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WELSH STATUTORY INSTRUMENTS

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**2018 No. 1064 (W. 223)**

**PLANT HEALTH, WALES**

**The Plant Health (Wales) Order 2018**

<i>Made</i>	- - - -	<i>9 October 2018</i>
<i>Laid before the National</i>		
<i>Assembly for Wales</i>	- -	<i>11 October 2018</i>
<i>Coming into force</i>	- -	<i>2 November 2018</i>

The Welsh Ministers make this Order in exercise of—

- (a) the powers conferred on them by sections 2 and 3 of the Plant Health Act 1967<sup>M1</sup>, and on the Minister of Agriculture, Fisheries and Food by section 4(1) of that Act, now vested in them<sup>M2</sup>, and
- (b) the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>M3</sup>.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972<sup>M4</sup>. It appears to the Welsh Ministers that it is expedient for the references to the European Union instruments referred to in article 2(5) to be construed as references to those instruments as amended from time to time.

**Marginal Citations**

- M1** 1967 c. 8; section 2 was amended by paragraph 8(2)(a) of Schedule 4 to the [European Communities Act 1972 \(c. 68\)](#), **Part 1** of the table in paragraph 12 of Schedule 4 to the [Customs and Excise Management Act 1979 \(c. 2\)](#), [S.I. 1990/2371](#) and [S.I. 2011/1043](#). Section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 and [S.I. 2011/1043](#). Section 3(4) was substituted by section 42 of the [Criminal Justice Act 1982 \(c. 48\)](#) and amended by Part 14 of Schedule 1 to the [Statute Law \(Repeals\) Act 1993 \(c. 50\)](#). Section 4(1) was amended by paragraph 8(3) of Schedule 4 to the European Communities Act 1972. The powers conferred by sections 2 and 3 are conferred on a “competent authority”, which is defined in section 1(2). Section 1(2) was amended by paragraph 43 of Schedule 2 to [S.I. 2013/755 \(W. 90\)](#). Section 1(2), as amended, provides that the competent authority for Wales is the Welsh Ministers.
- M2** The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as exercisable in relation to Wales, transferred to the Secretary of State by article 2 of, and Schedule 1 to, the [Transfer of Functions \(Wales\) \(No. 1\) Order 1978 \(S.I. 1978/272\)](#). Those functions were transferred from the Secretary of State to the National Assembly for Wales by article 2 of, and Schedule 1 to, the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I.](#)

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

- 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the [Government of Wales Act 2006 \(c. 32\)](#).
- M3** 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#).
- M4** Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 and Part 1 of the Schedule to the [European Union \(Amendment\) Act 2008 \(c. 7\)](#).

## PART 1

### General

#### Title, commencement and application

- 1.—(1) The title of this Order is the Plant Health (Wales) Order 2018.
- (2) This Order applies in relation to Wales and comes into force on 2 November 2018.

#### General interpretation

- 2.—(1) In this Order—

“Annex II Part B” (“*Atodiad II Rhan B*”) means Part B of Annex II to Directive [2000/29/EC](#);  
 “Annex IV Part A” (“*Atodiad IV Rhan A*”) means Part A of Annex IV to Directive [2000/29/EC](#);  
 “Annex IV Part B” (“*Atodiad IV Rhan B*”) means Part B of Annex IV to Directive [2000/29/EC](#);  
 “authorised officer” (“*swyddog awdurdodedig*”) means, as the context requires—

- (a) an authorised representative of the responsible official body of the country in which a plant passport is issued, a public servant acting under the authority of such a representative or a qualified agent employed by the responsible official body, in any case who must be appropriately qualified; or
- (b) an authorised representative of the responsible official body or the national plant protection organisation of the country in which a phytosanitary certificate or phytosanitary certificate for re-export or a translation of a phytosanitary certificate or phytosanitary certificate for re-export is issued, or a public officer acting under the authority of such a representative;

“citrus fruits for processing” (“*ffrwythau sitrws ar gyfer eu prosesu*”) means fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Microcitrus* Swingle, *Naringi* Adans., or *Swinglea* Merr., which originate in a third country and are destined for industrial processing into juice in the European Union;

“consignment” (“*llwyth*”) has the same meaning as in Article 2(1)(p) of Directive [2000/29/EC](#) where that term is used in Part 2 or in relation to any relevant material referred to in that Part;

“the Customs Act” (“*y Ddeddf Dollau*”) means the Customs and Excise Management Act 1979<sup>M5</sup>;

“Decision [2002/757/EC](#)” (“*Penderfyniad 2002/757/EC*”) means Commission Decision [2002/757/EC](#) on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in't Veld sp. nov.<sup>M6</sup>;

“Decision [2004/416/EC](#)” (“*Penderfyniad 2004/416/EC*”) means Commission Decision [2004/416/EC](#) on temporary emergency measures in respect of certain citrus fruits originating in Argentina or Brazil<sup>M7</sup>;

“Decision [2006/473/EC](#)” (“*Penderfyniad 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) <sup>M18</sup>;

“Decision [2007/365/EC](#)” (“*Penderfyniad 2007/365/EC*”) means Commission Decision [2007/365/EC](#) on emergency measures to prevent the introduction into and the spread within the Community of *Rhynchophorus ferrugineus* (Olivier) <sup>M9</sup>;

“Decision [2007/433/EC](#)” (“*Penderfyniad 2007/433/EC*”) means Commission Decision [2007/433/EC](#) on provisional emergency measures to prevent the introduction into and the spread within the Community of *Gibberella circinata* Nirenberg & O'Donnell <sup>M10</sup>;

“Decision [2012/138/EU](#)” (“*Penderfyniad 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) <sup>M11</sup>;

“Decision [2012/270/EU](#)” (“*Penderfyniad 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 papa* sp.n, *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner) <sup>M12</sup>;

“Decision [2012/697/EU](#)” (“*Penderfyniad 2012/697/EU*”) means Commission Implementing Decision [2012/697/EU](#) as regards measures to prevent the introduction into and the spread within the Union of the genus *Pomacea* (Perry) <sup>M13</sup>;

“Decision [2014/422/EU](#)” (“*Penderfyniad 2014/422/EU*”) means Commission Implementing Decision [2014/422/EU](#) setting out measures in respect of certain citrus fruits originating in South Africa to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa <sup>M14</sup>;

“Decision (EU) [2015/789](#)” (“*Penderfyniad (EU) 2015/789*”) means Commission Implementing Decision (EU) [2015/789](#) as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) <sup>M15</sup>;

“Decision (EU) [2015/893](#)” (“*Penderfyniad (EU) 2015/893*”) means Commission Implementing Decision (EU) [2015/893](#) as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky) <sup>M16</sup>;

“Decision (EU) [2016/715](#)” (“*Penderfyniad (EU) 2016/715*”) means Commission Implementing Decision (EU) [2016/715](#) setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa <sup>M17</sup>;

“Decision (EU) [2017/198](#)” (“*Penderfyniad (EU) 2017/198*”) means Commission Implementing Decision (EU) [2017/198](#) as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto <sup>M18</sup>;

“Directive [93/85/EEC](#)” (“*Cyfarwyddeb 93/85/EEC*”) means Council Directive [93/85/EEC](#) on the control of potato ring rot <sup>M19</sup>;

“Directive [98/57/EC](#)” (“*Cyfarwyddeb 98/57/EC*”) means Council Directive [98/57/EC](#) on the control of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* <sup>M20</sup>;

“Directive [2000/29/EC](#)” (“*Cyfarwyddeb 2000/29/EC*”) means Council Directive [2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>M21</sup>;

*Status: Point in time view as at 28/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)*

“Directive 2007/33/EC” (“*Cyfarwyddeb 2007/33/EC*”) means Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC<sup>M22</sup>;

“Directive 2008/61/EC” (“*Cyfarwyddeb 2008/61/EC*”) means Commission Directive 2008/61/EC establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections<sup>M23</sup>;

“early potatoes” (“*tatws cynnar*”) means potatoes which are harvested before they are completely mature, marketed immediately after they have been harvested and whose skins can be easily removed without peeling;

“EU transit agreement” (“*cytundeb tramwy UE*”) means an agreement within the meaning of article 12(4) or (5);

“EU transit goods” (“*nwyddau tramwy yr UE*”) means any relevant material introduced into Wales from a third country via another part of the European Union;

“Euro-Mediterranean area” (“*ardal Ewrop a Môr y Canoldir*”) means the geographical area comprising Europe, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia and the area of Turkey east of the Bosphorus Strait known as Anatolia;

“Europe” (“*Ewrop*”) includes Belarus, the Canary Islands, Georgia, Kazakhstan (except the area east of the Ural river), Russia (except the regions of Tyumen, Chelyabinsk, Irkutsk, Kemerovo, Kurgan, Novossibirsk, Omsk, Sverdlovsk, Tomsk, Chita, Kamchatka, Magadan, Amur and Skhalin, the territories of Krasnoyarsk, Altay, Khabarovsk and Primarie, and the republics of Sakha, Tuva and Buryatia), Ukraine and Turkey (except the area east of the Bosphorus Strait known as Anatolia);

“European Union” (“*yr Undeb Ewropeaidd*”) 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;

“fruit” (“*ffrwythau*”) means fruit in the botanical sense but does not include dried, dehydrated, lacquered or deep frozen fruit;

“importer” (“*mewnforiwr*”), in relation to any plant pest or relevant material at any time between their landing from a third country and the time when they are discharged by an inspector under this Order, includes any owner or other person for the time being in possession of or beneficially interested in the plant pest or relevant material;

“inspector” (“*arolygydd*”) means any person authorised by the Welsh Ministers to be an inspector for the purposes of this Order;

“IPPC” (“*CRhWP*”) means the International Plant Protection Convention 1951<sup>M24</sup>;

“ISPM No. 4” (“*SRFFf Rhif 4*”) means International Standard for Phytosanitary Measures No. 4 of November 1995 on the requirements for the establishment of pest free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations<sup>M25</sup>;

“ISPM No. 10” (“*SRFFf Rhif 10*”) means International Standard for Phytosanitary Measures No. 10 of October 1999 on requirements for the establishment of pest free places of production and pest free production sites, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations<sup>M26</sup>;

“ISPM No. 31” (“*SRFFf Rhif 31*”) means International Standard for Phytosanitary Measures No. 31 of April 2008 on methodologies for sampling consignments, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations<sup>M27</sup>;

“landed” (“*wedi ei lanio*”) means introduced into Wales by any means, including by post, and “land” (“*glanio*”) and “landing” (“*glanio*”) is to be construed accordingly;

“national plant protection organisation” (“*sefydliad gwarchod planhigion cenedlaethol*”) means the service established by the government of a third country to discharge the functions specified in Article IV(1)(a) of the IPPC, details of which have been notified—

- (a) in the case of contracting parties to the IPPC, to the Director of the Food and Agriculture Organisation of the United Nations; and
- (b) in all other cases, to the European Commission;

“North America” (“*Gogledd America*”) means the geographical area comprising Canada, Mexico and the USA;

“nursery” (“*meithrinfa*”) means premises wholly or partly used for the cultivation or keeping of plants for the purpose of transplantation or removal to other premises;

“official” (“*swyddogol*”), in relation to any testing or other procedure required by this Order to be carried out in respect of any relevant material, means carried out by or under the supervision of the responsible official body or the national plant protection organisation of the country in which the testing or other procedure is carried out and “officially” (“*swyddogol*”) is to be construed accordingly;

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

“official label” (“*label swyddogol*”) means a label that meets the relevant requirements set out in Part A or B of Schedule 9, issued by or with the authority of the responsible official body for the member State in which the official label is issued;

“official statement” (“*datganiad swyddogol*”) means a statement issued by an authorised officer or a statement included in a plant passport;

“place of production” (“*man cynhyrchu*”) means any premises, normally worked as a unit, together with any contiguous land in the same ownership or occupation as such premises;

“plant” (“*planhigyn*”) means a living plant (including a fungus or shrub) or a living part of a plant (including a living part of a fungus or shrub), at any stage of growth, but excluding forest trees or forest shrubs; and living parts of a plant include—

- (a) fruit
- (b) seed;
- (c) vegetables, other than those preserved by deep freezing;
- (d) tubers, corms, bulbs or rhizomes;
- (e) cut flowers;
- (f) branches with or without foliage;
- (g) a plant or shrub that has been cut and which retains any foliage;
- (h) leaves or foliage;
- (i) a plant or shrub in tissue culture;
- (j) live pollen;
- (k) bud wood;
- (l) cuttings; and
- (m) scions;

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“plant health check” (“*gwiriad iechyd planhigion*”) means an examination carried out under article 12(2);

“plant health movement document” (“*dogfen symud iechyd planhigion*”) means a document which meets the requirements in Schedule 12;

“planting” (“*plannu*”) has the same meaning as in Article 2(1)(c) of Directive 2000/29/EC;

“plant or shrub in tissue culture” (“*planhigyn neu lwyn mewn meithriniad meinwe*”) means a plant or shrub growing in a clear liquid or clear solid aseptic culture medium in a closed transparent container;

“plant passport” (“*pasbort planhigion*”) means a label and, where appropriate, an accompanying document that meets the relevant requirements set out in Part A or B of Schedule 9, issued by or with the authority of the responsible official body for the member State in which the plant passport is issued, and includes a replacement plant passport;

“plant pest” (“*pla planhigion*”) means any living organism, other than a vertebrate animal, in any stage of its existence which is injurious or likely to be injurious to any plant or plant product;

“plant product” (“*cynnyrch planhigion*”) has the same meaning as in Article 2(1)(b) of Directive 2000/29/EC;

“plant trader” (“*masnachwr planhigion*”) means—

- (a) an importer of relevant material;
- (b) a producer of relevant material;
- (c) a person in charge of premises used for the storage, aggregation or dispatch of consignments of relevant material; or
- (d) a person who in the course of a trade or business divides up or combines consignments of relevant material;

“potato” (“*taten*”) means any tuber or true seed or any other plant of *Solanum tuberosum* L. or other tuber-forming species of the genus *Solanum* L.;

“Potato brown rot” (“*Pydredd coch tatws*”) means either the disease of potatoes caused by *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* or that bacterium, as the context requires;

“Potato cyst nematode” (“*Llyngyr tatws*”) means any cyst-forming nematode of the species *Globodera pallida* (Stone) Behrens or *Globodera rostochiensis* (Wollenweber) Behrens that infests and multiplies on potatoes and any strains or pathotypes of such nematode;

“Potato ring rot” (“*Pydredd cylch tatws*”) means either the disease of potatoes which is caused by the bacterium *Clavibacter michiganensis* (Smith) Davis *et al.* spp. *Sependonicus* (Spieckermann and Kotthoff) Davis *et al.* or that bacterium, as the context requires;

“Potato wart disease” (“*Clefyd y ddafaden tatws*”) means either the disease of potatoes which is caused by the fungus *Synchytrium endobioticum* (Schilbersky) Percival or that fungus, as the context requires;

“premises” (“*mangre*”) includes any land, building, vehicle, vessel, aircraft, hovercraft, freight container or railway wagon;

“producer” (“*cynhyrchydd*”), in relation to relevant material, means a person who grows or makes the material in the course of a trade or business;

“protected zone” (“*parth gwarchod*”) 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;

“phytosanitary certificate” (“*tystysgrif ffytoiechydol*”) means a certificate in the form set out in Part A of Schedule 10, which complies with the requirements in article 15(1) and (2);

“phytosanitary certificate for re-export” (“*tystysgrif ffytoiechydol ar gyfer ailallforio*”) means a certificate in the form set out in Part B of Schedule 10, which complies with the requirements in article 15(1) and (2);

“register” (“*cofrestr*”) means the register of plant traders maintained under article 25(1);

“registered” (“*cofrestredig*”), in relation to a plant trader, means a trader whose particulars are listed in the register, and “registration” (“*cofrestru*”) is to be construed accordingly;

“Regulation (EC) No 690/2008” (“*Rheoliad (EC) Rhif 690/2008*”) means Commission Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community <sup>M28</sup>;

“relevant material” (“*deunydd perthnasol*”) means any plant, plant product, soil or growing medium;

“responsible official body” (“*corff swyddogol cyfrifol*”) means either the body described in paragraph (i) or a body described in paragraph (ii) of Article 2(1)(g) of Directive 2000/29/EC;

“seed” (“*hadau*”) means seed in the botanical sense other than seed not intended for planting;

“Seed Potatoes Regulations” (“*Rheoliadau Tatws Hadyd*”) means the Seed Potatoes (Wales) Regulations 2016 <sup>M29</sup>;

“South America” (“*De America*”) means the geographical area comprising Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, French Guyana, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela;

“Swiss plant passport” (“*pasbort planhigion y Swistir*”) 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 relevant material moving into and within Switzerland have been complied with; and
- (b) relates to relevant material listed in Part A of Schedule 8;

“third country” (“*trydedd wlad*”) means a country or territory other than one within the European Union; and

“the USA” (“*UDA*”) means the United States of America except the state of Hawaii.

(2) Unless expressly provided otherwise, any reference in this Order to a genus or species is to be construed as a reference to that genus or species or to any of its hybrids.

(3) Any reference in this Order to the European Union, to a member State or a third country includes a reference to a state, country, principality, province or region within the European Union, member State, or third country, as the case may be.

(4) Any reference in this Order to a numbered article or a numbered Schedule with no corresponding reference to a specific instrument is to be construed as a reference to the article or Schedule so numbered in this Order.

(5) References to the following European Union instruments are to be construed as references to those instruments as amended from time to time—

- (a) Decision 2002/757/EC;
- (b) Decision 2004/416/EC;
- (c) Decision 2006/473/EC;
- (d) Decision 2007/365/EC;
- (e) Decision 2007/433/EC;
- (f) Directive 2008/61/EC;

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- (g) Regulation (EC) No 690/2008;
- (h) Decision 2012/138/EU;
- (i) Decision 2012/270/EU;
- (j) Decision 2012/697/EU;
- (k) Decision 2014/422/EU;
- (l) Decision (EU) 2015/789;
- (m) Decision (EU) 2015/893;
- (n) Decision (EU) 2016/715;
- (o) Decision (EU) 2017/198.

#### Marginal Citations

- M5** 1979 c. 2, as amended by Parts 1 and 2 of Schedule 4 to the Finance Act 1984 (c. 43); there are other amendments but none are relevant.
- M6** OJ No L 252, 20.9.2002, p. 37, as amended by Commission Implementing Decision 2013/782/EU (OJ No L 346, 20.12.2013, p. 69).
- M7** OJ No L 151, 30.4.2004, p. 76, as amended by Commission Implementing Decision 2013/67/EU (OJ No L 31, 31.1.2013, p. 75).
- M8** OJ No L 187, 8.7.2006, p. 35, as amended by Commission Implementing Decision (EU) 2015/1175 (OJ No L 189, 17.7.2015, p. 39).
- M9** OJ No L 139, 31.5.2007, p. 24, as last amended by Commission Decision 2010/467/EU (OJ No L 226, 28.8.2010, p. 42).
- M10** OJ No L 161, 22.6.2007, p. 66.
- M11** OJ No L 64, 3.3.2012, p. 38, as amended by Commission Implementing Decision 2014/356/EU (OJ No L 175, 14.6.2014, p. 38).
- M12** OJ No L 132, 23.5.2012, p. 18, as amended by Commission Implementing Decision 2014/679/EU (OJ No L 283, 27.9.2014, p. 61).
- M13** OJ No L 311, 10.11.2012, p. 14.
- M14** OJ No L 196, 3.7.2014, p. 21.
- M15** OJ No L 125, 21.5.2015, p. 36, as amended by Commission Implementing Decision (EU) 2016/764 (OJ No L 126, 14.5.2016, p. 77).
- M16** OJ No L 146, 11.6.2015, p. 16.
- M17** OJ No L 125, 13.5.2016, p. 16, as amended by Commission Implementing Decision (EU) 2017/801 (OJ No L 120, 11.5.2017, p. 26).
- M18** OJ No L 31, 4.2.2017, p. 29.
- M19** OJ No L 259, 18.10.1993, p. 1, as amended by Commission Directive 2006/56/EC (OJ No L 182, 4.7.2006, p. 1).
- M20** OJ No L 235, 21.8.1998, p. 1, as amended by Commission Directive 2006/63/CE (OJ No L 206, 27.7.2006, p. 36).
- M21** OJ No L 169, 10.7.2000, p. 1, as amended by Commission Implementing Directive (EU) 2017/1279 (OJ No L 184, 15.7.2017, p. 33).
- M22** OJ No L 156, 16.6.2007, p. 12.
- M23** OJ No L 158, 18.6.2008, p. 41.
- M24** Adopted in 1951 (Treaty Series No. 16 (1954), Cmd 9077) and last revised in 1997 (Miscellaneous Series No. 15 (2003), Cmd 5945).
- M25** Available from the IPPC Secretariat, Food and Agriculture Organization of the United Nations, AGDI, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/en/core-activities/standards-setting/ispm/>.



- M26** Available from the IPPC Secretariat, Food and Agriculture Organization of the United Nations, AGDI, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/en/core-activities/standards-setting/ispm/>.
- M27** Available from the IPPC Secretariat, Food and Agriculture Organization of the United Nations, AGDI, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/en/core-activities/standards-setting/ispm/>.
- M28** OJ No L 193, 22.7.2008, p. 1, as amended by Commission Implementing Regulation (EU) No 707/2014 (OJ No L 186, 26.6.2014, p. 56).
- M29** S.I. 2016/106 (W. 52), amended by S.I. 2017/596 (W. 139).

