



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 70 (Cy.8)

2005 No. 70 (W.8)

**IECHYD PLANHIGION,
CYMRU**

**PLANT HEALTH,
WALES**

**Gorchymyn Iechyd Planhigion
(Diwygio) (Cymru) 2005**

**The Plant Health (Amendment)
(Wales) Order 2005**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

(This note is not part of the Order)

Mae'r Gorchymyn hwn, sy'n dod i rym ar 31 Ionawr 2005, yn diwygio Gorchymyn Iechyd Planhigion (Prydain Fawr) 1993(1) er mwyn gweithredu'r canlynol yng Nghymru -

This Order, which comes into force on 31 January 2005, amends the Plant Health (Great Britain) Order 1993(1) so as to implement in Wales -

- Pwyntiau 9 a 30 o'r Atodiad i Gyfarwyddeb y Comisiwn 2002/36/EC (OJ Rhif L 116, 3.5.2002, t.16) sy'n diwygio amrywiol Atodiadau i Gyfarwyddeb y Cyngor 2000/29/EC (OJ Rhif L 169, 10.7.2000, t.1) ar fesurau diogelu yn erbyn cyflwyno i'r Gymuned organeddau sy'n niweidiol i blanhigion neu gynhyrchion planhigion ac yn erbyn eu lledaenu o fewn y Gymuned;
- Cyfarwyddeb y Comisiwn 2003/116/EC (OJ Rhif L 321, 6.12.2003, t. 36) sy'n diwygio Atodiadau penodol i Gyfarwyddeb y Cyngor 2000/29/EC parthed yr organedd niweidiol *Erwinia amylovora* (Burr.) Winsl. et al.;
- Cyfarwyddeb y Comisiwn 2004/31/EC (OJ Rhif L 85, 23.3.2004, t. 18) sy'n diwygio Atodiadau penodol i Gyfarwyddeb y Cyngor 2000/29/EC parthed yr organedd niweidiol *Erwinia amylovora* (Burr.) Winsl. et al. ac mewn ffyrdd eraill;

- Points 9 and 30 of the Annex to Commission Directive 2002/36/EC (OJ No. L 116, 3.5.2002, p.16) which amends various Annexes to Council Directive 2000/29/EC (OJ No. L 169, 10.7.2000, p.1) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;
- Commission Directive 2003/116/EC (OJ No. L 321, 6.12.2003, p. 36) which amends certain Annexes to Council Directive 2000/29/EC as regards the harmful organism *Erwinia amylovora* (Burr.) Winsl. et al.;
- Commission Directive 2004/31/EC (OJ No. L 85, 23.3.2004, p. 18) which amends certain Annexes to Council Directive 2000/29/EC as regards the harmful organism *Erwinia amylovora* (Burr.) Winsl. et al. and in other respects;

(1) O.S. 1993/1320; a ddiwygiwyd gan O.S. 1993/3213, 1995/1358 a 2929, 1996/25, 1165 a 3242, 1997/1145 a 2907, 1998/349, 1121 a 2245 a 1999/2126 a 2726, 2001/2342, 2002/1067 a 2003/1157.

(1) S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245 and 1999/2126 and 2726, 2001/2342, 2002/1067 and 2003/1157.

- Cyfarwydddeb y Comisiwn 2004/32/EC (OJ Rhif L 85, 23.3.2004, t. 24) sy'n diwygio parthau gwarchod penodol sy'n agored i risgiau penodol i iechyd planhigion yn y Gymuned yng Nghyfarwydddeb y Comisiwn 2001/32/EC;
- Cyfarwydddeb y Comisiwn 2004/70/EC (OJ Rhif L 127, 29.4.2004, t. 97) sy'n diwygio Atodiadau penodol i Gyfarwydddeb y Cyngor 2000/29/EC;
- Penderfyniad y Comisiwn 2004/522/EC (OJ Rhif L 228, 29.6.2004, t. 18) sy'n diwygio parthau gwarchod penodol sy'n agored i risgiau penodol i iechyd planhigion yn y Gymuned yng Nghyfarwydddeb y Comisiwn 2001/32/EC;
- Penderfyniad y Comisiwn 2004/278/EC (OJ Rhif L 87, 25.3.2004, t. 31) ar safbwynt y Gymuned ar ddiwygio'r Atodion i Atodlen 4 i'r Cytundeb rhwng y Gymuned Ewropeaidd a Chyddfederasiwn y Swistir ar fasnach a chynhyrchion amaethyddol; a
- Erthygl 20 o'r Ddeddf ac Atodiad II iddi ynghylch Amodau Derbyn y Weriniaeth Tsiec, Gweriniaeth Estonia, Gweriniaeth Cyprus, Gweriniaeth Latfia, Gweriniaeth Lithwania, Gweriniaeth Hwngari, Gweriniaeth Malta, Gweriniaeth Gwlad Pwyl, Gweriniaeth Slofenia a'r Weriniaeth Slofac, a'r addasiadau i'r Cytuniadau sy'n sail i'r Undeb Ewropeaidd (OJ Rhif L 236, 23.9.2003, t. 33) i'r graddau y maent yn ymwneud â materion sy'n cael eu cwmpasu gan Orchymyn Iechyd Planhigion (Prydain Fawr) 1993.
- Commission Directive 2004/32/EC (OJ No. L 85, 23.3.2004, p. 24) which amends certain protected zones exposed to particular plant health risks in the Community in Commission Directive 2001/32/EC;
- Commission Directive 2004/70/EC (OJ No. L 127, 29.4.2004, p. 97) which amends certain Annexes to Council Directive 2000/29/EC;
- Commission Decision 2004/522/EC (OJ No. L 228, 29.6.2004, p. 18) which amends certain protected zones exposed to particular plant health risks in the Community in Commission Directive 2001/32/EC;
- Commission Decision 2004/278/EC (OJ No. L 87, 25.3.2004, p. 31) on the Community position on the amendment of the Appendices to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade and agricultural products; and
- Article 20 and Annex II of the Act concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ No. L 236, 23.9.2003, p. 33) insofar as they relate to matters covered by the Plant Health (Great Britain) Order 1993.

Mae'r prif newidiadau i Orchymyn Iechyd Planhigion (Prydain Fawr) 1993 fel y mae'n gymwys yng Nghymru fel a ganlyn -

- (a) diwygio'r diffiniad o "Directive 2000/29/EC" i ymgorffori diwygiadau a wnaed iddo gan Gyfarwydddebau 2003/47/EC, 2003/116/EC, 2004/31/EC, 2004/70/EC ac Erthygl 20 o'r Ddeddf ac Atodiad II iddi ynghylch yr Amodau Derbyn y cyfeiriwyd atynt uchod (para. 1(a) o'r Atodlen);
- (b) diwygio'r diffiniad o "the Euro-Mediterranean area" ac "Europe" i ddileu'r cyfeiriadau at Gyprus, Malta, Estonia, Latfia a Lithwania (para. 1(b) ac (c) o'r Atodlen);
- (c) diwygio'r diffiniad o "European Community" (para. 1(ch) o'r Atodlen);
- (ch) diwygio'r diffiniad o "official statement" mewn perthynas â phlanhigion, cynhyrchion planhigion a phethau eraill sy'n cael eu mewnfario o'r tu allan i'r Gymuned Ewropeaidd i gynnwys, yn achos mewnfario o'r Swistir, pasbort planhigion Swisaidd (para. 1(d) o'r Atodlen);
- (a) amendment of the definition of "Directive 2000/29/EC" to incorporate amendments made to it by Directives 2003/47/EC, 2003/116/EC, 2004/31/EC, 2004/70/EC and Article 20 and Annex II of the Act concerning the Conditions of Accession referred to above (para 1(a) of the Schedule);
- (b) amendment of the definition of "the Euro-Mediterranean area" and "Europe" to remove the references to Cyprus, Malta, Estonia, Latvia and Lithuania (para 1(b) and (c) of the Schedule);
- (c) amendment of the definition of "European Community" (para 1(d) of the Schedule);
- (d) amendment of the definition of "official statement" in respect of plants, plant products and other objects imported from outside the European Community to include, in the case of imports from Switzerland, a Swiss plant passport (para 1(e) of the Schedule);

The main changes to the Plant Health (Great Britain) Order 1993 as it applies in Wales are as follows -

