

SCHEDULE 1

Regulation 64

“SCHEDULE 1

Article 2(1)

Prohibited plant pests

PART A

Plant pests not known to occur in any part of the United Kingdom

Insects, mites and nematodes

-
1. *Acleris* spp. (non-European)
 2. *Agrilus anxius* Gory
 3. *Agrilus plannipennis* Fairmaire
 4. *Amauromyza maculosa* (Malloch)
 5. *Anomala orientalis* Waterhouse
 6. *Anoplophora chinensis* (Forster)
 7. *Anoplophora glabripennis* (Motschulsky)
 8. *Anthonomus eugenii* Cano
 9. *Arrhenodes minutus* Drury
 10. *Bactericera cockerelli* (Sulc.)
 11. *Bemisia tabaci* Genn., a vector of viruses such as: Bean golden mosaic virus, Cowpea mild mottle virus, Lettuce infectious yellow virus, Pepper mild tigré virus, Squash leaf curl virus, Euphorbia mosaic virus or Florida tomato virus
 12. *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al.
 13. *Cicadellidae* (non-European) known to be vectors of Pierce’s disease (caused by *Xylella fastidiosa*), such as: *Carneocephala fulgida* Nottingham, *Draeculacephala minerva* Ball or *Graphocephala atropunctata* (Signoret)
 14. *Choristoneura* spp. (non-European)
 15. *Conotrachelus nenuphar* (Herbst)
 16. *Dendrolimus sibiricus* Tschetverikov
 17. *Diabrotica barberi* Smith and Lawrence
 18. *Diabrotica undecimpunctata howardi* Barber
 19. *Diabrotica undecimpunctata undecimpunctata* Mannerheim
 20. *Diabrotica virgifera zea* Krysan & Smith
 21. *Diaphorina citri* Kuway
 22. *Dryocosmus kuriphilus* Yasumatsu
 23. *Heliothis zea* (Boddie)
 24. *Hirschmanniella* spp., other than *Hirschmanniella gracilis* (de Man) Luc and Goodey

25. *Keiferia lycopersicella* (Walsingham)
 26. *Leptinotarsa decemlineata* Say
 27. *Liriomyza sativae* Blanchard
 28. *Longidorus diadecturus* Eveleigh and Allen
 29. *Meloidogyne chitwoodi* Golden et al. (all populations)
 30. *Monochamus* spp. (non-European)
 31. *Myndus crudus* Van Duzee
 32. *Nacobbus aberrans* (Thorne) Thorne and Allen
 33. *Naupactus leucoloma* Boheman
 34. *Popillia japonica* Newman
 35. *Premnotrypes* spp. (non-European)
 36. *Pseudopityophthorus minutissimus* (Zimmermann)
 38. *Rhizoecus hibisci* Kawai and Takagi
 39. *Rhynchophorus ferrugineus* (Olivier)
 40. *Rhynchophorus palmarum* (L.)
 41. *Saperda candida* Fabricius
 42. *Scaphoideus luteolus* Van Duzee
 43. *Spodoptera eridania* (Cramer)
 44. *Spodoptera frugiperda* (J E Smith)
 45. *Spodoptera littoralis* (Boisduval)
 46. *Spodoptera litura* (Fabricius)
 47. *Thrips palmi* Karny
 48. *Tephritidae* (non-European) such as *Anastrepha fraterculus* (Wiedemann), *Anastrepha ludens* (Loew), *Anastrepha obliqua* Macquart, *Anastrepha suspensa* (Loew), *Dacus ciliatus* Loew, *Dacus curcurbitae* Coquillet, *Dacus dorsalis* Hendel, *Dacus tryoni* (Froggatt), *Dacus tsuneonis* Miyake, *Dacus zonatus* Saund., *Epochra canadensis* (Loew), *Pardalaspis cyanescens* Bezzi, *Pardalaspis quinaria* Bezzi, *Pterandrus rosa* (Karsch), *Rhacochlaena japonica* Ito, *Rhagoletis cingulata* (Loew), *Rhagoletis completa* Cresson, *Rhagoletis fausta* (Osten-Sacken), *Rhagoletis indifferens* Curran, *Rhagoletis mendax* Curran, *Rhagoletis pomonella* Walsh, *Rhagoletis ribicola* Doane or *Rhagoletis suavis* (Loew)
 49. *Thaumatotibia leucotreta* (Meyrick)
 50. *Trioza erytrae* Del Guercio
 51. *Xiphinema americanum* Cobb *sensu lato* (non-European populations)
 52. *Xiphinema californicum* Lamberti and Blevé-Zacheo
-

Bacteria

-
1. *Candidatus Liberibacter* spp., a causal agent of Huanglongbing disease of citrus/citrus greening
 2. *Clavibacter michiganensis* (Smith) Davis et al. spp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al.
 3. *Xylella fastidiosa* (Wells et al.)
 4. *Xanthomonas citri* pv. *aurantifolii*
 5. *Xanthomonas citri* pv. *citri*
-

Fungi

-
1. *Ceratocystis fagacearum* (Bretz) Hunt
 2. *Chrysomyxa arctostaphyli* Dietel
 3. *Cronartium* spp. (non-European)
 4. *Endocronartium* spp. (non-European)
 5. *Guignardia laricina* (Sawada) Yamamoto and Ito
 6. *Gymnosporangium* spp. (non-European)
 7. *Inonotus weirii* (Murrill) Kotlaba and Pouzar
 8. *Melampsora farlowii* (Arthur) Davis
 9. *Melampsora medusa* Thümen
 10. *Mycosphaerella larici-leptolepis* Ito et al.
 11. *Mycosphaerella populorum* G E Thompson
 12. *Phoma andina* Turkensteen
 13. *Phyllosticta citricarpa* (McAlpine) Van der Aa
 14. *Phyllosticta solitaria* Ellis & Everhart
 15. *Septoria lycopersici* Speg. var *malagutii* Ciccarone and Boerema
 16. *Thecaphora solani* Barrus
 17. *Tilletia indica* Mitra
 18. *Trechispora brinkmannii* (Bresad.) Rogers
-

Viruses and virus-like organisms

-
1. Apple proliferation mycoplasma
 2. Apricot chlorotic leaf roll mycoplasma
 3. *Candidatus Phytoplasma ulmi*
 4. Potato viruses or virus-like organisms such as: Andean potato latent virus, Andean potato mottle virus, Arracacha virus B oca strain, Potato black ringspot virus, Potato spindle

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

tuber viroid, Potato virus T or non-European isolates of potato viruses A, M, S, V, X and Y (including Y^o, Yⁿ and Y^c) or Potato leafroll virus

5. Tobacco ringspot virus
6. Tomato ringspot virus
7. Viruses or virus-like organisms of *Cydonia* Mill, *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L., *Rubus* L., or *Vitis* L., such as: Blueberry leaf mottle virus, Cherry rasp leaf virus (American), Peach mosaic virus (American), Peach phony rickettsia, Peach rosette mosaic virus, Peach rosette mycoplasma, Peach X-disease mycoplasma, Peach yellows mycoplasma, Plum line pattern virus (American), Raspberry leaf curl virus (American), Strawberry latent “C” virus, Strawberry vein banding virus, Strawberry witches’ broom mycoplasma or non-European viruses or virus-like organisms of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L., *Rubus* L. or *Vitis* L.
8. Viruses transmitted by *Bemisia tabaci* Genn., such as: Bean golden mosaic virus, Cowpea mild mottle virus, Lettuce infectious yellow virus, Pepper mild tigré virus, Squash leaf curl virus, Euphorbia mosaic virus or Florida tomato virus

Parasitic plants

1. *Arceuthobium* spp. (non-European)
-

PART B

Plant pests known to occur in the United Kingdom

Insects, mites and nematodes

1. *Globodera pallida* Stone Behrens
 2. *Globodera rostochiensis* (Wollenweber) Behrens
 3. *Meloidogyne fallax* Karssen
 4. *Opogona sacchari* (Bojer)
-

Bacteria

1. *Ralstonia solanacearum* (Smith) Yabuuchi et al.
-

Fungi

1. *Synchytrium endobioticum* (Schilbersky) Percival
-

Viruses and virus-like organisms

1. Pear decline mycoplasma
-

PART C

Plant pests which must not be introduced into,
or spread within, a relevant UK pest free area

| <i>Item</i> | <i>Plant pest</i> | <i>Description of UK pest free area</i> |
|-------------|---|--|
| 1. | Beet necrotic yellow vein virus | Northern Ireland |
| 2. | <i>Liriomyza bryoniae</i> (Kaltenbach) | Northern Ireland |
| 3. | <i>Liriomyza huidobrensis</i> (Blanchard) | Northern Ireland |
| 4. | <i>Liriomyza trifolii</i> (Burgess) | Northern Ireland |
| 5. | <i>Thaumetopoea processionea</i> L. | The United Kingdom, except the local authority areas of Barking and Dagenham, Barnet, Basildon, Basingstoke and Dene, Bexley, Bracknell Forest, Brent, Brentwood, Bromley, Broxbourne, Camden, Castle Point, Chelmsford, Chiltern, City of London, City of Westminster, Crawley, Croydon, Dacorum, Dartford, Ealing, East Hertfordshire, Elmbridge District, Enfield, Epping Forest, Epsom and Ewell District, Gravesham, Greenwich, Guildford, Hackney, Hammersmith & Fulham, Haringey, Harlow, Harrow, Hart, Havering, Hertsmere, Hillingdon, Horsham, Hounslow, Islington, Kensington & Chelsea, Kingston upon Thames, Lambeth, Lewisham, Littleford, Medway, Merton, Mid Sussex, Mole Valley, Newham, North Hertfordshire, Reading, Redbridge, Reigate and Banstead, Richmond Upon Thames, Runnymede District, Rushmoor, Sevenoaks, Slough, South Bedfordshire, South Bucks, South Oxfordshire, Southwark, Spelthorne District, St Albans, Sutton, Surrey Heath, Tandridge, Three Rivers, Thurrock, Tonbridge and Malling, Tower Hamlets, Waltham Forest, Wandsworth, Watford, Waverley, Welwyn, Hatfield, West Berkshire, Windsor and Maidenhead, Woking, Wokingham and Wycombe |

PART D

Plant pests which are subject to emergency measures and
must not be introduced into, or spread within, Scotland

| | |
|----|--|
| 1. | <i>Aromia bungii</i> (Faldermann) |
| 2. | <i>Chalara fraxinea</i> T. Kowalski, including its teleomorph <i>Hymenoscyphus pseudoalbidus</i> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

3. *Epitrix cucumeris* (Harris), *Epitrix papa*. Orlova-Bienkowskaja, *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner)
4. *Gibberella circinata* Nirenberg & O'Donnell
5. *Pomacea* (Perry)
6. *Phytophthora ramorum* Werres, De Cock & Man in't Veld sp. nov.
7. *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto

SCHEDULE 2

Article 2(1)

Prohibited infested material

PART A

Relevant material which may not be brought into or moved within Scotland if the material is carrying or infected with plant pests that are not known to occur in the United Kingdom

Insects, mites and nematodes

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Plant pest</i> |
| 1. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Aleurocanthus</i> spp. |
| 2. | Plants, other than seeds, of <i>Fragaria</i> L., intended for planting | <i>Anthonomus bisignifer</i> (Schenkling) |
| 3. | Plants, other than seeds, of <i>Fragaria</i> L., intended for planting | <i>Anthonomus signatus</i> (Say) |
| 4. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Aonidiella citrina</i> Coquillett |
| 5. | Plants, other than seeds, of <i>Fragaria</i> L., intended for planting or seeds of <i>Oryza</i> spp. | <i>Aphelenchoides besseyi</i> Christie |
| 6. | Plants, other than fruit or seeds, of <i>Juniperus</i> L., originating in any country outside Europe | <i>Aschistonyx eppoi</i> Inouye |
| 7. | Plants, other than seeds, of <i>Cydonia</i> Mill. <i>Malus</i> Mill, <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe | <i>Carposina niponenis</i> Walsingham |
| 8. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Circulifer haematoceps</i> (Mulsant and Rey) |

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Plant pest |
| 9. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Circulifer tenellus</i> (Baker) |
| 10. | Plants, other than seeds of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Rosa</i> L., originating in any country outside Europe | <i>Enarmonia packardi</i> (Zeller) |
| 11. | Plants, other than seeds, of <i>Crataegus</i> L., <i>Malus</i> Mill., <i>Photinia</i> LdL., <i>Prunus</i> L. or <i>Rosa</i> L., or fruit of <i>Malus</i> Mill. or <i>Prunus</i> L., originating in any country outside Europe | <i>Enarmonia prunivora</i> Walsh |
| 12. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Eotetranychus lewisi</i> (McGregor) |
| 13. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Eutetranychus orientalis</i> Klein |
| 14. | Plants, other than seeds of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe | <i>Grapholita inopinata</i> Heinrich |
| 15. | Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., <i>Dianthus</i> L., <i>Pelargonium</i> L'Herit ex Ait. or the family <i>Solanaceae</i> , intended for planting | <i>Helicoverpa armigera</i> (Hübner) |
| 16. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Hishomonus phycitis</i> (Distant) |
| 17. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Leucaspis japonica</i> Ckll. |
| 18. | Seeds of Cruciferae, Gramineae or <i>Trifolium</i> spp., originating in Argentina, Australia, Bolivia, Chile, New Zealand or Uruguay | <i>Listronotus bonariensis</i> (Kuschel) |
| 19. | Cut flowers or leafy vegetables of <i>Apium graveolens</i> L. or plants of herbaceous species, intended for planting, other than: <ul style="list-style-type: none"> —bulbs, —corms, —plants of the family <i>Gramineae</i>, —rhizomes, or —seeds | <i>Liriomyza huidobrensis</i> (Blanchard) |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Plant pest |
| 20. | Cut flowers or leafy vegetables of <i>Apium graveolens</i> L. or plants of herbaceous species, intended for planting, other than: —bulbs, —corms, —plants of the family <i>Gramineae</i> , —rhizomes, or —seeds | <i>Liriomyza trifolii</i> (Burgess) |
| 21. | Plants, other than fruit or seeds, of <i>Vitis</i> L. | <i>Margarodes</i> , non-European species, such as: — <i>Margarodes vitis</i> (Philippi) — <i>Margarodes vredendalensis</i> de Klerk — <i>Margarodes prieskaensis</i> Jakubski |
| 22. | Plants, other than seeds, of <i>Pyrus</i> L., originating in any country outside Europe | <i>Numonia pyrivorella</i> (Matsumura) |
| 23. | Plants, other than fruit or seeds, of <i>Juniperus</i> L., originating in any third country outside Europe | <i>Oligonychus perditus</i> Pritchard and Baker |
| 24. | Plants of <i>Palmae</i> , intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: <i>Brahea</i> Mart., <i>Butia</i> Becc., <i>Chamaerops</i> L., <i>Jubaea</i> Kunth., <i>Livistona</i> R. Br., <i>Phoenix</i> L., <i>Sabal</i> Adans., <i>Syagrus</i> Mart., <i>Trachycarpus</i> H. Wendl., <i>Trithrinax</i> Mart. or <i>Washingtonia</i> Raf. | <i>Paysandisia archon</i> (Burmeister) |
| 25. | Plants, other than fruit or seeds, of conifers | <i>Pissodes</i> spp. (non-European) |
| 26. | Plants of <i>Araceae</i> , <i>Marantaceae</i> , <i>Musaceae</i> , <i>Persea</i> spp., or <i>Strelitziaceae</i> , rooted or with growing medium attached or which appear to have been in contact with growing medium | <i>Radopholus similis</i> (Cobb) Thorne |
| 27. | Plants of <i>Palmae</i> , intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: <i>Areca catechu</i> L., <i>Arenga pinnata</i> (Wurmb) Merr., <i>Bismarckia</i> Hildebr. & H. Wendl., | <i>Rhynchophorus ferrugineus</i> (Olivier) |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Plant pest</i> |
| | <p><i>Borassus flabellifer</i> L., <i>Brahea armata</i> S. Watson, <i>Brahea edulis</i> H. Wendl., <i>Butia capitata</i> (Mart.) Becc., <i>Calamus merrillii</i> Becc., <i>Caryota maxima</i> Blume, <i>Caryota cumingii</i> Lodd. Ex Mart., <i>Chamaerops humilis</i> L., <i>Cocos nucifera</i> L., <i>Copernicia</i> Mart., <i>Corypha utan</i> Lam., <i>Elaeis guineensis</i> Jacq., <i>Howea forsteriana</i> Becc., <i>Jubaea chilensis</i> (Molina) Baill., <i>Livistona australis</i> C. Martius, <i>Livistona decora</i> (W. Bull) Dowe, <i>Livistonia rotundifolia</i> (Lam.) Mart., <i>Metroxylon sagu</i> Rottb., <i>Phoenix canariensis</i> Chabaud, <i>Phoenix dactylifera</i> L., <i>Phoenix reclinata</i> Jacq., <i>Phoenix roebelenii</i> O'Brien, <i>Phoenix sylvestris</i> (L.) Roxb., <i>Phoenix theophrasti</i> Greuter, <i>Pritchardia</i> Seem. & H. Wendl., <i>Ravenea rivularis</i> Jum. & H. Perrier, <i>Roystonea regia</i> (Kunth) O.F. Cook, <i>Sabal palmetto</i> (Walter) Lodd. ex Schult. & Schult. f., <i>Syagrus roman-zoffiana</i> (Cham.) Glassman, <i>Trachycarpus fortunei</i> (Hook.) H. Wendl. or <i>Washingtonia</i> Raf.</p> | |
| 28. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.; or plants of <i>Araceae</i> , <i>Marantaceae</i> , <i>Musaceae</i> , <i>Persea</i> spp. or <i>Strelitziaceae</i> , in any case rooted or with growing medium attached or which appear to have been in contact with growing medium | <i>Radopholus citrophilus</i> Huettel Dickson and Kaplan |
| 29. | Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Scirtothrips aurantii</i> Faure |
| 30. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Scirtothrips dorsalis</i> Hood |
| 31. | Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Scirtothrips citri</i> (Moultx) |
| 32. | Tubers of <i>Solanum tuberosum</i> L. | <i>Scrobipalopsis solanivora</i> Povolny |
| 33. | Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe | <i>Tachypterellus quadrigibbus</i> Say |
| 34. | Plants, other than fruit or seeds, of <i>Pinus</i> L., intended for planting | <i>Thaumetopoea pitycampae</i> Denis & Schiffermüller |
| 35. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Toxoptera citricida</i> (Kirk.) |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|---|-------------------------------|
| Item | Description of relevant material | Plant pest |
| 36. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Unaspis citri</i> Comstock |

Bacteria

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Plant pest |
| 1. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Citrus variegated chlorosis |
| 2. | Plants of <i>Solanum lycopersicum</i> L., intended for planting | <i>Clavibacter michiganensis</i> ssp. <i>michiganensis</i> (Smith) Davis et al. |
| 3. | Seeds of <i>Zea mays</i> L. | <i>Erwinia stewartii</i> (Smith) Dye |
| 4. | Plants, other than seeds, of <i>Dianthus</i> L., intended for planting | <i>Pseudomonas caryophylli</i> (Burkholder) Starr and Burkholder |
| 5. | Plants, other than seeds, of <i>Prunus persica</i> (L.) Batsch or <i>Prunus persica</i> var. <i>nectarina</i> (Ait.) Maxim, intended for planting | <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier et al.) Young et al. |
| 6. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Spiroplasma citri</i> Saglio et al. |
| 7. | Plants, other than seeds, of <i>Prunus</i> L., intended for planting | <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin et al. |
| 8. | Seeds of <i>Phaseolus</i> L. | <i>Xanthomonas campestris</i> pv. <i>phaseoli</i> (Smith) Dye |
| 9. | Plants of <i>Solanum lycopersicum</i> L. or <i>Capsicum</i> spp., intended for planting | <i>Xanthomonas campestris</i> pv. <i>vesticatoria</i> (Doidge) Dye |
| 10. | Plants, other than fruit or seeds, of <i>Vitis</i> L. | <i>Xylophilus ampelinus</i> (Panagopoulos) Willems et al. |
| 11. | Seeds of <i>Oryza</i> spp. | <i>Xanthomonas campestris</i> pv. <i>oryzae</i> (Ishiyama) Dye and pv. <i>oryzicola</i> (Fang. et al.) Dye |

Fungi

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Plant pest |
| 1. | Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill. or <i>Pyrus</i> L., intended for planting, originating in any country outside Europe | <i>Alternaria alternata</i> (Fr.) Keissler (non-European pathogenic isolates) |

| (1) | (2) | (3) |
|------|---|---|
| Item | Description of relevant material | Plant pest |
| 2. | Plants, other than seeds, of <i>Corylus</i> L., intended for planting, originating in Canada or the USA | <i>Anisogramma anomala</i> (Peck) E. Müller |
| 3. | Plants, other than seeds, of <i>Prunus</i> L., intended for planting | <i>Apiosporina morbosa</i> (Schwein.) v. Arx |
| 4. | Plants, other than fruit or seeds, of <i>Pinus</i> L., intended for planting | <i>Atropellis</i> spp. |
| 5. | Plants, other than seeds, of <i>Platanus</i> L., intended for planting, | <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr. |
| 6. | Plants, other than fruit or seeds, of <i>Acer saccharum</i> Marsh | <i>Ceratocystis virescens</i> (Davidson) Moreau |
| 7. | Plants, other than fruit or seeds, of <i>Pinus</i> L. | <i>Cercoseptoria pini-densiflorae</i> (Hori and Nambu) Deighton |
| 8. | Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Cercospora angolensis</i> Carv. and Mendes |
| 9. | Plants, other than seeds, of <i>Vaccinium</i> spp., intended for planting | <i>Diaporthe vaccinii</i> Shaer |
| 10. | Plants, other than fruit or seeds, of <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.; or plants, other than fruit or seeds (except fruit of <i>Citrus reticulata</i> Blanco and <i>Citrus sinensis</i> (L.) Osbeck) of <i>Citrus</i> L., originating in any country in South America | <i>Elsinoe</i> spp. Bitanc. and Jenk. Mendes |
| 11. | Plants, other than fruit or seeds, of <i>Phoenix</i> spp. | <i>Fusarium oxysporum</i> f. sp. <i>albedinis</i> (Kilian and Maire) Gordon |
| 12. | Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe | <i>Guignardia piricola</i> (Nosa) Yamamoto |
| 13. | Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili |
| 14. | Seeds of <i>Helianthus annuus</i> L. | <i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni |
| 15. | Plants, other than fruit or seeds, of <i>Solanaceae</i> | <i>Puccinia pittieriana</i> Hennings |
| 16. | Plants, other than fruit or seeds, of <i>Pinus</i> L. | <i>Scirrhia acicola</i> (Dearn.) Siggers |
| 17. | Plants, other than seeds, of <i>Pinus</i> L., intended for planting | <i>Scirrhia pini</i> Funk and Parker |
| 18. | Plants, other than seeds, of <i>Ulmus</i> L. or <i>Zelkova</i> L., intended for planting | <i>Stegophora ulmea</i> (Schweintz: Fries) Sydow & Sydow |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Plant pest</i> |
| 19. | Plants, other than seeds, of <i>Pyrus</i> L., intended for planting, originating in any country outside Europe | <i>Venturia nashicola</i> Tanaka and Yamamoto |

Viruses and virus-like organisms

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Plant pest</i> |
| 1. | Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting | Beet curly top virus (non-European isolates) |
| 2. | Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting | Beet leaf curl virus |
| 3. | Plants of <i>Rubus</i> L., intended for planting | Black raspberry latent virus |
| 4. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Blight or blight-like |
| 5. | Plants, other than seeds, of <i>Palmae</i> , intended for planting, originating in any country outside Europe | Cadang-Cadang viroid |
| 6. | Plants, other than seeds, of <i>Ulmus</i> L., intended for planting | <i>Candidatus</i> Phytoplasma ulmi |
| 7. | Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul. or <i>Solanum lycopersicum</i> L., intended for planting | Chrysanthemum stem necrosis virus |
| 8. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Citrus mosaic virus |
| 9. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Citrus tristeza virus |
| 10. | Plants, other than fruit or seeds, of <i>Vitis</i> L. | Grapevine flavescence dorée MLO |
| 11. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Leprosis |
| 12. | Plants, other than seeds, of <i>Prunus cerasus</i> L., <i>Prunus avium</i> L., <i>Prunus incisa</i> Thunb., <i>Prunus sargentii</i> Rehd., <i>Prunus serrula</i> Franch., <i>Prunus serrulata</i> Lindl., <i>Prunus speciosa</i> (Koidz.) Ingram, <i>Prunus subhirtella</i> Miq. or <i>Prunus yedoensis</i> Matsum., or their cultivars, intended for planting | Little cherry pathogen (non-European isolates) |
| 13. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Naturally spreading psorosis |

| (1) | (2) | (3) |
|-------------|---|----------------------------------|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Plant pest</i> |
| 14. | Plants, other than seeds, of <i>Palmae</i> , intended for planting, originating in any third country outside Europe | Palm lethal yellowing mycoplasma |
| 15. | Plants of <i>Solanum lycopersicum</i> L., <i>Capsicum annuum</i> L. or <i>Capsicum frutescens</i> L., intended for planting, or plants of <i>Solanum tuberosum</i> L. | Potato spindle tuber viroid |
| 16. | Plants, other than seeds, of <i>Solanaceae</i> , intended for planting | Potato stolbur mycoplasma |
| 17. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Satsuma dwarf virus |
| 18. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Tatter leaf virus |
| 19. | Plants, other than seeds, of <i>Solanum lycopersicum</i> L., intended for planting | Tomato yellow leaf curl virus |
| 20. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Witches' broom (MLO) |

PART B

Relevant material which may not be brought into or moved within Scotland if the material is carrying or infected with regulated plant pests known to occur in the United Kingdom

Insects, mites and nematodes

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Plant pest</i> |
| 1. | Plants, other than seeds, of <i>Fuchsia</i> L., intended for planting | <i>Aculops fuchsiae</i> Keifer |
| 2. | Plants, other than fruit or seeds, of <i>Vitis</i> L. | <i>Daktulosphaira vitifoliae</i> (Fitch) |
| 3. | Flowers, bulbs or corms of <i>Crocus</i> L., miniature cultivars of the genus <i>Gladiolus</i> Tourn. ex. L. including <i>Gladiolus callianthus</i> Marais, <i>Gladiolus colvillei</i> Sweet, <i>Gladiolus nanus</i> hort., <i>Gladiolus ramosus</i> hort., <i>Gladiolus tubergenii</i> hort., <i>Hyacinthus</i> L., <i>Iris</i> L., <i>Trigridia</i> Juss. or <i>Tulipa</i> L., intended for | <i>Ditylenchus destructor</i> Thorne |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Plant pest |
| | planting; or potato tubers (<i>Solanum tuberosum</i> L.), intended for planting | |
| 4. | Seeds or bulbs of <i>Allium ascalonicum</i> L., <i>Allium cepa</i> L. or <i>Allium schoenoprasum</i> L., intended for planting; plants of <i>Allium porrum</i> L., intended for planting; bulbs or corms of <i>Camassia</i> Lindl., <i>Chionodoxa</i> Boiss., <i>Crocus flavus</i> Weston “Golden Yellow”, <i>Galanthus</i> L., <i>Galtonia candicans</i> (Baker) Decne, <i>Hyacinthus</i> L., <i>Ismene</i> Herbert, <i>Muscari</i> Miller, <i>Narcissus</i> L., <i>Ornithogalum</i> L., <i>Puschkinia</i> Adams, <i>Scilla</i> L. or <i>Tulipa</i> L., intended for planting; or seeds of <i>Medicago sativa</i> L. | <i>Ditylenchus dipsaci</i> (Kühn) Filipjev |
| 5. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Parasaissetia nigra</i> (Nietner) |

Bacteria

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Plant pest |
| 1. | Seeds of <i>Medicago sativa</i> L. | <i>Clavibacter michiganensis</i> ssp. <i>insidiosus</i> (McCulloch) Davis et al. |
| 2. | Plants, other than seeds, of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. or <i>Sorbus</i> L., intended for planting | <i>Erwinia amylovora</i> (Burr.) Winsl. et al. |
| 3. | Plants, other than seeds, of <i>Dianthus</i> L., intended for planting | <i>Erwinia chrysanthemi</i> pv. <i>dianthicola</i> (Hellmers) Dickey |
| 4. | Plants, other than seeds, of <i>Fragaria</i> L., intended for planting | <i>Xanthomonas fragariae</i> Kennedy and King |

Fungi

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Plant pest</i> |
| 1. | Plants of <i>Castanea</i> Mill., intended for planting; plants, other than seeds, of <i>Quercus</i> L., intended for planting | <i>Cryphonectria parasitica</i> (Murrill) Barr |
| 2. | Plants, other than seeds, of <i>Didymella ligulicola</i> (Baker, Dimock and Dendranthema (DC.) Des Moul., Davis) v. Arx intended for planting | |
| 3. | Plants, other than seeds, of <i>Dianthus</i> L., intended for planting | <i>Phialophora cinerescens</i> (Wollenweber) van Beyma |
| 4. | Plants, other than seeds, of <i>Fragaria</i> L., intended for planting | <i>Phytophthora fragariae</i> Hickman var. <i>fragariae</i> |
| 5. | Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting | <i>Puccinia horiana</i> Hennings |
| 6. | Plants, other than seeds, of <i>Humulus lupulus</i> L., intended for planting | <i>Verticillium albo-atrum</i> Reinke and Berthold |
| 7. | Plants, other than seeds, of <i>Humulus lupulus</i> L., intended for planting | <i>Verticillium dahliae</i> Klebahn |

Viruses and virus-like organisms

| (1) | (2) | (3) |
|-------------|---|----------------------------------|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Plant pest</i> |
| 1. | Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting | Arabis mosaic virus |
| 2. | Plants of <i>Rubus</i> L., intended for planting | Cherry leaf-roll virus |
| 3. | Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting | Chrysanthemum stunt viroid |
| 4. | Plants of <i>Rubus</i> L., intended for planting | Prunus necrotic ringspot virus |
| 5. | Plants, other than seeds, of <i>Prunus</i> L., intended for planting | Plum pox virus |
| 6. | Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting | Raspberry ringspot virus |
| 7. | Plants, other than seeds, of <i>Fragaria</i> L., intended for planting | Strawberry crinkle virus |
| 8. | Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting | Strawberry latent ringspot virus |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|---|-----------------------------------|
| Item | Description of relevant material | Plant pest |
| 9. | Plants, other than seeds, of <i>Fragaria</i> L., intended for planting | Strawberry mild yellow edge virus |
| 10. | Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting | Tomato black ring virus |
| 11. | Plants, other than seeds, of <i>Apium graveolens</i> L., <i>Capsicum annuum</i> L., <i>Cucumis melo</i> L., <i>Dendranthema</i> (DC.) Des Moul., any variety of New Guinea hybrids of <i>Impatiens</i> , <i>Lactuca sativa</i> L., <i>Solanum lycopersicum</i> L. or <i>Nicotiana tabacum</i> L. of which there must be evidence that they are intended for sale to professional tobacco producers; <i>Solanum melongena</i> L. or <i>Solanum tuberosum</i> L., intended for planting | Tomato spotted wilt virus |

PART C

Relevant material which may not be brought into or moved within a relevant UK pest free area if the material is carrying or infected with specified plant pests

| (1) | (2) | (3) | (4) |
|------|---|-------------------------------------|-------------------|
| Item | Description of relevant material | Plant pest | UK pest free area |
| 1. | Plants, other than seeds, of <i>Larix</i> Mill., intended for planting | <i>Cephalcia lariciphila</i> (Klug) | Northern Ireland |
| 2. | Plants, other than seeds, of <i>Gilpinia Picea</i> A. Dietr., intended for planting | <i>hercyniae</i> (Hartig) | Northern Ireland |
| 3. | Plants, other than seeds, of <i>Hypoxylon Populus</i> L., intended for planting | <i>mammatum</i> (Wahl.) J. Miller | Northern Ireland |

PART D

Relevant material which is subject to emergency measures and must not be brought into or moved within Scotland if the material is carrying or infected with specified plant pests

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Plant pest</i> |
| 1. | Plants of <i>Fraxinus</i> L., intended for planting | <i>Chalara fraxinea</i> T. Kowalski, including its teleomorph <i>Hymenoscyphus pseudoalbidus</i> |

SCHEDULE 3

Article 2(1)

Prohibited material

PART A

Relevant material, originating in third countries, the entry of which into Scotland is prohibited

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Countries of origin</i> |
| 1. | Plants, other than fruit or seeds, of <i>Abies</i> Mill., <i>Cedrus</i> Trew, <i>Chamaecyparis</i> Spach, <i>Juniperus</i> L., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr. | Any country outside Europe |
| 2. | Plants with leaves, other than fruit or seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L. | Any country outside Europe |
| 3. | Plants with leaves, other than fruit or seeds, of <i>Populus</i> L. | Any country in North America |
| 4. | Plants, other than dormant plants free from leaves, flowers and fruit, of <i>Chaenomeles</i> Lindl., <i>Cydonia</i> Mill., <i>Crataegus</i> L., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L. or <i>Rosa</i> L., intended for planting | Any country outside Europe |
| 5. | Plants, other than dormant plants free from leaves, flowers and fruit, of <i>Photinia</i> Lindl., intended for planting | The USA, China, Japan, the Republic of Korea or the Democratic People's Republic of Korea |
| 6. | Tubers of <i>Solanum tuberosum</i> L. for planting | Any third country other than the European Union or Switzerland |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Countries of origin |
| 7. | Plants of stolon- or tuber-forming species of <i>Solanum</i> L., intended for planting, other than tubers of <i>Solanum tuberosum</i> L. specified in item 6 | Any third country other than the European Union |
| 8. | Tubers of species of <i>Solanum</i> L., other than those specified in items 6 and 7 | Any third country other than Algeria, Bosnia and Herzegovina, Egypt, the European Union, Israel, Libya, Morocco, Serbia, Switzerland, Syria, Tunisia or Turkey |
| 9. | Plants of <i>Solanaceae</i> , intended for planting, other than seeds and relevant material specified in items 6 to 8 | Any third country other than any country in the Euro-Mediterranean area |
| 10. | Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants or humus (including peat or bark), other than that composed entirely of peat | Belarus, Moldova, Russia, Ukraine or any third country not in mainland Europe, other than Egypt, Israel, Libya, Morocco or Tunisia |
| 11. | Plants, other than fruit, of <i>Vitis</i> L. | Any third country, other than the European Union or Switzerland |
| 12. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf. | Any third country, other than the European Union |
| 13. | Plants, other than fruit or seeds, of <i>Phoenix</i> spp. | Algeria or Morocco |
| 14. | Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L. or <i>Fragaria</i> L., intended for planting | Any third country, other than a country in the Euro-Mediterranean area, Australia, New Zealand, Canada or the continental states of the USA |
| 15. | Plants, other than seeds, of the family, <i>Gramineae</i> other than plants of the ornamental perennial grasses of the subfamilies <i>Bambusoideae</i> , <i>Panicoideae</i> or of the genera <i>Buchloe</i> , <i>Bouteloua</i> Lag., <i>Calamagrostis</i> , <i>Cortaderia</i> Stapf., <i>Glyceria</i> R. Br., <i>Hakonechloa</i> Mak. ex Honda, <i>Hystrix</i> , <i>Molinia</i> , <i>Phalaris</i> L., <i>Shibataea</i> , <i>Spartina</i> Schreb., <i>Stipa</i> L. or <i>Uniola</i> L., intended for planting | Any third country, other than a country in the Euro-Mediterranean area |

PART B

Other relevant material which is subject to emergency measures and the entry of which into Scotland is prohibited

| (1) | (2) | (3) |
|-------------|--|----------------------------|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Countries of origin</i> |
| 1. | Plants, other than seeds, of <i>Coffea</i> , intended for planting | Costa Rica or Honduras |

SCHEDULE 4

Article 2(1)

Regulated material

Interpretation

In this schedule—

“Directive 69/464/EEC” means Council Directive on control of Potato Wart Disease [69/464/EEC\(1\)](#);

“EPPO PM 10/18” means the standard describing a hot water treatment of grapevine to control Grapevine flavescence dorée phytoplasma approved by the European and Mediterranean Plant Protection Organization(2);

“EU protected zone” means a member State or an area in a member State which is recognised as a protected zone exposed to particular plant health risks in the European Union;

“phytosanitary certificate” includes a phytosanitary certificate for re-export;

“relevant PCN Schedule” means—

- (a) in relation to relevant material produced in Scotland, schedule 15 of this Order;
- (b) in relation to relevant material produced in England, schedule 14 of the Plant Health (England) Order 2015;
- (c) in relation to relevant material produced in Wales, schedule 14 of the Plant Health (Wales) Order 2018;
- (d) in relation to relevant material produced in Northern Ireland, schedule 14 of the Plant Health Order (Northern Ireland) 2018;

“relevant Potato Wart Disease Schedule” means—

- (a) in relation to potatoes produced in Scotland, schedule 14 of this Order;
- (b) in relation to potatoes produced in England, schedule 13 of the Plant Health (England) Order 2015;
- (c) in relation to potatoes produced in Wales, schedule 13 of the Plant Health (Wales) Order 2018;

(1) OJ L 323, 24.12.1969, p.1.

(2) First approved by the European and Mediterranean Plant Protection Organization in September 2012 and available from its Secretariat at 21 Boulevard Richard Lenoir, 75011, Paris, France and at https://www.eppo.int/RESOURCES/eppo_standards/pm10_phytosanitary_treatments.

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

(d) in relation to potatoes produced in Northern Ireland, schedule 13 of the Plant Health Order (Northern Ireland) 2018;

“relevant Seed Marketing Regulations” means—

(a) in relation to seed produced in Scotland, the Fodder Plant Seed (Scotland) Regulations 2005⁽³⁾;

(b) in relation to seed produced in England, the Seed Marketing Regulations 2011⁽⁴⁾;

(c) in relation to seed produced in Wales, the Seed Marketing (Wales) Regulations 2012⁽⁵⁾;

(d) in relation to seed produced in Northern Ireland, the Seed Marketing Regulations (Northern Ireland) 2016⁽⁶⁾;

“relevant Seed Potatoes Regulations” means—

(a) in the case of seed potatoes produced in Scotland, the Seed Potatoes (Scotland) Regulations 2015⁽⁷⁾;

(b) in the case of seed potatoes produced in England, the Seeds Potatoes (England) Regulations 2015⁽⁸⁾;

(c) in the case of seed potatoes produced in Wales, the Seed Potatoes (Wales) Regulations 2016⁽⁹⁾;

(d) in the case of seed potatoes produced in Northern Ireland, the Seed Potatoes Regulations (Northern Ireland) 2016⁽¹⁰⁾.

PART A

Relevant material, originating in third countries, which may only be brought into Scotland if specified requirements are met

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| 1. | Plants, other than fruit or seeds, of conifers (<i>Coniferales</i>), originating in any third country outside Europe | The plants must be accompanied by an official statement that the plants have been produced in a nursery and that they originate in a place of production which has been established by the national plant protection organisation in accordance with ISPMNo. 10 as a place of production that is free from <i>Pissodes</i> spp. (non-European) |
| 2. | Plants, other than seeds, of <i>Pinus</i> L., intended for planting, originating in any third country, other than the European Union | The plants must be accompanied by an official statement that no symptoms of <i>Scirrhia acicola</i> (Dearn.) Siggers have been observed at their place of production or in the immediate vicinity of the |

⁽³⁾ S.S.I. 2005/329.

⁽⁴⁾ S.I. 2011/463.

⁽⁵⁾ S.I. 2012/245.

⁽⁶⁾ S.R. 2016 No. 244.

⁽⁷⁾ S.S.I. 2015/395.

⁽⁸⁾ S.I. 2015/1953.

⁽⁹⁾ S.I. 2016/106 (W.52).

⁽¹⁰⁾ S.R. 2016 No. 190.

