

Annex 1. Stakeholder engagement on a proposed derogation for exceptional loads of large plants, plant products and other objects at Border Control Posts, Inspection Centres and Control Points

Section 1. Introduction

- 1.1 This stakeholder engagement seeks your views on proposed amendments to the assimilated Commission Implementing Regulation (EU) 2019/1014 to introduce a derogation from the minimum designation requirements for Border Control Posts (BCPs), including Inspection Centres (ICs) and also applying to inland Control Points (CPs).
- 1.2 The intent of the proposed derogation is to enable plant health inspections of large plants, plant products and other objects outdoors at BCPs, ICs and CPs, in exceptional cases only. This derogation responds to logistical and operational challenges to unloading and inspecting such large commodities under cover of a roof at BCPs, ICs and CPs as required under the minimum designation requirements.
- 1.3 The proposed derogation is intended to apply to a limited scope of commodities including large and mature trees, used agricultural and forestry machinery and other large plants, plant products and other objects that are subject to plant health inspections at BCPs, ICs and CPs and that meet the criteria as outlined below in Section 2.
- 1.4 To apply the derogation, BCPs, ICs and CPs would also be required to comply with specific facility and operational requirements (also outlined in Section 2) to avoid undermining biosecurity and health and safety at designated facilities.

Section 2. Proposals

Scope of commodities

- 2.1 The proposed derogation will apply to large plants, plant products and other objects (as defined in Article 47(1)(c) of the assimilated Regulation (EU) 2017/625 (“the Official Controls Regulation”)), which:
 - 2.1.1 by virtue of their size are not capable of being transported into or unloaded in an area covered with a roof;
 - 2.1.2 require unloading equipment that is not capable of being operated in a building; and
 - 2.1.3 where the goods are trees, have:
 - (a) a girth greater than 8 cm and an indicative height greater than 2.5 m; and
 - (b) a bare root, wrapped root ball or containerised root ball.
- 2.2 For the avoidance of doubt, goods that fall outside the above defined scope will remain subject to all existing minimum requirements provided in Article 3 of Regulation 2019/1014, including inspection under cover of a roof at a designated BCP, IC or CP facility.

Minimum requirements for outdoor unloading and inspection areas

- 2.3 In applying the derogation, BCPs, ICs and CPs that have been designated for large plants, plant products and other objects must meet certain facility and operational requirements in respect of outdoor unloading and inspection areas.
- 2.4 The unloading areas shall:
 - 2.4.1 be of sufficient size for a trailer or vehicle to enter into the unloading area;
 - 2.4.2 have sufficient space for unloading equipment to operate;
 - 2.4.3 be surrounded by walls or solid fencing;
 - 2.4.4 have an impermeable ground surface; and
 - 2.4.5 contain a physical separation between moving vehicles and any inspection area.
- 2.5 The inspection areas shall:
 - 2.5.1 be subject to the same above requirements for unloading areas; and
 - 2.5.2 provide such overhead cover as is required to substantially protect the inspection area from the elements.
- 2.6 For the avoidance of doubt, facilities that do not meet the above requirements for outdoor unloading and inspection areas will remain subject to all existing minimum requirements provided in Article 3 of Regulation 2019/1014, including inspection under cover of a roof at a designated BCP, IC or CP facility.

Section 3. Other notes

- 3.1 The proposed derogation is intended to be applied in exceptional cases only, where necessary for plant health inspections to occur at designated facilities across England, Scotland and Wales.
- 3.2 BCP, IC and CP operators intending to apply the derogation should note the proposed scope of commodities and the facility and operational requirements. The costs of implementing the requirements would be borne by operators.
- 3.3 Following the standard process, designation to apply the derogation will be subject to review of initial and final plans, including site visits undertaken by the Animal and Plant Health Agency, and ultimately approved by the Department of Environment, Food and Rural Affairs. APHA field delivery teams will also carry out site audits and verification checks on an ongoing basis to ensure facilities remain in compliance with designation requirements.