- (d) diwygio'r diffiniad o "plant passport" i gynnwys, yn achos mewnfurion o'r Swistir, pasbortau planhigion Swisaidd, a mewnosod diffiniad o "Swiss plant passport" (para. 1(dd) ac (e) a phara. (19) o'r Atodlen);
- (dd) diwygio erthyglau 3(1)(e), 9 ac 11(2) er mwyn cynnwys cydnabyddiaeth o basbort planhigion Swisaidd ar gyfer cynhyrchion planhigion penodol a fewnforir o'r Swistir ac, mewn perthynas ag erthygl 3(1)(e), er mwyn eithrio cynhyrchion planhigion penodol a fewnforir o'r Swistir rhag y gwaharddiad ar fewnforio (para. (2), (3), (4) a (19) o'r Atodlen);
- (e) diwygio'r Parth Gwarchod ar gyfer *Globodera pallida* (Stone) Behrens i gynnwys Latfia, Slofacia a Slofenia (para. (5)(a), (16)(c) ac (20) o'r Atodlen);
- (f) sefydlu Parth Gwarchod newydd ar gyfer *Daktulosphaira vitifoliae* (Fitch) yng Nghyprus a'r diwygiadau cyfatebol i'r trefniadau ynglyn â phasbortau planhigion ar gyfer *Vitis* L. (paragraffau (5)(a), (16)(c) ac (20)(a) o'r Atodlen);
- (ff) diwygio'r Parth Gwarchod ar gyfer *Leptinotarsa decemlineata* Say i gynnwys Cyprus a Malta (para. (5)(b) ac (20)(ch) o'r Atodlen);
- (g) diwygio'r Parth Gwarchod ar gyfer feirws necrotig gwythïen felen betys i gynnwys Lithwania ac i eithrio Sweden (para. (6), (16)(b) a 22(a) o'r Atodlen);
- (ng) tynnu *Eotetranychus orientalis* Klein oddi ar y rhestr o blâu planhigion na wyddys eu bod yn digwydd yn y Gymuned ac sy'n berthnasol i'r Gymuned gyfan a'i roi ar y rhestr o blâu planhigion y gwyddys eu bod yn digwydd yn y Gymuned a'u bod yn berthnasol i'r Gymuned gyfan (para. (7) ac (8) o'r Atodlen);
- (h) diwygio'r Parth Gwarchod ar gyfer y feirws Citrus tristeza i gynnwys Malta (para. (11), (16)(ch) a (22)(b) o'r Atodlen);
- (i) tynnu Cyprus a Malta oddi ar y rhestr o darddwledydd mewn perthynas â chloron o rywogaeth *Solanum* L. a'u croesrywiau (para (10)(a) o'r Atodlen);
- (j) tynnu Cyprus, Malta, Estonia, Latfia a Lithwania ac Algeria oddi ar y rhestr o wledydd sy'n ddarostyngedig i ofynion ynglyn â phridd a chyfrwng tyfu ac ychwanegu Georgia at y rhestr honno (para. (12)(b), (14)(b) a (18)(a)(iii) o'r Atodlen);
- (l) tynnu'r Swistir oddi ar y rhestr o drydydd gwledydd y gwaherddir cyflwyno i Gymru ohonynt blanhigion *Vitis* L. nad ydynt yn ffrwythau (para. (12)(c) o'r Atodlen);
- (ll) diwygio Atodlen 5, Rhan B, adran I, eitem 2 i
- (e) amendment of the definition of "plant passport" to include, in the case of imports from Switzerland, Swiss plant passports and the insertion of a definition of "Swiss plant passport" (para 1(f) and (g) and para (19) of the Schedule);
- (f) amendment of articles 3(1)(e), 9 and 11(2) so as to include recognition of a Swiss plant passport for certain plant products imported from Switzerland and, in relation to article 3(1)(e) to exclude certain plant products imported from Switzerland from the prohibition on importation (para (2), (3), (4) and (19) of the Schedule) ;
- (g) amendment of the Protected Zone for *Globodera pallida* (Stone) Behrens to include Latvia, Slovakia and Slovenia (para (5)(a), (16)(c) and (20) of the Schedule);
- (h) establishment of a new Protected Zone for *Daktulosphaira vitifoliae* (Fitch) in Cyprus and corresponding amendments to the plant passport arrangements in respect of *Vitis* L. (paras (5)(a), (16)(c) and (20)(a) of the Schedule);
- (i) amendment of the Protected Zone for *Leptinotarsa decemlineata* Say to include Cyprus and Malta (para (5)(b) and (20)(d) of the Schedule);
- (j) amendment of the Protected Zone for beet necrotic yellow vein virus to include Lithuania and to exclude Sweden (para (6), (16)(b) and (22)(a) of the Schedule);
- (k) removal of *Eotetranychus orientalis* Klein from the list of plant pests not known to occur in the Community and relevant for the entire Community and placement of this in the list of plant pests known to occur in the Community and relevant for the entire Community (para (7) and (8) of the Schedule);
- (l) amendment of the Protected Zone for Citrus tristeza virus to include Malta (para (11), (16)(d) and (22)(b) of the Schedule);
- (m) removal of Cyprus and Malta from the countries of origin in relation to tubers of species of *Solanum* L. and their hybrids (para (10)(a) of the Schedule);
- (n) removal of Cyprus, Malta, Estonia, Latvia and Lithuania and Algeria and the addition of Georgia to the list of countries that are subject to requirements relating to soil and growing medium (para (12)(b), (14)(b) and (18)(a)(iii) of the Schedule);
- (o) removal of Switzerland from the third countries from which the introduction into Wales of plants of *Vitis* L. other than fruit is prohibited (para (12)(c) of the Schedule);
- (p) amendment of the Schedule 5, Part B, section

gynnwys y darnau perthnasol o blanhigion o'r rhywogaeth y cyfeirir ati yn yr eitem honno (para. (18)(a)(ii) o'r Atodlen);

- (m) cyflwyno gofynion ynglyn â phasbortau planhigion a thystysgrifau ffytoiechydol ar gyfer ffrwythau *Vitis* L. (para. (17)(c) a 18(b)(ii) o'r Atodlen);
- (n) amrywiol ddiwygiadau ynglyn ag *Erwinia amylovora* (Burr.) Winsl. et al., fel a ganlyn:
 - (i) diwygiad i'r rhestr o blanhigion lletyol sy'n gallu lledaenu *Erwinia amylovora* (Burr.) Winsl. et al. i gynnwys *Amelanchier* Med., *Photinia davidiana* (Dcne.) Cardot a phob rhywogaeth o *Sorbus* L. (para. (9), (10), (13), (14)(a), (15), (16)(ch), (17)(a) a (b) a (18)(b)(i) o'r Atodlen);
 - (ii) diwygiadau i'r darpariaethau am "buffer zones" yn Atodlen 4, Rhan B, eitem 21 (para. (16)(ch) o'r Atodlen);
 - (iii) cyflwyno gofyniad am dystiolaeth ddogfennol am ffeithiau penodol ar gyfer symud cychod gwynyn yn Atodlen 4, Rhan B, eitem 21 (para. (16)(ch) o'r Atodlen);
 - (iv) diwygio'r Parth Gwarchod i gynnwys Latfia, Lithwania, Slofenia a Slofacia (para. (10), (13), (16)(ch) a (21) o'r Atodlen);
 - (v) tynnu'r Swistir oddi ar y rhestr o drydydd gwledydd y gwaherddir cyflwyno ohonynt blanhigion a phail byw ar gyfer peillio planhigion sy'n gallu lledaenu *Erwinia amylovora* (Burr.) Winsl. et al., ac eithrio mewn perthynas â *Cotoneaster* Ehrh. a *Photinia davidiana* (Dcne.) Cardot (para. (13) o'r Atodlen);
- (o) ychwanegu Iran at y rhestr o wledydd lle gwyddys bod *Tilletia indica* Mitra yn digwydd a bod rhaid bodloni gofynion arbennig ar ei gyfer er mwyn cyflwyno i Brydain Fawr a symud iddi ac o'i mewn hadau a grawn o'r genera *Triticum*, *Secale* ac *X Triticosecale* (erthygl (14)(c), (18)(a)(i) a (18)(a)(iv) o'r Atodlen);
- (p) mewnosod Atodlen 5A newydd sy'n darparu'r rhestr o blanhigion, cynhyrchion planhigion a phethau eraill y caniateir eu masnachu rhwng y Gymuned a'r Swistir gyda phasbort planhigion a'r planhigion, y cynhyrchion planhigion a'r pethau eraill hynny y caniateir eu masnachu felly heb basbort planhigion (para. (19) o'r Atodlen).

