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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 10**

**PLANT HEALTH**

**The Plant Health (Scotland) Amendment Order 2015**

*Made* - - - - - *15th January 2015*  
*Laid before the Scottish*  
*Parliament* - - - - - *19th January 2015*  
*Coming into force* - - - - - *26th February 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2, 3 and 4(1) of the Plant Health Act 1967(1) and section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(2) and all other powers enabling them to do so.

This Order makes provision for preventing the introduction and spread of pests in Scotland and is called for by EU obligations in (1) Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)(3); (2) Commission Implementing Decision 2014/679/EU amending Implementing Decision 2012/270/EU as regards its period of application and as regards the movement to packing facilities of potato tubers originating in areas demarcated in order to prevent the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)(4); (3) Commission Implementing Decision 2012/697/EU as regards measures to prevent the introduction into and the spread within the Union of the genus *Pomacea* (Perry)(5); (4) Commission Implementing Directive 2014/78/EU amending Annexes I, II, III, IV and V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(6); (5) Commission Implementing Directive 2014/83/EU amending Annexes I, II, III, IV and V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(7); (6) Commission Implementing Decision 2014/422/EU setting out measures in respect of certain citrus fruits originating in South Africa to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa(8); (7) Commission Implementing Decision

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(1) 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 and further amended by S.I. 2011/1043. Section 3(4) was substituted by the Criminal Justice Act 1982 (c.48), section 42 and the Statute Law (Repeals) Act 1993 (c.50), section 1(1) and Schedule 1, Part XIV. There are other amendments which are not relevant to this Order. The functions of the Secretary of State, so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) 1972 c.62.

(3) OJ L 132, 23.5.2012, p.18.

(4) OJ 283, 27.9.2014, p.61.

(5) OJ L 311, 10.11.2012, p.14.

(6) OJ L 183, 24.6.2014, p.27.

(7) OJ L 186, 26.6.2014, p.64.

(8) OJ L 196, 3.7.2014, p.23.

2014/497/EU as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Well and Raju)(9); and (8) Commission Implementing Decision 2014/690/EU repealing [Decision 2006/464/EC](#) on provisional emergency measures to prevent the introduction into and the spread within the Community of *Dryocosmus kuriphilus* Yasumatsu(10).

### Citation and commencement

1. This Order may be cited as the Plant Health (Scotland) Amendment Order 2015 and comes into force on 26th February 2015.

### Amendment of the Plant Health (Scotland) Order 2005

2. The Plant Health (Scotland) Order 2005(11) is amended in accordance with articles 3 to 12.

### Amendment of article 2

3. In article 2(1) (general interpretation)—

(a) for the definition of “[Directive 2000/29/EC](#)” substitute—

““[Directive 2000/29/EC](#)” means Council [Directive 2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(12)

(b) for the definition of “protected zone” substitute—

““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 for the purposes of [Directive 2000/29/EC](#), as listed in Annex 1 to [Commission Regulation \(EC\) No 690/2008](#) recognising protected zones exposed to particular plant health risks in the Community(13);”.

### Amendment of article 8

4. In article 8(2) (exceptions from certain prohibitions and requirements)—

(a) in sub-paragraph (a)(iii), omit “or *Castanea* Mill.”; and

(b) in sub-paragraph (b)(ii), omit “*Castanea* Mill. or *Platanus* L.”(14).

### Amendment of article 21

5. In article 21 (requirements for plant passports), for paragraphs (8) and (9)(15) substitute—

“(8) No person shall move within Scotland or consign from Scotland to a protected zone in another part of the European Union, which is recognised as a protected zone in

(9) OJ L 219, 25.7.2014, p.56.

(10) OJ L 288, 2.10.2014, p.5.

(11) S.S.I. 2005/613, as amended by S.S.I. 2006/474, S.S.I. 2007/415, S.S.I. 2007/498, S.S.I. 2008/300, S.S.I. 2008/350, S.S.I. 2009/153, S.S.I. 2010/206, S.S.I. 2010/342, S.I. 2011/1043, S.S.I. 2012/266, S.S.I. 2012/326, S.S.I. 2013/5, S.S.I. 2013/187, S.S.I. 2013/366 and S.S.I. 2014/140.

(12) OJ L 169, 10.7.2000, p.1, as last amended by Regulation (EU) No 652/2014 (OJ L 189, 27.6.2014, p.1).

(13) OJ L 193, 22.7.2008, p.1, as last amended by Commission Implementing Regulation (EU) No 707/2014 (OJ L 186, 26.6.2014, p.56). Council [Directive 2000/29/EC](#) (OJ L 169, 10.7.2000, p.1, as last amended by Regulation (EU) No 652/2014 (OJ L 189, 27.6.2014, p.1) sets out the prohibitions and controls which apply to the landing and movement of plant pests and relevant materials in respect of protected zones.

(14) The words omitted by this article were inserted by S.S.I. 2013/366.

(15) Paragraphs (8) and (9) of article 21 were inserted by S.S.I. 2013/366.

relation to *Thaumetopoea processionea* L., any plants intended for planting, other than seeds, of *Quercus* spp., (excluding *Quercus suber*) unless they are accompanied by official documentation confirming that they are free from *Thaumetopoea processionea* L.”.

## Amendment of article 22

### 6. In article 22 (exceptions from certain prohibitions and requirements)—

#### (a) for paragraph (1)(16) substitute—

“(1) The prohibitions on landing in article 19(1)(e), (f) and (g) and article 19B(1) and on movement in article 20(1)(e) and (f) and the requirements in article 21(1), (2), (5) and (6) for certain relevant material to be accompanied by a plant passport shall not apply to small quantities of relevant material, other than excluded material, where the relevant material meets the conditions in paragraph (1A).”;

#### (b) after paragraph (1A) insert—

“(1B) In paragraph (1) “excluded material” means any of the following relevant material—

- (a) plants of *Castanea* Mill. intended for planting;
- (b) plants of *Fraxinus* L. intended for planting; or
- (c) plants, other than seeds, of *Platanus* L. intended for planting.”; and

#### (c) after paragraph (2) insert—

“(3) The requirement in article 21(1) for certain relevant material to be accompanied by a plant passport shall not apply to the movement of—

- (a) tubers of *Solanum tuberosum* L., including those intended for planting which originate in an area demarcated for the purposes of Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similis* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)(17) providing that those tubers are not moved to areas other than demarcated areas;
- (b) plants intended for planting, other than seeds, that can only grow in water or in soil that is permanently saturated in water, originating in an area demarcated for the purposes of Commission Implementing Decision 2012/697/EU as regards measures to prevent the introduction into and the spread within the Union of the genus *Pomacea* (Perry)(18) providing that those plants are not moved to areas other than demarcated areas; and
- (c) plants intended for planting, other than seeds of *Catharanthus* G. Don, *Nerium* L., *Olea* L., *Prunus* L., *Vinca* L., *Malva* L., *Portulaca* L., *Quercus* L. and *Sorghum* L., which have been grown for at least part of their life in, or have been moved through, an area demarcated for the purposes of Commission Implementing Decision 2014/497/EU as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Well and Raju)(19), providing that those plants are not moved to areas other than infected zones, within the meaning of Article 7 of that Decision.”.

