
DRAFT STATUTORY INSTRUMENTS

2019 No. 000

**EXITING THE EUROPEAN
UNION, ENGLAND AND WALES
EXITING THE EUROPEAN
UNION, NORTHERN IRELAND
PLANT HEALTH, ENGLAND AND WALES
PLANT HEALTH, NORTHERN IRELAND**

The Plant Health (EU Exit) Regulations 2019

*Made - - - - - ***
Coming into force in accordance with
regulation 1(1)*

THE PLANT HEALTH (EU EXIT) REGULATIONS 2019

1. Citation, commencement and extent
 2. General interpretation
 3. UK plant health authorities
 4. Relevant Plant Health Orders: regulated plant pests and relevant material and derogations
 5. Emergency measures
 6. Revocation of retained direct EU legislation
- Signature

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- SCHEDULE 1 — Prohibited plant pests
- PART A — Plant pests not known to occur in any part of the United Kingdom
 - PART B — Plant pests known to occur in the United Kingdom
 - PART C — Plant pests which must not be introduced into, or spread within, a relevant UK pest free area
 - PART D — Plant pests which are subject to emergency control measures and must not be introduced into, or spread within, the relevant UK territories

SCHEDULE 2 — Prohibited infested material

- PART A — Relevant material which may not be brought into or moved within the relevant UK territories if the material is carrying or infected with plant pests that are not known to occur in the United Kingdom
- PART B — Relevant material which may not be brought into or moved within the relevant UK territories if the material is carrying or infected with regulated plant pests known to occur in the United Kingdom
- PART C — Relevant material which may not be brought into or moved within a relevant UK pest free area if the material is carrying or infected with specified plant pests
- PART D — Relevant material which is subject to emergency measures and must not be brought into or moved within the relevant UK territories if the material is carrying or infected with specified plant pests

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Interpretation

- PART A — Relevant material, originating in third countries, which may only be brought into the relevant UK territories if specified requirements are met
- PART B — Relevant material which may only be moved within the relevant UK territories if specified requirements are met
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- PART D — Relevant material, originating in third countries, which is subject to emergency measures and may only be brought into the relevant UK territories if specified requirements are met
- PART E — Relevant material which is subject to emergency measures and may only be moved within the relevant UK territories if specified requirements are met

SCHEDULE 5 —

- PART A — Notifiable material originating in third countries, other than the European Union

1. Plants, other than seeds, intended for planting.
2. Seeds of— (a) Cruciferae, Gramineae or Trifolium spp., originating in...
3. Parts of plants, other than fruit or seeds, of—
4. Parts of plants, other than fruit but including seeds, of...
5. Fruit of— (a) Citrus L., Fortunella Swingle, Poncirus Raf., Microcitrus,...
6. Tubers of Solanum tuberosum L.
7. Soil or growing medium, which consists in whole or in...
8. Soil or growing medium which is attached to or appears...
9. Grain of the genera Triticum, Secale or X Triticosecale originating...
10. Parts of plants, other than fruit or seeds, of Amelanchier...
11. Seeds of Castanea Mill. or Beta vulgaris L.
12. Isolated bark of— (a) conifers (Coniferales), originating in any country...
13. Wood, except wood packaging material, where it—