Rhoes Gorchymyn Iechyd Planhigion (Diwygio) (Cymru) 2003 ar waith Gyfarwyddeb y Comisiwn 2003/46/EC (OJ Rhif L 138, 5.6.2003, t. 45) a ddiwygiodd rhai parthau gwarchod sy'n agored i risgiau penodol i iechyd planhigion yn y Gymuned yng

I, item 2 to include the relevant parts of plants of the species referred to in that item (para (18)(a)(ii) of the Schedule);

- (q) introduction of plant passport and phytosanitary certificate requirements in respect of fruits of *Vitis* L. (para (17)(c) and 18(b)(ii) of the Schedule);
- (r) various amendments in respect of *Erwinia amylovora* (Burr.) Winsl. et al., as follows:
 - (i) an amendment to the list of host plants capable of spreading *Erwinia amylovora* (Burr.) Winsl. et al. to include *Amelanchier* Med., *Photinia davidiana* (Dcne.) Cardot and all species of *Sorbus* L. (para (9), (10), (13), (14)(a), (15), (16)(d), (17)(a) and (b) and (18)(b)(i) of the Schedule);
 - (ii) amendments to the provisions on "buffer zones" in Schedule 4, Part B, item 21 (para (16)(d) of the Schedule);
 - (iii) the introduction of a requirement for documentary evidence of certain facts for the movement of beehives in Schedule 4, Part B, item 21 (para (16)(d) of the Schedule);
 - (iv) amendment of the Protected Zone to include Latvia, Lithuania, Slovenia and Slovakia (para (10), (13), (16)(d) and (21) of the Schedule);
 - (v) removal of Switzerland from the list of third countries prohibited from introducing plants and live pollen for pollination of plants capable of spreading *Erwinia amylovora* (Burr.) Winsl. et al., except in relation to *Cotoneaster* Ehrh. and *Photinia davidiana* (Dcne.) Cardot (para (13) of the Schedule);
- (s) addition of Iran to the list of countries where *Tilletia indica* Mitra is known to occur and for which special requirements must be met for the introduction and movement into and within Great Britain of seeds and grain of the genera *Triticum*, *Secale* and *X Triticosecale* (article (14)(c), (18)(a)(i) and (18)(a)(iv) of the Schedule);
- (t) insertion of a new Schedule 5A providing the lists of plants, plant products and other objects which may be traded between the Community and Switzerland with a plant passport and those plants, plant products and other objects which may be so traded without a plant passport (para (19) of the Schedule).

The Plant Health (Amendment) (Wales) Order 2003 implemented Commission Directive 2003/46/EC (OJ No. L 138, 5.6.2003, p. 45) which amended some protected zones exposed to particular plant health risks in the Community in Commission Directive

Nghyfarwyddeb y Comisiwn 2001/32/EC (OJ Rhif L 127, 9.5.01, t. 38); a Chyfarwyddeb y Comisiwn 2003/47/EC (OJ Rhif L 138, 5.6.2003, t. 47) ar fesurau diogelu yn erbyn cyflwyno i'r Gymuned organeddau sy'n niweidiol i blanhigion neu gynhyrchion planhigion ac yn erbyn eu lledaenu o fewn y Gymuned;

Mae arfarniad rheoliadol wedi'i baratoi ac mae ar gael oddi wrth yr Is-adran Iechyd Planhigion, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd CF10 3NQ.

2001/32/EC (OJ No. L 127, 9.5.01, p. 38); and Commission Directive 2003/47/EC (OJ No. L 138, 5.6.2003, p. 47) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;

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

2005 Rhif 70 (Cy.8)**2005 No. 70 (W.8)****IECHYD PLANHIGION,
CYMRU****PLANT HEALTH,
WALES****Gorchymyn Iechyd Planhigion
(Diwygio) (Cymru) 2005****The Plant Health (Amendment)
(Wales) Order 2005***Wedi'i wneud* 18 Ionawr 2005*Made* 18 January 2005*Yn dod i rym* 31 Ionawr 2005*Coming into force* 31 January 2005

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd gan adrannau 2, 3(1) i (4) a 4(1) o Ddeddf Iechyd Planhigion 1967(1) fel y'u darllenir gydag adran 20 o Ddeddf Amaethyddiaeth (Darpriaethau Amrywiol) 1972(2) ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(3) drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales in exercise of the powers conferred on the Minister of Agriculture, Fisheries and Food by sections 2, 3(1) to (4) and 4(1) of the Plant Health Act 1967(1) as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(2) and now vested in the National Assembly for Wales(3) hereby makes the following Order:

Enwi, cymhwyso a chychwyn

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Diwygio) (Cymru) 2005.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru a daw i rym ar 31 Ionawr 2005.

Title, application and commencement

1.-(1) This Order may be cited as the Plant Health (Amendment) (Wales) Order 2005.

(2) This Order applies in relation to Wales and comes into force on 31 January 2005.

(1) 1967 p. 8; diwygiwyd adrannau 2(1) a 3(1) a (2) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), adran 4(1) ac Atodlen 4, paragraff 8; amnewidiwyd adran 3(4) gan adran 42 o Ddeddf Cyfiawnder Troseddol 1982 (p. 48).

(2) 1972 p.62

(3) Mae adran 1(2)(b) o Ddeddf Iechyd Planhigion 1967 yn darparu mai'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd yw'r awdurdod cymwys yng Nghymru a Lloegr at ddibenion y Ddeddf honno. Yn rhinwedd Gorchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Iechyd Planhigion 1967, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i'r Ysgrifennydd Gwladol; ac, o dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2 ac Atodlen 1, trosglwyddwyd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol o dan Orchymyn 1978 i Gynulliad Cenedlaethol Cymru.

(1) 1967 c. 8; sections 2(1) and 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48).

(2) 1972 c.62

(3) Section 1(2)(b) of the Plant Health Act 1967 provides that the competent authority in England and Wales for the purposes of that Act is the Minister of Agriculture, Fisheries and Food. By virtue of the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State; and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, the functions transferred to the Secretary of State by the 1978 Order were transferred to the National Assembly for Wales.

Diwygio Gorchymyn Iechyd Planhigion (Prydain Fawr) 1993

2. Mae Gorchymyn Iechyd Planhigion (Prydain Fawr) 1993(1) wedi'i ddiwygio, lle mae'n gymwys i Gymru, yn unol â'r Atodlen.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2)

18 Ionawr 2005

Llywydd y Cynulliad Cenedlaethol

Amendment of the Plant Health (Great Britain) Order 1993

2. The Plant Health (Great Britain) Order 1993(1) is amended in its application to Wales in accordance with the Schedule .

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

18 January 2005

The Presiding Officer of the National Assembly

D. Elis-Thomas

(1) O.S. 1993/1320; a ddiwygiwyd gan O.S. 1993/3213, 1995/1358 a 2929, 1996/25, 1165 a 3242, 1997/1145 a 2907, 1998/349, 1121 a 2245 a 1999/2126 a 2726, 2001/2343, 2002/1067 a 2726, 2001/2342, 2002/1067 a 2003/1157.

(2) 1998 p.38.

(1) S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245 and 1999/2126 and 2726, 2001/2342, 2002/1067 and 2003/1157.

(2) 1998 c.38.

(1) Yn erthygl 2(1) -

- (a) yn lle'r diffiniad o "Directive 2000/29/EC", rhodder y canlynol:

"Directive 2000/29/EC' means Council Directive 2000/29/EC(1) of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directives 2001/33/EC(2) of 8th May 2001, 2002/28/EC(3) of 19th March 2002, 2002/36/EC(4) of 29th April 2002, 2003/22/EC(5) of 24th March 2003, 2003/47/EC(6) of 4th June 2003, 2003/116/EC(7) of 4th December 2003, 2004/31/EC(8) of 17th March 2004, 2004/70/EC(9) of 28th April 2004 and Article 20 and Annex II of the Act concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(10);";

- (b) yn lle'r difiniad o "the Euro-Mediterranean area", rhodder y canlynol:

"the Euro-Mediterranean area' means the geographical area comprising Europe, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia and Turkey;";

- (c) yn lle'r diffiniad o "Europe", rhodder y canlynol:

"Europe' includes the Canary Islands and Belarus, Moldova, the Ukraine and Russia (excluding the Regions of Buryat, Yakut and Tuva, the Altai, Khabarovsk, Drasnoyarsk and Maritime Krai and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts) but does not include Turkey;";

- (ch) yn lle'r diffiniad o "European Community" rhodder y canlynol:

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- (1) OJ Rhif L 169, 10.7.2000, t. 1.
 (2) OJ Rhif L 127, 9.5.2001, t. 42.
 (3) OJ Rhif L 77, 20.3.2002, t. 23.
 (4) OJ Rhif L 116, 3.5.2002, t. 16.
 (5) OJ Rhif L 78, 25.3.2003, t. 10.
 (6) OJ Rhif L 138, 5.6.2003, t. 47.
 (7) OJ Rhif L 321, 6.12.2003, t. 36.
 (8) OJ Rhif L 85, 23.3.2004, t. 18.
 (9) OJ Rhif L 127, 29.4.2004, t. 97.
 (10) O.J. Rhif L 236, 23.9.2003, t. 33.