## PART 2

### Imports from third countries

#### Interpretation of Part 2

##### 3. In this Part—

“approved place of inspection” (“*man arolygu cymeradwy*”) means a place which has been approved by the Welsh Ministers under article 17;

“area of plant health control” (“*ardal rheolaeth iechyd planhigion*”), in relation to notifiable relevant material which has been landed, means—

- (a) its point of entry; or
- (b) where the material has been moved under appropriate customs procedures to a designated area of plant health control or an approved place of inspection, the designated area of plant health control or the approved place of inspection;

“the Customs Code” (“*y Cod Tollau*”) means Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code<sup>M30</sup>;

“designated area of plant health control” (“*ardal rheolaeth iechyd planhigion ddynodedig*”) means a place close to a point of entry which has been designated as an area of plant health control by the Welsh Ministers and the Commissioners for Her Majesty's Revenue and Customs;

“notifiable relevant material” (“*deunydd perthnasol hysbysadwy*”) means any relevant material—

- (a) of a description specified in Part A of Schedule 5; or
- (b) of a description specified in Part B of Schedule 5 and which is—
  - (i) specified in column 2 of Part C of Schedule 4;
  - (ii) listed in the second column of Annex II Part B and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pests specified in respect of that relevant material in the first column of Annex II Part B; or
  - (iii) listed in the first column of Annex IV Part B and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pests specified in respect of that relevant material in Annex IV Part B;

“official body of destination” (“*corff swyddogol y gyrchfan*”) has the same meaning as in Article 2(1)(l) of Directive [2000/29/EC](#);

“point of entry” (“*man cyrraedd*”) means—

*Status: Point in time view as at 28/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)*

- (a) in the case of relevant material which arrives by air, the airport at which the material first arrives;
- (b) in the case of relevant material which arrives by maritime or fluvial transport, the port at which the material first arrives; or
- (c) in the case of relevant material which arrives by rail, the rail freight terminal at which the material first arrives;

“working day” (“*diwrnod gwaith*”), in relation to the notice requirements in articles 6(2)(c) (ii) and 16(3) and the period for which material may be detained under article 14(1), means a period of twenty-four hours which is not a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday in Wales under the Banking and Financial Dealings Act 1971<sup>M31</sup>.

#### Marginal Citations

**M30** OJ No L 269, 10.10.2013, p. 1, as amended by Regulation (EU) 2016/2339 of the European Parliament and of the Council (OJ No L 354, 23.12.2016, p. 32).

**M31** 1971 c. 80, to which there are amendments not relevant to this Order.

## Application of Part 2

### 4. This Part—

- (a) applies to plant pests and relevant material which are introduced into Wales from a third country, either directly or via another part of the European Union; and
- (b) only applies to EU transit goods in respect of which the Welsh Ministers are responsible for certain matters by virtue of an EU transit agreement.

## Prohibitions and restrictions on landing plant pests and relevant material

### 5.—(1) No person may land—

- (a) any plant pest of a description specified in Schedule 1;
  - (b) any relevant material of a description specified in column 2 of Schedule 2 which is carrying or infected with a plant pest of a description specified in any entry in respect of that description of relevant material in column 3 of Schedule 2;
  - (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
  - (d) any relevant material of a description specified in column 2 of Schedule 3 which originates in a third country specified in the entry in respect of that description of relevant material in column 3 of Schedule 3;
  - (e) any relevant material of a description specified in column 2 of Part A of Schedule 4, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part A of Schedule 4 are complied with; or
  - (f) any relevant material of a description specified in column 2 of Part C of Schedule 4, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part C of Schedule 4 are complied with.
- (2) The prohibition in paragraph (1)(d) does not apply to any relevant material which is—
- (a) in the course of its consignment between two third countries under appropriate customs procedures and without any change in customs status; and

- (b) transported in such a way as to prevent the accidental escape of plant pests.
- (3) Paragraph (1)(e) does not apply to any relevant material which is prohibited from being landed under paragraph (1)(d).
- (4) Paragraph (1)(e) and (f) is subject to article 8(1).

### **Advance notification of landing**

6.—(1) No person may land any notifiable relevant material, where Wales is its point of entry into the European Union, unless notice is given in accordance with this article.

(2) A notice must—

- (a) be in accordance with the requirements of Schedule 11;
- (b) be given to the Welsh Ministers at the specified address; and
- (c) be given in time to arrive at the specified address—

- (i) in the case of any relevant material brought by air, at least four working hours before the relevant material is landed; and
- (ii) in any other case, at least three working days before the relevant material is landed.

(3) In the case of citrus fruits for processing, the names, addresses and locations of the premises at which the fruits are to be processed must be included under item 13 of the notice set out in Schedule 11.

(4) If a person can reasonably show that it was not possible to give notice in accordance with paragraph (2)(c) because the person was not aware that the material had been consigned, the person may give notice as soon as is reasonably practicable.

(5) Paragraph (1) is subject to articles 8(1), 16 and 30(3).

(6) In this article—

- (a) “specified address” (“*cyfeiriad penodedig*”) means the address given by the Welsh Ministers from time to time for the purposes of this article;
- (b) “working hour” (“*awr waith*”) means a period of one hour during a working day.

### **Requirements for certificates**

7.—(1) No person may land any notifiable relevant material unless the material is accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export, as specified in paragraphs (2) to (5).

(2) In the case of transit material which has been split up, combined with other consignments or repackaged, the relevant material must be accompanied by a phytosanitary certificate for re-export which was issued in the country of transit.

(3) In the case of transit material which has or may have been exposed to infection or contamination by any plant pest, is not the same material as in the original consignment or which has been processed so as to change its nature, the relevant material must be accompanied by a phytosanitary certificate which was issued in the country of transit.

(4) In the case of relevant material of a description listed in the first column of Annex IV Part B where the requirement or requirements specified in an entry in respect of that description of relevant material in the second column of Annex IV Part B can only be fulfilled in the country in which the relevant material originates, the relevant material must be accompanied by a phytosanitary certificate which was issued in the country of origin.

(5) In any other case, the relevant material must be accompanied by a phytosanitary certificate which was issued in the country in which that material originates or from which it was consigned.

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*Status: Point in time view as at 28/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)*

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(6) The phytosanitary certificate must be the original certificate and the phytosanitary certificate for re-export must be the original certificate or a copy of the original certificate certified by an authorised officer.

(7) Paragraph (1) does not apply to any relevant material which—

- (a) is in the course of its consignment between two third countries under appropriate customs procedures or has been consigned to Wales from another part of the European Union via a third country;
- (b) does not undergo any change in customs status; and
- (c) is transported in such a way as to prevent the accidental escape of plant pests.

(8) Paragraph (1) is subject to articles 8(1) and 30(1) and (2).

(9) In paragraphs (2) and (3), “transit material” (“*deunydd tramwy*”) means relevant material consigned to Wales via a third country by way of transit.

### Exceptions from certain prohibitions and requirements

**8.—**(1) The following provisions do not apply to any exempt items which are introduced into Wales in the baggage of a passenger or other traveller if the items meet the conditions in paragraph (2)

- (a) article 5(1)(e) and (f);
- (b) article 6(1);
- (c) article 7(1);
- (d) article 10(1).

(2) The conditions are that the exempt items—

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

(3) In this article—

- (a) “exempt items” (“*eitemau esempt*”) means—
  - (i) fruit and raw vegetables (other than potatoes), weighing no more than two kg in total;
  - (ii) a single bouquet of cut flowers (which may include parts of plants);
  - (iii) packets of seeds, other than seeds of potatoes or *Fraxinus* L., not exceeding five packets in total;
  - (iv) bulbs, corms, tubers, other than potatoes, and rhizomes, grown in and consigned from the Euro-Mediterranean area and weighing no more than two kg in total; or
  - (v) plants for planting, other than bulbs, corms, tubers or rhizomes or plants of *Fraxinus* L. intended for planting, grown in and consigned from the Euro-Mediterranean area and not exceeding five in total;
- (b) “packet of seeds” (“*pecyn o hadau*”) means a packet of seeds of a type normally sold to the consumer other than for use in the course of a trade or business or a packet of seeds of a similar size.

### Presentation and display of documents

**9.—**(1) Any phytosanitary certificate or phytosanitary certificate for re-export which is required under article 7 to accompany a consignment of notifiable relevant material must be delivered by the importer to an inspector within three days of its landing.

(2) An importer of a consignment of notifiable relevant material must include in a customs document relating to the consignment—

- (a) a statement that “this consignment contains produce of phytosanitary relevance”;
- (b) the reference number of the phytosanitary certificate or phytosanitary certificate for re-export which is required under article 7 to accompany the consignment; and
- (c) the registration number of the importer.

(3) In the case of a consignment which includes notifiable relevant material and which is imported into Wales by post, the importer must ensure that any phytosanitary certificate or phytosanitary certificate for re-export which is required under article 7 to accompany the consignment is affixed to the outside of the package of the relevant material.

(4) But if the consignment consists of more than one package of notifiable relevant material, the importer must ensure that the certificate is affixed to the outside of one of the packages of notifiable relevant material and that copies of the certificate are affixed to the outside of each of the remaining packages of notifiable relevant material in the consignment.

(5) In paragraph (2), “customs document” (“*dogfen dollau*”) means a document required by the Commissioners for Her Majesty’s Revenue and Customs for placing relevant material under one of the procedures specified in Article 5(16)(a) and (b) of the Customs Code.

#### **Prohibition on the removal of relevant material from its area of plant health control**

**10.**—(1) No person may remove any notifiable relevant material or cause any notifiable relevant material to be removed from its area of plant health control unless an inspector has discharged the material under article 12 or the removal of the material is permitted under Part 6.

(2) Any notifiable relevant material which is being held at a point of entry or a designated area of plant health control under paragraph (1) must be stored by the importer under the supervision and in accordance with the instructions of an inspector.

(3) The importer is liable for the costs of storing the notifiable relevant material pending its release.

#### **Exceptions from the prohibition on the removal of relevant material from its area of plant health control**

**11.** Article 10(1) does not apply to—

- (a) any relevant material which is in the course of its consignment between two third countries under appropriate customs procedures without any change in customs status and which is transported in such a way as to prevent the accidental escape of plant pests;
- (b) any relevant material which is consigned to Wales from another part of the European Union via a third country without any change in customs status and which is transported in such a way as to prevent the accidental escape of plant pests;
- (c) any relevant material which is subject to article 8(1);
- (d) any relevant material which is subject to article 30(3).

#### **Plant health discharge**

**12.**—(1) An inspector may discharge notifiable relevant material from its area of plant health control if the inspector is satisfied—

- (a) that the relevant material is free from any plant pest of a description specified in Schedule 1;

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

- (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 respect of that protected zone in the first column of Annex I to Regulation (EC) No 690/2008;
  - (c) in the case of relevant material of a description specified in column 2 of Schedule 2, that the relevant material is not carrying or infected with a plant pest of a description specified in any entry in respect of that description of relevant material in column 3 of Schedule 2;
  - (d) in the case of relevant material which is listed in the second column of Annex II Part B and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pests listed in respect of that relevant material in the first column of Annex II Part B, that the relevant material is not carrying or infected with the plant pests;
  - (e) in the case of relevant material listed in Annex III Part B to Directive 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.*;
  - (f) in the case of relevant material of a description specified in column 2 of Part A or C of Schedule 4, that the relevant material complies with the requirements specified in the entries in respect of that description of relevant material in column 3 of Part A or C of Schedule 4 and, where there is one or more alternative requirement in any such entry, the requirement declared in the phytosanitary certificate or phytosanitary certificate for re-export;
  - (g) in the case of relevant material which is listed in the first column of Annex IV Part B and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pests specified in the entries in respect of that relevant material in the second column of Annex IV Part B, that the relevant material complies with the requirements listed in respect of those entries and, where there is one or more alternative requirement in any such entry, the requirement declared in the phytosanitary certificate or phytosanitary certificate for re-export;
  - (h) that the relevant material corresponds with the description given to it in the phytosanitary certificate or phytosanitary certificate for re-export; and
  - (i) that the relevant material is accompanied by the phytosanitary certificate or phytosanitary certificate for re-export required under article 7 and, where appropriate, by a plant health movement document.
- (2) An inspector may, for the purpose of being satisfied as to the matters referred to in paragraph (1)(a) to (g), carry out an examination of a consignment of relevant material and its packaging and, where necessary, the vehicle transporting the consignment.
- (3) An inspector may, for the purpose of being satisfied as to the matters referred to in paragraph (1)(h), carry out an examination of a consignment of relevant material to determine whether it corresponds to its description in the documents that accompany it.
- (4) In the case of notifiable relevant material which is in the course of its consignment to another part of the European Union and is subject to an agreement between the Welsh Ministers and the official body of destination in relation to its consignment to its final place of destination, the inspector need only be satisfied as to the matters referred to in paragraph (1)(i) and any other matters referred to in paragraph (1)(a) to (h) which are the Welsh Ministers' responsibility under the agreement.
- (5) In the case of EU transit goods which are subject to an agreement between the Welsh Ministers and the official body of entry for those goods, the inspector need only be satisfied as to those matters referred to in paragraph (1)(a) to (h) which are the Welsh Ministers' responsibility under the agreement.
- (6) Where the inspector is satisfied that the relevant material may be discharged from its area of plant health control, the inspector must—

- (a) stamp the phytosanitary certificate or phytosanitary certificate for re-export relating to the relevant material with the official stamp of the Welsh Ministers and the date on which the certificate was delivered in accordance with article 9(1); and
  - (b) where applicable, complete the relevant headings of the plant health movement document.
- (7) An inspector may, for the purpose of performing a plant health check, require the occupier or other person in charge of the premises in which the check is to take place to provide—
- (a) where appropriate, suitable areas of inspection;
  - (b) adequate lighting; and
  - (c) inspection tables.
- (8) In this article—
- (a) “examination” (“*archwilio*”), in relation to a consignment of relevant material, means an examination of the consignment in its entirety or on the basis of one or more representative samples from the consignment or from each lot forming part of the consignment;
  - (b) “lot” (“*lot*”) has the same meaning as in Article 2(1)(o) of Directive [2000/29/EC](#).

### **Request to an officer for Revenue and Customs for material to be detained**

**13.**—(1) Where an inspector has reasonable grounds for suspecting that there is a risk that a plant pest may spread from any relevant material, the inspector may request an officer for Revenue and Customs to exercise the power in article 14(1) for the purpose of enabling the inspector to enforce any provision of this Order.

- (2) A request under article 13(1)—
- (a) may identify the relevant material in any way; and
  - (b) must be made in writing or be made orally and confirmed in writing.

(3) Where an inspector issues a notice or takes any other action under this Order in respect of relevant material detained by an officer for Revenue and Customs under article 14(1), the inspector must advise the officer of the notice or action.

### **Power of an officer for Revenue and Customs**

**14.**—(1) An officer for Revenue and Customs may, where requested by an inspector in accordance with article 13(1), detain for not more than two working days any relevant material or any container, package or cargo of any kind which has been or may have been in contact with that material and which is referred to in that request, if the material, container, package or cargo is under customs supervision pursuant to Article 134 of the Customs Code.

(2) The Commissioners for Her Majesty's Revenue and Customs may give directions as to how any relevant material detained under paragraph (1) is to be dealt with during the period of its detention.

(3) The importer of any relevant material detained under paragraph (1) is responsible for the costs of storing the material during the period of its detention.

### **General provisions relating to certificates**

**15.**—(1) A phytosanitary certificate or phytosanitary certificate for re-export which accompanies notifiable relevant material under article 7 must—

- (a) have been completed not more than 14 days before the date of the dispatch of the consignment of relevant material which it accompanies;

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- (b) have been issued by the responsible official body or the national plant protection organisation of the country of export or re-export in accordance with the provisions of Article V(1) of the IPPC;
- (c) have been completed by an authorised officer;
- (d) have been issued in one of the official languages of the European Union;
- (e) where it has been issued in a language other than English, incorporate or be accompanied by a translation into the English language, which, if the translation is a document separate from the certificate, has been completed and signed by an authorised officer;
- (f) be addressed to the “Plant Protection Organisations of the Member States of the European Union”; and
- (g) have been completed in typescript or block capitals.

(2) Where in relation to any relevant material of a description specified in column 2 of Part A or C of Schedule 4, one or more alternative requirement is specified in an entry in respect of that description of relevant material in column 3 of Part A or C of that Schedule, the phytosanitary certificate or phytosanitary certificate for re-export issued in respect of any relevant material of that description must specify under the heading “Additional declaration” which particular requirement has been complied with by reference to the relevant position in Section I of Annex IV Part A or Annex IV Part B.

### **Requirements to be met by EU transit goods or relevant material destined for an approved place of inspection**

**16.**—(1) This article applies to notifiable relevant material which—

- (a) is subject to an agreement referred to in article 12(4);
- (b) is subject to an agreement referred to in article 12(5) and which has not been discharged or released from its area of plant health control under article 10(1); or
- (c) is destined for an approved place of inspection.

(2) Any relevant material to which this article applies may not be moved within Wales, or where applicable, from Wales to any other place within the European Union, unless—

- (a) its packaging and the vehicle in which it is transported is sealed in such a way that there is no risk of the relevant material causing infestation, infection or contamination or a change occurring in the identity of the material; or
- (b) its movement has been authorised by the Welsh Ministers.

(3) The importer of any relevant material to which this article applies, other than relevant material whose destination is elsewhere in the European Union, must give to the Welsh Ministers notice of the following particulars no later than five working days before the material is landed—

- (a) the name, address and location of the approved place of inspection or designated area of plant health control to which the relevant material is destined or, if not destined for an approved place of inspection or a designated area of plant health control, its intended point of entry into Wales;
- (b) the scheduled date and time of arrival of the relevant material at the place referred to in sub-paragraph (a);
- (c) if available, the individual serial number of any plant health movement document required by article 17(6)(a);
- (d) if available, the date and place at which that plant health movement document was drawn up;
- (e) the name, address and registration number of the importer; and



- (f) the reference number of the phytosanitary certificate or phytosanitary certificate for re-export required under article 7 to accompany the relevant material.
- (4) The importer must notify the Welsh Ministers immediately of any changes to the particulars which the importer has given under paragraph (3).
- (5) The notice must be given to the Welsh Ministers at the address given by the Welsh Ministers from time to time for the purposes of this article.

### **Approved places of inspection and requirements for plant health movement documents**

#### *Approved places of inspection*

17.—(1) The Welsh Ministers may approve a place to which notifiable relevant material may be destined as a place at which plant health checks and identity checks may be carried out by an inspector in respect of that material.

(2) An application for approval under paragraph (1) may be made to the Welsh Ministers by an importer or other person responsible for that place in such form and containing such information as the Welsh Ministers may specify.

(3) An approval may be granted subject to conditions, including conditions relating to the storage of the relevant material or to EU transit goods, and may be withdrawn at any time if the Welsh Ministers no longer consider that the place to which the approval relates is suitable for the purpose for which the approval was given.

(4) The Welsh Ministers may only approve a place as an approved place of inspection if the place has been approved by the Commissioners for Her Majesty's Revenue and Customs for use as a temporary storage facility.

(5) In this article—

- (a) “temporary storage facility” (“*cyfleuster storio dros dro*”) means a temporary storage facility within the meaning of Article 148 of the Customs Code;
- (b) “identity check” (“*gwiriad adnabod*”) means an examination carried out under article 12(3).

#### *Requirements for plant health movement documents*

(6) No person may move any of the following notifiable relevant material unless it is accompanied by a plant health movement document—

- (a) notifiable relevant material which is subject to an EU transit agreement and is being moved to its area of plant health control in Wales;
- (b) notifiable relevant material which is subject to an agreement referred to in article 12(4) and is being moved within Wales or from Wales to any other place within the European Union.

## **PART 3**

### **Internal EU controls on movement**

#### **Prohibitions on the introduction of plant pests and relevant material from the European Union**

18.—(1) No person may introduce any of the following plant pests and relevant material into Wales from another part of the European Union—

- (a) any plant pest of a description specified in Schedule 1;

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- (b) any relevant material of a description specified in column 2 of Schedule 2 which is carrying or infected with a plant pest of a description specified in any entry in respect of that description of relevant material in column 3 of Schedule 2;
  - (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
  - (d) any relevant material of a description specified in column 2 of Schedule 3 which originates in a third country specified in the entry in respect of that description of relevant material in column 3 of Schedule 3;
  - (e) any relevant material of a description specified in column 2 of Part A of Schedule 4, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part A of Schedule 4 are complied with;
  - (f) any relevant material of a description specified in column 2 of Part B of Schedule 4, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part B of Schedule 4 are complied with;
  - (g) any relevant material of a description specified in column 2 of Part C of Schedule 4, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part C of Schedule 4 are complied with.
- (2) Paragraph (1) applies to the specified plant pests and relevant material whether they originate in another part of the European Union or a third country.
- (3) But paragraph (1) does not apply to any relevant material of a description specified in column 2 of Part A or C of Schedule 4 to which Part 2 applies.
- (4) Paragraph (1)(e) and (f) does not apply to any relevant material which is prohibited from being introduced into Wales under paragraph (1)(d).
- (5) No person may bring any of the following potatoes into Wales unless written notification of the matters referred to in paragraph (6) is provided to an inspector at least two days prior to the intended date of their arrival—
- (a) seed potatoes grown or suspected to have been grown in another member State or in Switzerland; or
  - (b) potatoes, other than seed potatoes, grown or suspected to have been grown in Poland, Portugal, Romania or any part of Spain which is within the European Union.
- (6) The matters are—
- (a) the intended time and date of their arrival;
  - (b) their intended use;
  - (c) their intended destination;
  - (d) their variety and quantity; and
  - (e) the identification number of the producer of the potatoes.
- (7) In the case of notifiable citrus fruits, the person who is introducing the fruits into the European Union via a point of entry in another part of the European Union must provide written notification to the Welsh Ministers at the specified address, prior to their arrival at that point of entry, of—
- (a) the expected date of their introduction into the European Union;
  - (b) their point of entry into the European Union;
  - (c) their volume;
  - (d) the identification numbers of their containers;

- (e) the names, addresses and the locations of the premises in Wales at which they are to be processed.
- (8) Paragraphs (1)(e), (f) and (g) and (5) are subject to article 22.
- (9) In this article—
  - “notifiable citrus fruits” (“*ffrwythau sitrws hysbysadwy*”) means citrus fruits for processing which are to be introduced into the European Union via a point of entry in another member State and processed into juice in Wales;
  - “specified address” (“*cyfeiriad penodedig*”) means the address given by the Welsh Ministers from time to time for the purposes of paragraph (7).

