

Plant Health Exports Audited Trader Scheme (PHEATS) – Information Guide for Potential Members

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Introduction

This guide is designed to give you an awareness of how PHEATS operates, what you need to do to join, eligibility, the processes required for phytosanitary certification of consignments of low-risk fresh fruit, vegetables and cut flowers (amongst others). The information in this guide, it is hoped, will give a potential PHEATS member detailed information that can help them decide whether joining PHEATS is beneficial for their business or not. The information in this guide is a current snapshot of how PHEATS operates in England and Wales.

Please note, in this guide 'produce' refers to low-risk fresh fruit, vegetables and cut flowers.

Key PHEATS terms

PHEATS has three key terms that are central to how it works:

- 'Authorised Business' (AB): a business which has been accepted onto PHEATS after the relevant audits and staff training have been completed.
- 'Person Responsible' (PR): the individual who oversees PHEATS in an AB, and who is the point of contact with the SG.
- 'Authorised Person(s)': an/the individual(s) that carry out the plant health inspections.

You will see the above terms throughout the rest of this guide.

Background to phytosanitary certification

Regulated plants, plant products and other objects, including produce, need to meet the import requirements of the receiving country in accordance with the 'International Standards for Phytosanitary Measures' (ISPMs), as laid down by the 'International Plant Protection Convention' (IPPC) – an intergovernmental treaty that protects the world's plant resources from the spread and introduction of pests, and promotes safe trade. The 'Scottish Government' (SG) is the 'National Plant Protection Organisation' (NPPO) in Scotland who is solely responsible for conducting plant health inspections, and who can only issue a 'phytosanitary certificate' (PC).

Under specific circumstances, third parties may be authorised to perform specific phytosanitary actions on behalf of the NPPO under the 'Official Controls Regulation' 2017/625 (OCR), and the Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020, with the exception of the issuance of PCs. In this light, PHEATS enables an AP to undertake phytosanitary inspections (and uphold phytosanitary security), which is the physical inspection of all produce exported under PHEATS. This is in contrast to exports outside of PHEATS, where the SG conduct all physical inspections of exported plant commodities.

The NPPO retains ultimate responsibility for ensuring the phytosanitary actions have been performed according to the NPPO's requirements.

Commodities

This scheme only covers regulated goods for which a PC is required for import. Commodities that do not require a PC, and commodities that are prohibited in the importing country, are not within the scope of this scheme. PHEATS does not include the exports of:

- Plants for planting
- Plant products
- Seeds
- Grain
- Used machinery
- Wood and wood products
- Potatoes (seed and ware)

Further information related to the export of these goods can be found on [GOV.UK](https://www.gov.uk).

Eligibility to join the scheme

To be eligible to join PHEATS, the applicant must export fresh produce and / or cut flowers (the scheme does not apply to produce or cut flowers that are prohibited entry to the importing country or ware and seed potatoes). AB(s) apply for membership using the PHEATS application form, and they must identify one PR for overall management of the scheme who acts as a point contact with the SG. AP(s) are also nominated to be authorised to conduct the official export inspections. After nomination, the PR and the AP(s) must do the online training and pass the in-person audits. Lastly, an AB must implement and monitor an approved 'Biosecurity Control Management Plan' (BCMP) for PHEATS. Acceptance onto PHEATS will be decided by an SG official inspector.

Information relating to plant health exports is available from [GOV.UK](https://www.gov.uk).

Pest & disease and export application online training

Following review of your application, the PR and the AP(s) will be sent a link to online pest and disease and export application training. All AP(s) and the PR must complete the training and pass the assessments for the application to progress. The training modules are:

- Module 1 - Introduction
- Module 2 - The Journey
- Module 3 - Legislation, Special Requirements and Pre-export
- Module 4 - Special Requirements (EU)
- Module 5 - Applications, Inspection Methodologies and Records

- Module 6 - Pest and Disease Symptom Recognition
 - Guide to Detection - Diseases and Invertebrates
 - Cut Flowers - Pest and Diseases
 - Fruit and Vegetables
 - Lepidoptera: Parts 1 - 3
- Module 7 - Audits, Non-Conformities and Roles and Responsibilities
- Module 8 - Impartiality and Conflict of Interest (forthcoming)

Each module has an online test that must be passed to complete the training.

Initial site inspection and inspection training

Upon completion of the pest & disease, export application training and assessments, an SG inspector will arrange an authorisation inspection of the business in accordance with the requirements of the BCMP. This includes AP(s) and the PR demonstrating the implementation of the BCMP (parts A and B).

All candidate AP(s) and the PR must attend the inspection training at this visit, and pass an assessment.

Acceptance onto PHEATS

Following successful completion and demonstration of all eligibility requirements, your application to join PHEATS will be considered by an SG inspector.

Biosecurity Control Management

Plant health biosecurity concerns the procedures and measures put in place by the AB, PR and AP(s), to protect against the introduction and movement of harmful pests and diseases. This relates to consignments exported from Great Britain, for example, by identifying plant health risks and implementing action to mitigate these risks. The BCMP for PHEATS is designed to ensure the points made above. The BCMP is a checklist of necessary steps to follow to ensure effective plant biosecurity, and the sections are:

- AP(s): names and details of the AP(s).
- Commodities, country of export and country of origin: provide a list of goods to be sent to the exporting country, and the times they will be sent each week.
- Site Plan: e.g. label the inspection area and post-inspection holding area.
- Conflict of Interest: declare any conflict of interest.

