

8 March 2019

To Scottish growers & businesses with an interest in seed potato and/or ware potato import and export

This note is to provide guidance on your ability to market seed and ware potatoes with the EU should there be a no deal EU exit.

The Scottish Government has been working with UK Government over the last two years to ensure that all parts of the UK are fully prepared to leave the EU on 29 March 2019. This includes preparing for all eventualities, including a no deal EU exit. Information is provided below in relation to seed and ware potato exports. Additional guidance for businesses is available in the [Technical Notice](#).

<https://www.gov.uk/government/publications/plant-variety-rights-and-marketing-of-seed-and-propagating-material-if-theres-no-brexite-deal/plant-variety-rights-and-marketing-of-seed-and-propagating-material-if-theres-no-brexite-deal>

Seed and ware potato exports to the EU from the UK

The EU has stated that on March 29 2019 UK certified seed will no longer be marketable in the EU. From a plant health perspective, the EU has stated that UK exports to the EU would be subject to EU import requirements, including existing prohibitions on seed and ware potatoes from third countries. **Without plant health derogations in place for seed and ware potatoes, and arrangements with individual member states for certification of seed potatoes, after 29 March you will not be able to export or market UK seed and ware potatoes in the EU.** The Scottish Government is extremely disappointed at this outcome and the potential impact it would have on Scottish exporters. We will continue to press Defra to seek an early resolution on this with the EU.

As part of the UK's no-deal planning, Defra, on behalf of the UK, submitted an application to the European Commission for third country equivalence recognition for certification of seed and other propagating material and for derogations on plant health issues concerned with seed and ware

potatoes. For certification of seed potatoes and fruit propagating material, the EU has recently extended the facility for individual member states to make their own arrangements with third countries. The Scottish Government intends to work with Defra, and the other DA's, to approach member states to discuss bilateral agreements. It is possible however that member states will coordinate their responses, making this more like a discussion of equivalence. Regardless of any bilateral arrangements, the changes for plant health will be needed to allow movement of seed and ware potatoes into the EU.

The European Commission has now said it will **not** consider the UK application before the ongoing withdrawal negotiations have been completed. As a result, we have to work on the basis that the UK will not have third country equivalence by exit day on 29 March. Defra, on behalf of the UK, is planning to resubmit the UK application for third country equivalence and associated plant health derogations when withdrawal negotiations are complete. The UK will continue to engage with the Commission to complete an expedited approvals process as quickly as possible. We do not at this stage anticipate that the above issues should have any impact on export to countries outside of the EU, existing third country rules apply.

Seed and ware potato imports into the UK from the EU

Scotland will continue to operate its voluntary arrangement with industry on sourcing seed potatoes locally to maintain Scotland's higher phytosanitary status. EU certified seed potatoes will continue to be recognised in England, Wales and Northern Ireland for an interim period of one year following exit.

Plants and plant products

The UK Plant Health service has decided that the majority of plants and plant products imported from the EU into the UK are low-risk and should continue to enter EU freely, as they do now.

Plants and plant products currently managed under the EU plant passport regime would be subject to UK import controls to maintain the UK's plant health biosecurity.

The requirements for imports of seed and ware potatoes entering the UK from the EU in a no deal scenario from a plant health perspective are set out in the table below:

| Common name | Origin | Requirement |
|---------------|---|---|
| Seed potatoes | EU countries | Pre-import notification and accompanied by a phytosanitary certificate |
| Ware potatoes | EU countries subject to emergency measures (Spain, other than Balearic Islands, and certain areas of Portugal) and Poland | Pre-import notification; accompanied by phytosanitary certificate and registration number |
| | Other EU countries | Accompanied by registration number |

The requirements for imports of seed and ware potatoes from other countries other than the EU will not change in a no deal scenario. These requirements are set out below:

| Common name | Origin | Requirement |
|---------------|--|--|
| Seed potatoes | Switzerland | Pre-import notification and accompanied by a phytosanitary certificate |
| | All other non-EU countries | Prohibited |
| Ware potatoes | Algeria, Bosnia and Herzegovina, Egypt, Israel, Libya, Morocco, Serbia, Switzerland, Syria, Tunisia and Turkey | Pre-import notification and accompanied by phytosanitary certificate |
| | Other non-EU countries | Prohibited |

Additional EU exit information is being made available on the Scottish Government and SASA websites.

If you should have any queries in relation to the above information please contact John Ellicott at john.ellicott@sasa.gov.scot or 0131-244-8963.

Yours faithfully

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