
STATUTORY INSTRUMENTS

2021 No. 1229

The Animal Health, Plant Health, Seeds and Seed
Potatoes (Miscellaneous Amendments) Regulations 2021

PART 2

Amendment of retained EU law

Amendment of Regulation (EC) No 999/2001

3. In Annex 8 to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(1), in point 2.1 of Section A of Chapter A, omit point (e).

Amendment of Commission Implementing Regulation (EU) No 139/2013

4. In Article 2 of Commission Implementing Regulation (EU) No 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof(2), omit point (g).

Amendment of Regulation (EU) No 576/2013

5. In Article 3 of Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals(3), in point (p), for “applies” substitute “has effect”.

Amendment of Commission Implementing Regulation (EU) 2019/2072

6. Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, etc.(4), is amended as follows.

7. In Annex 4, Part E, in the first table, for the heading, “*Fungi and oomycetes*”, substitute “*Bacteria*”.

8.—(1) Annex 5 is amended as follows.

(2) In Part A, in paragraph 2(1), renumber the second point (c) as point (d).

(3) In Part C—

(a) in the first table (bacteria), at the end insert—

(1) EUR 2001/999, amended by S.I. 2019/170. S.I. 2019/170 was amended by S.I. 2020/1388. There are other amendments to EUR 2001/999, but none is relevant for this instrument.

(2) EUR 2013/139, amended by S.I. 2020/1462.

(3) EUR 2013/576, amended by S.I. 2020/1388.

(4) EUR 2019/2072, amended by S.I. 2020/1527, 2021/136, 2021/426 and 2021/641.

“*Xanthomonas vesicatoria* (ex *Capsicum annuum* L Doidge) Vauterin et al

In the case of seeds:

- (a) the seeds originate in areas known to be free from *Xanthomonas vesicatoria* (ex Doidge) Vauterin et al,
- (b) no symptoms of disease caused by *Xanthomonas vesicatoria* (ex Doidge) Vauterin et al have been observed on visual inspections at the site of production at appropriate times during the complete cycle of vegetation of the plants, or
- (c) the seeds have been subjected to official testing for *Xanthomonas vesicatoria* (ex Doidge) Vauterin et al on a representative sample using appropriate methods (whether or not following an appropriate treatment) and have been found in those tests to be free from that pest.

In the case of plants other than seeds:

- (a) the seedlings have been grown from seeds that meet the above requirements, and
- (b) the plants have been maintained in appropriate hygiene conditions to prevent infection.”;

(b) in the final table (viruses, viroids, virus-like diseases and phytoplasmas)—

- (i) in the entry for “*Impatiens* necrotic spot tospovirus [INSV00]”, for the text in the third column substitute—

“The plants have been grown in a site of production that has been subjected to monitoring for the relevant thrips vectors (*Frankliniella occidentalis* Pergande) and, upon their detection, to appropriate treatments to ensure effective suppression of their populations, and:

- (a) no symptoms of *Impatiens* necrotic spot tospovirus have been observed on plants at the site of production during the current growing period, or

- (b) any plants at the production site showing symptoms of *Impatiens* necrotic spot tospovirus during the current growing period have been rogued out and a representative sample of the plants to be moved has been tested and found free from *Impatiens* necrotic spot tospovirus.”;
 - (ii) in the second entry for “Tomato ringspot virus [TORSV0]”, in the third column, in point (b)—
 - (aa) omit “at least the pest”;
 - (bb) for “pests tested” substitute “pest”;
 - (cc) omit “item”.
 - (4) In Part E, in the first table (bacteria), in the second entry for “*Xanthomonas vesicatoria* (ex Doidge) Vauterin et al. [XANTVE]”, in the third column omit point (c).
 - (5) In Part G, in paragraph 2(1), renumber the second point (c) as point (d).
 - (6) In Part H—
 - (a) in the first table (bacteria), in the second entry for “*Xanthomonas euvesicatoria* Jones et al. [XANTEU]”, in the first column, for “*Xanthomonas euvesicatoria* Jones et al. [XANTEU]” substitute “*Xanthomonas vesicatoria* (ex Doidge) Vauterin et al. [XANTVE]”;
 - (b) in the second table (fungi and oomycetes), in the second entry for “*Stromatinia cepivora* Berk. [SCLOCE]”, in the third column, in point (b), after “plants” insert “or sets”.
- 9.—(1) In Annex 7, the table in Part A is amended as follows.
- (2) In entry 1, in the third column, in point (b)(ii), for “the the” substitute “the”.
 - (3) In entry 20, in the third column, for point (d) substitute—
 - “(d) that:
 - (i) they originate in an area in which *Meloidogyne chitwoodi* Golden et al. (all populations) is known not to occur,
 - (ii) they originate from a place of production which has been found free from *Meloidogyne chitwoodi* Golden et al. (all populations) based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production, or
 - (iii) after harvest, they have been randomly sampled and checked for the presence of symptoms after an appropriate method to induce symptoms has been applied or laboratory tested, as well as inspected visually both externally and by cutting tubers at appropriate times to detect the presence of *Meloidogyne chitwoodi* Golden et al., and in all cases at the time of closing of the packages or containers before movement, and found to be free from symptoms of that pest, and”.
 - (4) In entry 28, in the third column, in point (a), for “*Candidiatus*” substitute “*Candidatus*”.
 - (5) In entry 109, in the third column—
 - (a) omit the “or” at the end of point (a)(ii);
 - (b) insert “, or” at the end of point (b)(ii);
 - (c) after point (b) insert—
 - “(c) an official statement that the wood has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure time of which are indicated on the phytosanitary certificate; but a phytosanitary

certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.”;

(d) in the final paragraph, for “There” substitute “For the purposes of points (a) and (b), there”.

(6) In entry 110, in the third column—

(a) omit the “or” at the end of point (a)(ii);

(b) insert “, or” at the end of point (b)(ii);

(c) after point (b) insert—

“(c) an official statement that the wood has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure time of which are indicated on the phytosanitary certificate; but a phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.”;

(d) in the final paragraph, for “There” substitute “For the purposes of points (a) and (b), there”.

(7) In entry 111, in the third column—

(a) omit the “or” at the end of point (b);

(b) insert “, or” at the end of point (c);

(c) after point (c) insert—

“(d) an official statement that the wood has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure time of which are indicated on the phytosanitary certificate; but a phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.”.

(8) In entry 112, in the third column—

(a) omit the “or” at the end of point (c);

(b) insert “, or” at the end of point (d);

(c) after point (d) insert—

“(e) an official statement that the wood has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure time of which are indicated on the phytosanitary certificate; but a phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.”.

(9) In entry 113, in the third column—

(a) omit the “or” at the end of point (b);

(b) insert “, or” at the end of point (c);

(c) after point (c) insert—

“(d) an official statement that the wood has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure

time of which are indicated on the phytosanitary certificate; but a phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.”.

(10) In entry 114, in the third column—

- (a) omit the “or” at the end of point (c);
- (b) insert “, or” at the end of point (d);
- (c) after point (d) insert—

“(e) an official statement that the wood has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure time of which are indicated on the phytosanitary certificate; but a phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.”.

(11) In entry 131, in the third column—

- (a) omit the “or” at the end of point (a);
- (b) insert “, or” at the end of point (b);
- (c) after point (b) insert—

“(c) an official statement that the wood has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure time of which are indicated on the phytosanitary certificate; but a phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.”.

(12) In entry 137, in the third column—

- (a) insert “, or” at the end of point (c);
- (b) after point (c) insert—

“(d) an official statement that the wood has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure time of which are indicated on the phytosanitary certificate; but a phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.”.

Amendment of Commission Implementing Regulation (EU) 2019/2148

10.—(1) Commission Implementing Regulation (EU) 2019/2148 on specific rules concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council⁽⁵⁾ is amended as follows.

(2) In Article 2—

- (a) for point (a) substitute—

(5) EUR 2019/2148.

- “(a) ‘specified material’ means any plants, plant products or other objects that are subject to measures, requirements or restrictions under Articles 30(1), 40(1), 41(1), 42(2), 48(1), 49(1), 53(1) or 54(1) of Regulation (EU) 2016/2031;”⁽⁶⁾;
- (b) in point (b), for points (i) to (iii) substitute—
- “(i) GB quarantine pest;
 - (ii) provisional GB quarantine pest;
 - (iii) PFA quarantine pest,
- and for this purpose, the expressions “GB quarantine pest”, “provisional GB quarantine pest” and “PFA quarantine pest” have the meanings given in Regulation (EU) 2016/2031;”.
- (3) In Article 3—
- (a) in the words before point (a), for “Member States” substitute “competent authority, as defined in Regulation (EU) 2016/2031;”;
 - (b) after point (a), insert “and”.
- (4) In the words following Article 5, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Amendment of Commission Implementing Regulation (EU) 2020/1231

11. In Annex 2 to Commission Implementing Regulation (EU) 2020/1231 on the format and instructions for the annual reports on the results of the surveys and on the format of the multiannual survey programmes and the practical arrangements, respectively provided for in Articles 22 and 23 of Regulation (EU) 2016/2031 of the European Parliament and the Council⁽⁷⁾, in paragraph 1 of Part 1, in the final indent, for “Commission website” substitute “gov.uk website”.

⁽⁶⁾ EUR 2016/2031, amended by [S.I. 2020/1482](#).

⁽⁷⁾ EUR 2020/1231, amended by [S.I. 2021/426](#).