### Notification of the landing of certain plants for planting

19.—(1) A person who brings the following plants into Wales must notify an inspector in writing of the matters referred to in paragraph (2) prior to or no later than four days after the date of their arrival in Wales—

- (a) plants of *Castanea* Mill., *Fraxinus* L., <sup>F1</sup>*Olea europaea* L., *Pinus* L., *Platanus* L., *Prunus* L., *Quercus* L. or *Ulmus* L., intended for planting, which have been grown or are suspected to have been grown in another member State; or
  - (b) plants of *Castanea* Mill., *Fraxinus* L., <sup>F2</sup>*Olea europaea* L., *Pinus* L., *Platanus* L., *Prunus* L., *Quercus* L. or *Ulmus* L., intended for planting, which have been grown or are suspected to have been grown in Switzerland and to which the requirements of article 6 do not apply.
- (2) The matters are—
- (a) the intended date of their arrival or, if they have arrived in Wales, the date on which they first arrived in Wales;
  - (b) their intended destination, or if they have arrived at their intended destination in Wales, their current location;
  - (c) their genus, species and quantity;
  - (d) the identification number of the supplier of the plants; and
  - (e) the country from which they have been, or are to be, consigned.
- (3) Paragraph (1) is subject to article 22.

#### Textual Amendments

- F1** Words in art. 19(1)(a) inserted (6.3.2019) by [The Plant Health \(Wales\) \(Amendment\) Order 2019 \(S.I. 2019/132\)](#), arts. 1(2), 3
- F2** Words in art. 19(1)(b) inserted (6.3.2019) by [The Plant Health \(Wales\) \(Amendment\) Order 2019 \(S.I. 2019/132\)](#), arts. 1(2), 3

### Prevention of the spread of plant pests

20.—(1) No person may knowingly keep, store, plant, sell or move or knowingly cause or permit to be kept, stored, planted, sold or moved—

- (a) any plant pest of a description specified in Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 which is carrying or infected with a plant pest of a description specified in any entry in respect of that description of relevant material in column 3 of Schedule 2;

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- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
- (d) any relevant material introduced into Wales in contravention of article 5(1)(d), (e) or (f) or article 18(1)(d), (e), (f) or (g);
- (e) any relevant material of a description specified in column 2 of Part B of Schedule 4 which originates in Great Britain, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part B of Schedule 4 are complied with;
- (f) any relevant material of a description specified in column 2 of Part C of Schedule 4 which originates in Great Britain, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part C of Schedule 4 are complied with;
- (g) any relevant material introduced into Wales from England or Scotland which, if it had been introduced from a third country or another part of the European Union, would have contravened article 5(1)(d), (e) or (f) or article 18(1)(d), (e), (f) or (g).

(2) The prohibitions in paragraph (1) do not apply to any plant pest or relevant material which is required to be kept, stored or moved in compliance with a requirement imposed by an inspector under Part 6 or 7.

(3) Paragraph (1)(e) and (f) is subject to article 22.

(4) In this article, “move” (“*symud*”) means move or otherwise dispose of, and “moved” (“*symud*”) is to be construed accordingly.

### Requirements for plant passports

**21.—**(1) No person may introduce into, or move within, Wales any relevant material of a description specified in Part A of Schedule 6 where it comprises EU transit goods or originates in Wales or elsewhere in the European Union, unless the relevant material is accompanied by a plant passport and, if originating in Wales, has been the subject of a satisfactory inspection at the place of production.

(2) No person may introduce into, or move within, Wales any relevant material of a description specified in Part B of Schedule 6 where it comprises EU transit goods or originates in Wales or elsewhere in the European Union, unless the relevant material is accompanied by a plant passport which is valid for Wales as a protected zone and, if originating in Wales, has been the subject of a satisfactory inspection at the place of production.

(3) No person may move within Wales any relevant material which has been discharged under article 12 and which is of a description specified in Part A of Schedule 6, unless it is accompanied by a plant passport.

(4) No person may move within Wales any relevant material which has been discharged under article 12 and which is of a description specified in Part B of Schedule 6, unless it is accompanied by a plant passport which is valid for Wales as a protected zone.

(5) No person may consign from Wales to another part of the European Union any relevant material of a description specified in Part A of Schedule 7, unless the relevant material is accompanied by a plant passport.

(6) No person may consign from Wales to a protected zone in another part of the European Union any relevant material of a description specified in Part B of Schedule 7, unless the relevant material is accompanied by a plant passport which is valid for that protected zone.

(7) No person may move within Wales or consign from Wales to a protected zone in another part of the European Union which is recognised as a protected zone in relation to *Thaumetopoea processionea* L., any plants, other than seeds, of *Quercus* spp., other than *Quercus suber*, intended

for planting, unless they are accompanied by official documentation confirming that they are free from *Thaumetopoea processionea* L.

(8) The requirements in paragraphs (1) and (2) do not apply in relation to the introduction into Wales of relevant material in respect of which the Welsh Ministers have agreed, under an EU transit agreement, to carry out a plant health check.

(9) Paragraphs (1), (2), (5) and (6) are subject to article 22.

(10) Paragraphs (2) and (4) are subject to article 23.

### Exceptions from certain prohibitions and requirements

**22.**—(1) The following provisions do not apply to small quantities of relevant material, other than excluded material, if the relevant material meets the conditions in paragraph (2)—

- (a) article 18(1)(e), (f) and (g) and (5);
- (b) article 19(1);
- (c) article 20(1)(e) and (f); and
- (d) article 21(1), (2), (5) and (6).

(2) 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.

(3) The requirements in article 21(1) do not apply to plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water, which originate in an area established in accordance with Article 5 of Decision 2012/697/EU and which are only being moved within that area.

(4) The requirements in article 21(1) and (5) which would apply by virtue of paragraphs 16 and 17 of Part A of Schedules 6 and 7 to *Xylella* host plants within the meaning of Article 1(b) of Decision (EU) 2015/789 and to pre-basic mother plants and pre-basic material referred to in Article 9(9) of that Decision do not apply where the plants are being moved by a person acting for purposes outside the person's trade, business or profession and the person is acquiring them for personal use.

(5) The Welsh Ministers may exempt from the prohibition on movement in article 21(1) or (2) the movement of relevant material which originates in Great Britain if the Welsh Ministers are satisfied that—

- (a) the movement is made locally by small producers or processors whose entire production and sale of such material is intended for final usage by persons on the local market who are not professionally involved in plant production; and
- (b) there is no risk of plant pests spreading or being spread as a result of that movement.

(6) In paragraph (1), “excluded material” (“*deunydd eithriedig*”) means any of the following material—

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

### Validity of plant passports for Wales

**23.**—(1) This article applies to relevant material of a description specified in Part B of Schedule 6 which is moved from a place in Wales, or through Wales, to a destination outside Wales.

*Status: Point in time view as at 28/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)*

- (2) The requirements in article 21(2) and (4) do not apply if the relevant material—
- (a) originates in Great Britain; or
  - (b) is accompanied during its transit through Wales by a document of a type normally used for trade purposes which certifies that the material originates outside Wales and is in transit to a final destination outside Wales and the conditions in paragraph (3) are met.
- (3) The conditions are that—
- (a) the packaging in which the relevant material is transported and any vehicle which is used to transport the material is free from soil and plant debris and any relevant plant pest in relation to which Wales is a protected zone;
  - (b) the material was sealed immediately after packaging or, where appropriate, after loading, and remains sealed during the transit of the material through Wales; and
  - (c) the nature or construction of the packaging in which the material is transported and any vehicle which is used to transport the material are sufficient to ensure that there is no risk of any relevant plant pest which may be present in or on the relevant material escaping.

### **General provisions relating to plant passports**

**24.**—(1) Any alteration or erasure in a plant passport automatically invalidates the plant passport unless the alteration or erasure is certified by an authorised officer or the plant trader authorised under article 29 to issue the plant passport, in either case by initialling the alteration or erasure by hand.

(2) A plant passport relating to any relevant material is to be treated as accompanying that relevant material only if the plant passport is affixed to the relevant material, its packaging or the vehicle transporting it by an authorised officer, by the plant trader authorised to issue it or by an inspector.

(3) Where a plant passport comprises an official label and is to be affixed by the plant trader who is authorised to issue the plant passport, the plant trader must affix it in such a way that it cannot be re-used.

(4) A person may only issue a replacement plant passport to replace a plant passport issued in respect of a consignment if—

- (a) the consignment has been divided up, the consignment or part of the consignment has been combined with another consignment or the plant health status of the consignment has been changed; and
- (b) the person is satisfied that the relevant material to which the replacement plant passport will relate can be identified and is free from any risk of infestation by a plant pest of a description specified in Schedule 1 or in column 3 of Schedule 2.

(5) A plant passport or official documentation which accompanies any relevant material in accordance with article 21 must be retained by the person who is the final user of the relevant material or who uses the relevant material in the course of a trade or business.

## **PART 4**

### **Registration of plant traders and authority to issue plant passports**

#### **Register of plant traders**

**25.**—(1) The Welsh Ministers must maintain a register listing the following particulars in relation to each plant trader who meets the requirements of this Part—

- (a) the name of the plant trader;

- (b) the name of any other person responsible for making the application for the plant trader under article 27;
  - (c) the trading name of the plant trader, if different from the name of the plant trader;
  - (d) details of the activities to which this Order applies and which the plant trader engages in or intends to engage in;
  - (e) the address of each premises at which the plant trader engages in or intends to engage in those activities; and
  - (f) a registration number unique to the plant trader.
- (2) The register must be open to inspection by the European Commission.

### **Obligation to register**

26.—(1) No plant trader may engage in any activity to which this Order applies at any premises unless the plant trader is registered in respect of the activity at those premises.

(2) But a plant trader need not be registered in respect of any activity to which this Order applies if—

- (a) the plant trader is a producer; and
- (b) all of the relevant material which the plant trader produces and sells is intended for final use by persons on the local market who are not involved in plant production in the course of a trade or business.

### **Registration requirements**

27.—(1) An application for registration must—

- (a) be made in writing to the Welsh Ministers; and
- (b) be in such form and contain such information as the Welsh Ministers may reasonably require for the purpose of considering the application.

(2) A plant trader must immediately notify the Welsh Ministers in writing if—

- (a) before the plant trader has been registered, there is any change in the circumstances of the plant trader recorded in the plant trader's application for registration; or
- (b) there is any change in the particulars listed in the register in relation to the plant trader.

(3) The Welsh Ministers may only register a plant trader in respect of an activity or premises if the Welsh Ministers are satisfied that the plant trader is able and willing to comply with the conditions in article 28(1).

(4) The Welsh Ministers must notify a plant trader when the plant trader has been registered.

### **Conditions for maintaining registration as a plant trader and other trade-related conditions**

28.—(1) A registered plant trader must—

- (a) keep an accurate plan of each of the plant trader's registered premises;
- (b) keep a record of all relevant material which is—
  - (i) purchased by the plant trader;
  - (ii) brought onto any of the plant trader's registered premises for the purpose of storing, planting or producing the material on those premises; or
  - (iii) produced on, or dispatched from, any of the plant trader's registered premises;

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- (c) keep each document which the plant trader has created or received and which relates to the records referred to in sub-paragraph (b) for at least one year from the date on which the plant trader created or received it;
  - (d) designate an individual (whether the plant trader or another person) who is technically experienced in relation to the registered activities and the related plant health matters affecting the registered premises and who is available to liaise with the Welsh Ministers in relation to matters arising under this Order;
  - (e) examine each of the registered premises and the relevant material at those premises at such times and in the manner specified in any guidelines issued from time to time by the Welsh Ministers;
  - (f) make a declaration that the plant trader is able and willing to comply with the conditions specified in sub-paragraphs (a) to (e) at any time and in any form that the Welsh Ministers require; and
  - (g) comply with any other conditions specified by the Welsh Ministers which the Welsh Ministers consider necessary for the purpose of assessing the presence of or the spread of any plant pest on any of the plant trader's registered premises by reason of the condition of those premises.
- (2) If the Welsh Ministers are satisfied that a registered plant trader has failed to comply with any of the conditions specified in paragraph (1), the Welsh Ministers may suspend the plant trader's registration until the Welsh Ministers are satisfied that the plant trader is able and willing to comply with those conditions.
- (3) A professional operator who supplies or is supplied *Xylella* specified plants must—
- (a) keep a record of each lot of the plants supplied by the professional operator and the name of the professional operator to whom the lot was supplied for three years from the date on which it was supplied;
  - (b) keep a record of each lot of the plants received by the professional operator and the name of the professional operator who supplied the lot for three years from the date on which it was received; and
  - (c) immediately following the dispatch or receipt of any such lot, notify the Welsh Ministers in writing of the details specified in Article 10(4) of Decision (EU) 2015/789 in respect of that lot.
- (4) In paragraph (3)—
- (a) “professional operator” (“*gweithredwr proffesiynol*”) has the meaning given in Article 1(d) of Decision (EU) 2015/789;
  - (b) “*Xylella* specified plants” (“*planhigion penodedig Xylella*”) means—
    - (i) specified plants within the meaning of Article 1(b) of Decision (EU) 2015/789 which have been grown for at least part of their life in, or have been moved through, an area established in accordance with Article 4 of that Decision;
    - (ii) plants, other than seeds, intended for planting, of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L. or *Prunus dulcis* (Mill.) D.A. Webb which have never been grown in an area established in accordance with Article 4 of Decision (EU) 2015/789.

#### **Authority to issue plant passports**

**29.**—(1) A registered plant trader who wishes to issue plant passports in relation to relevant material which is to be moved from any premises in Wales must apply in writing to the Welsh Ministers for the authority to do so.



(2) The applicant must provide the Welsh Ministers with any details which the Welsh Ministers reasonably require about the relevant material.

(3) The Welsh Ministers may carry out any examination of the relevant material and the premises from which the material is to be moved which the Welsh Ministers consider necessary in relation to the application.

(4) The Welsh Ministers may only grant an authorisation to issue plant passports if, having regard to any examination of the relevant material and premises which are the subject of the application, the Welsh Ministers are satisfied—

- (a) that the premises and the relevant material are free from any relevant plant pests; and
- (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.

(5) An authorisation to issue plant passports granted by the Welsh Ministers must be given in writing and may be granted subject to such conditions as the Welsh Ministers consider appropriate to ensure that any relevant requirements under this Order are complied with in relation to the relevant material, including the territories for which the plant passports to be issued will be valid.

(6) The Welsh Ministers may suspend the operation of an authorisation to issue plant passports entirely or in relation to specified premises or specified relevant material if, having regard to any examination of the premises of the registered plant trader and any relevant material there, the Welsh Ministers are not satisfied—

- (a) that the premises or the relevant material are free from any relevant plant pests; and
- (b) where any requirements are specified under this Order in relation to the relevant material, that those requirements have been complied with.

(7) The Welsh Ministers may suspend the operation of, or vary an authorisation to issue plant passports, to the extent that the Welsh Ministers consider necessary if satisfied that the registered plant trader has failed to—

- (a) notify the Welsh Ministers in accordance with article 27(2) of any change in the particulars registered in relation to the plant trader;
- (b) comply with any of the conditions specified in article 28(1);
- (c) comply with any conditions in the authorisation granted under paragraph (5); or
- (d) comply with a requirement in a notice served on the plant trader under article 32.

(8) In this article “relevant plant pest” (“*pla planhigion perthnasol*”) means—

- (a) a plant pest of a description specified in Schedule 1; or
- (b) in relation to any relevant material of a description specified in column 2 of Schedule 2, a plant pest of a description specified in any entry in respect of that description of relevant material in column 3 of that Schedule which is present on the relevant material.

## PART 5

### Swiss trade and Swiss plant passports

#### Exceptions to the requirements in articles 6, 7 and 10

**30.**—(1) The requirements in article 7 for certain relevant material to be accompanied by a phytosanitary certificate do not apply to any relevant material which is of a description specified in Part B, but not Part A, of Schedule 8 and which is introduced into Wales from Switzerland.

*Status: Point in time view as at 28/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)*

(2) In the case of any relevant material which is of a description specified in Part A of Schedule 8 and which is consigned directly from Switzerland to Wales, any requirements in article 7 for the relevant material to be accompanied by a phytosanitary certificate are satisfied if the material is accompanied by a Swiss plant passport.

(3) The requirements in articles 6 and 10 do not apply to any relevant material which is—

- (a) of a description specified in Part B, but not in Part A, of Schedule 8 and which is introduced into Wales from Switzerland; or
- (b) accompanied by a Swiss plant passport pursuant to paragraph (2).

(4) In the case of any relevant material which is of a description specified in Part A of Schedule 8 and which is introduced into Wales from Switzerland via another part of the European Union, any requirement in Part 3 for the relevant material to be accompanied by a plant passport is satisfied if the material is accompanied by a Swiss plant passport.

## PART 6

### Measures to control the landing of relevant material and prevent the spread of plant pests

#### Examination, sampling and marking

**31.**—(1) An inspector may enter any premises at all reasonable times for the purpose of—

- (a) determining the presence or the distribution of a plant pest on the premises;
- (b) checking compliance with any provision of this Order;
- (c) carrying out an examination of a plant trader's premises (including relevant material, documents or records on the premises) in connection with the plant trader's authorisation or application for authorisation to issue plant passports under article 29;
- (d) otherwise enforcing the provisions of this Order.

(2) An inspector acting under paragraph (1) must, if requested to do so, show evidence of their authority to act.

(3) Paragraph (1) does not apply in relation to any premises which are used wholly or mainly as a private dwelling, unless 24 hours' notice has been given to the occupier.

(4) Paragraph (1) does not affect any right of entry conferred by a warrant issued by a justice of the peace.

(5) An inspector who enters premises for a purpose specified in paragraph (1) or under a warrant issued by a justice of the peace may—

- (a) examine, photograph or mark any part of the premises or any object on the premises;
- (b) take samples of or from any plant pest or relevant material, or from any container or package, or from any material which has been or may have been in contact with a plant pest or relevant material;
- (c) inspect or make copies of any documents or records (in whatever form they may be held) relating to the production of or trade in any relevant material.

(6) An inspector may, for the purpose of exercising a power conferred under paragraph (5), open or authorise any person to open on behalf of the inspector any container or package or require the owner or any person in charge of any container or package to open it in the manner specified by the inspector.

(7) An inspector may prohibit the movement, treatment or destruction of any plant pest, relevant material, container or package or any material which may have been in contact with a plant pest or relevant material where this is necessary to enable the inspector to exercise the powers conferred by paragraph (5).

(8) Where any document or record referred to in paragraph (5)(c) is kept by means of a computer, an inspector may—

- (a) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the record or document;
- (b) require any person who is in charge of or is otherwise concerned with the operation of the computer, apparatus or material to give the inspector any assistance which the inspector reasonably requires.

(9) An inspector may destroy or otherwise dispose of any sample taken under paragraph (5)(b) where the sample is no longer required by the inspector under this Order.

(10) An inspector may be accompanied by such other persons, including representatives of the European Commission, and may bring onto the premises such equipment and vehicles, as the inspector considers necessary.

(11) A person accompanying an inspector under paragraph (10)—

- (a) may remain on the premises and from time to time re-enter the premises without the inspector;
- (b) bring onto the premises any equipment or vehicle that the person considers necessary;
- (c) carry out work on the premises in the manner directed by an inspector.

(12) A person accompanying an inspector under paragraph (10) must, if so requested, show evidence of their authority given in that behalf by the Welsh Ministers.

### **Actions which may be required by an inspector**

**32.**—(1) If an inspector has reasonable grounds for suspecting that any plant pest or relevant material is likely to be or has been introduced into Wales in contravention of this Order, the inspector may serve a notice on an appropriate person.

(2) An appropriate person is—

- (a) a plant trader or other person who is in possession of or who is in any way entitled to the custody or control of the plant pest or relevant material; or
- (b) any person who is in charge of the premises at which the plant pest or relevant material is held or is likely to be held on its landing.