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(16) Article 22(1) was amended by [S.S.I. 2012/326](#), [S.S.I. 2013/187](#) and [S.S.I. 2013/366](#).

(17) OJ L 132, 23.5.2012, p.18, as amended by Commission Implementing Decision 2014/679/EU (OJ L 283, 27.9.2014, p.61).

(18) OJ L 311, 10.11.2012, p.14.

(19) OJ L 219, 25.7.2014, p.56.

**Amendment of Schedule 1**

7.—(1) In Schedule 1 (plant pests which shall not be landed in or spread within Scotland), in Part A (plant pests not known to occur in any part of the European Union)—

- (a) under the heading “**Insects, mites and nematodes**”—  
 (i) after item 1, insert—

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“**1a.** *Agrilus anxius* Gory

**1b.** *Agrilus planipennis* Fairmaire”;

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- (ii) after item 5, insert—

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“**5a.** *Anthonomus eugenii* Cano”; and

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- (iii) for item 15a(20), substitute—

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“**15a.** *Diaphorina citri* Kuway”;

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- (b) under the heading “**Bacteria**”, for item 1 substitute—

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“**1.** *Candidatus Liberibacter* spp., causal agent of Huanglongbing disease of citrus/ citrus greening”; and

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- (c) under the heading “**Fungi**”, omit item 9.

(2) In Schedule 1, in Part B (plant pests known to occur in the European Union)—

- (a) under the heading “**Insects, mites and nematodes**”—  
 (i) after item 1, insert—

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“**1aa.** *Bursaphelenchus xylophilus* (Steiner and Bühner) Nickle *et al.*

**1a.** *Dryocosmus kuriphilus* Yasumatsu”; and

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- (ii) after item 11, insert—

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“**12.** *Thaumtopoea processionea* L.

**13.** *Trioza erythrae* Del Guercio”; and

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- (b) under the heading “**Bacteria**”, after item 3(21), insert—

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“**4.** *Xylella fastidiosa* (Well and Raju)”.

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**Amendment of Schedule 2**

8.—(1) In Schedule 2 (relevant material which may not be landed in or moved within Scotland if that material is carrying or infected with plant pests), in Part A (plant pests not known to occur in the European Union)—

- (a) under the heading “**Insects, mites and nematodes**” omit items 1a(22), 8, 10 and 29;

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(20) Item 15a was inserted by [S.S.I. 2006/474](#).

(21) Item 3 was inserted by [S.S.I. 2013/187](#).

(22) Item 1a was inserted by [S.S.I. 2009/153](#).

- (b) under the heading “**Bacteria**” omit item 1;
  - (c) under the heading “**Fungi**”—
    - (i) omit item 8; and
    - (ii) in column 3 of item 12 for “*Guignardia citricarpa* Kiely (all strains pathogenic to *Citrus*)” substitute “*Phyllosticta citricarpa* (McAlpine) Van der Aa”; and
  - (d) under the heading “**Viruses and virus-like organisms**”, in column 2 of item 5a(23), for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”.
- (2) In Schedule 2, in Part B (plant pests known to occur in the European Union)—
- (a) under the heading “**Bacteria**”, in column 2 of items 2 and 9, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”;
  - (b) under the heading “**Fungi**”, in column 3 of item 1, for “*Ceratocystis fimbriati* f.spp. *platani* Walter” substitute “*Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.”; and
  - (c) under the heading “**Viruses and virus-like organisms**”—
    - (i) omit item 5; and
    - (ii) in column 2 of items 15 and 16, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”.

#### Amendment of Schedule 4

9.—(1) In Schedule 4 (restrictions on the landing in and movement within Scotland of relevant material), in Part A (relevant material from third countries, which may only be landed in Scotland if special requirements are satisfied)—

- (a) for items 6, 6aa and 6a(24) substitute—

“6.	Plants, other than seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L. intended for planting, originating in any third country	Without prejudice to the requirements in items 4, 5, 60, 61 and 64, the plants shall be accompanied by an official statement that: <ul style="list-style-type: none"> <li>(a) they originate in an area known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr; or</li> <li>(b) 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.”;</li> </ul>
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- (b) omit item 7a(25);
- (c) for item 8(26) substitute—

“8.	Plants, other than seeds, of <i>Platanus</i> L., intended for planting, originating in Armenia, Switzerland or the USA	The plants shall be accompanied by an official statement that no symptoms of <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr. have been
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(23) Item 5a was inserted by S.S.I. 2009/153.

(24) Items 6 and 6aa were inserted by S.S.I. 2013/366 and item 6a was inserted by S.S.I. 2006/474.

(25) Item 7a was inserted by S.S.I. 2009/153 and amended by S.S.I. 2012/326.

(26) Item 8 was substituted by S.S.I. 2013/366.

	observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.”;
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(d) for item 12(27) substitute—

“12.	Plants of <i>Betula</i> L., other than fruit and seeds, but including cut branches of <i>Betula</i> L., with or without foliage	The plants shall be accompanied by an official statement that they originate in a country known to be free from <i>Agrilus anxius</i> Gory.”;
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(e) omit item 13;

(f) in item 17(28)—

(i) in column 2 for “other than Brazil” substitute “other than Brazil or South Africa”; and

(ii) in column 3 for “*Guignardia citricarpa* Kiely (all strains pathogenic to *Citrus*)” where it appears, substitute “*Phyllosticta citricarpa* (McAlpine) Van der Aa”;

(g) after item 17a(29) insert—

“17b.	Fruits of <i>Citrus</i> L., other than fruits of <i>Citrus aurantium</i> L. or <i>Citrus latifolia</i> Tanaka, and fruits of <i>Fortunella</i> Swingle, or <i>Poncirus</i> Raf., originating in South Africa	Without prejudice to the requirements in items 14 to 16 and 18, the fruits shall be accompanied by an official statement, under the rubric ‘Additional declaration’, that: <ul style="list-style-type: none"> <li>(a) 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;</li> <li>(b) an 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 fruits since the beginning of the last cycle of vegetation;</li> <li>(c) 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,</li> </ul>
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(27) Item 12 was amended by S.S.I. 2006/474.