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | place of production since the beginning of the last complete cycle of vegetation |
| 3. | Plants, other than seeds, of <i>Pinus</i> L., intended for planting, originating in any third country | The plants must be accompanied by an official statement that no symptoms of <i>Scirrhia pini</i> Funk and Parker have been observed at their place of production or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation |
| 4. | Plants, other than fruit or seeds, of <i>Pinus</i> L., intended for planting, originating in any third country | <p>The plants must be accompanied by:</p> <p>(a) an official statement that have been grown throughout their life in a place of production in a country in which <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller is not known to occur,</p> <p>(b) an official statement that they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller,</p> <p>(c) an official statement that they have been produced in nurseries which, along with their vicinity, have been found free from <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller on the basis of official inspections and official surveys carried out at appropriate times, or</p> <p>(d) an official statement that they have been grown throughout their life in a site with complete physical protection against the introduction of <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller and have been inspected at appropriate times and found to be free from <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller.</p> |
| | | * The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration” |
| 5. | Plants, other than seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr., intended for planting, originating in any third country | The plants must be accompanied by an official statement that no symptoms of <i>Melampsora medusa</i> Thümen have been observed at their place of production or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation |
| 6. | Plants, other than fruit or seeds, of <i>Quercus</i> L., originating in the USA | The plants must be accompanied by an official statement that the plants originate in an area* which, in accordance with the measures specified |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|---|
| | | <p>in ISPM No. 4, is known to be free from <i>Ceratocystis fagacearum</i> (Bretz) Hunt.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 7. | Plants, other than seeds, of <i>Quercus</i> L., intended for planting, originating in any third country | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr, or</p> <p>(b) an official statement that no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 8. | Plants, other than fruit or seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L., originating in any country outside Europe | <p>The plants must be accompanied by an official statement that no signs of <i>Cronartium</i> spp. (non-European) have been observed at their place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation</p> |
| 9. | Plants, other than seeds, of <i>Castanea</i> Mill., intended for planting, originating in any third country | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they have been grown throughout their life in a place of production in a country where <i>Cryphonectria parasitica</i> (Murrill) Barr is known not to occur,</p> <p>(b) an official statement that they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Cryphonectria parasitica</i> (Murrill) Barr, or</p> <p>(c) in the case of plants originating in the European Union, an official statement that they have been grown throughout their life, in a part of the European Union which is recognised as an EU protected zone in relation to <i>Cryphonectria parasitica</i> (Murrill) Barr.</p> |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | * The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration” |
| 10. | Plants of <i>Castanea</i> Mill., other than plants in tissue culture, fruit or seeds, originating in any third country | <p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they have been grown throughout their life in a place of production in a country where <i>Dryocosmus kuriphilus</i> Yasumatsu is known not to occur, (b) an official statement that they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Dryocosmus kuriphilus</i> Yasumatsu, or (c) an official statement that they have been grown throughout their life in an EU protected zone which is recognised as such in relation to <i>Dryocosmus kuriphilus</i> Yasumatsu. <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 11. | Plants, other than seeds, of <i>Corylus</i> L., intended for planting, originating in Canada or the USA | <p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that the plants have been grown in a nursery and that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Anisogramma anomala</i> (Peck) E. Müller, or (b) an official statement that the plants have been grown in a nursery and that they originate in a place of production** established by the national plant protection organisation in accordance with ISPM No. 10 as a place of production that is free from <i>Anisogramma anomala</i> (Peck) E. Müller on the basis of official inspections carried out at the place of production and in its immediate vicinity since the beginning of the last three complete cycles of vegetation. <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | ** The name of the place of production(s) must be included in the phytosanitary certificate under the heading “Additional declaration” |
| 12. | Plants, other than fruit or seeds, including cut branches with or without foliage, of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA | <p>The plants must be accompanied by an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Agrilus planipennis</i> Fairmaire.</p> <p>A phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the area or areas.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 13. | Plants, other than fruit or seeds, but including cut branches, with or without foliage, of <i>Betula</i> L., originating in any third country, other than the European Union | The plants must be accompanied by a phytosanitary certificate which includes an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Agrilus anxius</i> Gory |
| 14. | Plants, other than seeds, of <i>Platanus</i> L., intended for planting, originating in Armenia, the European Union, Switzerland or the USA | <p>The plants must be accompanied by:</p> <p>(a) an official statement that the plants have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C Harr., or</p> <p>(b) in the case of plants originating in the European Union, an official statement that they originate in a part of the European Union which is recognised as an EU protected zone in relation to <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C Harr.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 15. | Plants, other than seeds, of <i>Populus</i> L., intended for planting, originating in any third country | The plants must be accompanied by an official statement that no symptoms of <i>Melampsora medusa</i> Thümen have been observed at their place of production or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation |

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Requirements |
| 16. | Plants, other than seeds, of <i>Populus</i> L., intended for planting, originating in any country of the American continent | The plants must be accompanied by a phytosanitary certificate which includes an official statement that no symptoms of <i>Mycosphaerella populorum</i> G.E. Thompson have been observed at their place of production or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation |
| 17. | Plants, other than fruit or seeds, of <i>Ulmus</i> L., intended for planting, originating in the European Union or any country in North America | The plants must be accompanied by an official statement that no symptoms of <i>Candidatus Phytoplasma ulmi</i> have been observed at their place of production or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation |
| 18. | Plants, other than scions, cuttings, plants in tissue culture, pollen or seeds, of <i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyracantha</i> M. Roem., <i>Pyrus</i> L. or <i>Sorbus</i> L., intended for planting, originating in Canada or the USA | <p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Saperda candida</i> Fabricius, or (b) an official statement that they have been grown during a period of at least two years prior to export, or in the case of plants which are younger than two years, have been grown throughout their life: <ul style="list-style-type: none"> (i) in a place of production established as free from <i>Saperda candida</i> Fabricius in accordance with ISPM No. 10, (aa) which is registered and supervised by the national plant protection organisation in the country of origin and has been subjected annually to two official inspections for any signs of <i>Saperda candida</i> Fabricius carried out at appropriate times, and (bb) where they have been grown in a site with complete physical protection against the introduction of <i>Saperda candida</i> Fabricius or with appropriate preventive treatments and surrounded by a buffer zone with a width of at least 500 m in which the absence of <i>Saperda candida</i> Fabricius has been confirmed by official surveys carried out annually at appropriate times, and (ii) immediately prior to export, the plants, and in particular their stems, have been subjected to a meticulous inspection for |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Requirements |
| | | the presence of <i>Saperda candida</i> Fabricius, which included destructive sampling, where appropriate. |
| | | * The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration” |
| 19. | Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in any third country, other than the European Union | The fruits must be free from peduncles and leaves and the packaging, any label attached to the packaging or any document normally used for trade purposes which accompanies the consignment must bear an appropriate origin mark (which may be a reference to the name of the country of origin) |
| 20. | Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in the European Union | The packaging, any label attached to the packaging or any document normally used for trade purposes which accompanies the consignment of fruits must bear an appropriate origin mark (which may be a reference to the name of the country of origin) |
| 21. | Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., <i>Microcitrus</i> Swingle, <i>Naringi</i> Adans., or <i>Swinglea</i> Merr., originating in any third country other than the European Union | <p>The fruits must be accompanied by:</p> <ul style="list-style-type: none"> <li data-bbox="775 1104 1345 1261">(a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, <li data-bbox="775 1261 1345 1440">(b) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, <li data-bbox="775 1440 1345 1641">(c) an official statement that they originate in a place of production** established by the national plant protection organisation in accordance with ISPM No. 10 as free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, or <li data-bbox="775 1641 1345 2038">(d) an official statement: <ul style="list-style-type: none"> <li data-bbox="775 1686 1345 1910">(i) that they have been subjected to a treatment with sodium orthophenylphenate or any other effective treatment which has been previously notified in writing to the national plant protection organisation of the United Kingdom by the relevant national plant protection organisation, <li data-bbox="775 1910 1345 2038">(ii) that they originate in a site of production, which along with the immediate vicinity, are subject to appropriate treatments and cultural practices against <i>Xanthomonas</i> |

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Requirements |
| | | <p><i>citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, and</p> <p>(iii) that they are free from symptoms of <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, as shown from official inspections carried out at appropriate times prior to export, and</p> <p>(iv) that includes information on traceability.</p> <p>A phytosanitary certificate may not include:</p> <ul style="list-style-type: none"> — the official statement referred to in paragraph (a) unless the national plant protection organisation of the country of origin has previously notified the national plant protection organisation of the United Kingdom of this information in writing, or — the official statement referred to in paragraph (b) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the area or areas. <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.</p> <p>** The name of the place of production(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 22. | Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in any third country, other than the European Union | <p>The fruits must be accompanied by:</p> <p>(a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Cercospora angolensis</i> Carv. et Mendes,</p> <p>(b) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Cercospora angolensis</i> Carv. et Mendes, or</p> <p>(c) an official statement that no symptoms of <i>Cercospora angolensis</i> Carv. et Mendes have been observed in the site of production of the fruits or in the immediate vicinity of the site since the beginning of the last cycle of vegetation and none of fruits harvested in the site of production has shown, on</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <p>appropriate official examination, symptoms of <i>Cercospora angolensis</i> Carv. et Mendes.</p> <p>A phytosanitary certificate may not include:</p> <ul style="list-style-type: none"> — the official statement referred to in paragraph (a) unless the national plant protection organisation of the country of origin has previously notified the national plant protection organisation of the United Kingdom of this information in writing, or — the official statement referred to in paragraph (b) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the area or areas. <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 23. | Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., other than fruits of <i>Citrus aurantium</i> L. or <i>Citrus latifolia</i> Tanaka, originating in any third country, other than Argentina, Brazil, the European Union, South Africa or Uruguay | <p>The fruits must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa, (b) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa, (c) an official statement that they: <ul style="list-style-type: none"> (i) originate in a place of production** established by the national plant protection organisation in accordance with ISPM No. 10 as free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa, and (ii) have been found free of symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa by official inspection of a representative sample, defined in accordance with international standards, or (d) an official statement that: <ul style="list-style-type: none"> (i) they originate in a site of production which is subjected to appropriate treatments and |

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Requirements |
| | | <p>cultural measures against <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa,</p> <p>(ii) official inspections have been carried out in the site of production during the growing season since the beginning of the last cycle of vegetation and no symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa have been detected in the fruits, and</p> <p>(iii) the harvested fruits from that site of production have been found free of symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa during official inspections prior to export of a representative sample defined in accordance with international standards.</p> <p>A phytosanitary certificate may not include:</p> <p>—the official statement referred to in paragraph (a) unless the national plant protection organisation of the country of origin has previously notified the national plant protection organisation of the United Kingdom of this information in writing, or</p> <p>—the official statement referred to in paragraph (b) or (c) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the area(s) or place(s) of production.</p> <p>Where the phytosanitary certificate includes the official statement referred to in paragraph (d), information on traceability must also be included in the phytosanitary certificate.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.</p> <p>** The name of the place of production(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 24. | Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in any third country where <i>Tephritidae</i> (non-European) are known to occur on these fruits | <p>The fruits must be accompanied by:</p> <p>(a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Tephritidae</i> (non-European);</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Requirements |
| 25. | Fruits of <i>Capsicum</i> (L.), <i>Citrus</i> L., other than <i>Citrus limon</i> (L.) Osbeck. or <i>Citrus aurantii-folia</i> (Christm.) Swingle, <i>Prunus persica</i> (L.) Batsch or <i>Punica granatum</i> L., originating in any country of the African continent, Cape Verde, Israel, Madagascar, Mauritius, La Reunion or Saint Helena | <p>(b) if the requirements mentioned in paragraph (a) cannot be met, an official statement that no signs of <i>Tephritidae</i> (non-European) have been observed at the place of production of the fruits or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation, on official inspections carried out at least monthly during the three months prior to harvesting, and that none of the fruits harvested at the place of production have shown, in appropriate official examination, signs of <i>Tephritidae</i> (non-European);</p> <p>(c) if the requirements mentioned in paragraphs (a) and (b) cannot be met, an official statement that the fruits have been shown, on appropriate official examination on representative samples, to be free from <i>Tephritidae</i> (non-European) in all stages of their development, or</p> <p>(d) if the requirements mentioned in paragraphs (a) to (c) cannot be met, an official statement that the fruits have been subjected to an appropriate treatment, any acceptable vapour heat treatment, cold treatment, or quick freeze treatment, which has been shown to be efficient against <i>Tephritidae</i> (non-European) without damaging the fruit, or, where not available, chemical treatment as far as it is acceptable under retained EU law relating to the maximum residue levels of pesticides in or on food and feed of plant and animal origin</p> <p>The fruits must be accompanied by:</p> <p>(a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Thaumatotibia leucotreta</i> (Meyrick),</p> <p>(b) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Thaumatotibia leucotreta</i> (Meyrick),</p> <p>(c) an official statement:</p> <p>(i) that they originate in a place of production established by the national plant protection</p> |

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <p>organisation in accordance with ISPM No. 10 as free from <i>Thaumatotibia leucotreta</i> (Meyrick), and</p> <p>(ii) that they are free from that plant pest as shown from official inspections carried out in the place of production at appropriate times during the growing season, which included a visual examination on representative samples of the fruits, and which includes information on traceability, or</p> <p>(d) in the case of fruits which have been subjected to an effective cold treatment or any other effective treatment to ensure freedom from <i>Thaumatotibia leucotreta</i> (Meyrick) which has previously been notified in writing to the national plant protection organisation of the United Kingdom by the relevant national plant protection organisation, an official statement they have been subjected to such a treatment, which includes the treatment data.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 26. | Plants, other than seeds, of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. or <i>Sorbus</i> L., intended for planting, originating in any third country | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free <i>Erwinia amylovora</i> (Burr.) Winsl. et al.,</p> <p>(b) an official statement that the plants in the field of production or its immediate vicinity which have shown symptoms of <i>Erwinia amylovora</i> (Burr.) Winsl. et al. have been removed,</p> <p>(c) in the case of plants originating in the European Union, an official statement that they originate in an area established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al.</p> <p>A phytosanitary certificate may not include the official statement referred to in paragraph (a) unless the national plant protection organisation of</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Requirements |
| 27. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in the European Union | <p>the country of origin has previously notified the national plant protection organisation of the United Kingdom of this information in writing</p> <p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Spiroplasma citri</i> Saglio et al., <i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili and <i>Citrus tristeza</i> virus (European strains), (b) an official statement that the plants derive from a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official individual testing for, at least, <i>Citrus tristeza</i> virus (European strains), using appropriate tests or methods in line with international standards, and have been growing permanently in an insect proof glasshouse or isolated cage on which no symptoms of <i>Spiroplasma citri</i> Saglio et al., <i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili or <i>Citrus tristeza</i> virus (European strains) have been observed, or (c) an official statement that they: <ul style="list-style-type: none"> (i) have been derived from a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official individual testing for, at least, <i>Citrus tristeza</i> virus (European strains), using appropriate tests or methods in line with international standards, and has been found free from <i>Citrus tristeza</i> virus (European strains) and certified free from at least <i>Citrus tristeza</i> virus (European strains) in official individual tests carried out according to the methods mentioned in this paragraph, and (ii) have been inspected and no symptoms of <i>Spiroplasma citri</i> Saglio et al., <i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili or <i>Citrus tristeza</i> virus (European strains) have been observed since the beginning of the last complete cycle of vegetation |

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Requirements |
| 28. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. or plants of <i>Araceae</i> , <i>Marantaceae</i> , <i>Musaceae</i> , <i>Persea</i> spp. or <i>Strelitziaceae</i> , rooted or with growing medium attached or which appear to have been in contact with growing medium, originating in any third country, other than the European Union | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Radopholus citrophilus</i> Huettel et al. and <i>Radopholus similis</i> (Cobb) Thorne, or</p> <p>(b) an official statement that representative samples of soil and roots from the place of production have been subjected, since the beginning of the last complete cycle of vegetation, to official nematological testing for at least <i>Radopholus citrophilus</i> Huettel et al. and <i>Radopholus similis</i> (Cobb) Thorne and have been found to be free from those plant pests</p> |
| 29. | Plants of <i>Araceae</i> , <i>Marantaceae</i> , <i>Musaceae</i> , <i>Persea</i> spp. or <i>Strelitziaceae</i> , rooted or with growing medium attached or which appear to have been in contact with growing medium, originating in the European Union | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Radopholus similis</i> (Cobb) Thorne,</p> <p>(b) an official statement that representative samples of soil and roots from the place of production have been subjected, since the beginning of the last complete cycle of vegetation, to official nematological testing for at least <i>Radopholus similis</i> (Cobb) Thorne and have been found to be free from that plant pest, or</p> <p>(c) in the case of plants originating in the European Union, an official statement that no contamination by <i>Radopholus similis</i> (Cobb) Thorne has been observed at the place of production since the beginning of the last complete cycle of vegetation</p> |
| 30. | Plants, other than fruit but including seeds, of <i>Aegle</i> Corrêa, <i>Aeglopsis</i> Swingle, <i>Afraegle</i> Engl., <i>Atalantia</i> Corrêa, <i>Balsamocitrus</i> Stapf, <i>Burkillanthus</i> Swingle, <i>Calodendrum</i> Thunb., <i>Choisya</i> Kunth, <i>Clausena</i> Burm. f., <i>Limonia</i> L., <i>Microcitrus</i> Swingle, <i>Murraya</i> J. Koenig ex L., <i>Pamburus</i> Swingle, <i>Severinia</i> Ten., <i>Swinglea</i> Merr., <i>Triphasia</i> Lour. or <i>Vepris</i> Comm., originating in | <p>The plants must be accompanied by an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Candidatus Liberibacter</i> spp., a causal agent of Huanglongbing disease of citrus/citrus greening.</p> <p>A phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously notified the national plant protection</p> |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | any third country, other than the European Union; or seeds of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in any third country, other than the European Union | organisation of the United Kingdom of this information in writing. |
| 31. | Plants, other than fruit or seeds, of— <i>Casimiroa</i> La Llave, <i>Choisya</i> Kunth, <i>Clausena</i> Burm. f., <i>Murraya</i> J.Koenig ex L., <i>Vepris</i> Comm, or <i>Zanthoxylum</i> L., originating in any third country — <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in the European Union | The plants must be accompanied by a phytosanitary certificate which includes: <ul style="list-style-type: none"> (a) an official statement that they originate in a country in which <i>Trioza erytreae</i> Del Guercio is known not to occur, (b) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Trioza erytreae</i> Del Guercio, or (c) an official statement they have been grown in a place of production: <ul style="list-style-type: none"> (i) which is registered and supervised by the national plant protection organisation in the country of origin, (ii) where the plants were placed in a site with complete physical protection against the introduction of <i>Trioza erytreae</i> Del Guercio, and (iii) where two official inspections were carried out at appropriate times during the last complete cycle of vegetation prior to their movement from the site, and no signs of that plant pest were observed in that site or in the surrounding area with a width of at least 200 metres. <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 32. | Plants, other than fruit or seeds, of <i>Aegle</i> Corrêa, <i>Aeglopsis</i> Swingle, <i>Afraegle</i> Engl., <i>Amyris</i> P. Browne, <i>Atalantia</i> Corrêa, <i>Balsamocitrus</i> Stapf, <i>Choisya</i> Kunth, <i>Citropsis</i> Swingle & Kellermen, <i>Clausena</i> Burm. f., <i>Eremocitrus</i> Swingle, <i>Esenbeckia</i> Kunth., <i>Glycosmis</i> Corrêa, <i>Limonia</i> L., <i>Merrillia</i> Swingle, <i>Microcitrus</i> Swingle, <i>Murraya</i> J. Koenig ex L., <i>Naringi</i> Adans., <i>Pamburus</i> Swingle, <i>Severinia</i> Ten., <i>Swinglea</i> Merr., <i>Tetradium</i> | The plants must be accompanied by: <ul style="list-style-type: none"> (a) an official statement that they originate in a country where <i>Diaphorina citri</i> Kuway is known not to occur, or (b) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Diaphorina citri</i> Kuway. <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | Lour., <i>Toddalia</i> Juss., <i>Triphasia</i> Lour, <i>Vepris</i> Comm. or <i>Zanthoxylum</i> L., originating in any third country, other than the European Union | |
| 33. | Plants, other than fruits or seeds, of <i>Microcitrus</i> Swingle, <i>Naringi</i> Adans. or <i>Swinglea</i> Merr., originating in any third country, other than the European Union | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, or</p> <p>(b) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>.</p> <p>A phytosanitary certificate may not include:</p> <p>—the official statement referred to in paragraph (a) unless the national plant protection organisation of the country of origin has previously notified the national plant protection organisation of the United Kingdom of this information in writing, or</p> <p>—the official statement referred to in paragraph (b) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the area or areas.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 34. | Plants, other than seeds, of <i>Crataegus</i> L., intended for planting, originating in any third country where <i>Phyllosticta solitaria</i> Ell. and Ev. is known to occur | The plants must be accompanied by a phytosanitary certificate which includes an official statement that no symptoms of <i>Phyllosticta solitaria</i> Ell. and Ev. have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation |
| 35. | Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Fragaria</i> L., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L., <i>Ribes</i> L. or <i>Rubus</i> L., intended for planting, originating in any third country where the following plant pests are known to occur on the following genera: | The plants must be accompanied by: |
| | | (a) an official statement that no symptoms of diseases caused by the relevant plant pests listed in column 2 of this item have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation, |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | in the case of <i>Fragaria</i> L.: | (b) in the case of plants of any genera listed in column 2 of this item originating in the European Union, an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from the relevant plant pests known to occur on the genera and listed in that column. |
| | – <i>Phytophthora fragariae</i> Hickman var. <i>fragariae</i> , | |
| | –Arabis mosaic virus, | |
| | –Raspberry ringspot virus, | |
| | –Strawberry crinkle virus, | |
| | –Strawberry latent ringspot virus, | |
| | –Strawberry mild yellow edge virus, | |
| | –Tomato black ring virus, | |
| | – <i>Xanthomonas fragariae</i> Kennedy and King; | |
| | —in the case of <i>Malus</i> Mill.: | |
| | – <i>Phyllosticta solitaria</i> Ell. and Ev.; | |
| | —in the case of <i>Prunus</i> L.: | |
| | –Apricot chlorotic leafroll mycoplasma, or | |
| | – <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin et al., | |
| | —in the case of <i>Prunus persica</i> (L.) Batsch: | |
| | – <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier et al.) Young et al., | |
| | —in the case of <i>Pyrus</i> L.: | |
| | – <i>Phyllosticta solitaria</i> Ell. and Ev., | |
| | in the case of <i>Rubus</i> L.: | |
| | –Arabis mosaic virus, | |
| | –Raspberry ringspot virus, | |
| | –Strawberry latent ringspot virus, | |

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | <p>—Tomato black ring virus, or</p> <p>—in the case of all species:</p> <p>—non-European viruses or virus-like organisms</p> | |
| 36. | Plants, other than seeds, of <i>Cydonia</i> Mill. or <i>Pyrus</i> L., intended for planting, originating in any third country where Pear decline mycoplasma is known to occur | <p>The plants must be accompanied by:</p> <p>(a) an official statement that plants at the place of production and in its immediate vicinity, which have shown symptoms giving rise to the suspicion of contamination by Pear decline mycoplasma, have been rogued out at that place within the last three complete cycles of vegetation, or</p> <p>(b) in the case of plants originating in the European Union, an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from Pear decline mycoplasma</p> |
| 37. | <p>Plants, other than seeds, of <i>Fragaria</i> L., intended for planting, originating in any third country where the following plant pests are known to occur:</p> <p>—Strawberry latent “C” virus,</p> <p>—Strawberry vein banding virus, or</p> <p>—Strawberry witches’ broom mycoplasma</p> | <p>The plants must be accompanied by an official statement:</p> <p>(a) that the plants, other than those raised from seed, have been:</p> <p>(i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected to official testing for at least the plant pests listed in column 2 of this item using appropriate indicators or equivalent methods and that material has been found free from those plant pests, or</p> <p>(ii) derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the plant pests listed in column 2 of this item using appropriate indicators or equivalent methods and that material has been found free from those plant pests, and</p> <p>(b) that no symptoms of diseases caused by the plant pests listed in column 2 of this item have been observed on plants at the place</p> |

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Requirements |
| | | of production, or on susceptible plants in its immediate vicinity, since the beginning of the last complete cycle of vegetation |
| 38. | Plants, other than seeds, of <i>Fragaria</i> L., intended for planting, originating in any third country where <i>Aphelenchoides besseyi</i> Christie is known to occur | <p>The plants must be accompanied by:</p> <p>(a) an official statement that no symptoms of <i>Aphelenchoides besseyi</i> Christie have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation,</p> <p>(b) in the case of plants in tissue culture, an official statement that the plants have been derived from plants which complied with paragraph (a) or have been officially tested by appropriate nematological methods and have been found free from <i>Aphelenchoides besseyi</i> Christie, or</p> <p>(c) in the case of plants originating in the European Union, an official statement they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from from <i>Aphelenchoides besseyi</i> Christie</p> |
| 39. | Plants, other than seeds, of <i>Fragaria</i> L., intended for planting, originating in any third country, other than the European Union | The plants must be accompanied by a phytosanitary certificate which includes an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Anthonomus signatus</i> Say and <i>Anthonomus bisignifer</i> (Schenkling) |
| 40. | <p>Plants, other than seeds, of <i>Malus</i> Mill., intended for planting, originating in any third country where the following plant pests are known to occur on <i>Malus</i> Mill.:</p> <p>—Cherry rasp leaf virus (American),</p> <p>—Tomato ringspot virus</p> | <p>The plants must be accompanied by an official statement:</p> <p>(a) that they have been:</p> <p>(i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official testing for at least the plant pests listed in column 2 of this item using appropriate indicators or equivalent methods and that material has been found free from those plant pests, or</p> <p>(ii) derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the plant pests listed in column 2 of this item using appropriate</p> |

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | indicators or equivalent methods and that material has been found free from those plant pests, and |
| | | (b) that no symptoms of diseases caused by the plant pests listed in column 2 of this item have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last complete cycle of vegetation |
| 41. | Plants, other than seeds, of <i>Malus</i> Mill., intended for planting, originating in any third country where Apple proliferation mycoplasma is known to occur | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from Apple proliferation mycoplasma, or</p> <p>(b) an official statement that the plants, other than plants raised from seeds:</p> <p>(i) have been officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected to official testing for at least Apple proliferation mycoplasma using appropriate indicators or equivalent methods and that material has been found free from that plant pest, or</p> <p>(ii) have been derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected, at least once within the last six complete cycles of vegetation, to official testing for at least Apple proliferation mycoplasma using appropriate indicators or equivalent methods and that material has been found free in those tests from that plant pest, and</p> <p>(iii) in either case, no symptoms of diseases caused by Apple proliferation mycoplasma have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation</p> |
| 42. | Plants, other than seeds, of the following species of <i>Prunus</i> L., intended for planting, originating in any third country where Plum pox virus is known to occur: | <p>The plants must be accompanied by:</p> <p>(a) an official statement:</p> <p>(i) that the plants, other than plants raised from seed:</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) | |
|------|---|--|--|
| Item | Description of relevant material | Requirements | |
| | — <i>Prunus amygdalus</i> Batsch, | (aa) have been officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected to official testing for at least Plum pox virus using appropriate indicators or equivalent methods and that material has been found free from that plant pest, or | |
| | — <i>Prunus armeniaca</i> L., | | |
| | — <i>Prunus blireiana</i> Andre, | | |
| | — <i>Prunus brigantina</i> Vill., | | |
| | — <i>Prunus cerasifera</i> Ehrh., | | |
| | — <i>Prunus cistena</i> Hansen, | | (bb) have been derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least Plum pox virus using appropriate indicators or equivalent methods and that material has been found free from that plant pest, |
| | — <i>Prunus curdica</i> Fenzl and Fritsch., | | |
| | — <i>Prunus domestica</i> spp. <i>domestica</i> L., | | |
| | — <i>Prunus domestica</i> spp. <i>insititia</i> (L.) C.K. Schneid., | | (ii) that no symptoms of the diseases caused by Plum pox virus have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation, and |
| | — <i>Prunus domestica</i> spp. <i>italica</i> (Borkh.) Hegi., | | |
| | — <i>Prunus glandulosa</i> Thunb., | | (iii) that plants at the place of production which have shown symptoms of disease caused by other viruses or virus-like pathogens, have been rogued out, or |
| | — <i>Prunus holosericea</i> Batal., | | |
| | — <i>Prunus hortulana</i> Bailey, | | |
| | — <i>Prunus japonica</i> Thunb., | | (b) in the case of plants originating in the European Union, an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from Plum pox virus |
| | — <i>Prunus mandshurica</i> (Maxim.) Koehne, | | |
| | — <i>Prunus maritima</i> Marsh., | | |
| | — <i>Prunus mume</i> Sieb and Zucc., | | |
| | — <i>Prunus nigra</i> Ait., | | |
| | — <i>Prunus persica</i> (L.) Batsch, | | |
| | — <i>Prunus salicina</i> L., | | |
| | — <i>Prunus sibirica</i> L., | | |
| | — <i>Prunus simonii</i> Carr., | | |
| | — <i>Prunus spinosa</i> L., | | |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | <p>—<i>Prunus tomentosa</i> Thunb.,</p> <p>—<i>Prunus triloba</i> Lindl., or</p> <p>—other species of <i>Prunus</i> L. susceptible to Plum pox virus</p> | |
| 43. | <p>Plants of <i>Prunus</i> L., intended for planting:</p> <p>—originating in any third country where Tomato ringspot virus is known to occur on <i>Prunus</i> L.,</p> <p>—other than seeds, originating in any third country where the following plant pests are known to occur:</p> <p>—Cherry rasp leaf virus (American),</p> <p>—Peach mosaic virus (American),</p> <p>—Peach phony rickettsia,</p> <p>—Peach rosette mycoplasma,</p> <p>—Peach yellows mycoplasma,</p> <p>—Plum line pattern virus (American), or</p> <p>—Peach X-disease mycoplasma;</p> <p>—other than seeds, originating in any country outside Europe where Little cherry pathogen is known to occur</p> | <p>The plants must be accompanied by an official statement:</p> <p>(a) that they have been:</p> <p>(i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected to official testing for at least the relevant plant pests listed in column 2 of this item using appropriate indicators or equivalent methods and that material has been found free from those plant pests, or</p> <p>(ii) derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the relevant plant pests listed in column 2 of this item using appropriate indicators or equivalent methods and that material has been found free from those plant pests, and</p> <p>(b) that no symptoms of diseases caused by the relevant plant pests listed in column 2 of this item have been observed on the plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation</p> |
| 44. | <p>Plants, other than seeds, of <i>Prunus</i> L., intended for planting, originating in any third country</p> | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they have been grown throughout their life in a place of production in a country where <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin et al. is not known to occur,</p> <p>(b) an official statement that they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|--|
| | | <p>as an area that is free from <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin et al.,</p> <p>(a) an official statement that they have been derived in direct line from mother plants which have shown no symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin et al. during the last complete cycle of vegetation and no symptoms of that plant pest have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation, or</p> <p>(b) in the case of plants of <i>Prunus laurocerasus</i> L. or <i>Prunus lusitanica</i> L. for which there is evidence from their packing or from other means that they are intended for sale to final consumers not involved in professional plant production, an official statement that no symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin et al. have been observed on plants at the place of production since the beginning of the last complete growing season.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 45. | Plants, other than fruit or seeds, of <i>Vitis</i> L., originating in the European Union or Switzerland | The plants must be accompanied by an official statement that no symptoms of Grapevine flavescence dorée MLO or <i>Xylophilus ampelinus</i> (Panagopoulos) Willems et al. have been observed on the mother-stock plants at the place of production since the beginning of the last two complete cycles of vegetation |
| 46. | Plants of <i>Rubus</i> L., intended for planting: —originating in any third country where the following plant pests are known to occur on <i>Rubus</i> L.: —Tomato ringspot virus, —Black raspberry latent virus, —Cherry leafroll virus, —Prunus necrotic ringspot virus, | The plants must be accompanied by an official statement: (a) that they have been: (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected to official testing for at least the relevant plant pests listed in column 2 of this item using appropriate indicators or equivalent methods and that material has been found free from those plant pests, or (ii) derived in direct line from material which has been maintained under appropriate |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | —other than seeds, originating in any third country where the following plant pests are known to occur: —Raspberry leaf curl virus (American), or —Cherry rasp leaf virus (American) | conditions and that material has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the relevant plant pests listed in column 2 of this item using appropriate indicators or equivalent methods and that material has been found free from those plant pests, and (b) that no symptoms of diseases caused by the relevant plant pests in column 2 of this item have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation |
| 47. | Tubers of <i>Solanum tuberosum</i> L., intended for planting, originating in the European Union | The tubers must be accompanied by an official statement: (a) that all of the relevant provisions in Directive 69/464/EEC to combat <i>Synchytrium endobioticum</i> (Schilbersky) Percival have been complied with, (b) that they originate in an area, which in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Clavibacter michiganensis</i> spp. <i>sepedonicus</i> (Spieckermann and Kottoff) Davis et al. or that all of the relevant provisions in Council Directive 93/85/EEC on the control of potato ring rot ⁽¹¹⁾ to combat <i>Clavibacter michiganensis</i> spp. <i>sepedonicus</i> (Spieckermann and Kottoff) Davis et al. have been complied with, (c) that they originate in an area in which <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.: (i) is known not to occur, or (ii) is known to occur, and the tubers originate from a place of production established as free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. or considered to be free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. as a consequence of the implementation of an appropriate procedure aimed at eradicating <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al., and (d) that: |

(11) OJ L 259, 18.10.1993, p.1.

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Requirements |
| | | <ul style="list-style-type: none"> (i) they originate in an area in which <i>Meloidogyne chitwoodi</i> Golden et al. (all populations) or <i>Meloidogyne fallax</i> Karssen are known not to occur or an area in which <i>Meloidogyne chitwoodi</i> Golden et al. (all populations) and <i>Meloidogyne fallax</i> Karssen are known to occur and: (aa) they originate from a place of production which has been established as free from <i>Meloidogyne chitwoodi</i> Golden et al. (all populations) and <i>Meloidogyne fallax</i> Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production, or (bb) after harvest, they have been randomly sampled and checked for the presence of symptoms after an appropriate method to induce symptoms or laboratory tested, as well as inspected visually, both externally and by cutting the tubers, at appropriate times and in all cases at the time of sealing of the packages or containers before marketing in accordance with the provisions on sealing in Council Directive 2002/56/EC on the marketing of seed potatoes⁽¹²⁾, and no symptoms of <i>Meloidogyne chitwoodi</i> Golden et al. (all populations) or <i>Meloidogyne fallax</i> Karssen have been found |
| 48. | Tubers of <i>Solanum tuberosum</i> L., intended for planting originating in the European Union | The tubers must be accompanied by an official statement that all of the provisions in Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC ⁽¹³⁾ to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens are complied with |
| 49. | Tubers of <i>Solanum tuberosum</i> L., intended for planting, other than tubers of those varieties accepted on to the UK National Lists pursuant to the Seeds (National Lists of Varieties) | The tubers must be accompanied by an official statement <ul style="list-style-type: none"> (a) that they belong to advanced selections, such a statement being indicated in |

⁽¹²⁾ OJ No. L 193, 20.7.2002, p.60.

⁽¹³⁾ OJ L 156, 16.6.2007, p.12.

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | Regulations 2001 ⁽¹⁴⁾ or accepted in one or more member States pursuant to Council Directive 2002/53/EC on the common catalogue of varieties of agricultural plant species ⁽¹⁵⁾ , originating in the European Union | <p>an appropriate way on the document accompanying the tubers,</p> <p>(b) that they have been produced within the European Union, and</p> <p>(c) that they have been derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected within the European Union to official quarantine testing in accordance with appropriate methods and that material has been found free from plant pests</p> |
| 50. | <p>Plants of stolon- or tuber-forming species of <i>Solanum</i> L., intended for planting, other than:</p> <p>—those tubers of <i>Solanum tuberosum</i> L. specified in column 2 of items 47 to 49,</p> <p>—culture maintenance material being stored in gene banks or genetic stock collections, or</p> <p>—seeds of <i>Solanum tuberosum</i> L. specified in column 2 of item 51, originating in the European Union</p> | <p>The plants must have been held under quarantine conditions and:</p> <p>(a) must have been found free of any plant pests in quarantine testing which:</p> <p>(i) was supervised by the responsible official body of the member State concerned and executed by scientifically trained staff of that body or any officially approved body,</p> <p>(ii) was executed at a site provided with appropriate facilities sufficient to contain plant pests and maintain the material including indicator plants in such a way as to eliminate any risk of plant pests spreading,</p> <p>(iii) was executed on each unit of the material:</p> <p>(aa) by visual examination at regular intervals during the full length of at least one vegetative cycle, having regard to the type of material and its stage of development during the testing programme, for symptoms caused by any plant pests, and</p> <p>(bb) by testing:</p> <p style="padding-left: 40px;">—in the case of all potato material at least for:</p> <p style="padding-left: 40px;">–Andean potato latent virus,</p> <p style="padding-left: 40px;">–Arracacha virus B. oca strain,</p> <p style="padding-left: 40px;">–Potato black ringspot virus,</p> <p style="padding-left: 40px;">–Potato spindle tuber viroid,</p> |

⁽¹⁴⁾ S.I. 2001/3510.

⁽¹⁵⁾ OJ No. L 193, 20.7.2002, p.1, as amended by Regulation (EC) No 1829/2003 (OJ No. L 268, 18.10.2003, p.1).

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|---|
| | | <p>–Potato virus T,</p> <p>–Andean potato mottle virus,</p> <p>–common potato viruses A, M, S, V, X and Y (including Y^o, Yⁿ and Y^c) and Potato leaf roll virus,</p> <p>–<i>Clavibacter michiganensis</i> spp. <i>sepedonicus</i> (Spieckermann and Kottoff) Davis et al.,</p> <p>–<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.,</p> <p>—in the case of true seed of potato at least for the viruses and viroid listed above, and</p> <p>(iv) included appropriate testing on any other symptom observed in the visual examination in order to identify the plant pests having caused such symptoms,</p> <p>(b) any material which has not been found free, under the testing referred to in paragraph (a) from plant pests specified in that paragraph was immediately destroyed or subjected to procedures which eliminate the plant pests, and</p> <p>(c) each organisation or research body holding this material must have informed their official member national plant protection organisation of the material held</p> |
| 51. | Seeds of <i>Solanum tuberosum</i> L., originating in the European Union | <p>The seeds must be accompanied by an official statement:</p> <p>(a) that they derive from plants which comply with the requirements specified in column 3 of items 47 to 50, and</p> <p>(b) that they:</p> <p>(i) originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Synchytrium endobioticum</i> (Schilbersky) Percival, <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis et al., <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. and Potato spindle tuber viroid, or</p> |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <ul style="list-style-type: none"> (ii) have been produced in a site in which no symptoms of the disease caused by those plant pests have been observed since the beginning of the last cycle of vegetation and where the following actions have been taken: <ul style="list-style-type: none"> (aa) the site has been separated from other solanaceous plants and other host plants of Potato spindle tuber viroid, (bb) staff and other items, such as tools, machinery, vehicles, vessels and packaging material, from other sites producing solanaceous plants and other host plants of Potato spindle tuber viroid have been prevented from coming into contact with the site or other appropriate hygiene measures have been taken to prevent infection by staff working, or items used, at other sites producing solanaceous plants and other host plants of Potato spindle tuber viroid, (cc) only water free from those plant pests has been used |
| 52. | Tubers of <i>Solanum tuberosum</i> L., other than those mentioned in column 2 of items 47 to 50, originating in the European Union | <p>There must be evidence by a registration number put on the packaging, or in the case of loose-loaded potatoes transported in bulk, on the vehicle transporting the potatoes, that the potatoes have been grown by an officially registered producer, or originate from officially registered collective storage or dispatching centres located in the area of production, indicating that the tubers are free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. and that the following provisions are met:</p> <ul style="list-style-type: none"> (a) the provisions in Council Directive 69/464/EEC of 8 December 1969 on control of Potato Wart Disease(16) to combat <i>Synchytrium endobioticum</i> (Schilbersky) Percival, (b) the provisions in Council Directive 93/85/EEC on the control of potato ring rot to combat <i>Clavibacter michiganensis</i> spp. <i>sepedonicus</i> (Spieckermann and Kottoff) Davis et al, and (c) the provisions in Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC to combat <i>Globodera pallida</i> (Stone) Behrens |

(16) OJ L 323, 24.12.1969, p.1.

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | and <i>Globodera rostochiensis</i> (Wollenweber) Behrens |
| 53. | Tubers of <i>Solanum tuberosum</i> L. originating in any third country where <i>Synchytrium endobioticum</i> (Schilbersky) Percival is known to occur, other than the European Union | The tubers must be accompanied by an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Synchytrium endobioticum</i> (Schilbersky) Percival (all races other than Race 1, the common European race), and no symptoms of <i>Synchytrium endobioticum</i> (Schilbersky) Percival have been observed at the place of production or in its immediate vicinity since the beginning of an adequate period |
| 54. | Tubers of <i>Solanum tuberosum</i> L. originating in any third country, other than the European Union | The tubers must be accompanied by an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Clavibacter michiganensis</i> spp. <i>sepedonicus</i> (Spieckermann and Kottoff) Davis et al. |
| 55. | Tubers of <i>Solanum tuberosum</i> L., other than early potatoes, originating in any third country, other than the European Union, where Potato spindle tuber viroid is known to occur | The faculty of germination in the tubers must have been suppressed |
| 56. | Tubers of <i>Solanum tuberosum</i> L., intended for planting, originating in any third country, other than the European Union | <p>The tubers must be accompanied by an official statement:</p> <ul style="list-style-type: none"> (a) that they originate from a field known to be free from <i>Globodera rostochiensis</i> (Wollenweber) Behrens and <i>Globodera pallida</i> (Stone) Behrens, (b) that: <ul style="list-style-type: none"> (i) they originate in an area in which <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. is known not to occur, or (ii) where they originate in an area in which <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. is known to occur, the tubers originate from a place of production which, in accordance with the measures specified in ISPM No. 10, has been established as free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al., and (c) that: <ul style="list-style-type: none"> (i) they originate in an area in which <i>Meloidogyne chitwoodi</i> Golden et al. |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | (all populations) and <i>Meloidogyne fallax</i> Karsen are known not to occur, or |
| | | (ii) where they originate in an area in which <i>Meloidogyne chitwoodi</i> Golden et al. (all populations) and <i>Meloidogyne fallax</i> Karsen are known to occur: |
| | | (aa) they originate from a place of production which has been established as free from <i>chitwoodi</i> Golden et al. (all populations) or <i>Meloidogyne fallax</i> based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production, or |
| | | (bb) after harvest, they have been randomly sampled and, either checked for the presence of symptoms following an appropriate method to induce symptoms, or laboratory tested, as well as inspected visually both externally and by cutting the tubers, at appropriate times and in all cases at the time of sealing of the packages or containers before marketing in accordance with the provisions on sealing in the relevant Seed Potatoes Regulations, and no symptoms of <i>Meloidogyne chitwoodi</i> Golden et al. (all populations) or <i>Meloidogyne fallax</i> have been found |
| 57. | Tubers of <i>Solanum tuberosum</i> L., other than those intended for planting, originating in any third country, other than the European Union | The tubers must be accompanied by an official statement that they originate in an area in which <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> is not known to occur |
| 58. | Tubers of <i>Solanum tuberosum</i> L. originating in any third country, other than the European Union | The tubers must be accompanied by: <ul style="list-style-type: none"> (a) an official statement that they originate in a country where <i>Scrobipalopsis solanivora</i> Povolny is not known to occur, or (b) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Scrobipalopsis solanivora</i> Povolny. <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"</p> |
| 59. | Plants, other than seeds, of <i>Solanaceae</i> , intended for planting, | The plants must be accompanied by: |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Requirements |
| | other than those mentioned in column 2 of item 53, originating in the European Union | <ul style="list-style-type: none"> (a) an official statement that no symptoms of Potato stolbur mycoplasma have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation, or (b) an official statement that they originate in an area known to be free from Potato stolbur mycoplasma |
| 60. | Plants, other than seeds, of <i>Solanaceae</i> , intended for planting, originating in any third country where Potato stolbur mycoplasma is known to occur, other than the European Union | The plants must be accompanied by an official statement that no symptoms of Potato stolbur mycoplasma have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation |
| 61. | Plants of <i>Solanaceae</i> , intended for planting, other than tubers of <i>Solanum tuberosum</i> L. or seeds of <i>Solanum lycopersicum</i> L., originating in any third country where Potato spindle tuber viroid is known to occur | The plants must be accompanied by an official statement that no symptoms of Potato spindle tuber viroid have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation |
| 62. | Plants, other than seeds, of <i>Capsicum annum</i> L., <i>Solanum lycopersicum</i> L., <i>Musa</i> L., <i>Nicotiana</i> L. or <i>Solanum melongena</i> L., intended for planting, originating in any third country where <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. is known to occur, other than the the European Union | <p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, has been established as free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al., or (b) an official statement that no symptoms of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation |
| 63. | Plants, other than seeds, of <i>Capsicum</i> spp., <i>Solanum lycopersicum</i> L., <i>Musa</i> L., <i>Nicotiana</i> L. or <i>Solanum melongena</i> L., intended for planting, originating in the European Union | <p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, has been established as free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al., or (b) an official statement that no symptoms of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation |
| 64. | Plants with roots of <i>Capsicum</i> spp., <i>Solanum lycopersicum</i> L. or <i>Solanum melongena</i> L., intended for planting, originating in the European Union | The plants must be accompanied by an official statement that the provisions in Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC to combat <i>Globodera pallida</i> (Stone) Behrens and |

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <i>Globodera rostochiensis</i> (Wollenweber) Behrens are complied with |
| 65. | Plants, other than fruits or seeds, of <i>Solanum lycopersicum</i> L. or <i>Solanum melongena</i> L., originating in any third country, other than the European Union | <p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is established as free from <i>Keiferia lycopersicella</i> (Walsingham), or (b) an official statement they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Keiferia lycopersicella</i> (Walsingham). <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 66. | Fruits of <i>Solanum lycopersicum</i> L. or <i>Solanum melongena</i> L., originating in any third country, other than the European Union | <p>The fruits must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Keiferia lycopersicella</i> (Walsingham), (b) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Keiferia lycopersicella</i> (Walsingham), or (c) an official statement that they originate in a place of production** established by the national plant protection organisation in accordance with ISPM No. 10 as free from <i>Keiferia lycopersicella</i> (Walsingham) on the basis of official inspections and surveys carried out during the last three months prior to export. <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> <p>** The name of the place of production(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 67. | Plants, other than seeds, of <i>Humulus lupulus</i> L., intended for planting, originating in any third country | The plants must be accompanied by an official statement that no symptoms of <i>Verticillium albo-atrum</i> Reinke and Berthold or <i>Verticillium dahliae</i> Klebahn have been observed on hops at the place of |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | production since the beginning of the last complete cycle of vegetation |
| 68. | Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., <i>Dianthus</i> L. or <i>Pelargonium</i> l'Hérit. ex Ait., originating in any third country | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Helicoverpa armigera</i> (Hübner) and <i>Spodoptera littoralis</i> (Boisd.),</p> <p>(b) an official statement that no signs of <i>Helicoverpa armigera</i> (Hübner) or <i>Spodoptera littoralis</i> (Boisd.) have been observed at the place of production since the beginning of the last complete cycle of vegetation, or</p> <p>(c) an official statement that the plants have undergone appropriate treatment to protect them from those plant pests.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"</p> |
| 69. | Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., <i>Dianthus</i> L. or <i>Pelargonium</i> l'Hérit. ex Ait., originating in any third country, other than the European Union | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Spodoptera eridania</i> (Cramer), <i>Spodoptera frugiperda</i> Smith and <i>Spodoptera litura</i> (Fabricius),</p> <p>(b) an official statement that no signs of <i>Spodoptera eridania</i> (Cramer), <i>Spodoptera frugiperda</i> Smith or <i>Spodoptera litura</i> (Fabricius) have been observed at the place of production since the beginning of the last complete cycle of vegetation, or</p> <p>(c) an official statement that the plants have undergone appropriate treatment to protect them from the plant pests mentioned in paragraphs (a) and (b).</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"</p> |
| 70. | Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting, originating in any third country | <p>The plants must be accompanied by an official statement:</p> <p>(a) that they are no more than third generation stock derived from material which has been found to be free from <i>Chrysanthemum</i></p> |

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <p>stunt viroid during virological tests, or are directly derived from material of which a representative sample of at least 10% has been found to be free from <i>Chrysanthemum stunt viroid</i> during an official inspection carried out at the time of flowering,</p> <p>(b) that the plants or cuttings:</p> <p>(i) have come from premises which have been officially inspected at least monthly during the three months prior to dispatch and on which no symptoms of <i>Puccinia horiana</i> Hennings have been observed during that period, and in the immediate vicinity of which no symptoms of <i>Puccinia horiana</i> Hennings have been known to have occurred during the three months prior to export, or</p> <p>(ii) have undergone appropriate treatment against <i>Puccinia horiana</i> Hennings, and</p> <p>(c) in the case of unrooted cuttings, that no symptoms of <i>Didymella ligulicola</i> (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the plants from which the cuttings were derived, or that, in the case of rooted cuttings, no symptoms of <i>Didymella ligulicola</i> (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the rooting bed</p> |
| 71. | Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul. or <i>Solanum lycopersicum</i> L., intended for planting, originating in any third country, other than the European Union | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they have been grown throughout their life in a country which, in accordance with the measures specified in ISPM No. 4, is established as free from <i>Chrysanthemum stem necrosis virus</i>,</p> <p>(b) an official statement that they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Chrysanthemum stem necrosis virus</i>, or</p> <p>(c) an official statement that they have been grown throughout their life in a place of production** established by the national plant protection organisation in accordance with ISPM No. 10 as free from <i>Chrysanthemum stem necrosis virus</i> and</p> |

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | verified through official inspections and, where appropriate, testing. |
| | | * The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration” |
| | | ** The name of the place of production(s) must be included in the phytosanitary certificate under the heading “Additional declaration” |
| 72. | Plants, other than seeds, of <i>Dianthus</i> L., intended for planting, originating in any third country | The plants must be accompanied by an official statement: <ul style="list-style-type: none"> (a) that they have been derived in direct line from mother plants which have been found free from <i>Erwinia chrysanthemi</i> pv. <i>dianthicola</i> (Hellmers) Dickey, <i>Pseudomonas caryophylli</i> (Burkholder) Starr and Burkholder and <i>Phialophora cinerescens</i> (Wollenw.) Van Beyma on officially approved tests, carried out at least once during the two years prior to export, and (b) that no symptoms of these plant pests have been observed on the plants |
| 73. | Bulbs of <i>Tulipa</i> L. or <i>Narcissus</i> L. other than those for which there is evidence, by their packaging or by other means, that they are intended for sale to final consumers not involved in professional cut flower production, originating in any third country | The bulbs must be accompanied by an official statement that no symptoms of <i>Ditylenchus dipsaci</i> (Kühn) Filipjev have been observed on the plants since the beginning of the last complete cycle of vegetation |
| 74. | Plants, other than seeds, of <i>Pelargonium</i> l’Hérit. ex Ait., intended for planting, originating in any third country where: <p>—Tomato ringspot virus is known to occur, and</p> <p>—<i>Xiphinema americanum</i> Cobb <i>sensu lato</i> (non-European populations) or other vectors of Tomato ringspot virus are not known to occur</p> | The plants must be accompanied by: <ul style="list-style-type: none"> (a) an official statement that they are directly derived from a place of production known to be free from Tomato ringspot virus, or (b) an official statement that they are of no more than fourth generation stock, derived from mother plants found to be free from Tomato ringspot virus under an officially approved system of virological testing |
| 75. | Plants, other than seeds, of <i>Pelargonium</i> l’Hérit. ex Ait., intended for planting, originating in any third country where: | The plants must be accompanied by: <ul style="list-style-type: none"> (a) an official statement that they are directly derived from a place of production known |

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Requirements |
| | <p>—Tomato ringspot virus is known to occur, and</p> <p>—<i>Xiphinema americanum</i> Cobb <i>sensu lato</i> (non-European populations) or other vectors of Tomato ringspot virus are known to occur</p> | <p>to be free from Tomato ringspot virus in the soil or plants, or</p> <p>(b) an official statement that they are of no more than second generation stock, derived from mother plants found to be free from Tomato ringspot virus under an officially approved system of virological testing</p> |
| 76. | <p>Plants of herbaceous species, other than:</p> <p>—bulbs,</p> <p>—corms,</p> <p>—plants of the family <i>Gramineae</i>,</p> <p>—rhizomes,</p> <p>—seeds, or</p> <p>—tubers,</p> <p>intended for planting, originating in any third country where <i>Liriomyza sativae</i> (Blanchard) or <i>Amauromyza maculosa</i> (Malloch) are known to occur</p> | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they have been grown in a nursery, and that they originate:</p> <p>(i) in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch), or</p> <p>(ii) in a place of production** established by the national plant protection organisation in accordance with ISPM No. 10 as free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch), on the basis of official inspections carried out at least monthly during the three months prior to export,</p> <p>(b) an official statement that immediately prior to export, they have been subjected to an appropriate treatment† against <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) and have been officially inspected and found free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch), or</p> <p>(c) an official statement that they originate from plant material (explant) which is free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch), are grown <i>in vitro</i> in a sterile medium under sterile conditions that preclude the possibility of infestation with <i>Liriomyza sativae</i> (Blanchard) or <i>Amauromyza maculosa</i> (Malloch) and are exported in transparent containers under sterile conditions.</p> |

* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <p>** The name of the place of production(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.</p> <p>† Details of the treatment must be mentioned on the phytosanitary certificate</p> |
| 77. | Cut flowers of <i>Dendranthema</i> (DC.) Des Moul., <i>Dianthus</i> L., <i>Gypsophila</i> L., <i>Solidago</i> L. or leafy vegetables of <i>Apium graveolens</i> L. or <i>Ocimum</i> L., originating in any third country, other than the European Union | <p>The cut flowers and leafy vegetables must be accompanied by:</p> <p>(a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch), or</p> <p>(b) an official statement that immediately prior to their export, they have been officially inspected and found free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch)</p> |
| 78. | <p>Plants of herbaceous species, other than:</p> <p>—bulbs,</p> <p>—corms,</p> <p>—plants of the family <i>Gramineae</i>,</p> <p>—rhizomes,</p> <p>—seeds, or</p> <p>—tubers,</p> <p>intended for planting, originating in any third country</p> | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess),</p> <p>(b) an official statement that no signs of <i>Liriomyza huidobrensis</i> (Blanchard) or <i>Liriomyza trifolii</i> (Burgess) have been observed at the place of production, on official inspections carried out at least monthly during the three months prior to harvesting,</p> <p>(c) an official statement that immediately prior to their export, they have been officially inspected and found free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess) and have been subjected to an appropriate treatment against <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess), or</p> <p>(d) an official statement that they originate from plant material (explant) which is free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess), are grown <i>in vitro</i> in a sterile medium under sterile conditions that preclude the possibility of infestation with <i>Liriomyza huidobrensis</i> (Blanchard) or <i>Liriomyza trifolii</i> (Burgess)</p> |

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | and are exported in transparent containers under sterile conditions |
| 79. | Plants with roots, planted or intended for planting, grown in the open air, originating in any third country, other than the European Union | The plants must be accompanied by an official statement: <ol style="list-style-type: none"> (a) that the place of production has been established by the national plant protection organisation in accordance with ISPM No. 10 as free from <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis et al., and <i>Synchytrium endobioticum</i> (Schilbersky) Percival, and (b) that the plants originate from a field known to be free from <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens |
| 80. | Plants with roots, planted or intended for planting, grown in the open air, originating in the European Union | The plants must be accompanied by an official statement that the place of production has been established by the national plant protection organisation in accordance with ISPM No. 10 as free from <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis et al. and <i>Synchytrium endobioticum</i> (Schilbersky) Percival |
| 81. | Plants with roots grown in the open air of <i>Allium porrum</i> L., <i>Asparagus officinalis</i> L., <i>Beta vulgaris</i> L., <i>Brassica</i> spp. or <i>Fragaria</i> L., intended for planting, originating in the European Union | There must be evidence that the provisions in Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens are complied with |
| 82. | Bulbs, tubers or rhizomes, grown in the open air, of <i>Allium ascalonicum</i> L., <i>Allium cepa</i> L., <i>Dahlia</i> spp., <i>Gladiolus Tourn.</i> ex L., <i>Hyacinthus</i> spp., <i>Iris</i> spp., <i>Lilium</i> spp., <i>Narcissus</i> L. or <i>Tulipa</i> L., originating in the European Union | There must be evidence that the provisions in Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens are complied with |
| 83. | Soil or growing medium that: <p>—is attached to, or accompanies, plants for the purposes of sustaining the vitality of those plants,</p> <p>—consists wholly or partly of soil or any solid organic substance such as parts of plants or humus (including</p> | The soil or growing medium must be accompanied by an official statement: <ol style="list-style-type: none"> (a) that at the time of planting it was: <ol style="list-style-type: none"> (i) free from soil and organic matter; (ii) found to be free from insects and harmful nematodes and subjected to appropriate examination or heat treatment or fumigation to ensure that it was free from other plant pests, or |

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | peat or bark) or partly of any solid inorganic substance, and —originates in Belarus, Georgia, Moldova, Russia, Turkey, Ukraine or any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia | (iii) subjected to appropriate heat treatment or fumigation to ensure freedom from plant pests, and (b) that since planting: (i) appropriate measures have been taken to ensure that the growing material has been maintained free from plant pests, or (ii) within two weeks prior to dispatch, the plants were shaken free from the material leaving the minimum amount necessary to sustain vitality during transport, and, if replanted, the growing material used for that purpose meets the requirements in paragraph (a) |
| 84. | Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting, originating in any third country, other than the European Union | The plants must be accompanied by an official statement that no symptoms of Beet curly top virus (non-European isolates) have been observed since the beginning of the last complete cycle of vegetation |
| 85. | Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting, originating in any third country in which Beet leaf curl virus is known to occur | The plants must be accompanied by: (a) an official statement that Beet leaf curl virus has not been known to occur in the area of production and that no symptoms of Beet curly top virus have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation, or (b) in the case of plants originating in the European Union, an official statement that they originate in an area, which in accordance with the measures specified in ISPM No. 4, is established as free from beet leaf curl virus. |
| 86. | Plants, other than: —bulbs, —corms, —rhizomes, —seeds, or —tubers, | The plants must be accompanied by: (a) an official statement that they have been grown in a nursery and that they originate in: (i) an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Thrips palmi</i> Karny, or (ii) a place of production** established by the national plant protection organisation in accordance with ISPM No. 10 as free from <i>Thrips palmi</i> Karny, on the basis of official |

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | intended for planting, originating in any third country, other than the European Union | <p>inspections carried out at least monthly during the three months prior to export,</p> <p>(b) an official statement that they have been grown in a nursery and that immediately prior to export, they have been subjected to an appropriate treatment† against <i>Thrips palmi</i> Karny and have been officially inspected and found free from <i>Thrips palmi</i> Karny, or</p> <p>(c) an official statement that they have been grown in a nursery, they originate from plant material (explant) which is free from <i>Thrips palmi</i> Karny, have been grown in vitro in a sterile medium under sterile conditions that preclude the possibility of infestation with <i>Thrips palmi</i> Karny and are exported in transparent containers under sterile conditions.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.</p> <p>** The name of the place of production(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.</p> <p>† Details of the treatment must also be included on the phytosanitary certificate</p> |
| 87. | Cut flowers of <i>Orchidaceae</i> or fruits of <i>Momordica</i> L. or <i>Solanum melongena</i> L., originating in any third country, other than the European Union | <p>The cut flowers and fruits must be accompanied by:</p> <p>(a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Thrips palmi</i> Karny, or</p> <p>(b) an official statement that immediately prior to their export, they have been officially inspected and found free from <i>Thrips palmi</i> Karny</p> |
| 88. | Fruits of <i>Capsicum</i> L., originating in Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Puerto Rico, the USA or French Polynesia where <i>Anthonomus eugenii</i> Cano is known to occur | <p>The fruits must be accompanied by:</p> <p>(a) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Anthonomus eugenii</i> Cano, or</p> <p>(b) an official statement that they originate in a place of production** established by the national plant protection organisation in accordance with ISPM No. 10 as free</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Requirements |
| | | <p>from <i>Anthonomus eugenii</i> Cano, which was declared free from <i>Anthonomus eugenii</i> Cano on official inspections carried out at least monthly during the two months prior to export at the place of production and its immediate vicinity.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.</p> <p>** The name of the place of production(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 89. | Plants, other than seeds, of <i>Palmae</i> , intended for planting, originating in any country outside Europe | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from Palm lethal yellowing mycoplasma and Cadang-Cadang viroid, and no symptoms have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation,</p> <p>(b) an official statement that no symptoms of Palm lethal yellowing mycoplasma or Cadang-Cadang viroid have been observed on the plants since the beginning of the last complete cycle of vegetation, and plants at the place of production which have shown symptoms giving rise to the suspicion of contamination by the diseases have been rogued out at that place and the plants have undergone appropriate treatment to rid them of <i>Myndus crudus</i> Van Duzee, or</p> <p>(c) in the case of plants in tissue culture, an official statement that the plants were derived from plants which have met the requirements in paragraphs (a) or (b)</p> |
| 90. | <p>Plants of <i>Palmae</i>, intended for planting, originating in any third country, which have a diameter of the stem at the base of over 5 cm and belong to the following genera:</p> <p>—<i>Brahea</i> Mart,</p> <p>—<i>Butia</i> Becc.,</p> | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they have been grown throughout their life in a place of production in a country where <i>Paysandisia archon</i> (Burmeister) is not known to occur,</p> <p>(b) an official statement that they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM</p> |

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Requirements |
| | — <i>Chamaerops</i> L., — <i>Jubaea</i> Kunth, — <i>Livistona</i> R. Br., — <i>Phoenix</i> L., — <i>Sabal</i> Adans., — <i>Syagrus</i> Mart., — <i>Trachycarpus</i> H. Wendl., — <i>Trithrinax</i> Mart., — <i>Washingtonia</i> Raf. | No. 4 as free from <i>Paysandisia archon</i> (Burmeister), or (c) an official statement that they have, during a period of at least two years prior to export, been grown in a place of production: (i) which is registered and supervised by the national plant protection organisation in the country of origin, (ii) where the plants were placed in a site with complete physical protection against the introduction of <i>Paysandisia archon</i> (Burmeister), and (iii) where, during three official inspections per year carried out at appropriate times, including immediately prior to export, no signs of <i>Paysandisia archon</i> (Burmeister) have been observed. * The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration” |
| 91. | Plants of <i>Palmae</i> , intended for planting, originating in any third country, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: <i>Areca catechu</i> L., <i>Arenga pinnata</i> (Wurmb) Merr., <i>Bismarckia</i> Hildebr. & H. Wendl., <i>Borassus flabellifer</i> L., <i>Brahea armata</i> S. Watson, <i>Brahea edulis</i> H. Wendl., <i>Butia capitata</i> (Mart.) Becc., <i>Calamus merrillii</i> Becc., <i>Caryota maxima</i> Blume, <i>Caryota cumingii</i> Lodd. ex Mart., <i>Chamaerops humilis</i> L., <i>Cocos nucifera</i> L., <i>Copernicia</i> Mart., <i>Corypha utan</i> Lam., <i>Elaeis guineensis</i> Jacq., <i>Howea forsteriana</i> Becc., <i>Jubea chilensis</i> (Molina) Baill., <i>Livistona australis</i> C. Martius, <i>Livistona decora</i> (W. Bull) Dowe, <i>Livistona rotundifolia</i> (Lam.) Mart., <i>Metroxylon sagu</i> Rottb., <i>Phoenix canariensis</i> Chabaud, <i>Phoenix dactylifera</i> L., <i>Phoenix reclinata</i> Jacq., <i>Phoenix roebelenii</i> O’Brien, <i>Phoenix sylvestris</i> (L.) Roxb., <i>Phoenix theophrasti</i> Greuter, <i>Pritchardia</i> Seem. & H. Wendl., <i>Ravenea rivularis</i> Jum. & H. | The plants must be accompanied by: (a) an official statement they have been grown throughout their life in a place of production in a country where <i>Rhynchophorus ferrugineus</i> (Olivier) is known not to occur, (b) an official statement that they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Rhynchophorus ferrugineus</i> (Olivier), or (c) an official statement that they have, during a period of at least two years prior to export, been grown in a place of production: (i) which is registered and supervised by the national plant protection organisation in the country of origin, (ii) where the plants were placed in a site with complete physical protection against the introduction of <i>Rhynchophorus ferrugineus</i> (Olivier), and (iii) where, during three official inspections per year carried out at appropriate times, including immediately prior to movement from the place of production, no signs of <i>Rhynchophorus ferrugineus</i> (Olivier) have been observed. |

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | Perrier, <i>Roystonea regia</i> (Kunth) O.F. Cook, <i>Sabal palmetto</i> (Walter) Lodd. ex Schult. & Schult.f., <i>Syagrus roman-zoffiana</i> (Cham.) Glassman, <i>Trachycarpus fortunei</i> (Hook.) H. Wendl. or <i>Washingtonia</i> Raf. | * The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration” |
| 92. | Unrooted cuttings of <i>Euphorbia pulcherrima</i> Willd., intended for planting, originating in any third country | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Bemisia tabaci</i> Genn. (European populations),</p> <p>(b) an official statement that no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed on the cuttings, or on plants from which the cuttings were derived and held or produced, at the place of production on official inspections carried out at least once every three weeks during the whole production period of these plants, or</p> <p>(c) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, an official statement that the cuttings and the plants from which the cuttings were derived and held and produced at the place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production has been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in official inspections carried out weekly during the three weeks prior to the movement from this place of production, the last of which was carried out immediately prior to movement, and in monitoring procedures throughout the period</p> |
| 93. | Plants of <i>Euphorbia pulcherrima</i> Willd., intended for planting, originating in any third country other than: —seeds, | <p>The plants must be accompanied by an official statement:</p> <p>(a) that:</p> <p>(i) they originate in an area which, in accordance with the measures specified</p> |

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | <p>—those for which there is evidence from their packing or their flower (or bract) development or from other means that they are intended for sale to final customers not involved in professional plant production, or</p> <p>—those specified in item 92</p> | <p>in ISPM No. 4, is known to be free from <i>Bemisia tabaci</i> Genn. (European populations),</p> <p>(ii) no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed on plants at the place of production on official inspections carried out at least once every three weeks during the nine weeks prior to export, or</p> <p>(iii) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, the plants held or produced at the place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production has been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in official inspections carried out weekly during the three weeks prior to the movement from this place of production, the last of which was carried out immediately prior to movement, and</p> <p>(b) that evidence is available that they have been produced from cuttings which:</p> <p>(i) originate in an area which, in accordance with the measures specified in ISPM No. 4, is established as free from <i>Bemisia tabaci</i> Genn. (European populations),</p> <p>(ii) have been grown at a place of production where no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed on official inspections carried out at least once each three weeks during the whole production period of these plants, or</p> <p>(iii) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, have been grown on plants held or produced at the place of production having undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production has been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|--|---|
| 94. | Plants, other than seeds, tubers or corms, of <i>Begonia</i> L., intended for planting, originating in any third country; or plants, other than seeds, of <i>Dipladenia</i> A.DC., <i>Ficus</i> L., <i>Hibiscus</i> L., <i>Mandevilla</i> Lindl. or <i>Nerium oleander</i> L., intended for planting, originating in any third country | <p data-bbox="836 443 1353 734">of the implementation of appropriate procedures aimed at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in official inspections carried out weekly during the three weeks prior to the movement from this place of production, the last of which was carried out immediately prior to movement, and in monitoring procedures throughout the period</p> <p data-bbox="772 745 1187 779">The plants must be accompanied by:</p> <ul style="list-style-type: none"> <li data-bbox="772 790 1353 958">(a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is established as free from <i>Bemisia tabaci</i> Genn. (European populations), <li data-bbox="772 958 1353 1182">(b) an official statement that no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed on plants at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing, <li data-bbox="772 1182 1353 1753">(c) where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, an official statement that the plants, held or produced at the place of production, have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently the place of production has been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in official inspections carried out weekly during the three weeks prior to the movement from the place of production, and in monitoring procedures throughout the said period, or <li data-bbox="772 1753 1353 2004">(d) in the case of plants for which there is evidence from their packing or their flower development or from other means that they are intended for direct sale to final consumers not involved in professional plant production, an official statement that they have been officially inspected and found free from <i>Bemisia tabaci</i> Genn. |

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | (European populations) immediately prior to their movement |
| 95. | Plants, other than seeds, of <i>Fuchsia</i> L., intended for planting, originating in the USA or Brazil | The plants must be accompanied by an official statement that no symptoms of <i>Aculops fuchsiae</i> Keifer have been observed at the place of production and that immediately prior to export the plants have been inspected and found free from <i>Aculops fuchsiae</i> Keifer |
| 96. | Trees or shrubs, other than seeds or plants in tissue culture, intended for planting, originating in any third country other than a country in the Euro-Mediterranean area | The trees or shrubs must be accompanied by an official statement: <ul style="list-style-type: none"> (a) that they have been grown in a nursery; (b) that they are free from plant debris, flowers and fruits, and (c) that they have been inspected at appropriate times and prior to export and: <ul style="list-style-type: none"> (i) have been found free from symptoms of harmful bacteria, viruses and virus-like organisms, and (ii) have been found free from signs or symptoms of harmful nematodes, insects, mites and fungi or have been subjected to appropriate treatment to eliminate such organisms |
| 97. | Deciduous trees or shrubs, other than seeds or plants in tissue culture, intended for planting, originating in any third country other than a country in the Euro-Mediterranean area | The trees and shrubs must be accompanied by an official statement that they are dormant and free from leaves |
| 98. | Annual or biennial plants, other than plants of <i>Gramineae</i> or seeds, intended for planting, originating in any third country other than a country in the Euro-Mediterranean area | The plants must be accompanied by an official statement: <ul style="list-style-type: none"> (a) that they have been grown in a nursery, (b) that they are free from plant debris, flowers and fruits, (c) that they have been inspected at appropriate times and prior to export and: <ul style="list-style-type: none"> (i) have been found free from symptoms of harmful bacteria, viruses and virus-like organisms, and (ii) have been found free from signs or symptoms of harmful nematodes, insects, mites and fungi or have been subjected to appropriate treatment to eliminate such organisms |
| 99. | Plants, other than seeds, of the family <i>Gramineae</i> , of ornamental | The plants must be accompanied by an official statement: |

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | perennial grasses of the subfamilies <i>Bambusoideae</i> , <i>Panicoideae</i> or of the genera <i>Buchloe</i> , <i>Bouteloua</i> Lag., <i>Calamagrostis</i> , <i>Cortaderia</i> Stapf., <i>Glyceria</i> R. Br., <i>Hakonechloa</i> Mak. ex. Honda, <i>Hystrix</i> , <i>Molinia</i> , <i>Phalaris</i> L. <i>Shibataea</i> , <i>Spartina</i> Schreb., <i>Stipa</i> L. or <i>Uniola</i> L., intended for planting, originating in any third country other than a country in the Euro-Mediterranean area | <ul style="list-style-type: none"> (a) that they have been grown in a nursery, (b) that they are free from plant debris, flowers and fruits, (c) that they have been inspected at appropriate times and prior to export and: <ul style="list-style-type: none"> (i) have been found free from symptoms of harmful bacteria, viruses and virus-like organisms, and (ii) have been found free from signs or symptoms of harmful nematodes, insects, mites and fungi or have been subjected to appropriate treatment to eliminate such organisms. |
| 100. | Naturally or artificially dwarfed plants, other than seeds, intended for planting, originating in any third country outside Europe | <p>The plants must be accompanied by an official statement:</p> <ul style="list-style-type: none"> (a) that the plants, including those collected directly from natural habitats, have been grown, held and trained for at least two consecutive years prior to dispatch in an officially registered nursery which is subject to an officially supervised control regime, (b) that the plants have at least during that period: <ul style="list-style-type: none"> (i) been potted in pots which have been placed on shelves at least 50 cm above ground, (ii) been subjected to appropriate treatments* to ensure freedom from non-European rusts, (iii) been officially inspected at least six times a year at appropriate intervals for the presence of plant pests listed in Schedules 1 and 2, along with the plants in the immediate vicinity of the nursery, by visual examination of each row in the field or nursery and all parts of the plant above the growing medium, using a random sample of at least 300 plants from a given genus where the number of plants of that genus is not more than 3,000 plants, or 10% of the plants if there are more than 3,000 plants from that genus, (iv) been found free, in the inspections referred to in sub-paragraph (iii), from the relevant plant pests or where infested, have been removed, and the remaining plants have been effectively treated and held for an appropriate period and inspected to ensure freedom from such plant pests, |

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <ul style="list-style-type: none"> (v) been planted in an unused artificial growing medium or in a natural growing medium which has been treated by fumigation or by appropriate heat treatment and examined afterwards and found free of any plant pests, and (c) that the plants have been kept under conditions which ensure that the growing medium has been maintained free from plant pests and within two weeks prior to dispatch, have been: <ul style="list-style-type: none"> (i) shaken and washed with clean water to remove the original growing medium and kept bare rooted, (ii) shaken and washed with clean water to remove the original growing medium and replanted in growing medium which meets the conditions in sub-paragraph (v), or (iii) subjected to appropriate treatments* to ensure that the growing medium is free from plant pests, and (d) that the plants have been packed in closed containers which have been officially sealed and bear the registration number** of the registered nursery. <p>* The active ingredient, concentration and date of application of these treatments must be mentioned on the phytosanitary certificate under the heading “disinfestation and/or disinfection treatment”.</p> <p>** The registration number must be indicated on the phytosanitary certificate under the heading “Additional declaration”</p> |
| 101. | Herbaceous perennial plants, other than seeds, intended for planting, of the families <i>Caryophyllaceae</i> (except <i>Dianthus</i> L.), <i>Compositae</i> (except <i>Dendranthema</i> (DC.) Des Moul.), <i>Cruciferae</i> , <i>Leguminosae</i> or <i>Rosaceae</i> (except <i>Fragaria</i> L.), originating in any third country other than a country in the Euro-Mediterranean area | <p>The plants must be accompanied by an official statement:</p> <ul style="list-style-type: none"> (a) that they have been grown in a nursery, (b) that they are free from plant debris, flowers and fruits, and (c) that they have been inspected at appropriate times and prior to export and <ul style="list-style-type: none"> (i) have been found free from symptoms of harmful bacteria, viruses and virus-like organisms, and: (ii) have been found free from signs or symptoms of harmful nematodes, insects, mites and fungi or have been subjected to |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|--|
| | | <p>appropriate treatment to eliminate such organisms</p> <p>102. Plants, other than bulbs, corms, rhizomes, seeds or tubers, of herbaceous species or plants of <i>Ficus</i> L. or <i>Hibiscus</i> L., intended for planting, originating in any country outside Europe</p> <p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Bemisia tabaci</i> Genn., (b) an official statement that they originate in a place of production** established by the national plant protection organisation in accordance with ISPM No. 10 as free from <i>Bemisia tabaci</i> Genn. on the basis of official inspections carried out at least once every three weeks during the nine weeks prior to export, (c) in cases where <i>Bemisia tabaci</i> Genn. has been found at the place of production, an official statement they are held or produced in this place of production and have undergone an appropriate treatment† to ensure freedom from <i>Bemisia tabaci</i> Genn. and subsequently this place of production has been found free from <i>Bemisia tabaci</i> Genn. as a consequence of the implementation of appropriate procedures aimed at eradicating <i>Bemisia tabaci</i> Genn. in official inspections carried out weekly during the nine weeks prior to export and in monitoring procedures throughout the period, or (d) an official statement that they originate from plant material (explant) which is free from <i>Bemisia tabaci</i> Genn., are grown in vitro in a sterile medium under sterile conditions that preclude the possibility of infestation with <i>Bemisia tabaci</i> Genn. and are exported in transparent containers under sterile conditions. |

* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.

** The name of the place of production(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | † Details of the treatment must also be included in the phytosanitary certificate |
| 103. | Cut flowers of <i>Aster</i> spp., <i>Eryngium</i> L., <i>Gypsophila</i> L., <i>Hypericum</i> L., <i>Lisianthus</i> L., <i>Rosa</i> L., <i>Solidago</i> L. or <i>Trachelium</i> L. or leafy vegetables of <i>Ocimum</i> L., originating in any country outside Europe | The cut flowers and leafy vegetables must be accompanied by: <ol style="list-style-type: none"> (a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Bemisia tabaci</i> Genn., or (b) an official statement that immediately prior to their export, they have been officially inspected and found free from <i>Bemisia tabaci</i> Genn. |
| 104. | Plants, other than seeds, of <i>Solanum lycopersicum</i> L., intended for planting, originating in any third country where Tomato yellow leaf curl virus is known to occur and <i>Bemisia tabaci</i> Genn. is not known to occur | The plants must be accompanied by an official statement that no symptoms of Tomato yellow leaf curl virus have been observed on the plants |
| 105. | Plants, other than seeds, of <i>Solanum lycopersicum</i> L., intended for planting, originating in any third country where Tomato yellow leaf curl virus and <i>Bemisia tabaci</i> Genn. are known to occur | The plants must be accompanied by: <ol style="list-style-type: none"> (a) an official statement: <ol style="list-style-type: none"> (i) that no symptoms of Tomato yellow leaf curl virus have been observed on the plants; and (ii) that: <ol style="list-style-type: none"> (aa) the plants originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Bemisia tabaci</i> Genn., or (bb) the place of production has been found free from <i>Bemisia tabaci</i> Genn. on official inspections carried out at least monthly during the three months prior to export, or (b) an official statement that no symptoms of Tomato yellow leaf curl virus have been observed at the place of production and the place of production has been subjected to an appropriate treatment and monitoring regime to ensure freedom from <i>Bemisia tabaci</i> Genn., or (c) in the case of plants originating in the European Union, an official statement that the plants originate in an area known to be free from Tomato yellow leaf curl virus |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| 106. | <p>Plants, other than seeds, bulbs, tubers, corms or rhizomes, intended for planting, originating in any third country where the following plants pests are known to occur:</p> <ul style="list-style-type: none"> —Bean golden mosaic virus, —Cowpea mild mottle virus, —Lettuce infectious yellow virus, —Pepper mild tigré virus, —Squash leaf curl virus, or —other viruses transmitted by <i>Bemisia tabaci</i> Genn., and where <i>Bemisia tabaci</i> Genn. (non-European populations) or other vectors of the relevant plant pests are not known to occur | <p>The plants must be accompanied by an official statement that no symptoms of the relevant plant pests listed in column 2 of this item have been observed on the plants during their complete cycle of vegetation</p> |
| 107. | <p>Plants, other than seeds, bulbs, tubers, corms or rhizomes, intended for planting, originating in any third country where the following plants pests are known to occur:</p> <ul style="list-style-type: none"> —Bean golden mosaic virus, —Cowpea mild mottle virus, —Lettuce infectious yellow virus, —Pepper mild tigré virus, —Squash leaf curl virus, or —other viruses transmitted by <i>Bemisia tabaci</i> Genn. and where <i>Bemisia tabaci</i> Genn. (non-European populations) or other vectors of the relevant plant pests are known to occur | <p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that no symptoms of the relevant plant pests listed in column 2 of this item have been observed on the plants during an adequate period, and (b) an official statement: <ul style="list-style-type: none"> (i) that the plants originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Bemisia tabaci</i> Genn. and other vectors of the plant pests, (ii) that the place of production has been found free from <i>Bemisia tabaci</i> Genn. and other vectors of the plant pests on official inspections carried out at appropriate times, (iii) that the plants have been subjected to an appropriate treatment aimed at eradicating <i>Bemisia tabaci</i> Genn., or (iv) that the plants originate from plant material (explant) which is free from <i>Bemisia tabaci</i> Genn. (non-European populations) and which did not show any symptoms of <i>Bemisia tabaci</i> Genn. (non-European populations), are grown <i>in vitro</i> in a sterile medium under sterile conditions that preclude the possibility of infestation with |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <i>Bemisia tabaci</i> Genn. (non-European populations) and are exported in transparent containers under sterile conditions |
| 108. | Seeds of <i>Helianthus annuus</i> L., originating in any third country | <p>The seeds must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) the seeds originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni, or (b) the seeds, other than those that have been produced on varieties resistant to all races of <i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni present in the area of production, have been subjected to an appropriate treatment against <i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni |
| 109. | Seeds of <i>Solanum lycopersicum</i> L., originating in any third country, other than the European Union | <p>The seeds must be accompanied by an official statement:</p> <ul style="list-style-type: none"> (a) that they have been obtained by means of an appropriate acid extraction method, and (b) that: <ul style="list-style-type: none"> (i) they originate in an area where <i>Clavibacter michiganensis</i> ssp. <i>michiganensis</i> (Smith) Davis et al., <i>Xanthomonas campestris</i> pv. <i>vesicatoria</i> (Doidge) Dye or Potato spindle tuber viroid are not known to occur, (ii) no symptoms of the diseases caused by the plant pests mentioned in sub-paragraph (i) have been observed on the plants at the place of production during their complete cycle of vegetation, or (iii) the seeds have been subjected to official testing for at least the plant pests mentioned in sub-paragraph (i) on a representative sample and using appropriate methods, and have been found free from those plant pests |
| 110. | Seeds of <i>Solanum lycopersicum</i> L., originating in the European Union | <p>The seeds must be accompanied by an official statement:</p> <ul style="list-style-type: none"> (a) that they have been obtained by means of an appropriate acid extraction method and (b) that: <ul style="list-style-type: none"> (i) they originate in an area where <i>Clavibacter michiganensis</i> ssp. <i>michiganensis</i> (Smith) Davis et al. or <i>Xanthomonas campestris</i> pv. |

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|--|
| | | <p><i>vesicatoria</i> (Doidge) Dye are not known to occur;</p> <p>(ii) no symptoms of the diseases caused by the plant pests mentioned in sub-paragraph (i) have been observed on the plants at the place of production during their complete cycle of vegetation, or</p> <p>(iii) the seeds have been subjected to official testing for at least those plant pests on a representative sample and using appropriate methods, and have been found free from the plant pests mentioned in sub-paragraph (i)</p> |
| 111. | Seeds of <i>Medicago sativa</i> L., originating in any third country | <p>The seeds must be accompanied by:</p> <p>(a) an official statement that no symptoms of <i>Ditylenchus dipsaci</i> (Kühn) Filipjev have been observed at the place of production since the beginning of the last complete cycle of vegetation and no <i>Ditylenchus dipsaci</i> (Kühn) Filipjev has been revealed by laboratory tests on a representative sample,</p> <p>(b) an official statement that fumigation has taken place prior to export, or</p> <p>(c) an official statement that the seeds have been subjected to an appropriate physical treatment against <i>Ditylenchus dipsaci</i> (Kühn) Filipjev and have been found to be free of <i>Ditylenchus dipsaci</i> (Kühn) Filipjev after laboratory tests on a representative sample.</p> |
| 112. | Seeds of <i>Medicago sativa</i> L., originating in any third country where <i>Clavibacter michiganensis</i> ssp. <i>insidiosus</i> Davis et al. is known to occur | <p>The seeds must be accompanied by:</p> <p>(a) an official statement:</p> <p>(i) that <i>Clavibacter michiganensis</i> ssp. <i>insidiosus</i> Davis et al. has not been known to occur on the farm or in its immediate vicinity since the beginning of the last 10 years,</p> <p>(ii) that:</p> <p>(aa) the crop belongs to a variety recognised as being highly resistant to <i>Clavibacter michiganensis</i> ssp. <i>insidiosus</i> Davis et al.,</p> <p>(bb) the crop has not yet started its fourth complete cycle of vegetation from sowing when the seed was harvested, and there was not more than one preceding seed harvest from the crop, or</p> |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <ul style="list-style-type: none"> (cc) the content of inert matter which has been determined in accordance with the rules applicable for the certification of seed marketed in the relevant territories, does not exceed 0.1% by weight, (iii) that no symptoms of <i>Clavibacter michiganensis</i> ssp. <i>insidiosus</i> Davis et al. have been observed at the place of production, or on any <i>Medicago sativa</i> L. crop adjacent to it, during the last complete cycle of vegetation or, where appropriate, the last two cycles of vegetation, and (iv) the crop has been grown on land on which no previous <i>Medicago sativa</i> L. crop has been present during the last three years prior to sowing, or (b) in the case of seeds originating in the European Union, an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Clavibacter michiganensis</i> ssp. <i>insidiosus</i> Davis et al. |
| 113. | Seeds of <i>Oryza sativa</i> L., originating in any third country, other than the European Union | <p>The seeds must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they have been officially tested by appropriate nematological tests and have been found free from <i>Aphelenchoides besseyi</i> Christie, or (b) an official statement they have been subjected to an appropriate hot water treatment or other appropriate treatment against <i>Aphelenchoides besseyi</i> Christie |
| 114. | Seeds of <i>Phaseolus</i> L., originating in any third country | <p>The seeds must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Xanthomonas campestris</i> pv. <i>phaseoli</i> (Smith) Dye, or (b) an official statement that a representative sample of the seeds has been tested and found free from <i>Xanthomonas campestris</i> pv. <i>phaseoli</i> (Smith) Dye |
| 115. | Seeds of <i>Zea mays</i> L., originating in any third country, other than the European Union | <p>The seeds must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they originate in an area which, in accordance with the measures |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Requirements |
| | | specified in ISPM No. 4, is known to be free from <i>Erwinia stewartii</i> (Smith) Dye, or |
| | | (b) an official statement that a representative sample of the seeds has been tested and found free from <i>Erwinia stewartii</i> (Smith) Dye |
| 116. | Seeds of the genera <i>Triticum</i> , <i>Secale</i> or <i>X Triticosecale</i> originating in Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA where <i>Tilletia indica</i> Mitra is known to occur | The seeds must be accompanied by an official statement that they originate in an area* where <i>Tilletia indica</i> Mitra is known not to occur. * The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration” |
| 117. | Grain of the genera <i>Triticum</i> , <i>Secale</i> or <i>X Triticosecale</i> originating in Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA where <i>Tilletia indica</i> Mitra is known to occur | The grain must be accompanied by: (a) an official statement that it originates in an area* where <i>Tilletia indica</i> Mitra is known not to occur, or (b) an official statement that no symptoms of <i>Tilletia indica</i> Mitra have been observed on the plants at the place of production during their last complete cycle of vegetation and representative samples of the grain have been taken both at the time of harvest and before export and have been tested and found free from <i>Tilletia indica</i> Mitra. * The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”. |
| | | Where the phytosanitary certificate includes the official statement mentioned in paragraph (b), the statement “tested and found free from <i>Tilletia indica</i> Mitra” must be included under the heading “Additional declaration” |

PART B

Relevant material which may only moved within Scotland if specified requirements are met

| (1) | (2) | (3) |
|------|--|------------------------------------|
| Item | Description of relevant material | Requirements |
| 1. | Plants, other than seeds, of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., | The plants must be accompanied by: |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. or <i>Sorbus</i> L., intended for planting | <p>(a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al., or</p> <p>(b) an official statement that the plants in the field of production or in its immediate vicinity which have shown symptoms of <i>Erwinia amylovora</i> (Burr.) Winsl. et al. have been rogued out</p> |
| 2. | Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting | <p>The plants must be accompanied by an official statement:</p> <p>(a) that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from the following plant pests:</p> <p>(i) in the case of <i>Fragaria</i> L.:</p> <ul style="list-style-type: none"> –<i>Phytophthora fragariae</i> Hickman var. <i>fragariae</i>, –Arabis mosaic virus, –Raspberry ringspot virus, –Strawberry crinkle virus, –Strawberry latent ringspot virus, –Strawberry mild yellow edge virus, –Tomato black ring virus, <p>(ii) in the case of <i>Rubus</i> L.:</p> <ul style="list-style-type: none"> –Arabis mosaic virus, –Raspberry ringspot virus, –Strawberry latent ringspot virus, –Tomato black ring virus, or <p>(b) that no symptoms of diseases caused by the plant pests mentioned in paragraph (a) have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation</p> |

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| 3. | Plants, other than seeds, of <i>Cydonia</i> Mill. or <i>Pyrus</i> L., intended for planting | The plants must be accompanied by: <ul style="list-style-type: none"> (a) an official statement that the plants originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from Pear decline mycoplasma, or (b) an official statement that plants at the place of production or in its immediate vicinity which have shown symptoms giving rise to the suspicion of contamination by Pear decline mycoplasma, have been rogued out at that place within the last three complete cycles of vegetation |
| 4. | Plants, other than seeds, of the following species of <i>Prunus</i> L., intended for planting: <ul style="list-style-type: none"> —<i>Prunus amygdalus</i> Batsch, —<i>Prunus armeniaca</i> L., —<i>Prunus blireiana</i> Andre, —<i>Prunus brigantina</i> Vill., —<i>Prunus cerasifera</i> Ehrh., —<i>Prunus cistena</i> Hansen, —<i>Prunus curdica</i> Fenzl and Fritsch., —<i>Prunus domestica</i> spp. <i>domestica</i> L., —<i>Prunus domestica</i> spp. <i>insititia</i> (L.) C.K. Schneid., —<i>Prunus domestica</i> spp. <i>italica</i> (Borkh.) Hegi., —<i>Prunus glandulosa</i> Thunb., —<i>Prunus holosericea</i> Batal., —<i>Prunus hortulana</i> Bailey, —<i>Prunus japonica</i> Thunb., —<i>Prunus mandshurica</i> (Maxim.) Koehne, | The plants must be accompanied by: <ul style="list-style-type: none"> (a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from Plum pox virus, or (b) an official statement: <ul style="list-style-type: none"> (i) that the plants, other than plants raised from seed, have been: (aa) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and that material has been subjected to official testing for, at least, Plum pox virus using appropriate indicators or equivalent methods and that material has been found free from that plant pest, or (bb) derived in direct line from material which has been maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest, |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | <p>—<i>Prunus maritima</i> Marsh.,</p> <p>—<i>Prunus mume</i> Sieb. and Zucc.,</p> <p>—<i>Prunus nigra</i> Ait.,</p> <p>—<i>Prunus persica</i> (L.) Batsch.,</p> <p>—<i>Prunus salicina</i> L.,</p> <p>—<i>Prunus sibirica</i> L.,</p> <p>—<i>Prunus simonii</i> Carr.,</p> <p>—<i>Prunus spinosa</i> L.,</p> <p>—<i>Prunus tomentosa</i> Thunb.,</p> <p>—<i>Prunus triloba</i> Lindl., or</p> <p>—other species of <i>Prunus</i> L. susceptible to Plum pox virus</p> | <p>(ii) that no symptoms of disease caused by Plum pox virus have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation, and</p> <p>(iii) that plants at the place of production which have shown symptoms of disease caused by other viruses or virus-like pathogens, have been rogued out</p> |
| 5. | <p>Tubers of <i>Solanum tuberosum</i> L., intended for planting, originating in the United Kingdom.</p> | <p>The tubers must be accompanied by an official statement:</p> <p>(a) that the provisions in the relevant Potato Wart Disease Schedule to combat <i>Synchytrium endobioticum</i> (Schilbersky) Percival have been complied with,</p> <p>(b) that they originate in an area in which <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.:</p> <p>(i) is known not to occur, or</p> <p>(ii) is known to occur, and the tubers originate from a place of production found free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. or considered to be free of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. as a consequence of the implementation of an</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|--|--|
| | | <p>appropriate procedure aimed at eradicating <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al., and</p> <p>(c) that they originate in an area in which <i>Meloidogyne fallax</i> Karssen is known not to occur, or where they originate in an area in which <i>Meloidogyne fallax</i> Karssen is known to occur</p> <p>(i) that they originate from a place of production which has been found free from <i>Meloidogyne fallax</i> Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production, or</p> <p>(ii) that after harvest the tubers have been randomly sampled and checked for the presence of symptoms after an appropriate method to induce symptoms or laboratory tested, as well as inspected visually, both externally and by cutting the tubers, at appropriate times and in all cases at the time of sealing of the packages or containers before marketing in accordance with the provisions on sealing in the relevant Seed Potatoes Regulations, and no symptoms of <i>Meloidogyne fallax</i> Karssen have been found.</p> |
| 6. | <p>Tubers of <i>Solanum tuberosum</i> L., intended for planting, originating in the United Kingdom, other than those which are authorised to be planted—</p> <p>(a) in the case of relevant material originating in Scotland, for the purposes of this item by the Scottish Ministers; or</p> <p>(b) in the case of relevant material originating in England, Wales or Northern Ireland, for the purposes of item 6 of Part B of schedule 4 of the Plant Health Regulations by the appropriate UK plant health authority</p> | <p>The tubers must be accompanied by an official statement that the provisions in the relevant PCN Schedule to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens are complied with</p> |

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| 7. | Tubers of <i>Solanum tuberosum</i> L., intended for planting, originating in a CD territory | The tubers must be accompanied by an official statement that they originate in an area in which <i>Synchytrium endobioticum</i> (Schilbersky) Percival, <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al., <i>Meloidogyne fallax</i> Karssen, <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens are known not to occur |
| 8. | Tubers of <i>Solanum tuberosum</i> L., intended for planting, other than tubers of those varieties accepted on to the UK National Lists pursuant to the Seeds (National Lists of Varieties) Regulations 2001 or accepted in one or more member States pursuant to Council Directive 2002/53/EC on the common catalogue of varieties of agricultural plant species ⁽¹⁷⁾ | The tubers must be accompanied by an official statement: <ul style="list-style-type: none"> (a) that they belong to advanced selections, such a statement being indicated in an appropriate way on the document accompanying the tubers, (b) that they have been produced within the United Kingdom or a CD territory, and (c) that they have been derived in direct line from material which has been maintained under appropriate conditions and has been subjected within the United Kingdom or the CD territory to official quarantine testing in accordance with appropriate methods and has been found free from plant pests |
| 9. | Plants of stolon- or tuber-forming species of <i>Solanum</i> L., intended for planting, other than: <p>—those tubers of <i>Solanum tuberosum</i> L. specified in column 2 of items 5 to 8 or item 11, or</p> <p>—seeds of <i>Solanum tuberosum</i> L. specified in column 2 of item 10</p> | The plants must have been held under quarantine conditions and: <ul style="list-style-type: none"> (a) must have been found free of any plant pests in quarantine testing which: <ul style="list-style-type: none"> (i) was supervised by the appropriate UK plant health authority and executed by scientifically trained staff of that organisation or any officially approved body, (ii) was executed at a site provided with appropriate facilities sufficient to contain plant pests and maintain the material including indicator plants in such a way as to eliminate any risk of plant pests spreading, (iii) was executed on each unit of the material: <ul style="list-style-type: none"> (aa) by visual examination at regular intervals during the full length of at least one vegetative cycle, having regard to the type of material and its stage of development during the testing programme, for symptoms caused by any plant pests, and (bb) by testing: |

(17) OJ L 193, 20.7.2002, p.1, as last amended by Regulation (EC) No 1829/2003 (OJ L 268, 18.10.2003, p.1).