(3) A notice under paragraph (1) may—

- (a) prohibit the landing of any plant pest or relevant material;
- (b) specify the manner in which the landing of any plant pest or relevant material is to be carried out and the precautions which are to be taken during and subsequent to landing;
- (c) require any plant pest or relevant material to be treated, re-exported, destroyed or otherwise disposed of;
- (d) prohibit the removal of any plant pest or relevant material from the premises for the period specified in the notice and, where appropriate, impose any other prohibitions which the inspector considers necessary to prevent the introduction or spread of any plant pest;
- (e) require the removal of any plant pest or relevant material from the premises specified in the notice;

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- (f) require the taking of any other steps, as may be specified in the notice, which the inspector considers necessary to prevent the introduction or spread of any plant pest.
- (4) If an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises any controlled plant pest or prohibited material, the inspector may serve a notice on the occupier or any other person in charge of the premises or the plant pest or relevant material.
- (5) A notice under paragraph (4) may—
- (a) require any controlled plant pest or prohibited material to be treated, re-exported, destroyed or otherwise disposed of;
  - (b) prohibit the removal of any controlled plant pest or prohibited material from the premises for the period specified in the notice and, where appropriate, impose any other prohibitions which the inspector considers necessary to prevent the introduction or spread of any controlled plant pest;
  - (c) require the removal of any controlled plant pest or prohibited material from the premises specified in the notice;
  - (d) require the taking of any other steps, as specified in the notice, which the inspector considers necessary to prevent the introduction or spread of any controlled plant pest.
- (6) If an inspector has reasonable grounds for believing that it is necessary for the purpose of preventing the spread of or ensuring the eradication of any controlled plant pest from the premises mentioned in paragraph (4), the inspector may serve a notice on the occupier or a person in charge of any other premises, imposing any prohibition or requiring any reasonable step to be taken for that purpose.
- (7) In this article—
- (a) “controlled plant pest” (“*pla planhigion a reolir*”) means—
    - (i) a plant pest of a description specified in Schedule 1 or in column 3 of Schedule 2;
    - (ii) a plant pest which is not normally present in Great Britain, but in respect of which the inspector considers that there is an imminent danger of the plant pest spreading or being spread in Great Britain; or
    - (iii) a plant pest which is not normally present in another part of the European Union, but in respect of which the inspector considers that there is an imminent danger of the plant pest spreading or being spread to another part of the European Union;
  - (b) “prohibited material” (“*deunydd gwaharddedig*”) means—
    - (i) relevant material which is carrying or is infected with, or which may be carrying or infected with, a controlled plant pest; or
    - (ii) relevant material the landing of which is prohibited under article 5 or 18 or the movement of which in Wales is prohibited under article 20.

### **Actions which may be taken by an inspector**

- 33.**—(1) If an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises any controlled plant pest or infected material, the inspector may, on serving reasonable notice, enter the premises and on the premises or elsewhere take steps to—
- (a) destroy any controlled plant pest;
  - (b) prevent the spread of any controlled plant pest;
  - (c) destroy any infected material; or
  - (d) treat any infected material.

(2) An inspector acting under paragraph (1) must, if requested to do so, show evidence of their authority to act.

(3) Paragraph (1) does not apply in relation to any premises which are used wholly or mainly as a private dwelling, unless 24 hours' notice has been given to the occupier.

(4) Paragraph (1) does not affect any right of entry conferred by a warrant issued by a justice of the peace.

(5) An inspector may be accompanied by such other persons, including representatives of the European Commission, and may bring onto the premises such equipment and vehicles, as the inspector considers necessary.

(6) A person accompanying an inspector under paragraph (5)—

(a) may remain on the premises and from time to time re-enter the premises without the inspector;

(b) bring onto the premises any equipment or vehicle which the person considers necessary;

(c) carry out work on the premises in the manner directed by an inspector.

(7) A person accompanying an inspector under paragraph (5) must, if so requested, show evidence of their authority given in that behalf by the Welsh Ministers.

(8) In this article—

(a) “controlled plant pest” (“*pla planhigion a reolir*”) means—

(i) a plant pest of a description specified in Schedule 1 or in column 3 of Schedule 2; or

(ii) a plant pest which is not normally present in Great Britain, but in respect of which the inspector considers that there is an imminent danger of the plant pest spreading or being spread in Great Britain;

(b) “infected material” (“*deunydd heintiedig*”) means—

(i) relevant material which is carrying or is infected with, or which may be carrying or infected with, a controlled plant pest; or

(ii) relevant material which is not carrying or infected with, but in respect of which the inspector considers that there is an imminent danger of the plant pest spreading or being spread.

### Miscellaneous provisions as to notices

**34.**—(1) A notice served under paragraph (1) or (4) of article 32 may specify one or more requirements or alternative requirements.

(2) Any requirement specified in a notice under paragraph (1), (4) or (6) of article 32 must be carried out in the manner and within such reasonable time as the inspector may specify in the notice.

(3) Any treatment, re-export, destruction or disposal which is required by a notice served under article 32 must be carried out, or arranged to be carried out, to the satisfaction of an inspector, by the person on whom the notice was served from or at the place specified in the notice.

(4) Any plant pest or relevant material which is required by a notice served under article 32 to be moved to a place specified in the notice may not be moved to the designated place except in the manner specified in the notice.

(5) An inspector may amend or withdraw a notice served by an inspector under this Order by a further notice.

(6) A notice under paragraph (5) may be subject to any conditions which the inspector considers necessary to prevent the introduction or spread of any plant pest or re-infection or re-infestation by the plant pest to which the original notice relates.

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(7) Any notice served under this Part may define by reference to a map or plan or otherwise the extent of the premises referred to in the notice.

(8) An inspector may, by notice, require the owner or any other person who appears to be in charge of the premises to which a notice served under article 32 relates—

- (a) to notify the Welsh Ministers of any change in the occupation of the premises, and the date of the change and the name of the new occupier; and
- (b) to inform the new occupier of the premises of the contents of the notice.

### **Service of notices**

**35.**—(1) A notice under this Order which is to be served on a registered plant trader must be served by—

- (a) delivering it personally; or
- (b) leaving it for, or sending it by post to, the trader at the address of the trader's registered premises or, if the trader has more than one address in the register, at the trader's principal address in the register.

(2) A notice under this Order which is to be served on any other person may be served by—

- (a) delivering it personally; or
- (b) leaving it for, or sending it by post to, them at their last known place of abode or business.

(3) If a notice under this Order is to be served on the occupier or other person in charge of premises, and the last known place of abode or address of that person cannot be ascertained after reasonable enquiry, the notice may be served on that person by addressing it to “the occupier” and leaving it conspicuously affixed to an object on the premises for a period of seven days.

(4) A notice under this Order may—

- (a) in the case of a body corporate (other than a limited liability partnership), be served on the secretary or clerk of that body at the address of the registered or principal office of that body;
- (b) in the case of a partnership (other than a limited liability partnership, but including a Scottish partnership), be served on a partner or a person having the control or management of the partnership business at the address of the principal office of the partnership; or
- (c) in the case of a limited liability partnership, be served on a member of the partnership at the address of the registered or principal office of the partnership.

(5) For the purposes of paragraph (4), the principal office of a company registered outside the United Kingdom or a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

### **Information as to compliance with notices**

**36.** A notice served under this Order may require the person on whom the notice is served to inform the inspector immediately whether the requirements of the notice have been complied with and, if they have, to provide the inspector with details of the steps taken to comply with those requirements.

### **Failure to comply with a notice**

**37.**—(1) If a person fails to comply with a notice served on that person under this Order, an inspector may enter any affected premises at all reasonable times to take or cause any steps to be taken which the inspector considers necessary to ensure compliance with the notice or to remedy the consequences of the failure to carry them out.

(2) An inspector acting under paragraph (1) must, if requested to do so, show evidence of their authority to act.

(3) Paragraph (1) does not apply in relation to any premises which are used wholly or mainly as a private dwelling, unless 24 hours' notice of the intended entry has been given to the occupier.

(4) Paragraph (1) does not affect any right of entry conferred by a warrant issued by a justice of the peace.

(5) An inspector acting under paragraph (1) may be accompanied by such other persons, including representatives of the European Commission, and may bring onto the premises such equipment and vehicles, as the inspector considers necessary.

(6) A person accompanying an inspector under paragraph (5)—

(a) may remain on the premises and from time to time re-enter the premises without the inspector;

(b) bring onto the premises any equipment or vehicle which the person considers necessary;

(c) carry out work on the premises in the manner directed by the inspector.

(7) A person accompanying an inspector under paragraph (5) must, if so requested, show evidence of their authority given in that behalf by the Welsh Ministers.

(8) Where an inspector takes any steps under paragraph (1), the Welsh Ministers may recover, as a debt from the person on whom the notice was served, all reasonable costs incurred in taking those steps.

(9) In this article, “affected premises” (*“mangre yr effeithir arni”*) means any premises in or on which any plant pest or relevant material to which the notice relates may be present.

### **Right of entry conferred by a warrant issued by a justice of the peace**

**38.**—(1) A justice of the peace may by signed warrant permit an inspector to enter premises under article 31, 33 or 37, if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied that—

(a) there are reasonable grounds to enter those premises; and

(b) any of the conditions in paragraph (2) are met.

(2) The conditions are that—

(a) entry to the premises has been, or is likely to be, refused and notice of the intention to apply for a warrant has been given to the occupier;

(b) asking for admission to the premises, or giving notice of the intention to apply for a warrant, would defeat the object of the entry;

(c) entry is required urgently;

(d) the premises are unoccupied or the occupier is temporarily absent.

(3) A warrant is valid for one month.

(4) An inspector who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.

## PART 7

### Certain solanaceous species: planting and control of relevant plant pests

#### Miscellaneous provisions for certain solanaceous species

**39.**—(1) No person may knowingly plant, or knowingly cause or permit to be planted, any potatoes or any potatoes produced from those potatoes, which have been grown in a third country, other than Switzerland.

(2) No person may knowingly plant or knowingly cause or permit to be planted any potatoes unless—

- (a) they derive in direct line from potato material which has been obtained under an officially approved programme in the European Union or Switzerland;
- (b) they have been found to be free from Potato brown rot in official tests using the methods set out in Annex II to Directive [98/57/EC](#); and
- (c) they have been found to be free from Potato ring rot in official tests using the methods set out in Annex I to Directive [93/85/EEC](#).

(3) The following have effect in relation to the control of certain plant pests—

- (a) Schedule 13 (special measures for the control of Potato wart disease);
- (b) Schedule 14 (special measures for the control of Potato cyst nematode);
- (c) Schedule 15 (special measures for the control of Potato ring rot); and
- (d) Schedule 16 (special measures for the control of Potato brown rot).

(4) Where the presence of Potato brown rot is confirmed to be present on a sample taken in accordance with Articles 2 and 5 of Directive [98/57/EC](#), an inspector may demarcate a zone in accordance with Article 5(1)(a)(iv) or 5(1)(c)(iii) of that Directive to prevent the spread of that plant pest.

## PART 8

### Licences

#### Licences to carry out activities prohibited by this Order

**40.**—(1) Notwithstanding any other provision of this Order, any plant pest or relevant material may be introduced into, or kept, stored, planted, moved or otherwise disposed of in, Wales and any other thing prohibited by this Order may be done under the authority of a licence granted by the Welsh Ministers—

- (a) in exercise of any derogation permitted by Directive [2000/29/EC](#); or
- (b) for trial or scientific purposes, or for work on varietal selections, in relation to a domestic quarantine plant pest.

(2) A licence granted under paragraph (1)(b) must be in writing and may be granted—

- (a) subject to conditions;
- (b) for an indefinite period or a specified period.

(3) In this article, “domestic quarantine plant pest” (“*pla planhigion cwarantin domestig*”) means a plant pest which is not of a description listed in Annex I or II to Directive [2000/29/EC](#) and which is not normally present in, and is likely to be injurious to plants, in Great Britain.



## Licences for trial or scientific purposes or for work on varietal selections permitted by Directive 2008/61/EC

41.—(1) The Welsh Ministers must by licence authorise the introduction, movement or keeping of any plant pest or relevant material for any activity for trial or scientific purposes or for work on varietal selections, where the introduction, movement or keeping of the plant pest or relevant material for any such purpose would otherwise be prohibited by this Order, if the Welsh Ministers—

- (a) have received an application for a licence containing the information set out in Article 1(2) of Directive 2008/61/EC; and
- (b) are satisfied that the general conditions set out in Annex I to that Directive are met in relation to the application.

(2) A licence granted under paragraph (1) must be in writing and include—

- (a) any conditions laid down in Article 2(2) of Directive 2008/61/EC which are relevant to any plant pest or relevant material that is the subject of the activities to which the licence relates; and
- (b) any other conditions specifying quarantine measures under paragraph 2(a) of Annex I to that Directive or further quarantine measures under paragraph 2(b) of Annex I to that Directive as the Welsh Ministers may determine.

(3) The Welsh Ministers must revoke a licence granted under paragraph (1) where it is established to the satisfaction of the Welsh Ministers that the licensee has not complied with or met any condition of the licence which is imposed under paragraph (2)(b).

(4) On the conclusion of any activities to which a licence granted under paragraph (1) relates, the licensee must, unless otherwise authorised by the Welsh Ministers under paragraph (5)—

- (a) destroy or sterilise any plant pest or relevant material that was the subject of the activities and any other relevant material which has come into contact with or which may have been contaminated by any such plant pest or relevant material; and
- (b) sterilise or clean in any manner specified by the Welsh Ministers, the premises and facilities at which the activities were carried out.

(5) The Welsh Ministers may authorise the licensee to refrain from destroying any relevant material under paragraph (4)(a) if the Welsh Ministers are satisfied that it has been subject to appropriate quarantine measures and has been found, in any manner specified by the Welsh Ministers, to be free from the plant pests specified in Schedule 1 and in column 3 of Schedule 2 and from other plant pests considered by the Welsh Ministers to pose a risk.

(6) For the purpose of paragraph (2), references to the responsible official body in Article 2(2) of, and Annex I to, Directive 2008/61/EC are to be taken to refer to the Welsh Ministers.

(7) In this article, “appropriate quarantine measures” (“*mesurau cwarantyn priodol*”) means—

- (a) in the case of relevant material for which quarantine measures are specified in Part A of Annex III to Directive 2008/61/EC, those measures; and
- (b) in the case of any other relevant material, any quarantine measures, including testing, as may be specified by the Welsh Ministers.

## PART 9

### Notifications, provision and exchange of information

#### Notification of the presence or suspected presence of certain plant pests

**42.**—(1) The occupier or other person in charge of premises who becomes aware of or suspects that any notifiable plant pest is present on the premises, or any other person who in the course of their duties or business becomes aware of or suspects that a notifiable plant pest is present on any premises, must immediately notify the Welsh Ministers or an inspector of its presence or suspected presence.

(2) A notice under paragraph (1) may first be given orally, but must be confirmed in writing as soon as reasonably practicable.

(3) In this article, “notifiable plant pest” (“*pla planhigion hysbysadwy*”) means—

- (a) a plant pest, other than a plant pest of a description specified in Schedule 17, which—
  - (i) is of a description specified in Schedule 1;
  - (ii) is of a description specified in column 3 of Part A of Schedule 2;
  - (iii) is of a description specified in column 3 of Part B of Schedule 2 and which is present on, or appears to an inspector to have been in contact with, relevant material of a description specified in the entry in respect of that plant pest in column 2 of Part B of Schedule 2; or
  - (iv) although not of a description specified in Schedule 1 or 2, is not normally present in Great Britain and is likely to be injurious to plants in Great Britain;
- (b) a plant pest of a description specified in Schedule 17 which—
  - (i) is a sub-species or strain normally present in Great Britain and which has been found on the premises of a registered plant trader;
  - (ii) is a sub-species or strain not normally present in Great Britain and which has been found on any premises; or
  - (iii) is also specified in column 3 of Part A of Schedule 2 and which is present on, or appears to an inspector to have been in contact with, relevant material of a description specified in the entry in respect of that plant pest in column 2 of Part A of Schedule 2.

(4) If the Welsh Ministers become aware of the presence or suspected presence of *Xylella fastidiosa* (Wells et al.) in any place or area in Wales, the Welsh Ministers must ensure that any person having under their control plants which may be infected by *Xylella fastidiosa* (Wells et al.) is immediately informed of—

- (a) its presence or suspected presence;
- (b) the possible consequences arising from its presence or suspected presence; and
- (c) the measures to be taken as a result.

#### Notification of the likely entry into, or presence in, a free zone of plant pests or relevant material

**43.**—(1) The responsible authority for a free zone in Wales must immediately notify the Welsh Ministers of any notifiable item which it knows or suspects—

- (a) is likely to enter the free zone; or
- (b) is present in the free zone and has not been cleared out of charge under the Customs Act.

(2) A notice under paragraph (1) may first be given orally, but must be confirmed in writing as soon as reasonably practicable.

(3) In this article—

- (a) “free zone” (“*parth rhydd*”) has the same meaning as in the Customs Act;
- (b) “notifiable item” (“*eitem hysbysadwy*”) means—
  - (i) a plant pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
  - (ii) a plant pest which, although not specified in Schedule 1 or 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain; or
  - (iii) relevant material of a description specified in column 2 of Schedule 3 which originates in a country specified in the entry in respect of that description of relevant material in column 3 of that Schedule;
- (c) “the responsible authority” (“*yr awdurdod cyfrifol*”) has the same meaning as in the Customs Act.

#### Information to be given

44.—(1) An inspector or any other officer of the Welsh Ministers may by notice in writing require an appropriate person to give to the inspector or officer, within the time specified in the notice, any information which the person may possess as to—

- (a) the plants grown or products stored at any time on the premises in respect of which a notice has been served under this Order;
- (b) any plant pest or relevant material referred to in paragraph (4)(b); and
- (c) the persons who have had or are likely to have had any plant pest or relevant material referred to in paragraph (4)(b) in their possession or under their charge.

(2) The time within which the information is required to be given to the inspector or other officer must be reasonable.

(3) An appropriate person must produce for examination by the inspector or other officer any licence, official statement, certificate, plant passport, record, invoice or other document relating to a plant pest or any relevant material specified in the notice.

(4) In this article, “appropriate person” (“*person priodol*”) means—

- (a) a person who is the owner, occupier or other person in charge of premises in respect of which a notice has been served under this Order;
- (b) a person who has, has had, or is reasonably suspected by the inspector or officer to have or have had, possession or charge of—
  - (i) a plant pest of a description specified in Schedule 1 or in column 3 of Schedule 2;
  - (ii) a plant pest which, although not specified in Schedule 1 or 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
  - (iii) any relevant material carrying or infected with a plant pest referred to in paragraph (i) or (ii); or
  - (iv) any relevant material which the inspector or officer knows or suspects to have been landed in or exported from Wales; or
- (c) a person who, as auctioneer, salesman or otherwise, has sold, offered for sale or otherwise disposed of a plant pest referred to in sub-paragraph (b)(i) or (ii).

**Power to share information for the purposes of the Order**

45.—(1) The Commissioners for Her Majesty's Revenue and Customs may disclose any information in their possession to the Welsh Ministers for the purposes of this Order.

(2) Paragraph (1) is without prejudice to any other power of the Commissioners to disclose information.

(3) No person, including a servant of the Crown, may disclose any information received from the Commissioners under paragraph (1) if—

- (a) the information relates to a person whose identity is specified in the disclosure or can be deduced from the disclosure;
- (b) the disclosure is for a purpose other than specified in paragraph (1); and
- (c) the Commissioners have not given their prior consent to the disclosure.

**PART 10****Offences****Offences**

46.—(1) A person commits an offence if, without reasonable excuse, proof of which lies with the person—

- (a) the person contravenes or fails to comply with—
  - (i) article 6(1);
  - (ii) article 9;
  - (iii) article 10(1) or (2);
  - (iv) article 16(2), (3) or (4);
  - (v) article 17(6);
  - (vi) article 19(1);
  - (vii) article 20;
  - (viii) article 21;
  - (ix) article 24(3) or (4);
  - (x) article 26;
  - (xi) article 27(2);
  - (xii) article 28(1) or (3);
  - (xiii) article 39(1) or (2);
  - (xiv) article 41(4);
  - (xv) article 42(1);
  - (xvi) article 43(1);
  - (xvii) article 45(3); or
  - (xviii) paragraphs 5, 8, 9 or 11 of Schedule 14;
- (b) contravenes or fails to comply with a provision or condition of a notice served on the person or of a licence granted or of any direction given, under this Order; or
- (c) intentionally obstructs an inspector or any person authorised by an inspector in exercise of the powers given to the inspector by or under this Order.

(2) A person commits an offence if, for the purpose of procuring the issue of a plant passport, a replacement plant passport, a phytosanitary certificate, a phytosanitary certificate for re-export or a licence under this Order, the person—

- (a) knowingly or recklessly makes a statement which is false in a material particular; or
- (b) intentionally fails to disclose any material information.

(3) A person commits an offence if the person—

- (a) dishonestly issues a plant passport;
- (b) dishonestly alters a plant passport; or
- (c) dishonestly re-uses a plant passport.

(4) It is a defence for a person charged with an offence under paragraph (1)(a)(xvii) to prove that the person reasonably believed—

- (a) that the disclosure was lawful; or
- (b) that the information had already and lawfully been made available to the public.

(5) If an offence under this Order is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager or secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

the person, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(6) For the purposes of paragraph (5), “director” (“*cyfarwyddwr*”) in relation to a body corporate whose affairs are managed by its members, includes a member of the body corporate.

(7) Where an offence under this Order is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a partner, the partnership, as well as the partnership, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(8) Where the commission by any person of an offence under this Order is due to the act of default of some other person, that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings for the offence are taken against the first-mentioned person.

## Penalties

**47.**—(1) A person guilty of an offence under this Order (other than an offence under article 46(1)(a)(xvii)) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) A person guilty of an offence under article 46(1)(a)(xvii) is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding three months, to a fine not exceeding the statutory maximum or to both.

*Status: Point in time view as at 28/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)*

## PART 11

### Miscellaneous

#### The Customs Act

48. The provisions of this Order apply without prejudice to the Customs Act.

#### Revocation and transitional provisions

49.—(1) The Plant Health (Wales) Order 2006<sup>M32</sup> and the Orders specified in Schedule 18 are revoked.