(28) Item 17 was amended by S.S.I. 2013/187.

(29) Item 17a was inserted by S.S.I. 2013/187.

		<p>or part thereof, selected as much as possible on the basis of any possible symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa and all sampled fruits showing symptoms have been tested and found to be free of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa; and</p> <p>(d) in the case of <i>Citrus sinensis</i> (L.) Osbeck ‘Valencia’, 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>
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(h) for items 35a and 35b(30) substitute—

“35a.	Tubers of <i>Solanum tuberosum</i> L., other than those intended for planting, originating in any third country	Without prejudice to the provisions applicable to tubers listed in items 32 to 34, the tubers shall be accompanied by an official statement that they originate in an area in which <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al. is not known to occur.
35b.	Tubers of <i>Solanum tuberosum</i> L., originating in any third country	Without prejudice to the provisions applicable to tubers listed in items 32 to 35a, the tubers shall be accompanied by an official statement that they originate: <ul style="list-style-type: none"> <li>(a) in a country where <i>Scrobipalopsis solanivora</i> Povolny is not known to occur; or</li> <li>(b) in an area free from <i>Scrobipalopsis solanivora</i> Povolny, established by the national plant protection organisation in accordance with ISPMNo. 4.”</li> </ul>

(i) in column 2 of items 37 and 38, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”;

(j) for items 41(31) and 42 substitute—

“41.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., <i>Dianthus</i> L. or <i>Pelargonium</i> L’Hérit. ex Ait., intended for planting, originating in any third country	Without prejudice to the requirements in items 42 to 44, 46 to 48, 50, 55, 60, 64 and 66, the plants shall be accompanied by an official statement that:
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(30) Items 35a and 35b were inserted by S.S.I. 2009/153.

(31) Item 41 was substituted by S.S.I. 2008/350.

		<p>(a) they originate in an area free from <i>Helicoverpa armigera</i> (Hübner) and <i>Spodoptera littoralis</i> (Boisd.), established by the national plant protection organisation in accordance with ISPM No. 4;</p> <p>(b) 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) the plants have undergone appropriate treatment to protect them from <i>Helicoverpa armigera</i> (Hübner) and <i>Spodoptera littoralis</i> (Boisd.).</p>
42.	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>Without prejudice to the requirements in items 41, 43, 44, 46 to 48, 50, 55, 60, 64 and 66, the plants shall be accompanied by an official statement that:</p> <p>(a) the plants originate in an area free from <i>Spodoptera eridania</i> (Cramer), <i>Spodoptera frugiperda</i> Smith and <i>Spodoptera litura</i> (Fabricius), established by the national plant protection organisation in accordance with ISPM No. 4;</p> <p>(b) 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) the plants have undergone appropriate treatment to protect them from <i>Spodoptera eridania</i> (Cramer), <i>Spodoptera frugiperda</i> Smith and <i>Spodoptera litura</i> (Fabricius).”;</p>

(k) in column 3 of item 43, after “42,” insert “43a,”;

(l) in column 2 of item 43a(32), for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”;



- (m) in column 3 of item 48—
- (i) at the end of paragraph (b) omit “or”;
  - (ii) in paragraph (c) for “re-export.” substitute “re-export; or”; and
  - (iii) after paragraph (c) insert—
    - “(d) originate from plant material (explant) which is free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch), are grown *in vitro* in a sterile medium under sterile conditions that preclude the possibility of infestation with *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) and are shipped in transparent containers under sterile conditions.”;
- (n) in column 3 of item 50—
- (i) at the end of paragraph (b) omit “or”;
  - (ii) in paragraph (c) for “(Burgess).” substitute “(Burgess); or”; and
  - (iii) after paragraph (c) insert—
    - “(d) the plants originate from plant material (explant) which is free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess), are grown *in vitro* in a sterile medium under sterile conditions that preclude the possibility of infestation with *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) and are shipped in transparent containers under sterile conditions.”;
- (o) for item 51 substitute—

“51.	Plants with roots, planted or intended for planting, grown in the open air, originating in any third country	The plants shall be accompanied by an official statement that: <ul style="list-style-type: none"> <li>(a) the place of production is known to be free from <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i> and <i>Synchytrium endobioticum</i> (Schilbersky) Percival; and</li> <li>(b) the plants originate from a field known to be free from <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens.”;</li> </ul>
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- (p) in column 3 of item 55—
- (i) for “46, 48” substitute “46 to 48”;
  - (ii) at the end of paragraph (b) omit “or”
  - (iii) in paragraph (c) for “re-export.” substitute “re-export; or”; and
  - (iv) after paragraph (c) insert—
    - “(d) they originate from plant material (explant) which is free from *Thrips palmi* Karny, are grown *in vitro* in a sterile medium under sterile conditions that preclude the possibility of infestation with *Thrips palmi* Karny and are shipped in transparent containers under sterile conditions.”;
- (q) after item 56 insert—

“56a.	Fruits of <i>Capsicum</i> L. originating in Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Puerto Rico, USA and French Polynesia where <i>Anthonomus eugenii</i> Cano is known to occur	The fruits shall be accompanied by an official statement that they originate: (a) in an area free from <i>Anthonomus eugenii</i> Cano, established by the national plant protection organisation in accordance with ISPM No. 4 and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “Additional declaration”; or (b) in a place of production, established by the national plant protection organisation in that country as being free from <i>Anthonomus eugenii</i> Cano, in accordance with ISPM No. 10 and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “Additional declaration”, and 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.”;
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(r) omit item 58;

(s) in column 3 of item 66—

(i) at the end of paragraph (b) omit “or”;

(ii) in paragraph (c) for “re-export.” substitute “re-export; or”; and

(iii) after paragraph (c) insert—

“(d) they originate from plant material (explant) which is free from *Bemisia tabaci* Genn. (non-European populations), are grown *in vitro* in a sterile medium under sterile conditions that preclude the possibility of infestation with *Bemisia tabaci* Genn. (non-European populations) and are shipped in transparent containers under sterile conditions.”;

(t) in column 2 of items 68 and 69, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”;

(u) in column 3 of item 71(33)—

(i) at the end of paragraph (b) omit “or”;

(ii) in paragraph (c) for “*Bemisia tabaci* Genn.” substitute “*Bemisia tabaci* Genn.; or”; and

(iii) after paragraph (c) insert—

“(d) the plants originate from plant material (explant) which is free from *Bemisia tabaci* Genn. (non-European populations) and which did not show any symptoms of *Bemisia tabaci* Genn. (non-European populations), are grown *in vitro* in a sterile medium under sterile conditions that preclude the possibility of infestation with *Bemisia*