14. Wood, except wood packaging material, where it—
15. Isolated bark of conifers (Coniferales) originating in any third country....
PART B — Notifiable material originating in the European Union
16. Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus*...
17. Plants, other than seeds, of *Platanus* L., *Prunus* L., *Quercus*...
18. Plants, other than fruit, of *Castanea* Mill.
19. Plant of *Palmae*, intended for planting, having a diameter of...
20. Seeds of *Castanea* Mill.
21. Plants, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster*...
22. Plants, other than seeds, of *Beta vulgaris* L. or *Humulus*...
23. Plants of stolon- or tuber-forming species of *Solanum* L., intended...
24. Plants, other than fruit or seeds, of *Choisya* Kunth, *Fortunella*...
25. Plants, other than fruit or seeds, of *Citrus* L.
26. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., with...
27. The following plants which have been produced by producers whose...
28. Wood, except wood packaging material, where it—
29. Isolated bark of *Castanea* Mill. or conifers (Coniferales).
PART C — Notifiable material originating in any third country which is subject to emergency measures
30. Cut flowers of *Orchidaceae* originating in Thailand.
31. Plants, other than fruit and seeds, of *Acer macrophyllum* Pursh,...
32. Wood of *Acer macrophyllum* Pursh, *Aesculus californica* (Spach) Nutt, *Lithocarpus*...
33. Plants, other than seeds, intended for planting, of *Viburnum* spp.,...
34. Seeds of *Solanum lycopersicum* (L.) Karsten ex Farw.
35. Plants of *Pinus* L. or *Pseudotsuga menziesii*, intended for planting,...
36. Tubers of *Solanum tuberosum* L., originating in Egypt.
37. Plants, other than seeds, intended for planting, that have a...
38. Tubers of *Solanum tuberosum* L., including those intended for planting,...
39. Plants, other than fruit or seeds, of *Abies* Mill., *Cedrus*...
40. Wood of conifers (Coniferales) which has not retained its round...
41. Plants, other than seeds, intended for planting, which can only...
42. Plants of *Fraxinus* L., intended for planting, originating in any...
43. Live pollen originating in any third country or plants, other...
44. Plants, other than seeds, intended for planting, belonging to the...
45. Plants, other than seeds, intended for planting, belonging to the...
46. Plants, other than seeds, intended for planting that have a...
47. Wood of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp.,...
48. Fruits of *Capsicum* L., *Momordica* L., *Solanum aethiopicum* L., *Solanum*...
49. Plants, other than fruit or seeds, of *Quercus* L., other...

SCHEDULE 6 —

PART A — Relevant material which must not be moved within the relevant UK territories without a UK plant passport

1. Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus*...
2. Plants, other than seeds, of *Platanus* L., *Prunus* L., *Quercus*...
3. Plants, other than fruit, of *Castanea* Mill.
4. Plants of *Palmae*, intended for planting, having a diameter of...
5. Seeds of *Castanea* Mill.
6. Plants, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster*...
7. Plants, other than seeds, of *Beta vulgaris* L. or *Humulus*...

8. Plants of stolon- or tuber-forming species of *Solanum* L., intended...
9. Plants, other than fruit or seeds, of *Choisya* Kunth, *Fortunella*...
10. Plants, other than fruit or seeds, of *Citrus* L.
11. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., with...
12. The following plants which have been produced by producers whose...
13. Wood, except wood packaging material, where it—
 - PART B — Relevant material which is subject to emergency measures and must not be moved within the United Kingdom without a UK plant passport
14. Plants, other than fruit and seeds, of *Acer macrophyllum* Pursh,...
15. Plants, other than seeds, intended for planting, of *Viburnum* spp.,...
16. Seeds of *Solanum lycopersicum* (L.) Karsten ex Farw., originating in...
17. Plants of *Pinus* L. or *Pseudotsuga menziesii*, intended for planting,...
18. Plants, other than seeds, intended for planting, that have a...
19. Tubers of *Solanum tuberosum* L., including those intended for planting,...
20. Plants, other than fruit or seeds, of *Abies* Mill., *Cedrus*...
21. Wood of conifers (Coniferales) which has not retained its round...
22. Plants, other than seeds, intended for planting, which can only...
23. Live pollen or plants intended for planting, other than seeds,...
24. Plants of *Fraxinus* L., intended for planting, originating in any...
25. Plants, other than seeds, intended for planting, belonging to the...
26. Plants, other than seeds, intended for planting, belonging to the...
27. Plants, other than seeds, intended for planting that have a...
28. Wood, other than wood packaging material, but including wood which...
29. Plants, other than fruit or seeds, of *Quercus* L., other...

SCHEDULE 7 — Notifiable relevant material destined for a UK pest free area and relevant material which must not be introduced or moved within a UK pest free area without a valid UK plant passport

30. In the case of Northern Ireland— (a) wood of conifers...
31. In the case of the OPM pest free area, plants,...

SCHEDULE 8 — Derogations from specific prohibitions and requirements under the relevant Plant Health Orders

