

SCOTTISH STATUTORY INSTRUMENTS

2018 No. 112

The Plant Health (Scotland) Amendment Order 2018

Amendment of schedule 4

12.—(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 item 11 substitute—

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| “11. | Plants, other than seeds of <i>Ulmus</i> L., intended for planting, originating in any country in North America | Without prejudice to the requirements of item 7c, the plants shall be accompanied by an official statement that no symptoms of ‘ <i>Candidatus</i> Phytoplasma ulmi’ have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation. |
| 11a. | Plants, other than scions, cuttings, plants in tissue culture, pollen and seeds, of <i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyracantha</i> M. Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., intended for planting, originating in Canada and the USA. | Without prejudice to the requirements of items 4 and 14 of schedule 3 and in items 19, 21 to 23 and 27 to 30 of this Part of this schedule, the plants shall be accompanied by an official statement that they have been grown: <p>(a) throughout their life in an area established as free from <i>Saperda candida</i> Fabricius, by the national plant protection organisation in the country of origin, in accordance with ISPM No. 4, the name of the area to be included under the rubric ‘Additional declaration’; or</p> <p>(b) during a period of at least two years prior to export, or in the case of plants which are younger than two years, throughout their life, in a place of production established as free from <i>Saperda candida</i> Fabricius by the national plant protection organisation in the country of origin, in accordance with ISPM No. 10, and that—</p> <p>(i) the place of production is registered and supervised by the national plant protection organisation in the country of origin;</p> <p>(ii) the place of production has been subjected annually to two official inspections for any signs of <i>Saperda candida</i> Fabricius carried out at appropriate times;</p> <p>(iii) the plants have been grown in a site with complete physical protection against the introduction of <i>Saperda candida</i> Fabricius, or with the application of appropriate preventive treatments and surrounded by a buffer zone with a</p> |

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| | | <p>width of at least 500 metres in which buffer zone the absence of <i>Saperda candida</i> Fabricius was confirmed by official surveys carried out annually at appropriate times; and</p> <p>(iv) immediately prior to export the plants have been subjected to a meticulous inspection for the presence of <i>Saperda candida</i> Fabricius, in particular in the stems of the plant, including, where appropriate, destructive sampling.”;</p> |
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(b) for items 15, 16, 17, 17a and 17b substitute—

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| <p>“15.</p> | <p>Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., <i>Microcitrus</i> Swingle, <i>Naringi</i> Adans. or <i>Swinglea</i> Merr., originating in any third country</p> | <p>Without prejudice to the requirements of items 14, 16, 17, 18, and 18a the fruits shall be accompanied by an official statement that:</p> <p>(a) the fruits originate in a country recognised as being free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i> in accordance with ISPM No. 4, provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission;</p> <p>(b) the fruits originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, in accordance with ISPM No. 4, (the name of the area to be included under the rubric ‘Additional declaration’), provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission;</p> <p>(c) the fruits originate in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i> in accordance with ISPM No. 10, the name of the place of production to be included under the rubric ‘Additional declaration’;</p> <p>(d) the fruits—</p> <p>(i) originate in a site of production in which that site and the immediate vicinity of that site are subject to appropriate treatments and cultural practices against <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, (information on the traceability of the fruits to be included</p> |
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| | | <p>on the phytosanitary certificate or phytosanitary certificate for re-export);</p> <p>(ii) have been subjected to a treatment with sodium orthophenylphenate, or another effective treatment (the name of which is to be included on the phytosanitary certificate or phytosanitary certificate for re-export), provided that the treatment method has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; and</p> <p>(iii) have been subject to official inspections carried out at appropriate times prior to export which have shown that the fruits are free from symptoms of <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>; or</p> <p>(e) the site of production and the immediate vicinity are subject to appropriate treatments and cultural practices against <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i> (information on the traceability of such fruits to be included on the phytosanitary certificate or phytosanitary certificate for re-export); and</p> <p>(f) in the case of fruits destined for industrial processing, official inspections prior to export have shown that the fruits are free from symptoms of <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>.</p> |
| 16. | Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in any third country | <p>Without prejudice to the requirements of items 14, 15, 17, 18 and 18a, the fruits shall be accompanied by an official statement that:</p> <p>(a) the fruits originate in a country recognised as being free from <i>Cercospora angolensis</i> Carv. et Mendes in accordance with ISPM No. 4, provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission;</p> <p>(b) the fruits originate in an area recognised as being free from <i>Cercospora angolensis</i> Carv. et Mendes, in accordance with ISPM No. 4, (the name of the area is to be included under the rubric 'Additional declaration'), provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; or</p> <p>(c) no symptoms of <i>Cercospora angolensis</i> Carv. et Mendes have been observed in the site of</p> |

