their introduction into the Union territory is set out in Annex 7 to the Phytosanitary Conditions Regulation.

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	objects unless the special requirements in respect of those plants, plant products or other objects are fulfilled ⁽⁶⁾ .
Article 42(2) (as read with Articles 47 and 48(1))	Prohibits the introduction into the Union territory of high-risk plants, plant products or other objects from third countries ⁽⁷⁾ .
Article 43(1)	Prohibits the introduction into the Union territory of wood packaging material, whether or not in use in the transport of objects of any kind, unless it fulfils the specified requirements or is subject to the exemptions provided for ISPM 15.
Article 45(1), third paragraph (as read with Article 55)	Requires postal services and professional operators involved in sales through distance contracts to make specified information available to their clients through the internet.
Article 53(1) (as read with Articles 57 and 58).	Prohibits: <ul style="list-style-type: none"> (a) the introduction of certain plants, plant products or other objects originating from third countries into certain protected zones; (b) the introduction of certain plants, plant products or other objects originating within the Union territory into certain protected zones⁽⁸⁾.
Article 54(1) (as read with Articles 57 and 58)	Prohibits: <ul style="list-style-type: none"> (a) the introduction of certain plants, plant products or other objects into certain protected zones unless the special requirements in respect of those protected zones are fulfilled; (b) the movement of certain plants, plant products or other objects within certain protected zones unless the special requirements in respect of those protected zones are fulfilled⁽⁹⁾.
Article 59	Requires: <ul style="list-style-type: none"> (a) vehicles, machinery or packaging material used for specified plants, plant products or other objects moving into or within the Union territory, or through the

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- (6) The list of plants, plant products and other objects originating in the Union and the corresponding special requirements in relation to their movement within the Union territory is set out in Annex 8 to the Phytosanitary Conditions Regulation.
- (7) The list of high risk plants, plant products and other objects to which the prohibition applies is set out in Annex 1 to Commission Implementing Regulation (EU) 2018/2019 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation (OJ No. L 323, 19.12.2018, p.10).
- (8) The list of plants, plant products and other objects for these purposes is set out in Annex 9 to the Phytosanitary Conditions Regulation.
- (9) The list of plants, plant products and other objects for these purposes is set out in Annex 10 to the Phytosanitary Conditions Regulation.

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	Union territory, to be free from Union quarantine pests and pests subject to measures adopted pursuant to Article 30(1);
	(b) vehicles, machinery or packaging material used for specified plants, plant products or other objects moving into or within the protected zones, or through protected zones, to be free from the respective protected zone quarantine pests.
Article 62(1)	Requires a person responsible for a quarantine station or confinement facility to monitor the station or facility and its immediate vicinity for the unintended presence of Union quarantine pests and pests subject to measures adopted pursuant to Article 30(1).
Article 62(2)	Requires a person responsible for a quarantine station or confinement facility to take appropriate action based on the contingency plan referred to in point (e) of Article 61(1) and to comply with the obligations of professional operators in Article 14 where the unintended presence of a Union quarantine pest or a pest subject to measures adopted pursuant to Article 30(1) is found or suspected.
Article 64(1) (as read with Article 64(2))	Prohibits the release of plants, plant products and other objects from quarantine stations or confinement facilities unless authorised by the competent authorities.
Article 66(1) (as read with Article 65(3))	Requires certain professional operators to submit an application for registration to the competent authorities.
Article 66(5) (as read with Article 65(3))	Requires registered operators, where relevant: <ul style="list-style-type: none"> (a) to submit an annual update concerning any changes in the data referred to in points (d) and (e) of Article 66(2) or in the statements referred to in points (b) and (c) of Article 66(2); (b) to update the data referred to in point (a) of Article 66(2) no later than 30 days after the change in that data.
Article 69(1) (as read with Articles 65(3) and 69(3))	Requires a professional operator to whom plants, plant products or other objects are supplied that are subject to the specified requirements or conditions to keep a record allowing the operator to identify the professional operator who supplied each trade unit.

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Article 69(2) (as read with Article 69(3))	Requires a professional operator who is supplying plants, plant products or other objects that are subject to the specified requirements or conditions to keep a record allowing the operator to identify the professional operator to whom each trade unit was supplied.
Article 69(4)	Requires professional operators to keep the records required pursuant to Article 69(1) to (3) for at least three years.
Article 70(1)	Requires professional operators who are supplied with, or supply, the plants, plant products or other objects referred to in Article 69(1) and (2) to have in place traceability systems or procedures to allow identification of the movements of those plants, plant products and other objects within and between their own premises.
Articles 72(1) and 73	Prohibits the introduction into the Union territory of certain plants, plant products and other objects from third countries unless they are accompanied by a phytosanitary certificate ⁽¹⁰⁾ .
Article 74(1)	Prohibits the introduction of certain plants, plant products and other objects from third countries into certain protected zones unless accompanied by a phytosanitary certificate ⁽¹¹⁾ .
Article 79(1) (as read with Articles 81, 82 and 83)	Prohibits the movement of certain plants, plant products and other objects within the Union territory without a plant passport ⁽¹²⁾ .
Article 80(1) (as read with Articles 81, 82 and 83)	Prohibits the introduction of certain plants, plant products and other objects into certain protected zones, or the movement of certain plants, plant products and other objects within certain protected zones, without a plant passport ⁽¹³⁾ .
Article 84(1)	Prohibits professional operators from issuing plant passports unless they are authorised and from issuing plant passports for plants, plant products or other objects for which they are not responsible.