- tabaci* Genn. (non-European populations) and are shipped in transparent containers under sterile conditions.”;
- (v) in column 2 of item 73, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”;
- (w) in column 3 of item 74—
- (i) at the end of paragraph (a) omit “or”;
- (ii) in paragraph (b) for “export.” substitute “export; or”; and
- (iii) after paragraph (b) insert—
- “(c) the seeds have been subjected to an appropriate physical treatment against *Ditylenchus dipsaci* (Kühn) Filipjev and have been found to be free of this organism after laboratory tests on a representative sample.”;
- and
- (x) after item 83(34) insert—

“84.	Plants, other than fruit or seeds, of <i>Casimiroa</i> La Llave, <i>Clausena</i> Burm. f., <i>Vepris</i> Comm or <i>Zanthoxylum</i> L., originating in any third country	Without prejudice to the requirements in item 85, the plants shall be accompanied by an official statement that they originate: <ul style="list-style-type: none"> <li>(a) in a country in which <i>Trioza erytrae</i> Del Guercio is known not to occur; or</li> <li>(b) in an area free from <i>Trioza erytrae</i> Del Guercio, established by the national plant protection organisation in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “Additional declaration”.</li> </ul>
85.	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 & Kellerman, <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> Lour., <i>Toddalia</i> Juss., <i>Triphasia</i> Lour., <i>Vepris</i> Comm. or <i>Zanthoxylum</i> L., originating in any third country	Without prejudice to the requirements in item 84, the plants shall be accompanied by an official statement that they originate: <ul style="list-style-type: none"> <li>(a) in a country in which <i>Diaphorina citri</i> Kuway is known not to occur; or</li> <li>(b) in an area free from <i>Diaphorina citri</i> Kuway, established by the national plant protection organisation in accordance with ISPM No. 4 and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “Additional declaration”.</li> </ul>
86.	Plants intended for planting, other than seeds, of <i>Catharanthus</i> G. Don, <i>Nerium</i> L., <i>Olea</i> L., <i>Prunus</i>	The plants shall be accompanied by an official statement which, under the rubric ‘Additional

<p>L., <i>Vinca</i> L., <i>Malva</i> L., <i>Portulaca</i> L., <i>Quercus</i> L. and <i>Sorghum</i> L. originating in any third country where <i>Xylella fastidiosa</i> (Well and Raju) is known to be present.</p>	<p>declaration' contains the statements listed in either sub-paragraph (a) or in sub-paragraphs (b) to (f):</p> <ul style="list-style-type: none"> <li>(a) a statement that the plants have been grown throughout their life in a site of production which is registered and supervised by the national plant protection organisation in the country of origin, and situated in a pest free area established by that organisation in accordance with ISPM No. 4 (the name of that pest free area to be included under the rubric 'place of origin'; or</li> <li>(b) a statement that the plants have been grown throughout their life in a site of production fulfilling the following conditions: <ul style="list-style-type: none"> <li>(i) the site is established as free from <i>Xylella fastidiosa</i> (Well and Raju) and its vectors in accordance with ISPM No. 10;</li> <li>(ii) it is registered and supervised by the national plant protection organisation in the country of origin;</li> <li>(iii) it is physically protected against the introduction of <i>Xylella fastidiosa</i> (Well and Raju) by its vectors;</li> <li>(iv) it is subject to appropriate phytosanitary treatments to maintain freedom from vectors of <i>Xylella fastidiosa</i> (Well and Raju);</li> <li>(v) it is subjected annually to at least two official inspections carried out at appropriate times and during past inspections neither symptoms of <i>Xylella fastidiosa</i> (Well and Raju) nor its vectors were found or, if suspect symptoms were observed, testing has been undertaken and the absence of <i>Xylella fastidiosa</i> (Well and Raju) was confirmed;</li> </ul> </li> <li>(c) a statement that phytosanitary treatments against the vectors of <i>Xylella fastidiosa</i> (Well and Raju) are applied in close proximity to the site of production;</li> <li>(d) a statement that the lots of the plants have been subjected to annual testing, on the basis of sampling, and asymptomatic presence of <i>Xylella fastidiosa</i> (Well and Raju) has been excluded;</li> </ul>
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		<p>(e) a statement that the plants have been transported outside the flight season of any of the known vectors of <i>Xylella fastidiosa</i> (Well and Raju), or in closed containers or packaging, ensuring that infection with <i>Xylella fastidiosa</i> (Well and Raju) or any of its known vectors cannot occur; and</p> <p>(f) a statement that immediately prior to export, the lots of the plants were subjected to visual inspection, sampling and testing, using a sampling scheme which is able to confirm with 99 per cent reliability that the level of the presence of <i>Xylella fastidiosa</i> (Well and Raju) in those plants is below 1 per cent and which is targeted especially at plants displaying suspect symptoms of that organism.”.</p>
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(2) In Schedule 4, in Part B (relevant material from another part of the European Union, which may only be landed in or moved within Scotland if special requirements are satisfied)—

(a) for items 4, 4aa and 4a(35) substitute—

“4.	Plants, other than seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L. intended for planting	<p>The plants shall be accompanied by an official statement that:</p> <p>(a) they originate in an area known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr; or</p> <p>(b) 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>
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(b) for item 5(36) substitute—

“5.	Plants, other than seeds, of <i>Platanus</i> L., intended for planting	<p>The plants shall be accompanied by an official statement that—</p> <p>(a) they originate in an area known to be free from <i>Ceratocystis platani</i> (J.M.Walter) Engelbr. &amp; T.C. Harr.; or</p> <p>(b) no symptoms of <i>Ceratocystis platani</i> (J.M.Walter) Engelbr. &amp; T.C. Harr. have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.”;</p>
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(35) Items 4 and 4aa were inserted by S.S.I. 2013/366 and item 4a was inserted by S.S.I. 2006/474.

(36) Item 5 was substituted by S.S.I. 2013/366.

