
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, consolidate with amendments the Potatoes Originating in Egypt Regulations 1998 (“the 1998 Regulations”). The Regulations implement Commission Decision [2004/4/EC](#) authorising Member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith (now known as *Ralstonia solanacearum* (Smith) Yabuuchi et al.) as regards Egypt (“the Decision”). The Decision permits potatoes originating in Egypt, other than seed potatoes, to be imported into the Community only if the measures laid down in the Decision are complied with. It consolidates and repeals Commission Decision [96/301/EC](#) (as amended).

Regulation 3(1) makes provision in respect of the phytosanitary certificate required by the Plant Health (Great Britain) Order 1993 (“the Order”) to accompany imports of potato tubers into Wales and without which such imports are prohibited. In the case of potatoes originating in Egypt, the certificate must comply with the additional requirements imposed by the Decision. Any person who imports such potatoes without a valid phytosanitary certificate, in contravention of the prohibition imposed by the 1993 Order, with intent to evade such prohibition, is guilty of an offence under section 50(3) of the Customs and Excise Management Act [1979 \(c. 2\)](#) and may be arrested.

Any person found guilty of such an offence under section 50(3) is liable, on summary conviction, to a penalty of £5,000 or of three times the value of the goods, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both; or, on conviction on indictment, to a penalty of any amount, or to imprisonment for a term not exceeding 7 years, or to both.

This section 50(3) offence replaces a similar offence of importing potatoes in breach of the 1998 Regulations, contained in those Regulations.

Regulation 3(2) removes, in respect of imports of potatoes originating in Egypt, the requirement under the 1993 Order for imports of potatoes to be accompanied by an official statement that the potatoes originate in areas where *Ralstonia solanacearum* (Smith) Yabuuchi et al. is not known to occur.

Regulation 4 imposes a requirement for premises (other than certain premises used for the packing or preparation of potatoes for delivery to the final consumer) used for treating potatoes originating in Egypt to be approved for that purpose by the National Assembly for Wales. Failure to comply with this requirement is an offence carrying liability on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000) (regulation 7).

Regulation 5 makes provision for the enforcement of the Regulations by inspectors and regulation 6 provides the National Assembly for Wales with a power to charge a fee of £37.50 for the taking of samples from potatoes originating in Egypt to ascertain whether they are infected with *Ralstonia solanacearum* (Smith) Yabuuchi et al. in accordance with the Decision. This is unchanged from the fee payable in respect of such sampling under the 1998 Regulations.

A Regulatory appraisal has been prepared and is available from the Animal and Plant Health Policy Division, National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.