

## SCHEDULE 8

Regulation 4(9)

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 plants, other than fruit or seeds, originating in the Republic of Korea or Japan, of—

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

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

“relevant NPP0” means—

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

“relevant plant pest” means—

- (a) in the case of plants of *Juniperus* L., *Aschistonyx eppoi* Inouye, *Gymnosporangium asiaticum* Miyabe ex Yamada and *G. yamadai* Miyabe ex Yamada, *Oligonychus perditus* Pritchard et Baker, *Popillia japonica* Newman or any other plant pest which is not known to occur in the United Kingdom;
- (b) in the case of plants of *Chamaecyparis* Spach, *Popillia japonica* Newman or any other plant pest which is not known to occur in the United Kingdom;
- (c) in the case of any plants of *Pinus* L. originating in Korea, *Bursaphelenchus xylophilus* (Steiner & Buhner) Nickle et al., *Cercoseptoria pini-densiflorae* (Hori & Nambu) Deighton, *Coleosporium phellodendri* Komr, *Coleosporium asterum* (Dietel) Sydow, *Coleosporium eupatorii* Arthur, *Cronartium quercuum* (Berk.) Miyabe ex Shirai, *Dendrolimus spectabilis* Butler, *Monochamus* spp., *Popillia japonica* Newman, *Thecodiplosis japonensis* Uchida & Inouye or any other plant pest which is not known to occur in the United Kingdom;
- (d) in the case of any plants of *Pinus* L. originating in Japan, *Bursaphelenchus xylophilus* (Steiner & Buhner) Nickle et al., *Cercoseptoria pini-densiflorae* (Hori & Nambu) Deighton, *Coleosporium paederiae*, *Coleosporium phellodendri* Komr, *Cronartium quercuum* (Berk.) Miyabe ex Shirai, *Dendrolimus spectabilis* Butler, *Monochamus* spp., *Popillia japonica* Newman, *Peridermium kurilense* Dietel, *Thecodiplosis japonensis* Uchida & Inouye or any other plant pest which is not known to occur in the United Kingdom.

2. Permitted plants may be imported into a relevant UK territory provided that—

- (a) in the case of dwarfed plants, other than fruit or seeds, of *Juniperus* L., they are imported in the period beginning on 1st November and ending on 31st March;
  - (b) they originate in a registered nursery which is included in a list of registered nurseries provided by the relevant NPPO to the national plant protection organisation of the United Kingdom;
  - (c) the plants and any adhering or associated growing medium are accompanied by a phytosanitary certificate issued by the relevant NPPO which includes the required official statement and the relevant details; and
  - (d) the importation of the permitted plants is authorised by the appropriate UK plant health authority under the relevant Plant Health Order.
3. When authorising the importation of permitted plants for the purposes of paragraph 2, the appropriate UK plant health authority must ensure that the authorisation contains conditions—
- (a) requiring the importer to provide sufficient advance notice of any consignment of permitted plants to be imported, which must include details of the type of relevant material, the quantity of plants, the expected date of arrival and the officially approved site where the plants are to be held for the purposes of paragraph 6; and
  - (b) requiring compliance with the post-entry quarantine requirements specified in paragraphs 6 to 9.
4. For the purposes of paragraph 2(c), the required official statement is an official statement that—
- (a) the permitted plants have been grown, held and trained in a registered nursery which was registered and supervised by the relevant NPPO for at least two consecutive years prior to its inclusion by the relevant NPPO in the list mentioned in paragraph 2(b);
  - (b) the registered nursery has, along with its immediate vicinity, been officially inspected during the period mentioned in sub-paragraph (a) and in any subsequent period up to the date of its dispatch at least six times a year at appropriate intervals for the presence of a relevant plant pest and no relevant plant pests have been found in those inspections at the nursery;
  - (c) the permitted plants have during the period mentioned in sub-paragraph (b)—
    - (i) been potted and kept in pots which have been placed on shelves at least 50 cm above ground or onto concrete flooring, impenetrable for nematodes, that was well maintained and free from debris;
    - (ii) been found free, in the inspections referred to in sub-paragraph (b), from all relevant plant pests;
  - (d) where they belong to the genus *Pinus* L. and in the case of grafting on a rootstock of a *Pinus* species, other than *Pinus parviflora* Sieb & Zucc., they have a rootstock derived from sources that have been officially approved as healthy material;
  - (e) each plant has been given a recognisable marking, exclusive to each individual plant, that enables the registered nursery and the year of its potting to be identified, which has been notified to the relevant NPPO; and
  - (f) the relevant NPPO has ensured that the permitted plants have remained identifiable from their dispatch from the registered nursery until the time of loading for export, through the sealing of transport vehicles or other alternatives.
5. The relevant details which must be included in the phytosanitary certificate for the purposes of paragraph 2(c) are—
- (a) the name of the registered nursery;