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|--|--|
| | | <p>—in the case of all potato material at least for:</p> <ul style="list-style-type: none"> –Andean potato latent virus, –Arracacha virus B. oca strain, –Potato black ringspot virus, –Potato spindle tuber viroid, –Potato virus T, –Andean potato mottle virus, –common potato viruses A, M, S, V, X and Y (including Y^o, Yⁿ and Y^c) and Potato leaf roll virus, –<i>Clavibacter michiganensis</i> spp. <i>sepedonicus</i> (Spieckermann and Kottoff) Davis et al. –<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al., <p>in the case of true seed of potato at least for the viruses and viroid listed above, and</p> <ul style="list-style-type: none"> (iv) included appropriate testing on any other symptom observed in the visual examination in order to identify the plant pests having caused such symptoms, (b) any material which was not found free, under the testing referred to in paragraph (a), from plant pests specified in that paragraph must have been immediately destroyed or subjected to procedures which eliminate the plant pests, and (c) each organisation or research body holding this material must inform the appropriate UK plant health authority of the material held |
| 10. | Seeds of <i>Solanum tuberosum</i> L. other than those specified in column 2 of item 11 | The seeds must be accompanied by an official statement: |

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <ul style="list-style-type: none"> (a) that they derive from plants which comply with the relevant requirements specified in column 3 of items 5 to 9, and (b) that they: <ul style="list-style-type: none"> (i) originate in an area known to be free from <i>Synchytrium endobioticum</i> (Schilbersky) Percival, <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. and Potato spindle tuber viroid, or (ii) have been produced in a site in which no symptoms of the disease caused by those plant pests have been observed since the beginning of the last cycle of vegetation and where the following actions have been taken: <ul style="list-style-type: none"> (aa) the site has been separated from other solanaceous plants and other host plants of Potato spindle tuber viroid, (bb) staff and other items, such as tools, machinery, vehicles, vessels and packaging material, from other sites producing solanaceous plants and other host plants of Potato spindle tuber viroid have been prevented from coming into contact with the site or other appropriate hygiene measures have been taken to prevent infection by staff working, or items used, at other sites producing solanaceous plants and other host plants of Potato spindle tuber viroid, (cc) only water free from those plant pests has been used |
| 11. | Plants of stolon- or tuber-forming species of <i>Solanum</i> L., intended for planting, being stored in gene banks or genetic stock collections | Each organisation or research body holding such material must inform the appropriate UK plant health authority of the material held |
| 12. | Tubers of <i>Solanum tuberosum</i> L., originating in the United Kingdom, other than those mentioned in column 2 of items 5 to 9 or item 11 | There must be evidence by a registration number put on the packaging, or in the case of loose-loaded potatoes transported in bulk, on the vehicle transporting the potatoes, that the potatoes have been grown by an officially registered producer, or originate from officially registered collective storage or dispatching centres located in the area of production, indicating that the tubers are free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. and that the following provisions are complied with: |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Requirements |
| | | —the provisions in the relevant Potato Wart Disease Schedule to combat <i>Synchytrium endobioticum</i> (Schilbersky) Percival, and |
| | | —the provisions in the relevant PCN Schedule to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens |
| 13. | Tubers of <i>Solanum tuberosum</i> L., other than those mentioned in column 2 of items 7 to 9 or item 11 | There must be evidence by a registration number put on the packaging, or in the case of loose-loaded potatoes transported in bulk, on the vehicle transporting the potatoes, that the potatoes have been grown by an officially registered producer, or originate from officially registered collective storage or dispatching centres located in the area of production, indicating that the tubers are free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi, <i>Synchytrium endobioticum</i> (Schilbersky) Percival, <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens |
| 14. | Plants with roots of <i>Capsicum</i> spp., <i>Solanum lycopersicum</i> L. or <i>Solanum melongena</i> L., intended for planting, originating in the United Kingdom, other than those which are authorised to be planted— | The plants must be accompanied by an official statement that the provisions in the relevant PCN Schedule to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens are complied with |
| | (a) in the case of relevant material originating in Scotland, for the purposes of this item by the Scottish Ministers; or | |
| | (b) in the case of relevant material originating in England, Wales or Northern Ireland for the purpose of item 12 of Part B of schedule 4 of the Plant Health Regulations by the appropriate UK plant health authority | |
| 15. | Plants with roots of <i>Capsicum</i> spp., <i>Solanum lycopersicum</i> L., or <i>Solanum melongena</i> L., intended for planting, originating in a CD territory | The plants must be accompanied by an official statement that the plants originate in an area in which <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens are known not to occur |
| 16. | Plants, with roots, of <i>Capsicum annum</i> L., <i>Solanum lycopersicum</i> L., <i>Musa</i> L. or <i>Solanum melongena</i> L., intended for planting | The plants must be accompanied by: <ul style="list-style-type: none"> (a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free |

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | from from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al., or |
| | | (b) an official statement that no symptoms of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation |
| 17. | Plants, other than seeds, of <i>Humulus lupulus</i> L., intended for planting | The plants must be accompanied by an official statement that no symptoms of <i>Verticillium albo-atrum</i> Reinke and Berthold or <i>Verticillium dahliae</i> Klebahn have been observed on hops at the place of production since the beginning of the last complete cycle of vegetation |
| 18. | Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting | The plants must be accompanied by an official statement: <ul style="list-style-type: none"> (a) that they are of no more than third generation stock derived from material which has been found to be free from Chrysanthemum stunt viroid during virological tests, or are directly derived from material of which a representative sample of at least 10% has been found to be free from Chrysanthemum stunt viroid during an official inspection carried out at the time of flowering, (b) that the plants or cuttings: <ul style="list-style-type: none"> (i) have come from premises which have been officially inspected at least monthly during the three months prior to dispatch and on which no symptoms of <i>Puccinia horiana</i> Hennings have been observed during that period, and in the immediate vicinity of which no symptoms of <i>Puccinia horiana</i> Hennings have been known to have occurred during the three months prior to marketing, or (ii) have undergone appropriate treatment against <i>Puccinia horiana</i> Hennings, and (c) that in the case of unrooted cuttings, no symptoms of <i>Didymella ligulicola</i> (Baker, Dimock and Davis) v. Arx were observed on the cuttings or the plants from which the cuttings were derived or, in the case of rooted cuttings, no symptoms of <i>Didymella ligulicola</i> (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the rooting bed |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Requirements |
| 19. | Plants, other than seeds, of <i>Dianthus</i> L., intended for planting | <p>The plants must be accompanied by an official statement:</p> <p>(a) that they have been derived in direct line from mother plants which have been found free from <i>Erwinia chrysanthemi</i> pv. <i>dianthicola</i> (Hellmers) Dickey and <i>Phialophora cinerescens</i> (Wollenw.) Van Beyma on officially approved tests, carried out at least once within the two previous years, and</p> <p>(b) that no symptoms of the plant pests mentioned in paragraph (a) have been observed on the plants</p> |
| 20. | Bulbs of <i>Tulipa</i> L. or <i>Narcissus</i> L. other than those for which there is evidence from their packaging or other means, that they are intended for sale to final consumers not involved in professional cut flower production | The bulbs must be accompanied by an official statement that no symptoms of <i>Ditylenchus dipsaci</i> (Kühn) Filipjev have been observed on the plants since the beginning of the last complete cycle of vegetation |
| 21. | Plants with roots, planted or intended for planting, grown in the open air | There must be evidence that the place of production is known to be free from <i>Synchytrium endobioticum</i> (Schilbersky) Percival |
| 22. | Plants with roots grown in the open air of <i>Allium porrum</i> L., <i>Asparagus officinalis</i> L., <i>Beta vulgaris</i> L., <i>Brassica</i> spp. or <i>Fragaria</i> L., intended for planting, originating in the United Kingdom, other than those which are authorised to be planted— | <p>There must be evidence that the provisions in the relevant PCN Schedule to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens are complied with</p> <p>(a) in the case of relevant material originating in Scotland, for the purposes of this item by the Scottish Ministers; or</p> <p>(b) in the case of material originating in England, Wales or Northern Ireland for the purposes of item 19 of Part B of schedule 4 of the Plant Health Regulations by the appropriate UK plant health authority</p> |
| 23. | Plants with roots grown in the open air of <i>Allium porrum</i> L., <i>Asparagus officinalis</i> L., <i>Beta vulgaris</i> L., | The plants must be accompanied by an official statement that the plants originate in an area in which <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera</i> |

| (1) | (2) | (3) |
|-------------|--|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | <i>Brassica</i> spp. or <i>Fragaria</i> L., intended for planting, originating in a CD territory | <i>rostochiensis</i> (Wollenweber) Behrens are known not to occur |
| 24. | Bulbs, tubers or rhizomes, grown in the open air, of <i>Allium ascalonicum</i> L., <i>Allium cepa</i> L., <i>Dahlia</i> spp., <i>Gladiolus Tourn. ex L.</i> , <i>Hyacinthus</i> spp., <i>Iris</i> spp., <i>Lilium</i> spp., <i>Narcissus</i> L. or <i>Tulipa</i> L, originating in the United Kingdom, other than those which are authorised to be planted— | There must be evidence that the provisions in the relevant PCN Schedule to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera</i> <i>rostochiensis</i> (Wollenweber) Behrens are complied with |
| | (a) in the case of relevant material originating in Scotland, for the purposes of this item by the Scottish Ministers; or | |
| | (b) in the case of material originating in England, Wales or Northern Ireland for the purposes of item 20 of Part B of schedule 4 of the Plant Health Regulations by the appropriate UK plant health authority | |
| 25. | Bulbs, tubers or rhizomes, grown in the open air, of <i>Allium ascalonicum</i> L., <i>Allium cepa</i> L., <i>Dahlia</i> spp., <i>Gladiolus Tourn. ex L.</i> , <i>Hyacinthus</i> spp., <i>Iris</i> spp., <i>Lilium</i> spp., <i>Narcissus</i> L. or <i>Tulipa</i> L., originating in a CD territory | The plants must be accompanied by an official statement that the plants originate in an area in which <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera</i> <i>rostochiensis</i> (Wollenweber) Behrens are known not to occur |
| 26. | Seeds of <i>Medicago sativa</i> L. | The seeds must be accompanied by: |
| | (a) | an official statement that no symptoms of <i>Ditylenchus dipsaci</i> (Kühn) Filipjev have been observed at the place of production since the beginning of the last complete cycle of vegetation and no <i>Ditylenchus</i> <i>dipsaci</i> (Kühn) Filipjev has been revealed by laboratory tests on a representative sample, |
| | (b) | an official statement that fumigation has taken place prior to marketing, or |
| | (c) | an official statement that the seeds have been subjected to an appropriate physical treatment against <i>Ditylenchus dipsaci</i> (Kühn) Filipjev and have been found to be free of <i>Ditylenchus dipsaci</i> (Kühn) Filipjev after laboratory tests on a representative sample |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|------------------------------------|--|
| Item | Description of relevant material | Requirements |
| 27. | Seeds of <i>Medicago sativa</i> L. | <p>The seeds must be accompanied by an official statement:</p> <ul style="list-style-type: none"> <li data-bbox="767 533 1294 689">(a) that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Clavibacter michiganensis</i> ssp. <i>insidiosus</i> Davis et al., <li data-bbox="767 696 1337 846">(b) that <i>Clavibacter michiganensis</i> ssp. <i>insidiosus</i> Davis et al. has not been known to occur on the farm or in its immediate vicinity since the beginning of the last 10 years and that: <ul style="list-style-type: none"> <li data-bbox="767 869 1278 958">(i) the crop belongs to a variety recognised as being highly resistant to <i>Clavibacter michiganensis</i> ssp. <i>insidiosus</i> Davis et al., <li data-bbox="767 965 1310 1122">(ii) the crop had not yet started its fourth complete cycle of vegetation from sowing when the seed was harvested, and there has not been more than one preceding seed harvest from the crop, or <li data-bbox="767 1128 1310 1249">(iii) the content of inert matter, which has been determined in accordance with the the relevant Seed Marketing Regulations, does not exceed 0.1% by weight, <li data-bbox="767 1263 1337 1487">(c) that no symptoms of <i>Clavibacter michiganensis</i> ssp. <i>insidiosus</i> Davis et al. have been observed at the place of production, or on any <i>Medicago sativa</i> L. crop adjacent to it, during the last complete cycle of vegetation or, where appropriate, the last two cycles of vegetation, and <li data-bbox="767 1494 1310 1615">(d) that the crop has been grown on land on which no previous <i>Medicago sativa</i> L. crop has been present during the last three years prior to sowing |

PART C

Relevant material which may only be brought into or moved within a relevant UK pest free area if specified requirements are met

| (1) | (2) | (3) | (4) |
|------|---|---|----------------------------------|
| Item | Description of relevant material | Requirements | Description of UK pest free area |
| 1. | Plants, other than seeds, of <i>Larix</i> Mill., intended for planting | The plants must be accompanied by an official statement that the plants have been produced in a nursery and that their place of production has been established in accordance with ISPM No. 10 as a place of production that is free from <i>Cephalcia lariciphila</i> (Klug.) | Northern Ireland |
| 2. | Plants, other than seeds, of <i>Picea</i> A. Dietr., intended for planting | The plants must be accompanied by an official statement that the plants have been produced in a nursery and that their place of production has been established in accordance with ISPM No. 10 as free from <i>Gilpinia hercyniae</i> (Hartig) | Northern Ireland |
| 3. | Tubers of <i>Solanum tuberosum</i> L., intended for planting | The tubers must be accompanied by: <ul style="list-style-type: none"> (a) an official statement that the tubers were grown in an area where Beet necrotic yellow vein virus (in this item and items 4 to 10, “BNYVV”) is known not to occur, (b) an official statement that the tubers were grown on land, or in growing media consisting of soil that is known to be free from BNYVV, or officially tested by appropriate methods and found free from BNYVV, or (c) an official statement that they have been washed free from soil | Northern Ireland |
| 4. | Tubers of <i>Solanum tuberosum</i> L., other than those intended for planting | Either: <ul style="list-style-type: none"> (a) the consignment or lot must not contain more than 1 % by weight of soil, or (b) the tubers must be intended for processing at premises with officially approved waste disposal facilities which ensures that there is no risk of spreading BNYVV | Northern Ireland |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) | (4) |
|------|--|---|----------------------------------|
| Item | Description of relevant material | Requirements | Description of UK pest free area |
| 5. | Plants, other than plants intended for planting, of <i>Allium porrum</i> L., <i>Apium</i> L., <i>Beta</i> L., other than those mentioned in item 7 and those intended for animal fodder, <i>Brassica napus</i> L., <i>Brassica rapa</i> L. or <i>Daucus</i> L. | Either: (a) the consignment or lot must not contain more than 1 % by weight of soil, or (b) the plants must be intended for processing at premises with officially approved waste disposal facilities which ensures that there is no risk of spreading BNYVV | Northern Ireland |
| 6. | Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting | The plants must be accompanied by: (a) an official statement: (i) that the plants have been officially individually tested and found free from BNYVV, (ii) that they (aa) have been grown from seeds complying with the requirements in items 9 and 10, and (bb) grown in areas where BNYVV is known not to occur, or grown on land, or in growing media, officially tested by appropriate methods and found free from BNYVV and sampled, and the sample tested and found free from BNYVV, and (b) the organisation or research body holding the material must inform the relevant UK plant health authority of the material held | Northern Ireland |
| 7. | Plants of <i>Beta vulgaris</i> L., intended for industrial processing | The plants must be accompanied by: (a) an official statement that the plants are transported in such a manner as to ensure that there is no risk of spreading BNYVV, and are intended to be delivered to a processing plant with officially approved waste disposal facilities, which ensures that there is no risk of spreading BNYVV, or | Northern Ireland |

| (1) | (2) | (3) | (4) |
|-------------|--|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> | <i>Description of UK pest free area</i> |
| | | (b) an official statement that the plants have been grown in an area where BNYVV is known not to occur | |
| 8. | Soil from beet and unsterilised waste from beet (<i>Beta vulgaris</i> L.) | The plants must be accompanied by: <ul style="list-style-type: none"> (a) an official statement that soil or waste has been treated to eliminate contamination with BNYVV, (b) an official statement that the soil or waste is intended to be transported for disposal in an officially approved manner, or (c) an official statement that the soil or waste comes from <i>Beta vulgaris</i> plants grown in an area where BNYVV is known not to occur | Northern Ireland |
| 9. | Seeds and fodder beet seed of the species <i>Beta vulgaris</i> L. | The seed must be accompanied by: <ul style="list-style-type: none"> (a) an official statement that the seed of the categories ‘basic seed’ and ‘certified seed’ satisfies the conditions in paragraph 6(2) of Part 1 of Schedule 2 to the Seed Marketing Regulations (Northern Ireland) 2016, (b) in the case of ‘seed not finally certified’, an official statement that the seed: <ul style="list-style-type: none"> (i) satisfies the conditions in Part 3 of Schedule 4 to those Regulations, and (ii) is intended for processing that will satisfy the conditions in paragraph 6(2) of Part 1 of Schedule 2 to those Regulations and delivered to a processing enterprise with officially approved controlled waste disposal, to prevent the spread of BNYVV, or (c) an official statement that the seed has been produced from | Northern Ireland |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) | (4) |
|------|--|---|----------------------------------|
| Item | Description of relevant material | Requirements | Description of UK pest free area |
| | | a crop grown in an area where BNYVV is known not to occur | |
| 10. | Vegetable seed of the species <i>Beta vulgaris</i> | <p>The seed must be accompanied by:</p> <p>(a) an official statement that the processed seed contains no more than 0.5 % by weight of inert matter which, in the case of pelleted seed, this standard must be met prior to pelleting,</p> <p>(b) in the case of non-processed seed, an official statement that the seed:</p> <p>(i) is officially packed in such a manner as to ensure that there is no risk of spread of BNYVV, and</p> <p>(ii) is intended for processing that will satisfy the conditions laid down in paragraph (a) and delivered to a processing enterprise with officially approved controlled waste disposal, to prevent the spread of BNYVV, or</p> <p>(c) an official statement that the seed has been produced from a crop grown in an area where BNYVV is known not to occur</p> | Northern Ireland |

PART D

Relevant material, originating in third countries, which is subject to emergency measures and may only be brought into Scotland if specified requirements are met

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Requirements |
| 1. | Cut flowers of <i>Orchidaceae</i> originating in Thailand | <p>The cut flowers must be accompanied by:</p> <p>(a) an official statement that they have been produced at a place of production which has been found to be free from <i>Thrips palmi</i> Karny during official inspections carried</p> |

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Requirements |
| | | <ul style="list-style-type: none"> out at least monthly during the three months prior to export, or (b) an official statement that they have been subjected to an appropriate fumigation treatment to ensure freedom from thysanoptera |
| 2. | Plants, other than fruit and seeds, of <i>Acer macrophyllum</i> Pursh, <i>Acer pseudoplatanus</i> L., <i>Adiantum aleuticum</i> (Rupr.) Paris, <i>Adiantum jordanii</i> C. Muell., <i>Aesculus californica</i> (Spach) Nutt., <i>Aesculus hippocastanum</i> L., <i>Arbutus menziesii</i> Pursh., <i>Arbutus unedo</i> L., <i>Arctostaphylos</i> spp. Adans, <i>Calluna vulgaris</i> (L.) Hull, <i>Camellia</i> spp. L., <i>Castanea sativa</i> Mill., <i>Fagus sylvatica</i> L., <i>Frangula californica</i> (Eschsch.) Gray, <i>Frangula purshiana</i> (DC.) Cooper, <i>Fraxinus excelsior</i> L., <i>Griselinia littoralis</i> (Raoul), <i>Hamamelis virginiana</i> L., <i>Heteromeles arbutifolia</i> (Lindley) M. Roemer, <i>Kalmia latifolia</i> L., <i>Laurus nobilis</i> L., <i>Leucothoe</i> spp. D. Don, <i>Lithocarpus densiflorus</i> (Hook. & Arn.) Rehd., <i>Lonicera hispidula</i> (Lindl.) Dougl. ex Torr. & Gray, <i>Magnolia</i> spp. L., <i>Michelia doltsopa</i> Buch.-Ham. ex DC, <i>Nothofagus obliqua</i> (Mirbel) Blume, <i>Osmanthus heterophyllus</i> (G. Don) P. S. Green, <i>Parrotia persica</i> (DC) C.A. Meyer, <i>Photinia x fraseri</i> Dress, <i>Pieris</i> spp. D. Don, <i>Pseudotsuga menziesii</i> (Mirbel) Franco, <i>Quercus</i> spp. L., <i>Rhododendron</i> spp. L., other than <i>Rhododendron simsii</i> Planch., <i>Rosa gymnocarpa</i> Nutt., <i>Salix caprea</i> L., <i>Sequoia sempervirens</i> (Lamb. ex D. Don) Endl., <i>Syringa vulgaris</i> L., <i>Taxus</i> spp. L., <i>Trientalis latifolia</i> (Hook), <i>Umbellularia californica</i> (Hook. & Arn.) Nutt., <i>Vaccinium ovatum</i> Pursh or <i>Viburnum</i> spp. L., originating in the USA | The plants must be accompanied by: <ul style="list-style-type: none"> (a) an official statement: <ul style="list-style-type: none"> (i) that the plants originate in an area* in which non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock & Man in 't Veld sp. nov. are known not to occur, and (ii) that prior to export, they were inspected and found free from non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock & Man in 't Veld sp. nov., or (b) an official statement: <ul style="list-style-type: none"> (i) that no signs of non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock & Man in 't Veld sp. nov. have been observed on any plants listed in column 2 at the place of production during official inspections, which included laboratory testing of any suspicious symptoms carried out since the beginning of the last complete cycle of vegetation, and (ii) that prior to export, they were inspected and found free from non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock & Man in 't Veld sp. nov. <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"</p> |
| 3. | Plants, other than seeds, of <i>Viburnum</i> spp. L., <i>Camellia</i> spp. or <i>Rhododendron</i> spp. L., other than <i>Rhododendron simsii</i> Planch, intended for planting, originating in the European Union | The plants must be accompanied by: <ul style="list-style-type: none"> (a) an official statement that the plants originate in an area* in which <i>Phytophthora ramorum</i> Werres, De Cock & Man in 't Veld sp. nov. is known not to occur, (b) an official statement that since the beginning of the last complete |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|---|
| | | <p>cycle of vegetation no signs of <i>Phytophthora ramorum</i> Werres, De Cock & Man in ‘t Veld sp. nov. have been observed on the plants at the place of production during official inspections, which included laboratory testing of any suspicious symptoms, carried out at least twice during the growing season at appropriate times when the plants were in active growth and with an intensity which took account the particular production system of the plants, or</p> <p>(c) where signs of <i>Phytophthora ramorum</i> Werres, De Cock & Man in ‘t Veld sp. nov. have been found on the plants at the place of production, an official statement that appropriate procedures have been implemented for the purpose of eradicating that plant pest, consisting of at least the following:</p> <p>(i) destruction of the infected plants and all plants listed in column 2 of this item within a 2 metre radius of the infected plants, including associated growing media and plant debris,</p> <p>(ii) in the case of plants listed in column 2 of this item within a 10 metre radius of the infected plants and any remaining plants from the infected lot:</p> <p>(aa) their retention at the place of production,</p> <p>(bb) official additional inspections carried out at least twice in the three months after the eradication measures have been taken when the plants were in active growth,</p> <p>(cc) no treatments to suppress symptoms of the plant pest have been carried out in that three month period, and</p> <p>(dd) the plants have been found free from the plant pest in these official inspections,</p> <p>(iii) in the case of all other susceptible plants at the place of production, the</p> |

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <p>plants have been subject to official intensive re-inspection following the finding and have been found free from the plant pest in these inspections,</p> <p>(iv) appropriate phytosanitary measures have been taken on the growing surface within a 2 m radius of infected plants.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 4. | Seeds of <i>Solanum lycopersicum</i> L. Karsten ex Farw., originating in any third country | <p>The seeds must be accompanied by an official statement that they have been obtained by means of an appropriate acid extraction method and:</p> <p>(a) that they originate in an area in which Pepino mosaic virus is known not to occur,</p> <p>(b) that no symptoms of Pepino mosaic virus have been observed on the plants at the place of production during their complete cycle of vegetation, or</p> <p>(c) that they have undergone official testing for Pepino mosaic virus on a representative sample and using appropriate methods, and have been found to be free from Pepino mosaic virus in those tests</p> |
| 5. | Plants of <i>Pinus</i> L. or <i>Pseudotsuga menziesii</i> , intended for planting, including seeds and cones for propagation purposes, originating in any third country | <p>The plants must be accompanied by an official statement:</p> <p>(a) that they originate in a place of production which is registered and supervised by the national plant protection organisation and,</p> <p>(b) that they:</p> <p>(i) have been grown throughout their life in a country where <i>Gibberella circinata</i> Nirenberg & O’Donnell is not known to occur,</p> <p>(ii) have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Gibberella circinata</i> Nirenberg & O’Donnell, or</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Requirements |
| 6. | Tubers of <i>Solanum tuberosum</i> L., originating in Egypt | <p data-bbox="868 443 1353 757">(iii) originate in a place of production where no signs of <i>Gibberella circinata</i> Nirenberg & O'Donnell have been observed during official inspections carried out within a period of two years prior to export and that they were tested immediately prior to export for <i>Gibberella circinata</i> Nirenberg & O'Donnell.</p> <p data-bbox="868 779 1353 873">* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"</p> <p data-bbox="868 891 1353 954">The tubers must be accompanied by an official statement:</p> <ul style="list-style-type: none"> <li data-bbox="868 972 1353 1191">(a) that the tubers have been subjected to an intensive control regime to ensure the absence of <i>Ralstonia Solanacearum</i> (Smith) Yabuuchi et al., covering growing conditions, field inspections, transport, packing, pre-export inspections and testing, <li data-bbox="868 1196 1353 1326">(b) that each lot* is made up of tubers of <i>Solanum tuberosum</i> L. which have been harvested in a single pest free area**, and <li data-bbox="868 1330 1353 1424">(c) that each bag of tubers was sealed under the control of the competent Egyptian authorities. <p data-bbox="868 1442 1353 1729">In addition, each bag of tubers in the consignment must be clearly labelled with an indelible indication of the relevant individual official code number of the area from which they have been harvested and the relevant lot number, and each consignment must indicate the name or trademark of the officially registered exporter.</p> <p data-bbox="868 1756 1353 1977">A phytosanitary certificate may not include any such official statement unless the national plant protection organisation of Egypt has previously provided the national plant protection organisation of the United Kingdom with written details of the area or areas.</p> |

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Requirements |
| | | * The lot number(s) must be included in the phytosanitary certificate under the heading “Distinguishing marks”. |
| | | ** The official code number for the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration” |
| 7. | <p>Plants, other than seeds, intended for planting, that have a stem or root collar diameter of 1 cm or more at their thickest point of:</p> <p>—<i>Acer</i> spp.,</p> <p>—<i>Aesculus hippocastanum</i>,</p> <p>—<i>Alnus</i> spp.,</p> <p>—<i>Betula</i> spp.,</p> <p>—<i>Carpinus</i> spp.,</p> <p>—<i>Citrus</i> spp.,</p> <p>—<i>Cornus</i> spp.,</p> <p>—<i>Corylus</i> spp.,</p> <p>—<i>Cotoneaster</i> spp.,</p> <p>—<i>Crataegus</i> spp.,</p> <p>—<i>Fagus</i> spp.,</p> <p>—<i>Lagerstroemia</i> spp.,</p> <p>—<i>Malus</i> spp.,</p> <p>—<i>Platanus</i> spp.,</p> <p>—<i>Populus</i> spp.,</p> <p>—<i>Prunus laurocerasus</i>,</p> <p>—<i>Pyrus</i> spp.,</p> <p>—<i>Rosa</i> spp.,</p> | <p>The plants must be accompanied by:</p> <p>(a) an official statement that the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation in China and which is situated in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Anoplophora chinensis</i> (Forster),</p> <p>(b) an official statement that the plants have been grown during a period of at least two years prior to export, or in the case of plants, which are younger than two years, have been grown throughout their life, in a place of production established as free from <i>Anoplophora chinensis</i> (Forster) in accordance with ISPM No. 10:</p> <p>(i) which is registered and supervised by the national plant protection organisation of China,</p> <p>(ii) which has been subjected annually to at least two official meticulous inspections for any signs of <i>Anoplophora chinensis</i> (Forster) carried out at appropriate times and no signs of the plant pest have been found,</p> <p>(iii) where the plants have been grown in a site with complete physical protection against the introduction of <i>Anoplophora chinensis</i> (Forster) or in a site with the application of appropriate preventive treatments which was surrounded by a buffer zone with a radius of at least 2</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Requirements |
| | — <i>Salix</i> spp., — <i>Ulmus</i> spp., originating in China | <p>km where official surveys for the presence or signs of <i>Anoplophora chinensis</i> (Forster) are carried out annually at appropriate times; and where signs of <i>Anoplophora chinensis</i> (Forster) have been found, eradication measures were taken immediately to restore the pest freedom of the buffer zone, and</p> <p>(iv) where immediately prior to export, the plants, and in particular their roots and stems, were subjected to an official meticulous inspection for the presence of <i>Anoplophora chinensis</i> (Forster), which included targeted destructive sampling using samples to enable at least the detection of 1% level of infestation with a confidence of 99%, or</p> <p>(c) an official statement that the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (b), grafted with scions which at the time of export were no more than 1 cm in diameter at their thickest point and have been subject to an official meticulous inspection for the presence of <i>Anoplophora chinensis</i> (Forster), which included targeted destructive sampling using samples to enable at least the detection of 1% level of infestation with a confidence of 99%.</p> |

A phytosanitary certificate may not include any of the official statements referred to in paragraphs (a) to (c) unless the national plant protection organisation of China has previously provided the national plant protection organisation of the United Kingdom with written details of the unique registration number of the place(s) of production.

The phytosanitary certificate must also include the registration number of the place of production under the heading “Additional declaration”.

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Requirements |
| 8. | <p>Plants, other than seeds, intended for planting, that have a stem or root collar diameter of 1 cm or more at their thickest point of:</p> <p>—<i>Acer</i> spp.,</p> <p>—<i>Aesculus hippocastanum</i>,</p> <p>—<i>Alnus</i> spp.,</p> <p>—<i>Betula</i> spp.,</p> <p>—<i>Carpinus</i> spp.,</p> <p>—<i>Citrus</i> spp.,</p> <p>—<i>Cornus</i> spp.,</p> <p>—<i>Corylus</i> spp.,</p> <p>—<i>Cotoneaster</i> spp.,</p> <p>—<i>Crataegus</i> spp.,</p> <p>—<i>Fagus</i> spp.,</p> <p>—<i>Lagerstroemia</i> spp.,</p> <p>—<i>Malus</i> spp.,</p> <p>—<i>Platanus</i> spp.,</p> <p>—<i>Populus</i> spp.,</p> <p>—<i>Prunus laurocerasus</i>,</p> <p>—<i>Pyrus</i> spp.,</p> <p>—<i>Rosa</i> spp.,</p> <p>—<i>Salix</i> spp.,</p> <p>—<i>Ulmus</i> spp., originating in any third country, other than China, or the European</p> | <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> <p>The plants must be accompanied by a phytosanitary certificate which includes:</p> <p>(a) an official statement that the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation in the country of origin and which is situated in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Anoplophora chinensis</i> (Forster),</p> <p>(b) an official statement:</p> <p>(i) that the plants have been grown during a period of at least two years prior to export, or in the case of plants, which are younger than two years, have been grown throughout their life, in a place of production established as free from <i>Anoplophora chinensis</i> (Forster) in accordance with ISPM No. 10:</p> <p>(aa) which is registered and supervised by the national plant protection organisation in the country of origin,</p> <p>(bb) which has been subject annually to at least two official meticulous inspections for any signs of <i>Anoplophora chinensis</i> (Forster) carried out at appropriate times and no signs of the plant pest have been found,</p> <p>(cc) where the plants have been grown in a site with complete physical protection against the introduction of <i>Anoplophora chinensis</i> (Forster) or in a site with the application of appropriate preventative treatments which was surrounded by a buffer zone with a radius of at least 2 km where official surveys for the presence or signs of <i>Anoplophora</i></p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|--|---|
| | Union, where <i>Anoplophora chinensis</i> (Forster) is known to be present | <p><i>chinensis</i> (Forster) are carried out annually at appropriate times; and where signs of <i>Anoplophora chinensis</i> (Forster) have been found, eradication measures were taken immediately to restore the pest freedom of the buffer zone, and</p> <p>(ii) that immediately prior to export, the plants, and in particular their roots and stems, were subjected to an official meticulous inspection for the presence of <i>Anoplophora chinensis</i> (Forster), which included targeted destructive sampling using samples to enable at least the detection of 1% level of infestation with a confidence of 99%, or</p> <p>(c) an official statement that the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (b), grafted with scions which at the time of export were no more than 1 cm in diameter at their thickest point and which have been subject to an official meticulous inspection for the presence of <i>Anoplophora chinensis</i> (Forster), which included targeted destructive sampling using samples to enable at least the detection of 1% level of infestation with a confidence of 99%.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 9. | <p>Plants, other than seeds, intended for planting, that have a stem or root collar diameter of 1 cm or more at their thickest point of:</p> <p>—<i>Acer</i> spp.,</p> <p>—<i>Aesculus hippocastanum</i>,</p> <p>—<i>Alnus</i> spp.,</p> <p>—<i>Betula</i> spp.,</p> | <p>The plants must be accompanied by:</p> <p>(a) an official statement that the plants have been grown during a period of at least two years prior to export, or in the case of plants which are younger than two years, have been grown throughout their life in a place of production:</p> <p>(i) which is registered and supervised by the national plant protection organisation in the country of origin,</p> |

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | — <i>Carpinus</i> spp., — <i>Citrus</i> spp., — <i>Cornus</i> spp., — <i>Corylus</i> spp., — <i>Cotoneaster</i> spp., — <i>Crataegus</i> spp., — <i>Fagus</i> spp., — <i>Lagerstroemia</i> spp., — <i>Malus</i> spp., — <i>Platanus</i> spp., — <i>Populus</i> spp., — <i>Prunus laurocerasus</i> , — <i>Pyrus</i> spp., — <i>Rosa</i> spp., — <i>Salix</i> spp., — <i>Ulmus</i> spp., originating in an area in the European Union established in accordance with Article 6 of Decision 2012/138/EU | <p>(ii) which has been subject annually to at least two official meticulous inspections for any signs of <i>Anoplophora chinensis</i> (Forster) carried out at appropriate times which included, where appropriate, targeted destructive sampling of the roots and stems of the plants, using samples to enable at least the detection of 1% level of infestation with a confidence of 99%, and no signs of the plant pest have been found, and</p> <p>(iii) where the plants have been grown in a site with complete physical protection against the introduction of <i>Anoplophora chinensis</i> (Forster) or with the application of appropriate preventive treatments or where targeted destructive sampling is carried out on each lot prior to their movement from the place of production at the appropriate level, and where official surveys for the presence of <i>Anoplophora chinensis</i> (Forster) are carried out annually within a radius of at least 1 km around the site at appropriate times and neither <i>Anoplophora chinensis</i> (Forster) or any signs of it were found, or</p> <p>(b) an official statement that the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a), grafted with scions which have not been grown under these conditions and are no more than 1 cm in diameter at their thickest point.</p> <p>For the purpose of paragraph (a)(iii), the appropriate level is 10% of the plants, where the number of plants is 4,500 or less and 450 plants, where the number of plants is more than 4,500 plants</p> |
| 10. | Plants, other than seeds, intended for planting, that have a stem or root collar | The plants must be accompanied by an official statement that they have been grown in a site: |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | diameter of 1 cm or more at their thickest point of: | (a) with complete physical protection against the introduction of <i>Anoplophora chinensis</i> (Forster) or with the application of appropriate preventive treatments or where targeted destructive sampling is carried out on each lot prior to their movement from the place of production at the appropriate level, and |
| | — <i>Acer</i> spp., | |
| | — <i>Aesculus hippocastanum</i> , | |
| | — <i>Alnus</i> spp., | |
| | — <i>Betula</i> spp., | |
| | — <i>Carpinus</i> spp., | (b) where official surveys for the presence of <i>Anoplophora chinensis</i> (Forster) are carried out annually within a radius of at least 1 km around the site at appropriate times and neither <i>Anoplophora chinensis</i> (Forster) or any signs of it were found. |
| | — <i>Citrus</i> spp., | |
| | — <i>Cornus</i> spp., | |
| | — <i>Corylus</i> spp., | |
| | — <i>Cotoneaster</i> spp., | For the purpose of paragraph (a), the appropriate level is 10% of the plants, where the number of plants is 4,500 or less and 450 plants, where the number of plants is more than 4,500 plants |
| | — <i>Crataegus</i> spp., | |
| | — <i>Fagus</i> spp., | |
| | — <i>Lagerstroemia</i> spp., | |
| | — <i>Malus</i> spp., | |
| | — <i>Platanus</i> spp., | |
| | — <i>Populus</i> spp., | |
| | — <i>Prunus laurocerasus</i> , | |
| | — <i>Pyrus</i> spp., | |
| | — <i>Rosa</i> spp., | |
| | — <i>Salix</i> spp., | |
| | — <i>Ulmus</i> spp., which have been introduced into an area in the European Union established in accordance with Article 6 of Decision 2012/138/EU | |
| 11. | Tubers of <i>Solanum tuberosum</i> L., intended for planting, originating in any third country where <i>Epitrix cucumeris</i> (Harris), <i>Epitrix papa</i> . Orlova- | The tubers must be accompanied by an official statement in relation to each plant pest listed in column 2 of this item that is |

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | Bienkowskaja, <i>Epitrix subcrinita</i> (Lec.) or <i>Epitrix tuberis</i> (Gentner) is known to be present, other than the European Union | <p>known to be present in the third country concerned (“the relevant plant pests”):</p> <ul style="list-style-type: none"> (a) that: <ul style="list-style-type: none"> (i) they have been grown in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from the relevant plant pests, or (ii) they have been washed or brushed so that there is no more than 0.1 % of soil remaining, or have undergone an equivalent method specifically applied in order to achieve the same outcome and remove the relevant plant pests and to ensure that there is no risk of the relevant plant pests spreading, (b) that they have been found to be free from the relevant plant pests and from the signs of infestation by those plant pests on potato tubers, and do not contain more than 0.1 % of soil in an official examination carried out immediately prior to export, and (c) that the packaging material in which potato tubers are exported is clean. <p>* The name of the area must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 12. | Tubers of <i>Solanum tuberosum</i> L., including those intended for planting, originating in an area in the European Union which has been established in accordance with Article 5 of Decision 2012/270/EU | <p>The tubers must be accompanied by an official statement:</p> <ul style="list-style-type: none"> (a) that they have been: <ul style="list-style-type: none"> (i) grown in an officially registered place of production or by an officially registered producer, or (ii) moved from an officially registered warehouse or a dispatching centre, (b) that they have been washed or brushed so that there is no more than 0.1 % of soil remaining or have undergone an equivalent method specifically applied in order to achieve the same outcome and remove <i>Epitrix cucumeris</i> (Harris), <i>Epitrix papa</i>. Orlova-Bienkowskaja, |

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|--|--|
| | | <i>Epitrix subcrinita</i> (Lec.) or <i>Epitrix tuberis</i> (Gentner) (as the case may be) and to ensure that there is no risk of the plant pests concerned spreading, and |
| | | (c) that the packaging material in which potato tubers are moved is clean |
| 13. | Tubers of <i>Solanum tuberosum</i> L., including those intended for planting, originating in any area of Spain which is within the European Union, other than those mentioned in column 2 of item 12 or those originating in the Balearic Islands | The tubers must be accompanied by an official statement that they have been washed so that there is no more than 0.1 % of soil remaining |
| 14. | Tubers of <i>Solanum tuberosum</i> L., other than those mentioned in column 2 of item 12, originating in Poland | The tubers must be accompanied by an official statement that they have been found to be free from <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis et al. in official laboratory tests |
| 15. | Plants, other than fruit or seeds, of <i>Abies</i> Mill., <i>Cedrus</i> Trew, <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr., originating in an area in the European Union which has been established in accordance with Article 5 of Decision 2012/535/EU (“the area”) | <p>The plants:</p> <p>(a) must be accompanied by an official statement:</p> <p>(i) that they have been grown in places of production where no <i>Bursaphelenchus xylophilus</i> (Steiner & Bühner) Nickle et al. or its symptoms have been observed since the beginning of the last complete growing cycle,</p> <p>(ii) that they have been grown throughout their life under complete physical protection to prevent <i>Monochamus</i> spp. reaching the plants,</p> <p>(iii) that they have been officially inspected, tested and found free from any <i>Bursaphelenchus xylophilus</i> (Steiner & Bühner) Nickle et al. and <i>Monochamus</i> spp., and</p> <p>(b) must have been moved from the area outside the flight season of <i>Monochamus</i> spp. or in closed containers or packaging to prevent infestation with <i>Bursaphelenchus xylophilus</i> (Steiner & Bühner) Nickle et al. or <i>Monochamus</i> spp.</p> |

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Requirements |
| | | The plants must have not been moved through any other area in the European Union which has been established in accordance with Article 5 of Decision 2012/535/EU |
| 16. | Plants, other than seeds, intended for planting, which can only grow in water or soil that is permanently saturated with water and which originate— —in any third country, other than the European Union, or —in an area in the European Union which has been established in accordance with Article 5 of Decision 2012/697/EU | The plants must be accompanied by an official statement that they have been found free from <i>Pomacea</i> (Perry) immediately prior to export or, in the case of plants originating in an area in the European Union which has been established in accordance with Article 5 of Decision 2012/697/EU , immediately prior to their movement from the area |
| 17. | Plants of <i>Fraxinus</i> L., intended for planting, originating in any third country | The plants must be accompanied an official statement that have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Chalara fraxinea</i> T. Kowalski (including its teleomorph <i>Hymenoscyphus pseudoalbidus</i>). * The name of the area must be included in the phytosanitary certificate under the heading “Additional declaration” |
| 18. | Live pollen of <i>Actinidia</i> Lindl. or plants, other than seeds, of <i>Actinidia</i> Lindl. intended for planting, (“the specified plants”), originating in any third country | The specified plants must be accompanied by: (a) an official statement that the plants have been grown throughout their life in a country where <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto is known not to occur, (b) in the case of pollen or plants originating in the European Union, an official statement that the specified plants have been grown throughout their life in a part of the European Union which is recognised as an EU protected zone in respect of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto, |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|--|
| | | <p>(c) an official statement that the specified plants have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto,</p> <p>(d) an official statement that the specified plants have been produced in a place or site of production established by the national plant protection organisation of the country of origin in accordance with the ISPM No. 10 as free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto:</p> <p>(i) where they have been grown in a structure with a degree of isolation and protection from the outside environment that effectively excluded <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto and have been officially inspected twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and found free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto, and</p> <p>(ii) the place or site of production was surrounded by a zone with a radius of at least 100 metres, where:</p> <p>(aa) official inspections were carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and any plants showing symptoms of infection which were found during those inspections and were immediately destroyed,</p> <p>(bb) all specified plants in the zone were immediately destroyed, or</p> |

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <p>(cc) each specified plant has been regularly tested at the most appropriate times and found free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto, or</p> <p>(e) an official statement that the specified plants have been produced in a place of production established by the national plant protection organisation in the country of origin in accordance with the ISPM No. 10 as free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto, in which the plants have been officially inspected, sampled and tested twice prior to export at the most appropriate times during the last complete cycle of vegetation and found free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto and which is surrounded by a zone with a radius of 4500 metres where:</p> <p>(i) official inspections, sampling and testing have been carried out at that place of production and throughout that zone twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto has not been found during the official inspections, sampling and testing,</p> <p>(ii) all specified plants within a radius of 500 metres from that place of production were immediately destroyed, or</p> <p>(iii) each specified plant within a radius of 500 metres from that place of production has been regularly tested at the most appropriate times and found free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa,</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|--|
| | | <p>Serizawa, Ichikawa, Tsuyumu & Goto, and</p> <p>(iv) where paragraph (ii) or (iii) applies, all specified plants in the area lying between 500 metres to 4 500 metres from the place of production have been destroyed or tested according to a sampling scheme able to confirm with 99% reliability that the level of presence of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto in the specified plants is below 0.1%.</p> <p>Where the phytosanitary certificate includes the official statement referred to in paragraph (d) or (e), the phytosanitary certificate must also include a statement that:</p> <ul style="list-style-type: none"> —the specified plants have been derived directly from mother plants under conditions which comply with the requirements specified in paragraphs (a), (b), (c) or (d), or —the specified plants have been directly derived from mother plants, which were subject to prior individual testing confirming their freedom from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto, or the specified plants have been tested according to a sampling scheme able to confirm with 99% reliability that the level of presence of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto in the specified plants is below 0.1%. <p>* The name of the area must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 19. | Plants, other than seeds, intended for planting, originating in any third country, other than the European Union or any other third country where <i>Xylella fastidiosa</i> (Wells et al.) is not known to be | <p>The plants must be accompanied by an official statement:</p> <p>(a) that <i>Xylella fastidiosa</i> (Wells et al.) is not present in the country,</p> |

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Requirements |
| | <p>present, which belong to the genera and species listed in—</p> <p>—Annex 1 to Decision (EU) 2015/789, or</p> <p>—the list of <i>Xylella</i> host plants</p> | <p>(b) in the case of plants, other than seeds, intended for planting, of <i>Coffea</i>, <i>Lavandula dentata</i> L., <i>Nerium oleander</i> L., <i>Olea europaea</i> L., <i>Polygala myrtifolia</i> L., or <i>Prunus dulcis</i> (Mill.) D.A. Webb, that they have been grown in a site that is subject to annual official inspection, with sampling and testing carried out at the appropriate times on those plants for the presence of <i>Xylella fastidiosa</i> (Wells et al.) and in accordance with international standards, confirming the absence of <i>Xylella fastidiosa</i> (Wells et al.), using a sampling scheme able to identify with 99% reliability the level of presence of infected plants of 5%, and</p> <p>(c) in the case of plants, other than seeds, intended for planting, of <i>Polygala myrtifolia</i> L., that prior to their movement out of their production site and as close to that time as possible, each lot of plants was subjected in addition to official visual inspection and sampling, as well as testing, in line with international standards for the presence of <i>Xylella fastidiosa</i> (Wells et al.), confirming the absence of <i>Xylella fastidiosa</i> (Wells et al.), using a sampling scheme able to identify with 99% reliability the level of presence of infected plants of 5%.</p> |
| 20. | <p>Plants, other than seeds, intended for planting, originating in any third country where <i>Xylella fastidiosa</i> (Wells et al.)</p> | <p>The plants must be accompanied by:</p> |

In the case of plants originating in any third country, other than the European Union, a phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has notified the national plant protection organisation of the United Kingdom in writing that *Xylella fastidiosa* (Wells et al.) is not present in the country

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|--|---|
| | <p>is known to be present, other than the European Union, which belong to the genera and species listed in:</p> <p>—Annex 1 to Decision (EU) 2015/789, or</p> <p>—the list of <i>Xylella</i> host plants</p> | <p>(a) in the case of plants originating in an area which has been established by the national plant protection organisation in accordance with ISPM No. 4 as an area* that is free from <i>Xylella fastidiosa</i> (Wells et al.) an official statement that they originate in such an area,</p> <p>(b) in the case of plants which originate in an area where <i>Xylella fastidiosa</i> (Wells et al.) is known to be present and have not been grown for their entire production cycle <i>in vitro</i>, an official statement:</p> <p>(i) that the plants have been produced in one or more sites**:</p> <p>(aa) that are authorised by the national plant protection organisation in accordance with ISPM No. 10 as sites that are free from <i>Xylella fastidiosa</i> (Wells et al.) and its vectors,</p> <p>(bb) that are physically protected against <i>Xylella fastidiosa</i> (Wells et al.) by its vectors,</p> <p>(cc) that are surrounded by a zone with a width of 100 metres which has been subject to official inspections twice a year and where all of the plants found to be infected with, or to have symptoms of, <i>Xylella fastidiosa</i> (Wells et al.) have been immediately removed and appropriate phytosanitary treatments against the vectors of <i>Xylella fastidiosa</i> (Wells et al.) have been applied before that removal,</p> <p>(dd) that at appropriate times throughout the year, are subject to phytosanitary treatments to maintain freedom from the vectors of <i>Xylella fastidiosa</i> (Wells et al.), including the removal of plants,</p> <p>(ee) that are subject annually, together with the zone referred to in paragraph (cc) to at least two official inspections during the flight season</p> |

| (1) | (2) | (3) |
|------|----------------------------------|---|
| Item | Description of relevant material | Requirements |
| | | <p>of the vectors of <i>Xylella fastidiosa</i> (Wells et al.),</p> <p>(ff) where throughout the production time of the plants, neither symptoms of <i>Xylella fastidiosa</i> (Wells et al.) nor its vectors were found in the site or if suspect symptoms were observed, testing has been undertaken and the absence of <i>Xylella fastidiosa</i> (Wells et al.) confirmed, and</p> <p>(gg) where throughout the production time of the plants, no symptoms of <i>Xylella fastidiosa</i> (Wells et al.) were found in the zone referred to in paragraph (cc) or if suspect symptoms were observed, testing has been undertaken and the absence of <i>Xylella fastidiosa</i> (Wells et al.) confirmed,</p> <p>(ii) that representative samples of each species of the plants from each site have been subject to annual testing, at the most appropriate time, and the absence of <i>Xylella fastidiosa</i> (Wells et al.) has been confirmed on the basis of tests carried out in accordance with internationally validated testing methods,</p> <p>(iii) that the plants have been transported in closed containers or packaging, ensuring that <i>Xylella fastidiosa</i> (Wells et al.) or any of its known vectors cannot occur,</p> <p>(iv) that as practically close to the time of export as possible, the lots of the plants were subject to official visual inspection, sampling and molecular testing, carried out in accordance with internationally validated testing methods, confirming the absence of <i>Xylella fastidiosa</i> (Wells et al.) using a sampling scheme able to identify with 99% reliability the level of presence of infected plants of 1% and targeting in particular plants displaying symptoms of <i>Xylella fastidiosa</i> (Wells et al.), and</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|---|
| | | <ul style="list-style-type: none"> (v) that immediately prior to export, the lots of the plants were subject to phytosanitary treatments against any known vectors of <i>Xylella fastidiosa</i> (Wells et al.), or (c) in the case of plants which originate in an area where <i>Xylella fastidiosa</i> (Wells et al.) is known to be present and have been grown for their entire production cycle in vitro, an official statement: <ul style="list-style-type: none"> (i) that the plants have been grown in a one or more sites** of production: (aa) that are authorised by the national plant protection organisation in the country of origin in accordance with ISPM No. 10 as sites of production that are free from <i>Xylella fastidiosa</i> (Wells et al.) and its vectors, (bb) that are physically protected against the introduction of <i>Xylella fastidiosa</i> (Wells et al.) by its vectors, (cc) that are subjected annually to at least two official inspections carried out at appropriate times, and (dd) where throughout the production time of the plants, neither symptoms of <i>Xylella fastidiosa</i> (Wells et al.) nor its vectors were found in the sites or, if suspect symptoms were observed, testing has been undertaken and the absence of <i>Xylella fastidiosa</i> (Wells et al.) has been confirmed, (ii) that the plants have been transported under sterile conditions in a transparent container that precludes the possibility of infection by <i>Xylella fastidiosa</i> (Wells et al.) through its vectors, (iii) that the plants have been grown from seeds, propagated under sterile conditions from mother plants which have spent their entire lives in an area free from <i>Xylella fastidiosa</i> (Wells et al.) and have been tested and found free from <i>Xylella fastidiosa</i> (Wells et al.) or |

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|---|
| 21. | <p>Plants, other than seeds, intended for planting, originating in the European Union which—</p> <p>—have never been grown in an area established in accordance with Article 4 of Decision (EU) 2015/789, and</p> <p>—belong to the genera and species listed in the list of <i>Xylella</i> host plants</p> | <p>have been propagated under sterile conditions from mother plants which have been grown in a site which meets the requirements in paragraph (b)(i) and have been tested and found free from <i>Xylella fastidiosa</i> (Wells et al.).</p> <p>A phytosanitary certificate may not include any of the official statements referred to in paragraphs (a) to (c) unless the national plant protection organisation in the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the areas or the sites (as the case may be).</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.</p> <p>** The name of the site(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> <p>The plants must be accompanied by:</p> <p>(a) an official statement that they have been grown in a site that is subject to annual official inspection and in the case of symptoms of <i>Xylella fastidiosa</i> (Wells et al.), sampling, taking into account the technical guidelines for the survey published by the European Commission from time to time⁽¹⁸⁾, and testing in line with international standards for the presence of <i>Xylella fastidiosa</i> (Wells et al.), or</p> <p>(b) in the case of plants, other than seeds, intended for planting, of <i>Coffea</i>, <i>Lavandula dentata</i> L., <i>Nerium oleander</i> L., <i>Olea europaea</i> L., <i>Polygala myrtifolia</i> L. or <i>Prunus dulcis</i> (Mill.) D.A. Webb, an official statement—</p> <p>(i) that they have been grown in a site that is subject to annual official inspection and sampling, taking into account the technical</p> |

(18) https://ec.europa.eu/food/sites/food/files/plant/docs/ph_biosec_legis_guidelines_xylella-survey.pdf.