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| | | production and in its immediate vicinity since the beginning of the last cycle of vegetation, and none of the fruits harvested in the site of production has shown, in appropriate official examination, symptoms of this organism. |
| 17. | Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., other than fruits of <i>Citrus aurantium</i> L. and <i>Citrus latifolia</i> Tanaka, originating in any third country, other than Argentina, Brazil, South Africa or Uruguay | <p>Without prejudice to the requirements of items 14 to 16, 18 and 18a, the fruits shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) the fruits originate in a country recognised as free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa, in accordance with ISPM No. 4, provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; (b) the fruits originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa in accordance with ISPM No. 4, (the name of the area to be included under the rubric ‘Additional declaration’), provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; (c) the fruits originate in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa in accordance with ISPM No. 10 (the name of the place of production to be included under the rubric ‘Additional declaration’) and the fruits are found free of symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa by official inspection of a representative sample, defined in accordance ISPM No. 31; (d) the fruits originate in a site of production subjected to appropriate treatments and cultural measures against <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa (information on the traceability of such fruits to be included on the phytosanitary certificate or phytosanitary certificate for re-export) and— (i) official inspections have been carried out at that site of production during the growing season since the beginning of the last cycle of vegetation, and no symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa have been detected in the fruits; and |

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| | | <ul style="list-style-type: none"> (ii) the harvested fruits from that site of production are found free of symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa during an official inspection prior to export, of a representative sample, defined in accordance with international standards; or (e) in the case of fruits destined for industrial processing, the fruits have been found free of symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa prior to the export during an official inspection of a representative sample, defined in accordance with international standards, and— <ul style="list-style-type: none"> (i) that the fruits originate in a site of production subjected to appropriate treatments against <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa carried out at the appropriate time, such information to be included under the rubric ‘Additional declaration’, together with information on the traceability of such fruits; and (ii) the fruits have been transported in individual packages bearing a label, which contains a traceability code and the indication that the fruits are destined for industrial processing. |
| 17a. | Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. (other than fruits of <i>Citrus aurantium</i> L. or <i>Citrus latifolia</i> Tanaka), which originate in Argentina, Brazil, South Africa or Uruguay and which are not destined exclusively for industrial processing into juice | <p>Without prejudice to the requirements of items 14, 15, 16, 18 and 18a, the fruits must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa in accordance with ISPM No. 4 (the name of the area to be included under the rubric ‘Additional declaration’), provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; or (b) in the case of fruits originating in— <ul style="list-style-type: none"> (i) Argentina, they meet the requirements specified in Articles 5a and 7 of Decision (EU) 2016/715 (such information to be included under the rubric ‘Additional declaration’); (ii) Brazil, they meet the requirements specified in Articles 4 and 7 of Decision (EU) 2016/715 (such information to be included under the rubric ‘Additional declaration’); or (iii) South Africa or Uruguay, they meet the requirements specified in Articles 5 and 7 of |

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| | | Decision (EU) 2016/715 (such information to be included under the rubric ‘Additional declaration’). |
| 17b. | Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. (other than fruits of <i>Citrus aurantium</i> L. or <i>Citrus latifolia</i> Tanaka) which originate in Argentina, Brazil, South Africa or Uruguay and which are destined exclusively for industrial processing into juice | <p>Without prejudice to the requirements of items 14, 15, 16, 18 and 18a, the fruits:</p> <ul style="list-style-type: none"> (a) must be accompanied by an official statement that— <ul style="list-style-type: none"> (i) they originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa in accordance with ISPM No. 4 (the name of the area to be included under the rubric ‘Additional declaration’), provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; or (ii) they— <ul style="list-style-type: none"> (aa) originate in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa in accordance with ISPM No. 10, (such information to be included under the rubric ‘Additional declaration’); and (bb) have been found free of symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa by official inspection of a representative sample defined in accordance with ISPM No. 31; (b) in the case of fruits for processing under Decision (EU) 2016/715, must be— <ul style="list-style-type: none"> (i) accompanied by a phytosanitary certificate which includes an official statement under the rubric ‘Additional declaration’ in accordance with Articles 9(1) and 10 of Decision (EU) 2016/715 and the information specified in Article 9(2) of that Decision; (ii) packaged and labelled in accordance with Article 17 of that Decision; and (iii) subject to a licence granted under article 40(1) of this Order authorising their movement within Scotland and, where applicable, their processing and storage in Scotland.”; |

(c) in column 3 of item 18 for “17a” substitute “17b”;