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

1. In this Part— “permitted plants” means naturally or artificially dwarfed...
2. Permitted plants may be imported into a relevant UK territory...
3. When authorising the importation of permitted plants for the purposes...
4. For the purposes of paragraph 2(c), the required official statement...
5. The relevant details which must be included in the phytosanitary...
6. Any permitted plants imported under paragraph 2 must be subject...
7. Any official post-entry quarantine for the purposes of paragraph 6...
8. Any lot containing permitted plants which have not been found...
9. Any permitted plants which are released from quarantine must not...
 - PART B — Soil contaminated by pesticides or persistent organic pollutants for decontamination purposes
10. In this Part— “contaminated soil” means— soil contaminated by pesticides...
11. Contaminated soil, which is intended to be treated in a...
12. When authorising the importation of contaminated soil for the purposes...
 - PART C — Citrus fruits for industrial processing into juice originating in Argentina, Brazil, South Africa or Uruguay

13. In this Part, “permitted fruits” means fruits of Citrus L.,...
14. Permitted fruits originating in Argentina, Brazil, South Africa or Uruguay...
15. When authorising the importation of permitted fruits for the purposes...
16. For the purposes of paragraph 14(c), the required official statement...
17. The relevant details which must be included in the phytosanitary...
18. Any permitted fruits imported under paragraph 14 must be visually...
19. Any permitted fruits imported under paragraph 14 must be transported...
20. Waste and by-products of permitted fruits must be destroyed by...
21. The operator of an approved processing premises must keep records...
22. Any permitted fruits which are stored pending their processing must...

SCHEDULE 9 — Emergency measures: miscellaneous

PART A — Official surveys

1. The appropriate UK plant health authorities must carry out official...
2. Official surveys carried out pursuant to paragraph 1(c) must include...
3. Official surveys carried out pursuant to paragraph 1(d) must include...
4. Official surveys carried out pursuant to paragraph 1(e) must include...
5. Official surveys carried out pursuant to paragraph 1(f) must—
6. Official surveys carried out pursuant to paragraph 1(h) must—
7. Official surveys carried out under paragraph 1(i) must include surveys...
8. In paragraph 5, “EPPO PM 7/4” means the standard describing...
PART B — *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov.
9. Where signs of *Phytophthora ramorum* Werres, De Cock & Man...
PART C — *Ralstonia solanacearum* (Smith) Yabuuchi et al.
10. Where tubers of *Solanum tuberosum* L. originating in Egypt are...
PART D — Emergency measures: England and Scotland
11. This Part applies where there is evidence that a relevant...
12. The appropriate UK plant health authority must cooperate with the...
13. For the purposes of paragraph 12, the appropriate UK plant...
14. In this Part— (a) “relevant plant pest” means any of...

SCHEDULE 10 — Emergency measures: *Gibberella circinata* Nirenberg & O’Donnell

1. Application and interpretation
2. In this Schedule— “the plant pest” means *Gibberella circinata* Nirenberg...
3. Establishment of a demarcated area
4. The infected zone must include the area in which the...
5. The boundary of the buffer zone must be at least...
6. The demarcation of any infected zone and buffer zone for...
7. If there is a confirmed finding of the plant pest...
8. Paragraph 3 does not apply in so far as any...
9. Measures to be taken in a demarcated area
10. Lifting of demarcation

SCHEDULE 11 — Emergency measures: *Anoplophora chinensis* (Forster)

PART A — Application and interpretation

1. This Schedule applies where there is evidence that *Anoplophora chinensis*...
2. In this Schedule— “appropriate time”, in the case of paragraphs...
PART B — Establishment of a demarcated area
3. The appropriate UK plant health authority must by notice and...
4. The infested zone must include the area in which the...
5. The boundary of the buffer zone must be at least...
6. The demarcation of the infested zone and the buffer zone...
7. If there is a confirmed finding of the plant pest...

8. Paragraph 3 is subject to paragraph 15.
 9. This Part does not apply in so far as any...
 - PART C — Measures to be taken in a demarcated area
 10. Where an area is demarcated under paragraph 3, the appropriate...
 11. The eradication measures must include— (a) the felling of all...
 12. The containment measures must include— (a) the felling of all...
 13. The appropriate UK plant health authority must set time periods...
 14. The appropriate UK plant health authority may only conclude that...
 - PART D — Measures to be taken where no demarcated area is established
 15. The appropriate UK plant health authority need not demarcate an...
 16. Where the appropriate UK plant health authority does not demarcate...
 - PART E — Lifting of demarcation
 17. The appropriate UK plant health authority may lift the demarcation...
- SCHEDULE 12 — Emergency measures: *Epitrix cucumeris* (Harris), *Epitrix papa* Orlova-Bienkowskaja, *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)
- PART A — Application and interpretation
 1. This Schedule applies where there is evidence that *Epitrix cucumeris*...
 2. In this Schedule— “authorised packing facility” means a packing facility...
 - PART B — Establishment of a demarcated area
 3. The appropriate UK plant health authority must by notice and...
 4. The infested zone must include the fields in which a...
 5. The boundary of the buffer zone must be at least...
 6. The demarcation of the infested zone and the buffer zone...
 7. If there is a confirmed finding of the plant pest...
 8. Paragraph 3 does not apply in so far as any...
 - PART C — Measures to be taken in a demarcated area
 9. Where an area is demarcated under paragraph 3, the appropriate...
 10. Where permitted potato tubers from an officially registered place of...
 - PART D — Lifting of demarcation
 11. The appropriate UK plant health authority may by notice lift...
- SCHEDULE 13 — Emergency measures: *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pinewood nematode)
- PART A — Application and interpretation
 1. This Schedule applies where there is evidence that *Bursaphelenchus xylophilus*...
 2. In this Schedule— “appropriate samples”, in relation to a susceptible...
 - PART B — Establishment of a demarcated area
 3. The appropriate UK plant health authority must by notice and...
 4. The buffer zone must have a diameter of at least...
 5. Where the plant pest is found to be present in...
 6. Where the plant pest is found to be present in...
 7. This Part does not apply in so far as any...
 - PART C — Eradication measures
 8. This Part applies where an area is demarcated under paragraph...
 9. The appropriate UK plant health authority must ensure that the...
 10. Any clear-cut zone must be established promptly in light of...
 11. When carrying out any survey of any susceptible plants and...
 12. When carrying out any survey of the vector in a...
 13. In the case of susceptible wood identified in the demarcated...
 - PART D — Containment measures

14. This Part applies— (a) where— (i) annual surveys carried out...
15. The appropriate UK plant health authority must ensure that the...
16. When carrying out a survey of susceptible plants and residual...
17. When carrying out any survey of the vector in a...
18. In the case of susceptible wood identified in the demarcated...
PART E — Other measures
19. Where an area is demarcated under paragraph 3 by an...
20. The appropriate UK plant health authority must ensure that the...
21. Any checks must be carried out— (a) at the points...
22. The checks must include— (a) an examination to ascertain that...
23. Each appropriate UK plant health authority must ensure that random...
24. Where any random check reveals that the susceptible plants, susceptible...
PART F — Authorisation of treatment facilities
25. Where an area is demarcated under paragraph 3 by an...
26. The appropriate UK plant health authority must ensure that—
27. The appropriate UK plant health authority must ensure that the...
28. The appropriate UK plant health authority must withdraw any authorisation...
PART G — Lifting of demarcation
29. The appropriate UK plant health authority may lift the demarcation...

SCHEDULE 14 — Emergency measures: *Pomacea* (Perry)

PART A — Application and interpretation

1. This Schedule applies where there is evidence that *Pomacea* (Perry)...
2. In this Schedule— “the plant pest” means *Pomacea* (Perry); “susceptible...

PART B — Establishment of a demarcated area

3. The appropriate UK plant health authority must by notice and...
4. The infested zone must include the area in which the...
5. The buffer zone must only include watercourses and areas that...
6. The boundary of the buffer zone must be at least...
7. The demarcation of an infested zone and buffer zone must...
8. If there is a confirmed finding of the plant pest...
9. This Part does not apply in so far as any...

PART C — Measures to be taken in a demarcated area

10. Where an appropriate UK plant health authority demarcates an area...
11. Those measures must include— (a) the removal and destruction of...
12. Where appropriate, the appropriate UK plant health authority must ensure...

PART D — Lifting of demarcation

13. The appropriate UK plant health authority may by notice lift...

SCHEDULE 15 — Emergency measures: *Xylella fastidiosa* (Wells et al.)

PART A — Application and interpretation

1. This Schedule applies where *Xylella fastidiosa* (Wells et al.) is...
2. In this Schedule— “demarcated area” means an area demarcated under...
3. Any test or survey which is carried out for the...
4. Any survey which is carried out for the purposes of...