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|--|
| | | <p>guidelines for the survey published by the European Commission (as mentioned in paragraph (a)), and testing in line with international standards for the presence of <i>Xylella fastidiosa</i> (Wells et al.), confirming the absence of <i>Xylella fastidiosa</i> (Wells et al.), using a sampling scheme able to identify with 99% reliability the level of presence of infected plants of 5%, and</p> <p>(ii) in respect of any plants, other than seeds, intended for planting, of <i>Polygala myrtifolia</i> L., that prior to their movement out of their production site and as close to that time as possible, each lot of plants was subjected in addition to official visual inspection and sampling, as well as testing, in line with international standards for the presence of <i>Xylella fastidiosa</i> (Wells et al.), confirming the absence of <i>Xylella fastidiosa</i> (Wells et al.), using a sampling scheme able to identify with 99% reliability the level of presence of infected plants of 5%.</p> <p>For the purposes of paragraph (b), the presence of <i>Xylella fastidiosa</i> (Wells et al.) must have been screened by one test, and in the case of positive results, its presence must have been identified by carrying out at least one positive molecular test, as specified in the list maintained by the European Commission of validated tests for the identification of <i>Xylella fastidiosa</i> (Wells et al.) and its subspecies as published from time to time⁽¹⁹⁾.</p> |
| 22. | Pre-basic mother plants, as defined in Article 1(3) of Commission Implementing Directive 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in | <p>The plants must be accompanied by an official statement:</p> <p>(a) that they are subject to the authorisation provided for in Commission Implementing Decision (EU) 2017/925 temporarily</p> |

(19) https://ec.europa.eu/food/sites/food/files/plant/docs/ph_biosec_legis_validated-tests_xylella-fastidiosa.pdf.

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | <p>Annex I thereto⁽²⁰⁾, or pre-basic material as defined in Article 2(5) of Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production⁽²¹⁾, originating in the European Union which:</p> <ul style="list-style-type: none"> — belong to the species <i>Juglans regia</i> L., <i>Olea europaea</i> L., <i>Prunus amygdalus</i> Batsch, <i>P. amygdalus</i> x <i>P. persica</i>, <i>P. armenica</i> L., <i>P. avium</i> (L.) L., <i>P. cerasus</i> L., <i>P. domestica</i> L., <i>P. domestica</i> x <i>P. salicina</i>, <i>P. dulcis</i> (Mill.) D.A. Webb, <i>P. persica</i> (L.) Batsch, or <i>P. salicina</i> Lindley, — have been grown in an area which has not been demarcated for the purposes of Article 4 of Decision (EU) 2015/789, and — have spent at least part of their life outside insect proof facilities | <p>authorising certain Member States to certify pre-basic material of certain species of fruit plants, produced in the field under non-insect proof conditions⁽²²⁾, and</p> <p>(b) that within the shortest possible time prior to their export, they have been subjected to visual inspection, sampling and molecular testing for the presence of <i>Xylella fastidiosa</i> (Wells et al.), carried out in accordance with international standards</p> |
| 23. | <p>Plants, other than seeds, intended for planting which have been grown for at least part of their life in an area in the European Union established in accordance with Article 4 of Decision (EU) 2015/789 (in this item “the area”) and belong to the genera and species listed in:</p> <ul style="list-style-type: none"> — Annex 1 to that Decision, other than plants belonging to the varieties specified in Annex 3 to that Decision, or — the list of <i>Xylella</i> host plants | <p>In the case of plants which have not been grown for their entire production cycle <i>in vitro</i>, the plants must:</p> <p>(a) be accompanied by an official statement:</p> <p>(i) that they have been grown in a site:</p> <p>(aa) that is registered and authorised by the national plant protection organisation in the country of origin in accordance with ISPM No. 10 as a site that is free from <i>Xylella fastidiosa</i> (Wells et al.) and its vectors, and is physically protected against the introduction of <i>Xylella fastidiosa</i> (Wells et al.) by its vectors,</p> <p>(bb) that is surrounded by a zone with a width of 100 metres which has been subject to official inspections twice a year and where all of the plants found to be infected with, or to have symptoms of, <i>Xylella</i></p> |

⁽²⁰⁾ OJ No. L 298, 16.10.2014, p.22.

⁽²²⁾ OJ No. L 140, 31.5.2017, p.7.

⁽²¹⁾ OJ No. L 297, 8.10.2008, p.8, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No. L 189, 27.6.2014, p.1).

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|---|
| | | <p><i>fastidiosa</i> (Wells et al.) have been immediately removed and appropriate phytosanitary treatments against the vectors of <i>Xylella fastidiosa</i> (Wells et al.) have been applied before that removal,</p> <p>(cc) that is subject to phytosanitary treatments, which may include the removal of plants, at appropriate times of the year to maintain freedom from vectors of <i>Xylella fastidiosa</i> (Wells et al.),</p> <p>(dd) that is subject annually, together with the zone referred to in sub-paragraph (bb) to at least two official inspections, taking into account the technical guidelines for the survey published by the European Commission on its website , from time to time,</p> <p>(ee) where throughout the time of growth of the plants, neither symptoms of <i>Xylella fastidiosa</i> (Wells et al.) nor its vectors were found in the site or, if suspect symptoms were observed, tests carried out confirmed the absence of <i>Xylella fastidiosa</i> (Wells et al.),</p> <p>(ff) where throughout the time of growth of the plants, no symptoms of <i>Xylella fastidiosa</i> (Wells et al.) were found in the zone referred to in paragraph (bb) or, if suspect symptoms were observed, testing has been undertaken and the absence of <i>Xylella fastidiosa</i> (Wells et al.) has been confirmed,</p> <p>(ii) that representative samples of each species of the plants from each site have been subject to annual testing, at the most appropriate time, and the absence of <i>Xylella fastidiosa</i> (Wells et al.) has been confirmed on the basis of tests carried out in accordance with internationally validated testing methods,</p> <p>(iii) that as practically close to the time of export as possible, the lots of the plants were subject to official</p> |

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <p>visual inspection, sampling and molecular testing, carried out in accordance with internationally validated testing methods, using a sampling scheme able to identify with 99% reliability the level of presence of infected plants of 1% or above and targeting in particular plants displaying symptoms of <i>Xylella fastidiosa</i> (Wells et al.) in accordance with ISPM No. 31, and</p> <p>(iv) that prior to their movement from the area, the lots of the plants were subjected to phytosanitary treatments against any of the vectors of <i>Xylella fastidiosa</i> (Wells et al.), and</p> <p>(b) be moved in closed containers or packaging from the area to ensure that infection with <i>Xylella fastidiosa</i> (Wells et al.) or any of its vectors cannot occur.</p> <p>In the case of dormant plants, other than seeds, of <i>Vitis</i> intended for planting, the plants must:</p> <p>(a) be accompanied by an official statement:</p> <p>(i) that they have been grown in a site that is registered by the national plant protection organisation in the country of origin and that as practically close to the time of export as possible, the plants have undergone an appropriate thermotherapy treatment in a authorised treatment facility authorised by that national plant protection organisation for that purpose, where the dormant plants were submerged for 45 minutes in water heated to 50°C in accordance with EPPO PM 10/18, and</p> <p>(ii) that prior to their movement from the area, the lots of the plants were subjected to phytosanitary treatments against any of the vectors</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|---|
| | | <p>of <i>Xylella fastidiosa</i> (Wells et al.), and</p> <p>(b) be transported in closed containers or packaging from the area to ensure that infection with <i>Xylella fastidiosa</i> (Wells et al.) or any of its vectors cannot occur.</p> <p>In addition, the plants must not have been moved through any other area established in accordance with Article 4 of Decision (EU) 2015/789 unless they were transported in closed containers or packaging from the area to ensure that infection with <i>Xylella fastidiosa</i> (Wells et al.) or any of its vectors could not occur</p> |
| 24. | Plants, other than seeds, intended for planting that have a stem diameter of 1 cm or more at their thickest point, of <i>Acer</i> spp., <i>Aesculus</i> spp., <i>Alnus</i> spp., <i>Betula</i> spp., <i>Carpinus</i> spp., <i>Cercidiphyllum</i> spp., <i>Corylus</i> spp., <i>Fagus</i> spp., <i>Fraxinus</i> spp., <i>Koelreuteria</i> spp., <i>Platanus</i> spp., <i>Populus</i> spp., <i>Salix</i> spp., <i>Tilia</i> spp. and <i>Ulmus</i> spp., originating in any third country, other than the European Union, where <i>Anoplophora glabripennis</i> (Motschulsky) is known to be present | <p>The plants must be accompanied by:</p> <p>(a) an official statement that the plants have been grown throughout their life in a place of production which is registered and supervised by national plant protection organisation in the country of origin and is situated in an area* established by that organisation in accordance with ISPM No. 4 as an area that is free from <i>Anoplophora glabripennis</i> (Motschulsky),</p> <p>(b) an official statement that the plants have been grown during a period of at least two years prior to export, or in the case of plants, which are younger than two years, have been grown throughout their life, in a place of production established as free from <i>Anoplophora glabripennis</i> (Motschulsky) in accordance with ISPM No. 10:</p> <p>(i) which is registered and supervised by the national plant protection organisation in the country of origin,</p> <p>(ii) which has been subject annually to at least two official meticulous inspections for any signs of <i>Anoplophora glabripennis</i> (Motschulsky) carried out at appropriate times and no signs of the plant pest have been found,</p> |

| (1) | (2) | (3) |
|------|----------------------------------|--|
| Item | Description of relevant material | Requirements |
| | | <p>(iii) where the plants have been grown in a site</p> <p>(aa) with complete physical protection against the introduction of <i>Anoplophora glabripennis</i> (Motschulsky) or</p> <p>(bb) with the application of appropriate preventative treatments and which was surrounded by a buffer zone with a radius of at least 2 km where official surveys for the presence or signs of <i>Anoplophora glabripennis</i> (Motschulsky) are carried out annually at appropriate times and where signs of <i>Anoplophora glabripennis</i> (Motschulsky) have been found, eradication measures were taken immediately to restore the pest freedom of the buffer zone, and</p> <p>(iv) that immediately prior to export, the plants, and in particular their branches and stems, were subjected to a meticulous official inspection for the presence of <i>Anoplophora glabripennis</i> (Motschulsky), which included targeted destructive sampling and, in the case of plants originating in sites which at the time of their production were located in a buffer zone where the presence or signs of <i>Anoplophora glabripennis</i> (Motschulsky) have been found, targeted destructive sampling at the appropriate level, or</p> <p>(c) an official statement that the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (b), grafted with scions which at the time of export were no more than 1 cm in diameter at their thickest point and which have been subject to a meticulous official inspection for the presence of <i>Anoplophora glabripennis</i></p> |

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|--|
| | | <p>(Motschulsky), in the manner specified in paragraph (b)(iv).</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.</p> <p>For the purpose of paragraph (b)(iv), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants where the number of plants is more than 4,500 plants</p> |
| 25. | <p>Plants, other than seeds, intended for planting that have a stem diameter of 1 cm or more at their thickest point, of <i>Acer</i> spp., <i>Aesculus</i> spp., <i>Alnus</i> spp., <i>Betula</i> spp., <i>Carpinus</i> spp., <i>Cercidiphyllum</i> spp., <i>Corylus</i> spp., <i>Fagus</i> spp., <i>Fraxinus</i> spp., <i>Koelreuteria</i> spp., <i>Platanus</i> spp., <i>Populus</i> spp., <i>Salix</i> spp., <i>Tilia</i> spp. and <i>Ulmus</i> spp., which have been introduced into an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893</p> | <p>The plants:</p> <p>(a) must—</p> <p>(i) be accompanied by an official statement that they have been grown during a period of at least two years prior to export, or in the case of plants, which are younger than two years, have been grown throughout their life, in a place of production established as free from <i>Anoplophora glabripennis</i> (Motschulsky) in accordance with ISPM No. 10:</p> <p>(aa) which is registered and supervised by the national plant protection organisation in the country of origin,</p> <p>(bb) which has been subjected annually to at least two official meticulous inspections for any signs of <i>Anoplophora glabripennis</i> (Motschulsky) carried out at appropriate times which included targeted destructive sampling of the stems and branches (where appropriate) and no signs of the plant pest have been found, and</p> <p>(ii) have been grown in a site:</p> <p>(aa) with complete physical protection against the introduction of <i>Anoplophora glabripennis</i> (Motschulsky), or with the application of appropriate preventative treatments or where targeted destructive sampling was carried out on each lot of the plants</p> |

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Requirements |
| 26. | Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., other than fruits of <i>Citrus aurantium</i> L. or <i>Citrus latifolia</i> Tanaka, originating in Argentina, Brazil, South Africa or Uruguay | <p>prior to their movement from the site at the appropriate level, and</p> <p>(bb) where official surveys for the presence or signs of <i>Anoplophora glabripennis</i> (Motschulsky) are carried out annually at appropriate times within a radius of at least 1 km around the site at appropriate times and neither the plant pest or signs of it were found, or</p> <p>(b) must be accompanied by an official statement that the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a)(ii), grafted with scions which have not been grown under these conditions and were no more than 1 cm in diameter at their thickest point.</p> <p>For the purpose of sub-paragraph (a)(ii) (aa), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500 plants</p> <p>The fruits must be accompanied by:</p> <p>(a) an official statement that the fruits originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa,</p> <p>(b) in the case of fruits originating in Brazil, an official statement:</p> <p>(i) that no symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa have been observed in the place of production since the beginning of the last cycle of vegetation,</p> <p>(ii) that none of the fruits harvested in the place of production has shown, in an appropriate official examination, symptoms of that plant pest,</p> <p>(iii) that the field of production, the packing facilities, exporters and</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|--|
| | | <p>any other operator involved in the handling of the fruits have been officially registered for that purpose, and</p> <p>(iv) that throughout their movement, from the field of production to their export, the fruits have been accompanied by documents issued under the supervision of the national plant protection organisation of Brazil,</p> <p>(c) in the case of fruits originating in Argentina, South Africa or Uruguay, an official statement:</p> <p>(i) that the fruits originate in a field of production which has been subjected to treatments against <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa carried out at the appropriate time since the beginning of the last cycle of vegetation,</p> <p>(ii) that an appropriate official inspection has been carried out in the field of production during the growing season and no symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa have been detected in the fruit since the beginning of the last cycle of vegetation, that a sample has been taken along the line between arrival and packaging in the packing facilities of at least 600 fruits of each species per 30 tonnes, or part thereof, selected as much as possible on the basis of any possible symptom of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa, and all sampled fruits showing symptoms have been tested and found free of that plant pest,</p> <p>(iii) that the field of production, the packing facilities, exporters and any other operator involved in the handling of the fruits have been officially registered for that purpose, and</p> <p>(iv) that throughout their movement, from the field of production to</p> |

| (1) | (2) | (3) |
|-------------|---|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <p>their export, the fruits have been accompanied by documents issued under the supervision of the national plant protection organisation of the country of origin.</p> <p>In the case of <i>Citrus sinensis</i> (L.) Osbeck ‘Valencia’ originating in South Africa or Uruguay, the phytosanitary certificate must also include an official statement that a sample per 30 tonnes, or part thereof, has been tested for latent infection and found free of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa.</p> <p>In the case of fruits originating in Argentina, South Africa or Uruguay, the phytosanitary certificate must also include an official statement that detailed information on the pre- and post-harvest treatments has been kept.</p> <p>A phytosanitary certificate may not include the official statement referred to in paragraph (a) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the area or areas.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 27. | <p>Fruits of <i>Capsicum</i> L., <i>Momordica</i> L., <i>Solanum aethiopicum</i> L., <i>Solanum macrocarpon</i> L. or <i>Solanum melongena</i> L., or plants, other than live pollen, plant tissue cultures, seeds or grains, of <i>Zea mays</i> L., originating in any third country in Africa or the Americas</p> | <p>The fruits or plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they originate in a third country in which <i>Spodoptera frugiperda</i> (Smith) is not known to be present, (b) an official statement that they originate in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Spodoptera frugiperda</i> (Smith), (c) an official statement that: <ul style="list-style-type: none"> (i) they have been produced in a production site which is registered |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|--|
| | | <p>and supervised by the national plant protection organisation in the country of origin where official inspections have been carried out in the production site during the three months prior to export and no presence of <i>Spodoptera frugiperda</i> (Smith) has been detected on the fruit or plants,</p> <p>(ii) that prior their export, they have been subject to an official inspection and found free from <i>Spodoptera frugiperda</i> (Smith),</p> <p>(iii) that information ensuring their traceability to the site of production to the point of export has been ensured,</p> <p>(d) an official statement that they have been produced in a production site which is provided with complete physical protection against the introduction of <i>Spodoptera frugiperda</i> (Smith) or have been subjected to an effective treatment to ensure freedom from <i>Spodoptera frugiperda</i> (Smith), or</p> <p>(e) an official statement that they have been subjected to an effective post-harvest treatment to ensure freedom from <i>Spodoptera frugiperda</i> (Smith), which is mentioned on the phytosanitary certificate.</p> <p>* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”</p> |
| 28. | Plants, other than fruit or seeds, of <i>Quercus</i> L., other than <i>Quercus suber</i> , intended for planting, whose girth at 1.2 metres above the root collar is 8 cm or more, originating in any third country | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they have been grown throughout their life in places of production in a country in which <i>Thaumetopoea processionea</i> L. is not known to occur,</p> <p>(b) an official statement that they have been grown throughout their life in an EU protected zone which is recognised as a protected zone in relation to <i>Thaumetopoea processionea</i> L. or in</p> |

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|--|---|
| | | <p>an area established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Thaumetopoea processionea</i> L.,</p> <p>(c) an official statement that they have been produced in nurseries which, along with their vicinity, have been found free from <i>Thaumetopoea processionea</i> L. on the basis of official inspections carried out as close as practically possible to their movement and official surveys of the nurseries and their vicinity have been carried out at appropriate times since the beginning of the last complete cycle of vegetation to detect larvae and other symptoms of <i>Thaumetopoea processionea</i> L., or</p> <p>(d) an official statement that they have been grown throughout their life in a site with complete physical protection against the introduction of <i>Thaumetopoea processionea</i> L. and have been inspected at appropriate times and found to be free from <i>Thaumetopoea processionea</i> L.</p> |
| 29. | Plants, other than seeds, intended for planting, that have a stem or root collar with a diameter of 1 cm or more at their thickest point, of <i>Prunus</i> spp., other than <i>Prunus laurocerasus</i> L., originating in any third country, other than the European Union, where <i>Aromia bungii</i> (Faldermann) is known to be present | <p>The plants must be accompanied by:</p> <p>(a) an official statement that the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation in the country of origin and is situated in an area* established by that organisation in accordance with ISPM No. 4 as an area that is free from <i>Aromia bungii</i> (Faldermann),</p> <p>(b) an official statement:</p> <p>(i) that the plants have been grown during a period of at least two years prior to export or, in the case of plants which are younger than two years, have been grown throughout their life, in a place of production established as free from <i>Aromia</i></p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|---|--|
| | | <p><i>bungii</i> (Faldermann) in accordance with ISPM No. 10:</p> <ul style="list-style-type: none"> (aa) which is registered and supervised by the national plant protection organisation in the country of origin, (bb) which has been subjected annually to at least two official meticulous inspections for any signs of <i>Aromia bungii</i> (Faldermann) carried out at appropriate times without the plant pest or any signs of the plant pest being found, (cc) which has complete physical protection against the introduction of <i>Aromia bungii</i> (Faldermann) or has been subjected to appropriate preventive treatments and which was surrounded by a buffer zone with a radius of at least 4 km where official surveys for the presence or signs of <i>Aromia bungii</i> (Faldermann) are carried out annually at appropriate times and, where signs of <i>Aromia bungii</i> (Faldermann) have been found, eradication measures were taken immediately to restore the buffer zone to freedom from the pest, and <ul style="list-style-type: none"> (ii) that immediately prior to export, the plants, and in particular their branches and stems, were subjected to a meticulous official inspection for the presence of <i>Aromia bungii</i> (Faldermann) which included targeted destructive sampling and, in the case of plants originating in sites which at the time of their production were located in a buffer zone where the presence or signs of <i>Aromia bungii</i> (Faldermann) have been found, targeted destructive sampling at the appropriate level, or <ul style="list-style-type: none"> (c) an official statement that the plants have been: <ul style="list-style-type: none"> (i) grown from rootstocks which were grown in accordance with the requirements specified in paragraph (b), |

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Requirements</i> |
| | | <p>(ii) grafted with scions which at the time of export were no more than 1 cm in diameter at their thickest point, and</p> <p>(iii) subjected to a meticulous official inspection for the presence of <i>Aromia bungii</i> (Faldermann, in the manner specified in paragraph (b) (ii).</p> <p>*The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.</p> <p>For the purpose of paragraph (b)(ii), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants where the number of plants is more than 4,500 plants</p> |
| 30. | Plants, other than seeds, intended for planting, that have a stem or root collar with a diameter of 1 cm or more at their thickest point, of <i>Prunus</i> spp., other than <i>Prunus laurocerasus</i> L., originating in an area in European Union established in accordance with Article 5 of Decision (EU) 2018/1503 | <p>The plants must be accompanied by:</p> <p>(a) an official statement that they have been grown during a period of at least two years prior to export, or in the case of plants which are younger than two years, have been grown throughout their life, in a place of production:</p> <p>(i) which is registered and supervised by the national plant protection organisation in the country of origin,</p> <p>(ii) which has been subjected annually to at least two official meticulous inspections for any signs of <i>Aromia bungii</i> (Faldermann) carried out at appropriate times which included targeted destructive sampling of the stems and branches (where appropriate), without the plant pest or any signs of the plant pest being found, and</p> <p>(iii) which:</p> <p>(aa) has complete physical protection against the introduction of <i>Aromia bungii</i> (Faldermann), or</p> <p>(bb) has been subjected to appropriate preventative treatments and is a place where targeted destructive sampling has been carried out on each lot of the plants prior to their movement from the place</p> |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) Item | (2) Description of relevant material | (3) Requirements |
|-------------|--|--|
| | | <p>of production at the appropriate level, and where official surveys for the presence or signs of <i>Aromia bungii</i> (Faldermann) are carried out annually at appropriate times within a radius of at least 1 km around the site at appropriate times without the plant pest or any signs of the plant pest being found, or</p> <p>(b) an official statement that the plants have been:</p> <p>(i) grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a), and</p> <p>(ii) grafted with scions which have not been grown under these conditions and were no more than 1 cm in diameter at their thickest point.</p> <p>For the purpose of paragraph (a)(iii)(bb), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500 plants</p> |
| 31. | Plants, other than seeds, intended for planting, that have a stem or root collar with a diameter of 1 cm or more at their thickest point, of <i>Prunus</i> spp., other than <i>Prunus laurocerasus</i> L., which have been introduced into an area in the European Union established in accordance with Article 5 of Decision (EU) 2018/1503 | <p>The plants must be accompanied by an official statement that the plants have been grown during a period of at least two years prior to export or, in the case of plants which are younger than two years, have been grown throughout their life, in a place of production:</p> <p>(a) which is registered and supervised by the national plant protection organisation in the country of origin,</p> <p>(b) which has been subjected annually to at least two official meticulous inspections for any signs of <i>Aromia bungii</i> (Faldermann) carried out at appropriate times which included targeted destructive sampling of the stems and branches (where appropriate), without the plant pest or any signs of the plant pest being found, and</p> <p>(c) which:</p> |

| (1) | (2) | (3) |
|------|----------------------------------|---|
| Item | Description of relevant material | Requirements |
| | | <p>(i) has complete physical protection against the introduction of <i>Aromia bungii</i> (Faldermann), or</p> <p>(ii) has been subjected to appropriate preventative treatments and is a place where targeted destructive sampling has been carried out on each lot of the plants prior to their movement from the place of production at the appropriate level, and where official surveys for the presence or signs of <i>Aromia bungii</i> (Faldermann) are carried out annually at appropriate times within a radius of at least 1 km around the site at appropriate times without the plant pest or any signs of the plant pest being found.</p> <p>For the purpose of paragraph (c)(ii), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants where the number of plants is more than 4,500 plants.</p> |

PART E

Relevant material which is subject to emergency measures and may only be moved within Scotland if specified requirements are met

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Countries of origin |
| 1. | Plants, other than seeds, of <i>Viburnum</i> spp. L., <i>Camellia</i> spp. or <i>Rhododendron</i> spp. L., other than <i>Rhododendron simsii</i> Planch, intended for planting | <p>The plants must be accompanied by:</p> <p>(a) an official statement that the plants originate in an area in which <i>Phytophthora ramorum</i> Werres, De Cock & Man in 't Veld sp. nov. is known not to occur,</p> <p>(b) an official statement that since the beginning of the last complete cycle of vegetation no signs of <i>Phytophthora ramorum</i> Werres, De Cock & Man in 't Veld sp. nov. have been observed on the plants at the place of production during official inspections, which included laboratory testing of any suspicious symptoms, carried out at least twice during the growing season at appropriate</p> |

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Countries of origin |
| | | <p>times when the plants were in active growth and with an intensity which took into account the particular production system of the plants, or</p> <p>(c) where signs of <i>Phytophthora ramorum</i> Werres, De Cock & Man in 't Veld sp. nov. have been found on the plants at the place of production, an official statement that appropriate procedures have been implemented for the purpose of eradicating that plant pest and the plants have been found free from the plant pest following those procedures, which consisted of at least:</p> <p>(i) destruction of the infected plants and all susceptible plants within a 2 metre radius of the infected plants, including associated growing media and plant debris,</p> <p>(ii) in the case of susceptible plants within a 10 metre radius of the infected plants and any remaining plants from the affected lot:</p> <p>(aa) the retention of the plants at the place of production,</p> <p>(bb) additional official inspections carried out at least twice in the three months after the eradication measures have been taken when the plants are in active growth, and</p> <p>(cc) a prohibition during that three month period on the use of treatments to suppress symptoms of the plant pest,</p> <p>(iii) in the case of all other susceptible plants at the place of production, the plants have been subjected to intensive official re-inspection and have been found free from the plant pest in those inspections, and</p> <p>(iv) appropriate phytosanitary measures have been taken on the growing surface within a 2 metre radius of infected plants</p> |
| 2. | <p>Seeds of <i>Solanum lycopersicum</i> (L.) Karsten ex Farw. other than those intended for sale to final consumers not involved in professional plant production, provided that it is evident from the packaging of the seeds or by other means that they are intended for sale to the final consumer</p> | <p>The seeds must be accompanied by an official statement that they have been obtained by means of an appropriate acid extraction method and:</p> <p>(a) that they originate in an area in which Pepino mosaic virus is known not to occur,</p> <p>(b) that no symptoms of Pepino mosaic virus have been observed on the plants at the place of production during their complete cycle of vegetation, or</p> <p>(c) that they have undergone official testing for Pepino mosaic virus on a representative sample</p> |

| (1) | (2) | (3) |
|------|---|---|
| Item | Description of relevant material | Countries of origin |
| | | and using appropriate methods, and have been found free from Pepino mosaic virus in these tests |
| 3. | Plants of <i>Pinus</i> L. or <i>Pseudotsuga menziesii</i> , intended for planting, including seeds and cones for propagation purposes | <p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that they have been grown throughout their life or since their introduction into the United Kingdom in a place of production in the United Kingdom or a CD territory, where <i>Gibberella circinata</i> Nirenberg & O'Donnell is not known to occur, (b) an official statement that they have been grown throughout their life or since their introduction into the United Kingdom or a CD territory, in a place of production in an area established in accordance with ISPM No. 4 as free from <i>Gibberella circinata</i> Nirenberg & O'Donnell, or (c) an official statement that they originate in a place of production where no signs of <i>Gibberella circinata</i> Nirenberg & O'Donnell have been observed during official inspections within a period of two years prior to their movement from the place of production and which have been tested immediately prior to movement |
| 4. | <p>Plants, other than seeds, intended for planting, that have a stem or root collar diameter of 1 cm or more at their thickest point of:</p> <p>—<i>Acer</i> spp.,</p> <p>—<i>Aesculus hippocastanum</i>,</p> <p>—<i>Alnus</i> spp.,</p> <p>—<i>Betula</i> spp.,</p> <p>—<i>Carpinus</i> spp.,</p> <p>—<i>Citrus</i> spp.,</p> <p>—<i>Cornus</i> spp.,</p> <p>—<i>Corylus</i> spp.,</p> <p>—<i>Cotoneaster</i> spp.,</p> <p>—<i>Crataegus</i> spp.,</p> | <p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that the plants have been grown during a period of at least two years prior to their movement, or in the case of plants which are younger than two years, have been grown throughout their life in a place of production: <ul style="list-style-type: none"> (i) which is registered and supervised by the appropriate UK plant health authority, (ii) which has been subjected annually to at least two official meticulous inspections for any signs of <i>Anoplophora chinensis</i> (Forster) carried out at appropriate times which included, where appropriate, targeted destructive sampling of the roots and stems of the plants, using samples to enable at least the detection of 1% level of infestation with a confidence of 99%, and no signs of the plant pest have been found, and (iii) where the plants have been grown in a site with complete physical protection against the introduction of <i>Anoplophora chinensis</i> (Forster) or with the application of appropriate preventive treatments or where targeted destructive sampling is carried out on each lot prior to movement at the appropriate level and where official surveys for |

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Countries of origin |
| | — <i>Fagus</i> spp., — <i>Lagerstroemia</i> spp., — <i>Malus</i> spp., — <i>Platanus</i> spp., — <i>Populus</i> spp., — <i>Prunus laurocerasus</i> , — <i>Pyrus</i> spp., — <i>Rosa</i> spp., — <i>Salix</i> spp., — <i>Ulmus</i> spp., originating in: —an area that is demarcated under paragraph 3 of schedule 8C or under paragraph 3 of schedule 11 of the Plant Health Regulations, or —a CD territory where there is evidence that <i>Anoplophora chinensis</i> (Forster) is present | the presence of <i>Anoplophora chinensis</i> (Forster) are carried out annually within a radius of at least 1 km around the site at appropriate times and neither <i>Anoplophora chinensis</i> (Forster) nor any signs of it were found, or (b) an official statement that the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a), grafted with scions which have not been grown under these conditions and were no more than 1 cm in diameter at their thickest point. For the purpose of paragraph (a)(iii), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500 plants. |
| 5. | Plants, other than seeds, intended for planting, that have a stem or root collar diameter of 1 cm or more at their thickest point of: — <i>Acer</i> spp., — <i>Aesculus hippocastanum</i> , — <i>Alnus</i> spp., — <i>Betula</i> spp., — <i>Carpinus</i> spp., — <i>Citrus</i> spp., | The plants must be accompanied by an official statement that the plants have been grown in a site: (a) with complete physical protection against the introduction of <i>Anoplophora chinensis</i> (Forster) or with the application of appropriate preventive treatments or where targeted destructive sampling is carried out on each lot prior to movement at the appropriate rate, and (b) where official surveys for the presence of <i>Anoplophora chinensis</i> (Forster) are carried out annually within a radius of at least 1 km around the site at appropriate times and neither <i>Anoplophora chinensis</i> (Forster) or any signs of it were found. For the purpose of paragraph (a), the appropriate rate is 10% of the plants where the number of plants is 4,500 or |

| (1) | (2) | (3) |
|-------------|--|---|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Countries of origin</i> |
| | <p>—<i>Cornus</i> spp.,</p> <p>—<i>Corylus</i> spp.,</p> <p>—<i>Cotoneaster</i> spp.,</p> <p>—<i>Crataegus</i> spp.,</p> <p>—<i>Fagus</i> spp.,</p> <p>—<i>Lagerstroemia</i> spp.,</p> <p>—<i>Malus</i> spp.,</p> <p>—<i>Platanus</i> spp.,</p> <p>—<i>Populus</i> spp.,</p> <p>—<i>Prunus laurocerasus</i>,</p> <p>—<i>Pyrus</i> spp.,</p> <p>—<i>Rosa</i> spp.,</p> <p>—<i>Salix</i> spp.,</p> <p>—<i>Ulmus</i> spp., which have been introduced into:</p> <p>—an area that is demarcated under paragraph 3 of schedule 8C or under paragraph 3 of schedule 11 of the Plant Health Regulations, or</p> <p>—a CD territory where there is evidence that <i>Anoplophora chinensis</i> (Forster) is present</p> | <p>less, and 450 plants, where the number of plants is more than 4,500 plants.</p> |
| 6. | <p>Tubers of <i>Solanum tuberosum</i> L., including those intended for planting, originating in:</p> <p>—an area that is demarcated under paragraph 3 of schedule 8D or under paragraph 3 of schedule 12 to the Plant Health Regulations, other than</p> | <p>The tubers must be accompanied by an official statement:</p> <p>(a) that they have been:</p> <p>(i) grown in an officially registered place of production or by an officially registered producer, or</p> <p>(ii) moved from an officially registered warehouse or a dispatching centre,</p> <p>(b) that they have been washed or brushed so that there is no more than 0.1 % of soil remaining or</p> |

| (1) | (2) | (3) |
|------|---|---|
| Item | Description of relevant material | Countries of origin |
| | <p>those which are only being moved within such an area, or</p> <p>—a CD territory where there is evidence that <i>Epitrix cucumeris</i> (Harris), <i>Epitrix papa</i>. Orlova-Bienkowskaja, <i>Epitrix subcrinita</i> (Lec.) or <i>Epitrix tuberis</i> (Gentner) is present or where there are signs of infestation by one of those plant pests on potato tubers</p> | <p>have undergone an equivalent method specifically applied in order to achieve the same outcome and remove <i>Epitrix cucumeris</i> (Harris), <i>Epitrix papa</i>. Orlova-Bienkowskaja, <i>Epitrix subcrinita</i> (Lec.) and <i>Epitrix tuberis</i> (Gentner) (as the case may be) and to ensure that there is no risk of the plant pests concerned spreading, and</p> <p>(c) that the packaging material in which potato tubers are moved is clean.</p> |
| 7. | <p>Plants, other than fruit or seeds, of <i>Abies</i> Mill., <i>Cedrus</i> Trew, <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr., originating in:</p> <p>—an area that is demarcated under paragraph 3 of schedule 8E or under paragraph 3 of schedule 13 to the Plant Health Regulations, other than wood which is being moved from the infested zone to the buffer zone in the demarcated area, or</p> <p>—a CD territory where there is evidence that <i>Bursaphelenchus xylophilus</i> (Steiner & Bührer) Nickle et al. is present;</p> | <p>The plants:</p> <p>(a) must be accompanied by an official statement:</p> <p>(i) that they have been grown in places of production where <i>Bursaphelenchus xylophilus</i> (Steiner & Bührer) Nickle et al. or its symptoms have not been observed since the beginning of the last complete growing cycle,</p> <p>(ii) that they have been grown throughout their life under complete physical protection to prevent <i>Monochamus</i> spp. reaching the plants,</p> <p>(iii) that they have been officially inspected, tested and found free from <i>Bursaphelenchus xylophilus</i> (Steiner & Bührer) Nickle et al. and <i>Monochamus</i> spp., and</p> <p>(b) must only be transported outside the flight season of <i>Monochamus</i> spp. or in closed containers or packaging to prevent infestation with <i>Bursaphelenchus xylophilus</i> (Steiner & Bührer) Nickle et al. or <i>Monochamus</i> spp.</p> |
| 8. | <p>Plants, other than seeds, intended for planting, which can only grow in water or soil that is permanently saturated with water and which originate in:</p> <p>—an area that is demarcated under paragraph 3 of schedule 8F or under paragraph 3 of schedule 14 of the Plant Health Regulations, other than</p> | <p>The plants must be accompanied by an official statement that they have been found free from <i>Pomacea</i> (Perry) immediately prior to their movement from the area</p> |

| (1) | (2) | (3) |
|-------------|---|--|
| <i>Item</i> | <i>Description of relevant material</i> | <i>Countries of origin</i> |
| | those which are only being moved within such an area, or | |
| | —a CD territory where there is evidence that <i>Pomacea</i> (Perry) is present in a field or watercourse | |
| 9. | Plants of <i>Fraxinus</i> L., intended for planting | The plants must be accompanied by an official statement that have been grown throughout their life in an area established in accordance with ISPM No. 4 as an area that is free from <i>Chalara fraxinea</i> T. Kowalski (including its teleomorph <i>Hymenoscyphus pseudoalbidus</i>) |
| 10. | Live pollen of <i>Actinidia</i> Lindl. or plants, other than seeds, of <i>Actinidia</i> Lindl. intended for planting (“the specified plants”) | <p>The specified plants must be accompanied by:</p> <ul style="list-style-type: none"> (a) an official statement that the specified plants originate in an area established in accordance with ISPM No. 4 as free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto, (b) an official statement that the specified plants have been produced in a place or site of production established in accordance with the ISPM No. 10 as free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto where: <ul style="list-style-type: none"> (i) they have been grown in a structure with a degree of isolation and protection from the outside environment that effectively excluded <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto and have been officially inspected twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to their movement and found free from the specified plant pest, and (ii) the place or site of production is surrounded by a zone with a radius of at least 100 metres, where: <ul style="list-style-type: none"> (aa) official inspections were carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to their movement and any plants showing symptoms of infection which were found during those inspections were immediately destroyed, (bb) all specified plants in the zone were immediately destroyed, or |

| (1) Item | (2) Description of relevant material | (3) Countries of origin |
|-------------|---|--|
| | | <ul style="list-style-type: none"> (cc) each specified plant has been regularly tested at the most appropriate times and found free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto, or (c) an official statement that the specified plants have been produced in a place of production established in accordance with ISPM No. 10 as a place of production that is free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto and which is surrounded: <ul style="list-style-type: none"> (i) by a zone with a radius of 500 metres where: <ul style="list-style-type: none"> (aa) official inspections, sampling and testing have been carried out at that place of production and throughout that zone twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to their movement and <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto has not been found during the official inspections, sampling and testing, (bb) all specified plants within that zone were immediately destroyed, or (cc) all specified plants within that zone have been regularly tested at the most appropriate times and found free from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto, and (ii) by a further zone lying between 500 metres and 4,500 metres of that place of production where: <ul style="list-style-type: none"> (aa) official inspections, sampling and testing have been carried out twice at the most appropriate times throughout the area for detecting symptoms of infection during the last complete cycle of vegetation prior to their movement, and eradication measures were taken in all cases where <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto has been identified on the specified plants, which included the immediate destruction of the infected specified plants, (bb) all specified plants within that further zone have been destroyed, or (cc) all specified plants within that further zone have been tested according to a sampling scheme able to confirm with 99% reliability that the level of |

| (1) | (2) | (3) |
|------|--|--|
| Item | Description of relevant material | Countries of origin |
| 11. | <p>Plants, other than seeds, intended for planting which belong to the genera and species listed in the list of <i>Xylella</i> host plants and have never been grown in:</p> <p>— an area that is demarcated under paragraph 5 of schedule 8G or under paragraph 5 of schedule 15 of the Plant Health Regulations, or</p> <p>— a CD territory in which <i>Xylella fastidiosa</i> (Wells et al.) has been confirmed to be present</p> | <p>presence of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto in the specified plants is below 0.1%.</p> <p>Where paragraph (b) or (c) applies, the official statement must also confirm that:</p> <p>—the specified plants have been derived directly from mother plants under conditions which comply with the requirements specified in paragraphs (a) or (b),</p> <p>—the specified plants have been directly derived from mother plants, which were subject to prior individual testing confirming their freedom from <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto, or</p> <p>—the specified plants have been tested according to a sampling scheme able to confirm with 99% reliability that the level of presence of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto in the specified plants is below 0.1%</p> <p>The plants must be accompanied by:</p> <p>(a) an official statement that they have been grown in a site that is subject to annual official inspection and, in the case of symptoms of <i>Xylella fastidiosa</i> (Wells et al.), sampling and testing in line with international standards for the presence of <i>Xylella fastidiosa</i> (Wells et al.), or</p> <p>(b) in the case of plants, other than seeds, intended for planting, of <i>Coffea</i>, <i>Lavandula dentata</i> L., <i>Nerium oleander</i> L., <i>Olea europaea</i> L., <i>Polygala myrtifolia</i> L. or <i>Prunus dulcis</i> (Mill.) D.A. Webb, an official statement:</p> <p>(i) that they have been grown in a site that is subject to annual official inspection and sampling and testing in line with international standards for the presence of <i>Xylella fastidiosa</i> (Wells et al.), confirming the absence of <i>Xylella fastidiosa</i> (Wells et al.), using a sampling scheme able to identify with 99% reliability the level of presence of infected plants of 5%, and</p> <p>(ii) in respect of any plants, other than seeds, intended for planting, of <i>Polygala myrtifolia</i> L., that prior to their movement out of their production site and as close to that time as possible, each lot of plants was subjected in addition to official visual inspection and sampling, as well as testing, in line</p> |

| (1) Item | (2) Description of relevant material | (3) Countries of origin |
|-------------|---|--|
| 12. | <p>Plants, other than seeds, intended for planting which belong to the genera and species listed in Annex 1 to Decision (EU) 2015/789, other than those belonging to the varieties specified in Annex 3 to Decision (EU) 2015/789, or listed in the list of <i>Xylella</i> host plants, and have been grown for at least part of their life in:</p> <p>—an area that is demarcated under paragraph 5 of schedule 8G5 or under paragraph 5 of schedule 15 of the Plant Health Regulations, or</p> <p>—a CD territory in which <i>Xylella fastidiosa</i> (Wells et al.) has been confirmed to be present;</p> | <p>with international standards for the presence of <i>Xylella fastidiosa</i> (Wells et al.), confirming the absence of <i>Xylella fastidiosa</i> (Wells et al.), using a sampling scheme able to identify with 99% reliability the level of presence of infected plants of 5%.</p> <p>The plants must:</p> <ul style="list-style-type: none"> (a) in the case of plants which have not been grown for their entire production cycle <i>in vitro</i>, be accompanied by an official statement: <ul style="list-style-type: none"> (i) that they have been grown in a site that: <ul style="list-style-type: none"> (aa) is registered and authorised in accordance with ISPM No. 10 as a site that is free from <i>Xylella fastidiosa</i> (Wells et al.) and its vectors, and is physically protected against the introduction of <i>Xylella fastidiosa</i> (Wells et al.) by its vectors, (bb) is surrounded by a zone with a width of 100 metres which has been subject to official inspections twice a year and where all of the plants found to be infected with, or to have symptoms of, <i>Xylella fastidiosa</i> (Wells et al.) have been immediately removed and appropriate phytosanitary treatments against the vectors of <i>Xylella fastidiosa</i> (Wells et al.) have been applied before that removal, (cc) is subject to phytosanitary treatments, which may include the removal of plants, at appropriate times of the year to maintain freedom from vectors of <i>Xylella fastidiosa</i> (Wells et al.), (dd) is subject annually, together with the zone referred to in paragraph (bb) to at least two official inspections, (ee) throughout the time of growth of the plants, neither symptoms of <i>Xylella fastidiosa</i> (Wells et al.) nor its vectors were found in the site or, if suspect symptoms were observed, tests carried out confirmed the absence of <i>Xylella fastidiosa</i> (Wells et al.), (ff) throughout the time of growth of the plants, no symptoms of <i>Xylella fastidiosa</i> (Wells et al.) were found in the zone referred to in paragraph (bb) or, if suspect symptoms were observed, testing has been undertaken and absence of <i>Xylella fastidiosa</i> (Wells et al.) has been confirmed, (ii) that representative samples of each species of the plants from each site have been subject to annual testing, at the most appropriate time, and |