(d) after item 18, insert—

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| “18a. | Fruits of <i>Capsicum</i> (L.), <i>Citrus</i> L., other than <i>Citrus limon</i> (L.) Osbeck. and <i>Citrus aurantiifolia</i> (Christm.) Swingle, <i>Prunus persica</i> (L.) Batsch and <i>Punica granatum</i> L. originating in countries of the African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius and Israel | Without prejudice to requirements of items 15 to 18 and 56a(1), the fruits shall be accompanied by an official statement that the fruits: <ul style="list-style-type: none"> (a) originate in a country recognised as being free of <i>Thaumatotibia leucotreta</i> (Meyrick) in accordance with ISPM No. 4; (b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Thaumatotibia leucotreta</i> (Meyrick), in accordance with ISPM No. 4, (the name of the area to be included under the rubric ‘Additional declaration’; (c) originate in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Thaumatotibia leucotreta</i> (Meyrick) in accordance with ISPM No. 10, in which place of production, official inspections have been carried out at appropriate times during the growing season, including a visual examination on representative samples of fruit, and they have shown to be free from <i>Thaumatotibia leucotreta</i> (Meyrick) (information on the traceability of fruits originating in such a place of production to be included on the phytosanitary certificate or phytosanitary certificate for re-export); or (d) have been subjected to an effective cold treatment to ensure freedom from <i>Thaumatotibia leucotreta</i> (Meyrick) or another effective treatment to ensure freedom from <i>Thaumatotibia leucotreta</i> (Meyrick) (such treatment data to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export), provided that the treatment method has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission.”; |
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(e) in item 22, in column 2, in the list of plant pests known to occur on *Prunus* L., for “*Xanthomonas campestris* pv. *pruni* (Smith) Dye” substitute “*Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al.*,”;

(f) in item 32a(2)—

(1) Item 56a was inserted by S.S.I. 2015/10.

(2) Item 32a was inserted by S.S.I. 2012/266.

- (i) for each occurrence of “*Epitrix similaris* (Gentner)” in columns 2 and 3 substitute “*Epitrix papa* sp. n.”; and
- (ii) in column 3, in paragraph (b) for “any of their symptoms” substitute “the signs of infestation by those organisms on the tubers”;
- (g) after item 38 insert—

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| “38a. | Plants of <i>Solanum lycopersicum</i> L. and <i>Solanum melongena</i> L., other than fruits and seed originating in any third country | <p>Without prejudice to the provisions applicable to the plants in item 9 of schedule 3 and to the requirements of items 36, 37, 38, 43a, and 68, the plants shall be accompanied by an official statement that the plants:</p> <p>(a) originate in a country recognised as being free of <i>Keiferia lycopersicella</i> (Walsingham) in accordance with ISPM No. 4; or</p> <p>(b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Keiferia lycopersicella</i> (Walsingham) 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’.</p> |
| 38b. | Fruits of <i>Solanum lycopersicum</i> L. and <i>Solanum melongena</i> L. originating in any third country | <p>The fruits shall be accompanied by an official statement that the fruits:</p> <p>(a) originate in a country recognised as being free of <i>Keiferia lycopersicella</i> (Walsingham) in accordance with ISPM No. 4;</p> <p>(b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Keiferia lycopersicella</i> (Walsingham) 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</p> <p>(c) originate in a place of production, established by the national plant protection organisation in the country of origin as being free from <i>Keiferia lycopersicella</i> (Walsingham), on the basis of official inspections and surveys carried out during the last three months prior to export and which is mentioned on the phytosanitary certificate or phytosanitary certificate for</p> |

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| | | re-export under the rubric ‘Additional declaration’.’; |
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(h) for items 83(3) and 84(4) substitute—

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| “83. | Live pollen and plants intended for planting, other than seeds, of <i>Actinidia</i> Lindl., originating in any third country. | <p>The plants must be accompanied by an official statement (the information to be contained under the rubric ‘Additional declaration’ on the phytosanitary certificate or phytosanitary certificate for re-export) that they have:</p> <ul style="list-style-type: none"> (a) been grown throughout their life in a country in which the specified organism is known not to occur; (b) been grown throughout their life in a pest free area, established as regards the specified organism by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 (the name of the area to be included on the phytosanitary certificate under the rubric ‘Place of Origin’); (c) been produced in a pest free place of production or a pest free site of production, established as regards the specified organism by the national plant protection organisation in the country of origin in accordance with ISPM No. 10 and where— <ul style="list-style-type: none"> (i) the plants have been— <ul style="list-style-type: none"> (aa) grown in a structure with a degree of isolation and protection from the outside environment that effectively excludes the specified organism; and (bb) officially inspected twice at that place or site of production at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and have been found to be free from the specified organism; and (ii) the place of production or site of production is surrounded by a zone with a radius of 100 metres in which— <ul style="list-style-type: none"> (aa) official inspections have been carried out twice at the most appropriate times for detecting symptoms of infection during |
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(3) Item 83 was inserted by S.S.I. 2013/187.

(4) Item 84 was inserted by S.S.I. 2015/10.

- the last complete cycle of vegetation prior to the export and any plants of *Actinidia* Lindl. showing symptoms of infection which were found during those inspections were immediately destroyed;
- (bb) any plants of *Actinidia* Lindl. have been immediately destroyed; or
 - (cc) each plant of *Actinidia* Lindl. has been regularly tested at the most appropriate times and has been found free from the specified organism; or
 - (d) the plants have been produced in a pest free place of production established as regards the specified organism by the national plant protection organisation in the country of origin in accordance with ISPM No. 10 and where—
 - (i) the plants have been officially inspected, sampled and tested twice at that place of production at the most appropriate times during the last complete cycle of vegetation prior to the export and have been found free from the specified organism; and
 - (ii) the place of production is surrounded by a zone with a radius of 4500 metres in which—
 - (aa) official inspections, sampling and testing have been carried out throughout that zone twice at the most appropriate times during the last complete cycle of vegetation prior to the export and the specified organism has not been found;
 - (bb) any plants of *Actinidia* Lindl. within a radius of 500 metres from the place of production have been immediately destroyed; or
 - (cc) each plant of *Actinidia* Lindl. within a radius of 500 metres from the place of production has been regularly tested at the most appropriate times and has been found free from the specified organism; and
 - (dd) in the case of sub-paragraphs (bb) or (cc), any plants of *Actinidia* Lindl. within the zone which are at a distance of between 500 metres and 4500 metres from the place of production have been destroyed or tested according to a sampling scheme

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| | | <p>which is able to confirm with 99 per cent reliability that the level of the presence of the specified organism in those plants is below 0.1 per cent; and</p> <ul style="list-style-type: none"> (e) in those cases where the official statement includes the information given at point (c) or (d), that— (i) the plants have been directly derived from mother plants grown under conditions compliant with point (a), (b) or (c); (ii) the plants have been directly derived from mother plants, which were subject to prior individual testing confirming their freedom from the specified organism; or (iii) the plants have been tested according to a sampling scheme which is able to confirm with 99 per cent reliability that the level of presence of the specified organism in the plants is below 0.1 per cent. <p>Interpretation</p> <p>In this item entry:</p> <p>“specified organism” means <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto.</p> |
| 84. | Plants of <i>Casimiroa</i> La Llave, <i>Choisya</i> Kunth <i>Clausena</i> Burm. f., <i>Murraya</i> J.Koenig ex L., <i>Vepris</i> Comm, <i>Zanthoxylum</i> L., other than fruits and seeds, originating in any third country. | <p>Without prejudice to the provisions applicable to the plants in items 85 and 85a, the plants shall be accompanied by an official statement that they:</p> <ul style="list-style-type: none"> (a) originate in a country in which <i>Trioza erytrae</i> Del Guercio is known not to occur; (b) 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, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric ‘Additional declaration’; or (c) have been grown in a place of production, which is registered and supervised by the national plant protection organisation in the country of origin and where— (i) the plants are placed in a site with complete physical protection against the introduction of <i>Trioza erytrae</i> Del Guercio; and |

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| | | (ii) during the last complete cycle of vegetation prior to the movement, two official inspections were carried out at appropriate times and no signs of <i>Trioza erythrae</i> Del Guercio have been observed in the site of production, and in the surrounding area with a width of at least 200 metres.”; |
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(i) in item 85a(5), in column 3, for “Without the prejudice” substitute “Without prejudice”;

(j) after item 85a insert—

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| “85b. | Plants of <i>Microcitrus</i> Swingle, <i>Naringi</i> Adans. and <i>Swinglea</i> Merr., other than fruits and seeds, originating in third countries | Without prejudice to the provisions applicable to the plants in items 84. 85 and 85a, the plants shall be accompanied by an official statement that they: <ul style="list-style-type: none"> (a) originate in a country recognised as being free of <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i> in accordance with ISPM No. 4, provided that this freedom status has been communicated in writing by the national plant protection organisation of the third country concerned to the European Commission; or (b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, in accordance with ISPM No. 4, and which is mentioned on phytosanitary certificate or phytosanitary certificate for re-export under the rubric ‘Additional declaration’, provided that this freedom status has been communicated in writing by the national plant protection organisation of the third country concerned to the European Commission.”; |
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(k) for item 86(6) substitute—

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| “86. | Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.), originating in any third country where the national plant protection organisation of that country has confirmed in writing to the European Commission that <i>Xylella</i> | The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which contains, under the rubric “Additional declaration”, an official statement that: |
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(5) Item 85a was inserted by S.S.I. 2016/83.

(6) Item 86 was inserted by S.S.I. 2016/83.

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| <p><i>fastidiosa</i> (Wells et al.) is not present in that country</p> | <p>(a) the plants originate in a country known to be free from <i>Xylella fastidiosa</i> (Wells et al.); and</p> <p>(b) in the case of plants intended for planting, other than seeds, of <i>Coffea</i>, <i>Lavandula dentata</i> L., <i>Nerium oleander</i> L., <i>Olea europaea</i> L., <i>Polygala myrtifolia</i> L. and <i>Prunus dulcis</i> (Mill) D.A. Webb., they comply with the requirements of the second sub-paragraph of Article 16 of Decision (EU) 2015/789.”;</p> |
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(l) in item 87(7), for column 2, substitute “Plants specified in relation to *Xylella fastidiosa* (Wells et al.), other than plants which have been grown for the entire production cycle *in vitro*, originating in any area where *Xylella fastidiosa* (Wells et al.) is known to be present”;

