



## STAKEHOLDER BRIEFING

# The UK's SPS Agreement with the EU

May 2026



## Introduction to UK environmental horticulture

The Horticultural Trades Association (HTA) represents around 1400 UK businesses across the breadth of the UK environmental supply chain. Member businesses range from growers and retailers to landscapers and service providers, who collectively deliver the gardens, green spaces and green infrastructure that delivers for the economy, environment, and our health and wellbeing.

Environmental horticulture is a sector of over 90% SMEs, many of those family-owned businesses. Each year, the sector contributes £38bn to GDP and nearly £8.4 billion in tax revenues, supporting 722,000 jobs. With the right conditions, the sector has growth potential of 45% by 2030. We are the original green industry and the gardens, green spaces and plants that we grow, nurture and maintain, underpin the UK's environmental targets, net zero delivery and climate change mitigation.

## What is the SPS Agreement?

- On 19th May 2025, the UK and the EU agreed to negotiate a common sanitary/phytosanitary area (SPS Zone) as part of a wider EU-UK Reset.
- The SPS agreement aims to bring the UK back under the EU's Plant Health regime, following 'dynamic alignment' with EU Plant Health regulations, eliminating the need for plant health certification and physical checks at the border.

## Why does it matter to Horticulture?

The EU is the UK's closest trading partner, the value of plants and trees imported to the UK from the EU is equivalent to roughly half the £1.2bn value of UK production of trees and plants, with the Netherlands acting as a hub. Supply chain costs have significantly increased since Brexit, particularly in 2024, with some businesses absorbing up to 25% higher costs and facing increased administrative burdens.

## Key asks for Negotiators and Policy-Makers

1. **Urgency** in implementing the agreement to ease burdens on businesses trading plants between the EU and the UK.
2. Ongoing **consultation and ensure** horticultural business experts are involved throughout negotiations and implementation, to maximise the reset opportunity.
3. Clear, useable and early **guidance and transition support** for businesses to understand changes, adaptation requirements and minimise disruption.
4. **Mandatory homogenised plant passports** for all plants moving in trade throughout the UK & EU to ensure competence and traceability in the supply chain including a **Notification Scheme** where required that works for traders and Government plant health agencies alike.
5. Engagement and support for the environmental horticulture sector a) focusing on **building back supply chains**, b) mitigating the financial impact on businesses who have made significant **investments in** infrastructure and systems to comply with changed plant health requirements, and c) a renewed export opportunities strategy.



UK exports have been reduced by nearly half due to prohibitions on exporting certain plants and trees to the EU. The border has become a place of delays and frustration, with disjointed systems, increased costs, difficult transportation routes and where businesses are paying the price.

The UK was a leading expert in the EU's Plant Health regime pre-Brexit, and there has been little divergence in plant health legislation since Brexit.

## Biosecurity

Biosecurity is a key priority, but re-entering the EU's plant health regime will allow the UK to respond to risks from within the EU, establish its own targeted biosecurity regimes and remove risks introduced to supply-chains by new border operations. A balanced approach is critical, that is proportionate, and risk based. A reset needs to deliver balance and remove unnecessary burdens.

## TECHNICAL ANNEX

For the UK environmental horticulture several elements being negotiated are of direct relevance. We seek engagement, and an understanding of the timeframes, detail and practical implications for HTA members businesses. Below we explore what this means for:

1. Phytosanitary & plant health arrangements
2. Plant Protection Products (PPPs or pesticides)
3. Plant Variety Rights (PVRs)

### Phytosanitary arrangements

The EU and UK have agreed in a Common Understanding to create a common sanitary and Phytosanitary Zone across the EU and UK. The UK has said it will dynamically align with the EU regulations in these areas. This means that the UK will need to revert to following EU plant health legislation, so instances of divergence will need to be negotiated between the two parties to ensure the best outcome for all.

All plants and plant products will be included as well as animals and animal products. This covers a vast array of products from food to animal feed, growing media, plants, seeds and plant protection products.

UK rules have diverged in several plant health areas, even though EU plant health legislation was directly assimilated into UK law. Some pests have been deregulated while others have been designated quarantine pests by the UK but not the EU. Comparing GB's high risk pest list to the EU's shows only seven pests in common. The HTA urge the Government to ensure we retain in law those pests that may cause us harm, and ensure those important to the EU, while not ignored, do not cause UK businesses undue bureaucracy.



The UK horticulture sector imports a large proportion of plants sold in the UK from the EU. This means that negotiations should ensure dynamic alignment does not present significant challenges to the sector.

Divergence that has occurred must be managed by National Measures. This is where individual member states (and we assume therefore the UK) can impose trade restrictions and certain requirements on plants being traded where there is significant and provable risk from certain pests and diseases.

An example of this divergence is where plants have the highest risk of carrying the bacterial disease *Xylella fastidiosa*. The list of hosts of this disease are under restriction if they are traded, including having certain tests or checks in their growing season, if they have been produced in a certified location, or being prohibited from being traded within the EU SPS zone. All rules are very similar to our current import requirements which could be translated directly into a National Measure due to the UK not having this disease and being able to scientifically prove that such restrictions are scientifically legitimate.

While some products may be exempt (often referred to as ‘carve outs’), it is not expected to include any plants, but that is yet to be confirmed on the final negotiation list. It is however expected to contain wine and possibly also contain something around precision engineered varieties (currently legal in the UK but not in the EU). We fully support an ambition to ensure that UK legislation in Precision Breeding remains in place and that UK companies can take advantage of their unique position in this.