There is also a BCMP for the initial site audit, however this is just used once, and the one above is used going forward. Here is a [BCMP example](#) in the PHEATS user guide in Appendix 1.

The business must make and retain accurate records and information for the purposes of implementing the BCMP and any records otherwise related to the scheme.

These records will be audited by SG inspectors. These records must be retained for a minimum of 3 years, and made available to the SG at all times upon request.

Inspecting consignments

Once accepted on to PHEATS, the AP(s) will be authorised to inspect commodities exported under PHEATS. The responsibility of the phytosanitary function of official inspection is delegated to the AP(s) as per Article 31(2) of the OCR who may carry out this function only in relation to PHEATS.

To ensure consignments meet the plant health requirements of the importing country, at least one AP must officially inspect every consignment being exported under PHEATS at the business site, to ensure consignments are free from pests and diseases, and that it meets the importing country's requirements.

A requirement of the BCMP includes designating and using an area suitable for these plant health inspections.

Export requirements

Export requirements vary by commodity, source and export country, and it is essential that the PR and all AP(s) are aware of, and regularly review, the plant health requirements of the importing country; this is a requirement of the BCMP.

Demonstration of a knowledge and understanding of the export requirements of the commodities being exported under PHEATS is a requirement of the BCMP, including where such information may be found. Export requirements (including whether an Import Permit is required) must be known prior to the physical inspection of the commodities.

Phytosanitary certification of consignments

The SG is responsible for issuing PCs in Scotland for regulated plants, plant products and other objects.

Following the export consignment passing the physical official inspection undertaken by an AP(s), an application for export can be made for a PC for those commodities that have passed the official inspection. Where goods have not passed the physical inspection, then this will need to be recorded in the official records and be made available to the SG upon request.

All applications for PCs under PHEATS must be made by emailing the SG's Horticulture and Marketing Unit (HMU). Submission of an application will be taken to

mean that the goods subject to the application have passed their physical inspection and meet the importing country's plant health requirements.

In order for the SG to successfully work with you to provide PCs, during the registration process you will be asked about how your business operates its plant health exports. This will include understanding the demand, volumes and timings of your phytosanitary requirements so that we can most effectively and reasonably provide a service to you. These discussions will form the basis of how we will work together.

Audits

Businesses accepted onto PHEATS will receive regular audits of the export site by official SG inspectors, to monitor conformity with the scheme and their BCMP.

Every audit includes a requirement for AP(s) or the PR to demonstrate export, scheme and inspection knowledge. All AP(s) and the PR must be available at each audit to complete this assessment. After acceptance on to the scheme, all AP(s) and the PR must be available for and pass an audit assessment at least annually.

Refresher training will be provided by every five years, which must be completed by all AP(s) and the PR.

Sites will be audited weekly for the first month; fortnightly the following month; and monthly thereafter. If non-conformities are identified, additional audits within this frequency will be undertaken. Unannounced audits, or audits within the above frequency may also be undertaken.

Non-conformities

Non-conformities in PHEATS occur when the requirements of the scheme are not met, and if not addressed, can lead to dismissal from PHEATS.

A critical non-conformity immediately impacts the integrity and trust in the NPPO's phytosanitary system or its elements, and requires immediate action to be identified and implemented. For example:

- NPPO interception
- Fraudulent PC
- Failure to comply with phytosanitary import requirements

A non-critical non-conformity is one that does not immediately or directly impact the integrity or trust in the NPPO's phytosanitary system or its elements, and is not considered a critical non-conformity. For example:

- Failure to detect non-quarantine pests
- Failure to maintain records
- Failure to attend training and maintain plant health knowledge

Temporary cessation of activities

Those businesses who only export at certain times of the year, due to seasonal fluctuations, may temporarily cease participation in the scheme, but could email the SG to rejoin. If a business ceases their participation and does not reengage with the scheme within five years of their last formal training with the SG, their access to the scheme will be removed.

Charges

For businesses who move their goods exclusively to Northern Ireland (NI), there will be no fees raised for PCs or any of the audits. This is in line with the 'Movement Assistance Scheme' (MAS).

Where a business exports to the EU and moves goods to NI under PHEATS, the 'initial site visit' and 'ongoing audits' will always be charged, however PCs for NI destined goods will not be charged. Your goods may be eligible for the Northern Ireland Retail Movement Scheme, and further guidance on this is available on GOV.UK.

Registering process for a PC for export

An AB would have to submit an application to HMU for the PC. All PC applications for PHEATS goods must be made by emailing the SG. Provided the PC application is successful, the physical PC and two copies will be posted on the application day. Also, a pdf scan of the original and a cover letter stating the original will be posted is included. Submission of an application will be taken to mean that the goods subject to the application have passed their physical inspection, and meet the importing country's plant health requirements.

Certificates of Conformity – Approved Trader Scheme (ATS)

As well as the phytosanitary requirements all exports of fruit and vegetables subject to 'Specific Marketing Standards' (SMS) will require a 'Certificate of Conformity' (CoC) prior to export (as required by retained EU legislation). HMRC will require confirmation of such a certificate of conformity prior to allowing export. You may need to apply for the 'certificate of conformity' as well as a PC.

Products subject to 'General Marketing Standards' (GMS) and green bananas will not require a CoC for export.

Please note, a CoC may be requested by certain countries for any fruit and veg commodities

If the applicant has 'Approved Trader Status' (ATS) a CoC will be automatically supplied for the consignment. Further information about this can be found on the SASA website.