(1) In article 2(1) -

- (a) for the definition of "Directive 2000/29/EC", substitute the following:

"Directive 2000/29/EC' means Council Directive 2000/29/EC(1) of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directives 2001/33/EC(2) of 8th May 2001, 2002/28/EC(3) of 19th March 2002, 2002/36/EC(4) of 29th April 2002, 2003/22/EC(5) of 24th March 2003, 2003/47/EC(6) of 4th June 2003, 2003/116/EC(7) of 4th December 2003, 2004/31/EC(8) of 17th March 2004, 2004/70/EC(9) of 28th April 2004 and Article 20 and Annex II of the Act concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(10);";

- (b) for the definition of "the Euro-Mediterranean area", substitute the following:

"the Euro-Mediterranean area' means the geographical area comprising Europe, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia and Turkey;";

- (c) for the definition of "Europe", substitute the following:

"Europe' includes the Canary Islands and Belarus, Moldova, the Ukraine and Russia (excluding the Regions of Buryat, Yakut and Tuva, the Altai, Khabarovsk, Drasnoyarsk and Maritime Krai and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts) but does not include Turkey;";

- (d) for the definition of "European Community", substitute the following:

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- (1) OJ No. L 169, 10.7.2000, p. 1.
 (2) OJ No. L 127, 9.5.2001, p. 42.
 (3) OJ No. L 77, 20.3.2002, p. 23.
 (4) OJ No. L 116, 3.5.2002, p. 16.
 (5) OJ No. L 78, 25.3.2003, p. 10.
 (6) OJ No. L 138, 5.6.2003, p. 47.
 (7) OJ No. L 321, 6.12.2003, p. 36.
 (8) OJ No. L 85, 23.3.2004, p. 18.
 (9) OJ No. L 127, 29.4.2004, p. 97.
 (10) O.J. No. L 236, 23.9.2003, p. 33.

"European Community' means the territories of the member States including the Isle of Man and the Channel Islands but excluding the Canary Islands, Ceuta, Melilla and the French Overseas Departments;"

(d) yn y diffiniad o "official statement", ar ôl y geiriau "phytosanitary certificate", mewnosoder "or, in the case of imports from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, by the issue of a Swiss plant passport";

(dd) yn lle'r diffiniad o "plant passport", rhodder y canlynol:

"plant passport' means either:

(a) a label and, where appropriate, an accompanying document issued in the European Community containing the relevant information in Schedule 9 which gives evidence that the provisions of this Order relating to plant health standards and special requirements for plants and plant products moving within the European Community have been complied with, or

(b) except for the purposes of articles 11(3) and 14, a Swiss plant passport;" ac

(e) mewnosoder y canlynol ar ôl y diffiniad o "South America":

"Swiss plant passport' means a label and, where appropriate, an accompanying document, issued in Switzerland in accordance with Swiss legislation which:

(a) contains information which gives evidence that the legislation in Switzerland relating to plant health standards and special requirements for plants and plant products moving into and within Switzerland have been complied with; a

(b) relates to a plant, plant product or other object listed in Part A of Schedule 5A;"

(2) Yn lle erthygl 3(1), is-baragraff (e), rhodder y canlynol:

"(e) subject to the provisions of paragraph (2) of this article, any plant, plant product or other object which is of a description specified in section I of Part B of the Schedule 5 unless:

(i) it has been the subject of a satisfactory plant health inspection by an authorised officer in the country of origin or the consignor country and is accompanied by a valid phytosanitary certificate or, in the case of imports from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, by a

"European Community' means the territories of the member States including the Isle of Man and the Channel Islands but excluding the Canary Islands, Ceuta, Melilla and the French Overseas Departments;"

(e) in the definition of "official statement" after the words "phytosanitary certificate", insert "or, in the case of imports from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, by the issue of a Swiss plant passport";

(f) for the definition of "plant passport", substitute the following:

"plant passport' means either:

(a) a label and, where appropriate, an accompanying document issued in the European Community containing the relevant information in Schedule 9 which gives evidence that the provisions of this Order relating to plant health standards and special requirements for plants and plant products moving within the European Community have been complied with, or

(b) except for the purposes of articles 11(3) and 14, a Swiss plant passport;" and

(g) insert the following after the definition of "South America":

"Swiss plant passport' means a label and, where appropriate, an accompanying document, issued in Switzerland in accordance with Swiss legislation which:

(a) contains information which gives evidence that the legislation in Switzerland relating to plant health standards and special requirements for plants and plant products moving into and within Switzerland have been complied with; and

(b) relates to a plant, plant product or other object listed in Part A of Schedule 5A;"

(2) For article 3(1), sub-paragraph (e) substitute the following:

"(e) subject to the provisions of paragraph (2) of this article, any plant, plant product or other object which is of a description specified in section I of Part B of the Schedule 5 unless:

(i) it has been the subject of a satisfactory plant health inspection by an authorised officer in the country of origin or the consignor country and is accompanied by a valid phytosanitary certificate or, in the case of imports from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, by a

Swiss plant passport; or

- (ii) in the case of imports from Switzerland, it is a plant, plant product or other object listed in Part B of Schedule 5A."

(3) Yn erthygl 9, ar ôl y geiriau "phytosanitary certificate" fel y maent yn ymddangos ym mharagraffau (1) a (2) ill dau, mewnosoder "or, in the case of imports from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, a Swiss plant passport".

(4) Yn Erthygl 11(2), ar ôl y geiriau "directly consigned to Great Britain", mewnosoder y geiriau "or, in the case of consignments from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, a Swiss plant passport".

(5) Yn Atodlen 1, Rhan B(a) (Pryfed, Gwiddon a Nematodau, ym Mhob Rhan o'u Datblygiad) -

- (a) yn lle eitem 1a, rhodder y canlynol:

"	1a	<i>Daktulosphaira vitifoliae</i> (Fitch)	CY
	1b	<i>Globodera pallida</i> (Stone) Behrens	FI, LV, SI, SK"; and

- (b) yn eitem 2 yn lle'r geiriau yn yr ail golofn, rhodder y canlynol:

"E (Ibiza and Menorca), IRL, P (Azores and Madeira), FI (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), S (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), UK, CY, M".

(6) Yn Atodlen 1, Rhan B(d) (Feirysau ac Organeddu Feirws-debyg) yn eitem 1, yn lle'r geiriau yn yr ail golofn, rhodder y canlynol:

"DK, F (Brittany), FI, IRL, LT, P (Azores), UK (Northern Ireland)".

(7) Yn Atodlen 2, Rhan A, Adran 1(a) (Pryfed, Gwiddon a Nematodau, ym Mhob Rhan o'u Datblygiad) dileer eitem 14.

(8) Yn Atodlen 2, Rhan A, Adran 2(a) (Pryfed, Gwiddon a Nematodau, ym Mhob Rhan o'u Datblygiad), ar ôl eitem 6, mewnosoder y canlynol:

"6a	<i>Eutetranychus orientalis</i> Klein	Plants of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf. and their hybrids, other than fruit and seeds".
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Swiss plant passport; or

- (ii) in the case of imports from Switzerland, it is a plant, plant product or other object listed in Part B of Schedule 5A."

(3) In article 9 after the words "phytosanitary certificate" as they appear in each of paragraphs (1) and (2), insert "or, in the case of imports from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, a Swiss plant passport".

(4) In Article 11(2) after the words "directly consigned to Great Britain", insert the words "or, in the case of consignments from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, a Swiss plant passport".

(5) In Schedule 1, Part B(a) (Insects, Mites and Nematodes, at All Stages of Their Development) -

- (a) for item 1a, substitute the following:

"	1a	<i>Daktulosphaira vitifoliae</i> (Fitch)	CY
	1b	<i>Globodera pallida</i> (Stone) Behrens	FI, LV, SI, SK"; and

- (b) in item 2 for the wording in the second column, substitute the following:

"E (Ibiza and Menorca), IRL, P (Azores and Madeira), FI (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), S (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), UK, CY, M".