| (1) | (2) | (3) |
|------|----------------------------------|--|
| Item | Description of relevant material | Countries of origin |
| | | <p>the absence of <i>Xylella fastidiosa</i> (Wells et al.) has been confirmed on the basis of tests carried out in accordance with internationally validated testing methods,</p> <p>(iii) that as practically close to the time of their movement as possible, the lots of the plants were subject to official visual inspection, sampling and molecular testing, carried out in accordance with internationally validated testing methods, using a sampling scheme able to identify with 99% reliability the level of presence of infected plants of 1% or above and targeting in particular plants displaying symptoms of <i>Xylella fastidiosa</i> (Wells et al.), and</p> <p>(iv) that prior to their movement, the lots of the plants were subjected to phytosanitary treatments against any of the vectors of <i>Xylella fastidiosa</i> (Wells et al.), or</p> <p>(b) in the case of dormant plants, other than seeds, of <i>Vitis</i> intended for planting, an official statement:</p> <p>(i) that they have been grown in a site that it is registered by the appropriate UK plant health authority and that as practically close as possible to the time of their movement from the site, the plants have undergone an appropriate thermotherapy treatment in a authorised treatment facility authorised by that UK plant health authority for that purpose, where the dormant plants were submerged for 45 minutes in water heated to 50°C in accordance with EPPO PM10/18, and</p> <p>(ii) that prior to their movement, the lots of the plants were subjected to phytosanitary treatments against any of the vectors of <i>Xylella fastidiosa</i> (Wells et al.).</p> <p>In either case mentioned in paragraphs (a) or (b), to ensure that infection with <i>Xylella fastidiosa</i> (Wells et al.) or any of its vectors cannot occur, the plants may only be moved in closed containers or in packaging through or within:</p> <p>— the demarcated area and any other area that is demarcated under paragraph 5 of schedule 8G or under paragraph 5 of schedule 15 of the Plant Health Regulations, and</p> |

| (1) | (2) | (3) |
|------|--|---|
| Item | Description of relevant material | Countries of origin |
| 13. | <p>Plants, other than seeds, intended for planting that have a stem diameter of 1 cm or more at their thickest point of, <i>Acer</i> spp., <i>Aesculus</i> spp., <i>Alnus</i> spp., <i>Betula</i> spp., <i>Carpinus</i> spp., <i>Cercidiphyllum</i> spp., <i>Corylus</i> spp., <i>Fagus</i> spp., <i>Fraxinus</i> spp., <i>Koelreuteria</i> spp., <i>Platanus</i> spp., <i>Populus</i> spp., <i>Salix</i> spp., <i>Tilia</i> spp. or <i>Ulmus</i> spp., originating in, or introduced into:</p> <p>—an area that is demarcated under paragraph 3 of schedule 8H or under paragraph 3 of schedule 16 of the Plant Health Regulations, or</p> <p>—a CD territory in which <i>Anoplophora glabripennis</i> (Motschulsky) has been confirmed to be present</p> | <p>— any CD territory in which <i>Xylella fastidiosa</i> (Wells et al.) has been confirmed to be present</p> <p>The plants must be accompanied by</p> <p>(a) an official statement that the plants have been grown during at least two years prior to their movement or, in the case of plants which are younger, throughout their life in a place of production:</p> <p>(i) which is registered and supervised by the appropriate UK plant health authority,</p> <p>(ii) which has been subject annually to at least two official meticulous inspections for any signs of <i>Anoplophora glabripennis</i> (Motschulsky) carried out at appropriate times, which included destructive sampling of stems and branches, where appropriate, and no signs of the plant pest have been found, and</p> <p>(iii) where the plants have been grown in a site:</p> <p>(aa) with complete physical protection against the introduction of <i>Anoplophora glabripennis</i> (Motschulsky) or with the application of appropriate preventative treatments or where targeted destructive sampling was carried out on each lot at the appropriate level prior to their movement from the site, and</p> <p>(bb) where official surveys for the presence or signs of <i>Anoplophora glabripennis</i> (Motschulsky) are carried out annually within a radius of at least 1 km at appropriate times and the plant pest or signs of it were not found, or</p> <p>(b) an official statement that the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a)(iii), grafted with scions which have not been grown under these conditions and are no more than 1 cm in diameter at their thickest point.</p> <p>For the purpose of paragraph (a)(iii)(aa), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500 plants</p> |
| 14. | <p>Plants, other than fruit or seeds, of <i>Quercus</i> L., other than <i>Quercus suber</i>, intended for planting, whose girth at 1.2 m</p> | <p>The plants must be accompanied by an official statement that</p> <p>(a) they have been produced in nurseries which, along with their vicinity, have been found free from <i>Thaumetopoea processionea</i> L. on the</p> |

| (1) | (2) | (3) |
|------|---|--|
| Item | Description of relevant material | Countries of origin |
| | above the root collar is 8 cm or more | <p>basis of official inspections carried out as close as practically possible to their movement and official surveys of the nurseries and their vicinity have been carried out at appropriate times since the beginning of the last complete cycle of vegetation to detect larvae and other symptoms of <i>Thaumetopoea processionea</i> L., or</p> <p>(b) they have been grown throughout their life in a site with complete physical protection against the introduction of <i>Thaumetopoea processionea</i> L. and have been inspected at appropriate times and found to be free from <i>Thaumetopoea processionea</i> L.</p> |
| 15. | <p>Plants, other than seeds, intended for planting, that have a stem or root collar with a diameter of 1 cm or more at their thickest point, of <i>Prunus</i> spp., other than <i>Prunus laurocerasus</i> L., originating in:</p> <p>—an area demarcated under paragraph 3 of schedule 8I or under paragraph 3 of schedule 16A of the Plant Health Regulations, or</p> <p>—a CD territory in which the presence of <i>Aromia bungii</i> (Faldermann) has been confirmed to be present</p> | <p>The plants must be accompanied by:</p> <p>(a) an official statement that the plants have been grown during a period of at least two years prior to their movement, or in the case of plants which are younger than two years, have been grown throughout their life, in a place of production:</p> <p>(i) which is registered and supervised by the appropriate UK plant health authority,</p> <p>(ii) which has been subjected annually to at least two official meticulous inspections for any signs of <i>Aromia bungii</i> (Faldermann) carried out at appropriate times which included targeted destructive sampling of the stems and branches (where appropriate), without the plant pest or any signs of the plant pest being found, and</p> <p>(iii) which:</p> <p>(aa) has complete physical protection against the introduction of <i>Aromia bungii</i> (Faldermann), or</p> <p>(bb) has been subjected to appropriate preventive treatments and is a place where targeted destructive sampling has been carried out on each lot of the plants prior to their movement from the place of production at the appropriate level, and where official surveys for the presence or signs of <i>Aromia bungii</i> (Faldermann) are carried out annually at appropriate times within a radius of at least 1 km around the site at appropriate times without the plant pest or any signs of the plant pest being found, or</p> <p>(b) an official statement that the plants have been:</p> <p>(i) grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a), and</p> |

| (1) | (2) | (3) |
|------|---|---|
| Item | Description of relevant material | Countries of origin |
| 16. | <p>Plants, other than seeds, intended for planting, that have a stem or root collar with a diameter of 1 cm or more at their thickest point, of <i>Prunus</i> spp., other than <i>Prunus laurocerasus</i> L., which have been introduced into in:</p> <p>—an area demarcated under paragraph 3 of schedule 8I or paragraph 3 of schedule 16A of the Plant Health Regulations, or</p> <p>—a CD territory in which the presence of <i>Aromia bungii</i> (Faldermann) has been confirmed to be present</p> | <p>(ii) grafted with scions which have not been grown under these conditions and were no more than 1 cm in diameter at their thickest point.</p> <p>For the purpose of paragraph (a)(iii)(bb), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500 plants</p> <p>The plants must be accompanied by an official statement that the plants have been grown during a period of at least two years prior to their movement, or in the case of plants which are younger than two years, have been grown throughout their life, in a place of production:</p> <p>(a) which is registered and supervised by the appropriate UK plant health authority,</p> <p>(b) which has been subjected annually to at least two official meticulous inspections for any signs of <i>Aromia bungii</i> (Faldermann) carried out at appropriate times, that included targeted destructive sampling of the stems and branches (where appropriate), without the plant pest or any signs of the plant pest being found, and</p> <p>(c) which:</p> <p>(i) has complete physical protection against the introduction of <i>Aromia bungii</i> (Faldermann), or</p> <p>(ii) has been subjected to appropriate preventive treatments and is a place where targeted destructive sampling has been carried out on each lot of the plants prior to their movement from the place of production at the appropriate level, and where official surveys for the presence or signs of <i>Aromia bungii</i> (Faldermann) are carried out annually at appropriate times within a radius of at least 1 km around the site at appropriate times without the plant pest or any signs of the plant pest being found.</p> <p>For the purpose of paragraph (c)(ii), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500 plants</p> |

SCHEDULE 5

Article 2(1)

PART A

Notifiable material originating in third countries, other than the European Union

1. Plants, other than seeds, intended for planting.
2. Seeds of—
 - (a) *Cruciferae*, *Gramineae* or *Trifolium* spp., originating in Argentina, Australia, Bolivia, Chile, New Zealand or Uruguay;
 - (b) the genera *Triticum*, *Secale* or *X Triticosecale* from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA; or
 - (c) *Solanaceae*, *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Capsicum* spp., *Helianthus annuus* L., *Solanum lycopersicum* L., *Medicago sativa* L., *Prunus* L., *Rubus* L., *Oryza* spp., *Zea mays* L., *Allium ascalonicum* L., *Allium cepa* L., *Allium porrum* L., *Allium schoenoprasum* L. or *Phaseolus* L..
3. Parts of plants, other than fruit or seeds, of—
 - (a) *Castanea* Mill., *Dendranthema* (DC.) Des Moul., *Dianthus* L., *Gypsophilia* L., *Pelargonium* L'Hérit. ex Ait., *Phoenix* spp., *Populus* L., *Quercus* L., *Solidago* L. or cut flowers of *Orchidaceae*;
 - (b) conifers (*Coniferales*);
 - (c) *Acer saccharum* Marsh, originating in the USA or Canada;
 - (d) *Prunus* L., originating in any country outside Europe;
 - (e) cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. or *Trachelium* L., originating in any country outside Europe;
 - (f) leafy vegetables of *Apium graveolens* L., *Ocimum* L., *Limnophila* L. or *Eryngium* L.;
 - (g) leaves of *Manihot esculenta* Crantz;
 - (h) cut branches of *Betula* L. with or without foliage;
 - (i) cut branches of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., with or without foliage, originating in Canada, China, the Democratic People's Republic of Korea, Japan, Mongolia, the Republic of Korea, Russia, Taiwan or the USA; or
 - (j) *Amyris* P. Browne, *Casimiroa* La Llave, *Citropsis* Swingle & Kellerman, *Eremocitrus* Swingle, *Esenbeckia* Kunth., *Glycosmis* Corrêa, *Merrillia* Swingle, *Naringi* Adans., *Tetradium* Lour., *Toddalia* Juss. or *Zanthoxylum* L..
4. Parts of plants, other than fruit but including seeds, of *Aegle* Corrêa, *Aeglopsis* Swingle, *Afraegle* Engl., *Atalantia* Corrêa, *Balsamocitrus* Stapf, *Burkillanthus* Swingle, *Calodendrum* Thunb., *Choisya* Kunth, *Clausena* Burm. f., *Limonia* L., *Microcitrus* Swingle, *Murraya* J. Koenig ex L., *Pamburus* Swingle, *Severinia* Ten., *Swinglea* Merr., *Triphasia* Lour or *Vepris* Comm..
5. Fruit of—
 - (a) *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Microcitrus*, *Naringi* Adans., *Swinglea* Merr., *Momordica* L., *Solanum lycopersicum* L. or *Solanum melongena* L.;
 - (b) *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn. or *Vaccinium* L., originating in any country outside Europe;

- (c) *Capsicum* L.;
 - (d) *Punica granatum* L., originating in any country of the African continent, Cape Verde, Israel, Madagascar, Mauritius, La Reunion or Saint Helena.
6. Tubers of *Solanum tuberosum* L..
7. Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants or humus, including peat or bark, other than those composed entirely of peat.
8. Soil or growing medium which is attached to or appears to have been in contact with plants, consisting in whole or in part of material specified in paragraph 7 or consisting in part of any solid inorganic substances, intended to sustain the vitality of plants, originating in—
- (a) Belarus, Georgia, Moldova, Russia, Turkey or Ukraine; or
 - (b) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia.
9. Grain of the genera *Triticum*, *Secale* or *X Triticosecale* originating in Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA..
10. Parts of plants, other than fruit or seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L..
11. Seeds of *Castanea* Mill. or *Beta vulgaris* L..

PART B

Notifiable material originating in the European Union

12. Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. or *Pseudotsuga* Carr..
13. Plants, other than seeds, of *Platanus* L., *Prunus* L., *Quercus* spp., other than *Quercus suber*, or *Ulmus* L., intended for planting.
14. Plants, other than fruit, of *Castanea* Mill..
15. Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendl., *Borassus flabellifer* L., *Brahea* Mart., *Butia* Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. ex Mart., *Chamaerops* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha utan* Lam., *Elaeis guineensis* Jacq., *Howea forsteriana* Becc., *Jubea* Kunth, *Livistona* R. Br., *Metroxylon sagu* Rottb., *Phoenix* L., *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf..
16. Seeds of *Castanea* Mill..
17. Plants, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Prunus* L., other than *Prunus laurocerasus* L. or *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L., intended for planting.
18. Plants, other than seeds, of *Beta vulgaris* L. or *Humulus lupulus* L., intended for planting.
19. Plants of stolon- or tuber-forming species of *Solanum* L., intended for planting.
20. Plants, other than fruit or seeds, of *Choisya* Kunth, *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm. f., *Murraya* J. Koenig ex L., *Vepris* Comm., *Zanthoxylum* L. or *Vitis* L..

21. Plants, other than fruit or seeds, of *Citrus* L..

22. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., with leaves and peduncles.

23. The following plants which have been produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than plants which have been prepared and are ready for sale to the final consumer, and which were produced separately from other products under the supervision of the national plant protection organisation of the consignor country—

- (a) plants, other than seeds, intended for planting, of the genera *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Asparagus officinalis* L., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC.) Des Moul., *Dianthus* L., *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* L'Hérit. ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Ulmus* L., *Verbena* L. or other plants of herbaceous species, other than plants of the family Gramineae, intended for planting, or bulbs, corms, rhizomes, seeds or tubers;
- (b) plants of *Solanaceae*, other than seeds or those specified in paragraph 19, intended for planting;
- (c) plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp. or *Strelitziaceae*, rooted or with growing medium attached or which appear to have been in contact with growing medium;
- (d) plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over five cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syragrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.;
- (e) seeds or bulbs of *Allium ascalonicum* L., *Allium cepa* L. or *Allium schoenoprasum* L., intended for planting; plants of *Allium porrum* L. intended for planting; or seeds of *Medicago sativa* L., *Helianthus annuus* L., *Solanum lycopersicum* L. or *Phaseolus* L.;
- (f) bulbs, corms, tubers or rhizomes, intended for planting, of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston “Golden Yellow”, *Dahlia* spp., *Galanthus* L., *Galtonia candicans* (Baker) Decne., miniature cultivars of the genus *Gladiolus* Tourn. ex L. (such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort. or *Gladiolus tubergenii* hort.), *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Lilium* spp., *Muscari* Miller, *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. or *Tulipa* L.;
- (g) plants, other than corms, seeds or tubers, of *Begonia* L., intended for planting;
- (h) plants, other than seeds, of *Dipladenia* A.DC., *Euphorbia pulcherrima* Willd., *Ficus* L., *Hibiscus* L., *Mandevilla* Lindl. or *Nerium oleander* L. intended for planting.

PART C

Notifiable material originating in any third country which is subject to emergency measures

24. Cut flowers of *Orchidaceae* originating in Thailand.

25. Plants, other than fruit and seeds, of *Acer macrophyllum* Pursh, *Acer pseudoplatanus* L., *Adiantum aleuticum* (Rupr.) Paris, *Adiantum jordanii* C. Muell., *Aesculus californica* (Spach) Nutt., *Aesculus hippocastanum* L., *Arbutus menziesii* Pursh., *Arbutus unedo* L., *Arctostaphylos* spp. Adans, *Calluna vulgaris* (L.) Hull, *Camellia* spp. L., *Castanea sativa* Mill., *Fagus sylvatica*

L., *Frangula californica* (Eschsch.) Gray, *Frangula purshiana* (DC.) Cooper, *Fraxinus excelsior* L., *Griselinia littoralis* (Raoul), *Hamamelis virginiana* L., *Heteromeles arbutifolia* (Lindley) M. Roemer, *Kalmia latifolia* L., *Laurus nobilis* L., *Leucothoe* spp. D. Don, *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Lonicera hispidula* (Lindl.) Dougl. ex Torr. & Gray, *Magnolia* spp. L., *Michelia doltsopa* Buch.-Ham. ex DC, *Nothofagus obliqua* (Mirbel) Blume, *Osmanthus heterophyllus* (G. Don) P. S. Green, *Parrotia persica* (DC) C.A. Meyer, *Photinia x fraseri* Dress, *Pieris* spp. D. Don, *Pseudotsuga menziesii* (Mirbel) Franco, *Quercus* spp. L., *Rhododendron* spp. L., other than *Rhododendron simsii* Planch., *Rosa gymnocarpa* Nutt., *Salix caprea* L., *Sequoia sempervirens* (Lamb. ex D. Don) Endl., *Syringa vulgaris* L., *Taxus* spp. L., *Trientalis latifolia* (Hook), *Umbellularia californica* (Hook. & Arn.) Nutt., *Vaccinium ovatum* Pursh or *Viburnum* spp. L., originating in the USA.

26. Plants, other than seeds, intended for planting, of *Viburnum* spp., *Camellia* spp., *Rhododendron* spp., other than *Rhododendron simsii* Planch, originating in any third country, other than the USA.

27. Seeds of *Solanum lycopersicum* (L.) Karsten ex Farw..

28. Plants of *Pinus* L. or *Pseudotsuga menziesii*, intended for planting, including seeds or cones for propagating purposes, originating in any third country.

29. Tubers of *Solanum tuberosum* L., originating in Egypt.

30. Plants, other than seeds, intended for planting, that have a stem or root collar diameter of 1 cm or more at their thickest point of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Citrus* spp., *Cornus* spp., *Corylus* spp., *Cotoneaster* spp., *Crataegus* spp., *Fagus* spp., *Lagerstroemia* spp., *Malus* spp., *Platanus* spp., *Populus* spp., *Prunus laurocerasus*, *Pyrus* spp., *Rosa* spp., *Salix* spp. or *Ulmus* spp. which—

- (a) originate in any third country, other than the European Union, where *Anoplophora chinensis* (Forster) is known to be present;
- (b) originate in, or have been introduced into, an area in the European Union established in accordance with Article 6 of [Decision 2012/138/EU](#).

31. Tubers of *Solanum tuberosum* L., including those intended for planting, which originate—

- (a) in a third country, other than the European Union, where *Epitrix cucumeris* (Harris), *Epitrix papa*. Orlova-Bienkowskaja, *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present;
- (b) in an area in the European Union established in accordance with Article 5 of [Decision 2012/270/EU](#);
- (c) in Spain, other than in an area established in accordance with Article 5 of [Decision 2012/270/EU](#) or the Balearic Islands;
- (d) in Poland.

32. Plants, other than fruit or seeds, of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. or *Tsuga* Carr., originating in an area in the European Union established in accordance with Article 5 of [Decision 2012/535/EU](#).

33. Plants, other than seeds, intended for planting, which can only grow in water or soil that is permanently saturated with water which originate—

- (a) in any third country, other than the European Union;
- (b) in an area established in the European Union in accordance with Article 5 of [Decision 2012/697/EU](#).

34. Plants of *Fraxinus* L., intended for planting, originating in any third country.

35. Live pollen originating in any third country or plants, other than seeds, of *Actinidia* Lindl., intended for planting, originating in any third country.

36. Plants, other than seeds, intended for planting, belonging to the genera and species listed in Annex 1 to Decision (EU) 2015/789, other than those belonging to the varieties specified in Annex 3 to Decision (EU) 2015/789, or in the list of *Xylella* host plants, which—

- (a) originate in any third country, other than the European Union; or
- (b) originate in the European Union and have been grown for a part of their life in an area in the European Union established in accordance with Article 4 of Decision 2015/789.

37. Plants, other than seeds, intended for planting, belonging to the genera and species listed in the list of *Xylella* host plants, which originate in the European Union and have never been grown in an area established in accordance with Article 4 of Decision 2015/789.

38. Plants, other than seeds, intended for planting that have a stem diameter of 1 cm or more at their thickest point, of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp., which—

- (a) originate in any third country, other than the European Union, where *Anoplophora glabripennis* (Motschulsky) is known to be present; or
- (b) originate, or have been introduced into a place of production, in an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893.

39. Fruits of *Capsicum* L., *Momordica* L., *Solanum aethiopicum* L., *Solanum macrocarpon* L. or *Solanum melongena* L., or plants, other than live pollen, plant tissue cultures, seeds or grains, of *Zea mays* L. originating in any third country in Africa or the Americas.

40. Plants, other than fruit or seeds, of *Quercus* L., other than *Quercus suber*, intended for planting, whose girth at 1.2 metres above the root collar is 8 cm or more, originating in any third country.

41. Plants, other than seeds, intended for planting, of *Prunus* spp., other than *Prunus laurocerasus* L., that have a stem or root collar with a diameter of 1 cm or more at their thickest point, which—

- (a) originate in any third country, other than the European Union, where *Aromia bungii* (Faldermann) is known to be present; or
- (b) originate, or have been introduced into a place of production, in an area in the European Union established in accordance with Article 5 of Decision (EU) 2018/1503.

SCHEDULE 6

Article 2(1)

PART A

Relevant material which must not be moved
within Scotland without a UK plant passport

1. Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. or *Pseudotsuga* Carr.
2. Plants, other than seeds, of *Platanus* L., *Prunus* L., *Quercus* spp., other than *Quercus suber*, or *Ulmus* L., intended for planting.
3. Plants, other than fruit, of *Castanea* Mill.

4. Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendl., *Borassus flabellifer* L., *Brahea* Mart., *Butia* Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. ex Mart., *Chamaerops* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha utan* Lam., *Elaeis guineensis* Jacq., *Howea forsteriana* Becc., *Jubea* Kunth, *Livistona* R. Br., *Metroxylon sagu* Rottb., *Phoenix* L., *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf..

5. Seeds of *Castanea* Mill..

6. Plants, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Prunus* L., other than *Prunus laurocerasus* L. or *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L., intended for planting.

7. Plants, other than seeds, of *Beta vulgaris* L. or *Humulus lupulus* L., intended for planting.

8. Plants of stolon- or tuber-forming species of *Solanum* L., intended for planting.

9. Plants, other than fruit or seeds, of *Choisya* Kunth, *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm. f., *Murraya* J. Koenig ex L., *Vepris* Comm., *Zanthoxylum* L. or *Vitis* L..

10. Plants, other than fruit or seeds, of *Citrus* L..

11. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., with leaves and peduncles.

12. The following plants which have been produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than plants which have been prepared and are ready for sale to the final consumer, and which were produced separately from other products under the supervision of the appropriate UK plant health authority—

- (a) plants, other than seeds, intended for planting, of the genera *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Asparagus officinalis* L., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC.) Des Moul., *Dianthus* L., *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* L'Hérit. ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Ulmus* L., *Verbena* L. or other plants of herbaceous species, other than plants of the family *Gramineae*, intended for planting, or bulbs, corms, rhizomes, seeds or tubers;
- (b) plants of *Solanaceae*, other than seeds or those specified in paragraph 8, intended for planting;
- (c) plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp. or *Strelitziaceae*, rooted or with growing medium attached or which appear to have been in contact with growing medium;
- (d) plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over five cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.;
- (e) seeds or bulbs of *Allium ascalonicum* L., *Allium cepa* L. or *Allium schoenoprasum* L., intended for planting; plants of *Allium porrum* L. intended for planting; or seeds of *Medicago sativa* L., *Helianthus annuus* L., *Solanum lycopersicum* L. or *Phaseolus* L.;
- (f) bulbs, corms, tubers or rhizomes, intended for planting, of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston “Golden Yellow”, *Dahlia* spp., *Galanthus* L., *Galtonia*

candicans (Baker) Decne., miniature cultivars of the genus *Gladiolus* Tourn. ex L. (such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort. or *Gladiolus tubergenii* hort.), *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Lilium* spp., *Muscari* Miller, *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. or *Tulipa* L.;

- (g) plants, other than corms, seeds or tubers, of *Begonia* L., intended for planting;
- (h) plants, other than seeds, of *Dipladenia* A.DC., *Euphorbia pulcherrima* Willd., *Ficus* L., *Hibiscus* L., *Mandevilla* Lindl. or *Nerium oleander* L., intended for planting.

PART B

Relevant material which is subject to emergency measures and must not be moved within Scotland without a UK plant passport

13. Plants, other than fruit and seeds, of *Acer macrophyllum* Pursh, *Acer pseudoplatanus* L., *Adiantum aleuticum* (Rupr.) Paris, *Adiantum jordanii* C. Muell., *Aesculus californica* (Spach) Nutt., *Aesculus hippocastanum* L., *Arbutus menziesii* Pursch., *Arbutus unedo* L., *Arctostaphylos* spp. Adans, *Calluna vulgaris* (L.) Hull, *Camellia* spp. L., *Castanea sativa* Mill., *Fagus sylvatica* L., *Frangula californica* (Eschsch.) Gray, *Frangula purshiana* (DC.) Cooper, *Fraxinus excelsior* L., *Griselinia littoralis* (Raoul), *Hamamelis virginiana* L., *Heteromeles arbutifolia* (Lindley) M. Roemer, *Kalmia latifolia* L., *Laurus nobilis* L., *Leucothoe* spp. D. Don, *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Lonicera hispidula* (Lindl.) Dougl. ex Torr. & Gray, *Magnolia* spp. L., *Michelia doltsopa* Buch.-Ham. ex DC, *Nothofagus obliqua* (Mirbel) Blume, *Osmanthus heterophyllus* (G. Don) P. S. Green, *Parrotia persica* (DC) C.A. Meyer, *Photinia x fraseri* Dress, *Pieris* spp. D. Don, *Pseudotsuga menziesii* (Mirbel) Franco, *Quercus* spp. L., *Rhododendron* spp. L., other than *Rhododendron simsii* Planch., *Rosa gymnocarpa* Nutt., *Salix caprea* L., *Sequoia sempervirens* (Lamb. ex D. Don) Endl., *Syringa vulgaris* L., *Taxus* spp. L., *Trientalis latifolia* (Hook), *Umbellularia californica* (Hook. & Arn.) Nutt., *Vaccinium ovatum* Pursh and *Viburnum* spp. L., originating in the USA.

14. Plants, other than seeds, intended for planting, of *Viburnum* spp., *Camellia* spp., *Rhododendron* spp., other than *Rhododendron simsii* Planch, originating in any third country other than the USA, the United Kingdom or a CD territory.

15. Seeds of *Solanum lycopersicum* (L.) Karsten ex Farw., which originate—

- (a) in a third country; or
- (b) in the United Kingdom or a CD territory, other than those intended for sale to final consumers not involved in professional plant production, provided that it is evident from the packaging of the seeds or by other means that they are intended for sale to the final consumer.

16. Plants of *Pinus* L. or *Pseudotsuga menziesii*, intended for planting, including seeds and cones for propagation purposes, originating in any third country, the United Kingdom or a CD territory.

17. Plants, other than seeds, intended for planting, that have a stem or root collar diameter of 1 cm or more at their thickest point of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Citrus* spp., *Cornus* spp., *Corylus* spp., *Cotoneaster* spp., *Crataegus* spp., *Fagus* spp., *Lagerstroemia* spp., *Malus* spp., *Platanus* spp., *Populus* spp., *Prunus laurocerasus*, *Pyrus* spp., *Rosa* spp., *Salix* spp. or *Ulmus* spp. which—

- (a) originate in a third country, other than the European Union, where *Anoplophora chinensis* (Forster) is known to be present;

- (b) originate in, or have been introduced into, an area in the European Union established in accordance with Article 6 of [Decision 2012/138/EU](#);
 - (c) originate in, or have been introduced into—
 - (i) an area in the United Kingdom that is demarcated under paragraph 3 of schedule 8C or under paragraph 3 of schedule 11 of the Plant Health Regulations;
 - (ii) a CD territory where there is evidence that *Anoplophora chinensis* (Forster) is present.
- 18.** Tubers of *Solanum tuberosum* L., including those intended for planting, which originate—
- (a) in a third country, other than the European Union, where *Epitrix cucumeris* (Harris), *Epitrix papa Orlova-Bienkowskaja*, *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present;
 - (b) in an area in the European Union established in accordance with Article 5 of [Decision 2012/270/EU](#);
 - (c) in an area in the United Kingdom that is demarcated under paragraph 3 of schedule 8D or under paragraph 3 of schedule 12 of the Plant Health Regulations, except any such tubers which are only being moved within the area;
 - (d) in a CD territory where there is evidence that *Epitrix cucumeris* (Harris), *Epitrix papa Orlova-Bienkowskaja*, *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is present or there are signs of infestation by one of those plant pests on potato tubers
- 19.** Plants, other than fruit or seeds, of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. or *Tsuga* Carr., which originate—
- (a) in an area in the European Union which has been established in accordance with Article 5 of [Decision 2012/535/EU](#);
 - (b) in an area in United Kingdom that is demarcated under paragraph 3 of schedule 8E or under paragraph 3 of Schedule 13 of the Plant Health Regulations;
 - (c) in a CD territory where there is evidence that *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. is present
- 20.** Plants, other than seeds, intended for planting, which can only grow in water or soil that is permanently saturated with water which originate—
- (a) in any third country, other than the European Union;
 - (b) in an area in the European Union established in accordance with Article 5 of [Decision 2012/697/EU](#);
 - (c) in an area in the United Kingdom that is demarcated under paragraph 3 of schedule 8F or under paragraph 3 of schedule 14 of the Plant Health Regulations;
 - (d) in a CD territory where there is evidence that *Pomacea* (Perry) is present in a field or watercourse
- 21.** Live pollen or plants intended for planting, other than seeds, of *Actinidia* Lindl., originating in any third country, the United Kingdom or a CD territory.
- 22.** Plants of *Fraxinus* L., intended for planting, originating in any third country, the United Kingdom or a CD territory.
- 23.** Plants, other than seeds, intended for planting, belonging to the genera and species listed in Annex 1 to Decision (EU) 2015/789, other than those belonging to the varieties specified in Annex 3 to Decision (EU) 2015/789, or in the list of *Xylella* host plants, which originate—
- (a) in any third country, other than the European Union;

- (b) in the European Union and have been grown for a part of their life in an area in the European Union established in accordance with Article 4 of Decision (EU) 2015/789;
 - (c) in the United Kingdom or a CD territory and have not been grown for any part of their life in—
 - (i) an area that is demarcated under paragraph 5 of schedule 8G or under paragraph 5 of schedule 15 of the Plant Health Regulations; or
 - (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present.
- 24.** Plants, other than seeds, intended for planting, belonging to the genera and species listed in the list of *Xylella* host plants, which originate—
- (a) in the European Union and have never been grown in an area established in accordance with Article 4 of Decision (EU) 2015/789; or
 - (b) in the United Kingdom or a CD territory and have not been grown for any part of their life in—
 - (i) an area that is demarcated under paragraph 5 of schedule 8G or under paragraph 5 of schedule 15 of the Plant Health Regulations; or
 - (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present.
- 25.** Plants, other than seeds, intended for planting that have a stem diameter of 1 cm or more at their thickest point, of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp., which—
- (a) originate in any third country, other than the European Union, where *Anoplophora glabripennis* (Motschulsky) is known to be present;
 - (b) originate, or have been introduced into a place of production, in an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893; or
 - (c) originate, or have been introduced into a place of production, in—
 - (i) an area in the United Kingdom that is demarcated under paragraph 3 of schedule 8H or under paragraph 3 of Schedule 16 of the Plant Health Regulations; or
 - (ii) a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present.
- 26.** Plants, other than fruit or seeds, intended for planting, of *Quercus* L., other than *Quercus suber*, whose girth at 1.2 metres above the root collar is 8 cm or more, originating in any third country, the United Kingdom or a CD territory.
- 27.** Plants, other than seeds, intended for planting, of *Prunus* spp., other than *Prunus laurocerasus* L., that have a stem or root collar with a diameter of 1 cm or more at their thickest point, which—
- (a) originate in any third country, other than the European Union, where *Aromia bungii* (Faldermann) is known to be present;
 - (b) originate in, or have been introduced into, a place of production, in an area in the European Union established in accordance with Article 5 of Decision (EU) 2018/1503; or
 - (c) originate in, or have been introduced into a place of production—
 - (i) an area demarcated under paragraph 3 of Schedule 8I or under paragraph 3 of schedule 16A of the Plant Health Regulations; or
 - (ii) a CD territory in which the presence of *Aromia bungii* (Faldermann) has been confirmed.

SCHEDULE 7

Articles 2(1) and (3)

Notifiable relevant material destined for a UK pest free area and relevant material which must not be introduced or moved within a UK pest free area without a valid UK plant passport

1. In the case of Northern Ireland—

- (a) plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L., or *Pseudotsuga* Carr.;
- (b) plants, other than plants intended for planting, of *Allium porrum* L., *Apium* L., *Beta* L., *Brassica napus* L., *Brassica rapa* L., *Daucus* L.;
- (c) plants, other than seeds, of *Beta vulgaris* L., intended for planting;
- (d) plants of *Beta vulgaris* L., intended for industrial processing;
- (e) soil from beet and unsterilized waste from beet;
- (f) seeds and fodder beet seed of *Beta vulgaris* L.;
- (g) used agricultural machinery.

2. In the case of the OPM pest free area, plants, other than seeds, intended for planting, of *Quercus* spp., other than *Quercus suber*.

SCHEDULE 8

Article 40

Derogations from specific prohibitions and requirements

PART A

Dwarfed plants of *Chamaecyparis* Spach, *Juniperus* L.
or *Pinus* L. originating in the Republic of Korea or Japan

1. In this Part—

“permitted plants” means naturally or artificially dwarfed plants, other than fruit or seeds, originating in the Republic of Korea or Japan, of—

- (a) the genus *Chamaecyparis* Spach or the genus *Juniperus* L., or
- (b) in the case of the genus *Pinus* L., the species *Pinus parviflora* Sieb. & Zucc. or that species grafted on a rootstock of any other species of *Pinus* L. which does not bear any shoots;

“phytosanitary certificate” includes a phytosanitary certificate for re-export;

“registered nursery” means a nursery which is registered and supervised by the national plant protection organisation of the Republic of Korea or as the case may be, Japan for the purpose of exports of permitted plants to the United Kingdom;

“relevant NPPO” means—

- (a) in relation to permitted plants originating in the Republic of Korea, the national plant protection organisation of the Republic of Korea;
- (b) in relation to permitted plants originating in Japan, the national plant protection organisation of Japan;

“relevant plant pest” means—

- (a) in the case of plants of *Juniperus* L., *Aschistonyx eppoi* Inouye, *Gymnosporangium asiaticum* Miyabe ex Yamada and *G. yamadae* Miyabe ex Yamada, *Oligonychus perditus* Pritchard et Baker, *Popillia japonica* Newman or any other plant pest which is not known to occur in the United Kingdom;
 - (b) in the case of plants of *Chamaecyparis* Spach, *Popillia japonica* Newman or any other plant pest which is not known to occur in the United Kingdom;
 - (c) in the case of any plants of *Pinus* L. originating in the Republic of Korea, *Bursaphelenchus xylophilus* (Steiner & Buhner) Nickle et al., *Cercoseptoria pini-densiflorae* (Hori & Nambu) Deighton, *Coleosporium phellodendri* Komr, *Coleosporium asterum* (Dietel) Sydow, *Coleosporium eupatorii* Arthur, *Cronartium quercuum* (Berk.) Miyabe ex Shirai, *Dendrolimus spectabilis* Butler, *Monochamus* spp., *Popillia japonica* Newman, *Thecodiplosis japonensis* Uchida & Inouye or any other plant pest which is not known to occur in the United Kingdom;
 - (d) in the case of any plants of *Pinus* L. originating in Japan, *Bursaphelenchus xylophilus* (Steiner & Buhner) Nickle et al., *Cercoseptoria pini-densiflorae* (Hori & Nambu) Deighton, *Coleosporium paederiae*, *Coleosporium phellodendri* Komr, *Cronartium quercuum* (Berk.) Miyabe ex Shirai, *Dendrolimus spectabilis* Butler, *Monochamus* spp., *Popillia japonica* Newman, *Peridermium kurilense* Dietel, *Thecodiplosis japonensis* Uchida & Inouye or any other plant pest which is not known to occur in the United Kingdom.
2. Permitted plants may be imported into Scotland provided that—
- (a) in the case of dwarfed plants, other than fruit or seeds, of *Juniperus* L., they are imported in the period beginning on 1st November in a calendar year and ending on 31st March of the following calendar year;
 - (b) they originate in a registered nursery which is included in a list of registered nurseries provided by the relevant NPPO to the national plant protection organisation of the United Kingdom;
 - (c) the plants and any adhering or associated growing medium are accompanied by a phytosanitary certificate issued by the relevant NPPO which includes the required official statement and the relevant details; and
 - (d) the importation of the permitted plants is authorised by the Scottish Ministers under this Order.
3. When authorising the importation of permitted plants for the purposes of paragraph 2, the Scottish Ministers must ensure that the authorisation contains conditions—
- (a) requiring the importer to provide sufficient advance notice of any consignment of permitted plants to be imported, which must include details of the type of relevant material, the quantity of plants, the expected date of arrival and the officially approved site where the plants are to be held for the purposes of paragraph 6; and
 - (b) requiring compliance with the post-entry quarantine requirements specified in paragraphs 6 to 9.
4. For the purposes of paragraph 2(c), the required official statement is an official statement that—
- (a) the permitted plants have been grown, held and trained in a registered nursery which was registered and supervised by the relevant NPPO for at least two consecutive years prior to its inclusion by the relevant NPPO in the list mentioned in paragraph 2(b);
 - (b) the registered nursery has, along with its immediate vicinity, been officially inspected during the period mentioned in sub-paragraph (a) and in any subsequent period up to the

date of its dispatch at least six times a year at appropriate intervals for the presence of a relevant plant pest and no relevant plant pests have been found in those inspections at the nursery;

- (c) the permitted plants have during the period mentioned in sub-paragraph (b)—
 - (i) been potted and kept in pots which have been placed on shelves at least 50 cm above ground or onto concrete flooring, impenetrable for nematodes, that was well maintained and free from debris;
 - (ii) been found free, in the inspections referred to in sub-paragraph (b), from all relevant plant pests;
 - (d) where they belong to the genus *Pinus* L. and in the case of grafting on a rootstock of a *Pinus* species, other than *Pinus parviflora* Sieb & Zucc., they have a rootstock derived from sources that have been officially approved as healthy material;
 - (e) each plant has been given a recognisable marking, exclusive to each individual plant, that enables the registered nursery and the year of its potting to be identified, which has been notified to the relevant NPPO; and
 - (f) the relevant NPPO has ensured that the permitted plants have remained identifiable from their dispatch from the registered nursery until the time of loading for export, through the sealing of transport vehicles or other alternatives.
5. The relevant details which must be included in the phytosanitary certificate for the purposes of paragraph 2(c) are—
- (a) the name of the registered nursery;
 - (b) the recognisable marking for each plant contained in the consignment and the year of potting;
 - (c) the specification of the last treatment applied to the plants prior to dispatch; and
 - (d) under the heading “Additional declaration”, the statement that “This consignment meets the conditions in Part A of schedule 8 of the Plant Health (Scotland) Order 2005”.
6. Any permitted plants imported under paragraph 2 must be subject to official post-entry quarantine for the following periods, and found free during those periods from any relevant plant pest—
- (a) in the case of plants of *Pinus* L. or *Chamaecyparis* Spach, a period of not less than three months of active growth;
 - (b) in the case of plants of *Juniperus* L., the period beginning on 1 April and ending on 30 June.
7. Any official post-entry quarantine for the purposes of paragraph 6 must—
- (a) be supervised by the Scottish Ministers and executed by officially approved and trained staff;
 - (b) ensure that the recognisable mark on each plant is preserved;
 - (c) be performed at an officially approved site with the facilities necessary to contain the spread of plant pests and maintain the permitted plants in a manner that eliminates any risk of the spread of relevant plant pests; and
 - (d) be performed for each permitted plant—
 - (i) by visual examination upon arrival and at regular intervals subsequently, having regard to the type of relevant material and its state of development during the quarantine period, for relevant plant pests or symptoms caused by a relevant plant pest; and

(ii) by appropriate testing of any symptoms observed in the visual examination in order to identify the plant pest causing those symptoms.

8. Any lot containing permitted plants which have not been found free from relevant plant pests during the post-entry quarantine period must be immediately destroyed under official supervision.

9. Any permitted plants which are released from quarantine must not be moved within Scotland without a valid UK plant passport, which indicates the country of origin of the plants.

PART B

Soil contaminated by pesticides or persistent organic pollutants for decontamination purposes

10. In this Part—

“contaminated soil” means—

- (a) soil contaminated by pesticides covered by the Food and Agriculture Organisation of the United Nations’(23) programme on prevention and disposal of obsolete and unwanted pesticides or any other similar multilateral programme; or
- (b) soil contaminated with persistent organic pollutants listed in the Stockholm Convention on persistent organic pollutants(24), or in the 1998 Protocol to the 1979 Convention on long range trans-boundary air pollution on persistent organic pollutants(25);

“dedicated hazardous waste incinerator” means an incinerator in a relevant UK territory which is—

- (a) officially authorised to treat contaminated soil under retained EU law relating to industrial emissions; and
- (b) authorised by the appropriate UK plant health authority;

“IMDG Code” means the 2016 edition or, in respect of any soil imported on or after 1st January 2020, the 2018 edition of the International Maritime Dangerous Goods Code(26);

11. Contaminated soil, which is intended to be treated in a dedicated hazardous waste incinerator in Scotland may be imported into Scotland provided that—

- (a) its importation is authorised by the appropriate competent authority in accordance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste(27);
- (b) the soil is packaged in sealed drums or bags in compliance with the International Maritime Dangerous Goods Code(28) and transported in sealed shipping containers from the packaging site in the country of origin to the dedicated hazardous waste incinerator treatment site in accordance with the authorisation mentioned in sub-paragraph (a);
- (c) the soil is accompanied by a phytosanitary certificate issued by the national plant protection organisation in the country of origin which includes under the heading “Additional declaration” the statement: “This consignment meets the conditions in Part

(23) The headquarters of the Food and Agriculture Organisation are at Viale delle Terme di Caracalla, 00153 Rome, Italy.

(24) Adopted in Stockholm, Sweden on 22nd May 2001 (Treaty series No. 22 (2005), Cm 6581).

(25) The 1979 Convention on long range trans-boundary air pollution was adopted in Geneva, Switzerland on 13th November 1979 (Treaty series No. 57 (1983), Cmnd 9034); the 1998 Protocol on persistent organic pollutants was adopted in Aarhus, Denmark on 24th June 1998 (Treaty series No. 5 (2006), Cm 6757).

(26) A copy of these editions of the code may be obtained from IMO Publishing: ISBN: 978-92-801-1597-0 (2016 edition) and ISBN: 978-92-801-1683-0 (2018 edition).

(27) OJ L 190, 12.7.2006, p.1, as last amended by Commission Regulation (EU) 2015/2002 (OJ L 294, 11.11.2015, p.1).

(28) Available from: <http://www.imo.org/en/Publications/IMDGCode/Pages/Default.aspx>

B of schedule 8 of the Plant Health (Scotland) Order 2005 or Part B of schedule 8 to the Plant Health (EU) Exit Regulations 2019”;

(d) its importation is authorised by the Scottish Ministers under this Order.

12. When authorising the importation of contaminated soil for the purposes of paragraph 11, the Scottish Ministers must ensure that the authorisation contains conditions as to the points of entry which must be used for its importation and conditions requiring the importer to—

- (a) provide sufficient advance notice of any consignment of contaminated soil to be imported, which must include details of the quantity and origin of the soil, its point of entry, its expected date of arrival at the point of entry and the name, address and location of the dedicated hazardous waste incinerator where the soil is to be treated;
- (b) transport the contaminated soil directly from its point of entry to the dedicated hazardous waste incinerator notified pursuant to sub-paragraph (a).

PART C

Citrus fruits for industrial processing into juice originating in Argentina, Brazil, South Africa or Uruguay

13. In this Part, “permitted fruits” means fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., other than fruits of *Citrus aurantium* L. or *Citrus latifolia* Tanaka.

14. Permitted fruits originating in Argentina, Brazil, South Africa or Uruguay may be imported into Scotland for industrial processing into juice provided that—

- (a) they originate in an officially registered place of production;
- (b) their movement from the place of production to the point of export in the country of origin has been officially registered;
- (c) they are accompanied by a phytosanitary certificate issued by the national plant protection organisation of the country of origin which includes the required official statement and the relevant details; and
- (d) their importation is authorised by the Scottish Ministers under this Order.

15. When authorising the importation of permitted fruits for the purposes of paragraph 14, the Scottish Ministers must ensure that the authorisation contains conditions—

- (a) requiring the fruits to be imported and moved to their approved processing premises in individual packages in a container;
- (b) requiring a label to be attached to each container of fruits and individual package which contains—
 - (i) a unique number on each individual package;
 - (ii) the declared net weight of the fruit; and
 - (iii) a mark stating: “Fruit destined exclusively for industrial processing into juice”;
- (c) requiring the importer to provide sufficient advance notice of any container of permitted fruits to be imported, which must include details of the quantity of fruits, the identification numbers of the containers, the expected date of arrival, the point of entry into Scotland and the name, address and the location of the premises at which the fruits are to be processed; and
- (d) requiring compliance with the requirements specified in paragraphs 19 to 22.

16. For the purposes of paragraph 14(c), the required official statement is an official statement—

- (a) that the permitted fruits originate in a field of production which was subjected to appropriate treatments against *Phyllosticta citricarpa* (McAlpine) Van der Aa at the appropriate time; and
 - (b) that an appropriate visual inspection has been carried out during packaging and no symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa were detected in the fruits harvested in the field of production in that inspection.
17. The relevant details which must be included in the phytosanitary certificate for the purposes of paragraph 14(c) are—
- (a) the identification numbers of the containers;
 - (b) the unique numbers of the labels on the individual packages; and
 - (c) under the heading “Additional declaration”, the statement “Fruits destined exclusively for industrial processing into juice” and the code for the production unit.
18. Any permitted fruits imported under paragraph 14 must be visually inspected by an inspector on arrival and if symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa are detected and the plant pest is confirmed by testing, the batch from which the sample was taken must be refused entry.
19. Any permitted fruits imported under paragraph 14 must be transported without delay to the approved processing premises or to an approved storage facility.
20. Waste and by-products of permitted fruits must be destroyed by deep burial or used in accordance with an approved method to prevent the risk of *Phyllosticta citricarpa* (McAlpine) Van der Aa spreading.
21. The operator of an approved processing premises must keep records of the permitted fruits that are processed at the premises which indicate the numbers and distinguishing marks of containers, the quantity of permitted fruits imported, the volumes of waste and by-products destroyed or used and detailed information on their destruction or use.
22. Any permitted fruits which are stored pending their processing must be easily identifiable and stored in a way that prevents the risk of *Phyllosticta citricarpa* (McAlpine) Van der Aa spreading.”

