



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 521 (Cy. 62)

2014 No. 521 (W. 62)

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) 2014**

**The Plant Health (Wales)
(Amendment) Order 2014**

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Iechyd Planhigion (Cymru) 2006 (O.S. 2006/1643 (Cy. 158)) ("y prif Orchymyn").

Mae erthyglau 5, 8 i 12 a 14 i 17 o'r Gorchymyn hwn yn diwygio'r prif Orchymyn drwy addasu'r mesurau rheoli presennol i rwystro *Ceratocystis fimbriata* f. spp. *platani* Walter (sy'n achosi staen cancr planwydd) a *Cryphonectria parasitica* (Murrill) Barr (sy'n achosi malltod castanwydd melys) rhag dod i mewn a lledaenu. Mae'r diwygiadau hefyd yn gweithredu mesurau rheoli penodol ym Mhenderfyniadau Gweithredu'r Comisiwn y cyfeirir atynt yn erthygl 3(1)(b) a Phenderfyniad Gweithredu'r Comisiwn 2013/67/EU sy'n diwygio Penderfyniad 2004/416/EC ar fesurau brys dros dro ynglŷn â ffrwythau sitrws penodol sy'n tarddu o Frasil (OJ Rhif L 31, 31.1.2013, t. 75).

Mae erthygl 3(1)(a) yn gweithredu Penderfyniad Gweithredu'r Comisiwn 2013/253/EU sy'n diwygio Penderfyniad 2006/473/EC ynglŷn â chydabod trydydd gwledydd penodol ac ardaloedd penodol mewn trydydd gwledydd fel rhai sy'n rhydd o *Xanthomonas campestris* (pob tras pathogenig i *Citrus*), *Cercospora angolensis* Carv. et Mendes a *Guignardia citricarpa* Kiely (pob tras pathogenig i *Citrus*) (OJ Rhif L 145, 31.5.2013, t. 35)

Mae erthyglau 3(1)(e), 4 a 6 o'r Gorchymyn hwn yn diwygio'r diffiniad o "protected zone" yn erthygl 2(1) o'r prif Orchymyn, ac yn gwneud mân ddiwygiadau yn erthyglau 6(2) a 12(2) o'r Prif Orchymyn er mwyn cymryd i ystyriaeth Reoliad y Comisiwn (EC) Rhif 690/2008 sy'n cydnabod parthau gwarchoddedig yn y Gymuned sy'n agored i risgiau penodol o ran iechyd planhigion (OJ Rhif L 193, 22.7.2008, t. 1).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Wales) Order 2006 (S.I. 2006/1643 (W. 158)) ("the principal Order").

Articles 5, 8 to 12, 14 to 17 of this Order amend the principal Order by revising the existing control measures to prevent the introduction and spread of *Ceratocystis fimbriata* f. spp. *platani* Walter (a cause of plane canker stain) and *Cryphonectria parasitica* (Murrill) Barr (a cause of sweet chestnut blight). The amendments also implement the specific control measures in the Commission Implementing Decisions referred to in article 3(1)(b) and Commission Implementing Decision 2013/67/EU amending Decision 2004/416/EC on temporary emergency measures in respect of certain citrus fruits originating in Brazil (OJ No L 31, 31.1.2013, p. 75).

Article 3(1)(a) implements Commission Implementing Decision 2013/253/EU amending Decision 2006/473/EC as regards the recognition of certain third countries and certain areas of third countries as being free from *Xanthomonas campestris* (all strains pathogenic to *Citrus*), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to *Citrus*) (OJ No L 145, 31.5.2013, p. 35)

Articles 3(1)(e), 4 and 6 of this Order amend the definition of "protected zone" in article 2(1) of the principal Order, and make minor amendments to articles 6(2) and 12(2), of the principal Order to take account of Commission Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community (OJ No L 193, 22.7.2008, p. 1).

Mae erthygl 7 yn gwneud darpariaeth i wahardd person rhag glanio planhigion *Pinus L.* yng Nghymru, a fwriedir ar gyfer eu plannu, oni hysbyswyd arolygydd awdurdodedig mewn ysgriflen ymlaen llaw.

Mae erthygl 13 yn diwygio Atodlen 3 i'r Prif Orchymyn er mwyn gweithredu Penderfyniad Gweithredu'r Comisiwn 2012/219/EU sy'n cydnabod bod Serbia'n rhydd o *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman et Kotthof) Davis *et al.* (OJ Rhif L 114, 26.4.2012, t. 28).

Mae erthygl 3(1)(a), (b) ac (f) yn darparu ar gyfer darllen cyfeiriadau yn y prif Orchymyn at Benderfyniad y Comisiwn 2006/473/EC, Penderfyniad Gweithredu'r Comisiwn 2012/756/EU, Penderfyniad Gweithredu'r Comisiwn 2012/697/EU, Penderfyniad Gweithredu'r Comisiwn 2012/270/EU, Penderfyniad Gweithredu'r Comisiwn 2012/138/EU a Rheoliad y Comisiwn (EC) Rhif 690/2008 fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal aseidiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

Article 7 makes provision prohibiting a person from landing in Wales plants of *Pinus L.* intended for planting unless prior written notification has been given to an authorised inspector.

Article 13 amends Schedule 3 to the principal Order to implement Commission Implementing Decision 2012/219/EU recognising Serbia as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman et Kotthof) Davis *et al.* (OJ No L 114, 26.4.2012, p. 28).

Article 3(1)(a), (b) and (f) provides for the references to Commission Decision 2006/473/EC, Commission Implementing Decision 2012/756/EU, Commission Implementing Decision 2012/697/EU, Commission Implementing Decision 2012/270/EU, Commission Implementing Decision 2012/138/EU and Commission Regulation (EC) No 690/2008 in the principal Order to be read as references to those instruments as amended from time to time.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

2014 Rhif 521 (Cy. 62)

2014 No. 521 (W. 62)

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) 2014**

**The Plant Health (Wales)
(Amendment) Order 2014**

Gwnaed 5 Mawrth 2014

Made 5 March 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 7 Mawrth 2014

Laid before the National Assembly for Wales
7 March 2014

Yn dod i rym 28 Mawrth 2014

Coming into force 28 March 2014

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer—

The Welsh Ministers, make the following Order in exercise of—

- (a) y pwerau a roddwyd gan adrannau 2 a 3(1) o Ddeddf Iechyd Planhigion 1967(1); a
- (b) y pwerau a roddwyd gan baragraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(2).

- (a) the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967(1); and
- (b) the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972(2).

Mae'r Gorchymyn hwn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972. Mae'n ymddangos i Weinidogion Cymru yn hwylus bod cyfeiriadau at offerynnau'r Undeb Ewropeaidd a grybwyllir yn erthygl 3(1)(a), (b) ac (f) i'w dehongli fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972. It appears to the Welsh Ministers that it is expedient for the references to the European Union instruments mentioned in article 3(1)(a), (b) and (f) to be construed as references to those instruments as amended from time to time.

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2014.

1.—(1) The title of this Order is the Plant Health (Wales) (Amendment) Order 2014.

(2) Daw'r Gorchymyn hwn i rym ar 28 Mawrth 2014 ac y mae'n gymwys o ran Cymru.

(2) This Order comes into force on 28 March 2014 and applies in relation to Wales.

(1) 1967 p. 8. Diwygiwyd adran 1(2) gan Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013/755 (Cy. 90), Atodlen 2, paragraff 43. Diwygiwyd adrannau 2(1) a 3(1) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), Atodlen 4, paragraff 8. Rhoddir y pwerau yn adrannau 2 a 3 i "competent authority", a ddiffinnir yn adran 1(2), o ran Cymru, fel Gweinidogion Cymru.

(2) 1972 p. 68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51).

(1) 1967 c. 8. Section 1(2) was amended by the Natural Resources Body for Wales (Functions) Order 2013/755 (W. 90), Schedule 2, paragraph 43. Sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 8. The powers conferred by sections 2 and 3 are conferred on a "competent authority", which is defined in section 1(2), for Wales, as the Welsh Ministers.