(10) The list of plants, plant products and other objects for the purposes of Article 72(1) is set out in Part A of Annex 11 to the Phytosanitary Conditions Regulation. The list of plants, plant products and other objects for the purposes of Article 73(1) is set out in Part B of that Annex, but does not include any plants, plant products and other objects in the list set out in Part C of that Annex.

(11) The list of plants, plant products and other objects for these purposes is set out in Annex 12 to the Phytosanitary Conditions Regulation.

(12) The list of plants, plant products and other objects for these purposes is set out in Annex 13 the Phytosanitary Conditions Regulation.

(13) The list of plants, plant products and other objects for these purposes is set out in Annex 14 to the Phytosanitary Conditions Regulation.

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Article 84(3)	Prohibits authorised professional operators from issuing plant passports except at specified premises, collective warehouses or dispatching centres.
Article 85 (as read with Article 87)	Prohibits authorised professional operators from issuing plant passports for plants, plant products or other objects unless the specified requirements are fulfilled in respect of those plants, plant products or other objects.
Article 86(1) (as read with Articles 86(2) and 87)	Prohibits authorised professional operators from issuing plant passports for plants, plant products or other objects to be introduced into, or moved within, a protected zone unless the specified requirements are fulfilled in respect of those plants, plant products or other objects.
Article 88	Requires professional operators to attach plant passports to the trade unit of the plants, plant products or other objects concerned, or where the plants, plant products or other objects are moved in a package, bundle or container, to that package, bundle or container.
Article 90(1)	Requires an authorised operator: <ul style="list-style-type: none"> (a) to identify and monitor the points in its production process and certain other critical points as regards the movement of plants, plant products and other objects where the authorised operator intends to issue a plant passport in respect of those plants plant products and other objects; and (b) to keep records concerning the identification and monitoring of those points for at least three years
Article 90(2)	Requires authorised operators to ensure that appropriate training is given to its personnel involved in the examinations referred to in Article 87.
Article 93(1)	Prohibits authorised operators from issuing replacement plant passports unless certain conditions are fulfilled.
Article 93(5)	Requires authorised operators to retain replacement plant passports or their contents for at least three years.
Article 96(1)	Prohibits the marking of wood packaging material, wood or other objects in the Union territory:

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	(a) by any professional operator who is not authorised in accordance with Article 98; or (b) otherwise than in the manner required.
Article 97(1)	Prohibits the repairing of wood packaging material: (a) by any professional operator who is not authorised in accordance with Article 98; or (b) otherwise than in the manner required.

PART 2

The Officials Control Regulation

<i>Provision of the Official Controls Regulation</i>	<i>Subject matter</i>
Article 47(5) (as read with Articles 5 and 7 of Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market ⁽¹⁴⁾)	Requires the operator responsible for a relevant consignment entering the Union to ensure that it is presented for official controls at the border control post of first arrival into the Union.
Article 50(1)	Requires the operator of a relevant consignment to which Article 47(1) applies to present the original official certificates or documents which are required to accompany the consignment to the competent authorities of the border control post.
Article 50(3)	Prohibits the operator of a relevant consignment from splitting the consignment until official controls have been performed and the Community Health Entry Document ("CHED") has been finalised.
Article 56(1)	Requires the operator of a relevant consignment to complete the relevant part of the CHED.
Article 56(4) (as read with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013 on the prior notification of consignments of certain categories of	Requires the operator of a relevant consignment to give prior notification to the competent authorities of the border control post of arrival of the consignment before the physical arrival of the consignment in the Union.

⁽¹⁴⁾ OJ No. L 321, 12.12.2019, p.45.

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animals and goods entering the Union ⁽¹⁵⁾ and regulation 9)	

PART 3

Other EU legislation

<i>Provision of EU legislation</i>	<i>Subject matter</i>
Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination⁽¹⁶⁾	
Article 3 (as read with Articles 4(a), 5(1) (b), (d), 5(2)(a) and (c) and 6(a))	Requires the operator responsible for a consignment to ensure that a CHED accompanies the consignment before it is released for free circulation in accordance with Article 57(2)(b) of the Official Controls Regulation.
Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union⁽¹⁷⁾	
Article 5(a) and (b)	Requires the operator who is responsible for a relevant consignment that has been given authorisation for onward transportation to enter certain details in the CHED and submit the CHED
Article 6	Requires the operator who is responsible for a relevant consignment that has been given authorisation for onward transportation to comply with the specified conditions relating to its transportation and storage.
Article 16(1) and (3)	Requires the operator who is responsible for a transhipped relevant consignment to notify the specified information to competent authorities.
Article 22(4)	Requires the operator who is responsible for a relevant consignment that is in transit through the Union territory to take specific measures relating to the transportation of the consignment.

⁽¹⁵⁾ OJ No. L 165, 21.6.2019, p.8.

⁽¹⁶⁾ OJ No. L 250, 30.9.2019, p.6.

⁽¹⁷⁾ OJ No. L 321, 12.12.2019, p.73.