(c) for item 7 substitute—

“7.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<p>The plants shall be accompanied by an official statement that—</p> <ul style="list-style-type: none"> <li>(a) they originate in an area known to be free from <i>Spiroplasma citri</i> Saglio <i>et al.</i>, <i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili and <i>Citrus tristeza</i> virus (European strains);</li> <li>(b) they derive from a certification scheme which requires them to be derived in direct line from material which has been maintained under appropriate conditions and which 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 in an isolated cage on which no symptoms of <i>Spiroplasma citri</i> Saglio <i>et al.</i>, <i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili and <i>Citrus tristeza</i> virus (European strains) have been observed; or</li> <li>(c) they have— <ul style="list-style-type: none"> <li>(i) been derived from a certification scheme which requires 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 the material has been found in these tests, 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 using methods in line with international standards; and</li> <li>(ii) been inspected and no symptoms of <i>Spiroplasma citri</i> Saglio <i>et al.</i>, <i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili and <i>Citrus tristeza</i> virus (European strains) have been observed since the beginning of the last complete cycle of vegetation.</li> </ul> </li> </ul>
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7a.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., <i>Casimiroa</i> La Llave, <i>Clausena</i> Burm f., <i>Vepris</i> Comm., <i>Zanthoxylum</i> L.	The plants shall be accompanied by an official statement that they originate in an area free from <i>Trioza erytrae</i> Del Guercio, established by the national plant protection organisation in accordance with ISPM No. 4.”;
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(d) in column 3 of item 15(37)—

(i) for “items 16,” substitute “items 15a, 16,”; and

(ii) omit paragraph (c);

(e) after item 15 insert—

“15a.	Tubers of <i>Solanum tuberosum</i> L., intended for planting, other than those to be planted in accordance with Article 4.4(b) of <a href="#">Directive 2007/33/EC</a>	Without prejudice to the requirements in items 15, 16, 19a, and 19b, the tubers shall be accompanied by an official statement that there has been compliance with the EU provisions to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens.”;
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(f) for items 19 and 19a(38) substitute—

“19.	Tubers of <i>Solanum tuberosum</i> L., other than those mentioned in column 2 of items 15 to 18	Without prejudice to the requirements in items 19a and 19b, there shall 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 there has been compliance with— <ul style="list-style-type: none"> <li>(a) the EU provisions to combat <i>Synchytrium endobioticum</i> (Schilbersky) Percival;</li> <li>(b) where appropriate, the EU provisions to combat <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i>; and</li> <li>(c) the EU provisions to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens.</li> </ul>
19a.	Tubers of <i>Solanum tuberosum</i> L originating in an area demarcated under a legislative or administrative procedure in an EU member State for the purpose of eradicating and monitoring an infestation	Without prejudice to the requirements in items 15 to 19, the tubers shall be accompanied by an official statement that: <ul style="list-style-type: none"> <li>(a) they have been grown in a registered place of production in accordance with <a href="#">Directive 92/90/EEC</a> or by a registered producer in accordance with Commission <a href="#">Directive</a></li> </ul>

(37) Item 15 was amended by [S.S.I. 2012/266](#) and [S.S.I. 2013/5](#).

(38) Item 19a was inserted by [S.S.I 2012/266](#).

<p>of <i>Epitrix cucumeris</i> (Harris), <i>Epitrix similaris</i> (Gentner), <i>Epitrix subcrinita</i> (Lec.) or <i>Epitrix tuberis</i> (Gentner).</p>	<p><a href="#">93/50/EEC</a> specifying certain plants not listed in Annex V, part A to Council <a href="#">Directive 77/93/EEC</a>, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register<sup>(39)</sup>, or moved from a warehouse or a dispatching centre registered in accordance with Commission <a href="#">Directive 93/50/EEC</a>;</p> <p>(c) they have been washed or brushed so that there is no more than 0.1 per cent of soil remaining, or have undergone an equivalent method specifically applied in order to achieve the same outcome, namely to remove <i>Epitrix cucumeris</i> (Harris), <i>Epitrix similaris</i> (Gentner), <i>Epitrix subcrinita</i> (Lec.) or <i>Epitrix tuberis</i> (Gentner) and to ensure that there is no risk of spreading those organisms;</p> <p>(d) the packaging material in which the tubers are moved is clean; and</p> <p>(e) where the tubers have been moved from a demarcated area to a packing facility which fulfils the requirements of Article 3b of Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of <i>Epitrix cucumeris</i> (Harris), <i>Epitrix similaris</i> (Gentner), <i>Epitrix subcrinita</i> (Lec.) and <i>Epitrix tuberis</i> (Gentner)<sup>(40)</sup> the official statement shall confirm that the conditions specified in point (2) of Section 2 of Annex 1 of that Commission Implementing Decision have been met.”;</p>
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(g) in column 2 of item 21, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”;

(h) after item 21 insert—

<p>“21a.</p>	<p>Plants with roots, of <i>Capsicum</i> spp., <i>Solanum lycopersicum</i> L., or <i>Solanum melongena</i> L., intended for planting, other than those to be planted in accordance with Article 4.4(a) of <a href="#">Directive 2007/33/EC</a></p>	<p>Without prejudice to the requirements in items 20 and 21, the plants shall be accompanied by an official statement that there has been compliance with the EU provisions to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens.”;</p>
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<sup>(39)</sup> OJ L 205, 17.8.1993, p.22.

<sup>(40)</sup> OJ L 132, 23.5.2012, p.18, as amended by Commission Implementing Decision 2014/679/EU (OJ L 283, 27.9.2014, p.61).



- (i) in column 3 of item 23(41), for paragraphs (a) and (b) substitute—
- “(a) they originate in an area free from *Helicoverpa armigera* (Hübner) and *Spodoptera littoralis* (Boisd.), established by the national plant protection organisation in accordance with ISPM No. 4;
- (b) no signs of *Helicoverpa armigera* (Hübner) or *Spodoptera littoralis* (Boisd.) have been observed at the place of production since the beginning of the last complete cycle of vegetation; or
- (c) they have undergone appropriate treatment to protect them from *Helicoverpa armigera* (Hübner) and *Spodoptera littoralis* (Boisd.).”;
- (j) in column 3 of item 27—
- (i) at the end of paragraph (b) omit “or”;
- (ii) in paragraph (c) for “(Burgess).” substitute “(Burgess); or”;
- (iii) after paragraph (c) insert—
- “(d) they originate from plant material (explant) which is free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess), are grown *in vitro* in a sterile medium under sterile conditions that preclude the possibility of infestation with *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) and are shipped in transparent containers under sterile conditions.”;
- (k) in column 3 of item 28 omit “, *Globodera pallida* (Stone) Behrens, *Globodera rostochiensis* (Wollenweber) Behrens”;
- (l) after item 28 insert—

“28a.	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. and <i>Fragaria</i> L. intended for planting, other than those plants to be planted in accordance with Article 4.4 (a) or (c) of <a href="#">Directive 2007/33/EC</a>	Without prejudice to the requirements in item 28, there shall be evidence that there has been compliance with the EU provisions to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens
28b.	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</i> Tourn. ex L., <i>Hyacinthus</i> spp., <i>Iris</i> spp., <i>Lilium</i> spp., <i>Narcissus</i> L. and <i>Tulipa</i> L., other than those bulbs, tubers or rhizomes to be planted in accordance with Article 4.4(a) or (c) of <a href="#">Directive 2007/33/EC</a>	Without prejudice to the requirements in item 28, there shall be evidence that there has been compliance with the EU provisions to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens.”;