(2) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

Diwygio Gorchymyn Iechyd Planhigion (Cymru) 2006

2. Mae Gorchymyn Iechyd Planhigion (Cymru) 2006(1) wedi ei ddiwygio fel a ganlyn.

Diwygio erthygl 2 (dehongli cyffredinol)

3.—(1) Yn erthygl 2(1)(2)—

(a) yn lle'r diffiniad o “Decision 2006/473/EC”, rhodder—

““Decision 2006/473/EC” means Commission Decision 2006/473/EC recognising certain third countries and certain areas of third countries as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus)(3), as amended from time to time;”;

(b) ar ôl y diffiniad o “Decision 2007/433/EC”, mewnosoder—

““Decision 2012/138/EU” means Commission Implementing Decision 2012/138/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis* (Forster)(4), as amended from time to time;

“Decision 2012/270/EU” means Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)(5), as amended from time to time;

“Decision 2012/697/EU” means Commission Implementing Decision 2012/697/EU as regards measures to prevent the introduction into and the spread

Amendment of the Plant Health (Wales) Order 2006

2. The Plant Health (Wales) Order 2006(1) is amended as follows.

Amendment of article 2 (general interpretation)

3.—(1) In article 2(1)(2)—

(a) for the definition of “Decision 2006/473/EC”, substitute—

““Decision 2006/473/EC” means Commission Decision 2006/473/EC recognising certain third countries and certain areas of third countries as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus)(3), as amended from time to time;”;

(b) after the definition of “Decision 2007/433/EC”, insert—

““Decision 2012/138/EU” means Commission Implementing Decision 2012/138/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis* (Forster)(4), as amended from time to time;

“Decision 2012/270/EU” means Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)(5), as amended from time to time;

“Decision 2012/697/EU” means Commission Implementing Decision 2012/697/EU as regards measures to prevent the introduction into and the spread

(1) O.S. 2006/1643 (Cy. 158); yr offerynnau perthnasol sy'n ei ddiwygio yw O.S. 2007/2716 (Cy. 229), O.S. 2007/3305 (Cy. 292), O.S. 2008/2781 (Cy. 248), O.S. 2008/2913 (Cy. 257), O.S. 2009/1376 (Cy. 137), O.S. 2010/2976 (Cy. 247), O.S. 2012/3143 (Cy. 315), O.S. 2013/888 (Cy. 100) ac O.S. 2013/2939 (Cy. 287).

(2) Mewnosodwyd y diffiniad o “Decision 2006/473/EC” gan O.S. 2007/2716 (Cy. 229), erthygl 3(2). Mewnosodwyd y diffiniad o “Decision 2008/840/EC” gan O.S. 2010/2976 (Cy. 247), erthygl 2(2). Diwygiwyd y diffiniad o “protected zone” gan O.S. 2007/2716 (Cy. 229), erthygl 3(4). Gwnaed diwygiadau eraill i erthygl 2(1), ond nid ydynt yn berthnasol.

(3) OJ Rhif L 187, 8.7.2006, t. 35.

(4) OJ Rhif L 64, 3.3.2012, t. 38.

(5) OJ Rhif L 132, 23.5.2012, t. 18.

(1) S.I. 2006/1643 (W. 158); relevant amending instruments are S.I. 2007/2716 (W. 229), S.I. 2007/3305 (W. 292), S.I. 2008/2781 (W. 248), S.I. 2008/2913 (W. 257), S.I. 2009/1376 (W. 137), S.I. 2010/2976 (W. 247), S.I. 2012/3143 (W. 315), S.I. 2013/888 (W. 100) and S.I. 2013/2939 (W. 287).

(2) The definition of “Decision 2006/473/EC” was inserted by S.I. 2007/2716 (W. 229), article 3(2). The definition of “Decision 2008/840/EC” was inserted by S.I. 2010/2976 (W. 247), article 2(2). The definition of “protected zone” was amended by S.I. 2007/2716 (W. 229), article 3(4). There are other amendments to article 2(1), but none is relevant.

(3) OJ No L 187, 8.7.2006, p. 35.

(4) OJ No L 64, 3.3.2012, p. 38.

(5) OJ No L 132, 23.5.2012, p. 18.

within the Union of the genus *Pomacea* (Perry)(1), as amended from time to time;

“Decision 2012/756/EU” means Commission Implementing Decision 2012/756/EU as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto(2), as amended from time to time;”;

- (c) hepgorer y diffiniad o “Decision 2008/840/EC”;
- (d) ar ôl y diffiniad o “official body of point of entry”, mewnosoder—

““official documentation” means documentation issued by or with the authority of the responsible official body of the member State in which the documentation is issued;”;

- (e) yn lle’r diffiniad o “protected zone”, rhodder—

““protected zone” means a member State or an area in a member State which is recognised as a protected zone exposed to particular plant health risks for the purposes of Directive 2000/29/EC, as listed in Annex I to Regulation (EC) No 690/2008(3);”;

- (f) ar ôl y diffiniad o “registered”, mewnosoder—

““Regulation (EC) No 690/2008” means Commission Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community, as amended from time to time;”.

(2) Ym mharagraff (3) o erthygl 2, yn lle “species”, yn y ddau fan lle mae’n digwydd, rhodder “genus or species”.

Diwygio erthygl 6 (hysbysu ymlaen llaw ynghylch glanio)

4. Yn erthygl 6(2)(b)(4), yn lle paragraffau (ii) a (iii) rhodder—

“(ii) listed in the second column of Annex II Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest

within the Union of the genus *Pomacea* (Perry)(1), as amended from time to time;

“Decision 2012/756/EU” means Commission Implementing Decision 2012/756/EU as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto(2), as amended from time to time;”;

- (c) omit the definition of “Decision 2008/840/EC”;

- (d) after the definition of “official body of point of entry”, insert—

““official documentation” means documentation issued by or with the authority of the responsible official body of the member State in which the documentation is issued;”;

- (e) for the definition of “protected zone”, substitute—

““protected zone” means a member State or an area in a member State which is recognised as a protected zone exposed to particular plant health risks for the purposes of Directive 2000/29/EC, as listed in Annex I to Regulation (EC) No 690/2008(3);”;

- (f) after the definition of “registered”, insert—

““Regulation (EC) No 690/2008” means Commission Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community, as amended from time to time;”.

(2) In paragraph (3) of article 2, for “species”, in both places where it occurs, substitute “genus or species”.

Amendment of article 6 (advance notification of landing)

4. In article 6(2)(b)(4), for paragraphs (ii) and (iii) substitute—

“(ii) listed in the second column of Annex II Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest

(1) OJ Rhif L 311, 10.11.2012, t. 14.

(2) OJ Rhif L 335, 7.12.2012, t. 49.

(3) OJ Rhif L 193, 22.7.2008, t. 1.

(4) Diwygiwyd erthygl 6(2) gan O.S. 2011/1043, erthygl 9(1).

(1) OJ No L 311, 10.11.2012, p. 14.

(2) OJ No L 335, 7.12.2012, p. 49.

(3) OJ No L 193, 22.7.2008, p. 1.

(4) Article 6(2) was amended by S.I. 2011/1043, article 9(1).

listed in the first column of that Annex opposite the reference to the relevant material; or

- (iii) listed in the first column of Annex IV Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest specified in the second column of that Annex opposite the reference to the relevant material”.

Diwygio erthygl 8 (eithriadau rhag gwaharddiadau a gofynion penodol)

5. Yn erthygl 8(2)(1)—

- (a) yn is-baragraff (a)(iii), yn lle “or seeds of *Fraxinus* L.”, rhodder “, *Castanea* Mill. or *Fraxinus* L.”;
- (b) yn is-baragraff (b)(ii), yn lle “plants of *Fraxinus* L. intended for planting”, rhodder “plants of *Castanea* Mill., *Fraxinus* L. or *Platanus* L. intended for planting”.

Diwygio erthygl 12 (iechyd planhigion: rhyddhau deunyddiau)

6. Yn erthygl 12(2)—

- (a) yn lle is-baragraff (b), rhodder—
- “(b) in the case of relevant material in the course of its consignment to a protected zone, that the relevant material is free from any plant pest listed in the first column of Annex I to Regulation (EC) No 690/2008 opposite the reference to the protected zone;”;
- (b) yn lle is-baragraff (d), rhodder—
- “(d) in the case of relevant material which is listed in the second column of Annex II Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest listed in the first column of that Annex opposite the reference to the relevant material, that the relevant material is not carrying or infected with the plant pest;”;
- (c) yn lle is-baragraff (e), rhodder—
- “(e) in the case of relevant material listed in Annex III Part B of Directive

listed in the first column of that Annex opposite the reference to the relevant material; or

- (iii) listed in the first column of Annex IV Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest specified in the second column of that Annex opposite the reference to the relevant material”.

