

STATUTORY INSTRUMENTS

**2023 No. 959**

**The Windsor Framework (Retail Movement Scheme:  
Public Health, Marketing and Organic Product Standards  
and Miscellaneous Provisions) Regulations 2023**

PART 3

Plants

CHAPTER 1

Amendments to retained direct EU legislation

**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**

**11.**—(1) Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 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, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019(1) is amended as follows.

(2) In Annex 7, in Part A (plants, plant products and other objects originating in third countries which may only be introduced into Great Britain if special requirements are met), in the table—

- (a) in entry 95, in the first column after “*Solanum melongena L.*,” insert “plants of *Asparagus officinalis L.*, other than stems covered during their entire life by soil, live pollen, plant tissue cultures and seeds”;
- (b) after entry 102A insert—

“102B	Fruits of <i>Capsicum L.</i> and <i>Solanum L.</i>	Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d’Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon,	The fruits must be accompanied by:  (a) an official statement that they originate in a country which, in accordance with the measures specified in ISPM4, is recognised as being free from <i>Bactrocera latifrons</i> (Hendel)
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(1) EUR 2019/2072. Relevant amendments were made by S.I. 2020/1527, 2021/136, 2021/426, 2021/641, 2021/1171, 2022/114 and 2022/1120.

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Gambia, Ghana, Guinea, Guinea- Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mayotte, Morocco, Mozambique, Namibia, Niger, Nigeria, Réunion, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, The Democratic Republic of the Congo, Togo, Tunisia, Uganda, Zambia, Zimbabwe, Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, India, Indonesia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Laos, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, North Korea, Oman, Pakistan, Philippines, Qatar, Russia (only the following parts:	or
	(b) an official statement that they originate in an area* established, in accordance with the measures specified in ISPM4, by the national plant protection organisation in the country of origin as being free from <i>Bactrocera latifrons</i> (Hendel)
	or
	(c) an official statement that no signs of <i>Bactrocera latifrons</i> (Hendel) have been observed at the place of production and in its immediate vicinity since the beginning of the last complete cycle of vegetation, on official inspections carried out at least monthly during the three months prior to harvesting, and none of the fruits harvested at the place of production has shown, in appropriate official examinations, signs of <i>Bactrocera latifrons</i> (Hendel), and information on traceability is included in the phytosanitary certificate,
Far Eastern Federal District (Dalnevostochny federalny okrug), Siberian Federal District (Sibirsky federalny okrug), and Ural Federal District (Uralsky federalny okrug)), Saudi Arabia, Singapore, South Korea, Sri Lanka, Syria, Tajikistan, Thailand, Timor- Leste, Turkmenistan, United Arab Emirates,	or
	(d) an official statement that the fruits have been subjected to an

Uzbekistan, Vietnam,  
and Yemen

effective systems approach or an effective post-harvest treatment\*\* to ensure freedom from *Bactrocera latifrons* (Hendel)

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

\*\* The use of a systems approach or details of the treatment method must be included in the phytosanitary certificate.

A phytosanitary certificate may not include:

—the official statement referred

to in point (a) unless the national plant protection organisation of the country of origin has previously notified the national plant protection organisation of the United Kingdom of this information in writing,

—the official statement referred to in point (b) unless the national plant protection organisation of the country of origin has previously provided the national

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plant protection organisation of the United Kingdom with written details of the area or areas,

- the official statement referred to in point (d) 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 the treatment or approach”.

(3) In Annex 11, in Part A (list of plants, plant products and other objects and the respective third countries of origin or dispatch, which may not be introduced into Great Britain unless they are accompanied by a phytosanitary certificate), in the table, after entry 18A, insert—

“18B	Plants of <i>Asparagus officinalis</i> L., other than stems covered during their entire life by soil	Other vegetables, fresh or chilled: — Asparagus	Any third country other than EU Member States, Liechtenstein and Switzerland”.
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