(6) In Schedule 1, Part B(d) (Virus and Virus-Like Organisms) in item 1 for the wording in the second column, substitute the following:

"DK, F (Brittany), FI, IRL, LT, P (Azores), UK (Northern Ireland)".

(7) In Schedule 2, Part A, Section 1(a) (Insects, Mites and Nematodes, at All Stages of Their Development) delete item 14 .

(8) In Schedule 2, Part A, Section 2(a) (Insects, Mites and Nematodes, at All Stages of Their Development) after item 6 insert the following:

"6a	<i>Eutetranychus orientalis</i> Klein	Plants of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf. and their hybrids, other than fruit and seeds".
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(9) Yn Atodlen 2, Rhan A, Adran 2(b) (Bacteria) yn eitem 3, yn lle'r geiriau yn yr ail golofn, rhodder y canlynol:

"Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds".

(9) In Schedule 2, Part A, Section 2(b) (Bacteria) in item 3 for the wording in the second column substitute the following:

"Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds".

(10) Yn Atodlen 2, Rhan B(b) (Bacteria), yn lle eitem 2, rhodder y canlynol:

(10) In Schedule 2, Part B(b) (Bacteria) for item 2, substitute the following:

"2. *Erwinia amylovora*
(Burr.) Winsl. et al.

Parts of plants, other than fruit, seeds and plants intended for planting, but including live pollen for pollination of Amelanchier Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.

E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castलगuglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(11) Yn Atodlen 2, Rhan B(d) (Feirysau ac Organeddau Feirws-debyg), yn lle'r geiriau yn y drydedd golofn, rhodder y canlynol:

"EL, F (Corsica), I, M, P".

(12) Yn Atodlen 3, Rhan A (Planhigion, cynhyrchion planhigion a phethau eraill y gwaherddir eu cyflwyno ym Mhrydain Fawr) -

- (a) yn eitem 12 dileer y geiriau "Cyprus," a "Malta," yn y golofn ar y dde;
- (b) yn eitem 14 yn lle'r geiriau yn y golofn ar y dde, rhodder y canlynol:

"Turkey, Belarus, Moldova, Russia, Ukraine, Georgia and third countries not belonging to continental Europe, other than the following: Algeria, Egypt, Israel, Libya, Morocco and Tunisia"; ac

- (c) yn eitem 15 yn lle'r geiriau yn y golofn ar y dde, rhodder y canlynol:

"Third countries other than Switzerland".

(13) Yn Atodlen 3, Rhan B (Planhigion, cynhyrchion planhigion a phethau eraill y gwaherddir eu cyflwyno mewn parthau gwarchod penodol) -

(11) In Schedule 2, Part B(d) (Viruses and Virus-Like Organisms) for the wording in the third column, substitute the following:

"EL, F (Corsica), I, M, P".

(12) In Schedule 3, Part A (Plants, plant products and other objects the introduction of which shall be prohibited in Great Britain) -

- (a) in item 12 delete the words "Cyprus," and "Malta," in the right-hand column ;
- (b) in item 14 for the wording in the right-hand column, substitute the following:

"Turkey, Belarus, Moldova, Russia, Ukraine, Georgia and third countries not belonging to continental Europe, other than the following: Algeria, Egypt, Israel, Libya, Morocco and Tunisia"; and

- (c) in item 15 for the wording in the right-hand column, substitute the following:

"Third countries other than Switzerland".

(13) In Schedule 3, Part B (Plants, plant products and other objects the introduction of which shall be prohibited in certain protected zones) -

(a) yn lle eitem 1, rhodder y canlynol:

(a) for item 1, substitute the following:

"1. Without prejudice to the prohibitions applicable to the plants listed in Schedule 3A(9), (9.1) and (18), where appropriate, plants and live pollen for pollination of: *Amelanchier* Med., *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., other than fruit and seeds, originating in third countries other than Switzerland and other than those recognised as being free from *Erwinia amylovora* (Burr.) Winsl. et al. Or in which pest free areas have been established in relation to *Erwinia amylovora* (Burr.) Winsl. Et al. in accordance with the relevant International Standards for Phytosanitary Measures.

E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertino, Castलगuglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)";

(b) ac ar ôl eitem 1, mewnosoder:

(b) and after item 1, insert:

"2. Without prejudice to the prohibitions applicable to the plants listed in Schedule 3A(9), (9.1) and (18), where appropriate, plants and live pollen for pollination of: *Cotoneaster* Ehrh. and *Photinia davidiana* (Dcne.) Cardot, other than fruit and seeds, originating in third countries other than those recognised as being free from *Erwinia amylovora* (Burr.) Winsl. et al. Or in which pest free areas have been established in relation to *Erwinia amylovora* (Burr.) Winsl. et al. In accordance with the relevant International Standards for Phytosanitary Measures.

E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova

del Ghebbo, Fiesso Umbertino, Castलगuglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(14) Yn Atodlen 4, Rhan A, Adran 1 (Planhigion, cynhyrchion planhigion a phethau eraill sy'n tarddu o'r tu allan i'r Gymuned) -

(a) yn lle eitem 17, rhodder y canlynol:

"17. Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds

(14) In Schedule 4, Part A, Section 1 (Plants, plant products and other objects originating outside the Community) -

(a) for item 17, substitute the following:

Without prejudice to the provisions applicable to the plants listed in Schedule 3(A)(9), (9.1) and (18), Schedule 3(B)(1) or Schedule 4(A)(1)(15), where appropriate, official statement: that the plants originate in countries recognised as being free from *Erwinia amylovora* (Burr.) Winsl. et al., or that the plants originate in pest free areas which have been established in relation to *Erwinia amylovora* (Burr.) Winsl. et al. in accordance with the relevant International Standards for Phytosanitary Measures, or that the plants in the field of production and in its immediate vicinity, which have shown symptoms of *Erwinia amylovora* (Burr.) Winsl. et al., have been removed";

(b) yn eitem 34 yn lle'r geiriau yn y golofn ar y chwith, rhodder y canlynol:

"Soil and growing medium attached to or associated with plants, consisting in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark or any solid inorganic substance intended to sustain the vitality of the plants, originating in:

- Turkey
- Belarus, Georgia, Moldova, Russia, Ukraine
- non-European countries other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia"; ac

(c) yn eitemau 53 a 54 yng ngholofn chwith pob un, yn ei tro, ar ôl y gair "India," mewnosoder y gair "Iran,".

(15) Yn Atodlen 4, Rhan A, Adran 2 (Planhigion, cynhyrchion planhigion, a phethau eraill sy'n tarddu o'r Gymuned) yn eitem 9, yn lle'r geiriau yn y golofn gyntaf, rhodder y canlynol:

"Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds".

(16) Yn Atodlen 4, Rhan B (Gofynion arbennig a osodir ar gyfer cyflwyno a symud planhigion, cynhyrchion planhigion a phethau eraill i mewn i barthau gwarchod penodol ac o'u mewn) -

(a) yn eitemau 20.1, 20.2, 22, 23, 25, 26, 27.1, 27.2 a 30, yn lle'r geiriau fel y maent yn ymddangos yn nhrydedd golofn pob eitem, rhodder y canlynol:

"DK, F (Brittany), FI, IRL, LT, P (Azores), UK (Northern Ireland)";

(b) yn eitem 20.3 yn lle'r geiriau yn y drydedd golofn, rhodder y canlynol:

"FI, LV, SI, SK";

(b) in item 34 for the wording in the left-hand column, substitute the following:

"Soil and growing medium attached to or associated with plants, consisting in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark or any solid inorganic substance intended to sustain the vitality of the plants, originating in:

- Turkey
- Belarus, Georgia, Moldova, Russia, Ukraine
- non-European countries other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia"; and

(c) in items 53 and 54 in the left-hand column of each, respectively, after the word "India," insert the word "Iran,".

(15) In Schedule 4, Part A, Section 2 (Plants, plant products, and other objects originating in the Community) in item 9 for the wording in the first column, substitute the following:

"Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds".