(m) after item 87 insert—

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| <p>“87a.</p> | <p>Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.) which have been grown for the entire production cycle <i>in vitro</i> and which originate in an area where <i>Xylella fastidiosa</i> (Wells et al.) is known to be present</p> | <p>The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes:—</p> <p>(a) an official statement, under the rubric ‘Additional declaration’, that the plants and the site in which they were produced meet the requirements of Article 17(3a) and (4a) of Decision (EU) 2015/789; and</p> <p>(b) under the rubric ‘place of origin’ the name of the site from which they originate.”.</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) after item 5(8) insert—

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| <p>“5a.</p> | <p>Plants, other than seeds, of <i>Ulmus</i> L., intended for planting</p> | <p>The plants must be accompanied by an official statement that no symptoms of <i>Candidatus Phytoplasma ulmi</i> 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 7a(9) substitute—

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| <p>“7a.</p> | <p>Plants, other than fruits and seeds, of <i>Citrus</i> L., <i>Choisya</i> Kunth, <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., <i>Casimiroa</i> La Llave, <i>Clausena</i> Burm f., <i>Murraya</i> J.</p> | <p>The plants must be accompanied by an official statement that they:</p> <p>(a) 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; or</p> |
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(7) Item 87 was inserted by S.S.I. 2016/83.

(8) Item 5 was substituted by S.S.I. 2015/10.

(9) Item 7a was inserted by S.S.I. 2015/10.

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| | Koenig ex L., <i>Vepris</i> Comm., or <i>Zanthoxylum</i> L. | <p>(b) have been grown in a place of production—</p> <p>(i) which is registered and supervised by the competent authorities in the member State of origin;</p> <p>(ii) where the plants are placed in a site with complete physical protection against the introduction of <i>Trioza erythrae</i> Del Guercio; and</p> <p>(iii) where, during the last complete cycle of vegetation prior to the movement, two official inspections were carried out at appropriate times and no signs of <i>Trioza erythrae</i> Del Guercio have been observed in that site and in the surrounding area with a width of at least 200 metres.</p> |
| 7b. | <p>Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., other than fruits of <i>Citrus aurantium</i> L. or <i>Citrus latifolia</i> Tanaka, which:</p> <p>—originate in Argentina Brazil, South Africa or Uruguay;</p> <p>—are destined exclusively for industrial processing into juice; and</p> <p>—have been introduced into another part of the European Union in accordance with Articles 9 to 13 of Decision (EU) 2016/715</p> | <p>The fruits must be:—</p> <p>(a) packaged and labelled in accordance with Article 17 of Decision (EU) 2016/715; and</p> <p>(b) subject to a licence granted under article 40(a) of this Order authorising their introduction into, and their movement within, Scotland and, where applicable, their processing and storage in Scotland.”;</p> |

(c) in item 9, in paragraph (a)(ii) of column 3 for “*Xanthomonas campestris* pv. *pruni* (Smith) Dye” substitute “*Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin et al.”;

(d) in item 17—

(i) in column 2, for “items 15 and 16” substitute “items 15, 15a and 16 and those seeds of *Solanum tuberosum* L. specified in item 17a”; and

(ii) in column 3, in point (bb) for “true seed of potato” substitute “seeds of *Solanum tuberosum* L., other than those specified in item 17a”.

(e) after item 17, insert—

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| “17a. | Seeds of <i>Solanum tuberosum</i> L., other than those specified in item 18. | <p>The seeds must be accompanied by an official statement that they derive from plants which comply with the requirements, so far as applicable, set out in items 15, 15a, 16 and 17 and:</p> <p>(a) that they originate in areas known to be free from <i>Synchytrium endobioticum</i> (Schilbersky) Percival, <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckermann and Kotthoff)</p> |
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| | | <p>Davis <i>et al.</i>, <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> and Potato spindle tuber viroid; or</p> <p>(b) that they comply with all of the following requirements—</p> <p>(i) they have been produced in a site where, since the beginning of the last cycle of vegetation, no symptoms of disease caused by the harmful organisms referred to in point (a) have been observed; and</p> <p>(ii) they have been produced at a site where —</p> <p>(aa) there is separation of the site from other solanaceous plants and other host plants of Potato spindle tuber viroid;</p> <p>(bb) there is prevention of contact with staff and items, such as tools, machinery, vehicles, vessels and packaging material, from other sites producing solanaceous plants and other host plants of Potato spindle tuber viroid, or appropriate hygiene measures concerning staff or items from other sites producing solanaceous plants and other host plants of Potato spindle tuber viroid to prevent infection; and</p> <p>(cc) only water free from all harmful organisms referred to in this item is used”;</p> |
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(f) in item 19a(10)—

(i) in column 3, in point (d) for “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)” substitute “[Decision 2012/270/EU](#)”; and

(ii) for all occurrences of “*Epitrix similaris* (Gentner)” in columns 2 and 3 (other than the occurrence mentioned in head (i)) substitute “*Epitrix papa* sp. n.”;

(g) in item 19b(11) for “*Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)” in column 3 substitute “*Epitrix cucumeris* (Harris), *Epitrix papa* sp. n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)”;

(h) for item 39(12) substitute—

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| “39. | Live pollen and plants intended for planting, other than seeds, of <i>Actinidia</i> Lindl. | The plants must be accompanied by an official statement that they have: |
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(10) Item 19a was originally inserted by [S.S.I. 2012/266](#) and was later substituted by [S.S.I. 2015/10](#) and amended by [S.S.I. 2016/83](#).

(11) Item 19b was inserted by [S.S.I. 2013/5](#) and substituted by [S.S.I. 2016/83](#).

(12) Item 39 was inserted by [S.S.I. 2013/187](#).

- (a) been grown throughout their life in a member State in which the specified organism is not known to occur;
- (b) been grown throughout their life in a protected zone recognised as regards the specified organism in accordance with Article 2(1)(h) of [Directive 2000/29/EC](#);
- (c) been grown throughout their life in a pest free area, established as regards the specified organism by the responsible official body of a member State in accordance with ISPM No. 4;
- (d) been produced in a pest free place of production or a pest free site of production, established as regards the specified organism by the responsible official body of the member State of origin in accordance with ISPM No. 10 and where—
 - (i) the plants have been—
 - (aa) grown in a structure with a degree of isolation and protection from the outside environment that effectively excludes the specified organism; and
 - (bb) officially inspected twice at that place or site of production at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement and have been found free from the specified organism; and
 - (ii) the place of production or site of production is surrounded by a zone with a radius of at least 100 metres in which—
 - (aa) official inspections have been carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement and any plants of *Actinidia* Lindl. showing symptoms of infection which were found during those inspections were immediately destroyed;
 - (bb) all plants of *Actinidia* Lindl. were immediately destroyed; or
 - (cc) each plant of *Actinidia* Lindl. has been regularly tested at the most appropriate times and has been found free from the specified organism; or
- (e) been produced in a pest free place of production established as regards the specified organism

by the responsible official body of the member State of origin in accordance with ISPM No. 10 and where—

- (i) the plants have been officially inspected, sampled and tested twice at the most appropriate times during the last complete cycle of vegetation prior to the movement and have been found free from the specified organism;
- (ii) the place of production is surrounded by a zone with a radius of 500 metres in which—
 - (aa) official inspections, sampling and testing have been carried out throughout that zone twice at the most appropriate times during the last complete cycle of vegetation prior to the movement and the specified organism has not been found;
 - (bb) all plants of *Actinidia* Lindl. have been immediately destroyed; or
 - (cc) each plant of *Actinidia* Lindl. within the zone has been regularly tested at the most appropriate times and has been found free from the specified organism; and
- (iii) the zone described at point (ii) is encircled by a zone with a width of 4 kilometres in which—
 - (aa) following official inspections, sampling and testing that have been carried out throughout that zone twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement, eradication measures (consisting of the immediate destruction of infected plants) were taken in all cases where the specified organism has been found on plants of *Actinidia* Lindl.;
 - (bb) all plants of *Actinidia* Lindl. have been destroyed; or
 - (cc) all plants of *Actinidia* Lindl. within the zone have been tested according to a sampling scheme which is able to confirm with 99 per cent reliability that the level of presence of the specified organism in the plants is below 0.1 per cent; and

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| | | <p>(f) where the requirements set out in point (d) or (e) are met, that the plants—</p> <p>(i) have been directly derived from mother plants grown under conditions compliant with point (a), (b), (c) or (d);</p> <p>(ii) have been directly derived from mother plants which were subject to prior individual testing confirming their freedom from the specified organism; or</p> <p>(iii) have been tested according to a sampling scheme able to confirm with 99 per cent reliability that the level of presence of the specified organism in the plants is below 0.1 per cent.</p> <p>Interpretation</p> <p>In this item entry:</p> <p>“specified organism” means <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto.”;</p> |
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- (i) in item 40(13) in column 2, after “Decision (EU) 2015/789” insert “other than plants which have been grown for the entire production cycle *in vitro* and other than plants belonging to varieties of plants specified in Annex III of that Decision”; and
- (j) after item 40 insert—

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| “40a. | Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.) which have been grown for the entire production cycle <i>in vitro</i> and for at least part of their life in an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 4 of Decision (EU) 2015/789 | The plants must be accompanied by an official statement that they have been grown: |
| | | <p>(a) in a site which meet the requirements of Article 9a(2) of Decision (EU) 2015/789; and</p> <p>(b) in a manner which meets the requirements of Article 9a(3) of that Decision.</p> |
| 40b. | Host plants of <i>Xylella fastidiosa</i> (Wells et al.) (within the meaning of Article 1(b) of Decision (EU) 2015/789) which have never been grown in an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 4 of Decision (EU) 2015/789 | The plants must be accompanied by an official statement: |
| | | <p>(a) that they have been grown in a site that is subject to annual official inspection and, in the case of symptoms of <i>Xylella fastidiosa</i> (Wells et al.), subject to sampling which takes into account technical guidelines for the survey of <i>Xylella fastidiosa</i> (Wells et al.), as published on the European Commission website, and testing which is in line with international standards for the presence of <i>Xylella fastidiosa</i> (Wells et al.); or</p> |

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| | | (b) in the case of plants intended for planting of <i>Coffea</i> , <i>Lavandula dentata</i> L., <i>Nerium oleander</i> L., <i>Olea europaea</i> L., <i>Polygala myrtifolia</i> L. and <i>Prunus dulcis</i> (Mill) D.A.Webb, that they comply with the requirements of the second sub-paragraph of Article 9(8) of Decision (EU) 2015/789. |
| 40c. | <p>Pre-basic mother plants or pre-basic material belonging to any of the following species:</p> <p>—<i>Juglans regia</i> L.</p> <p>— <i>Olea europaea</i> L.</p> <p>—<i>Prunus amygdalus</i> Batsch</p> <p>— <i>P. amygdalus</i> ×</p> <p>— <i>P. persica</i></p> <p>— <i>P. armeniaca</i> L.</p> <p>— <i>P. avium</i> (L.) L.</p> <p>— <i>P. cerasus</i> L.</p> <p>— <i>P. domestica</i> L.</p> <p>— <i>P. domestica</i> ×</p> <p>—<i>P. salicina</i></p> <p>— <i>P. dulcis</i> (Mill.) D.A. Webb</p> <p>— <i>P. persica</i> (L.) Batsch</p> <p>—<i>P. salicina</i> Lindley</p> <p>which have been, or (in the case of pre-basic material) has been, grown outside an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 4 of Decision (EU) 2015/789 and which have, or has, spent</p> | <p>Without prejudice to the requirements in item 40b, the pre-basic mother plants or pre-basic material must be accompanied by an official statement that:</p> <p>(a) they are, or (in the case of pre-basic material) it is, subject to an authorisation provided under Article 1 of Commission Implementing Decision (EU) 2017/925 of 29 May 2017 temporarily authorising certain Member States to certify pre-basic material of certain species of fruit plants, produced in the field under non-insect proof conditions, and repealing Implementing Decision (EU) 2017/167(14); and</p> <p>(b) within the shortest possible time prior to their or its movement, the pre-basic mother plants or pre-basic material were, or was, subjected to visual inspection, sampling and molecular testing for the presence of <i>Xylella fastidiosa</i> (Wells et al.), carried out in accordance with international standards.</p> <p>In this item—</p> <p>“pre-basic material” has the meaning given to it by Article 2(5) of Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production(15); and</p> <p>“pre-basic mother plants” has the meaning given to it by Article 1(3) of Commission</p> |

(14) OJ L 140, 31.5.2017, p.7.

(15) OJ L 267, 8.10.2008, p.8, as last amended by Regulation (EU) No 652/2014 (OJ L 189, 27.6.2014, p.1).

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| | at least part of their, or its, life outside insect- proof facilities. | Implementing Directive 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections(16).”. |
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(3) In schedule 4, Part C (relevant material which may only be landed in or moved within Scotland (as a protected zone) if special requirements are satisfied)—

(a) for item 3 substitute—

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| “3. | Plants intended for planting, other than seeds, tubers or corms of <i>Begonia</i> L., and plants intended for planting, other than seeds of <i>Dipladenia</i> A.DC., <i>Ficus</i> L., <i>Hibiscus</i> L., <i>Mandevilla</i> Lindl. and <i>Nerium oleander</i> L. | Without prejudice to the requirements, so far as applicable, in item 66 of Part A of this schedule, the plants must be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in an area known to be free from <i>Bemisia tabaci</i> Genn. (European populations); (b) no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed on plants at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing; (c) in cases where <i>Bemisia tabaci</i> 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 <i>Bemisia tabaci</i> Genn. (European populations) and that subsequently this place of production has been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating <i>Bemisia tabaci</i> Genn. (European populations), both from official inspections carried out weekly during the three weeks prior to the movement from this place of production and from monitoring procedures carried out throughout that period; or (d) for those plants for which there is evidence by their packing or their flower development or by other means that they are intended for direct sale to final consumers not involved in professional plant production, the plants have been officially inspected and found free from <i>Bemisia tabaci</i> Genn. (European populations) immediately prior to their movement.”; |
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and

(b) after item 6(17) insert—

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| “7. | Plants of <i>Pinus</i> L., other than fruits and seeds, intended for planting | <p>The plants must be accompanied by an official statement that they have been:</p> <ul style="list-style-type: none"> (a) grown throughout their life in places of production in countries where <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller is not known to occur; (b) grown throughout their life in an area free from <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller established by the national plant protection organisation in accordance with ISPM No. 4; (c) produced in nurseries which, including their vicinity, have been found free from <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller on the basis of official inspections and official surveys carried out at appropriate times; or (d) grown throughout their life in a site with complete physical protection against the introduction of <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller and have been inspected at appropriate times and found to be free from <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller. |
| 8. | Plants of <i>Prunus</i> L. , other than seeds, intended for planting | <p>The plants must be accompanied by an official statement that they:</p> <ul style="list-style-type: none"> (a) have been grown throughout their life in places of production in countries where <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> is not known to occur; (b) have been grown throughout their life in an area free from <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> established by the national plant protection organisation in accordance with ISPM No. 4; (c) have been derived in direct line from mother plants which have shown no symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> during the last complete cycle of vegetation, and no symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation; or (d) in the case of plants of <i>Prunus laurocerasus</i> L. and <i>Prunus lusitanica</i> L. for which there |

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| | | is evidence by their packing or by other means that they are intended for sale to final consumers not involved in professional plant production, no symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> have been observed on plants at the place of production since the beginning of the last complete growing season. |
| 9. | Plants of <i>Palmae</i> , intended for planting, having a diameter of the stem at the base of over 5 centimetres and belonging to the following genera: <i>Brahea</i> Mart., <i>Butia</i> Becc., <i>Chamaerops</i> L., <i>Jubaea</i> Kunth, <i>Livistona</i> R. Br., <i>Phoenix</i> L., <i>Sabal</i> Adans., <i>Syagrus</i> Mart., <i>Trachycarpus</i> H. Wendl., <i>Triptrinax</i> Mart. or <i>Washingtonia</i> Raf. | The plants must be accompanied by an official statement that they have: <ul style="list-style-type: none"> (a) been grown throughout their life in places of production in countries where <i>Paysandisia archon</i> (Burmeister) is known not to occur; (b) been grown throughout their life in an area free from <i>Paysandisia archon</i> (Burmeister) established by the national plant protection organisation in accordance with ISPM No. 4; or (c) during a period of at least two years prior to export or movement, been grown in a place of production— <ul style="list-style-type: none"> (i) which is registered and supervised by the national plant protection organisation in the country of origin; (ii) where the plants were placed in a site with complete physical protection against the introduction of <i>Paysandisia archon</i> (Burmeister); and (iii) where, during 3 official inspections per year carried out at appropriate times, including immediately prior to movement from the place of production, no signs of <i>Paysandisia archon</i> (Burmeister) have been observed. |
| 10. | Plants of <i>Palmae</i> , intended for planting, having a diameter of the stem at the base of over 5 centimetres and belonging to the following taxa: <i>Areca catechu</i> L., <i>Arenga pinnata</i> (Wurmb) Merr., <i>Bismarckia</i> Hildebr. & H. Wendl., <i>Borassus flabellifer</i> L., <i>Brahea armata</i> S. Watson, <i>Brahea edulis</i> H. Wendl., <i>Butia capitata</i> (Mart.) Becc., <i>Calamus merrillii</i> Becc., <i>Caryota maxima</i> Blume, <i>Caryota cumingii</i> Lodd. ex Mart., <i>Chamaerops humilis</i> L., <i>Cocos nucifera</i> L., <i>Copernicia</i> Mart., <i>Corypha utan</i> Lam., | The plants must be accompanied by an official statement that they have: <ul style="list-style-type: none"> (a) been grown throughout their life in places of production in countries where <i>Rhynchophorus ferrugineus</i> (Olivier) is known not to occur; (b) been grown throughout their life in an area free from <i>Rhynchophorus ferrugineus</i> (Olivier) established by the national plant protection organisation in accordance with ISPM No. 4; or (c) during a period of at least two years prior to export or movement, been grown in a place of production— <ul style="list-style-type: none"> (i) which is registered and supervised by the national plant protection organisation in the country of origin; (ii) where the plants were placed in a site with complete physical protection against the |

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| <p><i>Elaeis guineensis</i> Jacq., <i>Howea forsteriana</i> Becc., <i>Jubea chilensis</i> (Molina) Baill., <i>Livistona australis</i> C. Martius, <i>Livistona</i> <i>decora</i> (W. Bull) Dowe, <i>Livistona rotundifolia</i> (Lam.) Mart., <i>Metroxylon sagu</i> Rottb., <i>Phoenix canariensis</i> Chabaud, <i>Phoenix dactylifera</i> L., <i>Phoenix reclinata</i> Jacq., <i>Phoenix roebelenii</i> O'Brien, <i>Phoenix sylvestris</i> (L.) Roxb., <i>Phoenix theophrasti</i> Greuter, <i>Pritchardia</i> Seem. & H. Wendl., <i>Ravenea rivularis</i> Jum. & H. Perrier, <i>Roystonea</i> <i>regia</i> (Kunth) O. F. Cook, <i>Sabal palmetto</i> (Walter) Lodd. ex Schult. & Schult. f., <i>Syagrus romanzoffiana</i> (Cham.) Glassman, <i>Trachycarpus fortunei</i> (Hook.) H. Wendl. or <i>Washingtonia</i> Raf.</p> | <p>(iii) introduction of <i>Rhynchophorus ferrugineus</i> (Olivier); and where, during 3 official inspections per year carried out at appropriate times, including immediately prior to movement from the place of production, no signs of <i>Rhynchophorus ferrugineus</i> (Olivier) have been observed.”.</p> |
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