- (m) in column 2 of items 31 and 32, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”;
- (n) in column 3 of item 33—

- (i) at the end of paragraph (a) omit “or”;
- (ii) in paragraph (b) for “marketing.” substitute “marketing; or”;
- (iii) after paragraph (b) insert—
  - “(c) the seeds have been subjected to an appropriate physical treatment against *Ditylenchus dipsaci* (Kühn) Filipjev and have been found free of *Ditylenchus dipsaci* (Kühn) Filipjev after laboratory tests on a representative sample.”; and
- (o) after item 39(42) insert—

<p>“40.</p>	<p>Plants intended for planting, other than seeds, of <i>Catharanthus</i> G. Don, <i>Nerium</i> L., <i>Olea</i> L., <i>Prunus</i> L., <i>Vinca</i> L., <i>Malva</i> L., <i>Portulaca</i> L., <i>Quercus</i> L. and <i>Sorghum</i> L. which have been grown for at least part of their life in, or have been moved through, an area demarcated under a legislative or administrative procedure in an EU member State in accordance with Article 7 of Commission Implementing Decision 2014/497/EU as regards measures to prevent the introduction into and the spread within the Union of <i>Xylella fastidiosa</i> (Well and Raju)(43).</p>	<p>The plants shall be accompanied by an official statement that throughout the whole period during which they were in the demarcated area:</p> <ul style="list-style-type: none"> <li>(a) the site of production in which they have been grown within the demarcated area fulfils the following requirements:           <ul style="list-style-type: none"> <li>(i) it is established as free from <i>Xylella fastidiosa</i> (Well and Raju) in accordance with ISPM No. 10;</li> <li>(ii) it is registered in accordance with <a href="#">Directive 92/90/EEC</a>;</li> <li>(iii) it is physically protected against the introduction of <i>Xylella fastidiosa</i> (Well and Raju) by its vectors;</li> <li>(iv) it is subject to appropriate phytosanitary treatments to maintain freedom from vectors of <i>Xylella fastidiosa</i> (Well and Raju); and</li> <li>(v) it is subjected annually to at least two official inspections carried out at appropriate times and during past inspections neither symptoms of <i>Xylella fastidiosa</i> (Well and Raju) nor its vectors were found or, if suspect symptoms were observed, testing has been undertaken and the absence of <i>Xylella fastidiosa</i> (Well and Raju) was confirmed;</li> </ul> </li> <li>(b) representative samples of each species of the plants from each site of production have been subject to annual testing and the asymptomatic presence of <i>Xylella</i></li> </ul>
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(42) Item 39 was inserted by S.S.I. 2013/187.

(43) OJ L 219, 25.7.2014, p.56.

		<p><i>fastidiosa</i> (Well and Raju) has been excluded; and</p> <p>(c) phytosanitary measures against the vectors of <i>Xylella fastidiosa</i> (Well and Raju) are applied in the close proximity of the site of production.”.</p>
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(3) In Schedule 4, in Part C (relevant material which may only be landed in or moved within Scotland (as a protected zone) if special requirements are satisfied), after item 3 insert—

“4.	Plants of <i>Castanea</i> Mill. intended for planting	<p>Without prejudice to the requirements in item 5, the plants shall be accompanied by an official statement that they have been grown throughout their life—</p> <p>(a) in a place of production in a country where <i>Cryphonectria parasitica</i> (Murrill) Barr is known not to occur;</p> <p>(c) in an area free from <i>Cryphonectria parasitica</i> (Murrill) Barr established by the national plant protection organisation in accordance with ISPM No. 4; or</p> <p>(d) in a protected zone which is recognised as a protected zone for <i>Cryphonectria parasitica</i> (Murrill) Barr.</p>
5.	Plants of <i>Castanea</i> Mill., other than plants in tissue culture, fruit or seeds	<p>Without prejudice to the requirements in item 4, the plants shall be accompanied by an official statement that throughout their life they have been grown:</p> <p>(a) in a place of production in a country where <i>Dryocosmus kuriphilus</i> Yasumatsu is known not to occur;</p> <p>(b) in an area free from <i>Dryocosmus kuriphilus</i> Yasumatsu, established by the national plant protection organisation in accordance with ISPM No. 4; or</p> <p>(c) in a protected zone which is recognised as a protected zone for <i>Dryocosmus kuriphilus</i> Yasumatsu.</p>
6.	Plants, other than seeds of <i>Platanus</i> L., intended for planting, originating in the European Union, or in Armenia, Switzerland, or the USA.	<p>The plants shall be accompanied by an official statement that they have been grown throughout their life :</p> <p>(a) in an area free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. &amp; T.C. Harr., established by the national plant protection organisation in accordance with ISPM No. 4; or</p> <p>(b) in a protected zone which is recognised as a protected zone for <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. &amp; T.C. Harr.”.</p>

**Amendment of Schedule 5**

**10.**—(1) In Schedule 5 (relevant material from a third country for which a phytosanitary certificate may be required), in Part A (relevant material which may only be landed in Scotland if accompanied by a phytosanitary certificate)—

- (a) in paragraph 1(c)(**44**), for “*Solanaceae, Helianthus annuus* L.,” substitute “*Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Capsicum* spp., *Helianthus annuus* L., Solanaceae, including seeds of *Solanum lycopersicum* L.,”;
- (b) in paragraph 2(**45**)—
  - (i) in sub-paragraph (a) after “*Fraxinus* L.” insert “, including cut branches of *Fraxinus* L.”; and
  - (ii) for sub-paragraphs (e) and (f), substitute—
    - “(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. and *Eryngium* L.;
    - (g) leaves of *Manihot esculenta* Crantz;
    - (h) cut branches of *Betula* L., with or without foliage;
    - (i) cut branches of *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocaryarhoifolia* Siebold & Zucc., with or without foliage, originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan and 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.”;
- (c) for paragraph 2A(**46**) substitute—

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“**2a.** Parts of plants, other than fruits but including seeds, of *Aegle* Corrêa, *Aeglopsis* Swingle, *Afraegle* Engl., *Atalantia* Corrêa, *Balsamocitrus* Stapf, *Burkillanthus* Swingle, *Calondendrum* 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.”; and

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- (d) in paragraph 3—
  - (i) at the end of sub-paragraph (a) omit “or”;
  - (ii) in sub-paragraph (b) for “Europe.” substitute “Europe; or”;
  - (iii) after sub-paragraph (b) insert—
    - “(c) *Capsicum* L.”.

(2) In Schedule 5, in Part B (relevant material which, if destined for certain protected zones, may only be landed in Scotland if accompanied by a phytosanitary certificate), in paragraph 5, after “Seeds of” insert “*Castanea* Mill.”.

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(44) Paragraph 1(c) was amended by [S.S.I. 2006/474](#) and [S.S.I. 2012/326](#).

(45) Paragraph 2 was amended by [S.S.I. 2012/326](#).

(46) Paragraph 2A was inserted by [S.S.I. 2013/366](#).

**Amendment of Schedule 6**

**11.**—(1) In Schedule 6 (prohibitions on the landing in and movement within Scotland of relevant material without a plant passport), in Part A (relevant material, from Scotland or elsewhere in the European Union, which may only be landed in or moved within Scotland if accompanied by a plant passport)—

(a) for paragraph 4 substitute—

“**4.** Plants, other than fruits or seeds, of *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm. f., *Vepris* Comm., *Zanthoxylum* L. or *Vitis* L.”;

(b) in paragraph 7(47)—

(i) in sub-paragraph (a) after “*Argyranthemum* spp.,” insert “*Asparagus officinalis* L.”;

(ii) in sub-paragraph (d) for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”; and

(iii) for sub-paragraph (e) substitute—

“(e) bulbs, corms, tubers and 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. and *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.”; and

(c) after paragraph 11(48) insert—

“**12.** Plants, intended for planting, other than seeds, of *Catharanthus* G. Don, *Nerium* L., *Olea* L., *Prunus* L., *Vinca* L., *Malva* L., *Portulaca* L., *Quercus* L. and *Sorghum* L. which have been grown for at least part of their life in, or have been moved through, an area demarcated under a legislative or administrative procedure in an EU member State in accordance with Article 7 of Commission Implementing Decision 2014/497/EU as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Well and Raju)(49).”.

(2) In Schedule 6, in Part B (relevant material, from Scotland or elsewhere in the European Union, which may only be landed in or moved within Scotland if accompanied by a plant passport which is valid for Scotland (as a protected zone)), before paragraph 1 insert—

“**A1.** Plants, other than fruit, of *Castanea* Mill.

**A2.** Seeds of *Castanea* Mill.

**A3.** Plants, other than seeds of *Platanus* L., intended for planting.”.

**Amendment of Schedule 7**

**12.**—(1) In Schedule 7 (prohibitions on the consignment of relevant material to another part of the European Union without a plant passport), in Part A (relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport)—

(a) for paragraph 4 substitute—

(47) Paragraph 7 has been previously amended but the previous amendments are not relevant to the amendments made by this article.

(48) Paragraph 11 was inserted by S.S.I. 2013/187.

(49) OJ L 219, 25.7.2014, p.56.

“4. Plants, other than fruits or seeds, of *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm. f., *Vepris* Comm., *Zanthoxylum* L. and *Vitis* L.”;

(b) in paragraph 7(**50**)—

(i) in sub-paragraph (a) after “*Argyranthemum* spp.,” insert “*Asparagus officinalis* L.”;

(ii) in sub-paragraph (d), for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”; and

(iii) for sub-paragraph (e) substitute—

“(e) bulbs, corms, tubers and 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. and *Gladiolus tubergenii* hort.), *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Lilium* spp., *Muscari* Miller, *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. and *Tulipa* L.”; and

(c) after paragraph 11(**51**) insert—

“12. Plants, intended for planting, other than seeds, of *Catharanthus* G. Don, *Nerium* L., *Olea* L., *Prunus* L., *Vinca* L., *Malva* L., *Portulaca* L., *Quercus* L. and *Sorghum* L. which have been grown for at least part of their life in, or have been moved through, an area demarcated under a legislative or administrative procedure in an EU member State in accordance with Article 7 of Commission Implementing Decision 2014/497/EU as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Well and Raju)(**52**).”.

(2) In Schedule 7, in Part B (relevant material which may only be consigned to a protected zone in another part of the European Union if accompanied by a plant passport which is valid for that protected zone)—

(a) for paragraph 2 substitute—

“2. Plants, other than seeds, of *Platanus* L., *Populus* L. or *Beta vulgaris* L., intended for planting.”;

(b) in paragraph 3(**53**), after “*Amelanchier Med.*,” insert “*Castanea* Mill.”; and

(c) in paragraph 8, after “*Beta vulgaris* L.,” insert “*Castanea* Mill.”.

## Revocations

13. The following articles are revoked—

(a) articles 2(12), 2(16)(b) and 2(17)(b) of the Plant Health (Scotland) Amendment Order 2006(**54**);

(b) article 6(1)(a) of the Plant Health (Scotland) Amendment (No. 2) Order 2008(**55**);

(c) articles 6(1)(a), 7(1)(a) and (c) of the Plant Health (Scotland) Amendment Order 2009(**56**);

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(50) Paragraph 7 has been previously amended but the previous amendments are not relevant to the amendments made by this article.

(51) Paragraph 11 was inserted by [S.S.I 2013/187](#).

(52) OJ L 219, 25.7.2014, p.56.

(53) Paragraph 3 has been previously amended but the previous amendment is not relevant to the amendment made by this article.

(54) [S.S.I. 2006/474](#).

(55) [S.S.I. 2008/350](#).

(56) [S.S.I. 2009/153](#).

- (d) article 9(2)(a) of the Plant Health (Scotland) Amendment Order 2012<sup>(57)</sup>;
- (e) article 8(2)(a) of the Plant Health (Scotland) Amendment (No. 2) Order 2012<sup>(58)</sup>; and
- (f) articles 4, 5, 9(1), 9(2) and 10 of the Plant Health (Scotland) Amendment (No. 3) Order 2013<sup>(59)</sup>.

St Andrew's House,  
Edinburgh  
15th January 2015

*AILEEN McLEOD*  
Authorised to sign by the Scottish Ministers

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<sup>(57)</sup> S.S.I. 2012/266.  
<sup>(58)</sup> S.S.I. 2012/326.  
<sup>(59)</sup> S.S.I. 2013/366.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Plant Health (Scotland) Order 2005 ([S.S.I. 2005/613](#)) (“the principal Order”) to transpose and implement certain EU legislation. It also makes consequential amendments to the principal Order and revokes obsolete articles in previous amending instruments.

### **Commission Implementing Decisions 2012/270/EU and 2014/679/EU**

Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similis* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner) (OJ L 132, 23.5.2012, p.18) was implemented in Scots law by [S.S.I 2013/187](#). It has subsequently been amended by Commission Implementing Decision 2014/679/EU (OJ L 283, 27.9.2014, p.61) to make provision for the movement of tubers to packing facilities outside demarcated areas and for other purposes. Article 9(2)(f) substitutes item 19A of Part B of Schedule 4 to the principal Order to reflect the amendments made by Commission Implementing Decision 2014/679/EU. Article 6(c) also ensures full implementation of Commission Implementing Decision 2012/270/EU by inserting a new paragraph (3) into article 22 of the principal Order, with the effect that tubers which originate in an area demarcated for the purposes of that Commission Implementing Decision and which remain within such demarcated areas do not require to be accompanied by a plant passport if landed or moved within Scotland. At the time this Order is made however there are no demarcated areas within Scotland for the purposes of that Commission Implementing Decision.

### **Commission Implementing Decision 2012/697/EU**

Commission Implementing Decision 2012/697/EU as regards measures to prevent the introduction into and the spread within the Union of the genus *Pomacea* (Perry) (OJ L 311, 10.11.2012, p.14) was implemented by [S.S.I 2013/187](#). Article 6(c) ensures full implementation of this Commission Implementing Decision by inserting a new paragraph (3) into article 22 of the principal Order, with the effect that relevant plants originating in an area demarcated for the purposes of that Commission Implementing Decision and which remain within such demarcated areas do not require to be accompanied by a plant passport if landed or moved within Scotland. At the time this Order is made however, there are no demarcated areas within Scotland for the purposes of that Commission Implementing Decision.

### **Commission Implementing Directive 2014/78/EU**

Commission Implementing Directive 2014/78/EU amending Annexes I, II, III, IV and V to Council [Directive 2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 183, 24.6.2014, p.27) makes certain technical amendments to the Annexes of Council [Directive 2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p.1) (“the Directive”). The amendments to the Annexes are transposed into Scots law by the amendments made to the principal Order in articles 7(1) and (2)(a), 8(1), and (2)(a) and (2)(c), 9(1)(b) to (e) and (h) to (x), 9(2)(c) to (n), 9(3), 10(1) and (2), 11(1)(a) and (b) and (2), 12(1)(a) and (b) and (2). A transposition table is included in the policy note for this Order. Certain of the



amendments to the Annexes relate to forestry matters and these were transposed into Scots law by the Plant Health (Forestry) (Amendment) (England and Scotland) Order 2014 ([S.I. 2014/2420](#))

### **Commission Implementing Directive 2014/83/EU**

Commission Implementing Directive 2014/83/EU amending Annexes I, II, III, IV and V to Council [Directive 2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 186, 26.6.2014, p.64) makes certain technical amendments to the Annexes of the Directive, which are transposed into Scots law by the amendments made to the principal Order in articles 8(2)(b), 9(1)(c), (2)(b) and (3), 11(2) and 12(2)(a). A transposition table is included in the policy note for this Order. Certain of the amendments to the Annexes relate to forestry matters and these were transposed into Scots law by the Plant Health (Forestry) (Amendment) (England and Scotland) Order 2014.

### **Commission Implementing Decision 2014/422/EU**

Commission Implementing Decision 2014/422/EU setting out measures in respect of certain citrus fruits originating in South Africa to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ L 196, 3.7.2014, p.23) is implemented by the amendment made in article 8(1)(c), which updates the scientific name of the pest in Part A of Schedule 2 to the principal Order (relevant material which may not be landed in or moved within Scotland if that material is carrying or infected with plant pests). It is also implemented by articles 9(1)(f) to (g), which amend Part A of Schedule 4 to the principal Order (restrictions on the landing in and movement within Scotland of relevant material) to introduce the requirement for the relevant fruits to be accompanied by an official statement containing the prescribed declarations.

### **Commission Implementing Decision 2014/497/EU**

Commission Implementing Decision 2014/497/EU as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Well and Raju) (OJ L 219, 25.7.2014, p.56) is implemented by articles 7(1)(b) and (2)(b) which amend Schedule 1 of the principal Order (plant pests which shall not be landed in or spread within Scotland) to move the entry for *Xylella fastidiosa* (Well and Raju) from Part A (plant pests not known to occur in any part of the European Union) to Part B (plant pests known to occur in the European Union). It is also implemented by article 9(1)(x) which inserts item 86 into Part A of Schedule 4 to introduce the requirement for relevant plants originating in a third country in which *Xylella fastidiosa* (Well and Raju) is known to be present to be accompanied by an official statement containing the prescribed declarations. Article 9(2)(o) inserts item 40 into Schedule 4, Part B (relevant material from another part of the European Union, which may only be landed in or moved within Scotland if special requirements are satisfied) to introduce the requirement for relevant plants originating in an area demarcated for the purposes of Commission Implementing Decision 2014/497/EU to be accompanied by an official statement containing the prescribed declarations. Article 11(1)(c) adds a new paragraph 12 to Part A of Schedule 6 to the principal Order (relevant material, from Scotland or elsewhere in the European Union, which may only be landed in or moved within Scotland if accompanied by a plant passport) with the effect that relevant plants which have been grown for part of their life, or moved through, a demarcated area must be accompanied by a plant passport when landed in or moved within Scotland. Article 6(c) adds a new paragraph (3) to article 22 which qualifies this requirement however, to the extent that the plant passport is only required if the relevant plants are moved outside “infected zones”, within the meaning of that Commission Implementing Decision. At the time this Order is made however there are no such infected zones in Scotland for the purposes of this Commission Implementing Decision. Article 12(1)(c) inserts a new paragraph 12 into Part A of Schedule 7 to the principal Order (relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport) with the effect that relevant plants which have been grown

**Status:** This is the original version (as it was originally made).

for part of their life, or moved through, a demarcated area must be accompanied by a plant passport on consignment to another part of the European Union.

### **Commission Implementing Decision 2014/690/EU**

Commission Implementing Decision 2014/690/EU repealing [Decision 2006/464/EC](#) on provisional emergency measures to prevent the introduction into and the spread within the Community of *Dryocosmus kuriphilus* Yasumatsu (OJ L 288, 2.10.2014, p. 5) is implemented by article 9(1)(a) which revokes item 6a of Part A of Schedule 4 to the principal Order and by article 9(2)(a) which revokes item 4a of Part B of Schedule 4. These items had been inserted into the principal Order by [S.S.I 2006/474](#) in order to implement Commission Implementing [Decision 2006/464/EC](#).

No business and regulatory impact assessment has been prepared for this Order as there is no impact on the costs for Scottish business.