(16) In Schedule 4, Part B (Special requirements which shall be laid down for the introduction and movement of plants, plant products and other objects into and within certain protected zones) -

(a) in items 20.1, 20.2, 22, 23, 25, 26, 27.1, 27.2 and 30 for the words as they appear in the third column of each item, substitute the following:

"DK, F (Brittany), FI, IRL, LT, P (Azores), UK (Northern Ireland)";

(b) in item 20.3, for the words in the third column, substitute the following:

"FI, LV, SI, SK";

(c) yn lle eitem 21, rhodder y canlynol:

(c) for item 21, substitute the following:

"21. Plants and live pollen for pollination of: *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., other than fruit and seeds

Without prejudice to the prohibitions applicable to the plants listed in Schedule 3A(9), (9.1), (18) and 3B(1), where appropriate, official statement that:

- (a) the plants originate in third countries recognised as being free from *Erwinia amylovora* (Burr.) Winsl. et al., or
- (b) the plants originate in pest free areas in third countries which have been established in relation to *Erwinia amylovora* (Burr.) Winsl. et al. in accordance with the relevant International Standards for Phytosanitary Measures, or
- (c) the plants originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Ticino, Vaud, Valais, or
- (d) the plants originate in the protected zones listed in the third column, or
- (e) the plants have been produced, or, if moved into a buffer zone, maintained for a period of at least 7 months including the period from 1st April to 31st October of the last complete cycle of vegetation, on a field:
 - (i) located at least 1 km inside the border of an officially designated buffer zone of at least 50 km² where host plants are subject to an officially approved and supervised control regime established at the latest before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, with the object of minimising the risk of *Erwinia amylovora* (Burr.) Winsl. et al. being spread from the plants grown there,
 - (ii) which has been officially approved, as well as the buffer zone, before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, for the cultivation of plants under the requirements laid down in this item,
 - (iii) which, as well as the surrounding zone of a width of at least 500 m, has been found free from *Erwinia amylovora* (Burr.) Winsl. et al. since the beginning of the last complete cycle of vegetation, at official inspection carried out at least:
 - twice in the field at the most appropriate time, i.e. once during June to August and once during August to November, and

E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertino, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Sienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbana, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)

- once in the said surrounding zone at the most appropriate time, i.e. during August to November, and

- (iv) from which plants were officially tested for latent infections in accordance with an appropriate laboratory method on samples officially drawn at the most appropriate period.

These provisions do not apply to plants moved before 1st April into and within the protected zones listed in the third column which have been produced and maintained on fields located in officially designated buffer zones in accordance with the relevant requirements applicable before 1st April 2004.

21.1 From 15 March to 30 June, beehives

There must be documented evidence that the beehives:

originate in third countries recognised as being free from *Erwinia amylovora* (Burr.) Winsl. et al., or originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Ticino, Vaud, Valais, or originate in the protected zones listed in the third column, or have undergone an appropriate quarantine measure before being moved.

For the purposes of these provisions: "beehive" means a beehive which contains one or more bees of a species known to be susceptible to spreading *Erwinia amylovora* (Burr.) Winsl. et al.; and

an authorised officer must accept as "documented evidence" any written evidence that shows to his reasonable satisfaction that one of the above conditions has been met.

E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertino, Castलगuglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Sienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbana, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), LV, LT, A (Burgenland, Carinthia,

Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)

21.2 Plants of *Vitis* L., other than fruit and seeds

Without prejudice to the prohibition applicable to the plants listed in Schedule 3(A)(15), official statement that the plants:

CY

originate in an area known to be free from *Daktulosphaira vitifoliae* (Fitch), or

have been grown at a place of production which has been found free from *Daktulosphaira vitifoliae* (Fitch) on official inspections carried out during the last two complete cycles of vegetation, or

have been subject to fumigation or other appropriate treatment against *Daktulosphaira vitifoliae* (Fitch).

21.3 Fruits of *Vitis* L.

(1) The fruits must be free from leaves.

CY"; and

(2) Official statement that the fruits:originate in an area known to be free from *Daktulosphaira vitifoliae* (Fitch), or

have been grown at a place of production which has been found free from *Daktulosphaira vitifoliae* (Fitch) on official inspections carried out during the last two complete cycles of vegetation, or

have been subject to fumigation or other appropriate treatment against *Daktulosphaira vitifoliae* (Fitch).

(ch) yn lle eitem 31, rhodder y canlynol:

(d) for item 31, substitute the following:

"31. Fruits of *Citrus* L, *Fortunella* Swingle, *Poncirus* Raf. and their hybrids originating in E, F (except Corsica) and CY

Without prejudice to the requirements applicable to the fruit in Schedule 4A(2) (31.1):

EL, F (Corsica), I, M, P".

(a) the fruits must be free from leaves and peduncles, or

(b) in the case of fruits with leaves or peduncles, official statement that the fruits are packed in closed containers which have been officially sealed and must remain sealed during their transport through a protected zone, recognised for these fruits, and must bear a distinguishing mark to be reported on the passport.

(17) Yn Atodlen 5, Rhan A (Planhigion, Cynhyrchion Planhigion a Phethau Eraill sy'n Tarddu o'r Gymuned) -

- (a) o dan adran I (Planhigion, cynhyrchion planhigion a phethau eraill sy'n gariwyr posibl plâu planhigion sy'n berthnasol i'r Gymuned gyfan, ac y mae rhaid i basbort planhigion fynd gyda hwy), yn lle eitem 1.1 rhodder y canlynol:

"1.1 Plants, intended for planting, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Prunus* L., other than *Prunus laurocerasus* L. and *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.";

- (b) o dan adran II (Planhigion, cynhyrchion planhigion a phethau eraill sy'n gariwyr posibl plâu planhigion sy'n berthnasol i barthau gwarchod penodol, ac y mae rhaid i basbort planhigion sy'n ddilys ar gyfer y parth priodol fynd gyda hwy pan fyddant yn cael eu cyflwyno i'r parth hwnnw neu eu symud o'i fewn), yn lle eitemau 1.3 ac 1.4, rhodder y canlynol:

"1.3 Plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Eucalyptus* L'Herit., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.

1.4 Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L."; ac

- (c) o dan adran II (Planhigion, cynhyrchion planhigion a phethau eraill sy'n gariwyr posibl plâu planhigion sy'n berthnasol i barthau gwarchod penodol, ac y mae rhaid i basbort planhigion sy'n ddilys ar gyfer y parth priodol fynd gyda hwy pan fyddant yn cael eu cyflwyno i'r parth hwnnw neu eu symud o'i fewn), yn lle eitem 1.9, ar ôl y geiriau "unginned cotton", ychwaneger y canlynol:

", fruits of *Vitis* L."

(18) Yn Atodlen 5, Rhan B (Planhigion, Cynhyrchion Planhigion a Phethau Eraill sy'n Tarddu o Dirioagaethau ar wahân i'r Tiriogaethau hynny y Cyfeirir atynt yn Rhan A) -

- (a) o dan adran I (Planhigion, cynhyrchion planhigion a phethau eraill sy'n gariwyr posibl plâu planhigion sy'n berthnasol i'r Gymuned gyfan) -

- (i) yn eitem 1, ar ôl y gair "India," mewnosoder y gair "Iran";

(17) In Schedule 5, Part A (Plants, Plant Products and Other Objects Originating in the Community) -

- (a) under section I (Plants, plant products and other objects which are potential carriers of plant pests of relevance for the entire Community, and which must be accompanied by a plant passport), for item 1.1 substitute the following:

"1.1 Plants, intended for planting, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Prunus* L., other than *Prunus laurocerasus* L. and *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.";

- (b) under section II (Plants, plant products and other objects which are potential carriers of plant pests of relevance for certain protected zones, and which must be accompanied by a plant passport valid for the appropriate zone when introduced into or moved within that zone), for items 1.3 and 1.4, substitute the following:

"1.3 Plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Eucalyptus* L'Herit., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.

1.4 Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L."; and

- (c) under section II (Plants, plant products and other objects which are potential carriers of plant pests of relevance for certain protected zones, and which must be accompanied by a plant passport valid for the appropriate zone when introduced into or moved within that zone), in item 1.9 after the words "unginned cotton", add the following:

", fruits of *Vitis* L."