SCHEDULE 2

Regulation 65

“SCHEDULE 8A

Article 2A

Emergency measures: miscellaneous

PART A

Official surveys

1. The Scottish Ministers must carry out official surveys for the presence of the following plant pests—
- (a) *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov.;
 - (b) Pepino mosaic virus;
 - (c) *Gibberella circinata* Nirenberg & O’Donnell;
 - (d) *Anoplophora chinensis* (Forster);

- (e) *Epitrix cucumeris* (Harris), *Epitrix papa* Orlova-Bienkowskaja, *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner);
 - (f) *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al.;
 - (g) *Pomacea* (Perry);
 - (h) *Xylella fastidiosa* (Wells et al.);
 - (i) *Anoplophora glabripennis* (Motschulsky);
 - (j) *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto.
 - (k) *Aromia bungii* (Faldermann)
2. Official surveys carried out pursuant to paragraph 1(c) must include surveys for evidence of infection by *Gibberella circinata* Nirenberg & O'Donnell.
 3. Official surveys carried out pursuant to paragraph 1(d) must include surveys for evidence of infestation by *Anoplophora chinensis* (Forster) on host plants.
 4. Official surveys carried out pursuant to paragraph 1(e) must include surveys for signs of infestation by *Epitrix cucumeris* (Harris), *Epitrix papa* Orlova-Bienkowskaja, *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) on potato tubers and, where appropriate, other host plants and include fields where potato tubers are growing.
 5. Official surveys carried out pursuant to paragraph 1(f) must—
 - (a) include surveys for *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. on the plants to which Schedule 8E applies and its vectors in the genus *Monochamus*; and
 - (b) consist of the collection of samples of that material and those vectors in accordance with sound scientific and technical principles and the laboratory testing of those samples in accordance with EPPO PM 7/4.
 6. Official surveys carried out pursuant to paragraph 1(h) must—
 - (a) consist of visual examinations and, in the case of any suspicion of infection by *Xylella fastidiosa* (Wells et al.), the collection of samples and testing;
 - (b) be based on sound scientific and technical principles;
 - (c) be carried out at appropriate times of the year;
 - (d) take account of the available scientific and technical evidence, the biology of the plant pest and its vectors, the presence and the biology of the relevant material which may host or become infected with the plant pest; and
 - (e) include the screening of the plant pest in areas which have been demarcated under Schedule 8G by one molecular test and, where the test is positive, by the carrying out, in line with international standards, of at least one additional positive molecular test.
 7. Official surveys carried out pursuant to paragraph 1(i) must include surveys for evidence of infestation by *Anoplophora chinensis* (Forster) on host plants.
 8. Official surveys carried out pursuant to paragraph 1(k) must—
 - (a) consist of visual examinations and, in the case of any suspicion of infestation by *Aromia bungii* (Faldermann), collection of samples for pest identification; and
 - (b) take account of the available scientific and technical evidence, the biology of the plant pest and any other appropriate information concerning the presence of the plant pest.

9. In paragraph 5, “EPPO PM 7/4” means the standard describing a diagnostic protocol for *Bursaphelenchus xylophilus* approved by the European and Mediterranean Plant Protection Organization⁽²⁹⁾.

PART B

Phytophthora ramorum Werres, De Cock & Man in ‘t Veld sp. nov.

10. Where signs of *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov. have been found on any plants in a place, other than a place of production, the Scottish Ministers must take appropriate measures to contain the plant pest.

PART C

Ralstonia solanacearum (Smith) Yabuuchi et al.

11. Where tubers of *Solanum tuberosum* L. originating in Egypt are imported into Scotland, the Scottish Ministers must ensure that—

- (a) the tubers are only moved within its territory if they are labelled to indicate their origin; and
- (b) appropriate measures are taken at the premises where they are processed or packaged to prevent any spread of *Ralstonia solanacearum* (Smith) Yabuuchi et al. from the disposal of waste arising from the packaging or processing of the tubers.

PART D

Emergency measures: Scotland and England

12. This Part applies where there is evidence that a relevant plant pest is present in Scotland or England.

13. The Scottish Ministers must co-operate with the Secretary of State to determine the extent of the area to be demarcated in relation to the infestation and the actions to be taken to eradicate and contain the relevant plant pest.

14. For the purposes of paragraph 12, the Scottish Ministers must ensure that the objectives of the demarcation and actions to be taken are consistent with the objectives and actions that would apply if the area were to be demarcated under the applicable schedule.

15. In this Part—

- (a) “relevant plant pest” means any of the following—
 - (i) *Gibberella circinata* Nirenberg & O’Donnell;
 - (ii) *Anoplophora chinensis* (Forster);
 - (iii) *Epitrix cucumeris* (Harris), *Epitrix papa* Orlova-Bienkowskaja, *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner);
 - (iv) *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al.;
 - (v) *Pomacea* (Perry);

⁽²⁹⁾ First approved by the European and Mediterranean Plant Protection Organization in September 2012 and available from its Secretariat at 21 Boulevard Richard Lenoir, 75011, Paris, France and at https://www.eppo.int/RESOURCES/eppo_standards/pm10_phytosanitary_treatments.

- (vi) *Xylella fastidiosa* (Wells et al.);
- (vii) *Anoplophora glabripennis* (Motschulsky);
- (b) “applicable schedule”, in relation to a relevant plant pest, means the schedule which makes provision about emergency measures in respect of that plant pest.

SCHEDULE 8B

Article 2A

Emergency measures: *Gibberella circinata* Nirenberg & O’Donnell**Application and interpretation**

1. This Schedule applies where there is evidence that *Gibberella circinata* Nirenberg & O’Donnell is present in Scotland.
2. In this Schedule—
 - “the plant pest” means *Gibberella circinata* Nirenberg & O’Donnell;
 - “susceptible plants” means any plants of the genus *Pinus* L. or the species *Pseudotsuga menziesii*, intended for planting, including seeds or cones for propagation purposes.

Establishment of a demarcated area

3. The Scottish Ministers must by notice demarcate an area in relation to the infestation consisting of—
 - (a) an infected zone and a buffer zone around the infected zone; and
 - (b) where two or more buffer zones around infected zones overlap or are geographically close, an area encompassing those infected zones and buffer zones and the areas between the buffer zones.
4. The infected zone must include the area in which the plant pest was found and all susceptible plants showing symptoms caused by the plant pest.
5. The boundary of the buffer zone must be at least one kilometre beyond the boundary of the infected zone.
6. The demarcation of any infected zone and buffer zone for the purposes of paragraph 3 must be based on sound scientific principles, the biology of the plant pest and its vectors, the level of infection, the time of year and the distribution of susceptible plants.
7. If there is a confirmed finding of the plant pest outside an infected zone, the Scottish Ministers must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 3 to 6 to take account of that finding.
8. Paragraph 3 does not apply in so far as any part of the area to be demarcated would be in England.

Measures to be taken in a demarcated area

9. Where the Scottish Ministers demarcate an area under paragraph 3, they must ensure that—
 - (a) measures are taken for the purpose of eradicating the plant pest in the demarcated area; and
 - (b) intensive monitoring is carried out in the demarcated area for the presence of the plant pest through appropriate inspections.

Lifting of demarcation

10. The Scottish Ministers may lift the demarcation that applies to an area which has been demarcated under paragraph 3 if the official surveys carried out pursuant to paragraph 1(c) of Schedule 8A show that the plant pest has not been found to be present in the demarcated area in the two years prior to the lifting of the demarcation.

SCHEDULE 8C

Article 2A

Emergency measures: *Anoplophora chinensis* (Forster)

PART A

Application and interpretation

1. This schedule applies where there is evidence that *Anoplophora chinensis* (Forster) is present in Scotland.

2. In this schedule—

“appropriate time”, in the case of paragraphs 11(a) and 12(a), means immediately or, in any case where the infested plants were found outside the flying period of the plant pest, before the start of the next flying period;

“demarcated area” means an area demarcated under paragraph 3;

“felling”, in relation to a plant, includes its removal;

“infested plant” means a plant which has been found to be infested with the plant pest;

“place of production” means a place of production which meets the requirements referred to in column 3 of item 4 of Part E of schedule 4;

“the plant pest” means *Anoplophora chinensis* (Forster);

“relevant period” means a period of at least four consecutive years which includes at least one life cycle of the plant pest and the year after;

“susceptible plants” means plants for planting, other than seeds, that have a stem or root collar diameter of one cm or more at their thickest point, of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Citrus* spp., *Cornus* spp., *Corylus* spp., *Cotoneaster* spp., *Crataegus* spp., *Fagus* spp., *Lagerstroemia* spp., *Malus* spp., *Platanus* spp., *Populus* spp., *Prunus laurocerasus*, *Pyrus* spp., *Rosa* spp., *Salix* spp. or *Ulmus* spp..

PART B

Establishment of a demarcated area

3. The Scottish Ministers must by notice and without delay demarcate an area in relation to the infestation consisting of an infested zone and a buffer zone around the infested zone.

4. The infested zone must include the area in which the plant pest was found, all plants showing symptoms caused by the plant pest and, where appropriate, all plants belonging to the same lot at the time of planting.

5. The boundary of the buffer zone must be at least two kilometres beyond the boundary of the infested zone, but may be reduced to one kilometre beyond the boundary of the infested zone where the Scottish Ministers conclude that eradication of the plant pest is possible and remains of that view.

6. The demarcation of the infested zone and the buffer zone must be based on sound scientific principles, the biology of the plant pest, the level of infestation, the distribution of host plants in the area concerned and evidence of establishment of the plant pest.

7. If there is a confirmed finding of the plant pest outside the infested zone, the Scottish Ministers must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 3 to 6 to take account of that finding.

8. Paragraph 3 is subject to paragraph 15.

9. This Part does not apply in so far as any part of the area to be demarcated would be in England.

PART C

Measures to be taken in a demarcated area

10. Where an area is demarcated under paragraph 3, the Scottish Ministers must ensure that measures are taken to eradicate the plant pest in the area or, where they have concluded that this is no longer possible, to contain the spread of the plant pest from the area.

11. The eradication measures must include—

- (a) the felling of all infested plants and plants with symptoms caused by the plant pest, other than any plant to which sub-paragraph (d) applies, and the complete removal of their roots at the appropriate time;
- (b) the felling of all susceptible plants within a radius of 100 metres of an infested plant, other than any plant to which sub-paragraph (d) applies, and the examination of those plants for any sign of infestation;
- (c) the removal, examination and disposal of plants felled in accordance with sub-paragraphs (a) and (b) and their roots, taking all necessary precautions to avoid the spread of the plant pest during and after felling;
- (d) in any case where the Scottish Ministers conclude that the felling of an infested tree, any tree with symptoms caused by the plant pest or a susceptible plant within a radius of 100 metres of an infested plant would not be appropriate and alternative eradication measures can be applied to offer the same level of protection to those measures, those alternative eradication measures;
- (e) the prevention of any movement of potentially infested plants out of the demarcated area;
- (f) the tracing back to the origin of the infestation and the tracing of plants associated with the infestation as far as possible, along with examinations of the plants traced for any sign that they are infested with the plant pest, which must include targeted destructive sampling;
- (g) where appropriate, the replacement of susceptible plants by other plants;
- (h) the prohibition on the planting of susceptible plants in the open air within a radius of 100 metres of an infested plant, except in a place of production;
- (i) intensive monitoring for the presence of the plant pest by annual inspections at appropriate times on host plants, with specific focus on the buffer zone, including, where appropriate, targeted destructive sampling;

- (j) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within Scotland, including the conditions relating to the movement of susceptible plants from the demarcated area;
- (k) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication of the plant pest; and
- (l) any other measure which may contribute to the eradication of the plant pest, taking into account the guidelines in ISPM No. 9 and ISPM No. 14.

12. The containment measures must include—

- (a) the felling of all infested plants and plants with symptoms caused by the plant pest, other than any plant to which sub-paragraph (c) applies, and the complete removal of their roots at the appropriate time;
- (b) the removal, examination and disposal of plants felled in accordance with sub-paragraph (a) and their roots, taking all necessary precautions to avoid the spread of the plant pest after felling;
- (c) in any case where the Scottish Ministers conclude that the felling and the disposal of an infested tree or any tree with symptoms caused by the plant pest would not be appropriate and alternative containment measures can be applied to offer the same level of protection to those measures, those alternative containment measures;
- (d) the prevention of any movement of potentially infested plants out of the demarcated area;
- (e) where appropriate, the replacement of susceptible plants by other plants;
- (f) the prohibition on the planting of susceptible plants in the open air within a radius of 100 metres of an infested plant, except in a place of production;
- (g) intensive monitoring for the presence of the plant pest by annual inspections at appropriate times on host plants, which must include targeted destructive sampling;
- (h) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within Scotland, including the conditions relating to the movement of susceptible plants from the demarcated area;
- (i) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay containment of the plant pest; and
- (j) any other measure which may contribute to the containment of the plant pest.

13. The Scottish Ministers must set time periods for the implementation of the measures to be carried out.

14. The Scottish Ministers may only conclude that it is not possible to eradicate the plant pest from a demarcated area where the results of official surveys carried out over a period of four or more consecutive years have confirmed the presence of the plant pest in the demarcated area and there is evidence that the plant pest can no longer be eradicated from the area.

PART D

Measures to be taken where no demarcated area is established

15. The Scottish Ministers need not demarcate an area in relation to a finding of the plant pest in Scotland where—

- (a) there is evidence that—

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

- (i) the infestation has been caused by the movement of susceptible plants to the area of infestation and those plants were infested with the plant pest prior to their movement to that area; or
 - (ii) it is an isolated finding which is not expected to lead to the establishment of the plant pest; and
- (b) they have ascertained that the plant pest is not established in the area and will not successfully breed or spread if appropriate eradication measures are taken.
- 16.** Where the Scottish Ministers do not demarcate an area for the reasons specified in paragraph 15(a) and (b), they must ensure that—
- (a) measures are immediately taken for the purpose of promptly eradicating the plant pest and preventing its spread;
 - (b) over the relevant period, monitoring is carried out within one kilometre of the infested plants or the place at which the plant pest was found, which must be regular and intensive in the first year;
 - (c) the infested plants are destroyed;
 - (d) tracing back to the origin of the infestation and tracing of plants associated with the infestation is carried out as far as possible, along with examinations of the plants traced for any sign that they are infested with the plant pest, which must include targeted destructive sampling;
 - (e) activities to raise public awareness of the threat posed by the plant pest are carried out;
 - (f) any other measure which may contribute to the eradication of the plant pest is taken, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

PART E

Lifting of demarcation

- 17.** The Scottish Ministers may lift the demarcation that applies to a demarcated area if—
- (a) the plant pest is not detected in the demarcated area over the relevant period during official surveys carried pursuant to paragraph 1(d) of schedule 8A or by the monitoring referred to in paragraph 11(i); or
 - (b) the conditions in paragraph 15(a) and (b) are satisfied.

SCHEDULE 8D

Article 2A

Emergency measures: *Epitrix cucumeris* (Harris), *Epitrix papa* Orlova-Bienkowskaja, *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)

PART A

Application and interpretation

- 1.** This schedule applies where there is evidence that *Epitrix cucumeris* (Harris), *Epitrix papa* Orlova-Bienkowskaja, *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is present in, or there are signs of infestation by one of those plant pests on potato tubers in Scotland.

2. In this schedule—

“authorised packing facility” means a packing facility in the vicinity of a demarcated area which is authorised by the Scottish Ministers or by an inspector to pack potato tubers originating in the demarcated area;

“demarcated area” means an area demarcated under paragraph 3;

“permitted potato tubers” means potato tubers originating in a demarcated area that have been grown in fields—

- (a) which have been subjected to insecticide treatments against the plant pest at appropriate times during the growing season; and
- (b) in which the plant pest has not been detected by pre-harvest official inspections carried out at appropriate times at those fields;

“plant pest” means one or more of the following plant pests—

- (a) *Epitrix cucumeris* (Harris);
- (b) *Epitrix papa* Orlova-Bienkowskaja;
- (c) *Epitrix subcrinita* (Lec.);
- (d) *Epitrix tuberis* (Gentner);

“unwashed potato tubers” means potato tubers that have not—

- (a) been washed or brushed so that there is no more than 0.1% of soil remaining; or
- (b) undergone an equivalent method which has been specifically applied to ensure the removal of the plant pest and ensure that there is no risk of the plant pest spreading.

PART B

Establishment of a demarcated area

3. The Scottish Ministers must by notice and without delay demarcate an area in relation to the infestation consisting of—

- (a) an infested zone and a buffer zone around the infested zone;
- (b) where two or more buffer zones around the infested zones overlap or are geographically close, an area encompassing those infested zones and buffer zones and the areas between the buffer zones.

4. The infested zone must include the fields in which a finding of the plant pest or signs of infestation by the plant pest on potato tubers has been confirmed and fields in which potato tubers infested with the plant pest have been grown.

5. The boundary of the buffer zone must be at least 500 metres beyond the boundary of the infested zone, but must extend to the boundary of each field mentioned in paragraph 4 where the boundary of the field is less than 500 metres beyond the boundary of the infested zone.

6. The demarcation of the infested zone and the buffer zone must be based on the biology of the plant pest, the level of infestation, the distribution of host plants in the area concerned, evidence of establishment of the plant pest and the capacity of the plant pest to spread naturally.

7. If there is a confirmed finding of the plant pest or signs of infestation by the plant pest on potato tubers outside the infested zone, the Scottish Ministers must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 3 to 6 to take account of that finding.

8. Paragraph 3 does not apply in so far as any part of the area to be demarcated would be in England.

PART C

Measures to be taken in a demarcated area

9. Where an area is demarcated under paragraph 3, the Scottish Ministers must ensure that—
- (a) measures are taken to eradicate or contain the plant pest, which must include the treatment and disinfestation of infested potato tubers and host plants and, where necessary, a prohibition on the planting of host plants;
 - (b) intensive monitoring for the presence of the plant pest or signs of infestation by the plant pest on potato tubers through appropriate inspections is carried out;
 - (c) surveillance of the movement of potato tubers out of the demarcated area is carried out; and
 - (d) any vehicle and packaging which has been used to transport any unwashed potato tubers originating in the demarcated area is decontaminated and cleaned in an appropriate manner before leaving the demarcated area.
10. Where permitted potato tubers from an officially registered place of production, warehouse or dispatching centre or permitted potato tubers produced by an officially registered producer are moved from a demarcated area to an authorised packing facility, the Scottish Ministers must ensure that—
- (a) the potato tubers are not moved to the packing facility unless the Scottish Ministers are given advance notice of the date of the intended movement;
 - (b) the potato tubers are—
 - (i) transported to the packing facility in closed vehicles, or in closed and clean packaging, in such a manner to ensure that the plant pest cannot escape or spread;
 - (ii) accompanied by a document identifying their origin and destination; and
 - (iii) immediately on arrival at the packing facility, washed or brushed so that there is no more than 0.1% of soil remaining or subjected to an equivalent method to remove the plant pest and eliminate any risk of the plant pest spreading;
 - (c) any vehicle and packaging which has been used to transport any unwashed potato tubers to the packing facility is decontaminated and cleaned in an appropriate manner before leaving the facility;
 - (d) any machinery at the packing facility which is used to handle the potato tubers is decontaminated and cleaned in an appropriate manner after each use;
 - (e) any waste soil or other waste material arising from the cleaning of unwashed potato tubers or the decontamination and cleaning mentioned in sub-paragraphs (c) and (d) is disposed of in a manner that ensures that the plant pest cannot establish or spread outside the demarcated area;
 - (f) the packing facility keeps records of all potato tubers handled at the facility for a period of one year beginning on the date of their arrival at the facility;
 - (g) the intensive monitoring mentioned in paragraph 9(b) includes appropriate inspections on potato plants and, where appropriate, other host plants, including fields where those plants are growing within a radius of 100 metres of the packing facility; and
 - (h) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction and spread in the vicinity of the packing facility are carried out.

PART D

Lifting of demarcation

11. The Scottish Ministers may by notice lift the demarcation that applies to a demarcated area if the official surveys carried out pursuant to paragraph 1(e) of Schedule 8A show that the plant pest or signs of infestation by the plant pest have not been detected in the demarcated area in the two years prior to the lifting of the demarcation.

SCHEDULE 8E

Article 2A

Emergency measures: *Bursaphelenchus xylophilus*
(Steiner et Buhner) Nickle et al. (the pinewood nematode)

PART A

Application and interpretation

1. This schedule applies where there is evidence that *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. is present in a susceptible plant in Scotland or where there is evidence that it is present in Scotland by other means.

2. In this schedule—

“appropriate samples”, in relation to a susceptible plant, means samples from several parts of the plant, including the crown, and any part where signs of activity of insect vectors are visible;

“appropriate sampling scheme” means a sampling scheme which is able to confirm with 99% reliability that the level of the plant pest in the plants being sampled and tested is below 0.1%;

“appropriate time”, in relation to the felling of susceptible plants, means—

(a) in the case of any plant identified outside the flight season of the vector, before the start of the next flight season;

(b) in the case of any plant identified during the flight season of the vector, immediately;

“authorised treatment facility” means a treatment facility authorised by the Scottish Ministers for the purposes of this schedule;

“demarcated area”—

(a) in relation to an area in Scotland, means an area demarcated under paragraph 3;

(b) in relation to an area in another UK territory, means an area demarcated under paragraph 3 of schedule 13 of the Plant Health Regulations;

“exempt plant” means any susceptible plant which the Scottish Ministers have concluded it would be inappropriate to fell;

“flight season of the vector” means the period beginning on 1st April and ending on 31st October or such other period as the Scottish Ministers consider appropriate;

“pest free area” means a demarcated area in respect of which there is evidence from surveys carried out for the presence of the vector in accordance with ISPM No. 4 that the vector has not been present in the area for at least three consecutive years;

“the plant pest” means *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pinewood nematode);

“relevant movement restrictions”, in relation to susceptible plants, mean any restrictions that apply to their movement by virtue of this Order;

“residual material” means cut stems, cutting residues and naturally occurring debris showing signs of activity of insect vectors which are located in a part of the demarcated area where wilt symptoms of the susceptible plants are not expected to occur or are expected to be delayed;

“susceptible plants” means plants, other than fruit and seeds, of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. or *Tsuga* Carr.;

“the vector” means beetles belonging to the genus *Monochamus* Megerle in Dejean, 1821.

PART B

Establishment of a demarcated area

3. The Scottish Ministers must by notice and without delay demarcate an area in relation to the infestation consisting of—

- (a) the infested zone (being the area in which the plant pest was found to be present); and
- (b) a buffer zone around the infested zone.

4. The buffer zone must have a diameter of at least 20 kilometres which may be reduced to 6 kilometres, if the eradication measures referred to in paragraph 9 are being taken and the Scottish Ministers consider that the reduction will not jeopardise the effectiveness of the eradication measures.

5. Where the plant pest is found to be present in the buffer zone and eradication measures are not being taken in the demarcated area, the Scottish Ministers must demarcate a further area in accordance with paragraphs 3 and 4 to take account of that finding.

6. Where the plant pest is found to be present in the buffer zone and eradication measures are being taken in the demarcated area, the Scottish Ministers must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 3 and 4 to take account of that finding.

7. This Part does not apply in so far as any part of the area to be demarcated would be in England.

PART C

Eradication measures

8. This Part applies where an area is demarcated under paragraph 3 by the Scottish Ministers.

9. The Scottish Ministers must ensure that the following measures are taken under official supervision to eradicate the plant pest—

- (a) the establishment of a clear-cut zone around each susceptible plant in which the plant pest has been found to be present in accordance with paragraph 10;
- (b) the felling, removal and disposal of all susceptible plants, other than any exempt plants, in a clear-cut zone, taking all necessary precautions to avoid spreading the plant pest and the vector during felling;
- (c) the taking of appropriate samples from the susceptible plants felled and any residual material in the clear-cut zone;
- (d) the testing of those samples for the presence of the plant pest;
- (e) the carrying out of the following surveys—

- (i) surveys of the susceptible plants and residual material in the demarcated area, during and outside the flight season of the vector, in accordance with paragraph 11; and
- (ii) surveys of the vector itself during the flight season of the vector in accordance with paragraph 12, which must be intensive in any area affected by fire or storm;
- (f) the identification of all susceptible plants in the demarcated area which are infested with the plant pest or which are dead, in poor health or affected by fire or storm;
- (g) the felling, at the appropriate time, of—
 - (i) all susceptible plants in the demarcated area which have been found to be infested with the plant pest;
 - (ii) in the case of any plants in a pest free area, all susceptible plants which have been found to be infested following their sampling and testing using an appropriate sampling scheme; and
 - (iii) in the case of any plants in a demarcated area which is not a pest free area, all susceptible plants in the demarcated area which are dead, in poor health or affected by fire or storm;
- (h) in the case of felled susceptible plants in the demarcated area in which the plant pest has not already been found to be present, the sampling and testing of those plants using an appropriate sampling scheme;
- (i) the disposal of all felled susceptible plants and the resulting logging remains, taking all necessary precautions to avoid spreading the plant pest and the vector during felling, by their destruction on site or their removal;
- (j) in the case of any place of production of plants for planting in which the plant pest has been detected on susceptible plants grown at the place of production since the beginning of the last complete growing cycle, the removal and disposal of those plants, taking all necessary precautions to avoid spreading the plant pest and the vector;
- (k) the identification of all felled susceptible plants in the buffer zone which are not subject to the preceding measures and the removal of those plants and their logging remains, taking all necessary precautions to avoid spreading the plant pest and the vector;
- (l) in the case of any exempt plants, the application of alternative eradication measures to their felling, removal and disposal to prevent any possible spread of the plant pest from the plants;
- (m) in the case of any clear-cut zone which has been reduced for the reasons specified in paragraph 10(a)—
 - (i) the inspection, during or after the flight season of the vector, of those susceptible plants which are located between 100 metres and 500 metres of an infested susceptible plant for signs or symptoms of the presence of the plant pest;
 - (ii) the taking of appropriate samples of any plant inspected under head (i) which shows signs or symptoms of the presence of the plant pest and the testing of those samples for the presence of the plant pest;
 - (iii) the carrying out of intensive surveys of the vector by sampling and testing individual vectors for the presence of the plant pest in the area located between 100 metres and 500 metres of an infested susceptible plant; and
 - (iv) the application of alternative eradication measures to their felling, removal and disposal to prevent any possible spread of the plant pest from the susceptible plants; and

- (n) the production of a hygiene protocol setting out the hygiene procedures for vehicles transporting forest products and machinery for processing forest products to ensure that the plant pest cannot be spread with those vehicles and machinery.
- 10.** Any clear-cut zone must be established promptly in light of the risk of transmission of the plant pest by the vector from the susceptible plant in which it was found and must have a minimum initial radius of 500 metres, which may be reduced to 100 metres if—
- (a) the Scottish Ministers conclude that the creation of a clear-cut zone with a radius of 500 metres would have unacceptable social or environmental impacts; or
 - (b) the Scottish Ministers have evidence from surveys carried out for the presence of the vector in accordance with ISPM No. 4 that the vector has not been present in the area during the preceding three years.
- 11.** When carrying out any survey of any susceptible plants and residual material in a demarcated area, the survey must—
- (a) include the inspection, sampling and testing of those plants and that material for the presence of the plant pest;
 - (b) focus in particular on susceptible plants which are dead, in poor health or affected by fire or storm; and
 - (c) be carried out at an appropriate rate which ensures that the intensity of the survey in the area lying within a radius of 3000 metres of an infested susceptible plant is at least four times higher than in the rest of the buffer zone outside that area.
- 12.** When carrying out any survey of the vector in a demarcated area during the flight season, the survey must include the inspection, sampling and testing of the vector for the presence of the plant pest.

PART D

Containment measures

- 13.** This Part applies—
- (a) where—
 - (i) annual surveys carried out pursuant to paragraph 9(e) over a minimum period of four consecutive years and the experience gathered by the Scottish Ministers shows that, in the particular circumstances, it is impossible to eradicate the plant pest; or
 - (ii) there is evidence of the presence of the plant pest throughout the infested zone of a demarcated area, the infested zone exceeds 20 kilometres and the experience gathered shows that in the particular circumstances, it is impossible to eradicate the plant pest in the infested area; and
 - (b) where the Scottish Ministers have concluded that it would not be appropriate to continue to apply the eradication measures in Part C.
- 14.** The Scottish Ministers must ensure that the following measures are taken under official supervision to contain the plant pest—
- (a) the carrying out of annual surveys of susceptible plants and the vector in the infested zone or zones in the demarcated area;
 - (b) the felling of all susceptible plants in the infested zone or zones in which the plant pest has been found to be present and the removal and disposal of those plants and their felling remains, taking all necessary precautions to avoid spreading the plant pest and the vector;

- (c) the carrying out of the following surveys in the buffer zone of the demarcated area in accordance with paragraphs 15 and 16—
 - (i) surveys, during and outside the flight season of the vector, of susceptible plants and residual material; and
 - (ii) surveys, during the flight season of the vector, of the vector itself;
 - (d) the identification of all susceptible plants in the buffer zone which are infested with the plant pest or which are dead, in poor health or affected by fire or storm;
 - (e) the felling, at the appropriate time, of all susceptible plants in the buffer zone which have been found to be infested with the plant pest, taking all necessary precautions to avoid spreading the plant pest and the vector during felling;
 - (f) the disposal of all felled susceptible plants and the resulting logging remains in the buffer zone, taking all necessary precautions to avoid spreading the plant pest and the vector during their disposal, by—
 - (i) their immediate destruction on site;
 - (ii) their movement under official control from the buffer zone into the infested zone or zones; or
 - (iii) their removal;
 - (g) in the case of felled susceptible plants in the buffer zone in which the plant pest has not already been found to be present, the removal of those plants and their logging remains, taking all necessary precautions to ensure that they do not attract the plant pest or the vector;
 - (h) the identification of all felled susceptible plants in the buffer zone which are not subject to any of the preceding measures in this paragraph and the removal of those plants and their logging remains, taking all necessary precautions to avoid spreading the plant pest and the vector; and
 - (i) the production of a hygiene protocol setting out the hygiene procedures for vehicles transporting forest products and machinery for processing forest products to ensure that the plant pest cannot be spread with those vehicles and machinery.
- 15.** When carrying out a survey of susceptible plants and residual material in a demarcated area, the survey must—
- (a) include the inspection, sampling and testing of those plants and that material for the presence of the plant pest;
 - (b) focus in particular on susceptible plants which are dead, in poor health or affected by fire or storm; and
 - (c) be carried out at an appropriate rate which ensures that the intensity of the survey in the area lying within a radius of 3000 metres of an infested susceptible plant is at least four times higher than in the rest of the buffer zone outside that area.
- 16.** When carrying out any survey of the vector in a demarcated area during the flight season, the survey must include the inspection, sampling and testing of the vector for the presence of the plant pest.

PART E

Other measures

- 17.** Where an area is demarcated under paragraph 3 by the Scottish Ministers, they must ensure that—

- (a) operators and the public are informed of the measures taken in accordance with Parts C and D; and
- (b) frequent random checks are carried out on susceptible plants which are being moved from the demarcated area to another demarcated area or from the infested zone to the buffer zone in the demarcated area.

18. The Scottish Ministers must ensure that the checks referred to in paragraph 17(b) are based on the risk that the plants in question carry live pinewood nematodes, taking into account the provenance of the consignment, the degree of susceptibility of the plants in question and past compliance by the operator of any relevant movement restrictions or any other measure imposed on the operator to eradicate or contain the plant pest.

19. Any checks must be carried out—

- (a) at the points where they are moved from the infested zone into the buffer zone;
- (b) at the points where they are moved from the buffer zone into an area outside the demarcated area;
- (c) at their place of destination in the buffer zone; and
- (d) at their place of origin in the infested zone, including sawmills.

20. The checks must include—

- (a) an examination to ascertain that the plants are accompanied by a UK plant passport;
- (b) an examination to ascertain the identity of the relevant material being moved; and
- (c) an examination of the plants to ascertain whether they meet the requirements of this Order relating to their movement, and testing for the presence of the plant pest where the movement of material is or is suspected to be in breach of restrictions on the movement of susceptible plants under this Order or with any other measure imposed on the operator to eradicate or contain the plant pest.

21. The Scottish Ministers must ensure that random checks are carried out on susceptible plants moving from a demarcated area situated outside Scotland into Scotland.

22. Where any random check reveals that the susceptible plants are being moved in contravention of any movement restrictions referred to in paragraph 20(c), the Scottish Ministers must ensure that—

- (a) the susceptible plants are destroyed under official supervision; or
- (b) the susceptible plants are moved under official supervision to an authorised treatment facility for heat treatment;

PART F

Lifting of demarcation

23. The Scottish Ministers may lift the demarcation which applies to a demarcated area if—

- (a) official surveys show that the plant pest has not been found to be present in the demarcated area in the four years prior to the lifting of the demarcation; or
- (b) they have evidence from the surveys carried out for the presence of the vector in accordance with ISPM No. 4 that the vector has not been present in the area for the three years prior to the lifting of the demarcation, and the absence of the vector has been confirmed by sampling and testing.

SCHEDULE 8F

Article 2A

Emergency measures: *Pomacea* (Perry)

PART A

Application and interpretation

1. This schedule applies where there is evidence that *Pomacea* (Perry) is present in a field or watercourse in Scotland.
2. In this Schedule—
 - “the plant pest” means *Pomacea* (Perry);
 - “susceptible plants” means any plants, other than seeds intended for planting, that can only grow in water or soil that is permanently saturated in water.

PART B

Establishment of a demarcated area

3. The Scottish Ministers must by notice and without delay demarcate an area in relation to the infestation consisting of—
 - (a) an infested zone and a buffer zone around the infested zone; and
 - (b) where two or more buffer zones around the infested zones overlap or are geographically close, an area encompassing those infested zones and buffer zones and the areas between the buffer zones.
4. The infested zone must include the area in which the plant pest was found to be present.
5. The buffer zone must only include watercourses and areas that are saturated with fresh water.
6. The boundary of the buffer zone must be at least 500 metres beyond the boundary of the infested zone, but where the infested zone includes part of a watercourse, the buffer zone must be extended to include the stretches of the watercourse which are at least 1,000 metres downstream and 500 metres upstream of the location of the finding of the plant pest.
7. The demarcation of an infested zone and buffer zone must be based on sound scientific principles, the biology of the plant pest, the level of infestation, the evidence of establishment of the plant pest, the distribution of susceptible plants and the capacity of the plant pest to spread naturally.
8. If there is a confirmed finding of the plant pest in a buffer zone, the Scottish Ministers must amend the original demarcated area in accordance with paragraphs 3 to 7 to take account of that finding.
9. This Part does not apply in so far as any part of the area to be demarcated would be in England.

PART C

Measures to be taken in a demarcated area

10. Where the Scottish Ministers demarcate an area pursuant to paragraph 3, they must ensure that all measures that are necessary for the eradication of the plant pest are taken and that a hygiene

protocol is produced setting out the hygiene procedures for all agriculture and aquaculture machinery which may come into contact with the plant pest and be capable of spreading it.

11. Those measures must include—

- (a) the removal and destruction of the plant pest; and
- (b) intensive monitoring for the presence of the plant pest by inspections twice a year with a specific focus on the buffer zone.

12. Where appropriate, the Scottish Ministers must ensure that there is an awareness raising programme about the risk of the spread of the plant pest.

PART D

Lifting of demarcation

13. The Scottish Ministers may, by notice in writing, lift the demarcation that applies to an area which has been demarcated under paragraph 3 if official surveys show that the plant pest has not been found to be present in the demarcated area in the four years prior to the lifting of the demarcation.

SCHEDULE 8G

Article 2A

Emergency measures: *Xylella fastidiosa* (Wells et al.)

PART A

Application and interpretation

1. This schedule applies where *Xylella fastidiosa* (Wells et al.) is confirmed to be present in Scotland.

2. In this Schedule—

“demarcated area” means an area demarcated under paragraph 5;

“infected plant” means a plant which has been tested and found to be infected by the plant pest;

“the plant pest” means *Xylella fastidiosa* (Wells et al.);

“susceptible plants” means host plants, intended for planting, belonging to the genera or species listed in the list of *Xylella* host plants.

3. Any test or survey which is carried out for the purposes of paragraph 7(b), 25(b)(ii) or 26 must be based on a sampling scheme capable of identifying with 99% reliability a level of presence of infected plants of 1% or above.

4. Any survey which is carried out for the purposes of paragraph 7(c) or 16(g) must be based on a grid split of 100 metres x 100 metres squares within a zone of a width of at least 1 kilometre surrounding the infected zone and a grid split of 1 kilometre x 1 kilometre squares within the rest of the buffer zone.

PART B

Establishment of a demarcated area

5. The Scottish Ministers must by notice and without delay demarcate an area in relation to the infection consisting of an infected zone and a buffer zone around the infected zone.

6. The infected zone must include all plants known to be infected by the plant pest, all plants showing symptoms indicating possible infection by the plant pest and all other plants liable to be infected by the plant pest due to their close proximity to infected plants or a known common source of production with infected plants or plants grown from them.

7. The boundary of the buffer zone must be at least five kilometres beyond the boundary of the infected zone, but may be reduced to one km beyond the boundary of the infected zone where the Scottish Ministers conclude with a high degree of confidence that the initial presence of the plant pest has not resulted in any spread of the plant pest and the following conditions have been met—

- (a) all host plants within a radius of 100 metres of the infected plant have been promptly removed;
- (b) no other plants have been found infected by the plant pest in the infected zone following official tests which have been carried out at least once during the course of the year and which targeted symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones;
- (c) a delimiting survey has been carried out in the zone surrounding the infected zone that extended at least 2.5 kilometres beyond the boundary of the infected zone, which included visual inspections of susceptible plants and the sampling and testing of symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic plants; and
- (d) the possibility of natural spread of the plant pest has been excluded as a result of tests which have been carried out twice during the flight season of the relevant vector and in accordance with international guidelines in which no vectors carrying the plant pest have been detected in the infected zone.

8. The demarcation of the infected zone and the buffer zone must be based on sound scientific principles, the biology of the plant pest and its vectors, the level of infection, the distribution of the susceptible plants in the area concerned and the presence of vectors of the plant pest.

9. Where the infection is limited to one particular sub-species of the plant pest which has been identified by one positive molecular test carried out in line with international standards, the demarcation may be based on that sub-species alone.

10. If there is a confirmed finding of the plant pest in the buffer zone, the Scottish Ministers must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 5 to 9 to take account of that finding.

11. The Scottish Ministers must maintain a list of demarcated areas in Scotland and publish that list.

12. Paragraph 5 is subject to paragraph 23.

13. This Part does not apply in so far as any part of the area to be demarcated would be in England.

PART C

Eradication measures

14. This Part applies where an area is demarcated under paragraph 5 by the Scottish Ministers.

15. The Scottish Ministers must ensure that measures are taken to eradicate the plant pest.
16. The eradication measures must include—
- (a) the immediate removal of the following plants within a radius of 100 metres of each infected plant, other than any plants to which paragraph 17 applies—
 - (i) host plants, regardless of their health status;
 - (ii) plants known to be infected by the plant pest; and
 - (iii) plants showing symptoms indicating possible infection by the plant pest or which are suspected to be infected by the plant pest;
 - (b) in the case of any plants to which paragraph 17 applies—
 - (i) the official inspection of those plants during the flight season of relevant vectors for symptoms of the plant pest and measures to ensure their physical isolation; and
 - (ii) their sampling and testing for the presence of the plant pest where symptoms of the plant pest are present;
 - (c) the sampling and testing of susceptible plants within a radius of 100 metres of each infected plant in accordance with ISPM No. 31;
 - (d) the application of appropriate phytosanitary treatments against vectors of the plant pest and plants that may host those vectors prior to the removal of any plants under sub-paragraph (a);
 - (e) the destruction of the plants removed under sub-paragraph (a) either *in situ* or in a nearby location designated for this purpose within the infected zone in a manner that ensures that the plant pest is not spread;
 - (f) appropriate investigations to identify the origin of the infection, which must include the tracing of susceptible plants associated with the infected plants (including those that were moved before the demarcated area was established);
 - (g) annual surveys to monitor the presence of the plant pest, which must include visual inspections of susceptible plants and the sampling and testing of symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones;
 - (h) the prohibition on the planting of host plants in the infected zone, except where they are physically protected against the introduction of the plant pest by its vectors;
 - (i) the raising of public awareness of the threat of the plant pest and the measures adopted to prevent its introduction and spread and the setting up of road signs to delineate the demarcated area;
 - (j) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication of the plant pest;
 - (k) the application of appropriate agricultural practices for the management of the plant pest and its vectors; and
 - (l) any other measure which may contribute the eradication of the plant pest, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.
17. The Scottish Ministers may decide that individual host plants officially designated as plants with historic value need not be removed if the following conditions are met—
- (a) the host plants have been sampled and tested and have been confirmed not to be infected by the plant pest;
 - (b) the individual host plants have, or the area concerned has, been physically isolated in an appropriate manner from relevant vectors for the purpose of preventing the spread of the plant pest; or

- (c) appropriate agricultural practices for the management of the plant pest and its vectors have been applied.

PART D

Other measures

18. Where an area is demarcated under paragraph 5 by the Scottish Ministers, they must ensure that regular official checks are carried out on susceptible plants which are being moved out of the demarcated area, or from the infected zone to the buffer zone in the demarcated area.

19. The Scottish Ministers must ensure that the checks referred to in paragraph 18 are carried out at—

- (a) the points where the susceptible plants are moved from the infected zone into the buffer zone;
- (b) the points where the susceptible plants are moved from the buffer zone into an area outside the demarcated area;
- (c) their place of destination in the buffer zone; and
- (d) their place of destination outside the demarcated zone.

20. The checks must include an examination of the UK plant passport accompanying the plants and an examination to ascertain the identity of the material in the consignment.

21. The intensity of the checks must be based on the risk of the plants carrying the plant pest or its known or potential vectors, taking into account—

- (a) the provenance of the lots in the consignment;
- (b) the degree of susceptibility of the plants; and
- (c) the extent to which each operator in the demarcated area has complied with the restrictions on the movement of susceptible plants under this Order and with any other official measure imposed on the operator to eradicate or contain the plant pest.

22. Where any checks carried out pursuant to paragraph 18 show that the plants do not comply with the requirements specified under this Order in relation to their movement, the Scottish Ministers must ensure that those plants are destroyed immediately *in situ* or in a nearby location and that all necessary precautions to avoid the spread of the plant pest and its vectors are taken during and after removal.

PART E

Measures to be taken where no demarcated area is established

23. The Scottish Ministers need not demarcate an area in relation to a finding of the plant pest in Scotland where—

- (a) there is evidence—
 - (i) that the infection has been caused by the recent movement of susceptible plants to the area in which the plant pest was found; or
 - (ii) that the plant pest has been found in a site with physical protection from the vectors of the plant pest;
- (b) there is evidence that the susceptible plants were infected with the plant pest before they were introduced into that area; and

- (c) no vectors carrying the plant pest have been detected in tests carried out in accordance with internationally validated testing methods in the vicinity of those plants.

24. Where the Scottish Ministers do not demarcate an area for the reasons specified in paragraph 23(a) to (c), they must ensure that annual surveys are carried out for a period of at least two years beginning on the date of its decision not to demarcate the area, in order to determine whether any other plants are or have been infected with the plant pest.

PART F

Lifting of demarcation

25. The Scottish Ministers may lift the demarcation that applies to a demarcated area if—
- (a) the plant pest is not detected in the demarcated area over a period of five years in official surveys carried pursuant to paragraph 1(h) of Schedule 8A or by the monitoring referred to in paragraph 16(g); and
 - (b) where the buffer zone has been reduced in accordance with paragraph 7, one year after the date of its initial establishment if the following conditions are met—
 - (i) the measures described in paragraphs 7(a) to (d) have been taken and, as a result, the Scottish Ministers are able to conclude with a high degree of confidence that the initial presence of the plant pest was an isolated case and no further spread has occurred in the demarcated area; and
 - (ii) as close as practically possible to the time of lifting, official tests have been carried out in the demarcated area in accordance with international standards, which targeted symptomatic plants and asymptomatic plants in the proximity of the symptomatic plants.
26. Where the demarcation of an area is lifted under paragraph 25(b), the Scottish Ministers must ensure that the susceptible plants located in that area are subject to intensive surveys for a period of two years following the date of the lifting of the demarcation.
27. Those surveys must—
- (a) be carried out in accordance with international standards;
 - (b) be based on scientific and technical principles relating to the potential spread of the plant pest in the immediate surroundings; and
 - (c) include the targeting of symptomatic plants and asymptomatic plants in the proximity of the symptomatic plants.

SCHEDULE 8H

Article 2A

Emergency measures: *Anoplophora glabripennis* (Motschulsky)

PART A

Application and interpretation

1. This schedule applies where *Anoplophora glabripennis* (Motschulsky) is confirmed to be present in Scotland.

2. In this schedule—

“appropriate time”, in relation to the felling of susceptible plants, means—

(a) in the case of any plant identified outside the flight season of the plant pest, before the next flight season;

(b) in the case of any plant identified during the flight season of the plant pest, immediately;

“demarcated area” means an area demarcated under paragraph 3;

“infested plant” means a plant which has been found to be infested with the plant pest;

“the plant pest” means *Anoplophora glabripennis* (Motschulsky);

“the relevant period” means four consecutive years which includes at least one life cycle of the plant pest and the year after;

“susceptible plants” means plants for planting, other than seeds, that have a stem diameter of one cm or more at their thickest point of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp.;

“PART B

Establishment of demarcated area

3. The Scottish Ministers must by notice and without delay demarcate an area in relation to the infestation consisting of an infested zone and a buffer zone around the infested zone.

4. The infested zone must include the area in which the plant pest was found and all plants showing symptoms caused by that plant pest.

5. The boundary of the buffer zone must be at least two kilometres beyond the boundary of the infested zone, but may be reduced to one kilometre beyond the boundary of the infested zone if the Scottish Ministers conclude that eradication of the plant pest is possible and for so long as they remain of that view.

6. The demarcation of the infested zone and the buffer zone must be based on sound scientific principles, the biology of the plant pest, the level of infestation, the distribution of the host plants in the area concerned and evidence of establishment of the plant pest.

