
STATUTORY INSTRUMENTS

2022 No. 114

The Phytosanitary Conditions (Amendment) Regulations 2022

Amendments to Commission Implementing Regulation (EU) 2019/2072 relating to pest measures: coming into force in accordance with regulation 1(1)(b)

- 4.—(1) In Annex 2(1), in Part A, under the heading “C. Insects and mites”—
- (a) after entry 51, insert “51A. *Eotetranychus sexmaculatus* (Riley) [TETRSM]”;
 - (b) after entry 96, insert “96A. *Platypus apicalis* (White) [PLTPAP]”.
- (2) In Annex 2A(2)—
- (a) under the heading “**B. Insects and mites**”—
 - (i) before the first entry, insert “1A. *Agrilus horni* (Kerremans) [AGRLHO]”;
 - (ii) after entry 4, insert “4B. *Chrysobothris femorata* (Olivier) [CHRBFE]”;
 - (iii) renumber entry 4ZA as 4C;
 - (iv) omit entry 4A;
 - (v) after entry 5, insert “5A. *Lycorma delicatula* (White) [LYCMDE]”;
 - (vi) omit entry 7A;
 - (b) under the heading “**C. Viruses, viroids and phytoplasmas**”, after entry 1, insert “1A. Chilli veinal mottle virus [CHIVMV]”;
 - (c) at the end, insert—

“D. Bacteria

- 1. *Diaporthe phaseolorum* var. *sojae* Lehman [DIAPPS]
 - 2. *Pseudomonas avellanae* Janse et al. [PSDMAL]
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E. Nematodes

- 1. *Meloidogyne arenaria* (Neal) Chitwood [MELGAR]
 - 2. *Meloidogyne enterolobii* Yang & Eisenback [MELGMY]
 - 3. *Meloidogyne javanica* (Treub) Chitwood [MELGJA]
 - 4. *Xiphinema index* Thorne & Allen [XIPHIN]
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- (3) In Annex 4(3)—
- (a) in Part G, under the heading “**Fungi and oomycetes**”, omit the entry which relates to *Diaporthe phaseolorum* var. *sojae* Lehman [DIAPPS] so far as not omitted by regulation 3(4);

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- (1) Annex 2 to EUR 2019/2072 was substituted by Schedule 1 to [S.I. 2020/1527](#); there are other amending instruments but none is relevant.
- (2) Annex 2A to EUR 2019/2072 was inserted by Schedule 2 to [S.I. 2020/1527](#) and amended by [S.I. 2021/426](#) and 641; there are other amending instruments but none is relevant.
- (3) Annex 4 to EUR 2019/2072 was substituted by Schedule 4 to [S.I. 2020/1527](#) and amended by [S.I. 2021/1171](#); there are other amending instruments but none is relevant.

- (b) in Part I—
- (i) under the heading “**Bacteria**”, omit the entry which relates to *Pseudomonas avellanae* Janse *et al.* [PSDMAL];
 - (ii) under the heading “**Nematodes**”, omit the entries which relate to *Meloidogyne arenaria* Chitwood [MELGAR], *Meloidogyne javanica* Chitwood [MELGJA] and *Xiphinema index* Thorne & Allen [XIPHIN].
- (4) In Annex 5(4), in Part G, in paragraph 3, in the table, omit the entry which relates to *Diaportha* var. *sojae*.
- (5) In Annex 7(5), in Part A, in the table—
- (a) in entry 11, for the text in the third column, substitute—

“In the case of plants for which there is evidence from their packaging or their flower (or bract) development or by other means that they are intended for direct sale to final consumers not involved in professional plant production, the plants must be accompanied by an official statement that they have been officially inspected and found free from *Bemisia tabaci* (Gennadius) prior to their movement.

In any other case, the plants must be accompanied by—

 - (a) an official statement that the plants comply with one of the following requirements—
 - (i) they originate in an area which, in accordance with the measures specified in ISPM4, is known to be free from *Bemisia tabaci* (Gennadius),
 - (ii) they originate in a place of production where no signs of *Bemisia tabaci* (Gennadius) have been observed during official inspections carried out at least every three weeks during a period of nine weeks prior to export, or
 - (iii) in cases where *Bemisia tabaci* (Gennadius) has been found at the place of production:
 - (aa) they have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* (Gennadius), and
 - (bb) subsequently, official inspections carried out weekly during a period of three weeks prior to export have found the place of production to be free from *Bemisia tabaci* (Gennadius) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* (Gennadius), and
 - (b) an official statement that the cuttings from which those plants originate comply with one of the requirements in point (a).”;
- (b) in entry 13, in the third column—
 - (i) in the words before point (a), omit “they originate”;
 - (ii) at the beginning of point (a) and point (b), insert “they originate”;
 - (iii) at the end of point (b) insert “or”;
 - (iv) at the beginning of point (c), omit “an official statement that”;
- (c) in entry 40, in the third column—
 - (i) omit the “or” at the end of point (c);

(4) Annex 5 to EUR 2019/2072 was substituted by Schedule 5 to [S.I. 2020/1527](#); there are other amending instruments but none is relevant.

(5) Annex 7 to EUR 2019/2072 was substituted by Schedule 7 to [S.I. 2020/1527](#) and amended by [S.I. 2021/426](#); there are other amending instruments but none is relevant.

- (ii) in point (d) for “sterile conditions.” substitute “sterile conditions, or”;
- (iii) after point (d), insert—
 - “(e) in the case of plants for which there is evidence from their packaging, their flower development, or from other means that they are intended for direct sale to final consumers not involved in professional plant production, an official statement that they have been officially inspected immediately prior to export and found free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burges).”;
- (d) in entry 45, in the second column, after “country”, insert “where *Cronartium* spp., with the exception of *Cronartium gentianeum* Thümen, *Cronartium pini* (Willdenow) Jørstad and *Cronartium ribicola* Fischer, is known to occur”;
- (e) omit entry 93B;
- (f) in entry 95, in the third column—
 - (i) at the end of point (b), omit “or” ;
 - (ii) in point (c)—
 - (aa) at the end of paragraph (ii), omit “and”;
 - (bb) after paragraph (iii), insert—
 - “,
 - (iv) the production site is identified in the official statement for traceability purposes, and
 - (v) the production site is provided with complete physical protection against the introduction of *Spodoptera frugiperda* (Smith),”;
 - (iii) after point (c), insert--
 - “(d) an official statement that the plants originate in areas other than those referred to in points (a) and (b), comply with point (c)(i) – (iv) and have been subjected to an effective treatment to ensure freedom from *Spodoptera frugiperda* (Smith), or
 - (e) an official statement that they originate in areas other than those referred to in points (a) and (b), they have been subjected to an effective post-harvest treatment to ensure freedom from *Spodoptera frugiperda* (Smith) and the treatment is indicated in the official statement.

* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.