Amendment of article 8 (exceptions from certain prohibitions and requirements)

5. In article 8(2)(1)—

- (a) in sub-paragraph (a)(iii), for “or seeds of *Fraxinus* L.”, substitute “, *Castanea* Mill. or *Fraxinus* L.”;
- (b) in sub-paragraph (b)(ii), for “plants of *Fraxinus* L. intended for planting”, substitute “plants of *Castanea* Mill., *Fraxinus* L. or *Platanus* L. intended for planting”.

Amendment of article 12 (plant health discharge)

6. In article 12(2)—

- (a) for sub-paragraph (b), substitute—
- “(b) in the case of relevant material in the course of its consignment to a protected zone, that the relevant material is free from any plant pest listed in the first column of Annex I to Regulation (EC) No 690/2008 opposite the reference to the protected zone;”;
- (b) for sub-paragraph (d), substitute—
- “(d) in the case of relevant material which is listed in the second column of Annex II Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest listed in the first column of that Annex opposite the reference to the relevant material, that the relevant material is not carrying or infected with the plant pest;”;
- (c) for sub-paragraph (e), substitute—
- “(e) in the case of relevant material listed in Annex III Part B of Directive

(1) Diwygiwyd erthygl 8(2) gan O.S. 2013/888 (Cy. 100), erthygl 2(3).

(1) Article 8(2) was amended by S.I. 2013/888 (W. 100), article 2(3).

2000/29/EC, that the relevant material is not in the course of being consigned to a protected zone for *Erwinia amylovora* (Burr.) Winsl. et. al¹;

(d) yn lle is-baragraff (g), rhodder—

“(g) in the case of relevant material which is listed in the first column of Annex IV Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest specified in the second column of that Annex opposite the reference to the relevant material, that the relevant material complies with the requirements specified in the second column of that Annex opposite the reference to the relevant material and where there is one or more alternative requirement, the requirement declared in the phytosanitary certificate or phytosanitary certificate for re-export;”

Diwygio erthygl 19 (gwahardd glanio plâu planhigion a deunydd perthnasol)

7. Yn erthygl 19(6)(1)—

- (a) yn is-baragraff (a), ar ôl “*Fraxinus* L.,” mewnoder “*Pinus* L.”;
- (b) yn is-baragraff (b), ar ôl “*Castanea* Mill.,” mewnoder “*Pinus* L.”.

Diwygio erthygl 21 (gofynion ar gyfer pasbortau planhigion)

8. Ar ôl erthygl 21(7), mewnoder—

“(8) Subject to article 22(1), a person must not move within Wales or consign from Wales to another part of the European Union any relevant material of the following description unless it is accompanied by the appropriate documentation—

- (a) plants of *Castanea* Mill. intended for planting; or
- (b) plants, other than seeds, of *Platanus* L. intended for planting.

(9) In paragraph (8), “appropriate documentation” means—

- (a) in the case of plants of *Castanea* Mill. intended for planting, official documentation confirming that they

2000/29/EC, that the relevant material is not in the course of being consigned to a protected zone for *Erwinia amylovora* (Burr.) Winsl. et. al.¹;

(d) for sub-paragraph (g), substitute—

“(g) in the case of relevant material which is listed in the first column of Annex IV Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest specified in the second column of that Annex opposite the reference to the relevant material, that the relevant material complies with the requirements specified in the second column of that Annex opposite the reference to the relevant material and where there is one or more alternative requirement, the requirement declared in the phytosanitary certificate or phytosanitary certificate for re-export;”

Amendment of article 19 (prohibitions on landing plant pests and relevant material)

7. In article 19(6)(1)—

- (a) in sub-paragraph (a), after “*Fraxinus* L.,” insert “*Pinus* L.”;
- (b) in sub-paragraph (b), after “*Castanea* Mill.,” insert “*Pinus* L.”.

Amendment of article 21 (requirements for plant passports)

8. After article 21(7), insert—

“(8) Subject to article 22(1), a person must not move within Wales or consign from Wales to another part of the European Union any relevant material of the following description unless it is accompanied by the appropriate documentation—

- (a) plants of *Castanea* Mill. intended for planting; or
- (b) plants, other than seeds, of *Platanus* L. intended for planting.

(9) In paragraph (8), “appropriate documentation” means—

- (a) in the case of plants of *Castanea* Mill. intended for planting, official documentation confirming that they

(1) Mewnodwyd erthygl 19(6) gan O.S. 2013/2939 (Cy. 287), erthygl 2(3).

(1) Article 19(6) was inserted by S.I. 2013/2939 (W. 287), article 2(3).

have been grown throughout their life in a place of production in a country in which *Cryphonectria parasitica* (Murrill) Barr is known not to occur or an area established and maintained as an area free from *Cryphonectria parasitica* (Murrill) Barr in accordance with ISPM No. 4;

- (b) in the case of plants, other than seeds, of *Platanus* L. intended for planting, official documentation confirming that they have been grown throughout their life in a place of production in a country in which *Ceratocystis fimbriata* f. spp. *platani* Walter is known not to occur or an area established and maintained as an area free from *Ceratocystis fimbriata* f. spp. *platani* Walter in accordance with ISPM No. 4.”

have been grown throughout their life in a place of production in a country in which *Cryphonectria parasitica* (Murrill) Barr is known not to occur or an area established and maintained as an area free from *Cryphonectria parasitica* (Murrill) Barr in accordance with ISPM No. 4;

- (b) in the case of plants, other than seeds, of *Platanus* L. intended for planting, official documentation confirming that they have been grown throughout their life in a place of production in a country in which *Ceratocystis fimbriata* f. spp. *platani* Walter is known not to occur or an area established and maintained as an area free from *Ceratocystis fimbriata* f. spp. *platani* Walter in accordance with ISPM No. 4.”

Diwygio erthygl 22 (eithriadau rhag gwaharddiadau a gofynion penodol)

9.—(1) Yn lle erthygl 22(1)(1), rhodder—

“(1) The following prohibitions and requirements do not apply to small quantities of the following relevant material where it meets the conditions in paragraph (1A)—

- (a) in the case of relevant material, other than plants of *Castanea* Mill., *Fraxinus* L. or *Platanus* L. intended for planting—
- (i) the prohibitions on landing in article 19(1)(e), (f) and (g), (4) and (7);
- (ii) the prohibitions on movement in article 20(1)(e) and (f); and
- (iii) the requirements in article 21(1), (2), (5) and (6);
- (b) in the case of plants of *Castanea* Mill. intended for planting—
- (i) the prohibitions on landing in article 19(1)(e), other than the prohibition on the landing of plants of *Castanea* Mill. intended for planting unless the requirements in column 3 of item 6 of Part A of Schedule 4 have been complied with;

Amendment of article 22 (exceptions from certain prohibitions and requirements)

9.—(1) For article 22(1)(1), substitute—

“(1) The following prohibitions and requirements do not apply to small quantities of the following relevant material where it meets the conditions in paragraph (1A)—

- (a) in the case of relevant material, other than plants of *Castanea* Mill., *Fraxinus* L. or *Platanus* L. intended for planting—
- (i) the prohibitions on landing in article 19(1)(e), (f) and (g), (4) and (7);
- (ii) the prohibitions on movement in article 20(1)(e) and (f); and
- (iii) the requirements in article 21(1), (2), (5) and (6);
- (b) in the case of plants of *Castanea* Mill. intended for planting—
- (i) the prohibitions on landing in article 19(1)(e), other than the prohibition on the landing of plants of *Castanea* Mill. intended for planting unless the requirements in column 3 of item 6 of Part A of Schedule 4 have been complied with;

(1) Diwygiwyd erthygl 22(1) gan O.S. 2013/888 (Cy. 100), erthygl 2(4) ac O.S. 2013/2939 (Cy. 287), erthygl 2(4).