- (b) the recognisable marking for each plant contained in the consignment and the year of potting;
  - (c) the specification of the last treatment applied to the plants prior to dispatch; and
  - (d) under the heading “Additional declaration”, the statement that “This consignment meets the conditions in Part A of Schedule 8 to the Plant Health (EU Exit) Regulations 2019”.
6. Any permitted plants imported under paragraph 2 must be subject to official post-entry quarantine for the following periods, and found free during those periods from any relevant plant pest—
- (a) in the case of plants of *Pinus* L. or *Chamaecyparis* Spach, a period of not less than three months of active growth;
  - (b) in the case of plants of *Juniperus* L., the period beginning on 1st April and ending on 30th June.
7. Any official post-entry quarantine for the purposes of paragraph 6 must—
- (a) be supervised by the appropriate UK plant health authority and executed by officially approved and trained staff;
  - (b) ensure that the recognisable mark on each plant is preserved;
  - (c) be performed at an officially approved site with the facilities necessary to contain the spread of plant pests and maintain the permitted plants in a manner that eliminates any risk of the spread of relevant plant pests; and
  - (d) be performed for each permitted plant—
    - (i) by visual examination upon arrival and at regular intervals subsequently, having regard to the type of relevant material and its state of development during the quarantine period, for relevant plant pests or symptoms caused by a relevant plant pest; and
    - (ii) by appropriate testing of any symptoms observed in the visual examination in order to identify the plant pest causing those symptoms.
8. Any lot containing permitted plants which have not been found free from relevant plant pests during the post-entry quarantine period must be immediately destroyed under official supervision.
9. Any permitted plants which are released from quarantine must not be moved within the United Kingdom without a valid UK plant passport, which indicates the country of origin of the plants.

## PART B

### Soil contaminated by pesticides or persistent organic pollutants for decontamination purposes

10. In this Part—

“contaminated soil” means—

- (a) soil contaminated by pesticides covered by the FAO programme on prevention and disposal of obsolete and unwanted pesticides or any other similar multilateral programme; or
- (b) soil contaminated with persistent organic pollutants listed in the Stockholm Convention on persistent organic pollutants<sup>(1)</sup>, or in the 1998 Protocol to the 1979 Convention on long range trans-boundary air pollution on persistent organic pollutants<sup>(2)</sup>;

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

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

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

“IMDG Code” means the 2016 edition or, in respect of any soil imported on or after 1st January 2020, the 2018 edition of the International Maritime Dangerous Goods Code<sup>(3)</sup>;

**11.** Contaminated soil, which is intended to be treated in a dedicated hazardous waste incinerator in a relevant UK territory may be imported into the relevant UK territory provided that—

- (a) its importation is authorised by the appropriate competent authority in accordance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste;
- (b) the soil is packaged in sealed drums or bags in compliance with the IMDG Code and transported in sealed shipping containers from the packaging site in the country of origin to the dedicated hazardous waste incinerator treatment site in accordance with the authorisation mentioned in sub-paragraph (a);
- (c) the soil is accompanied by a phytosanitary certificate issued by the national plant protection organisation in the country of origin which includes under the heading “Additional declaration” the statement: “This consignment meets the conditions in Part B of Schedule 8 to the Plant Health (EU Exit) Regulations 2019”;
- (d) its importation is authorised by the appropriate UK plant health authority under the relevant Plant Health Order.

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

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

## PART C

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

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

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

- (a) they originate in an officially registered place of production;

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

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

- (b) their movement from the place of production to the point of export in the country of origin has been officially registered;
  - (c) they are accompanied by a phytosanitary certificate issued by the national plant protection organisation of the country of origin which includes the required official statement and the relevant details; and
  - (d) their importation is authorised by the appropriate UK plant health authority under the relevant Plant Health Order.
- 15.** When authorising the importation of permitted fruits for the purposes of paragraph 14, the appropriate UK plant health authority must ensure that the authorisation contains conditions—
- (a) requiring the fruits to be imported and moved to their approved processing premises in individual packages in a container;
  - (b) requiring a label to be attached to each container of fruits and individual package which contains—
    - (i) a unique number on each individual package;
    - (ii) the declared net weight of the fruit; and
    - (iii) a mark stating: ‘Fruit destined exclusively for industrial processing into juice’.
  - (c) requiring the importer to provide sufficient advance notice of any container of permitted fruits to be imported, which must include details of the quantity of fruits, the identification numbers of the containers, the expected date of arrival, the point of entry into the relevant UK territory and the name, address and the location of the premises at which the fruits are to be processed; and
  - (d) requiring compliance with the requirements specified in paragraphs 19 to 22.
- 16.** For the purposes of paragraph 14(c), the required official statement is an official statement—
- (a) that the permitted fruits originate in a field of production which was subjected to appropriate treatments against *Phyllosticta citricarpa* (McAlpine) Van der Aa at the appropriate time; and
  - (b) that an appropriate visual inspection has been carried out during packaging and no symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa were detected in the fruits harvested in the field of production in that inspection.
- 17.** The relevant details which must be included in the phytosanitary certificate for the purposes of paragraph 14(c) are—
- (a) the identification numbers of the containers;
  - (b) the unique numbers of the labels on the individual packages; and
  - (c) under the heading “Additional declaration”, the statement “Fruits destined exclusively for industrial processing into juice” and the code for the production unit.
- 18.** Any permitted fruits imported under paragraph 14 must be visually inspected by an inspector appointed by the appropriate UK plant health authority on arrival and if symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa are detected and the plant pest is confirmed by testing, the batch from which the sample was taken must be refused entry.
- 19.** Any permitted fruits imported under paragraph 14 must be transported without delay to the approved processing premises or to an approved storage facility.
- 20.** Waste and by-products of permitted fruits must be destroyed by deep burial or used in accordance with an approved method to prevent the risk of *Phyllosticta citricarpa* (McAlpine) Van der Aa spreading.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Plant Health (EU Exit) Regulations 2019 (revoked) No. 787

**21.** The operator of an approved processing premises must keep records of the permitted fruits that are processed at the premises which indicate the numbers and distinguishing marks of containers, the quantity of permitted fruits imported, the volumes of waste and by-products destroyed or used and detailed information on their destruction or use.

**22.** Any permitted fruits which are stored pending their processing must be easily identifiable and stored in a way that prevents the risk of *Phyllosticta citricarpa* (McAlpine) Van der Aa spreading.