(2) Any notice issued or licence, authorisation or other approval granted under the Plant Health (Wales) Order 2006 and which has effect at the coming into force of this Order remains in force as if it were issued or granted under this Order.

(3) Entries which are on the register kept under article 25(1) of the Plant Health (Wales) Order 2006 immediately before this Order comes into force are to be treated as if entered on the register under article 25(1) of this Order.

#### Marginal Citations

**M32** S.I. 2006/1643 (W. 158), as amended by S.I. 2007/2716 (W. 229), 2007/3305 (W. 292), 2008/2781 (W. 248), 2008/2913 (W. 257), 2009/1376 (W. 137), 2010/1795 (W. 171), 2010/2976 (W. 247), 2012/3143 (W. 315), 2013/888 (W. 100), 2013/2939 (W. 287), 2014/521 (W. 62), 2014/1186 (W. 115), 2014/1463 (W. 144) and 2014/2368 (W. 231).

*Hannah Blythyn*  
Minister for Environment under authority of  
the Cabinet Secretary for Energy, Planning and  
Rural Affairs, one of the Welsh Ministers

## SCHEDULE 1

Articles 5(1), 12(1) 18(1), 20(1), 24(4),  
29(8), 32(7) 33(8), 42(3), 43(3) and 44(4)

Plant pests which may not be introduced into or spread within Wales

### PART A

Plant pests not known to occur in any part of the European Union

#### Insects, mites and nematodes

1. *Acleris* spp. (non-European)
2. *Agrilus anxius* Gory
3. *Agrilus planipennis* Fairmaire
4. *Amauromyza maculosa* (Malloch)
5. *Anomala orientalis* Waterhouse
6. *Anoplophora chinensis* (Forster)
7. *Anoplophora glabripennis* (Motschulsky)
8. *Anthonomus eugeni* Cano
9. *Arrhenodes minutus* Drury
10. *Bactericera cockerelli* (Sulc.)
11. *Bemisia tabaci* Genn. (non-European populations), vector of viruses such as: Bean golden mosaic virus, Cowpea mild mottle virus, Lettuce infectious yellow virus, Pepper mild tigré virus, Squash leaf curl virus, Euphorbia mosaic virus or Florida tomato virus
12. Cicadellidae (non-European) known to be vectors of Pierce's disease (caused by *Xylella fastidiosa*), such as: *Carneiocephala fulgida* Nottingham, *Draeculacephala minerva* Ball or *Graphocephala atropunctata* (Signoret)
13. *Choristoneura* spp. (non-European)
14. *Conotrachelus nenuphar* (Herbst)
15. *Dendrolimus sibiricus* Tschetverikov
16. *Diabrotica barberi* Smith and Lawrence
17. *Diabrotica undecimpunctata howardi* Barber
18. *Diabrotica undecimpunctata undecimpunctata* Mannerheim
19. *Diabrotica virgifera zea* Krysan & Smith
20. *Diaphorina citri* Kuway
21. *Epitrix cucumeris* (Harris), *Epitrix papa*. sp.n, *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner)
22. *Heliothis zea* (Boddie)
23. *Hirschmanniella* spp., other than *Hirschmanniella gracilis* (de Man) Luc and Goodey
24. *Keiferia lycopersicella* (Walsingham)

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

25. *Liriomyza sativae* Blanchard
26. *Longidorus diadecturus* Eveleigh and Allen
27. *Monochamus* spp. (non-European)
28. *Myndus crudus* Van Duzee
29. *Nacobbus aberrans* (Thorne) Thorne and Allen
30. *Naupactus leucoloma* Boheman
31. *Premnotrypes* spp. (non-European)
32. *Pseudopityophthorus minutissimus* (Zimmermann)
33. *Pseudopityophthorus pruinosus* (Eichhoff)
34. *Rhynchophorus ferrugineus* (Olivier)
35. *Rhynchophorus palmarum* (L.)
36. *Saperda candida* Fabricius
37. *Scaphoideus luteolus* Van Duzee
38. *Spodoptera eridania* (Cramer)
39. *Spodoptera frugiperda* (J.E. Smith)
40. *Spodoptera litura* (Fabricius)
41. *Thrips palmi* Karny
42. Tephritidae (non-European) such as: *Anastrepha fraterculus* (Wiedemann), *Anastrepha ludens* (Loew), *Anastrepha obliqua* Macquart, *Anastrepha suspensa* (Loew), *Dacus ciliatus* Loew, *Dacus curcurbitae* Coquillet, *Dacus dorsalis* Hendel, *Dacus tryoni* (Froggatt), *Dacus tsuneonis* Miyake, *Dacus zonatus* Saund., *Epochra canadensis* (Loew), *Pardalaspis cyanescens* Bezzi, *Pardalaspis quinaria* Bezzi, *Pterandrus rosa* (Karsch), *Rhacochlaena japonica* Ito, *Rhagoletis cingulata* (Loew), *Rhagoletis completa* Cresson, *Rhagoletis fausta* (Osten-Sacken), *Rhagoletis indifferens* Curran, *Rhagoletis mendax* Curran, *Rhagoletis pomonella* Walsh, *Rhagoletis ribicola* Doane or *Rhagoletis suavis* (Loew)
43. *Thaumatotibia leucotreta* (Meyrick)
44. *Xiphinema americanum* Cobb *sensu lato* (non-European populations)
45. *Xiphinema californicum* Lamberti and Bleve-Zacheo

## Bacteria

1. *Candidatus Liberibacter* spp., a causal agent of Huanglongbing disease of citrus/citrus greening
2. *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto
3. *Xanthomonas citri* pv. *aurantifolii*
4. *Xanthomonas citri* pv. *citri*

## Fungi

1. *Ceratocystis fagacearum* (Bretz) Hunt
2. *Chrysomyxa arctostaphyli* Dietel



3. *Cronartium* spp. (non-European)
4. *Endocronartium* spp. (non-European)
5. *Gibberella circinata* Nirenberg & O'Donnell
6. *Guignardia laricina* (Saw.) Yamamoto et Ito
7. *Gymnosporangium* spp. (non-European)
8. *Inonotus weirii* (Murril) Kotlaba and Pouzar
9. *Melampsora farlowii* (Arthur) Davis
10. *Mycosphaerella larici-leptolepsis* Ito et al.
11. *Mycosphaerella populorum* G.E. Thompson
12. *Phoma andina* Turkensteen
13. *Phyllosticta citricarpa* (McAlpine) Van der Aa
14. *Phyllosticta solitaria* Ellis & Everhart.
15. *Phytophthora ramorum* Werres, De Cock & Man in't Veld sp. nov.
16. *Septoria lycopersici* Speg. var *malagutii* Ciccarone and Boerema
17. *Thecaphora solani* Barrus
18. *Tilletia indica* Mitra
19. *Trechispora brinkmannii* (Bresad.) Rogers

### Viruses and virus-like organisms

1. Potato viruses or virus-like organisms such as: Andean potato latent virus, Andean potato mottle virus, Arracacha virus B oca strain, Potato black ringspot virus, Potato virus T or non-European isolates of potato viruses A, M, S, V, X and Y (including Yo, Yn and Yc) and Potato leafroll virus
2. Tobacco ringspot virus
3. Tomato ringspot virus
4. Viruses or virus-like organisms of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L., *Rubus* L. or *Vitis* L., such as: Blueberry leaf mottle virus, Cherry rasp leaf virus (American), Peach mosaic virus (American), Peach phony rickettsia, Peach rosette mosaic virus, Peach rosette mycoplasma, Peach X-disease mycoplasma, Peach yellows mycoplasma, Plum line pattern virus (American), Raspberry leaf curl virus (American), Strawberry latent "C" virus, Strawberry vein banding virus, Strawberry witches' broom mycoplasma or non-European viruses or virus-like organisms of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L., *Rubus* L. or *Vitis* L.
5. Viruses transmitted by *Bemisia tabaci* Genn., such as: Bean golden mosaic virus, Cowpea mild mottle virus, Lettuce infectious yellow virus, Pepper mild tigré virus, Squash leaf curl virus, Euphorbia mosaic virus or Florida tomato virus

### Parasitic plants

1. *Arceuthobium* spp. (non-European)

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

## Molluscs

1. *Pomacea* Perry

## PART B

### Plant pests known to occur in the European Union

#### Insects, mites and nematodes

1. *Bemisia tabaci* Genn. (European populations)
2. *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle *et al.*
3. *Dryocosmus kuriphilus* Yasumatsu
4. *Globodera pallida* (Stone) Behrens
5. *Globodera rostochiensis* (Wollenweber) Behrens
6. *Leptinotarsa decemlineata* Say
7. *Meloidogyne chitwoodi* Golden *et al.* (all populations)
8. *Meloidogyne fallax* Karssen
9. *Opogona sacchari* (Bojer)
10. *Popillia japonica* Newman
11. *Rhizoecus hibisci* Kawai and Takagi
12. *Spodoptera littoralis* (Boisduval)
13. *Thaumetopoea processionea* L
14. *Trioza erytrae* Del Guercio

#### Bacteria

1. *Clavibacter michiganensis* (Smith) Davis *et al.* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.*
2. *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*
3. *Xylella fastidiosa* (Wells *et al.*)

#### Fungi

1. *Chalara fraxinea* T. Kowalski, including its teleomorph *Hymenoscyphus pseudoalbidus*
2. *Melampsora medusae* Thümen
3. *Synchytrium endobioticum* (Schilbersky) Percival

#### Viruses and virus-like organisms

1. Apple proliferation mycoplasma
2. Apricot chlorotic leaf roll mycoplasma
3. *Candidatus* Phytoplasma ulmi

**4. Pear decline mycoplasma**

## SCHEDULE 2

Articles 5(1), 12(1), 18(1), 20(1), 24(4),  
29(8), 32(7), 33(8), 42(3), 43(3) and 44(4)Relevant material which may not be introduced into or moved  
within Wales if that material is carrying or infected with plant pests**PART A**

## Plant pests not known to occur in the European Union

**Insects, mites and nematodes**

<b>(1) Item</b>	<b>(2) Description of relevant material</b>	<b>(3) Plant pest</b>
1.	Plants, other than seeds, of <i>Fuchsia</i> L., intended for planting	<i>Aculops fuchsiae</i> Keifer
2.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Aleurocanthus</i> spp.
3.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Anthonomus bisignifer</i> (Schenkling)
4.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Anthonomus signatus</i> (Say)
5.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Aonidiella citrina</i> Coquillett
6.	Seeds of <i>Oryza</i> spp.	<i>Aphelenchoides besseyi</i> Christie
7.	Plants, other than fruit or seeds, of <i>Juniperus</i> L., originating in any country outside Europe	<i>Aschistonyx eppoi</i> Inouye
8.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe	<i>Carposina niponensis</i> Walsingham
9.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Rosa</i> L., originating in any country outside Europe	<i>Enarmonia packardi</i> (Zeller)
10.	Plants, other than seeds, of <i>Crataegus</i> L., <i>Malus</i> Mill., <i>Photinia</i> LdL., <i>Prunus</i> L. or <i>Rosa</i> L., or fruit of <i>Malus</i> Mill. or <i>Prunus</i> L., originating in any country outside Europe	<i>Enarmonia prunivora</i> Walsh
11.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Eotetranychus lewisi</i> (McGregor)

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12. Plants, other than seeds, of *Cydonia* Mill., *Grapholita inopinata* Heinrich  
*Malus* Mill., *Prunus* L. or *Pyrus* L.,  
originating in any country outside Europe
13. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. *Hishomonus phycitis* (Distant)
14. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. *Leucaspis japonica* Ckll.
15. Seeds of Cruciferae, Gramineae or *Listronotus bonariensis* (Kuschel)  
*Trifolium* spp., originating in Argentina,  
Australia, Bolivia, Chile, New Zealand or  
Uruguay
16. Plants, other than fruit or seeds, of *Vitis* L. *Margarodes*, non-European species, such  
as:
  - (a) *Margarodes vitis* (Philippi)
  - (b) *Margarodes vredendalensis* de  
Klerk
  - (c) *Margarodes prieskaensis*  
Jakubski
17. Plants, other than seeds, of *Pyrus* L., *Numonia pyrivorella* (Matsumura)  
originating in any country outside Europe
18. Plants, other than fruit or seeds, of *Juniperus* L., originating in any country  
outside Europe *Oligonychus perditus* Pritchard and Baker
19. Plants, other than fruit or seeds, of conifers (*Coniferales*), originating in any country  
outside Europe *Pissodes* spp. (non-European)
20. Plants, other than fruit or seeds, of *Radopholus citrophilus* Huettel Dickson  
*Citrus* L., *Fortunella* Swingle or *Poncirus* Raf.; or plants of Araceae, Marantaceae,  
Musaceae, *Persea* spp. or Strelitziaceae, in  
any case rooted or with growing medium  
attached or which appear to have been in  
contact with growing medium and Kaplan
21. Plants, other than seeds, of *Citrus* L., *Scirtothrips aurantii* Faure  
*Fortunella* Swingle or *Poncirus* Raf.
22. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. *Scirtothrips dorsalis* Hood
23. Plants, other than seeds, of *Citrus* L., *Scirtothrips citri* (Moultx) *Fortunella* Swingle or *Poncirus* Raf.
24. Tubers of *Solanum tuberosum* L. *Scrobipalopsis solanivora* Povolny
25. Plants, other than seeds, of *Cydonia* Mill., *Tachypterellus quadrigibbus* Say  
*Malus* Mill., *Prunus* L. or *Pyrus* L.,  
originating in any country outside Europe

26. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. *Toxoptera citricida* (Kirk.)
27. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. *Unaspis citri* Comstock

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### Bacteria

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus variegated chlorosis
2.	Seeds of <i>Zea mays</i> L.	<i>Erwinia stewartii</i> (Smith) Dye
3.	Seeds of <i>Oryza</i> spp.	<i>Xanthomonas campestris</i> pv. <i>Oryzae</i> (Ishiyama) Dye and pv. <i>oryzicola</i> (Fang. et al.) Dye

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### Fungi

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill. or <i>Pyrus</i> L., intended for planting, originating in any country outside Europe	<i>Alternaria alternata</i> (Fr.) Keissler (non-European pathogenic isolates)
2.	Plants, other than seeds, of <i>Corylus</i> L., intended for planting, originating in Canada or the USA	<i>Anisogramma anomala</i> (Peck) E. Müller
3.	Plants, other than seeds, of <i>Prunus</i> L., intended for planting	<i>Apiosporina morbosa</i> (Schwein.) v. Arx
4.	Plants, other than fruit or seeds, of <i>Pinus</i> L., intended for planting	<i>Atropellis</i> spp.
5.	Plants, other than fruit or seeds, of <i>Acer saccharum</i> Marsh., originating in Canada or the USA	<i>Ceratocystis virescens</i> (Davidson) Moreau
6.	Plants, other than fruit or seeds, of <i>Pinus</i> L.	<i>Cercoseptoria pini-densiflorae</i> (Hori and Nambu) Deighton
7.	Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Cercospora angolensis</i> Carv. and Mendes
8.	Plants, other than seeds, of <i>Vaccinium</i> spp., intended for planting	<i>Diaporthe vaccinii</i> Shaer
9.	Plants, other than fruit or seeds, of <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.; or plants, other than fruit or seeds (except fruit of <i>Citrus reticulata</i> Blanco and <i>Citrus sinensis</i> (L.) Osbeck) of <i>Citrus</i> L., in any case, originating in any country in South America	<i>Elsinoe</i> spp. Bitanc. and Jenk. Mendes

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| 10. | Plants, other than fruit or seeds, of <i>Phoenix</i> spp.   | <i>Fusarium oxysporum</i> f. sp. <i>Albedinis</i> (Kilian and Maire) Gordon |
| 11. | Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe | <i>Guignardia piricola</i> (Nosa) Yamamoto                                  |
| 12. | Plants, other than fruit or seeds, of Solanaceae  | <i>Puccinia pittieriana</i> Hennings  |
| 13. | Plants, other than fruit or seeds, of <i>Pinus</i> L.   | <i>Scirrhia acicola</i> (Dearn.) Siggers                                    |
| 14. | Plants, other than seeds, of <i>Ulmus</i> L. or <i>Zelkova</i> L., intended for planting  | <i>Stegophora ulmea</i> (Schweintz: Fries) Sydow & Sydow                    |
| 15. | Plants, other than seeds, of <i>Pyrus</i> L., intended for planting, originating in any country outside Europe  | <i>Venturia nashicola</i> Tanaka and Yamamoto                               |

#### Viruses and virus-like organisms

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting	Beet curly top virus (non-European isolates)
2.	Plants of <i>Rubus</i> L., intended for planting	Black raspberry latent virus
3.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Blight or blight-like
4.	Plants, other than seeds, of Palmae, intended for planting, originating in any country outside Europe	Cadang-Cadang viroid
5.	Plants of <i>Rubus</i> L., intended for planting	Cherry leaf-roll virus
6.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul. or <i>Solanum lycopersicum</i> L., intended for planting	Chrysanthemum stem necrosis virus
7.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus mosaic virus
8.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus tristeza virus (non-European isolates)
9.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Leprosis
10.	Plants, other than seeds, of <i>Prunus cerasus</i> L., <i>Prunus avium</i> L., <i>Prunus incisa</i> Thunb., <i>Prunus sargentii</i> Rehd., <i>Prunus serrula</i> Franch., <i>Prunus serrulata</i> Lindl., <i>Prunus speciosa</i> (Koidz.) Ingram, <i>Prunus subhirtella</i> Miq. or <i>Prunus yedoensis</i> Matsum., or their cultivars, intended for planting	Little cherry pathogen (non-European isolates)

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|-----|---|----------------------------------|
| 11. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Naturally spreading psorosis     |
| 12. | Plants, other than seeds, of Palmae, intended for planting, originating in any country outside Europe     | Palm lethal yellowing mycoplasma |
| 13. | Plants of <i>Rubus</i> L., intended for planting  | Prunus necrotic ringspot virus   |
| 14. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Satsuma dwarf virus              |
| 15. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Tatter leaf virus                |
| 16. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Witches' broom (MLO)             |
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## PART B

### Plant pests known to occur in the European Union

#### Insects, mites and nematodes

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Aphelenchoides besseyi</i> Christie
2.	Plants, other than fruit or seeds, of <i>Vitis</i> L.	<i>Daktulosphaira vitifoliae</i> (Fitch)
3.	Flowers, bulbs or corms of <i>Crocus</i> L., miniature cultivars of the genus <i>Gladiolus</i> Tourn. ex. L. including <i>Gladiolus callianthus</i> Marais, <i>Gladiolus colvillei</i> Sweet, <i>Gladiolus nanus</i> hort., <i>Gladiolus ramosus</i> hort., <i>Gladiolus tubergenii</i> hort., <i>Hyacinthus</i> L., <i>Iris</i> L., <i>Trigridia</i> Juss. or <i>Tulipa</i> L., intended for planting, or potato tubers ( <i>Solanum tuberosum</i> L.), intended for planting	<i>Ditylenchus destructor</i> Thorne
4.	Seeds or bulbs of <i>Allium ascalonicum</i> L., <i>Allium cepa</i> L. or <i>Allium schoenoprasum</i> L., intended for planting; plants of <i>Allium porrum</i> L., intended for planting; bulbs or corms of <i>Camassia</i> Lindl., <i>Chionodoxa</i> Boiss., <i>Crocus flavus</i> Weston “Golden Yellow”, <i>Galanthus</i> L., <i>Galtonia candicans</i> (Baker) Decne, <i>Hyacinthus</i> L., <i>Ismene</i> Herbert, <i>Muscari</i> Miller, <i>Narcissus</i> L., <i>Ornithogalum</i> L., <i>Puschkinia</i> Adams, <i>Scilla</i> L. or <i>Tulipa</i> L., intended for planting; or seeds of <i>Medicago sativa</i> L.	<i>Ditylenchus dipsaci</i> (Kühn) Filipjev

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5. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. *Circulifer haematoceps* (Mulsant and Rey)
6. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. *Circulifer tenellus* (Baker)
7. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. *Eutetranychus orientalis* Klein
8. Plants, other than seeds, of *Dendranthema* (DC.) Des Moul., *Dianthus* L., *Pelargonium* L'Hérit ex Ait. or the family Solanaceae, intended for planting *Helicoverpa armigera* (Hübner)
9. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. *Parasaissetia nigra* (Nietner)
10. Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth., *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf. *Paysandisia archon* (Burmeister)
11. Plants of Araceae, Marantaceae, Musaceae, *Persea* spp., or Strelitziaceae, rooted or with growing medium attached or which appear to have been in contact with growing medium *Radopholus similis* (Cobb) Thorne
12. Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendle., *Borassus flabellifer* L., *Brahea armata* S. Watson, *Brahea edulis* H. Wendl., *Butia capitata* (Mart.) Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. Ex Mart., *Chamaerops humilis* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha utan* Lam., *Elaeis guineensis* Jacq., *Howea forsteriana* Becc., *Jubaea chilensis* (Molina) Baill., *Livistona australis* C. Martius, *Livistona decora* (W. Bull) Dowe, *Livistona rotundifolia* (Lam.) Mart., *Metroxylon sagu* Rottb., *Phoenix canariensis* Chabaud, *Phoenix dactylifera* L., *Phoenix reclinata* Jacq., *Phoenix roebelenii* O'Brien, *Phoenix*



*sylvestris* (L.) Roxb., *Phoenix theophrasti* Greuter, *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal palmetto* (Walter) Lodd. ex Schult. & Schult. f., *Syagrus roman-zoffiana* (Cham.) Glassman, *Trachycarpus fortunei* (Hook.) H. Wendl. or *Washingtonia* Raf.