Phytosanitary Certificates (PCs) will no longer be required (nor Health Export Certificates – EHCs - for products of animal origin) for any plant or animal-based products traded UK-EU-UK. This will free up both the agencies involved in issuing certificates and businesses who have to pay and wait for an inspector to issue the certificate.

Seed marketing requirements will be removed. At present, exports are relatively small in value compared to imports.

The “High Risk Plants” list of prohibited species for export to the EU will be lifted, thereby enabling exports to the EU to resume in these species, including into Northern Ireland. The list of plants will continue to be prohibited for import into the SPS zone. The list has not diverged since EU Exit and the UK has the same list of plant prohibited for import as the EU.

Plant Passports are expected to be used for all trade, operating as per the current EU Plant Passport regime (GB’s plant passporting regime is based on EU assimilated legislation). Plant passports enable all traded plants to be traced through the supply chain. The EU regulations are almost identical to the UK, so it should not be difficult to amalgamate the two systems, which also place a legal obligation on the trader to be competent in plant health.

Rules for Rest of World imports and exports may also differ, as the UK will be adopting the EU’s rules. For plants this will not differ greatly from the current arrangements, however other sectors such as food and fresh produce have seen divergence in some areas and may experience some changes.



## Border Checks

Checks at the border for both exports and imports to/from the EU will be removed (subject to negotiations). This will also apply to Northern Ireland, meaning plants can be traded freely again into NI without the need for a NIPHL or phytosanitary certificate. The NIPHL will no longer be required.

Border Control Posts and commercially operated Control Points handling EU SPS products are highly likely to be rendered redundant. There is no official compensation for businesses and port operators who have invested in this infrastructure. Some horticultural businesses have built significant facilities to handle their own goods, and HTA would like to see support for those businesses to repurpose those facilities and ensure a return on investment is realised.

HTA also call for support for the plant sector to build back business where it has been lost because of SPS restrictions, particularly for our exports sector which has seen a 50% reduction in trade, and also for lost trade in Northern Ireland.

Great Britain is largely still following the same rules and standards as those used pre-Brexit, by using assimilated EU regulations. Additionally, all other relevant UK PPP regulations are also based on Euro legislation. Any divergence in decision making, made whilst following the same rules, will need to be negotiated. It is hoped these will be respected.

## Plant Protection Products (PPP) Regime

Great Britain is largely still following the same rules and standards as those used pre-Brexit, by using assimilated EU regulations. All other relevant UK PPP regulations are also based on Euro legislation. Any divergence in decision making, made whilst following the same rules, will need to be negotiated. It is hoped these will be respected.

This is particularly relevant for products which must apply Maximum Residue Levels (MRLs), which have diverged more than other areas of PPPs (such as active ingredient approvals/withdrawals). MRLs do not apply to ornamental plants, but they will apply to those sold as food items, such as herbs, fruit trees and bushes, and vegetable seed.

We would like to see a partnership arrangement between the UK and the EU for MRL assessments with each recognising each other's legitimate decisions since Brexit.

## Plant Variety Rights (PVR)

The implications of incorporating EU Plant Variety Rights (PVRs), plant reproductive material rules, and related SPS alignment into the UK system are wide-ranging.

There are potentially two scenarios:

1. either extending the UK PVR register to include all EU (Community Plant Variety Office CPVO) rights, or
2. Adopting EU Regulation 2100/94 wholesale through new UK primary legislation.



While alignment could reduce costs for breeders, extend protection periods, and make separate UK PVR applications largely redundant, it raises serious concerns around legal jurisdiction, loss of UK autonomy, conflicts with existing UK rights, representation requirements, and compliance with UPOV obligations.

There are risks to UK expertise and infrastructure—particularly the likely loss of DUS (Distinctive, Uniform & Stability) testing capacity at NIAB—unless EU rules change to allow UK examinations, and there is uncertainty over how rapidly and abruptly new protections might apply.

The growing importance of precision breeding/NGTs means that UK–EU divergence on these technologies (especially England-only legislation) needs pragmatic handling, and this is done alongside a revived review of the Plant Varieties and Seeds (PVS) strategy to ensure coherence with future EU-aligned law.

There are parallel concerns about national variety listing and the EU Common Catalogue, as without streamlined routes for UK breeders, alignment could disadvantage them, so questions remain.

For UK-EU operational alignment, in the areas of variety denominations, the UK needs to request access to the Community Plant Variety Office (CPVO) advice service for EU Member States. This will reduce workload and align variety denomination decisions.

For DUS examinations, the UK should retain the possibility to accept DUS reports from any other the International Union for the Protection of New Varieties of Plants (UPOV) member, including the EU, irrespective of whether the EU or the UK has the relevant testing capacity. The UK should also retain the possibility to involve breeders in the DUS examination according to its own criteria. Lastly, the EU needs to accept UK DUS reports to retain its own capability and capacity

### **What is NOT in Scope**

Customs declarations are not in scope, so still will be required to be made, including into Northern Ireland. We will not be returning to the EU's Customs Union nor the Single Market.

CITES (the Convention for International Trade in Endangered Species) is not in scope, so import/export permits will still be needed for CITES species (the UK is going through a legislative reform process in this respect).

It is hoped import permits for artificially propagated species will not be required once the final reformed policy has been finalised.

### **For more information & contact details**

- Email: [policy@hta.org.uk](mailto:policy@hta.org.uk)
- Website: <https://www.hta.org.uk/policy>