(1) Article 22(1) was amended by S.I. 2013/888 (W. 100), article 2(4) and S.I. 2013/2939 (W. 287), article 2(4).

- (ii) the prohibitions on landing in article 19(1)(f), other than the prohibition on the landing of plants of *Castanea* Mill. intended for planting unless the requirements in column 3 of item 4 of Part B of Schedule 4 have been complied with; and
- (iii) the requirements in article 21(1) and (5);
- (c) in the case of plants of *Castanea* Mill. intended for planting which originate in Great Britain and have remained in Great Britain throughout their life—
 - (i) the prohibitions on movement under article 20(1)(e); and
 - (ii) the requirement in article 21(8)(a);
- (d) in the case of plants of *Castanea* Mill. intended for planting which originate in Great Britain, but have not remained in Great Britain throughout their life, the prohibitions on movement under article 20(1)(e), other than the prohibition on the movement of plants of *Castanea* Mill. intended for planting unless the requirements in column 3 of item 4 of Part B of Schedule 4 have been complied with;
- (e) in the case of plants of *Platanus* L. intended for planting—
 - (i) the prohibitions on landing in article 19(1)(e), other than the prohibition on the landing of plants, other than seeds, of *Platanus* L. intended for planting unless the requirements in column 3 of item 8 of Part A of Schedule 4 have been complied with;
 - (ii) the prohibitions on landing in article 19(1)(f), other than the prohibition on the landing of plants, other than seeds, of *Platanus* L. intended for planting unless the requirements in column 3 of item 5 of Part B of Schedule 4 have been complied with; and
 - (iii) the requirements in article 21(1) and (5);
- (f) in the case of plants of *Platanus* L. intended for planting which originate in Great Britain and have remained in Great Britain throughout their life—
 - (ii) the prohibitions on landing in article 19(1)(f), other than the prohibition on the landing of plants of *Castanea* Mill. intended for planting unless the requirements in column 3 of item 4 of Part B of Schedule 4 have been complied with; and
 - (iii) the requirements in article 21(1) and (5);
- (c) in the case of plants of *Castanea* Mill. intended for planting which originate in Great Britain and have remained in Great Britain throughout their life—
 - (i) the prohibitions on movement under article 20(1)(e); and
 - (ii) the requirement in article 21(8)(a);
- (d) in the case of plants of *Castanea* Mill. intended for planting which originate in Great Britain, but have not remained in Great Britain throughout their life, the prohibitions on movement under article 20(1)(e), other than the prohibition on the movement of plants of *Castanea* Mill. intended for planting unless the requirements in column 3 of item 4 of Part B of Schedule 4 have been complied with;
- (e) in the case of plants of *Platanus* L. intended for planting—
 - (i) the prohibitions on landing in article 19(1)(e), other than the prohibition on the landing of plants, other than seeds, of *Platanus* L. intended for planting unless the requirements in column 3 of item 8 of Part A of Schedule 4 have been complied with;
 - (ii) the prohibitions on landing in article 19(1)(f), other than the prohibition on the landing of plants, other than seeds, of *Platanus* L. intended for planting unless the requirements in column 3 of item 5 of Part B of Schedule 4 have been complied with; and
 - (iii) the requirements in article 21(1) and (5);
- (f) in the case of plants of *Platanus* L. intended for planting which originate in Great Britain and have remained in Great Britain throughout their life—
 - (ii) the prohibitions on landing in article 19(1)(f), other than the prohibition on the landing of plants of *Castanea* Mill. intended for planting unless the requirements in column 3 of item 4 of Part B of Schedule 4 have been complied with; and
 - (iii) the requirements in article 21(1) and (5);

- (i) the prohibitions on movement under article 20(1)(e); and
- (ii) the requirement in article 21(8)(b); or
- (g) in the case of plants of *Platanus* L. intended for planting which originate in Great Britain but have not remained in Great Britain throughout their life, the prohibitions on movement under article 20(1)(e), other than the prohibition on the movement of plants, other than seeds, of *Platanus* L. intended for planting unless the requirements in column 3 of item 5 of Part B of Schedule 4 have been complied with.

(1A) The conditions are that the relevant material—

- (a) does not show any signs of the presence of a plant pest;
- (b) is not intended for use in the course of a trade or business; and
- (c) is intended for household use.”

(2) Ar ôl erthygl 22(2), mewnosoder—

“(3) The requirement in article 21(1) for certain relevant material to be accompanied by a plant passport does not apply to the movement of the following relevant material if the material originates in a demarcated area and is not moved from the demarcated area—

- (a) tubers of *Solanum tuberosum* L., including those intended for planting; or
- (b) plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water.

(4) In paragraph (3), “demarcated area” means—

- (a) in relation to tubers of *Solanum tuberosum* L., an area which has been established in accordance with Article 5 of Decision 2012/270/EU; and
- (b) in relation to plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water, an area established in accordance with Article 5 of Decision 2012/697/EU.”

Diwygio erthygl 24 (darpariaethau cyffredinol mewn perthynas â phasbortau planhigion)

10. Yn lle erthygl 24(5), rhodder—

- (i) the prohibitions on movement under article 20(1)(e); and
- (ii) the requirement in article 21(8)(b); or

- (g) in the case of plants of *Platanus* L. intended for planting which originate in Great Britain but have not remained in Great Britain throughout their life, the prohibitions on movement under article 20(1)(e), other than the prohibition on the movement of plants, other than seeds, of *Platanus* L. intended for planting unless the requirements in column 3 of item 5 of Part B of Schedule 4 have been complied with.

(1A) The conditions are that the relevant material—

- (a) does not show any signs of the presence of a plant pest;
- (b) is not intended for use in the course of a trade or business; and
- (c) is intended for household use.”

(2) After article 22(2), insert—

“(3) The requirement in article 21(1) for certain relevant material to be accompanied by a plant passport does not apply to the movement of the following relevant material if the material originates in a demarcated area and is not moved from the demarcated area—

- (a) tubers of *Solanum tuberosum* L., including those intended for planting; or
- (b) plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water.

(4) In paragraph (3), “demarcated area” means—

- (a) in relation to tubers of *Solanum tuberosum* L., an area which has been established in accordance with Article 5 of Decision 2012/270/EU; and
- (b) in relation to plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water, an area established in accordance with Article 5 of Decision 2012/697/EU.”

Amendment of article 24 (general provisions relating to plant passports)

10. For article 24(5), substitute—

- “(5) Any person who—
- (a) is the final user of relevant material; and
 - (b) uses the relevant material in the course of a trade or business,

shall retain the plant passport or the official documentation which accompanies the relevant material in accordance with article 21 for one year.”

Diwygio Atodlen 1 (plâu planhigion na chaniateir eu glanio yng Nghymru na’u lledaenu oddi mewn i Gymru)

11. Yn Rhan A (plâu planhigion na wyddys eu bod yn bresennol mewn unrhyw ran o’r Undeb Ewropeaidd) o Atodlen 1(1)—

- (a) ar ôl eitem 15a, o dan y pennawd “Insects, mites and nematodes”, mewnosoder—

“15b. *Epitrix cucumeris* (Harris), *Epitrix similis* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberosa* (Gentner)”;

- (b) yn lle eitem 1, o dan y pennawd “Bacteria”, rhodder—

“1. *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto

2. *Xylella fastidiosa* (Wells and Raju)”;

- (c) ar y diwedd, mewnosoder—

“Molluscs

1. *Pomacea* (Perry)”.

Diwygio Atodlen 2 (deunydd perthnasol na chaniateir ei lanio yng Nghymru na’i symud o fewn Cymru os yw’n cludo plâu planhigion neu wedi ei heintio â phlâu o’r fath)

12. Yn Rhan B (plâu planhigion y gwyddys eu bod yn bresennol yn yr Undeb Ewropeaidd) o Atodlen 2(2), yn lle eitem 3, o dan y pennawd “Fungi”, rhodder—

- “(5) Any person who—
- (a) is the final user of relevant material; and
 - (b) uses the relevant material in the course of a trade or business,

shall retain the plant passport or the official documentation which accompanies the relevant material in accordance with article 21 for one year.”