13. Plants, other than fruit or seeds, of *Pinus* L., intended for planting *Thaumetopoea pityocampa* Denis & Schiffermüller
14. Cut flowers or leafy vegetables of *Apium graveolens* L. or plants of herbaceous species, intended for planting, other than:  
— bulbs,  
— corms,  
— plants of the family Gramineae,  
— rhizomes, or  
— seeds
15. Cut flowers or leafy vegetables of *Apium graveolens* L. or plants of herbaceous species, intended for planting, other than:  
— bulbs,  
— corms,  
— plants of the family Gramineae,  
— rhizomes, or  
— seeds

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### Bacteria

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Seeds of <i>Medicago sativa</i> L.	<i>Clavibacter michiganensis</i> ssp. <i>Insidiosus</i> (McCulloch) Davis <i>et al.</i>
2.	Plants of <i>Solanum lycopersicum</i> L., intended for planting	<i>Clavibacter michiganensis</i> ssp. <i>michiganensis</i> (Smith) Davis <i>et al.</i>
3.	Plants, other than seeds, of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. or <i>Sorbus</i> L., intended for planting	<i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i>
4.	Plants, other than seeds, of <i>Dianthus</i> L., intended for planting	<i>Erwinia chrysanthemi</i> pv. <i>Dianthicola</i> (Hellmers) Dickey
5.	Plants, other than seeds, of <i>Dianthus</i> L., intended for planting	<i>Pseudomonas caryophylli</i> (Burkholder) Starr and Burkholder
6.	Plants, other than seeds, of <i>Prunus persica</i> (L.) Batsch or <i>Prunus persica</i>	<i>Pseudomonas syringae</i> pv. <i>Persicae</i> (Prunier <i>et al.</i> ) Young <i>et al.</i>

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	var. <i>nectarina</i> (Ait.) Maxim, intended for planting	
7.	Seeds of <i>Phaseolus</i> L.	<i>Xanthomonas campestris</i> pv. <i>Phaseoli</i> (Smith) Dye
8.	Plants, other than seeds, of <i>Prunus</i> L., intended for planting	<i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i>
9.	Plants of <i>Solanum lycopersicum</i> L. or <i>Capsicum</i> spp., intended for planting	<i>Xanthomonas campestris</i> pv. <i>Vesticatoria</i> (Doidge) Dye
10.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Xanthomonas fragariae</i> Kennedy and King
11.	Plants, other than fruit or seeds, of <i>Vitis</i> L.	<i>Xylophilus ampelinus</i> (Panagopoulos) Willems <i>et al.</i>

### Fungi

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Platanus</i> L., intended for planting	<i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr.
2.	Plants of <i>Fraxinus</i> L., intended for planting	<i>Chalara fraxinea</i> T. Kowalski, including its teleomorph <i>Hymenoscyphus pseudoalbidus</i>
3.	Plants of <i>Castanea</i> Mill., intended for planting, or plants, other than seeds, of <i>Quercus</i> L., intended for planting	<i>Cryphonectria parasitica</i> (Murrill) Barr
4.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting	<i>Didymella ligulicola</i> (Baker, Dimock and Davis) v. Arx
5.	Plants, other than seeds, of <i>Dianthus</i> L., intended for planting	<i>Phialophora cinerescens</i> (Wollenweber) van Beyma
6.	Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili
7.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Phytophthora fragariae</i> Hickman var. <i>Fragariae</i>
8.	Seeds of <i>Helianthus annuus</i> L.	<i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni
9.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting	<i>Puccinia horiana</i> Hennings
10.	Plants, other than seeds, of <i>Pinus</i> L., intended for planting	<i>Scirrhia pini</i> Funk and Parker
11.	Plants, other than seeds, of <i>Humulus lupulus</i> L., intended for planting	<i>Verticillium albo-atrum</i> Reinke and Berthold
12.	Plants, other than seeds, of <i>Humulus lupulus</i> L., intended for planting	<i>Verticillium dahliae</i> Klebahn

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### Viruses and virus-like organisms

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Arabis mosaic virus
2.	Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting	Beet leaf curl virus
3.	Plants, other than seeds, of <i>Ulmus</i> L., intended for planting	<i>Candidatus</i> Phytoplasma ulmi
4.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting	Chrysanthemum stunt viroid
5.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus tristeza virus (European isolates)
6.	Plants, other than fruit or seeds, of <i>Vitis</i> L.	Grapevine flavescence dorée MLO
7.	Plants, other than seeds, of <i>Prunus</i> L., intended for planting	Plum pox virus
8.	Plants, other than seeds, of Solanaceae, intended for planting	Potato stolbur mycoplasma
9.	Plants of <i>Solanum lycopersicum</i> L., <i>Capsicum annuum</i> L. or <i>Capsicum frutescens</i> L., intended for planting, or plants of <i>Solanum tuberosum</i> L.	Potato spindle tuber viroid
10.	Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Raspberry ringspot virus
11.	Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Spiroplasma citri</i> Saglio <i>et al.</i>
12.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	Strawberry crinkle virus
13.	Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Strawberry latent ringspot virus
14.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	Strawberry mild yellow edge virus
15.	Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Tomato black ring virus
16.	Plants, other than seeds, of <i>Apium graveolens</i> L., <i>Capsicum annuum</i> L., <i>Cucumis melo</i> L., <i>Dendranthema</i> (DC.) Des Moul., any variety of New Guinea hybrids of <i>Impatiens</i> , <i>Lactuca sativa</i> L., <i>Solanum lycopersicum</i> L. or <i>Nicotiana tabacum</i> L. of which there must be evidence that they are intended for sale to professional tobacco producers,	Tomato spotted wilt virus

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

- Solanum melongena* L. or *Solanum tuberosum* L., intended for planting
17. Plants, other than seeds, of *Solanum lycopersicum* L., intended for planting Tomato yellow leaf curl virus
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## SCHEDULE 3

Articles 5(1), 18(1) and 43(3)

Relevant material which may not be introduced into  
Wales if that material originates in certain third countries

<b>(1) Item</b>	<b>(2) Description of relevant material</b>	<b>(3) Countries of origin</b>
1.	Plants, other than fruit or seeds, of <i>Abies</i> Mill., <i>Cedrus</i> Trew, <i>Chamaecyparis</i> Spach, <i>Juniperus</i> L., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr.	Any country outside Europe
2.	Plants with leaves, other than fruit or seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L.	Any country outside Europe
3.	Plants with leaves, other than fruit or seeds, of <i>Populus</i> L.	Any country in North America
4.	Plants, other than dormant plants free from leaves, flowers and fruit, of <i>Chaenomeles</i> Lindl., <i>Cydonia</i> Mill., <i>Crataegus</i> L., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L. or <i>Rosa</i> L., intended for planting	Any country outside Europe
5.	Plants, other than dormant plants free from leaves, flowers and fruit, of <i>Photinia</i> Lindl., intended for planting	The USA, China, Japan, Republic of Korea or Democratic People's Republic of Korea
6.	Tubers of <i>Solanum tuberosum</i> L. for planting	Any third country other than Switzerland
7.	Plants of stolon- or tuber-forming species of <i>Solanum</i> L., intended for planting, other than tubers of <i>Solanum tuberosum</i> L. specified in item 6	Any third country
8.	Tubers of species of <i>Solanum</i> L., other than those specified in items 6 and 7	Any third country other than Algeria, Bosnia and Herzegovina, Egypt, Israel, Libya, Morocco, Serbia, Switzerland, Syria, Tunisia or Turkey
9.	Plants of <i>Solanaceae</i> , intended for planting, other than seeds or relevant material specified in items 6 to 8	Any third country other than any country in the Euro-Mediterranean area
10.	Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants or	Belarus, Moldova, Russia, Turkey, Ukraine and any third country not in mainland Europe, other than Egypt, Israel, Libya, Morocco or Tunisia

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	humus (including peat or bark), other than that composed entirely of peat	
11.	Plants, other than fruits, of <i>Vitis</i> L.	Any third country, other than Switzerland
12.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Any third country
13.	Plants, other than fruit or seeds, of <i>Phoenix</i> spp.	Algeria or Morocco
14.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L. or <i>Fragaria</i> L., intended for planting	Any third country, other than a country in the Euro-Mediterranean area, Australia, New Zealand, Canada or the continental states of the USA
15.	Plants, other than seeds, of the family <i>Gramineae</i> , other than plants of ornamental perennial grasses of the subfamilies <i>Bambusoideae</i> , <i>Panicoideae</i> or of the genera <i>Buchloe</i> , <i>Bouteloua</i> Lag., <i>Calamagrostis</i> , <i>Cortaderia</i> Stapf., <i>Glyceria</i> R. Br., <i>Hakonechloa</i> Mak. ex. Honda, <i>Hystrix</i> , <i>Molinia</i> , <i>Phalaris</i> L., <i>Shibataea</i> , <i>Spartina</i> Schreb., <i>Stipa</i> L. or <i>Uniola</i> L., intended for planting	Any third country, other than a country in the Euro-Mediterranean area
16.	Plants, other than seeds, of <i>Coffea</i> , intended for planting	Costa Rica or Honduras
17.	Plants, other than seeds, of <i>Capsicum</i> L., <i>Lagenaria</i> Ser., <i>Luffa</i> Mill., <i>Momordica</i> L. or <i>Solanum</i> L., other than <i>Solanum lycopersicum</i> L.	Ghana

#### SCHEDULE 4

Articles 3, 5(1), 12(1), 15(2), 18(1), 18(3) and 20(1)

Restrictions on the introduction into and movement within Wales of relevant material

### PART A

Relevant material, originating in third countries, which may only be landed if special requirements are complied with

<b>(1) Item</b>	<b>(2) Description of relevant material</b>	<b>(3) Requirement of landing</b>
1.	Plants, other than fruit or seeds, of conifers (Coniferales), originating in any country outside Europe	The plants must be accompanied by an official statement that they have been produced in a nursery and that the place of production is free from <i>Pissodes</i> spp. (non-European)

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**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

2. Plants, other than seeds, of *Pinus* L., intended for planting, originating in any third country The plants must be accompanied by an official statement that no symptoms of *Scirrhia acicola* (Dearn.) Siggers or *Scirrhia pini* Funk and Parker have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
3. Plants, other than seeds, of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. or *Tsuga* Carr., intended for planting, originating in any third country The plants must be accompanied by an official statement that no symptoms of *Melampsora medusae* Thümen have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
4. Plants, other than fruit or seeds, of *Quercus* L. originating in the USA The plants must be accompanied by an official statement that they originate in an area known to be free from *Ceratocystis fagacearum* (Bretz) Hunt.
5. Plants, other than fruit or seeds, of *Castanea* Mill. or *Quercus* L., originating in any country outside Europe The plants must be accompanied by an official statement that no signs of *Cronartium* spp. (non-European) have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
6. Plants, other than seeds, of *Castanea* Mill. or *Quercus* L., intended for planting, originating in any third country The plants must be accompanied by an official statement that:
  - (a) they originate in an area known to be free from *Cryphonectria parasitica* (Murrill) Barr; or
  - (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
7. Plants, other than seeds, of *Corylus* L., intended for planting, originating in Canada or the USA The plants must be accompanied by an official statement that they have been grown in a nursery and:
  - (a) originate in an area established in the country of export by the national plant protection organisation in that country as being free from *Anisogramma anomala* (Peck) E. Müller, in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for

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- re-export under the heading “Additional declaration”; or
- (b) originate in a place of production established in the country of export by the national plant protection organisation in that country as being free from *Anisogramma anomala* (Peck) E. Müller on official inspections carried out at the place of production or in its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration” and declared free from *Anisogramma anomala* (Peck) E. Müller
8. Plants, other than fruit or seeds, but including cut branches with or without foliage, of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA The plants must be accompanied by an official statement that they originate in an area recognised as being free from *Agrilus planipennis* Fairmaire for the purposes of point 11.4 of Section I of Annex IV Part A, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export
9. Plants of *Betula* L., other than fruit or seeds, but including cut branches of *Betula* L., with or without foliage, originating in any third country The plants must be accompanied by an official statement that they originate in a country known to be free of *Agrilus anxius* Gory
10. Plants, other than seeds, of *Platanus* L., intended for planting, originating in Armenia, Switzerland or the USA The plants must be accompanied by an official statement that no symptoms of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
11. Plants, other than seeds, of *Populus* L., intended for planting, originating in any third country The plants must be accompanied by an official statement that no symptoms of *Melampsora medusae* Thümen have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation

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12. Plants, other than fruit or seeds, of *Populus* L., originating in any country of the American continent
- The plants must be accompanied by an official statement that no symptoms of *Mycosphaerella populorum* G.E. Thompson have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
13. Plants, other than seeds, of *Ulmus* L., intended for planting, originating in any country in North America
- The plants must be accompanied by an official statement that no symptoms of *Candidatus* Phytoplasma ulmi have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
14. Plants, other than scions, cuttings, plants in tissue culture, pollen or seeds, of *Amelanchier* Medik., *Aronia* Medik., *Cotoneaster* Medik., *Crataegus* L., *Cydonia* Mill., *Malus* Mill., *Prunus* L., *Pyracantha* M. Roem., *Pyrus* L. or *Sorbus* L., intended for planting, originating in Canada or the USA
- The plants must be accompanied by an official statement that:
- (a) they have been grown throughout their life in an area free from *Saperda candida* Fabricius, established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional declaration”; or
  - (b) they have been grown during a period of at least two years prior to export, or in the case of plants which are younger than two years, have been grown throughout their life, in a place of production established as free from *Saperda candida* Fabricius in accordance with ISPM No. 10:
    - (i) which is registered and supervised by the national plant protection organisation in the country of origin;
    - (ii) which has been subjected annually to two official inspections for any signs of *Saperda candida* Fabricius carried out at appropriate times;
    - (iii) where the plants have been grown in a site



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- with complete physical protection against the introduction of *Saperda candida* Fabricius or with the application of appropriate preventive treatments and surrounded by a buffer zone with a width of at least 500 m in which the absence of *Saperda candida* Fabricius has been confirmed by official surveys carried out annually at appropriate times; and
- (iv) immediately prior to export, the plants, and in particular their stems, have been subjected to a meticulous inspection for the presence of *Saperda candida* Fabricius, which included destructive sampling, where appropriate
15. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., originating in any third country The fruits must be free from peduncles and leaves and the packaging, any label attached to the packaging or any document normally used for trade purposes which accompanies the consignment must bear an appropriate origin mark (which may be a reference to the name of the country of origin)
16. Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Microcitrus* Swingle, *Naringi* Adans., or *Swinglea* Merr., originating in any third country The fruits must be accompanied by an official statement that:
- (a) they originate in a country recognised as being free from *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* in accordance with ISPM No. 4, and which has been previously notified in writing to the European Commission by the relevant national plant protection organisation;
- (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* in accordance

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- with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration” and has been previously notified in writing to the European Commission by the relevant national plant protection organisation;
- (c) they originate in a place of production established by the national plant protection organisation as being free from *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”;
- (d) they:
- (i) have been subjected to a treatment with sodium orthophenylphenate or any other effective treatment which has been previously notified in writing to the European Commission by the relevant national plant protection organisation;
  - (ii) originate in a site of production, which along with the immediate vicinity, are subject to appropriate treatments and cultural practices against *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii*; and
  - (iii) are free from symptoms of *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolli*, as shown from official inspections carried out at appropriate times prior to export; and

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- (iv) which includes information on traceability; or
    - (e) in the case of fruits destined for industrial processing into juice in the European Union:
      - (i) they have been found free of symptoms of *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* during official inspections carried out prior to export;
      - (ii) they originate in a site of production which, along with the immediate vicinity, was subject to appropriate treatments and cultural practices against *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii*;
      - (iii) they are subject to a licence granted under article 40(1) of this Order authorising their movement within Wales and, where applicable, their processing and storage in Wales;
      - (iv) they are transported in individual packages bearing a label which contains a traceability code and indicates that the fruits are destined for industrial processing; and
      - (v) which includes information on traceability
17. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., originating in any third country The fruits must be accompanied by an official statement that:
- (a) they originate in a country recognised as being free from *Cercospora angolensis* Carv. et Mendes in accordance with ISPM No. 4, and which has been previously notified in writing to the European Commission by the relevant national plant protection organisation;

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- (b) they originate in an area recognised as being free from *Cercospora angolensis* Carv. et Mendes in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration” and has been previously notified in writing to the European Commission by the relevant national plant protection organisation; or
- (c) no symptoms of *Cercospora angolensis* Carv. et Mendes have been observed in the site of production and in its immediate vicinity since the beginning of the last cycle of vegetation and none of the fruits harvested in the site of production has shown, in appropriate official examination, symptoms of this plant pest
18. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., other than fruits of *Citrus aurantium* L. or *Citrus latifolia* Tanaka, originating in any third country, other than Argentina, Brazil, South Africa or Uruguay
- The fruits must be accompanied by an official statement that:
- (a) they originate in a country recognised as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 4, and which has been previously notified in writing to the European Commission by the relevant national plant protection organisation;
- (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration” and has been previously notified in writing to the European

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Commission by the relevant national plant protection organisation;

- (c) they:
- (i) originate in a place of production established by the national plant protection organisation in the country of origin as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional declaration”; and
  - (ii) have been found free of symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa by official inspection of a representative sample defined in accordance with ISPM No. 31;
- (d) they originate in a site of production subjected:
- (i) to appropriate treatments and cultural measures against *Phyllosticta citricarpa* (McAlpine) Van der Aa; and
  - (ii) official inspections have been carried out in the site of production during the growing season since the beginning of the last cycle of vegetation, and no symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa have been detected in the fruits; and
  - (iii) the harvested fruits from that site of production have been found free of symptoms of *Phyllosticta*

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*citricarpa* (McAlpine) Van der Aa during an official inspection, prior to export, of a representative sample, defined in accordance with ISPM No. 31; and

- (iv) which includes information on traceability; or
- (e) in the case of fruits destined for industrial processing into juice in the European Union:
  - (i) they have been found free of symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa prior to export during an official inspection of a representative sample defined in accordance with ISPM No. 31;
  - (ii) they originate in a site of production which was subject to appropriate treatments against *Phyllosticta citricarpa* (McAlpine) Van der Aa at appropriate times and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”;
  - (iii) they are subject to a licence granted under article 40(1) of this Order authorising their movement within Wales and, where applicable, their processing and storage in Wales;
  - (iv) they are transported in individual packages bearing a label which contains a traceability code and indicates that the fruits are destined for industrial processing; and

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(v) which includes information on traceability

19. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., other than fruits of *Citrus aurantium* L. or *Citrus latifolia* Tanaka, which originate in Argentina, Brazil, South Africa or Uruguay and are not destined exclusively for industrial processing into juice
- The fruits must:
- (a) be accompanied by an official statement that they originate in an area established by the national plant protection organisation in the country of origin as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export and has been previously notified in writing to the European Commission by the relevant national plant protection organisation;
  - (b) in the case of fruits originating in Brazil, be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional Declaration” that they meet the requirements specified in Articles 4 and 7 of Decision (EU) 2016/715;
  - (c) in the case of fruits originating in South Africa or Uruguay, be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional Declaration” that they meet the requirements specified in Articles 5 and 7 of Decision (EU) 2016/715;
  - (d) in the case of fruits originating in Argentina, be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional Declaration” that they meet the requirements specified in Articles 5a and 7 of Decision (EU) 2016/715
20. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., other than
- The fruits:

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fruits of *Citrus aurantium* L. or *Citrus latifolia* Tanaka, which originate in Argentina, Brazil, South Africa or Uruguay and are destined exclusively for industrial processing into juice

- (a) must be accompanied by an official statement that:
  - (i) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration” and has been previously notified in writing to the European Commission by the relevant national plant protection organisation; or
  - (ii) they:
    - (aa) originate in a place of production established by the national plant protection organisation in the country of origin as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional declaration”; and
    - (bb) have been found free of symptoms of *Phyllosticta*



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*citricarpa*  
(McAlpine) Van  
der Aa by official  
inspection of a  
representative  
sample defined in  
accordance with  
ISPM No. 31;

- (b) in the case of fruits introduced into the European Union under the derogation specified in Article 8 of Decision (EU) 2016/715, they must be:
  - (i) accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration” in accordance with Articles 9(1) and 10 of Decision (EU) 2016/715 and the information specified in Article 9(2) of that Decision;
  - (ii) packaged and labelled in accordance with Article 17 of that Decision; and
  - (iii) subject to a licence granted under article 40(1) of this Order authorising their movement within Wales and, where applicable, their processing and storage in Wales

21. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., originating in any third country where Tephritidae (non-European) are known to occur on these fruits
- The fruits must be accompanied by an official statement that:
- (a) they originate in an area known to be free from Tephritidae (non-European);
  - (b) no signs of Tephritidae (non-European) have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation, on official inspections carried out at least monthly during the three months prior to harvesting, and none of the fruits harvested at the place of production has shown, in

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- appropriate official examination, signs of Tephritidae (non-European);
- (c) they have been shown, in appropriate official examination on representative samples, to be free from Tephritidae (non-European) in all stages of their development; or
- (d) the fruits have been subjected to an appropriate treatment, any acceptable vapour heat treatment, cold treatment, or quick freeze treatment, which has been shown to be efficient against Tephritidae (non-European) without damaging the fruit, or, where not available, chemical treatment as far as it is acceptable under European Union legislation
22. Fruits of *Capsicum* (L.) Citrus L., other than *Citrus limon* (L.) Osbeck, or *Citrus aurantii-folia* (Christm.) Swingle, *Prunus persica* (L.) Batsch or *Punica granatum* L., originating in any country of the African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius or Israel
- The fruits must be accompanied by an official statement that:
- (a) they originate in a country recognised as being free from *Thaumatotibia leucotreta* (Meyrick) in accordance with ISPM No. 4;
- (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Thaumatotibia leucotreta* (Meyrick) in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional declaration”;
- (c) they:
- (aa) originate in a place of production established by the national plant protection organisation in the country of origin as being free from *Thaumatotibia leucotreta* (Meyrick) in accordance with ISPM No. 10; and

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- (bb) are free from that plant pest as shown from official inspections carried out in the place of production at appropriate times during the growing season, which included a visual examination on representative samples of fruit, and which includes information on traceability; or
    - (d) in the case of fruits which have been subjected to an effective cold treatment or any other effective treatment to ensure freedom from *Thaumatotibia leucotreta* (Meyrick) which has previously been notified in writing to the European Commission by the relevant national plant protection organisation, they have been subjected to such a treatment, and which includes the treatment data
- 23. Plants, other than 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. or *Sorbus* L., intended for planting, originating in any third country The plants must be accompanied by an official statement that the plants in the field of production or its immediate vicinity which have shown symptoms of *Erwinia amylovora* (Burr.) Winsl. *et al.* have been removed
- 24. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., or plants of Araceae, Marantaceae, Musaceae, *Persea* spp. or Strelitziaceae, rooted or with growing medium attached or which appear to have been in contact with growing medium, originating in any third country The plants must be accompanied by an official statement that:
  - (a) they originate in a country known to be free from *Radopholus citrophilus* Huettel *et al.* and *Radopholus similis* (Cobb) Thorne; or
  - (b) representative samples of soil and roots from the place of production have been subjected, since the beginning of the last complete cycle of vegetation, to official nematological testing for at least *Radopholus citrophilus* Huettel *et al.* and *Radopholus similis* (Cobb) Thorne and have

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- been found to be free from those plant pests
25. Plants, other than fruit but including seeds, of *Aegle* Corrêa, *Aeglopsis* Swingle, *Afraegle* Engl., *Atalantia* Corrêa, *Balsamocitrus* Stapf, *Burkillanthus* Swingle, *Calodendrum* Thunb., *Choisya* Kunth, *Clausena* Burm. f., *Limonia* L., *Microcitrus* Swingle, *Murraya* J. Koenig ex L., *Pamburus* Swingle, *Severinia* Ten., *Swinglea* Merr., *Triphasia* Lour. or *Vepris* Comm., originating in any third country; or seeds of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., originating in any third country
- The plants must be accompanied by an official statement that they originate in a country recognised as being free from *Candidatus Liberibacter* spp., a causal agent of Huanglongbing disease of citrus/citrus greening
26. Plants, other than fruit or seeds, of *Casimiroa* La Llave, *Choisya* Kunth, *Clausena* Burm. f., *Murraya* J. Koenig ex L., *Vepris* Comm., *Zanthoxylum* L., originating in any third country
- The plants must be accompanied by an official statement that:
- (a) they originate in a country in which *Trioza erythrae* Del Guercio is known not to occur;
  - (b) they originate in an area free from *Trioza erythrae* Del Guercio, established by the national plant protection organisation in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”; or
  - (c) they have been grown in a place of production:
    - (i) which is registered and supervised by the national plant protection organisation in the country of origin;
    - (ii) where the plants were placed in a site with complete physical protection against the introduction of *Trioza erythrae* Del Guercio; and
    - (iii) where two official inspections were carried out at appropriate times during the last complete

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- cycle of vegetation prior to their movement from the site, and no signs of that plant pest were observed in that site or in the surrounding area with a width of at least 200 m
27. Plants, other than fruit or seeds, of *Aegle* Corrêa, *Aeglopsis* Swingle, *Afraegle* Engl., *Amyris* P. Browne, *Atalantia* Corrêa, *Balsamocitrus* Stapf, *Choisya* Kunth, *Citropsis* Swingle & Kellermen, *Clausena* Burm. f., *Eremocitrus* Swingle, *Esenbeckia* Kunth., *Glycosmis* Corrêa, *Limonia* L., *Merrillia* Swingle, *Microcitrus* Swingle, *Murraya* J. Koenig ex L., *Naringi* Adans., *Pamburus* Swingle, *Severinia* Ten., *Swinglea* Merr., *Tetradium* Lour., *Toddalia* Juss., *Triphasia* Lour, *Vepris* Comm. or *Zanthoxylum* L., originating in any third country
- The plants must be accompanied by an official statement that they originate in:
- (a) a country where *Diaphorina citri* Kuway is known not to occur; or
  - (b) an area free from *Diaphorina citri* Kuway, established by the national plant protection organisation in accordance with ISPM No. 4, which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”
28. Plants, other than fruits or seeds, of *Microcitrus* Swingle, *Naringi* Adans. or *Swinglea* Merr., originating in any third country
- The plants must be accompanied by an official statement that:
- (a) they originate in a country recognised as being free from *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* in accordance with ISPM No. 4, and which has been notified in writing to the European Commission by the relevant national plant protection organisation; or
  - (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration” and has been notified in writing to the European Commission by

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- the national plant protection organisation
29. Plants, other than seeds, of *Crataegus* L., intended for planting, originating in any third country where *Phyllosticta solitaria* Ell. and Ev. is known to occur
- The plants must be accompanied by an official statement that no symptoms of *Phyllosticta solitaria* Ell. and Ev. have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation
30. Plants, other than seeds, of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L. or *Rubus* L., intended for planting, originating in any third country where the following plant pests are known to occur on the following genera:
- The plants must be accompanied by an official statement that no symptoms of diseases caused by the plant pests listed in column 2 of this item have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation
- on *Fragaria* L.:
    - *Phytophthora fragariae* Hickman, var. *fragariae*,
    - Arabis mosaic virus,
    - Raspberry ringspot virus,
    - Strawberry crinkle virus,
    - Strawberry latent ringspot virus,
    - Strawberry mild yellow edge virus,
    - Tomato black ring virus, or
    - *Xanthomonas fragariae* Kennedy and King;
  - on *Malus* Mill.:
    - *Phyllosticta solitaria* Ell. and Ev.;
  - on *Prunus* L.:
    - Apricot chlorotic leafroll mycoplasma, or
    - *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al*;
    - on *Prunus persica* (L.) Batsch:
      - *Pseudomonas syringae* pv. *persicae* (Prunier *et al.*) Young *et al.*;
  - on *Pyrus* L.:
    - *Phyllosticta solitaria* Ell. and Ev.;
  - on *Rubus* L.:
    - Arabis mosaic virus,
    - Raspberry ringspot virus,
    - Strawberry latent ringspot virus, or
    - Tomato black ring virus; or
    - on all species:

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- non-European viruses or virus-like organisms
31. Plants, other than seeds, of *Cydonia* Mill. or *Pyrus* L., intended for planting, originating in any third country where Pear decline mycoplasma is known to occur
- The plants must be accompanied by an official statement that plants at the place of production or in its immediate vicinity which have shown symptoms giving rise to the suspicion of contamination by Pear decline mycoplasma, have been rogued out at that place within the last three complete cycles of vegetation
32. Plants, other than seeds, of *Fragaria* L., intended for planting, originating in any third country where the following plant pests are known to occur:
- Strawberry latent “C” virus,
  - Strawberry vein banding virus, or
  - Strawberry witches' broom mycoplasma
- The plants must be accompanied by an official statement that:
- (a) the plants, other than those raised from seed, have been:
    - (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official testing for at least the plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; or
    - (ii) derived in direct line from material which has been maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; and
  - (b) no symptoms of diseases caused by the plant pests listed in column 2 of this item have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity,

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- since the beginning of the last complete cycle of vegetation
33. Plants, other than seeds, of *Fragaria* L., intended for planting, originating in any third country where *Aphelenchoides besseyi* Christie is known to occur
- The plants must be accompanied by an official statement that:
- (a) no symptoms of *Aphelenchoides besseyi* Christie have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation; or
  - (b) in the case of plants in tissue culture, the plants have been derived from plants which complied with paragraph (a) or have been officially tested by appropriate nematological methods and have been found free from *Aphelenchoides besseyi* Christie
34. Plants, other than seeds, of *Fragaria* L., intended for planting, originating in any third country
- The plants must be accompanied by an official statement that they originate in an area known to be free from *Anthonomus signatus* Say and *Anthonomus bisignifer* (Schenkling)
35. Plants, other than seeds, of *Malus* Mill., intended for planting, originating in any third country where the following plant pests are known to occur on *Malus* Mill.:
- Cherry rasp leaf virus (American), or
  - Tomato ringspot virus
- The plants must be accompanied by an official statement that:
- (a) they have been:
    - (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official testing for at least the plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; or
    - (ii) derived in direct line from material which has been maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official



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- testing for at least the plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; or
- (b) no symptoms of diseases caused by the plant pests listed in column 2 of this item have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last complete cycle of vegetation
36. Plants, other than seeds, of *Malus* Mill., intended for planting, originating in any third country where Apple proliferation mycoplasma is known to occur
- The plants must be accompanied by an official statement that:
- (a) they originate in an area known to be free from Apple proliferation mycoplasma; or
- (b) other than plants raised from seeds, they have been:
- (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official testing for at least Apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free from that plant pest; or
- (ii) derived in direct line from material which has been maintained under appropriate conditions and has been subjected, at least once within the last six complete cycles of vegetation, to official testing for at least Apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been

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37. Plants, other than seeds, of the following species of *Prunus* L., intended for planting, originating in any third country where Plum pox virus is known to occur:
- *Prunus amygdalus* Batsch,
  - *Prunus armeniaca* L.,
  - *Prunus blireiana* Andre,
  - *Prunus brigantina* Vill.,
  - *Prunus cerasifera* Ehrh.,
  - *Prunus cistena* Hansen,
  - *Prunus curdica* Fenzl and Fritsch.,
  - *Prunus domestica* spp. *domestica* L.,
  - *Prunus domestica* spp. *insititia* (L.) C.K. Schneid.,
  - *Prunus domestica* spp. *italica* (Borkh.) Hegi.,
  - *Prunus glandulosa* Thunb.,
  - *Prunus holosericea* Batal.,
  - *Prunus hortulana* Bailey,
  - *Prunus japonica* Thunb.,
  - *Prunus mandshurica* (Maxim.) Koehne,
  - *Prunus maritima* Marsh.,
  - *Prunus mume* Sieb and Zucc.,
  - *Prunus nigra* Ait.,
  - *Prunus persica* (L.) Batsch,
  - *Prunus salicina* L.,
  - *Prunus sibirica* L.,
  - *Prunus simonii* Carr.,
  - *Prunus spinosa* L.,
  - *Prunus tomentosa* Thunb.,
  - *Prunus triloba* Lindl., or
  - other species of *Prunus* L. susceptible to Plum pox virus
- The plants must be accompanied by an official statement that:
- (a) other than plants raised from seed, they have been:
    - (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official testing for at least Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest; or
    - (ii) derived in direct line from material which has been maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest; and
  - (b) no symptoms of the diseases caused by Plum pox virus have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the
- found free, in these tests, from that plant pest; and
- (iii) no symptoms of diseases caused by Apple proliferation mycoplasma have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation

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- beginning of the last three complete cycles of vegetation;  
or
- (c) plants at the place of production which have shown symptoms of disease caused by other viruses or virus-like pathogens, have been rogued out
38. Plants of *Prunus* L., intended for planting:
- originating in any third country where Tomato ringspot virus is known to occur on *Prunus* L.;
  - other than seeds, originating in any third country where the following plant pests are known to occur:
    - Cherry rasp leaf virus (American),
    - Peach mosaic virus (American),
    - Peach phony rickettsia,
    - Peach rosette mycoplasma,
    - Peach yellows mycoplasma,
    - Plum line pattern virus (American), or
    - Peach X-disease mycoplasma;
  - other than seeds, originating in any country outside Europe where Little cherry pathogen is known to occur
- The plants must be accompanied by an official statement that:
- (a) they have been:
    - (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official testing for at least the relevant plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; or
    - (ii) derived in direct line from material which has been maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the relevant plant pests listed in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; and
  - (b) no symptoms of diseases caused by the relevant plant pests listed in column 2 of this item have been observed on the plants at the place of production, or on susceptible plants in its immediate vicinity, since the

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- beginning of the last three complete cycles of vegetation
39. Plants of *Rubus* L., intended for planting:
- originating in any third country where the following plant pests are known to occur on *Rubus* L.:
    - Tomato ringspot virus,
    - Black raspberry latent virus,
    - Cherry leaf roll virus, or
    - Prunus necrotic ringspot virus
  - other than seeds, originating in any third country where the following plant pests are known to occur:
    - Raspberry leaf curl virus (American), or
    - Cherry rasp leaf virus (American)
- The plants must be accompanied by an official statement that they have been:
- (a) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official testing for at least the relevant plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; or
  - (b) derived in direct line from material which has been maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the relevant plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; and
  - (c) no symptoms of diseases caused by the relevant plant pests in column 2 of this item have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation
40. Tubers of *Solanum tuberosum* L. originating in any third country where *Synchytrium endobioticum* (Schilbersky) Percival is known to occur
- The tubers must be accompanied by an official statement that they originate in an area known to be free from *Synchytrium endobioticum* (Schilbersky) Percival (all races other than Race 1, the common European race), and no symptoms of *Synchytrium endobioticum* (Schilbersky) Percival have been observed at the place of production or in its immediate vicinity since the beginning of an adequate period

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41. Tubers of *Solanum tuberosum* L. originating in any third country. The tubers must be accompanied by an official statement that they originate in a country known to be free from *Clavibacter michiganensis* spp. *sepedonicus* (Spieckermann and Kottoff) Davis *et al.*
42. Tubers of *Solanum tuberosum* L., other than early potatoes, originating in any third country where Potato spindle tuber viroid is known to occur. The faculty of germination in the tubers must have been suppressed
43. Tubers of *Solanum tuberosum* L., intended for planting, originating in any third country. The tubers must be accompanied by an official statement that:
- (a) they originate from a field known to be free from *Globodera rostochiensis* (Wollenweber) Behrens and *Globodera pallida* (Stone) Behrens;
  - (b) they originate in an area in which *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* is known not to occur; and
  - (c) they originate in an area where *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen are known not to occur; or
  - (d) in areas where *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen are known to occur:
    - (i) they originate from a place of production which has been found free from *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production; or

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- (ii) the tubers after harvest have been randomly sampled and, either checked for the presence of symptoms after an appropriate method to induce symptoms, or laboratory tested, as well as inspected visually both externally and by cutting the tubers, at appropriate times and in all cases at the time of sealing of the packages or containers before marketing according to the provisions on sealing in Council Directive [2002/56/EC](#) on the marketing of seed potatoes, and no symptoms of *Meloidogyne chitwoodi* Golden et al. (all populations) or *Meloidogyne fallax* Karszen have been found
44. Tubers of *Solanum tuberosum* L., other than those intended for planting, originating in any third country The tubers must be accompanied by an official statement that they originate in an area in which *Ralstonia solanacearum* (Smith) Yabuuchi et al. is not known to occur
45. Tubers of *Solanum tuberosum* L. originating in any third country The tubers must be accompanied by an official statement that they originate in:
- (a) a country where *Scrobipalopsis solanivora* Povolny is not known to occur; or
  - (b) an area free from *Scrobipalopsis solanivora* Povolny, established by the national plant protection organisation in accordance with ISPM No. 4
46. Plants, other than seeds, of Solanaceae, intended for planting, originating in any third country where Potato stolbur mycoplasma is known to occur The plants must be accompanied by an official statement that no symptoms of Potato stolbur mycoplasma have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation
47. Plants of Solanaceae, intended for planting, other than tubers of *Solanum tuberosum* L. or seeds of The plants must be accompanied by an official statement that no symptoms of Potato spindle tuber viroid have been

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- Solanum lycopersicum* L., originating in any third country where Potato spindle tuber viroid is known to occur observed on plants at the place of production since the beginning of the last complete cycle of vegetation
48. Plants, other than seeds, of *Capsicum annuum* L., *Solanum lycopersicum* L., *Musa* L., *Nicotiana* L. or *Solanum melongena* L., intended for planting, originating in any third country where *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* is known to occur The plants must be accompanied by an official statement that:
- (a) they originate in an area which has been found free from *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*; or
  - (b) no symptoms of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation
49. Plants, other than fruits or seeds, of *Solanum lycopersicum* L. or *Solanum melongena* L., originating in any third country The plants must be accompanied by an official statement that:
- (a) they originate in a country recognised as being free from *Keiferia lycopersicella* (Walsingham) in accordance with ISPM No. 4; or
  - (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Keiferia lycopersicella* (Walsingham) in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”
50. Fruits of *Solanum lycopersicum* L. or *Solanum melongena* L., originating in any third country The fruits must be accompanied by an official statement that:
- (a) they originate in a country recognised as being free from *Keiferia lycopersicella* (Walsingham) in accordance with ISPM No. 4;
  - (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Keiferia lycopersicella* (Walsingham) in accordance with ISPM No. 4, and which is mentioned on the phytosanitary

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- certificate or phytosanitary certificate for re-export under the heading “Additional declaration”; or
- (c) they originate in a place of production established by the national plant protection organisation in the country of origin as being free from *Keiferia lycopersicella* (Walsingham) on the basis of official inspections and surveys carried out during the last three months prior to export, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”
51. Plants, other than seeds, of *Humulus lupulus* L., intended for planting, originating in any third country The plants must be accompanied by an official statement that no symptoms of *Verticillium alboatrum* Reinke and Berthold or *Verticillium dahliae* Klebahn have been observed on hops at the place of production since the beginning of the last complete cycle of vegetation
52. Plants, other than seeds, of *Dendranthema* (DC.) Des Moul., *Dianthus* L. or *Pelargonium* L'Hérit. ex Ait., originating in any third country The plants must be accompanied by an official statement that:
- (a) they originate in an area free from *Helicoverpa armigera* (Hübner) and *Spodoptera littoralis* (Boisd.), established by the national plant protection organisation in accordance with ISPM No. 4;
- (b) no signs of *Helicoverpa armigera* (Hübner) or *Spodoptera littoralis* (Boisd.) have been observed at the place of production since the beginning of the last complete cycle of vegetation; or
- (c) the plants have undergone appropriate treatment to protect them from those plant pests
53. Plants, other than seeds, of *Dendranthema* (DC.) Des Moul., *Dianthus* L. or *Pelargonium* L'Hérit. ex Ait., originating in any third country The plants must be accompanied by an official statement that:
- (a) they originate in an area free from *Spodoptera eridania* (Cramer), *Spodoptera*



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- frugiperda* Smith and *Spodoptera litura* (Fabricius), established by the national plant protection organisation in accordance with ISPM No. 4;
- (b) no signs of *Spodoptera eridania* (Cramer), *Spodoptera frugiperda* Smith or *Spodoptera litura* (Fabricius) have been observed at the place of production since the beginning of the last complete cycle of vegetation; or
- (c) the plants have undergone appropriate treatment to protect them from those plant pests
54. Plants, other than seeds, of *Dendranthema* (DC.) Des Moul., intended for planting, originating in any third country
- The plants must be accompanied by an official statement that:
- (a) they are no more than third generation stock derived from material which has been found to be free from *Chrysanthemum stunt viroid* during virological tests, or are directly derived from material of which a representative sample of at least 10% has been found to be free from *Chrysanthemum stunt viroid* during an official inspection carried out at the time of flowering;
- (b) the plants or cuttings:
- (i) have come from premises which have been officially inspected at least monthly during the three months prior to dispatch and on which no symptoms of *Puccinia horiana* Hennings have been observed during that period, and in the immediate vicinity of which no symptoms of *Puccinia horiana* Hennings have been known to have occurred during the three months prior to export; or

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- (ii) have undergone appropriate treatment against *Puccinia horiana* Hennings; and
  - (c) in the case of unrooted cuttings, no symptoms of *Didymella ligulicola* (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the plants from which the cuttings were derived, or that, in the case of rooted cuttings, no symptoms of *Didymella ligulicola* (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the rooting bed
55. Plants, other than seeds, of *Dendranthema* (DC.) Des Moul. or *Solanum lycopersicum* L., intended for planting, originating in any third country
- The plants must be accompanied by an official statement that they:
- (a) have been grown throughout their life in a country free from Chrysanthemum stem necrosis virus;
  - (b) have been grown throughout their life in an area established by the national plant protection organisation in the country of export as being free from Chrysanthemum stem necrosis virus in accordance with ISPM No. 4; or
  - (c) the plants have been grown throughout their life in a place of production, established as being free from Chrysanthemum stem necrosis virus and verified through official inspections and, where appropriate, testing
56. Plants, other than seeds, of *Dianthus* L., intended for planting, originating in any third country
- The plants must be accompanied by an official statement that:
- (a) they have been derived in direct line from mother plants which have been found free from *Erwinia chrysanthemi* pv. *dianthicola* (Hellmers) Dickey, *Pseudomonas caryophylli* (Burkholder) Starr and Burkholder and *Phialophora cinerescens* (Wollenw.) Van Beyma on officially approved tests, carried out at least once