PART B — Establishment of a demarcated area

5. The appropriate UK plant health authority must by notice and...
6. The infected zone must include all plants known to be...
7. The boundary of the buffer zone must be at least...
8. The demarcation of the infected zone and the buffer zone...
9. Where the infection is limited to one particular sub-species of...
10. If there is a confirmed finding of the plant pest...

11. The appropriate UK plant health authority must maintain a list...
12. Paragraph 5 is subject to paragraph 23.
13. This Part does not apply in so far as any...
PART C — Eradication measures
14. This Part applies where an area is demarcated under paragraph...
15. The appropriate UK plant health authority must ensure that measures...
16. The eradication measures must include— (a) the immediate removal of...
17. The appropriate UK plant health authority may decide that individual...
PART D — Other measures
18. Where an area is demarcated under paragraph 5 by an...
19. The UK plant health authority must ensure that the checks...
20. The checks must include an examination of the UK plant...
21. The intensity of the checks must be based on the...
22. Where any checks carried out pursuant to paragraph 18 show...
PART E — Measures to be taken where no demarcated area is established
23. The appropriate UK plant health authority need not demarcate an...
PART F — Lifting of demarcation
24. The appropriate UK plant health authority may lift the demarcation...
25. Where the demarcation of an area is lifted under paragraph...
26. Those surveys must— (a) be carried out in accordance with...

SCHEDULE 16 — Emergency measures: *Anoplophora glabripennis* (Motschulsky)

- PART A — Application and interpretation
1. This Schedule applies where *Anoplophora glabripennis* (Motschulsky) is confirmed to...
2. In this Schedule— “appropriate time”, in relation to the felling...
PART B — Establishment of demarcated area
3. The appropriate UK plant health authority must by notice and...
4. The infested zone must include the area in which the...
5. The boundary of the buffer zone must be at least...
6. The demarcation of the infested zone and the buffer zone...
7. If there is a confirmed finding of the plant pest...
8. Paragraph 3 is subject to paragraph 15.
9. This Part does not apply in so far as any...
PART C — Measures to be taken in a demarcated area
10. Where an area is demarcated under paragraph 3, the appropriate...
11. The eradication measures must include— (a) the felling of all...
12. The containment measures must include— (a) the following measures—
13. The appropriate UK plant health authority must set time periods...
14. The appropriate UK plant health authority may only conclude that...
PART D — Measures to be taken where no demarcated area is established
15. The appropriate UK plant health authority need not demarcate an...
16. Where the appropriate UK plant health authority does not demarcate...
PART E — Lifting of demarcation
17. The appropriate UK plant health authority may lift the demarcation...

SCHEDULE 17 — Revocation of retained direct EU legislation

1. EU regulations
2. Commission Regulation (EC) No 1756/2004 specifying the detailed conditions for...
3. Commission Regulation (EC) No 690/2008 recognising protected zones exposed to...
4. EU decisions

5. Commission Decision 93/360/EEC authorising the Member States to provide for...
6. Commission Decision 93/365/EEC authorising the Member States to provide for...
7. Commission Decision 93/422/EEC authorising the Member States to provide for...
8. Commission Decision 93/423/EEC authorising the Member States to provide for...
9. Commission Decision 98/109/EC authorising Member States temporarily to take emergency...
10. Commission Decision 2002/499/EC authorising derogations from certain provisions of Council...
11. Commission Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent...
12. Commission Decision 2002/887/EC authorising derogations from certain provisions of Council...
13. Commission Decision 2003/248/EC authorising Member States to provide for temporary...
14. Commission Decision 2003/249/EC authorising Member States to provide for temporary...
15. Commission Decision 2004/200/EC on measures to prevent the introduction into...
16. Commission Decision 2005/51/EC authorising Member States temporarily to provide for...
17. Commission Decision 2005/359/EC providing for a derogation from certain provisions...
18. Commission Implementing Decision 2011/787/EU authorising Member States temporarily to take...
19. Commission Implementing Decision 2013/780/EU providing for a derogation from Article...
20. Commission Implementing Decision 2014/917/EU setting out detailed rules for the...
21. Commission Implementing Decision (EU) 2015/179 authorising Member States to provide...
22. Commission Implementing Decision (EU) 2015/1199 recognising Bosnia and Herzegovina as...
23. Commission Implementing Decision 2017/198/EU as regards measures to prevent the...
24. Commission Implementing Decision 2018/638 establishing emergency measures to prevent the...

Explanatory Note