7. If there is a confirmed finding of the plant pest outside the infested zone, the Scottish Ministers must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 3 to 6 to take account of that finding.

8. Paragraph 3 is subject to paragraph 15.

9. This Part does not apply in so far as any part of the area to be demarcated would be in England.

PART C

Measures to be taken in a demarcated area

10. Where an area is demarcated under paragraph 3, the Scottish Ministers must ensure that measures are taken within the demarcated area to eradicate the plant pest in the area or, where they have concluded that eradication of the plant pest is longer possible, to contain the spread of the plant pest from the area.

11. The eradication measures must include—

- (a) the felling of all infested plants and plants with symptoms caused by the plant pest, and the complete removal of their roots if larval galleries are observed below the root collar of the infested plants, at the appropriate time;
- (b) the felling of all susceptible plants within a radius of 100 metres of an infested plant, other than any plant to which sub-paragraph (d) applies, and the examination of those plants for any sign of infestation;
- (c) the removal, examination and disposal of plants felled in accordance with sub-paragraphs (a) and (b), and where necessary their roots, taking all necessary precautions to avoid the spread of the plant pest during and after felling;
- (d) in any case where the Scottish Ministers conclude that the felling and disposal of any infested plant, any plant with symptoms caused by the plant pest or any susceptible plant within a radius of 100 metres of an infested plant would not be appropriate due to the particular social, cultural or environmental value of the plant, regular detailed examination of any sign of infestation and the application of measures equivalent to its felling and disposal to prevent any possible spread of the plant pest from the plant;
- (e) the prohibition of any movement of potentially infested plants out of the demarcated area;
- (f) the tracing back to the origin of the infestation and the tracing of plants associated with the infestation as far as possible, along with examinations of the plants traced for any sign that they are infested with the plant pest, which must include targeted destructive sampling;
- (g) where appropriate, the replacement of susceptible plants by other plants;
- (h) the prohibition on the planting of susceptible plants in the open air within a radius of 100 metres of an infested plant, except in a place of production authorised by the Scottish Ministers;
- (i) intensive monitoring for the presence of the plant pest on host plants by annual inspections at appropriate times on host plants, with specific focus on the buffer zone, which must include at least one inspection a year using techniques capable of detecting infestation at crown height and, where appropriate, targeted destructive sampling;
- (j) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within Scotland, including the conditions relating to the movement of susceptible plants from the demarcated area;
- (k) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication of the plant pest; and
- (l) any other measure which may contribute the eradication of the plant pest, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

12. The containment measures must include—

- (a) the following measures—
 - (i) the felling of all infested plants and plants with symptoms caused by the plant pest and the complete removal of their roots if larval galleries are observed below the root collar of the infested plants, at the appropriate time; and
 - (ii) the removal, examination and disposal of plants felled in accordance with head (i) and, where necessary, their roots, taking all necessary precautions to avoid the spread of the plant pest after felling;
- (b) the prohibition of any movement of potentially infested plants out of the demarcated area;
- (c) where appropriate, the replacement of susceptible plants by other plants;
- (d) the prohibition on the planting of susceptible plants in the open air within a radius of 100 metres of an infested plant, except in a place of production authorised by the Scottish Ministers;

- (e) intensive monitoring for the presence of the plant pest on host plants, with specific focus on the buffer zone, which must include at least one inspection a year using techniques capable of detecting infestation at crown height and, where appropriate, targeted destructive sampling;
- (f) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within Scotland, including the conditions relating to the movement of susceptible plants from the demarcated area;
- (g) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication of the plant pest; and
- (h) any other measure which may contribute to the containment of the plant pest.

13. The Scottish Ministers must set time periods for the implementation of the eradication and containment measures to be carried out.

14. The Scottish Ministers may only conclude that it is not possible to eradicate the plant pest from a demarcated area where the results of official surveys carried out over the relevant period have confirmed the presence of the plant pest in the demarcated area and there is evidence that the plant pest can no longer be eradicated from the area.

PART D

Measures to be taken where no demarcated area is established

15. The Scottish Ministers need not demarcate an area in relation to a finding of the plant pest in a relevant UK territory—

- (a) where there is evidence that—
 - (i) the infestation has been caused by the movement of susceptible plants to the area in which the plant pest was found and that the susceptible plants were infested with the plant pest before that movement; or
 - (ii) it is an isolated finding which is not expected to lead to the establishment of the plant pest; and
- (b) where they have ascertained from a specific investigation that the plant pest is not established in the area and that it will not successfully breed or spread due to its biology if appropriate eradication measures are taken.

16. Where the Scottish Ministers do not demarcate an area for the reasons specified in paragraph 15(a) and (b), they must ensure that—

- (a) measures are taken immediately for the purpose of promptly eradicating the plant pest and preventing its spread;
- (b) monitoring is carried out over the relevant period for the presence of the plant pest in the area which lies within a radius of one kilometre of the infested plants or the place where the plant pest was found, which must be regular and intensive in the first year;
- (c) all infested plants are destroyed;
- (d) tracing back to the origin of the infestation and tracing of plants associated with the infestation is carried out as far as possible, along with examinations of the plants traced for any sign that they are infested with the plant pest, which must include targeted destructive sampling;
- (e) activities to raise public awareness of the threat posed by the plant pest are carried out; and

- (f) any other measure which may contribute to the containment of the plant pest, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

PART E

Lifting of demarcation

- 17. The Scottish Ministers may lift the demarcation that applies to a demarcated area—
 - (a) if the plant pest is not detected in the area over a relevant period during official surveys carried pursuant to paragraph 1(i) of schedule 8A and the monitoring referred to in paragraph 11(i); or
 - (b) in any case where, following further investigation, it is clear that the area need not have been demarcated for the reasons specified in paragraph 15(a) and (b).

SCHEDULE 8I

Article 2A

Emergency measures: *Aromia bungii* (Faldermann)

PART A

Application and interpretation

- 1. This Schedule applies where *Aromia bungii* (Faldermann) is confirmed to be present in Scotland.
- 2. In this Schedule—
 - “appropriate time”, in relation to the felling of susceptible plants, means—
 - (a) in the case of any plant identified outside the flight season of the plant pest, before the next flight season;
 - (b) in the case of any plant identified during the flight season of the plant pest, immediately;
 - “demarcated area” means an area demarcated under paragraph 3;
 - “infested plant” means a plant which has been found to be infested with the plant pest;
 - “the plant pest” means *Aromia bungii* (Faldermann);
 - “susceptible plants” means plants for planting, other than seeds, that have a stem diameter of one cm or more at their thickest point of *Prunus* spp., other than *Prunus laurocerasus* L.;

PART B

Establishment of demarcated area

- 3. The Scottish Ministers must by notice and without delay demarcate an area in relation to the infestation consisting of an infested zone and a buffer zone around the infested zone.
- 4. The infested zone must include the area in which—
 - (a) the plant pest was found;
 - (b) all plants known to be infested by the plant pest are located;

- (c) all plants showing signs or symptoms indicating possible infestation by the plant pest are located; and
 - (d) all plants which may be or may become infested by the plant pest, including any plants which may be or may become infested with the plant pest due their susceptibility to the plant pest and their close proximity to infested plants or a common source of production, if known, with infested plants or plants grown from them.
5. The boundary of the buffer zone—
- (a) must initially be at least two kilometres beyond the boundary of the infested zone, but may be reduced to one kilometre beyond the boundary of the infested zone if the Scottish Ministers conclude that eradication of the plant pest is possible and for so long as it remains of that view; or
 - (b) where the Scottish Ministers subsequently conclude in accordance with paragraph 13 that eradication of the plant pest is no longer possible, must be at least four kilometre beyond the boundary of the infested zone.
6. The demarcation of the infested zone and the buffer zone must be based on sound scientific principles, the biology of the plant pest, the level of infestation, the distribution of susceptible plants in the area concerned and evidence of establishment of the plant pest.
7. If there is a confirmed finding of the plant pest in the buffer zone, the Scottish Ministers must amend the original demarcated area in accordance with paragraphs 3 to 6 to take account of that finding.
8. Paragraph 3 is subject to paragraph 14.
9. This Part does not apply in so far as any part of the area to be demarcated would be in England.

PART C

Measures to be taken in a demarcated area

10. Where an area is demarcated under paragraph 3, the Scottish Ministers must ensure that measures are taken within the demarcated area to eradicate the plant pest in the area or, where they have concluded that eradication of the plant pest is longer possible, to contain the spread of the plant pest from the area.
11. The eradication measures must include—
- (a) the felling of all infested plants and plants with symptoms caused by the plant pest, and the complete removal of their roots if larval galleries are observed below the root collar of the infested plants, at the appropriate time;
 - (b) the felling of all susceptible plants within a radius of 100 metres of an infested plant, other than any plant to which sub-paragraph (d) applies, and the examination of those plants for any sign of infestation;
 - (c) the removal, examination and disposal of plants felled in accordance with sub-paragraphs (a) and (b), and where necessary their roots, taking all necessary precautions to avoid the spread of the plant pest during and after felling and the examination and disposal of other plant products;
 - (d) in any case where the Scottish Ministers conclude that the felling and disposal of any susceptible plant within a radius of 100 metres of an infested plant would not be appropriate due to the particular social, cultural or environmental value of the plant, regular detailed examination of the plant for any sign of infestation and the application of measures

equivalent to its felling and disposal to prevent any possible spread of the plant pest from the plant;

- (e) the prohibition of any movement of a susceptible plant which is potentially infested with the plant pest out of the demarcated area;
- (f) the tracing back to the origin of the infestation, and the tracing of plants associated with the infestation as far as possible, along with examinations of the plants traced for any sign that they are infested with the plant pest;
- (g) where appropriate, the replacement of susceptible plants by other plant species;
- (h) a prohibition on the planting of susceptible plants in the open air within a radius of 100 metres of an infested plant, except in a place of production authorised by the Scottish Ministers;
- (i) intensive surveillance for the presence of the plant pest on species of *Prunus* L. by annual inspections at appropriate times, with specific focus on the buffer zone, which must include at least one inspection a year and, where appropriate, destructive sampling;
- (j) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within Scotland, including the conditions relating to the movement of susceptible plants from the demarcated area;
- (k) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication of the plant pest; and
- (l) any other measure which may contribute to the eradication of the plant pest, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

12. The containment measures must include—

- (a) the following measures—
 - (i) the felling of all infested plants and plants with symptoms caused by the plant pest and the complete removal of their roots if larval galleries are observed below the root collar of the infested plants, at the appropriate time; and
 - (ii) the removal, examination and disposal of plants felled in accordance with head (i) and, where necessary, their roots, taking all necessary precautions to avoid the spread of the plant pest after felling; or
- (b) the prohibition of any movement of susceptible plants which are potentially infested with the plant pest out of the demarcated area;
- (c) where appropriate, the replacement of susceptible plants by other plants;
- (d) the prohibition on the planting of susceptible plants in the open air in the infested zone, except in a place of production authorised by the Scottish Ministers;
- (e) intensive surveillance for the presence of the plant pest on species of *Prunus* L., with specific focus on the buffer zone, which must include at least one inspection a year and, where appropriate, targeted destructive sampling;
- (f) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within Scotland, including the conditions relating to the movement of susceptible plants from the demarcated area;
- (g) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay containment of the plant pest; and
- (j) any other measure which may contribute to the containment of the plant pest.

13. The Scottish Ministers may only conclude that it is not possible to eradicate the plant pest from a demarcated area where the results of official surveys carried out over a period of four

consecutive years have confirmed the presence of the plant pest in the demarcated area and there is evidence that the plant pest can no longer be eradicated from the area.

PART D

Measures to be taken where no demarcated area is established

14. The Scottish Ministers need not demarcate an area in relation to a finding of the plant pest in Scotland where—

- (a) there is evidence—
 - (i) that the infestation has been caused by the movement of any susceptible plant, to the area in which the plant pest was found and that the susceptible plants was infested with the plant pest before that movement; or
 - (ii) that it is an isolated finding, immediately associated with a susceptible plant, which is not expected to lead to the establishment of the plant pest; and
- (b) they have ascertained from a specific investigation that the plant pest is not established in the area and that, due to its biology, it will not successfully breed or spread if appropriate eradication measures are taken.

15. Where the Scottish Ministers do not demarcate an area for the reasons specified in paragraph 14, they must ensure that—

- (a) measures are taken immediately for the purpose of promptly eradicating the plant pest and preventing its spread;
- (b) regular and intensive surveillance is carried out over a period of four consecutive years for the presence of the plant pest in the area which lies within a radius of one kilometre of the infested plants or the place where the plant pest was found;
- (c) all infested plants are destroyed;
- (d) tracing back to the origin of the infestation and tracing of plants associated with the infestation is carried out as far as possible, along with examinations of the plants traced for any sign that they are infested with the plant pest, which must include targeted destructive sampling;
- (e) activities to raise public awareness of the threat posed by the plant pest are carried out; and
- (f) any other measure which may contribute to the eradication of the plant pest, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

PART F

Lifting of demarcation

16. The Scottish Ministers may lift the demarcation that applies to a demarcated area if the plant pest is not detected in the area over a period of four consecutive years—

- (a) during official surveys carried pursuant to paragraph 1(k) of Schedule 8A; and
- (b) in regular and intensive surveillance for the presence of the plant pest carried out in the area lying within a radius of one kilometre of the infested plants or the place where the plant pest was found.”

SCHEDULE 3

Regulation 68

“SCHEDULE 15

Article 39(6)

Potato Cyst Nematode

Interpretation

1. In this Schedule—

“host plants” means the plants listed in table A of Schedule 15A;

“infested sampling unit” means a sampling unit which is recorded as infested under paragraph 12;

“notice” means a notice under article 32;

“susceptible bulbs” means the bulbs, tubers and rhizomes listed in table C of Schedule 15A;

susceptible material” means host plants, susceptible bulbs or susceptible plants;

“susceptible plants” means the plants listed in table B of Schedule 15A;

“specified measures” means—

- (a) for the purposes of paragraph 11, the official re-sampling of the field and official testing of the samples, carried out at least three years after appropriate officially approved measures have been taken in the field or, in any other case, at least six years after the year in which the Potato Cyst Nematode were found or potatoes were last grown in the field;
- (b) for the purposes of paragraphs 17 and 23—
 - (i) the disinfection of the bulbs or plants by appropriate methods that ensures that there is no identifiable risk of Potato Cyst Nematode spreading;
 - (ii) the removal of soil from the bulbs or plants by washing or brushing them until they are practically free of soil, so as to ensure that there is no identifiable risk of Potato Cyst Nematode spreading.

Official testing

2. Any official testing of samples for the purposes of this Schedule must be carried out in accordance with EPP0 PM 7/40 and EPP0 PM 7/119.

Official investigations and surveys

3. The Scottish Ministers must ensure that—

- (a) official investigations are carried out in accordance with this Schedule for the presence of Potato Cyst Nematode in sampling units in which seed potatoes or susceptible material intended for the production of plants for planting are to be planted or stored;
- (b) official surveys are carried out in accordance with this Schedule for the presence of Potato Cyst Nematode in sampling units used for the production of potatoes, other than those intended for the production of seed potatoes.

4. An official investigation of a sampling unit for the purposes of paragraph 3(a) must be carried out—

- (a) prior to the proposed planting or storing; and
- (b) between the harvesting of the last crop in the sampling unit and the proposed planting of seed potatoes or other susceptible material.

5. In the case of a sampling unit in which seed potatoes or host plants intended for the production of plants for planting are to be planted or stored, an official investigation for the purposes of paragraph 3(a) must include soil sampling of the sampling unit at the appropriate sampling rate and official testing of the samples.

6. In the case of a sampling unit in which susceptible bulbs or susceptible plants, intended for the production of plants for planting, are to be planted or stored, an official investigation for the purposes of paragraph 3(a) must include soil sampling of the sampling unit at the appropriate sampling rate and official testing of the samples.

7. An official survey for the purposes of paragraph 3(b) must include soil sampling of the sampling unit at the appropriate sampling rate on at least 0.5% of the acreage used for the production of potatoes in the relevant year and official testing of the samples.

8. Paragraph 3(a) does not apply where the Scottish Ministers have established that there is no risk of Potato Cyst Nematode spreading and—

- (a) any susceptible material intended for the production of plants for planting is to be used within the same place of production situated in an official defined area;
- (b) seed potatoes are to be used within the same place of production situated in an officially defined area; or
- (c) in the case of any susceptible bulbs or susceptible plants intended for the production of plants for planting, the harvested plants are to be subject to officially approved measures.

9. For the purposes of paragraphs 5 to 7—

- (a) “the appropriate sampling rate”, in relation to a sampling unit, is the minimum sampling rate specified in the following table—

| <i>Paragraph of Schedule 15</i> | <i>Sampling unit</i> | <i>Rate</i> | |
|---------------------------------------|---|--|-----------------------------|
| For the purposes of paragraph 5 and 6 | Sampling unit ≤ 8 hectares | 1,500 ml of soil per hectare collected from at least 100 cores/hectare | |
| | Sampling unit > 8 hectares | First 8 hectares | 1,500ml of soil per hectare |
| | | Each additional hectare | 400ml of soil per hectare |
| | Sampling unit ≤ 4 hectares that meets one criterion in subparagraph (b) | | 400ml of soil per hectare |
| For the purposes of paragraph 7 | Sampling unit > 4 hectares that meets one criterion in subparagraph (b) | First 4 hectares | 400ml of soil per hectare |
| | | Each additional hectare | 200ml of soil per hectare |
| For the purposes of paragraph 7 | Sampling unit ≤ 4 hectares | 400 ml of soil per hectare | |

(b) the criteria are—

- (i) documentary evidence exists to show that potatoes or host plants have not been grown or were not present in the sampling unit in the six years prior to the official investigation;

- (ii) no Potato Cyst Nematode has been found during the last two successive official investigations in samples of 1,500 ml soil/hectare and no potatoes or host plants, other than those for which the official investigation is required, have been grown after the first of those two investigations.

Official records

10. The Scottish Ministers must ensure that the results of each official investigation or official survey carried out pursuant to paragraph 3 are recorded to indicate whether Potato Cyst Nematode was found in the sampling unit during the investigation or survey.

11. Where the relevant specified measures have been taken in a sampling unit which has been recorded as infested pursuant to paragraph 10 and, following the completion of those measures, the presence of Potato Cyst Nematode is not confirmed, the Scottish Ministers must ensure that the record is updated accordingly.

12. An inspector must serve a notice in writing on the occupier or other person in charge of the infested sampling unit to officially record either—

- (a) that the sampling unit is infested with Potato Cyst Nematode; or
- (b) that no Potato Cyst Nematode was found in the sampling unit.

13. A notice under paragraph 12(a) may not be withdrawn until it is confirmed, in accordance with paragraph 11 that Potato Cyst Nematode is no longer present in the sampling unit.

Official designation

14. An inspector must by notice designate as contaminated any potatoes or any susceptible material which comes from a sampling unit that has been officially recorded as infested under paragraph 12 or any susceptible material which has been in contact with soil in which Potato Cyst Nematode has been found.

Prohibitions on planting and storage in infested sampling units

15. No person may, in an infested sampling unit,—

- (a) subject to paragraph 18, plant any potatoes; or
- (b) subject to paragraph 16, plant or store any susceptible material which is intended for planting.

16. An inspector may authorise the planting in an infested sampling unit of susceptible bulbs or susceptible plants.

17. An authorisation under paragraph 16 must be by notice and must contain the measures set out in one of the relevant specified measures.

Control measures for ware potatoes

18. No person may plant any potatoes that are intended for the production of ware potatoes in an infested sampling unit unless authorised to do so by an inspector;

19. An authorisation under paragraph 18 must be by notice and may only be given if the inspector is satisfied that all reasonable steps to suppress Potato Cyst Nematode in the sampling unit has been taken in accordance with the official control programme adopted for the suppression of Potato Cyst Nematode.

Controls on contaminated seed potatoes and susceptible material.

20. Subject to paragraph 23, no person may plant any potatoes or susceptible material which have been designated as contaminated under paragraph 14.

Controls on potatoes for industrial processing or grading

21. No person may move any potatoes which have been designated as contaminated for industrial processing or grading unless authorised to do so by an inspector.

22. An authorisation under paragraph 21 must be by notice and must require the potatoes to be delivered to a processing or grading plant that has appropriate and officially approved waste disposal procedures that ensure that there is no risk of Potato Cyst Nematodes spreading.

Controls on contaminated susceptible bulbs and susceptible plants

23. No person may plant susceptible bulbs or susceptible plants which have been designated as contaminated under paragraph 14 unless they have been subject to one of the relevant specified measures and an inspector has confirmed by notice that they are no longer contaminated.

Further investigations

24. If any suspected occurrence or confirmed presence of Potato Cyst Nematode in Scotland results from a breakdown or change in the effectiveness of a resistant potato variety which relates to an exceptional change in the composition of nematode species, pathotype or virulence group, the Scottish Ministers must ensure that this occurrence is investigated and, where applicable, the pathotype and virulence group of the Potato Cyst Nematode involved is confirmed by appropriate methods.”

SCHEDULE 4

Regulation 70

“SCHEDULE 17

Article 39(6)

Potato brown rot

Interpretation

1. In this Schedule—

“certified seed potatoes” means pre-basic seed potatoes or basic seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations;

“contaminated” means designated by an inspector as contaminated pursuant to paragraph 9(c);

“first growing year”, in the case of measures to be taken in relation to a contaminated place of production, means the first growing year following the growing year in which the contaminated place of production is designated as contaminated pursuant to paragraph 9E(c);

“notice”, in Parts A to C, means a notice under article 32;

“object” means any machinery, vehicle, vessel, store or other object, including packaging material;

“probably contaminated” means determined by an inspector as probably contaminated pursuant to paragraph 9(d) or 10(c);

“susceptible material” means plants (including tubers), other than true seed, of *Solanum tuberosum* L. or plants, other than fruit or seeds, of *Solanum lycopersicum* L.

“zone” means any area in Scotland, including any individual premises.

PART A

Special measures for the control of Potato brown rot

Official surveys and testing

2. The Scottish Ministers must ensure that annual systematic official surveys are carried out to identify the presence of Potato brown rot on susceptible material originating in Scotland.

3. Those surveys must be based on a risk assessment to identify other possible sources of contamination threatening the production of susceptible material and include targeted official surveys in production areas, based on the relevant risk assessment, to identify the presence of Potato brown rot on—

- (a) relevant material, other than susceptible material;
- (b) surface water which is used for irrigation or spraying of susceptible material; and
- (c) liquid waste discharged from industrial processing or packaging premises handling susceptible material.

4. Those surveys must also be based on the biology of Potato brown rot and the relevant production systems and must include—

- (a) in the case of susceptible material comprising plants of *Solanum tuberosum* L., visual inspection of the growing crop, at appropriate times, or the sampling of both seed and other potatoes in the growing season or in store, which must include official visual inspection by cutting of tubers;
- (b) in the case of seed potatoes and, where appropriate, other potatoes, official testing of samples using the method set out in EPPO PM 7/21;
- (c) in the case of susceptible material comprising plants of *Solanum lycopersicum* L., visual inspection, at appropriate times, of at least the growing crop of plants intended for replanting for professional use;
- (d) for host plants, other than susceptible material, and for water including liquid waste, official testing.

5. The collection of samples for the purposes of paragraph 4 must be based on sound scientific and statistical principles and the biology of Potato brown rot and take into account relevant potato production systems of susceptible material and other host plants of Potato brown rot.

6. Where the presence of Potato brown rot is suspected, the Scottish Ministers must ensure that—

- (a) official testing is carried out to confirm or refute its presence—
 - (i) in the case of susceptible material, using the method set out in EPPO PM 7/21;
 - (ii) in any other case, using any officially approved method;
- (b) pending the confirmation or refutation of its presence, where suspect diagnostic visual symptoms of Potato brown rot have been seen and a positive result in a rapid screening test has been obtained or a positive result in the screening tests referred to in EPPO PM 7/21—
 - (i) the movement of all plants and tubers from all crops, lots or consignments from which the samples have been taken, other than those which are under official control,

is prohibited, except where it has been established that there is no identifiable risk of Potato brown rot spreading;

- (ii) steps are taken to trace the origin of the suspected occurrence; and
- (iii) additional appropriate precautionary measures based on the level of estimated risk are taken to prevent any spread of Potato brown rot.

7. A notice may contain measures for the purposes of paragraph 6(b)(i) to (iii).

PART B

Measures to be taken following confirmation of the presence of Potato brown rot

8. If the presence of Potato brown rot is confirmed following official testing carried out pursuant to paragraph 6, the Scottish Ministers must ensure that the actions specified in paragraphs 9 to 11 are taken in accordance with sound scientific principles, the biology of Potato brown rot and the relevant production, marketing and processing systems of host plants of Potato brown rot.

9. In the case of susceptible material, the actions are—

- (a) an investigation by an inspector to determine the extent and the primary sources of the contamination, which includes investigation of the following—
 - (i) potatoes which are growing or have been harvested that are clonally related to any contaminated potatoes;
 - (ii) tomatoes which are growing or have been harvested that are from the same source as any contaminated tomatoes;
 - (iii) potatoes or tomatoes which are growing or have been harvested that are under official control and are suspected to be contaminated with Potato brown rot;
 - (iv) potatoes which are growing or have been harvested that are clonally related to any potatoes that have been grown on the contaminated place of production;
 - (v) potatoes or tomatoes which are growing nearby the contaminated place of production, including those sharing production equipment and facilities directly or through a common contractor;
 - (vi) surface water used for irrigation and spraying from any source confirmed or suspected to be contaminated with Potato brown rot;
 - (vii) surface water used for irrigation and spraying from a source used in common with the contaminated and probably contaminated places of production;
 - (viii) places of production which are flooded or have been flooded with contaminated or probably contaminated surface water;
 - (ix) surface water used for irrigation or spraying of the contaminated place of production or flooded fields at the contaminated place of production;
- (b) further official testing, including on all clonally related seed potato stocks;
- (c) the designation of the following as contaminated by an inspector—
 - (i) the susceptible material and consignment or lot from which the sample was taken;
 - (ii) any objects which have been in contact with that sample;
 - (iii) any unit or field of protected crop production and any place of production of the susceptible material from which the sample was taken;

- (d) a determination by an inspector of the extent of probable contamination through pre- or post-harvest contact, through production, irrigation or spraying links or through clonal relationship;
- (e) the demarcation of a zone by an inspector on the basis of the designation under sub-paragraph (c), the determination made under sub-paragraph (d) and the possible spread of Potato brown rot having regard to the relevant factors

10. In the case of host plants, other than susceptible material, where the production of susceptible material is identified to be at risk by an inspector, the actions are—

- (a) an investigation by an inspector to determine the extent and the primary sources of the contamination; which includes investigation of the things referred to in paragraph 9(a)(i) to (ix);
- (b) the designation by an inspector of host plants from which the sample was taken as contaminated;
- (c) a determination of the probable contamination by an inspector;
- (d) the demarcation of a zone by an inspector on the basis of the designation under sub-paragraph (b), the determination made under sub-paragraph (c) and the possible spread of Potato brown rot having regard to the relevant factors

11. In the case of surface water and associated wild solanaceous host plants where production of susceptible material is identified by an inspector to be at risk through irrigation, spraying or flooding of surface water, the actions are—

- (a) an investigation by an inspector to establish the extent of the contamination, which includes an official survey at appropriate times on samples of surface water and, if present, wild solanaceous host plants;
- (b) the designation of surface water from which the sample was taken by an inspector, to the extent appropriate and on the basis of the investigation under sub-paragraph (a);
- (c) a determination by an inspector of the probable contamination on the basis of the designation made under sub-paragraph (b);
- (d) the demarcation of a zone by an inspector on the basis of the designation under sub-paragraph (b), the determination made under sub-paragraph (c) and the possible spread of Potato brown rot having regard to the relevant factors.

12. The “relevant factors” are—

- (a) for the purposes of paragraphs 9 and 10—
 - (i) the proximity of other places of production growing susceptible material;
 - (ii) the common production and use of seed potato stocks;
 - (iii) places of production using surface water for irrigation or spraying of susceptible material where there is or has been a risk of surface water run-off from the contaminated place of production;
- (b) for the purposes of paragraph 11—
 - (i) places of production producing susceptible material adjacent to, or which are at risk from flooding by, contaminated surface water;
 - (ii) any discrete irrigation basin associated with the contaminated surface water;
 - (iii) water bodies connected with the contaminated surface water having regard to the direction and rate of flow of the contaminated surface water and the presence of wild solanaceous host plants.

PART C

Susceptible material or objects contaminated or probably contaminated with Potato brown rot

- 13.** No person may knowingly plant or knowingly cause or permit to be planted—
- (a) any contaminated susceptible material; or
 - (b) any probably contaminated susceptible material.
- 14.** Where susceptible material or any object has been designated as contaminated or possibly contaminated under Part B, an inspector must serve a notice requiring that—
- (a) in the case of contaminated susceptible material, the material must be subjected to an officially approved disposal method that ensures that there is no identifiable risk of Potato Brown rot spreading;
 - (b) in the case of probably contaminated susceptible material, the material must be used or disposed of by an officially approved disposal method that ensures that there is no identifiable risk of Potato Brown rot spreading;
 - (c) in the case of a contaminated object or a possibly contaminated object, the object must be—
 - (i) disposed of by destruction; or
 - (ii) cleansed and disinfected so that there is no identifiable risk of Potato brown rot surviving or spreading.
- 15.** Anything cleansed and disinfected in accordance with paragraph 14(c)(ii) must no longer be treated as contaminated for the purposes of this Schedule.

Measures which may be required in relation to a contaminated place of production

- 16.** An inspector must serve the following notices in relation to a contaminated place of production which is in a zone demarcated by an inspector under Part B—
- (a) in the case of a contaminated field or unit of protected crop production, a notice containing the first set of eradication measures or a notice containing the second set of eradication measures;
 - (b) in the case of a field which is not contaminated and, where the inspector is satisfied that the risk of volunteer potato and tomato plants and other naturally-found host plants of Potato brown rot has been eliminated, a notice containing the third set of eradication measures.
- 17.** The first set of eradication measures are—
- (a) the measures to be taken in the field or the unit from the date of receipt of the notice and for at least four growing years from the start of the first growing year so as to eliminate any volunteer potato and tomato plants and other host plants, including solanaceous weeds, of Potato brown rot;
 - (b) a prohibition on the planting of any of the following in the field or the unit during that period—
 - (i) potato tubers, plants or true seeds;
 - (ii) tomato plants or seeds;
 - (iii) taking into account the biology of Potato brown rot, other host plants or plants of the species *Brassica* for which there is a risk of Potato brown rot surviving;
 - (iv) crops for which there is a risk of Potato brown rot spreading;

- (c) a requirement that in the first potato, or tomato cropping season following that period only potatoes for ware production be planted in the field or the unit, provided that the field or the unit has been found free, during official inspections, from volunteer potato and tomato plants and other host plants, including solanaceous weeds, for at least the two consecutive growing years prior to planting; and that harvested tubers or tomato plants be subjected to official testing using the method set out in EPPO PM 7/21;
 - (d) a requirement that an appropriate rotation cycle be applied in subsequent potato or tomato cropping seasons, which must be at least two years where potatoes are to be planted for seed production.
- 18.** The second set of eradication measures are—
- (a) the measures to be taken in the field or the unit from the date of receipt of the notice and for five growing years from the start of the first growing year so as to eliminate volunteer potato and tomato plants and other naturally-found host plants, including solanaceous weeds, of Potato brown rot;
 - (b) a requirement that—
 - (i) during the first three of those growing years, the field or the unit be maintained—
 - (aa) in bare fallow;
 - (bb) in cereals, if the inspector is satisfied that there is no risk of Potato brown rot spreading;
 - (cc) in permanent pasture with frequent close cutting or intensive grazing; or
 - (dd) as grass for seed production;
 - (ii) during the fourth and fifth growing years only non-host plants of Potato brown rot for which there is no risk of Potato brown rot surviving or spreading be planted in the field or the unit; and
 - (iii) a requirement that in the first potato or tomato cropping season following that period only potatoes for seed or ware production be planted, provided that the field or the unit has been found free from volunteer potato and tomato plants and other host plants, including solanaceous weeds, during official inspections of Potato brown rot, for at least the two consecutive growing years prior to planting, and that harvested tubers or tomato plants be subjected to official testing using the method set out in EPPO PM 7/21.
- 19.** The third set of eradication measures are—
- (a) a requirement that from the date of receipt of the notice and for the first growing year no host plants of Potato brown rot be planted or only the following potatoes and tomato plants be planted in the field—
 - (i) certified seed potatoes for ware production;
 - (ii) tomato plants grown from seed which meets the requirements of [Directive 2000/29/EC](#), for fruit production;
 - (b) a requirement that, if potatoes are to be planted in the first subsequent growing year, only the following potatoes be planted for seed or ware production in that year—
 - (i) certified seed potatoes;
 - (ii) seed potatoes officially tested for the absence of Potato brown rot and grown under official control at a place of production which is not contaminated;
 - (c) a requirement that, if tomato plants are to be planted in the first subsequent growing year, only the following tomato plants be planted for plant or fruit production in that year—

- (i) tomato plants grown from seed which meets the requirements of [Directive 2000/29/EC](#);
 - (ii) if vegetatively propagated, tomato plants grown from seed which meets the requirements of [Directive 2000/29/EC](#) and grown under official control at a place of production which is not contaminated;
 - (d) a requirement, in the case of potatoes, that in the second subsequent growing year and any other subsequent growing year, only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes be planted for seed or ware production in the field;
 - (e) a requirement, in the case of tomatoes, that during the second subsequent growing year and any other subsequent growing year, only tomato plants grown from seed which meets the requirements of [Directive 2000/29/EC](#) or if, vegetatively propagated, tomato plants grown from seed which meets the requirements of [Directive 2000/29/EC](#) and grown under official control be planted for plant or fruit production in the field;
 - (f) the measures to be taken in the field from the date of receipt of the notice to the end of the growing year specified in the notice so as to eliminate volunteer potato plants, and naturally-found host plants, of Potato brown rot;
 - (g) official inspections of growing crops at appropriate times and official testing of harvested potatoes in accordance with the method set out in EPPO PM 7/21.
- 20.** Except where the Scottish Ministers have published a notice under Part D, a notice in relation to a contaminated place of production must—
- (a) require for a specified period that all machinery and storage facilities at the place of production which are used for potato or tomato production be cleansed and, where appropriate, disinfected so that there is no identifiable risk of Potato brown rot spreading;
 - (b) prohibit any irrigation or spraying programme at the place of production or specify how any irrigation or spraying programme at the place of production must be carried out for the purpose of preventing the spread of Potato brown rot.
- 21.** The measures which may be specified in a notice under paragraph 16 or 20 may be included in a notice with other appropriate measures.

Additional measures applicable in relation to units of protected crop production

- 22.** Where it is possible to replace all of the growing medium in a contaminated unit of protected crop production, no person may plant in the unit any potato tubers, plants or true seeds, tomato plants or seeds or other host plants of Potato brown rot without the written authorisation of an inspector.
- 23.** An inspector may not grant an authorisation under paragraph 22 unless—
- (a) all of the measures to eliminate Potato brown rot and to remove all host plants of Potato brown rot which are specified in a notice in relation to the place of production in which the unit is situated have been complied with;
 - (b) the growing medium in the unit has been completely changed; and
 - (c) the unit and all of the equipment used on the unit has been cleansed and disinfected to eliminate Potato brown rot and remove all host plant material.
- 24.** An authorisation under paragraph 22 may—
- (a) in relation to potato production, specify that only certified seed potatoes or mini-tubers or micro-plants derived from officially tested sources may be used in the production;
 - (b) in relation to tomato production, specify that only seed which meets the requirements of [Directive 2000/29/EC](#) or, if vegetatively propagated, tomato plants produced from seed

which meets the requirements of [Directive 2000/29/EC](#) and grown under official control, may be used in the production;

- (c) prohibit any irrigation or spraying programme at the place of production;
- (d) specify how any irrigation or spraying programme at the place of production must be carried out for the purpose of preventing the spread of Potato brown rot.

PART D

Demarcation of zones for the control of Potato brown rot

25. This Part applies where an inspector has demarcated a zone in relation to a confirmed finding of Potato brown rot under Part B.

26. The Scottish Ministers may, by notice, specify—

- (a) how long the zone is to remain demarcated;
- (b) the measures which apply in the demarcated zone.

27. A notice under paragraph 26—

- (a) must be in writing;
- (b) must describe the extent of the demarcated zone;
- (c) must specify in relation to each measure whether it applies generally or to an area of surface water in the demarcated zone;
- (d) must specify the date on which each measure takes effect;
- (e) must be published in a manner appropriate to bring it to the attention of the public; and
- (f) may be amended, suspended or revoked, in whole or in part, by further notice.

28. Any premises which are partly within and partly outside a demarcated zone must be treated as within that zone for the purposes of this Schedule, except where the part which is outside the demarcated zone is not in Scotland.

29. A notice published in accordance with paragraph 27 is to be treated as having been served on—

- (a) any occupier or other person in charge of any premises within the demarcated zone;
- (b) any person who—
 - (i) has a right to use any contaminated surface water;
 - (ii) has any contaminated surface water on premises within the demarcated zone which the person occupies or is in charge of; and
- (c) any person who operates machinery or carries out any other activity in relation to the production of potatoes or tomatoes within the demarcated zone.

30. A notice under paragraph 26 must specify that—

- (a) any machinery or storage facilities at premises within the demarcated zone which are used for growing, storing or handling potato tubers or tomatoes within the zone, or any premises within the zone from which machinery for potato or tomato production is operated under contract, must be cleansed and, where appropriate, disinfected so that there is no identifiable risk of Potato brown rot surviving or spreading;
- (b) in the case of potato crops, during the specified period only certified seed potatoes or seed potatoes grown under official control may be planted;

- (c) during the specified period potatoes intended for planting must be handled separately from all other potatoes at premises within the zone or that a system of cleansing and, where appropriate, disinfection must be carried out between the handling of seed and ware potatoes;
 - (d) in the case of tomato crops, during the specified period only tomato plants grown from seed which meets the requirements of [Directive 2000/29/EC](#) or, if vegetatively propagated, tomato plants produced from such seed and grown under official control may be planted;
 - (e) contaminated surface water must not be used for the irrigation or the spraying of specified plant material and, where appropriate, other host plants of Potato brown rot, without the prior written authorisation of an inspector;
 - (f) if liquid waste discharges have been contaminated, any waste from industrial processing or packaging premises in the zone which handle specified plant material must be disposed of under the supervision of an inspector.
- 31.** The Scottish Ministers may only specify—
- (a) the measures referred to in paragraph 30(a) to (d) where the zone has been demarcated for the purposes of paragraph 9;
 - (b) the measures referred to in paragraph 30(e) and (f) where the zone has been demarcated for the purposes of paragraph 11.
- 32.** If the Scottish Ministers do not publish a notice under paragraph 26, an inspector must include those measures in a notice under paragraph 16 or 20.
- 33.** The Scottish Ministers must ensure that during the specified period—
- (a) premises growing, storing or handling potato tubers and premises which operate potato machinery under contract are supervised by inspectors;
 - (b) an official survey is carried out in accordance with EPPO PM7/21;
 - (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.
- 34.** For the purposes of paragraphs 30 and 33, “the specified period”, means the period specified in the notice, which must be at least three growing seasons following the year in which the relevant zone was demarcated.”

SCHEDULE 5

Regulation 71

“SCHEDULE 17A

Article 41

Licences for trial or scientific purposes or for work on varietal selections

- 1.** In this schedule, “specified activity” means any activity for trial or scientific purposes or for work on varietal selection.

PART A

Information to be included in an application for a scientific licence

- 2.** The name and address of the person responsible for the proposed specified activity.
- 3.** The following details in relation to the relevant material and plant pests to be used in the specified activity—

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

- (a) their scientific name or names;
 - (b) the type of relevant material;
 - (c) the quantity of relevant material;
 - (d) the place of origin of the relevant material;
 - (e) the place at which the relevant material is to be first stored or planted after its official release (where relevant);
 - (f) the proposed method of destruction or treatment of the relevant material on completion of the specified activity (where relevant);
 - (g) in the case of any relevant material or plant pest which is to be imported from a third country, its proposed point of entry into the United Kingdom.
4. In the case of any relevant material to be used in the specified activity, appropriate documentary evidence to confirm its place of origin.
5. The duration, nature and objectives of the proposed specified activity, including a summary and a specification of the work to be conducted.
6. The address and description of the specific site or sites at which the proposed specified activity is to be carried out.

PART B

General conditions to be met in relation to an application for a scientific licence

7. The nature and objectives of the specified activity comply with the concept of trial or scientific purposes or for work on varietal selections.
8. The premises and the facilities at the site or sites at which the specified activity is to be carried out meet any relevant quarantine containment conditions.
9. The personnel carrying out the specified activity have appropriate scientific and technical qualifications.

PART C

Licence conditions relating to any plant pest or relevant material to be used in a specified activity

10. For the purposes of article 41(2)(a), the conditions are—
- (a) in the case of any relevant material, the relevant material is accompanied on its entry into the United Kingdom by a letter of authority which has been issued by the relevant national plant protection organisation on the basis of appropriate documentary evidence as regards the place of origin of the material;
 - (b) in the case of any relevant material of a description specified in schedule 5, the relevant material is accompanied, wherever possible, by a phytosanitary certificate issued in the country of origin which—
 - (i) confirms that the material is free from any regulated plant pest, other than any plant pest whose importation is authorised by the licence;
 - (ii) includes the statement under the heading ‘Additional declaration’, “This material is imported under Article 41 of the Plant Health (Scotland) Order 2005”; and

- (iii) includes the name of any authorised plant pest;
- (c) the relevant material is held under quarantine containment conditions and on arrival is directly and immediately moved to the site or sites specified in the licence.

PART D

Licence quarantine measures

11. The licence quarantine measures are—

- (a) in the case of the premises, facilities and working procedures which relate to the specified activity—
 - (i) the physical isolation of any plant pests or relevant material being used in the specified activity from all other plant pests and relevant material, including the control of vegetation in surrounding areas, where appropriate;
 - (ii) the designation of a contact person responsible for the specified activity;
 - (iii) the implementation of restrictions on access to the premises and facilities being used in relation to the specified activity and, where appropriate, to the area surrounding those premises and facilities, to named personnel only;
 - (iv) the appropriate identification of the premises and facilities being used, indicating the type of activities and the personnel responsible;
 - (v) the maintenance of a register of the activities performed and a manual of operating procedures, including procedures in the event of an escape of plant pests from containment;
 - (vi) the maintenance of appropriate security and alarm systems;
 - (vii) the implementation of—
 - (aa) appropriate control measures to prevent the introduction into and the spread of plant pests within the premises being used;
 - (bb) controlled procedures for sampling, and for the transfer of the material between the premises and facilities being used;
 - (cc) controls for the disposal of waste, soil and water, as appropriate;
 - (dd) appropriate hygiene and disinfection procedures and facilities for personnel, structures and equipment;
 - (ee) appropriate measures and facilities for the disposal of experimental material; and
 - (ff) appropriate indexing (including testing) facilities and procedures; and
- (b) other appropriate quarantine measures according to the specific biology and epidemiology of the type of material involved and the activities approved, including—
 - (i) the maintenance of facilities accessible to authorised personnel via a separate room with two interlocking doors;
 - (ii) the maintenance of facilities under negative air pressure;
 - (iii) the use of escape-proof containers with appropriate mesh size and other barriers;
 - (iv) the maintenance of the material in isolation from other plant pests and material;
 - (v) the maintenance of any material for breeding in breeding cages with manipulation devices;

- (vi) the prohibition on any interbreeding of the plant pest with indigenous strains or species;
- (vii) the implementation of controls on the continuous culture of the plant pest;
- (viii) the maintenance of the plant pest under conditions that strictly control the multiplication of the plant pest;
- (ix) the implementation of procedures to check the purity of cultures of the plant pest for freedom from parasites and other plant pests;
- (x) the implementation of appropriate control programmes in respect of the material to eliminate possible vectors;
- (xi) in the case of *in vitro* activities, the implementation of controls on the handling of the material under sterile conditions;
- (xii) the maintenance of the plant pest in conditions to ensure that it cannot spread via any vector; and
- (xiii) the seasonal isolation of the material to ensure that the activities are done during periods of low plant health risk.”

SCHEDULE 6

Regulation 77

Revocation of retained direct EU legislation

EU regulations

1. [Commission Regulation \(EC\) No 1040/2002](#) establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for plant-health control and repealing [Regulation \(EC\) No 2051/97](#).

2. [Commission Regulation \(EC\) No 1756/2004](#) specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council [Directive 2000/29/EC](#).

EU decisions

3. Commission [Decision 91/261/EEC](#) recognising Australia as being free from *Erwinia amylovora* (Burr.) Winsl. *et al.*.

4. Commission [Decision 98/109/EC](#) authorising Member States temporarily to take emergency measures against the dissemination of *Thrips palmi* Karny as regards Thailand.

5. Commission [Decision 2002/499/EC](#) authorising derogations from certain provisions of Council [Directive 2000/29/EC](#) in respect of naturally or artificially dwarfed plants of *Chamaecyparis Spach*, *Juniperus* L. and *Pinus* L., originating in the Republic of Korea.

6. Commission [Decision 2002/887/EC](#) authorising derogations from certain provisions of Council [Directive 2000/29/EC](#) in respect of naturally or artificially dwarfed plants of *Chamaecyparis Spach*, *Juniperus* L. and *Pinus* L., originating in Japan.

7. Commission [Decision 2003/248/EC](#) authorising Member States to provide for temporary derogations from certain provisions of Council [Directive 2000/29/EC](#) in respect of plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in Argentina.

8. Commission [Decision 2003/249/EC](#) authorising Member States to provide for temporary derogations from certain provisions of Council [Directive 2000/29/EC](#) in respect of plants of strawberry (*Fragaria L.*), intended for planting, other than seeds, originating in Chile.

9. Commission [Decision 2004/200/EC](#) on measures to prevent the introduction into and the spread within the Community of Pepino mosaic virus.

10. Commission [Decision 2005/51/EC](#) authorising Member States temporarily to provide for derogations from certain provisions of Council [Directive 2000/29/EC](#) in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes.

11. Commission Implementing [Decision 2011/787/EU](#) authorising Member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt.

12. Commission Implementing Decision (EU) 2015/1199 recognising Bosnia and Herzegovina as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al.

13. Commission Implementing Decision 2018/638 establishing emergency measures to prevent the introduction into and spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith).