

## 2003 No. 224

## PLANT HEALTH

The Plant Health (Great Britain) Amendment (Scotland)  
Order 2003

*Made* 28th March 2003

*Laid before the Scottish Parliament* 31st March 2003

*Coming into force* 1st April 2003

The Scottish Ministers, in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967(a) and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Plant Health (Great Britain) Amendment (Scotland) Order 2003 and shall come into force on 1st April 2003.

(2) This Order extends to Scotland only.

**Amendment of the Plant Health (Great Britain) Order 1993**

2.—(1) The Plant Health (Great Britain) Order 1993(b) is amended in accordance with paragraphs (2) to (21) below.

(2) In article 2(1) (interpretation)—

(a) for the definition of “Directive 2000/29/EC” there is substituted—

““Directive 2000/29/EC” means Council Directive 2000/29/EC(c) of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directive 2001/33/EC(d), by Commission Directive 2002/28/EC(e), by Commission Directive 2002/36/EC(f) and by Commission Directive 2003/22/EC(g);”  
and

(b) after the definition of “reforwarding phytosanitary certificate” there is inserted—

““relevant International Standards for Phytosanitary Measures (ISPM)” means ISPM No. 4 “Requirements for the Establishment of Pest Free Areas” February 1996 and ISPM No. 10 “Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites” October 1999(h), prepared by the Secretariat of the

(a) 1967 c.8. Sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349 and 1121, S.S.I. 1999/22, 2001/249 and 2002/164.

(c) O.J. No. L 169, 10.7.00, p.1.

(d) O.J. No. L 127, 9.5.01, p.42; and see the associated Commission Directive 2001/32/EC, O.J. No. L 127, 9.5.01, p.38.

(e) O.J. No. L 77, 20.3.02, p.23; and see the associated Commission Directive 2002/29/EC, O.J. No. L 77, 20.3.02, p.26.

(f) O.J. No. L 116, 3.5.02, p.16.

(g) O.J. No. L 78, 25.3.03, p.10.

(h) Available from IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00100 Rome, Italy and <http://www.ippc.int/IPP/En/default.htm>.

International Plant Protection Convention (IPPC) established by the Food and Agriculture Organisation of the United Nations;”.

(3) In Schedule 1, Part A, Section 1(a) (insects, mites and nematodes, at all stages of their development)–

(a) after item 4 there is inserted–

“4.1 *Anoplophora glabripennis* (Motschulsky)”;

(b) after item 16 there is inserted–

“16.1 *Naupactus leucoma* Boheman”.

(4) In Schedule 1, Part A, Section 2(a) (insects, mites and nematodes, at all stages of their development), items 4, 5 and 6 are omitted.

(5) In Schedule 1, Part B(a) (insects, mites and nematodes, at all stages of their development), after item 2 there is inserted–

“3. *Liriomyza bryoniae* (Kaltenbach) IRL and UK (Northern Ireland)”.

(6) In Schedule 1, Part B(d) (virus and virus-like organisms), for the entry in the second column opposite item 1 there is substituted–

“DK, F (Brittany), IRL, P (Azores), FI, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”.

(7) In Schedule 2, Part A, Section 1(c) (fungi), after item 1 there is inserted–

“1.1 *Anisogramma anomala* (Peck) E. Müller Plants of *Corylus* L., intended for planting, other than seeds, originating in Canada and the United States of America”.

(8) In Schedule 2, Part A, Section 2(a) (insects, mites and nematodes, at all stages of their development), after item 7 there is inserted–

“8. *Liriomyza huidobrensis* (Blanchard) Cut flowers, leafy vegetables of *Apium graveolens* L., and plants of herbaceous species, intended for planting, other than:

- bulbs,
- corms,
- plants of the family Gramineae,
- rhizomes,
- seeds

9. *Liriomyza trifolii* (Burgess) Cut flowers, leafy vegetables of *Apium graveolens* L., and plants of herbaceous species, intended for planting, other than:

- bulbs,
- corms,
- plants of the family Gramineae,
- rhizomes,
- seeds”.

(9) In Schedule 2, Part B(a) (insects, mites and nematodes, at all stages of their development), for the entry in the third column opposite item 5(a) there is substituted–

“Portugal (Azores)”.

(10) In Schedule 2, Part B(b) (bacteria), for the entry in the third column opposite item 2(b) there is substituted–

“E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castलगuglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d’Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)”.

(11) In Schedule 3, Part B (plants, plant products and other objects the introduction of which shall be prohibited in certain protected zones), for the entry in the second column opposite item 1(c) there is substituted–

“E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castलगuglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d’Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)”.

(12) In Schedule 4, Part A, Section 1 (plants, plant products and other objects originating outside the Community)–

(a) after item 11.2 there is inserted–

“11.3 Plants of <i>Corylus</i> L., intended for planting, other than seeds, originating in Canada and the United States of America	Official statement that the plants have been grown in nurseries and:  (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from <i>Anisogramma anomala</i> (Peck) E. Müller, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of
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(a) The entry in the third column of item 5 was substituted by S.S.I. 2001/49, article 7.

(b) The entry in the third column of item 2 was substituted by S.S.I. 2002/164, article 5.

(c) The entry in the third column of item 1 was substituted by S.S.I. 2002/164, article 6.

Directive 2000/29/EC under the rubric “Additional declaration”, or

- (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller on official inspections carried out at the place of production or its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional declaration” and declared free from *Anisogramma anomala* (Peck) E. Müller”;

- (b) for items 32.1, 32.2 and 32.3 there is substituted–

“32.1 Plants of herbaceous species, intended for planting, other than:

- bulbs,
- corms
- plants of the family Gramineae,
- rhizomes,
- seeds,
- tubers,

originating in third countries where *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) are known to occur

Without prejudice to the requirements applicable to the plants in Schedule 4A1(27.1), (27.2), (28) and (29), where appropriate, official statement that the plants have been grown in nurseries and:

- (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa*(Malloch) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional declaration”, or
- (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of

Directive 2000/29/EC under the rubric “Additional declaration”, and declared free from *Liriomyza sativae* Blanchard) and *Amauromyza maculosa* (Malloch) on official inspections carried out at least monthly during the three months prior to export, or

- (c) immediately prior to export, have been subjected to an appropriate treatment against *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) and have been officially inspected and found free from *Liriomyza sativae* Blanchard) and *Amauromyza maculosa* (Malloch). Details of the treatment shall be mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC

32.2 Cut flowers of *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Gypsophila* L., and *Solidago* L., and leafy vegetables of *Apium graveolens* L., and *Ocimum* L.

Official statement that the cut flowers and the leafy vegetables:

- originate in a country free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch), or
- immediately prior to their export, have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch)

32.3 Plants of herbaceous species, intended for planting, other than:

Without prejudice to the requirements applicable to the plants in Schedule 4A1(27.1), (27.2), (28), (29) and (32.1), official statement that:

- bulbs,
  - corms,
  - plants of the family Gramineae,
  - rhizomes,
  - seeds,
  - tubers,
- originating in third countries

- (a) the plants originate in an area known to be free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess), or
- (b) either no signs of *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) have been observed at the place of production, on official inspections carried out at least monthly during the three months prior to harvesting, or

- (c) immediately prior to export, the plants have been officially inspected and found free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) and have been subjected to an appropriate treatment against *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess)”;

- (c) for items 36.1 and 36.2 there is substituted–

“36.1 Plants, intended for planting, other than:

- bulbs,
- corms,
- rhizomes,
- seeds,
- tubers,

originating in third countries

Without prejudice to the requirements applicable to the plants in Schedule 4A1(27.1), (27.2), (28), (29), (31), (32.1) and (32.3), official statement that the plants have been grown in nurseries and:

- (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Thrips palmi* Karny in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional Declaration”, or
- (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Thrips palmi* Karny in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional declaration”, and declared free from *Thrips palmi* Karny on official inspections carried out at least monthly during the three months prior to export, or

- (c) immediately prior to export, have been subjected to an appropriate treatment against *Thrips palmi* Karny and have been officially inspected and found free from *Thrips palmi* Karny. Details of the treatment shall be mentioned on the certificates referred to in Article 7 or 8 of Directive 2000/29/EC

36.2 Cut flowers of Orchidaceae and fruits of *Momordica* L., and *Solanum melongena* L., originating in third countries

Official statement that the cut flowers and the fruits:

- originate in a country free from *Thrips palmi* Karny, or
- immediately prior to their export, have been officially inspected and found free from *Thrips palmi* Karny”;

- (d) for the entry in the second column opposite item 40 there is substituted–

“Without prejudice to the provisions applicable to the plants listed in Schedule 3A(2), (3), (9), (15), (16), (17) and (18), Schedule 3B1 and Schedule 4A1(11.1), (11.2), (12), (13.1), (13.2), (14), (15), (17), (18), (19.1), (19.2), (20), (22.1), (22.2), (23.1), (23.2), (24), (33), (36.1), (38.1), (38.2), (39) and (45.1) where appropriate, official statement that the plants are dormant and free from leaves”;

- (e) for item 45 there is substituted–

“45.1 Plants of herbaceous species and plants of *Ficus* L. and *Hibiscus* L., intended for planting, other than bulbs, corms, rhizomes, seeds and tubers, originating in non-European countries

Without prejudice to the requirements applicable to the plants in Schedule 4A1 (27.1), (27.2), (28), (29), (32.1), (32.3) and (36.1), official statement that the plants:

- (a) originate in an area established in the country of export by the national plant protection service in that country, as being free from *Bemisia tabaci* Genn. (non-European populations) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional declaration”, or
- (b) originate in a place of production, established in the country of export by the national plant protection service in that country as being free from *Bemisia tabaci* Genn (non-European populations) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the

certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional declaration”, and declared free from *Bemisia tabaci* Genn (non-European populations) on official inspections carried out at least once each three weeks during the nine weeks prior to export, or

- (c) in cases where *Bemisia tabaci* Genn (non-European populations) has been found at the place of production, are held or produced in this place of production and have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn (non-European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (non-European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating *Bemisia tabaci* Genn. (non-European populations), in both official inspections carried out weekly during the nine weeks prior to export and in monitoring procedures throughout the said period. Details of the treatment shall be mentioned on the certificates referred to in Article 7 or 8 of Directive 2000/29/EC

45.2 Cut flowers of *Aster* spp., *Eryngium* L., *Gypsophila* L., *Hypericum* L., *Lisianthus* L., *Rosa* L., *Solidago* L., *Trachelium* L., and leafy vegetables of *Ocimum* L., originating in non-European countries

Official statement that the cut flowers and leafy vegetables:

- originate in a country free from *Bemisia tabaci* Genn. (non-European populations), or
- immediately prior to their export, have been officially inspected and found free from *Bemisia tabaci* Genn. (non-European populations)”



45.3 Plants of *Lycopersicon lycopersicum* (L.) Karsten ex Farw. intended for planting, other than seeds, originating in countries where Tomato yellow leaf curl virus is known to occur

Without prejudice to the requirements applicable to plants listed in Schedule 3A(13) and Schedule 4A1 (25.5), (25.6) and (25.7) where appropriate

(a) Where *Bemisia tabaci* Genn. is not known to occur

Official statement that no symptoms of Tomato yellow leaf curl virus have been observed on the plants

(b) Where *Bemisia tabaci* Genn. is known to occur

Official statement that:

(a) no symptoms of Tomato yellow leaf curl virus have been observed on the plants, and

(aa) the plants originate in areas known to be free from *Bemisia tabaci* Genn., or

(bb) the place of production has been found free from *Bemisia tabaci* Genn. on official inspections carried out at least monthly during the three months prior to export, or

(b) 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 *Bemisia tabaci* Genn.”;

(f) in the entry in the second column opposite item 46(a), after “(45.1)” there is inserted “(45.2) and (45.3)”; and

(g) in the entry in the first column opposite each of items 53 and 54(b), after “Pakistan” there is inserted “, South Africa”.

(13) In Schedule 4, Part A, Section 2 (plants, plant products and other objects originating in the Community) for item 24 there is substituted—

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(a) Item 46 was amended by S.I. 1998/1121, article 2(7).

(b) Items 53 and 54 were inserted by S.I. 1996/3242, article 4.

<p>“24 Plants of herbaceous species intended for planting, other than:</p> <ul style="list-style-type: none"> <li>- bulbs,</li> <li>- corms,</li> <li>- plants of the family Gramineae,</li> <li>- rhizomes,</li> <li>- seeds,</li> <li>- tubers</li> </ul>	<p>Without prejudice to the requirements applicable to the plants in Schedule 4A2 (21), (22.1) or (22.2), official statement that:</p> <ul style="list-style-type: none"> <li>(a) the plants originate in an area known to be free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess), or</li> <li>(b) either no signs of <i>Liriomyza huidobrensis</i> (Blanchard) and <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, or</li> <li>(c) immediately prior to marketing, the plants 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)”.</li> </ul>
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(14) In Schedule 4, Part B (special requirements which shall be laid down for the introduction and movement of plants, plant products and other objects into and within certain protected zones)–

(a) for the entry in the third column opposite item 19 there is substituted–

“Portugal (Azores)”;

(b) in the entry in the third column opposite each of items 20.1, 23, 27.1 and 27.2(a) there is substituted–

“DK, F (Brittany), FI, IRL, P (Azores), S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”;

(c) for item 20.2(a) there is substituted–

“20.2 Tubers of *Solanum tuberosum* L., other than those mentioned in Schedule 4B(20.1)

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| (a) | The consignment or lot shall not contain more than 1% by weight of soil, or  | DK, F (Brittany), FI, IRL, P (Azores), S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”; |
| (b) | the tubers are intended for processing at premises with officially approved waste disposal facilities which ensures that there is no risk of spreading BNYVV | DK, F (Brittany), FI, IRL, P (Azores), S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”; |

(d) in the entry in the second column opposite item 21(a)(b) after “the plants originate in the protected zones” and for the entry in the third column opposite item 21 there is substituted–

“E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d’Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)”;

(e) for item 22(c) there is substituted–

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|--|-----|--|--|
| “22 Plants of <i>Allium porrum</i> L., <i>Apium</i> L., <i>Beta</i> L., other than those mentioned in Schedule 4B(25) and those intended for animal fodder, <i>Brassica napus</i> L., <i>Brassica rapa</i> L., <i>Daucus</i> L., other than plants intended for planting | (a) | the consignment or lot shall not contain more than 1% by weight of soil, or  | DK, F (Brittany), FI, IRL, P (Azores), S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”; |
|  | (b) | the plants are intended for processing at premises with officially approved waste disposal facilities which ensures that there is no risk of spreading BNYVV | DK, F (Brittany), FI, IRL, P (Azores), S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”; |

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(a) Item 20.2 was amended by S.I. 1996/1165, article 7, and S.S.I. 2002/164, article 7.

(b) The entry in the third column of item 21 was substituted by S.S.I. 2001/249, article 11.

(c) Item 22 was amended by S.I. 1995/1358, article 14, 1996/1165, article 7 and S.S.I. 2002/164, article 7.

(f) for item 24(a) there is substituted—

“24.1 Unrooted cuttings of *Euphorbia pulcherrima* Willd., intended for planting

Without prejudice to the requirements applicable to the plants listed in Schedule 4A1(45.1), where appropriate, official statement that:

FI, IRL, P (Alentejo, Azores, Beira Interior, Beira Litoral, Entre Douro e Minho, Madeira, Ribatejo e Oeste and Trás-os-Montes), S, UK

- (a) the unrooted cuttings originate in an area known to be free from *Bemisia tabaci* Genn. (European populations), or
- (b) no signs of *Bemisia tabaci* Genn. (European populations) have been observed either on the cuttings or on the plants from which the cuttings are derived and held or produced at the place of production on official inspections carried out at least each three weeks during the whole production period of these plants on this place of production, or
- (c) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the cuttings and the plants from which the cuttings are derived and held or produced in this place of production have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement

24.2 Plants of *Euphorbia pulcherrima* Willd., intended for planting, other than:–

- seeds,
- those for which there shall be evidence by their packing or their flower (or bract) development or by other means that they are intended for sale to final customers not involved in professional plant production,
- those specified in 24.1

Without prejudice to the requirements applicable to the plants listed in Schedule 4A1(45.1), where appropriate official statement that:

- (a) the plants originate in an area known to be free from *Bemisia tabaci* Genn. (European populations), or
- (b) no sign of *Bemisia tabaci* 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, or
- (c) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the plants, held or produced in this place of production have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement, and
- (d) evidence is available that the plants have been produced from cuttings which:
  - (da) originate in an area known to be free from *Bemisia tabaci* Genn. (European populations), or

FI, IRL, P  
(Alentejo, Azores, Beira Interior, Beira Litoral, Entre Douro e Minho, Madeira, Ribatejo e Oeste and Trás-os-Montes), S, UK

- (db) have grown at a place of production where no signs of *Bemisia tabaci* 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
- (dc) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, have been grown on plants held or produced in this place of production having undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement

24.3 Plants of *Begonia* L., intended for planting, other than seeds, tubers and corms, and plants of *Ficus* L., and *Hibiscus* L., intended for planting, other than seeds, other than those for which there shall be evidence by their packing or their flower development or by other means that they are intended for sale to final consumers not involved in professional plant production

Without prejudice to the requirements applicable to the plants listed in Schedule 4A1 (45.1), where appropriate, official statement that:

- (a) the plants originate in an area known to be free from *Bemisia tabaci* Genn. (European populations), or
- (b) no signs of *Bemisia tabaci* 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, or
- (c) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the plants held or produced in this place of production have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European population) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement”

FI, IRL, P (Alentejo, Azores, Beira Interior, Beira Litoral, Entre Douro e Minho, Madeira, Ribatejo e Oeste and Trás-os-Montes), S, UK;

(g) items 25.1 and 25.2(a) are omitted;

(h) after item 24 there is inserted–

“25. Plants of <i>Beta Vulgaris</i> L., intended for industrial processing	Official statement that:	DK, F (Brittany), FI, IRL, P (Azores), S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”;
	(a) 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	
	(b) the plants have been grown in an area where BNYVV is known not to occur”	

(i) for item 26(a) there is substituted–

“26. Soil from beet and unsterilised waste from beet ( <i>Beta vulgaris</i> L.)	Official statement that soil or waste:	
	(a) has been treated to eliminate contamination with BNYVV, or	DK, F (Brittany), FI, IRL, P (Azores), S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”;
	(b) is intended to be transported for disposal in an officially approved manner, or	
	(c) comes from <i>Beta vulgaris</i> plants grown in an area where BNYVV is known not to occur”	

(j) in the entries in the second and third columns opposite item 30(b) there is substituted–

“(a) The machinery shall be cleaned and free from soil and plant debris when brought in on places of production where beets are grown, or	DK, F (Brittany), FI, IRL, P (Azores), S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”.
(b) the machinery shall come from an area where BNYVV is known not to occur	

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(a) Item 26 was amended by 1995/1358, article 14, 1996/1165, article 7 and S.S.I. 2002/164, article 7.

(b) Item 30 was amended by S.I. 1995/1358, article 14, 1996/1165, article 7 and S.S.I. 2002/164, article 7.



(15) In Schedule 5, Part A, Section I (plants, plant products and other objects which are potential carriers of plant pests of relevance for the entire Community, and which must be accompanied by a plant passport), in item 2.1(a), after the words “*Verbena L.*” there is inserted–

“and other plants of herbaceous species, other than plants of the family Gramineae, intended for planting, and other than bulbs, corms, rhizomes, seeds and tubers”.

(16) In Schedule 5, Part A, Section II (plants, plant products and other objects which are potential carriers of plant pests of relevance for certain protected zones, and which must be accompanied by a plant passport valid for the appropriate zone when introduced into or moved within that zone)–

(a) for item 1.6 and 1.7 there is substituted–

“1.6 Plants of *Beta vulgaris L.*, intended for industrial processing.

1.7 Soil from beet and unsterilised waste from beet (*Beta vulgaris L.*)”;

(b) for item 2.1(b) there is substituted–

“2.1 Plants of *Begonia L.*, intended for planting, other than corms, seeds, tubers, and plants of *Euphorbia pulcherrima Willd.*, *Ficus L.*, and *Hibiscus L.*, intended for planting, other than seeds.”.

(17) In Schedule 5, Part B, Section I (plants, plant products and other objects which are potential carriers of plant pests of relevance for the entire Community)–

(a) in each of items 1 and 8(c), after “Pakistan” there is inserted “, South Africa”;

(b) for item 2(d) there is substituted–

“2. *Castanea Mill.*, *Dendranthema (DC) Des. Moul.*, *Dianthus L.*, *Gypsophila L.*, *Pelargonium l’Herit, ex Ait*, *Pheonix spp.*, *Populus L.*, *Quercus L.*, *Solidago L.*, and cut flowers of Orchidaceae,

- conifers (Coniferales),

- *Acer saccharum Marsh.*, originating in North American countries

- *Prunus L.*, originating in non-European countries,

- cut flowers of *Aster spp.*, *Eryngium L.*, *Hypericum L.*, *Lisianthus L.*, *Rosa L.*, and *Trachelium L.*, originating in non-European countries,

- leafy vegetables of *Apium graveolens L.* and *Ocimum L.*”;

(c) in the first indent of item 3, after “*Poncirus Raf.*,” there is inserted–

“*Momordica L.* and *Solanum melongena L.*”.

(18) In Schedule 5, Part B Section II (plants, plant products and other objects which are potential carriers of plant pests of relevance for certain protected zones) for items 1 and 2 there is substituted–

“1. Plants of *Beta vulgaris L.*, intended for industrial processing.

2. Soil from beet and unsterilised waste from beet (*Beta vulgaris L.*)”.

(19) In Schedule 8(a) (insects, mites and nematodes, at all stages of their development)–

(a) for the entry in the second column opposite item 6 there is substituted–

“Portugal (Azores)”;

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(a) Item 2.1 was amended by S.I. 1998/1121, article 2(11).

(b) Item 2.1 was previously substituted by S.I. 1998/1121, article 2(11).

(c) Item 1 was amended by S.I. 1996/3242, article 5 and 1998/1121, article 2(12). Item 8 was inserted by S.I. 1996/3242, article 5.

(d) Item 2 was substituted by S.I. 1998/1121, article 2(12).

(b) after item 12 there is inserted–

“13. *Liriomyza bryoniae* (Kaltenbach) Ireland, United Kingdom (Northern Ireland)”.

(20) In Schedule 8(b) (bacteria) for the entry in the second column opposite item 2(a) there is substituted–

“Spain, France (Corsica), Ireland, Italy (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d’Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for Austria (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), Portugal, Finland, United Kingdom (Northern Ireland, Isle of Man and Channel Islands)”.

(21) In Schedule 8(d) (viruses and virus-like organisms) for the entry in the second column opposite item 1(b) there is substituted–

“Denmark, France (Brittany), Ireland, Portugal (Azores), Finland, Sweden (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), United Kingdom (Northern Ireland)”.

*ROSS FINNIE*  
A member of the Scottish Executive

Pentland House,  
Edinburgh  
28th March 2003

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(a) Item 2 was substituted by S.S.I. 2002/164, article 7.

(b) Item 1 was amended by S.I. 1995/1358, article 6, 1996/1165, article 9 and S.S.I. 2002/164, article 10.

## EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Great Britain) Order 1993 (“the principal Order”), in relation to Scotland, so as to implement—

- (1) Commission Directive 2002/36/EC (O.J. No. L 116, 3.5.02, p.16) and Commission Directive 2003/22/EC (O.J. No. L 78, 25.3.03, p.10), which amend certain Annexes to Council Directive 2000/29/EC (O.J. No. L 169, 10.7.00, p.1) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community; and
- (2) Commission Directive 2003/21/EC (O.J. No. L 78, 25.3.03, p.8), which amends some protected zones exposed to particular plant health risks in the Community in Commission Directive 2001/32/EC (O.J. No. L 127, 9.5.01, p.38).

The principal changes introduced by this Order, which comes into force on 1st April 2003, are the—

- (a) addition of *Anoplophora glabripennis* (article 2(3)(a)), *Naupactus leucoloma* (article 2(3)(b)) and *Anisogramma anomala* (article 2(7)) to the list of plant pests whose introduction into and spread within Great Britain is banned. It introduces specific measures for the import of *Corylus* from Canada and the United States (article 2(12)(a));
- (b) restriction of the provisions on *Liriomyza bryoniae* to the protected zones of the Republic of Ireland and Northern Ireland (articles 2(4), 2(5) and 2(19)(b));
- (c) restriction of the provisions on *Liriomyza huidobrensis* and *Liriomyza trifolii* to a list of host plants (articles 2(4) and 2(8));
- (d) introduction and extension of plant passport and phytosanitary certificate requirements for certain plants or plant products in respect of *Bemisia tabaci*, *Liriomyza sativae*, *Amauromyza maculosa*, *Liriomyza huidobrensis*, *Liriomyza trifolii* and *Thrips palmi* (articles 2(12)(b) to (f), 2(13), 2(14)(f), 2(15), 2(16)(b) and 2(17)(b) and (c));
- (e) amendment of the provisions against Beet necrotic yellow vein virus (articles 2(14)(b) and (c), 2(14)(e), (14)(g) to (j), 2(16)(a) and 2(18));
- (f) addition of South Africa to the list of countries where *Tilletia indica* is known to occur (article 2(12)(g) and 2(17)(a));
- (g) amendment of the protected zones established under Council Directive 2000/29/EC. The principal changes to the protected zones are the removal of certain areas in the county of Skåne in Sweden from the protected zone in respect of *Beet necrotic yellow vein virus* (known as rhizomania) (articles 2(6), 2(14)(b) and (c), 2(14)(e), 2(14)(h) to (j) and 2(21)), and redefinition of Italian protected zones in respect of the bacterium *Erwinia amylovora* (known as fireblight) (articles 2(10), 2(11), 2(14)(d) and 2(20));
- (h) restriction of a protected zone for *Gonipterus scutellatus* to Portugal (Azores) (articles 2(9), 2(14)(a) and 2(19)(a));
- (i) inclusion of a definition of relevant International Standards for Phytosanitary Measures and details of their availability (article 2(2)(b)).

The Order makes other minor corrections and improvements to the principal Order.

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**PLANT HEALTH**

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