Amendment of Schedule 1 (plant pests which shall not be landed in or spread within Wales)

11. In Part A (plant pests not known to occur in any part of the European Union) of Schedule 1(1)—

- (a) after item 15a under the heading “Insects, mites and nematodes”, insert—

“15b. *Epitrix cucumeris* (Harris), *Epitrix similis* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberosa* (Gentner)”;

- (b) for item 1 under the heading “Bacteria”, substitute—

“1. *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto

2. *Xylella fastidiosa* (Wells and Raju)”;

- (c) at the end, insert—

“Molluscs

1. *Pomacea* (Perry)”.

Amendment of Schedule 2 (relevant material which may not be landed or moved within Wales if that material is carrying or infected with plant pests)

12. In Part B (plant pests known to occur in the European Union) of Schedule 2(2), for item 3 under the heading “Fungi”, substitute—

(1) Diwygiwyd Rhan A o Atodlen 1 gan O.S. 2011/1043, erthygl 9(1). Mewnosodwyd eitem 15a o dan y pennawd “Insects, mites and nematodes” gan O.S. 2007/2716 (Cy. 229), erthygl 3(9). Gwnaed diwygiadau eraill i Ran A o Atodlen 1, ond nid ydynt yn berthnasol.

(2) Diwygiwyd Rhan B o Atodlen 2 gan O.S. 2011/1043, erthygl 9(1). Gwnaed diwygiadau eraill i Ran B o Atodlen 2, ond nid ydynt yn berthnasol.

(1) Part A of Schedule 1 was amended by S.I. 2011/1043, article 9(1). Item 15a under the heading “Insects, mites and nematodes” was inserted by S.I. 2007/2716 (W. 229), article 3(9). There are other amendments to Part A of Schedule 1, but none is relevant.

(2) Part B of Schedule 2 was amended by S.I. 2011/1043, article 9(1). There are other amendments to Part B of Schedule 2, but none is relevant.

“3. Plants of *Castanea* Mill. intended for planting or plants, other than seeds, of *Quercus* L. intended for planting

Cryphonectria parasitica (Murrill) Barr”.

“3. Plants of *Castanea* Mill. intended for planting or plants, other than seeds, of *Quercus* L. intended for planting

Cryphonectria parasitica (Murrill) Barr”.

Diwygio Atodlen 3 (deunydd perthnasol na chaniateir ei lanio yng Nghymru os yw'r deunydd hwnnw'n tarddu o drydydd gwledydd penodol)

13. Yn Atodlen 3(1)—

- (a) yn y drydedd golofn o eitem 8, ar ôl “Morocco,” mewnosoder “Serbia,”;
- (b) hepgorer eitem 16.

Diwygio Atodlen 4 (cyfyngiadau ar lanio deunydd perthnasol yng Nghymru a'i symud o fewn Cymru)

14.—(1) Yn Rhan A (deunydd perthnasol, o drydydd gwledydd, na chaniateir ei lanio yng Nghymru oni fodlonir gofynion arbennig) o Atodlen 4(2)—

- (a) yn lle eitem 6, rhodder—

“6. Plants of *Castanea* Mill. intended for planting, which originate in any third country

Without prejudice to the requirements in items 5, 6B, 60, 61 and 64, the plants shall be accompanied by a phytosanitary certificate or a phytosanitary certificate for

Amendment of Schedule 3 (relevant material which may not be landed in Wales if that material originates in certain third countries)

13. In Schedule 3(1)—

- (a) in the third column of item 8, after “Morocco,” insert “Serbia,”;
- (b) omit item 16.

Amendment of Schedule 4 (restrictions on the landing in and movement within Wales of relevant material)

14.—(1) In Part A (relevant material, from third countries, which may only be landed in Wales if special requirements are satisfied) of Schedule 4(2)—

- (a) for item 6, substitute—

“6. Plants of *Castanea* Mill. intended for planting, which originate in any third country

Without prejudice to the requirements in items 5, 6B, 60, 61 and 64, the plants shall be accompanied by a phytosanitary certificate or a phytosanitary certificate for

(1) Diwygiwyd eitem 8 gan O.S. 2008/2781 (Cy. 248), erthygl 2(11). Mewnosodwyd eitem 16 gan O.S. 2010/2976 (Cy. 247), erthygl 2(4). Gwnaed diwygiadau eraill i Atodlen 3, ond nid ydynt yn berthnasol.

(2) Diwygiwyd eitem 6 gan O.S. 2007/2716 (Cy. 229), erthygl 3(11)(a). Mewnosodwyd eitem 6a gan O.S. 2007/2716 (Cy. 229), erthygl 3(11)(b). Diwygiwyd eitem 15 gan O.S. 2007/3305 (Cy. 292), erthygl 6(2)(a) ac O.S. 2007/2716 (Cy. 229), erthygl 3(11)(d) ac (e). Mewnosodwyd eitem 15a gan O.S. 2007/3305 (Cy. 292), erthygl 6(2)(b). Diwygiwyd eitem 16 gan O.S. 2007/3305 (Cy. 292), erthygl 6(2)(c) a chan O.S. 2007/2716 (Cy. 229), erthygl 3(11)(f). Diwygiwyd eitem 17 gan O.S. 2007/3305 (Cy. 292), erthygl 6(2)(a) ac O.S. 2007/2716 (Cy. 229), erthygl 3(11)(g) ac (h). Mewnosodwyd eitem 17a gan O.S. 2007/3305 (Cy. 292), erthygl 6(2)(d). Mewnosodwyd eitemau 35a a 35b gan O.S. 2009/1376 (Cy. 137), erthygl 2(8)(c). Amnewidiwyd eitemau 81 ac 82 gan O.S. 2010/2976 (Cy. 247), erthygl 2(5)(b). Gwnaed diwygiadau eraill i Ran A o Atodlen 4, ond nid ydynt yn berthnasol.

(1) Item 8 was amended by S.I. 2008/2781 (W. 248), article 2(11). Item 16 was inserted by S.I. 2010/2976 (W. 247), article 2(4). There are other amendments to Schedule 3, but none is relevant.

(2) Item 6 was amended by S.I. 2007/2716 (W. 229), article 3(11)(a). Item 6a was inserted by S.I. 2007/2716 (W. 229), article 3(11)(b). Item 15 was amended by S.I. 2007/3305 (W. 292), article 6(2)(a) and S.I. 2007/2716 (W. 229), article 3(11)(d) and (e). Item 15a was inserted by S.I. 2007/3305 (W. 292), article 6(2)(b). Item 16 was amended by S.I. 2007/3305 (W. 292), article 6(2)(c) and by S.I. 2007/2716 (W. 229), article 3(11)(f). Item 17 was amended by S.I. 2007/3305 (W. 292), article 6(2)(a) and S.I. 2007/2716 (W. 229), article 3(11)(g) and (h). Item 17a was inserted by S.I. 2007/3305 (W. 292), article 6(2)(d). Items 35a and 35b were inserted by S.I. 2009/1376 (W. 137), article 2(8)(c). Items 81 and 82 were substituted by S.I. 2010/2976 (W. 247), article 2(5)(b). There are other amendments to Part A of Schedule 4, but none is relevant.

		re-export which includes under the heading “Additional declaration” an official statement that they have been grown throughout their life in:			re-export which includes under the heading “Additional declaration” an official statement that they have been grown throughout their life in:
		(a) a place of production in a country in which <i>Cryphonectria parasitica</i> (Murrill) Barr is known not to occur; or			(a) a place of production in a country in which <i>Cryphonectria parasitica</i> (Murrill) Barr is known not to occur; or
		(b) an area established and maintained as an area free from <i>Cryphonectria parasitica</i> (Murrill) Barr in accordance with ISPM No. 4			(b) an area established and maintained as an area free from <i>Cryphonectria parasitica</i> (Murrill) Barr in accordance with ISPM No. 4
6A.	Plants, other than seeds, of <i>Quercus</i> L. intended for planting, which originate in any third country	Without prejudice to the requirements in items 4, 5, 60, 61 and 64, the plants shall be accompanied by an official statement that:	6A.	Plants, other than seeds, of <i>Quercus</i> L. intended for planting, which originate in any third country	Without prejudice to the requirements in items 4, 5, 60, 61 and 64, the plants shall be accompanied by an official statement that:
		(a) they originate in an area known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr;			(a) they originate in an area known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr;
		or			or
		(b) no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been observed at the place of production or in its immediate			(b) no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been observed at the place of production or in its immediate

vicinity since the beginning of the last complete cycle of vegetation”;

vicinity since the beginning of the last complete cycle of vegetation”;

- (b) ail-rifer eitem 6a fel eitem 6B;
- (c) yn lle eitem 8, rhodder—

- (b) item 6a is renumbered as item 6B;
- (c) for item 8, substitute—

“8. Plants, other than seeds, of *Platanus* L. intended for planting, which originate in any third country Without prejudice to the requirements in items 60, 61, 64, 81 and 82, the plants shall be accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export which includes under the heading “Additional declaration” an official statement that they have been grown throughout their life in:
(a) a place of production in a country in which *Ceratocystis fimbriata* f. spp. *platani* Walter is known not to occur; or
(b) an area established and maintained as an area free from *Ceratocystis fimbriata* f. spp. *platani* Walter in accordance with ISPM No. 4”;

“8. Plants, other than seeds, of *Platanus* L. intended for planting, which originate in any third country Without prejudice to the requirements in items 60, 61, 64, 81 and 82, the plants shall be accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export which includes under the heading “Additional declaration” an official statement that they have been grown throughout their life in:
(a) a place of production in a country in which *Ceratocystis fimbriata* f. spp. *platani* Walter is known not to occur; or
(b) an area established and maintained as an area free from *Ceratocystis fimbriata* f. spp. *platani* Walter in accordance with ISPM No. 4”;

- (d) yn eitem 15, hepgorer “, other than Brazil”;
- (e) hepgorer eitem 15a;
- (f) yn nhrydedd golofn eitem 16, yn lle “, 15a, 17, 17a and 18” rhodder “and 17 to 18”;

- (d) in item 15, omit “, other than Brazil”;
- (e) omit item 15a;
- (f) in the third column of item 16, for “, 15a, 17, 17a and 18”, substitute “and 17 to 18”;

(g) yn lle'r cofnod yn ail golofn eitem 17, rhodder "Fruits of *Citrus* L., other than fruits of *Citrus aurantium* L., and fruits of *Fortunella* Swingle or *Poncirus* Raf. which originate in any third country other than Brazil";

(h) yn lle eitem 17a, rhodder—

"17a Fruits of *Citrus* L., other than fruits of *Citrus aurantium* L., and fruits of *Fortunella* Swingle or *Poncirus* Raf. which originate in Brazil Without prejudice to the requirements in items 14, 16, and 18, the fruits shall be accompanied by a phytosanitary certificate which includes an official statement in accordance with point 2 of the Annex to Decision 2004/416/EC";

(i) yn nhrydedd golofn eitem 34 o'r tabl, yn lle "35, 36 and 39" rhodder "35 to 36";

(j) yn nhrydedd golofn eitem 35 o'r tabl, yn lle "36" rhodder "35b to 36";

(k) yn nhrydedd golofn eitem 35a o'r tabl, ar ôl "34" mewnosoder "and 35b";

(l) yn nhrydedd golofn eitem 35b o'r tabl, ar ôl "35a" mewnosoder "and 35c";

(m) ar ôl eitem 35b, mewnosoder—

"35c Tubers of *Solanum tuberosum* L., including those intended for planting, which originate in any third country in which *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present Without prejudice to the requirements in items 32 to 35b and 36, the tubers shall be accompanied by a phytosanitary certificate which includes an official statement under the heading "Additional declaration" in accordance with Section 1 of Annex I to Decision 2012/270/EU";

(g) for the entry in the second column of item 17, substitute "Fruits of *Citrus* L., other than fruits of *Citrus aurantium* L., and fruits of *Fortunella* Swingle or *Poncirus* Raf. which originate in any third country other than Brazil";

(h) for item 17a, substitute—

"17a. Fruits of *Citrus* L., other than fruits of *Citrus aurantium* L., and fruits of *Fortunella* Swingle or *Poncirus* Raf. which originate in Brazil Without prejudice to the requirements in items 14, 16, and 18, the fruits shall be accompanied by a phytosanitary certificate which includes an official statement in accordance with point 2 of the Annex to Decision 2004/416/EC";

(i) in the third column of item 34 of the table, for "35, 36 and 39" substitute "35 to 36";

(j) in the third column of item 35 of the table, for "36" insert "35b to 36";

(k) in the third column of item 35a of the table, after "34" insert "and 35b";

(l) in the third column of item 35b of the table, after "35a" insert "and 35c";

(m) after item 35b, insert—

"35c. Tubers of *Solanum tuberosum* L., including those intended for planting, which originate in any third country in which *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present Without prejudice to the requirements in items 32 to 35b and 36, the tubers shall be accompanied by a phytosanitary certificate which includes an official statement under the heading "Additional declaration" in accordance with Section 1 of Annex I to Decision 2012/270/EU";

- (n) yn nhrydedd golofn eitem 36 o'r tabl, ar ôl "35," mewnosoder "35b, 35c,";
- (o) yn lle eitemau 81 ac 82, rhodder —

- (n) in the third column of item 36 of the table, after "35," insert "35b, 35c,";
- (o) for items 81 and 82, substitute—

"81. Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in China

Without prejudice to the requirements in items 4, 12 and 14 of Schedule 3 and items 7, 8 to 12, 19, 21 to 23, 27, 28, 30, 48, 50, 51, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule:

(a) the plants shall be accompanied by a phytosanitary certificate which includes an official statement under the heading "Additional declaration" in accordance with point 1 of Section 1(B) of Annex I to Decision 2012/138/EU; and

(b) the place of production of the plants shall meet the requirements specified in Article 3(1)(c) of Decision 2012/138/EU

"81. Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in China

Without prejudice to the requirements in items 4, 12 and 14 of Schedule 3 and items 7, 8 to 12, 19, 21 to 23, 27, 28, 30, 48, 50, 51, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule:

(a) the plants shall be accompanied by a phytosanitary certificate which includes an official statement under the heading "Additional declaration" in accordance with point 1 of Section 1(B) of Annex I to Decision 2012/138/EU; and

(b) the place of production of the plants shall meet the requirements specified in Article 3(1)(c) of Decision 2012/138/EU

82. Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in any third country where *Anoplophora chinensis* (Forster) is known to be

Without prejudice to the requirements in items 4, 12 and 14 of Schedule 3 and items 7, 8 to 12, 19, 21 to 23, 27, 28, 30, 48, 50, 51, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule, the plants shall

82. Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in any third country where *Anoplophora chinensis* (Forster) is known to be

Without prejudice to the requirements in items 4, 12 and 14 of Schedule 3 and items 7, 8 to 12, 19, 21 to 23, 27, 28, 30, 48, 50, 51, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule, the plants shall

present, other than China be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration” in accordance with point 1 of Section 1(A) of Annex I to Decision 2012/138/EU”;

present, other than China be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration” in accordance with point 1 of Section 1(A) of Annex I to Decision 2012/138/EU”;

(p) ar ôl eitem 82, mewnosoder—

(p) after item 82, insert—

“83. Plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water and which originate in any third country The plants shall be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration” in accordance with point (1) of Section 1 of Annex I to Decision 2012/697/EU

“83. Plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water and which originate in any third country The plants shall be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration” in accordance with point (1) of Section 1 of Annex I to Decision 2012/697/EU

84. Live pollen and plants intended for planting, other than seeds, of *Actinidia* Lindl. which originate in any third country The live pollen and plants shall be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional Declaration” in accordance with Section I of Annex I to Decision 2012/756/EU”.

84. Live pollen and plants intended for planting, other than seeds, of *Actinidia* Lindl. which originate in any third country The live pollen and plants shall be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional Declaration” in accordance with Section I of Annex I to Decision 2012/756/EU”.

(2) Yn Rhan B (deunydd perthnasol, o ran arall o'r Undeb Ewropeaidd, na chaniateir ei lanio yng Nghymru na'i symud oddi mewn i Gymru oni fodlonir gofynion arbennig) o Atodlen 4(1)—

(a) yn lle eitem 4, rhodder—

“4.	Plants of <i>Castanea</i> Mill. intended for planting	Without prejudice to the requirements in item 4B, the plants shall be accompanied by official documentation confirming that they have been grown throughout their life in: (a) a place of production in a country in which <i>Cryphonectria parasitica</i> (Murrill) Barr is known not to occur; or (b) an area established and maintained as an area free from <i>Cryphonectria parasitica</i> (Murrill) Barr in accordance with ISPM No. 4
4A.	Plants, other than seeds, of <i>Quercus</i> L. intended for planting	The plants shall be accompanied by an official statement that: (a) they originate in an area known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr; or

(2) In Part B (relevant material, from another part of the European Union, which may only be landed in or moved within Wales if special requirements are satisfied) of Schedule 4(1)—

(a) for item 4, substitute—

“4.	Plants of <i>Castanea</i> Mill. intended for planting	Without prejudice to the requirements in item 4B, the plants shall be accompanied by official documentation confirming that they have been grown throughout their life in: (a) a place of production in a country in which <i>Cryphonectria parasitica</i> (Murrill) Barr is known not to occur; or (b) an area established and maintained as an area free from <i>Cryphonectria parasitica</i> (Murrill) Barr in accordance with ISPM No. 4
4A.	Plants, other than seeds, of <i>Quercus</i> L. intended for planting	The plants shall be accompanied by an official statement that: (a) they originate in an area known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr; or

(1) Diwygiwyd Rhan B o Atodlen 4 gan O.S. 2011/1043, erthygl 9(1). Diwygiwyd eitem 4 gan O.S. 2007/2716 (Cy. 229), erthygl 3(13)(a). Mewnosodwyd eitem 4a gan O.S. 2007/2716 (Cy. 229), erthygl 3(13)(b). Diwygiwyd eitem 19 gan O.S. 2012/3143 (Cy. 315), erthygl 2(3)(b). Mewnosodwyd eitem 19a gan O.S. 2012/3143 (Cy. 315), erthygl 2(3)(c). Mewnosodwyd eitem 37 gan O.S. 2008/2913 (Cy. 257), erthygl 2(4). Mewnosodwyd eitem 38 gan O.S. 2013/888 (Cy. 100), erthygl 2(10). Gwnaed diwygiadau eraill i Ran B o Atodlen 4, ond nid ydynt yn berthnasol.

(1) Part B of Schedule 4 was amended by S.I. 2011/1043, article 9(1). Item 4 was amended by S.I. 2007/2716 (W. 229), article 3(13)(a). Item 4a was inserted by S.I. 2007/2716 (W. 229), article 3(13)(b). Item 19 was amended by S.I. 2012/3143 (W. 315), article 2(3)(b). Item 19a was inserted by S.I. 2012/3143 (W. 315), article 2(3)(c). Item 37 was inserted by S.I. 2008/2913 (W. 257), article 2(4). Item 38 was inserted by S.I. 2013/888 (W. 100), article 2(10). There are other amendments to Part B of Schedule 4, but none is relevant.

(b) no symptoms of *Cryphonectria parasitica* (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation”;

(b) no symptoms of *Cryphonectria parasitica* (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation”;

(b) ail-rifer eitem 4a fel eitem 4B;

(b) item 4a is renumbered as item 4B;

(c) yn lle eitem 5, rhodder—

(c) for item 5, substitute—

“5. Plants, other than seeds, of *Platanus* L. intended for planting

Without prejudice to the requirements in items 37 and 39, the plants shall be accompanied by official documentation confirming that they have been grown throughout their life in:
(a) a place of production in a country in which *Ceratocystis fimbriata* f. spp. *platani* Walter is known not to occur; or
(b) an area established and maintained as an area free from *Ceratocystis fimbriata* f. spp. *platani* Walter in accordance with ISPM No. 4”.

“5. Plants, other than seeds, of *Platanus* L. intended for planting

Without prejudice to the requirements in items 37 and 39, the plants shall be accompanied by official documentation confirming that they have been grown throughout their life in:
(a) a place of production in a country in which *Ceratocystis fimbriata* f. spp. *platani* Walter is known not to occur; or
(b) an area established and maintained as an area free from *Ceratocystis fimbriata* f. spp. *platani* Walter in accordance with ISPM No. 4”.

(d) yn nhydedd golofn eitem 16, yn lle “item 15” rhodder “items 15 and 19b”;

(d) in the third column of item 16, for “item 15” substitute “items 15 and 19b”;

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| <p>(e) yn nhrydedd golofn eitem 17, yn lle “item 20” rhodder “items 19b and 20”;</p> <p>(f) yn nhrydedd golofn eitem 19, yn lle “item 19a”, rhodder “items 19a and 19b”;</p> <p>(g) ar ôl eitem 19a, mewnosoder—</p> | <p>(e) in the third column of item 17, for “item 20” substitute “items 19b and 20”;</p> <p>(f) in the third column of item 19, for “item 19a”, substitute “items 19a and 19b”;</p> <p>(g) after item 19a, insert—</p> |
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<p>“19b. Tubers of <i>Solanum tuberosum</i> L., including those intended for planting, which originate in an area established in accordance with Article 5 of Decision 2012/270/EU</p>	<p>Without prejudice to the requirements in items 15, 16, 18, 19 and 20, the tubers shall be accompanied by an official statement that the tubers meet the requirements specified in point (2) of Section 2 of Annex I to Decision 2012/270/EU”;</p>	<p>“19b. Tubers of <i>Solanum tuberosum</i> L., including those intended for planting, which originate in an area established in accordance with Article 5 of Decision 2012/270/EU</p>	<p>Without prejudice to the requirements in items 15, 16, 18, 19 and 20, the tubers shall be accompanied by an official statement that the tubers meet the requirements specified in point (2) of Section 2 of Annex I to Decision 2012/270/EU”;</p>
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| <p>(h) yn nhrydedd golofn eitem 20, ar ôl “17,” mewnosoder “19a, 19b,”;</p> <p>(i) yn lle eitem 37, rhodder—</p> | <p>(h) in the third column of item 20, after “17,” insert “19a, 19b,”;</p> <p>(i) for item 37, substitute—</p> |
|--|--|

<p>“37. Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in an area established in accordance with Article 6 of that Decision</p>	<p>Without prejudice to the requirements in items 3 to 6, 9, 10, 12, 13, 27 and 28, the plants shall be accompanied by an official statement that the plants meet the requirements specified in point 1 of Section 2 of Annex I to Decision 2012/138/EU”;</p>	<p>“37. Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in an area established in accordance with Article 6 of that Decision</p>	<p>Without prejudice to the requirements in items 3 to 6, 9, 10, 12, 13, 27 and 28, the plants shall be accompanied by an official statement that the plants meet the requirements specified in point 1 of Section 2 of Annex I to Decision 2012/138/EU”;</p>
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| <p>(j) ar ôl eitem 38, mewnosoder—</p> | <p>(j) after item 38, insert—</p> |
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<p>“39. Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU</p>	<p>Without prejudice to the requirements in items 3 to 6, 9, 10, 12, 13, 27 and 28, the</p>	<p>“39. Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU</p>	<p>Without prejudice to the requirements in items 3 to 6, 9, 10, 12, 13, 27 and 28, the</p>
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	which do not originate in, but have been introduced into, a place of production that is in an area established in accordance with Article 6 of that Decision	plants shall be accompanied by an official statement that the place of production into which the plants have been introduced meets the requirements specified in point 1(iii) of Section 2 of Annex I to Decision 2012/138/EU		which do not originate in, but have been introduced into, a place of production that is in an area established in accordance with Article 6 of that Decision	plants shall be accompanied by an official statement that the place of production into which the plants have been introduced meets the requirements specified in point 1(iii) of Section 2 of Annex I to Decision 2012/138/EU
40.	Live pollen and plants intended for planting, other than seeds, of <i>Actinidia</i> Lindl.	The live pollen and plants shall be accompanied by an official statement that they meet one of the requirements specified in point (2) and, where appropriate, one of the requirements in point (3) of Annex II to Decision 2012/756/EU”.	40.	Live pollen and plants intended for planting, other than seeds, of <i>Actinidia</i> Lindl.	The live pollen and plants shall be accompanied by an official statement that they meet one of the requirements specified in point (2) and, where appropriate, one of the requirements in point (3) of Annex II to Decision 2012/756/EU”.

Diwygio Atodlen 5 (deunydd perthnasol, o drydedd gwlad, y gallai tystysgrif ffytoiechydol fod yn ofynnol ar ei gyfer)

15. Yn Rhan A (deunydd perthnasol na chaniateir ei lanio yng Nghymru onid yw’n dod ynghyd â thystysgrif ffytoiechydol) o Atodlen 5(1)—

- (a) ar ôl paragraff 2, mewnosoder—

“**2A.** Seeds of *Castanea* Mill. intended for planting.”
- (b) ar ôl paragraff 7, mewnosoder—

“**8.** Live pollen of *Actinidia* Lindl.”

Amendment of Schedule 5 (relevant material from a third country for which a phytosanitary certificate may be required)

15. In Part A (relevant material which may only be landed in Wales if accompanied by a phytosanitary certificate) of Schedule 5(1)—

- (a) after paragraph 2, insert—

“**2A.** Seeds of *Castanea* Mill. intended for planting.”
- (b) after paragraph 7, insert—

“**8.** Live pollen of *Actinidia* Lindl.”

(1) Gwnaed diwygiadau i Atodlen 5, ond nid ydynt yn berthnasol.

(1) There are amendments to Schedule 5, but none is relevant.

Diwygio Atodlen 6 (gwaharddiadau ar lanio yng Nghymru ddeunydd perthnasol sydd heb basport planhigion ac ar symud deunydd o'r fath o fewn Cymru)

16. Yn Rhan A (deunydd perthnasol, o Gymru neu o fan arall yn yr Undeb Ewropeaidd, na chaniateir ei lanio yng Nghymru na'i symud o fewn Cymru onid yw'n dod ynghyd â phasbort planhigion) o Atodlen 6(1)—

(a) ar ôl paragraff 3a, mewnosoder—

“**3B.** Without prejudice to paragraph 3, tubers of *Solanum tuberosum* L., including those intended for planting, which originate in a third country in which *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present or which originate in an area which has been established in accordance with Article 5 of Decision 2012/270/EU.”;

(b) yn lle paragraff 8, rhodder—

“**8.** Without prejudice to paragraphs 1 and 7, specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in a third country in which *Anoplophora chinensis* (Forster) is known to be present or which originate in or have been introduced into an area established in accordance with Article 6 of that Decision.”;

(c) ar ôl paragraff 9, mewnosoder—

“**10.** Plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water and which originate in an area established in accordance with Article 5 of Decision 2012/697/EU.

11. Live pollen and plants intended for planting, other than seeds, of *Actinidia* Lindl.”.

Amendment of Schedule 6 (prohibitions on the landing in and movement within Wales of relevant material without a plant passport)

16. In Part A (relevant material, from Wales or elsewhere in the European Union, which may only be landed in or moved within Wales if accompanied by a plant passport) of Schedule 6(1)—

(a) after paragraph 3a, insert—

“**3B.** Without prejudice to paragraph 3, tubers of *Solanum tuberosum* L., including those intended for planting, which originate in a third country in which *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present or which originate in an area which has been established in accordance with Article 5 of Decision 2012/270/EU.”;

(b) for paragraph 8, substitute—

“**8.** Without prejudice to paragraphs 1 and 7, specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in a third country in which *Anoplophora chinensis* (Forster) is known to be present or which originate in or have been introduced into an area established in accordance with Article 6 of that Decision.”;

(c) after paragraph 9, insert—

“**10.** Plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water and which originate in an area established in accordance with Article 5 of Decision 2012/697/EU.

11. Live pollen and plants intended for planting, other than seeds, of *Actinidia* Lindl.”.

(1) Diwygiwyd Rhan A o Atodlen 6 gan O.S. 2011/1043, erthygl 9(1). Mewnosodwyd paragraff 3a gan O.S.2007/3305 (Cy. 292), erthygl 5(4)(a). Mewnosodwyd paragraff 8 gan O.S. 2008/2913 (Cy. 257), erthygl 2(5). Mewnosodwyd paragraff 9 gan O.S.2013/888 (Cy. 100), erthygl 2(12). Gwnaed diwygiadau eraill i Ran A o Atodlen 6, ond nid ydynt yn berthnasol.

(1) Part A of Schedule 6 was amended by S.I. 2011/1043, article 9(1). Paragraph 3a was inserted by S.I. 2007/3305 (W. 292), article 5(4)(a). Paragraph 8 was inserted by S.I. 2008/2913 (W. 257), article 2(5). Paragraph 9 was inserted by S.I. 2013/888 (W. 100), article 2(12). There are other amendments to Part A of Schedule 6, but none is relevant.

Diwygio Atodlen 7 (gwaharddiadau ar draddodi deunydd perthnasol i ran arall o'r Undeb Ewropeaidd heb basbort planhigion)

17. Yn Rhan A (deunydd perthnasol na chaniateir ei draddodi i ran arall o'r Undeb Ewropeaidd oni thraddodir ynghyd â phasbort planhigion) o Atodlen 7(1)—

(a) ar ôl paragraff 3a, mewnosoder—

“**3B.** Without prejudice to paragraph 3, tubers of *Solanum tuberosum* L., including those intended for planting, which originate in a third country in which *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present or which originate in an area which has been established in accordance with Article 5 of Decision 2012/270/EU.”;

(b) yn lle paragraff 8, rhodder—

“**8.** Without prejudice to paragraphs 1 and 7, specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in a third country in which *Anoplophora chinensis* (Forster) is known to be present or which originate in or have been introduced into an area established in accordance with Article 6 of that Decision.”;

(c) ar ôl paragraff 9, mewnosoder—

“**10.** Plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water and which originate in a demarcated area established in accordance with Article 5 of Decision 2012/697/EU.

11. Live pollen and plants intended for planting, other than seeds, of *Actinidia* Lindl.”.

Amendment of Schedule 7 (prohibitions on the consignment of relevant material to another part of the European Union without a plant passport)

17. In Part A (relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport) of Schedule 7(1)—

(a) after paragraph 3a, insert—

“**3B.** Without prejudice to paragraph 3, tubers of *Solanum tuberosum* L., including those intended for planting, which originate in a third country in which *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present or which originate in an area which has been established in accordance with Article 5 of Decision 2012/270/EU.”;

(b) for paragraph 8, substitute—

“**8.** Without prejudice to paragraphs 1 and 7, specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in a third country in which *Anoplophora chinensis* (Forster) is known to be present or which originate in or have been introduced into an area established in accordance with Article 6 of that Decision.”;

(c) after paragraph 9, insert—

“**10.** Plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water and which originate in a demarcated area established in accordance with Article 5 of Decision 2012/697/EU.

11. Live pollen and plants intended for planting, other than seeds, of *Actinidia* Lindl.”.

Alun Davies

Y Gweinidog Cyfoeth Naturiol a Bwyd, un o Weinidgion Cymru

5 Mawrth 2014

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Minister for Natural Resources and Food, one of the Welsh Ministers

5 March 2014

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(1) Diwygiwyd Rhan A o Atodlen 7 gan O.S. 2011/1043, erthygl 9(1). Mewnosodwyd paragraff 3a gan O.S. 2007/3305 (Cy. 292), erthygl 5(4)(a). Mewnosodwyd paragraff 8 gan O.S. 2008/2913 (Cy. 257), erthygl 2(5). Mewnosodwyd paragraff 9 gan O.S. 2013/888 (Cy. 100), erthygl 2(13). Gwnaed diwygiadau eraill i Ran A o Atodlen 7, ond nid ydynt yn berthnasol.

(1) Part A of Schedule 7 was amended by S.I. 2011/1043, article 9(1). Paragraph 3a was inserted by S.I. 2007/3305 (W. 292), article 5(4)(a). Paragraph 8 was inserted by S.I. 2008/2913 (W. 257), article 2(5). Paragraph 9 was inserted by S.I. 2013/888 (W. 100), article 2(13). There are other amendments to Part A of Schedule 7, but none is relevant.

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