
STATUTORY INSTRUMENTS

2021 No. 136

**The Official Controls and Phytosanitary
Conditions (Amendment) Regulations 2021**

PART 2

Places of destination

Introductory and interpretation

2.—(1) This Part applies in relation to the importation of specified goods—

- (a) for the duration of the transitional staging period, and
- (b) for the purpose of supplementing and modifying the transitional derogations and modifications specified in Article 168 of, and Annex 6(1) to the Official Controls Regulation.

(2) Those transitional derogations and modifications have effect in relation to the importation of specified goods as if “territory subject to special transitional import arrangements” did not include Poland, Portugal, Romania or Spain.

(3) In this Part—

- (a) “importation” means bringing goods into Great Britain from a relevant third country, and cognate terms are to be construed accordingly;
- (b) “the Official Controls Regulation” means 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;
- (c) “relevant third country” has the meaning given by Annex 6 to the Official Controls Regulation;
- (d) “specified goods” means plants, plant products and other objects specified in the Schedule;
- (e) “transitional staging period” has the meaning given by Annex 6 to the Official Controls Regulation.

Official controls on specified goods at the place of destination

3.—(1) An importer of specified goods must ensure that the goods are presented to the competent authority at the place of destination to enable official control checks to be carried out.

(2) In order to reduce the risk of the spread of any pest, or infestation with or contamination by any pest, an importer of specified goods must at all times during their transportation to, and storage at, the place of destination, ensure that the goods remain sealed, and are not tampered with or subject to any alteration or change of packaging.

(1) Article 168 was inserted into Regulation (EU) 2017/625 by regulation 28 of [S.I. 2020/1481](#) and provides for the provisions of Regulation (EU) 2017/625 to apply subject to the transitional derogations and modifications specified in Annex 6.

(3) Before presenting a consignment of specified goods for official control checks in accordance with paragraph (1), the importer must provide pre-notification information in accordance with Article 56A(2) of the Official Controls Regulation.

(4) The operator in charge of the place of destination must ensure that the contents of a consignment of specified goods presented for official control checks in accordance with paragraph (1) neither leave the place of destination, nor are separated, before the competent authority determines that the consignment has passed the official control checks.

(5) Official control checks performed in accordance with this regulation include a documentary check, and, where the competent authority considers it appropriate (having regard to the extent of the risk to human, animal or plant health, animal welfare or, as regards plant protection products, the environment), may include identity checks and physical checks.

(6) In the event that the competent authority considers that physical checks at the place of destination are required, the competent authority must notify the importer.

(7) The operator in charge of a place of destination must ensure that the place of destination has access to suitable equipment for the anticipated type and volume of goods likely to require a physical check under paragraph (5), including--

- (a) equipment for the weighing of consignments where its use is relevant to the inspection;
- (b) equipment to unload, open and examine consignments for inspection, and
- (c) cleansing and disinfecting equipment and instructions for use.

(8) In this regulation—

- (a) “the competent authority” has the meaning given by Article 3(3) of the Official Controls Regulation;
- (b) “importer”, in relation to any specified goods, means a person who is importing or has imported the goods;
- (c) “official control checks” means official controls within the meaning given by Article 2 of the Official Controls Regulation carried out on specified goods at the place of destination;
- (d) “documentary check”, “identity check”, “operator”, and “physical check” have the meanings given by Article 3 of the Official Controls Regulation;
- (e) “pest” means any of the pests within the meaning given by Article 1(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;
- (f) “place of destination”, in relation to any specified goods, means the first place where the goods are delivered for unloading in Great Britain.

Offences

4.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019(3) have effect in relation to specified goods entering Great Britain from a relevant third country during the transitional staging period, subject to the following modifications.

(2) In regulation 2, after the definition of “Phytosanitary Conditions Regulation”, insert—

““place of destination” in relation to any specified goods, means the first place where the goods are delivered for unloading in Great Britain, and for this purpose “specified goods” means

(2) Article 56A was inserted into Regulation (EU) 2017/625 by Annex 6. Annex 6 to Regulation (EU) 2017/625 was inserted by regulation 29(4) of S.I. 2020/1481 for the purpose of the application of and derogations from Regulation (EU) 2017/625, and modifications to its application, in relation to territories subject to special transitional import arrangements.

(3) S.I. 2019/1517 amended by S.I. 2020/1482, there are other amending instruments but none is relevant.

plants, plant products and other objects specified in the Schedule to the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021(4);”.

(3) In Schedule 3, in Part 2—

- (a) in the entry relating to Article 47(5), in the second column, at the end insert “or place of destination or, where required, any other place specified in Article 44(3)”;
- (b) in the entry relating to Article 50(1), in the second column, at the end insert “or place of destination or, where required, any other place specified in Article 44(3)”;
- (c) after the entry relating to Article 56(4)—
 - (i) in the first column, insert “Article 56A”;
 - (ii) in the second column, insert—

“During the transitional staging period, requires the operators of relevant goods from a relevant third country, to give prior notification to the relevant competent authority before the expected time of arrival of the goods at a point of entry in Great Britain.”.