(18) In Schedule 5, Part B (Plants, Plant Products and Other Objects Originating in Territories, Other Than Those Territories Referred to in Part A) -

- (a) under section I (Plants, plant products and other objects which are potential carriers of plant pests of relevance for the entire Community) -

- (i) in item 1 after the word "India," insert the word "Iran";

(ii) yn lle eitem 2, rhodder y canlynol:

"Parts of plants, other than fruits and seeds of:

- *Castanea* Mill., *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Gypsophila* L., *Pelargonium* l'Herit. ex Ait, *Phoenix* spp., *Populus* L., *Quercus* L., *Solidago* L. and cut flowers of Orchidaceae,

- conifers (*Coniferales*),

- *Acer saccharum* Marsh., originating in North American countries,

- *Prunus* L., originating in non-European countries,

- cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. and *Trachelium* L., originating in non-European countries,

- Leafy vegetables of *Apium graveolens* L. and *Ocimum* L.";

(iii) yn lle eitem 7(b), rhodder y canlynol:

"Soil and growing medium, attached to or associated with plants, consisting in whole or in part of material specified in (a) or consisting in whole or in part of peat or of any solid inorganic substance intended to sustain the vitality of the plants, originating in:

-Turkey

-Belarus, Georgia, Moldova, Russia, Ukraine

-non-European countries other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia"; a

(iv) yn eitem 8, ar ôl y gair "India," mewnosoder y gair "Iran,"; a

(b) o dan adran II (Planhigion, cynhyrchion planhigion a phethau eraill sy'n gariwyr posibl plâu planhigion sy'n berthnasol i barthau gwarchod penodol)-

(i) yn lle eitemau 3 a 4, rhodder y canlynol:

"3. Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.

4. Parts of plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L."; a

(ii) ar ôl eitem 6, mewnosoder y canlynol:

"6a. Fruits of *Vitis* L.".

(19) Ar ôl Atodlen 5, mewnosoder y canlynol:

(ii) for item 2, substitute the following:

"Parts of plants, other than fruits and seeds of:

- *Castanea* Mill., *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Gypsophila* L., *Pelargonium* l'Herit. ex Ait, *Phoenix* spp., *Populus* L., *Quercus* L., *Solidago* L. and cut flowers of Orchidaceae,

- conifers (*Coniferales*),

- *Acer saccharum* Marsh., originating in North American countries,

- *Prunus* L., originating in non-European countries,

- cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. and *Trachelium* L., originating in non-European countries,

- Leafy vegetables of *Apium graveolens* L. and *Ocimum* L.";

(iii) for item 7(b), substitute the following:

"Soil and growing medium, attached to or associated with plants, consisting in whole or in part of material specified in (a) or consisting in whole or in part of peat or of any solid inorganic substance intended to sustain the vitality of the plants, originating in:

-Turkey

-Belarus, Georgia, Moldova, Russia, Ukraine

-non-European countries other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia"; and

(iv) in item 8 after the word "India," insert the word "Iran,"; and

(b) under section II (Plants, plant products and other objects which are potential carriers of plant pests of relevance for certain protected zones)-

(i) for items 3 and 4, substitute the following:

"3. Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.

4. Parts of plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L."; and

(ii) after item 6, insert the following:

"6a. Fruits of *Vitis* L.".

(19) After Schedule 5, insert the following:

"SCHEDULE 5A

Articles 2(1), 3(1), 9 and 11(2)

European Community trade arrangements with
Switzerland

PART A

**PLANTS, PLANT PRODUCTS AND OTHER
OBJECTS FOR WHICH THE COMMUNITY
AND SWITZERLAND HAVE SIMILAR
LEGISLATION LEADING TO EQUIVALENT
RESULTS AND WHICH RECOGNISES THE
PLANT PASSPORT**

**I. Plants, plant products and other objects
originating in either the Community or Switzerland**

1. Plants and plant products

1.1 Plants intended for planting, not including seeds, of *Beta vulgaris* L., *Humulus lupulus* L. and *Prunus* L. other than *Prunus laurocerasus* L. and *Prunus lusitanica* L.

1.2 Plants not including fruit or seeds, but including live pollen for pollination, of *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L. other than *Sorbus intermedia* (Ehrh) Pers.

1.3 Plants of stoloniferous and tuberous species intended for planting of *Solanum* L. and hybrids thereof.

1.4 Plants not including fruit of *Vitis* L.

2. Plants, plant products and other objects produced by producers whose production and sale is authorised to persons professionally engaged in plant production, other than those plants, plant products and other objects which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official bodies of the Member States and Switzerland, that the production thereof is clearly separate from that of other products

2.1 Plants intended for planting, other than seeds, of *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC) Des Moul., *Dianthus* L. and hybrids, *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* l'Herit ex Ait., *Picea* A Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica*

"SCHEDULE 5A

Articles 2(1), 3(1), 9 and 11(2)

European Community trade arrangements with
Switzerland

PART A

**PLANTS, PLANT PRODUCTS AND OTHER
OBJECTS FOR WHICH THE COMMUNITY
AND SWITZERLAND HAVE SIMILAR
LEGISLATION LEADING TO EQUIVALENT
RESULTS AND WHICH RECOGNISES THE
PLANT PASSPORT**

**I. Plants, plant products and other objects
originating in either the Community or Switzerland**

1. Plants and plant products

1.1 Plants intended for planting, not including seeds, of *Beta vulgaris* L., *Humulus lupulus* L. and *Prunus* L. other than *Prunus laurocerasus* L. and *Prunus lusitanica* L.

1.2 Plants not including fruit or seeds, but including live pollen for pollination, of *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L. other than *Sorbus intermedia* (Ehrh) Pers.

1.3 Plants of stoloniferous and tuberous species intended for planting of *Solanum* L. and hybrids thereof.

1.4 Plants not including fruit of *Vitis* L.

2. Plants, plant products and other objects produced by producers whose production and sale is authorised to persons professionally engaged in plant production, other than those plants, plant products and other objects which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official bodies of the Member States and Switzerland, that the production thereof is clearly separate from that of other products

2.1 Plants intended for planting, other than seeds, of *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC) Des Moul., *Dianthus* L. and hybrids, *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* l'Herit ex Ait., *Picea* A Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica*

L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Verbena* L. and other plants of herbaceous species, other than plants of the family Gramineae, intended for planting, and other than bulbs, corms, rhizomes, seeds and tubers.

2.2 Plants of *Solanaceae*, other than those referred to in item 1.3, intended for planting, other than seeds.

2.3 Plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp and *Strelitziaceae*, rooted or with growing medium attached or associated.

2.4 Seeds and bulbs of *Allium ascalonicum* L, *Allium cepa* L and *Allium schoenoprasum* L intended for planting and plants of *Allium porrum* L intended for planting.

2.5 Bulbs and bulbous rhizomes intended for planting of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston "Golden Yellow", *Galanthus* L., *Galtonia candicans* (Baker) Decne, miniature cultivars and their hybrids of the genus *Gladiolus* Tourn ex L., such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* Hort, *Gladiolus ramosus* Hort and *Gladiolus tubergenii* Hort., *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Muscari* Mill., *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. and *Tulipa* L.

II. Plants, plant products and other objects originating territories other than those referred to in Section I

1. All plants intended for planting, other than seeds, listed under Part A(I) of this Schedule.

2. Seeds originating in third countries other than Switzerland of *Allium ascalonicum* L., *Allium cepa* L. and *Allium schoenoprasum* L.

PART B

PLANTS, PLANT PRODUCTS AND OTHER OBJECTS ORIGINATING IN THIRD COUNTRIES OTHER THAN SWITZERLAND FOR WHICH THE COMMUNITY AND SWITZERLAND HAVE SIMILAR LEGISLATION LEADING TO EQUIVALENT RESULTS AND WHICH MAY BE TRADED WITHOUT A PLANT PASSPORT

1. All plants intended for planting, not including seeds, other than:

- (a) plants intended for planting, not including seeds, listed in Part A of this Schedule; or
- (b) *Clausena* Burm. f., *Murraya* Koenig ex L. and *Palmae*, not including *Phoenix* spp. originating

L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Verbena* L. and other plants of herbaceous species, other than plants of the family Gramineae, intended for planting, and other than bulbs, corms, rhizomes, seeds and tubers.

2.2 Plants of *Solanaceae*, other than those referred to in item 1.3, intended for planting, other than seeds.

2.3 Plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp and *Strelitziaceae*, rooted or with growing medium attached or associated.

2.4 Seeds and bulbs of *Allium ascalonicum* L, *Allium cepa* L and *Allium schoenoprasum* L intended for planting and plants of *Allium porrum* L intended for planting.

2.5 Bulbs and bulbous rhizomes intended for planting of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston "Golden Yellow", *Galanthus* L., *Galtonia candicans* (Baker) Decne, miniature cultivars and their hybrids of the genus *Gladiolus* Tourn ex L., such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* Hort, *Gladiolus ramosus* Hort and *Gladiolus tubergenii* Hort., *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Muscari* Mill., *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. and *Tulipa* L.

II. Plants, plant products and other objects originating territories other than those referred to in Section I

1. All plants intended for planting, other than seeds, listed under Part A(I) of this Schedule.

2. Seeds originating in third countries other than Switzerland of *Allium ascalonicum* L., *Allium cepa* L. and *Allium schoenoprasum* L.

PART B

PLANTS, PLANT PRODUCTS AND OTHER OBJECTS ORIGINATING IN THIRD COUNTRIES OTHER THAN SWITZERLAND FOR WHICH THE COMMUNITY AND SWITZERLAND HAVE SIMILAR LEGISLATION LEADING TO EQUIVALENT RESULTS AND WHICH MAY BE TRADED WITHOUT A PLANT PASSPORT

1. All plants intended for planting, not including seeds, other than:

- (a) plants intended for planting, not including seeds, listed in Part A of this Schedule; or
- (b) *Clausena* Burm. f., *Murraya* Koenig ex L. and *Palmae*, not including *Phoenix* spp. originating

in Algeria or Morocco.

2.1 Seeds of *Cruciferae*, *Gramineae*, other than *Oryza* spp., and *Trifolium* spp. originating in Argentina, Australia, Bolivia, Chile, New Zealand and Uruguay.

2.2 Seeds of *Allium porrum* L., *Capsicum* spp., *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw, *Medicago sativa* L., *Phaseolus* L., *Prunus* L., *Rubus* L. and *Zea mays* L.

2.3 Seeds of *Triticum*, *Secale* and *X Triticosecale* originating in Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa and the United States.

3. Parts of plants, not including fruit or seeds, of *Acer saccharum* Marsh originating in North American countries, leafy vegetables of *Apium graveolens* L., cut flowers of *Aster* spp. originating in non-European countries, *Dendranthema* (DC) Des Moul., *Dianthus* L., cut flowers of *Eryngium* L. originating in non-European countries, *Gypsophila* L., cut flowers of *Hypericum* L. originating in non-European countries, cut flowers of *Lisianthus* L. originating in non-European countries, leafy vegetables of *Ocimum* L., cut flowers of Orchidaceae, *Pelargonium* L'Hérit. ex Ait., *Populus* L., *Prunus* L. originating in non-European countries, *Quercus* L., cut flowers of *Rosa* L. originating in non-European countries, *Solidago* L. and cut flowers of *Trachelium* L. originating in non-European countries.

4. Fruit of *Momordica* L. and *Solanum melongena* L. and of the following, originating in non-European countries, *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn. and *Vaccinium* L.

5. Tubers, other than for planting, of *Solanum tuberosum* L.

6. Soil and growing medium

(a) Soil and growing medium as such, which consists in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark, other than that composed entirely of peat.

(b) Soil and growing medium, attached to or associated with plants, consisting in whole or in part of material specified in (a) or consisting in whole or in part of peat or of any solid inorganic substance intended to sustain the vitality of the plants, originating in:

- Turkey,
- Belarus, Moldova, Russia, Ukraine, Georgia,
- non-European countries other than Algeria, Egypt, Israel, Libya, Morocco and Tunisia.

7. Grain of the genera *Triticum*, *Secale* and *X Triticosecale* originating in Afghanistan, India, Iraq,

in Algeria or Morocco.

2.1 Seeds of *Cruciferae*, *Gramineae*, other than *Oryza* spp., and *Trifolium* spp. originating in Argentina, Australia, Bolivia, Chile, New Zealand and Uruguay.

2.2 Seeds of *Allium porrum* L., *Capsicum* spp., *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw, *Medicago sativa* L., *Phaseolus* L., *Prunus* L., *Rubus* L. and *Zea mays* L.

2.3 Seeds of *Triticum*, *Secale* and *X Triticosecale* originating in Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa and the United States.

3. Parts of plants, not including fruit or seeds, of *Acer saccharum* Marsh originating in North American countries, leafy vegetables of *Apium graveolens* L., cut flowers of *Aster* spp. originating in non-European countries, *Dendranthema* (DC) Des Moul., *Dianthus* L., cut flowers of *Eryngium* L. originating in non-European countries, *Gypsophila* L., cut flowers of *Hypericum* L. originating in non-European countries, cut flowers of *Lisianthus* L. originating in non-European countries, leafy vegetables of *Ocimum* L., cut flowers of Orchidaceae, *Pelargonium* L'Hérit. ex Ait., *Populus* L., *Prunus* L. originating in non-European countries, *Quercus* L., cut flowers of *Rosa* L. originating in non-European countries, *Solidago* L. and cut flowers of *Trachelium* L. originating in non-European countries.

4. Fruit of *Momordica* L. and *Solanum melongena* L. and of the following, originating in non-European countries, *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn. and *Vaccinium* L.

5. Tubers, other than for planting, of *Solanum tuberosum* L.

6. Soil and growing medium

(a) Soil and growing medium as such, which consists in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark, other than that composed entirely of peat.

(b) Soil and growing medium, attached to or associated with plants, consisting in whole or in part of material specified in (a) or consisting in whole or in part of peat or of any solid inorganic substance intended to sustain the vitality of the plants, originating in:

- Turkey,
- Belarus, Moldova, Russia, Ukraine, Georgia,
- non-European countries other than Algeria, Egypt, Israel, Libya, Morocco and Tunisia.

7. Grain of the genera *Triticum*, *Secale* and *X Triticosecale* originating in Afghanistan, India, Iraq,

Mexico, Nepal, Pakistan, South Africa and the USA."

(20) In Schedule 8(a) (Insects, Mites and Nematodes, at All Stages of Their Development)-

(a) after item 3, insert the following:

"3a	<i>Daktulosphaira vitifoliae</i> (Fitch).	Cyprus";
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(b) in item 5a, for the wording in the second column substitute the following:

"Finland, Latvia, Slovenia, Slovakia";

(c) in item 6, for the wording in the second column substitute the following:

"Greece, Portugal (Azores)"; and

(d) in item 12, for the wording in the second column substitute the following:

"Spain (Ibiza and Menorca), Ireland, Portugal (Azores and Madeira), Finland (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), Sweden (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), United Kingdom, Cyprus, Malta".

(21) In Schedule 8(b) (Bacteria) in item 2 for the wording in the second column, substitute the following:

"Spain, France (Corsica), Ireland, Italy (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertino, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Sienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbana, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), Latvia, Lithuania, Austria (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), Portugal, Slovenia, Slovakia, Finland, United Kingdom (Northern Ireland, Isle of Man and Channel Islands)".

(22) In Schedule 8(d) (Viruses and Virus-Like Organisms) -

Mexico, Nepal, Pakistan, South Africa and the USA."

(20) In Schedule 8(a) (Insects, Mites and Nematodes, at All Stages of Their Development)-

(a) after item 3, insert the following:

"3a	<i>Daktulosphaira vitifoliae</i> (Fitch).	Cyprus";
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(b) in item 5a, for the wording in the second column substitute the following:

"Finland, Latvia, Slovenia, Slovakia";

(c) in item 6, for the wording in the second column substitute the following:

"Greece, Portugal (Azores)"; and

(d) in item 12, for the wording in the second column substitute the following:

"Spain (Ibiza and Menorca), Ireland, Portugal (Azores and Madeira), Finland (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), Sweden (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), United Kingdom, Cyprus, Malta".

(21) In Schedule 8(b) (Bacteria) in item 2 for the wording in the second column, substitute the following:

"Spain, France (Corsica), Ireland, Italy (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertino, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Sienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbana, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), Latvia, Lithuania, Austria (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), Portugal, Slovenia, Slovakia, Finland, United Kingdom (Northern Ireland, Isle of Man and Channel Islands)".

(22) In Schedule 8(d) (Viruses and Virus-Like Organisms) -

(a) in item 1 for the wording in the second column, substitute the following:

"Denmark, France (Brittany), Ireland, Lithuania, Portugal (Azores), Finland, United Kingdom (Northern Ireland)"; and

(b) in item 4 after the word "Portugal", add ", Malta"

(a) in item 1 for the wording in the second column, substitute the following:

"Denmark, France (Brittany), Ireland, Lithuania, Portugal (Azores), Finland, United Kingdom (Northern Ireland)"; and

(b) in item 4 after the word "Portugal", add ", Malta"

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CYMRU**

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(Diwygio) (Cymru) 2005**

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**The Plant Health (Amendment)
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