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- within the two previous years;  
and
- (b) no symptoms of these plant  
pests have been observed on the  
plants
57. Bulbs of *Tulipa* L. or *Narcissus* L. The bulbs must be accompanied by an other than those for which there is evidence from their packaging, or from other means, that they are intended for sale to final consumers not involved in professional cut flower production, originating in any third country. The bulbs must be accompanied by an official statement that no symptoms of *Ditylenchus dipsaci* (Kühn) Filipjev have been observed on the plants since the beginning of the last complete cycle of vegetation
58. Plants, other than seeds, of *Pelargonium* L'Hérit. ex Ait., intended for planting, originating in any third country where:  
— Tomato ringspot virus is known to occur, and  
— *Xiphinema americanum* Cobb sensu lato (non-European populations) or other vectors of Tomato ringspot virus are not known to occur. The plants must be accompanied by an official statement that they:  
(a) are directly derived from a place of production known to be free from Tomato ringspot virus; or  
(b) are of no more than fourth generation stock, derived from mother plants found to be free from Tomato ringspot virus under an officially approved system of virological testing
59. Plants, other than seeds, of *Pelargonium* L'Hérit. ex Ait., intended for planting, originating in any third country where:  
— Tomato ringspot virus is known to occur, and  
— *Xiphinema americanum* Cobb sensu lato (non-European populations) or other vectors of Tomato ringspot virus are known to occur. The plants must be accompanied by an official statement that they:  
(a) are directly derived from a place of production known to be free from Tomato ringspot virus in the soil or plants; or  
(b) are of no more than second generation stock, derived from mother plants found to be free from Tomato ringspot virus under an officially approved system of virological testing
60. Plants of herbaceous species, other than:  
— bulbs,  
— corms,  
— plants of the family Gramineae,  
— rhizomes,  
— seeds, or  
— tubers,  
intended for planting, originating in any third country where *Liriomyza sativae* (Blanchard) or *Amauromyza maculosa* (Malloch) are known to occur. The plants must be accompanied by an official statement that they have been grown in a nursery and:  
(a) originate in an area established in the country of export by the national plant protection organisation in that country as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch), in accordance with ISPM No. 4, and which is mentioned on the phytosanitary

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- certificate or phytosanitary certificate for re-export under the heading “Additional declaration”;
- (b) originate in a place of production established in the country of export by the national plant protection organisation in that country as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch), in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”, and declared free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) on official inspections carried out at least monthly during the three months prior to export;
  - (c) immediately prior to export, have been subjected to an appropriate treatment against *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) and have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch). Details of the treatment must be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export; or
  - (d) they originate from plant material (explant) which is free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch), are grown in vitro in a sterile medium under sterile conditions that preclude the possibility of infestation with *Liriomyza sativae* (Blanchard) or *Amauromyza maculosa* (Malloch) and are shipped in transparent containers under sterile conditions

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61. Cut flowers of *Dendranthema* (DC.) Des Moul., *Dianthus* L., *Gypsophila* L., *Solidago* L. or leafy vegetables of *Apium graveolens* L. or *Ocimum* L., originating in any third country
- The cut flowers and leafy vegetables must be accompanied by an official statement that they:
- (a) originate in a country free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch); or
  - (b) immediately prior to their export, have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch)
62. Plants of herbaceous species, other than:  
— bulbs,  
— corms,  
— plants of the family Gramineae,  
— rhizomes,  
— seeds, or  
— tubers,  
intended for planting, originating in any third country
- The plants must be accompanied by an official statement that:
- (a) they originate in an area known to be free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess);
  - (b) no signs of *Liriomyza huidobrensis* (Blanchard) or *Liriomyza trifolii* (Burgess) have been observed at the place of production, on official inspections carried out at least monthly during the three months prior to harvesting;
  - (c) immediately prior to their export, they have been officially inspected and found free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) and have been subjected to an appropriate treatment against *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess); or
  - (d) they originate from plant material (explant) which is free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess), are grown in vitro in a sterile medium under sterile conditions that preclude the possibility of infestation with *Liriomyza huidobrensis* (Blanchard) or *Liriomyza trifolii* (Burgess) and are shipped in transparent containers under sterile conditions

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63. Plants with roots, planted or intended for planting, grown in the open air, originating in any third country
- The plants must be accompanied by an official statement that:
- (a) the place of production is known to be free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.* and *Synchytrium endobioticum* (Schilbersky) Percival; and
  - (b) the plants originate from a field known to be free from *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens
64. Soil or growing medium that:
- is attached to, or accompanies, plants for the purposes of sustaining the vitality of those plants,
  - consists wholly or partly of soil or any solid organic substance such as parts of plants or humus (including peat or bark) or partly of any solid inorganic substance, and
  - originates in Belarus, Georgia, Moldova, Russia, Turkey, Ukraine or any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia
- The growing material must be accompanied by an official statement that:
- (a) at the time of planting it was:
    - (i) free from soil and organic matter;
    - (ii) found to be free from insects and harmful nematodes and subjected to appropriate examination or heat treatment or fumigation to ensure that it was free from other plant pests; or
    - (iii) subjected to appropriate heat treatment or fumigation to ensure freedom from plant pests; and
  - (b) since planting:
    - (i) appropriate measures have been taken to ensure that the growing material has been maintained free from plant pests; or
    - (ii) within two weeks prior to dispatch, the plants were shaken free from the material leaving the minimum amount necessary to sustain vitality during transport, and, if replanted, the growing material used for that purpose meets

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- the requirements in  
paragraph (a)
65. Plants, other than seeds, of *Beta vulgaris* L., intended for planting, originating in any third country
- The plants must be accompanied by an official statement that no symptoms of Beet curly top virus (non-European isolates) have been observed since the beginning of the last complete cycle of vegetation
66. Plants, other than seeds, of *Beta vulgaris* L., intended for planting, originating in any third country in which Beet leaf curl virus is known to occur
- The plants must be accompanied by an official statement that:
- (a) Beet leaf curl virus has not been known to occur in the area of production; and
  - (b) no symptoms of Beet curly top virus have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
67. Plants, other than:  
— bulbs,  
— corms,  
— rhizomes,  
— seeds, or  
— tubers,  
intended for planting, originating in any third country
- The plants must be accompanied by an official statement that they have been grown in a nursery and:
- (a) originate in an area established in the country of export by the national plant protection organisation in that country as being free from *Thrips palmi* Karny, in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”;
  - (b) originate in a place of production established in the country of export by the national plant protection organisation in that country as being free from *Thrips palmi* Karny, in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”, and declared free from *Thrips palmi* Karny on official inspections carried out at least monthly during the three months prior to export;

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- (c) immediately prior to export, have been subjected to an appropriate treatment against *Thrips palmi* Karny and have been officially inspected and found free from *Thrips palmi* Karny. Details of the treatment must be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export; or
- (d) they originate from plant material (explant) which is free from *Thrips palmi* Karny, are grown in vitro in a sterile medium under sterile conditions that preclude the possibility of infestation with *Thrips palmi* Karny and are shipped in transparent containers under sterile conditions
68. Cut flowers of Orchidaceae or fruits of *Momordica* L. or *Solanum melongena* L., originating in any third country
- The cut flowers and fruits must be accompanied by an official statement that:
- (a) they originate in a country free from *Thrips palmi* Karny; or
- (b) immediately prior to their export, they have been officially inspected and found free from *Thrips palmi* Karny
69. Fruits of *Capsicum* L., originating in Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Puerto Rico, the USA or French Polynesia where *Anthonomus eugenii* Cano is known to occur
- The fruits must be accompanied by an official statement that they:
- (a) originate in an area free from *Anthonomus eugenii* Cano, established by the national plant protection organisation in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”; or
- (b) originate in a place of production, established in the country of export by the national plant protection organisation in that country, as being free from *Anthonomus eugenii* Cano in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate



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- or phytosanitary certificate for re-export under the heading “Additional declaration”, and declared free from *Anthonomus eugeni* Cano on official inspections carried out at least monthly during the two months prior to export at the place of production and its immediate vicinity
70. Plants, other than seeds, of Palmae, intended for planting, originating in any country outside Europe The plants must be accompanied by an official statement that:
- (a) they originate in an area known to be free from Palm lethal yellowing mycoplasma and Cadang-Cadang viroid, and no symptoms 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 Palm lethal yellowing mycoplasma or Cadang-Cadang viroid have been observed on the plants since the beginning of the last complete cycle of vegetation, and plants at the place of production which have shown symptoms giving rise to the suspicion of contamination by the diseases have been rogued out at that place and the plants have undergone appropriate treatment to rid them of *Myndus crudus* Van Duzee; or
  - (c) in the case of plants in tissue culture, the plants were derived from plants which have met the requirements in paragraphs (a) or (b)
71. Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera:  
— *Brahea* Mart,  
— *Butia* Becc.,  
— *Chamaerops* L.,  
— *Jubaea* Kunth,  
— *Livistona* R. Br.,  
— *Phoenix* L.,
- The plants must be accompanied by an official statement that they:
- (a) have been grown throughout their life in a country where *Paysandisia archon* (Burmeister) is not known to occur;
  - (b) have been grown throughout their life in an area free

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- *Sabal* Adans.,
- *Syagrus* Mart.,
- *Trachycarpus* H. Wendl.,
- *Trithrinax* Mart.,
- *Washingtonia* Raf.

from *Paysandisia archon* (Burmeister), established by the national plant protection organisation in accordance with ISPM No. 4;

- (c) have, during a period of at least two years prior to export, been grown in a place of production:
  - (i) which is registered and supervised by the national plant protection organisation in the country of origin;
  - (ii) where the plants were placed in a site with complete physical protection against the introduction of *Paysandisia archon* (Burmeister) or with the application of appropriate preventive treatments; and
  - (iii) where, during three official inspections per year carried out at appropriate times, including immediately prior to export, no signs of *Paysandisia archon* (Burmeister) have been observed

- |     |  |   |
|-----|--|---|
| 72. | Plants, other than seeds, of <i>Fuchsia</i> L., intended for planting, originating in the USA or Brazil  | The plants must be accompanied by an official statement that no symptoms of <i>Aculops fuchsiae</i> Keifer have been observed at the place of production and that immediately prior to export the plants have been inspected and found free from <i>Aculops fuchsiae</i> Keifer   |
| 73. | Trees or shrubs, other than seeds or plants in tissue culture, intended for planting, originating in any third country other than a country in the Euro-Mediterranean area | The trees and shrubs must be accompanied by an official statement that they: <ul style="list-style-type: none"> <li>(a) have been grown in a nursery;</li> <li>(b) are free from plant debris, flowers and fruits; and</li> <li>(c) have been inspected at appropriate times and prior to export and found free from symptoms of harmful bacteria, viruses, and virus-like organisms, and either found</li> </ul> |

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- free from signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to appropriate treatment to eliminate such organisms
74. Deciduous trees or shrubs, other than seeds or plants in tissue culture, intended for planting, originating in any third country other than a country in the Euro-Mediterranean area
- The trees and shrubs must be accompanied by an official statement that they are dormant and free from leaves
75. Annual or biennial plants, other than plants of Gramineae or seeds, intended for planting, originating in any third country other than a country in the Euro-Mediterranean area
- The plants must be accompanied by an official statement that they:
- (a) have been grown in a nursery;
  - (b) are free from plant debris, flowers and fruits; and
  - (c) have been inspected at appropriate times and prior to export; and
    - (i) found free from symptoms of harmful bacteria, viruses and virus-like organisms; and
    - (ii) found free from signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to appropriate treatment to eliminate such organisms
76. Plants, other than seeds, of the family Gramineae, of ornamental perennial grasses of the subfamilies Bambusoideae, Panicoideae or of the genera *Buchloe*, *Bouteloua* Lag., *Calamagrostis*, *Cortaderia* Stapf., *Glyceria* R. Br., *Hakonechloa* Mak. ex. Honda, *Hystrix*, *Molinia*, *Phalaris* L. *Shibataea*, *Spartina* Schreb., *Stipa* L. or *Uniola* L., intended for planting, originating in any third country other than a country in the Euro-Mediterranean area
- The plants must be accompanied by an official statement that they:
- (a) have been grown in a nursery;
  - (b) are free from plant debris, flowers and fruits;
  - (c) have been inspected at appropriate times and prior to export; and
    - (i) found free from symptoms of harmful bacteria, viruses and virus-like organisms; and
    - (ii) found free from signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to appropriate

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- treatment to eliminate such organisms
77. Naturally or artificially dwarfed plants, other than seeds, intended for planting, originating in any third country outside Europe
- The plants must be accompanied by an official statement that:
- (a) the plants, including those collected directly from natural habitats, have been grown, held and trained for at least two consecutive years prior to dispatch in an officially registered nursery which is subject to an officially supervised control regime; and
  - (b) the plants have at least during that period:
    - (i) been potted in pots which have been placed on shelves at least 50 cm above ground;
    - (ii) have been subjected to appropriate treatments to ensure freedom from non-European rusts (and the active ingredient, concentration and date of application of these treatments must be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “disinfestation and/or disinfection treatment”);
    - (iii) have been officially inspected at least six times a year at appropriate intervals for the presence of plant pests mentioned in the Schedules to this Order, along with the plants in the immediate vicinity of the nursery, by visual examination of each row in the field or nursery and all parts of the plant above the growing medium, using a random sample of at least 300 plants from a given genus where the number of plants

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of that genus is not more than 3,000 plants, or 10% of the plants if there are more than 3,000 plants from that genus;

- (iv) have been found free, in the inspections referred to in paragraph (iii), from the relevant plant pests or where infested, have been removed, and the remaining plants have been effectively treated and held for an appropriate period and inspected to ensure freedom from such plant pests;
- (v) have been planted in an unused artificial growing medium or in a natural growing medium which has been treated by fumigation or by appropriate heat treatment and examined afterwards and found free of any plant pests; and
- (vi) have been kept under conditions which ensure that the growing medium has been maintained free from plant pests and within two weeks prior to dispatch, have been:
  - (aa) shaken and washed with clean water to remove the original growing medium and kept bare rooted; or
  - (bb) shaken and washed with clean water to remove the original growing medium and replanted in growing medium which meets the conditions in paragraph (v); or

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(cc) subjected to appropriate treatments to ensure that the growing medium is free from plant pests (and the active ingredient, concentration and date of application of these treatments must be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “disinfestation and/or disinfection treatment”); and

(c) the plants have been packed in closed containers which have been officially sealed and bear the registration number of the registered nursery, and the registration number must be indicated on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration” for identification purposes

78. Herbaceous perennial plants, other than seeds, intended for planting, of the families Caryophyllaceae (except *Dianthus* L.), *Compositae* (except *Dendranthema* (DC.) Des Moul., Cruciferae, Leguminosae or Rosaceae (except *Fragaria* L.), originating in any third country other than a country in the Euro-Mediterranean area
- The plants must be accompanied by an official statement that they:
- (a) have been grown in a nursery;
  - (b) are free from plant debris, flowers and fruits; and
  - (c) have been inspected at appropriate times and prior to export and found free from:
    - (i) symptoms of harmful bacteria, viruses, and virus-like organisms; and
    - (ii) signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to

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appropriate treatment to  
eliminate such organisms

79. Plants, other than bulbs, corms, rhizomes, seeds or tubers, of herbaceous species or plants of *Ficus* L. or *Hibiscus* L., intended for planting, originating in any country outside Europe
- The plants must be accompanied by an official statement that:
- (a) they originate in an area established in the country of export by the national plant protection organisation in that country as being free from *Bemisia tabaci* Genn. (non-European populations), in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”;
  - (b) they originate in a place of production established in the country of export by the national plant protection organisation in that country as being free from *Bemisia tabaci* Genn. (non-European populations), in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration”, and declared free from *Bemisia tabaci* Genn. (non-European populations) on official inspections carried out at least once each three weeks during the nine weeks prior to export;
  - (c) in cases where *Bemisia tabaci* Genn. (non-European populations) has been found at the place of production, they are held or produced in this place of production and have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (non-European populations) and subsequently this place of production has been found free from *Bemisia tabaci* Genn. (non-European populations) as a consequence of the

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- implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (non-European populations) in official inspections carried out weekly during the nine weeks prior to export and in monitoring procedures throughout the period. Details of the treatment must be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export; or
- (d) they originate from plant material (explant) which is free from *Bemisia tabaci* Genn. (non-European populations), are grown in vitro in a sterile medium under sterile conditions that preclude the possibility of infestation with *Bemisia tabaci* Genn. (non-European populations) and are shipped in transparent containers under sterile conditions
80. Cut flowers of *Aster* spp., *Eryngium* L., *Gypsophila* L., *Hypericum* L., *Lisianthus* L., *Rosa* L., *Solidago* L. or *Trachelium* L. or leafy vegetables of *Ocimum* L., originating in any country outside Europe The cut flowers and leafy flowers must be accompanied by an official statement that:
- (a) they originate in a country free from *Bemisia tabaci* Genn. (non-European populations); or
- (b) immediately prior to their export, they have been officially inspected and found free from *Bemisia tabaci* Genn. (non-European populations)
81. Plants, other than seeds, of *Solanum lycopersicum* L., intended for planting, originating in any third country where Tomato yellow leaf curl virus is known to occur and *Bemisia tabaci* Genn. is not known to occur The plants must be accompanied by an official statement that no symptoms of Tomato yellow leaf curl virus have been observed on the plants
82. Plants, other than seeds, of *Solanum lycopersicum* L., intended for planting, originating in any third country where Tomato yellow leaf curl virus and *Bemisia tabaci* Genn. are known to occur The plants must be accompanied by an official statement that:
- (a) no symptoms of Tomato yellow leaf curl virus have been observed on the plants; and
- (i) the plants originate in an area known to be free from *Bemisia tabaci* Genn.; or



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- (ii) the place of production has been found free from *Bemisia tabaci* Genn. on official inspections carried out at least monthly during the three months prior to export; or
- (b) no symptoms of Tomato yellow leaf curl virus have been observed at the place of production and the place of production has been subjected to an appropriate treatment and monitoring regime to ensure freedom from *Bemisia tabaci* Genn.
83. Plants, other than seeds, bulbs, tubers, corms or rhizomes, intended for planting, originating in any third country where the following plant pests are known to occur:
- Bean golden mosaic virus,
  - Cowpea mild mottle virus,
  - Lettuce infectious yellow virus,
  - Pepper mild tigré virus,
  - Squash leaf curl virus, or
  - other viruses transmitted by *Bemisia tabaci* Genn., and where *Bemisia tabaci* Genn. (non-European populations) or other vectors of the relevant plant pests are not known to occur
- The plants must be accompanied by an official statement that no symptoms of the relevant plant pests in column 2 of this item have been observed on the plants during their complete cycle of vegetation
84. Plants, other than seeds, bulbs, tubers, corms or rhizomes, intended for planting, originating in any third country where the following plant pests are known to occur:
- Bean golden mosaic virus,
  - Cowpea mild mottle virus,
  - Lettuce infectious yellow virus,
  - Pepper mild tigré virus,
  - Squash leaf curl virus, or
  - other viruses transmitted by *Bemisia tabaci* Genn., and where *Bemisia tabaci* Genn. (non-European populations) or other vectors of the relevant plant pests are known to occur
- The plants must be accompanied by an official statement that no symptoms of the relevant plant pests in column 2 of this item have been observed on the plants during an adequate period, and:
- (a) the plants originate in an area known to be free from *Bemisia tabaci* Genn. and other vectors of the plant pests;
  - (b) the place of production has been found free from *Bemisia tabaci* Genn. and other vectors of the plant pests on official inspections carried out at appropriate times;
  - (c) the plants have been subjected to an appropriate treatment aimed

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- at eradicating *Bemisia tabaci* Genn.; or
- (d) the plants originate from plant material (explant) which is free from *Bemisia tabaci* Genn. (non-European populations) and which did not show any symptoms of *Bemisia tabaci* Genn. (non-European populations), are grown in vitro in a sterile medium under sterile conditions that preclude the possibility of infestation with *Bemisia tabaci* Genn. (non-European populations) and are shipped in transparent containers under sterile conditions
85. Seeds of *Helianthus annuus* L., The seeds must be accompanied by an originating in any third country official statement that:
- (a) they originate in an area known to be free from *Plasmopara halstedii* (Farlow) Berl. and de Toni; or
- (b) other than those that have been produced on varieties resistant to all races of *Plasmopara halstedii* (Farlow) Berl. and de Toni present in the area of production, they have been subjected to an appropriate treatment against *Plasmopara halstedii* (Farlow) Berl. and de Toni
86. Seeds of *Solanum lycopersicum* L., The seeds must be accompanied by an originating in any third country official statement that they have been obtained by means of an appropriate acid extraction method and:
- (a) they originate in an area where *Clavibacter michiganensis* ssp. *michiganensis* (Smith) Davis et al., *Xanthomonas campestris* pv. *vesicatoria* (Doidge) Dye or Potato spindle tuber viroid are not known to occur;
- (b) no symptoms of the diseases caused by those plant pests have been observed on the plants at the place of production during their complete cycle of vegetation; or

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- (c) the seeds have been subjected to official testing for at least those plant pests on a representative sample and using appropriate methods, and have been found free from those plant pests
87. Seeds of *Medicago sativa* L., The seeds must be accompanied by an originating in any third country official statement that:
- (a) no symptoms of *Ditylenchus dipsaci* (Kühn) Filipjev have been observed at the place of production since the beginning of the last complete cycle of vegetation and no *Ditylenchus dipsaci* (Kühn) Filipjev has been revealed by laboratory tests on a representative sample;
  - (b) fumigation has taken place prior to export; or
  - (c) the seeds have been subjected to an appropriate physical treatment against *Ditylenchus dipsaci* (Kühn) Filipjev and have been found to be free of *Ditylenchus dipsaci* (Kühn) Filipjev after laboratory tests on a representative sample
88. Seeds of *Medicago sativa* L., The seeds must be accompanied by an originating in any third country official statement that: where *Clavibacter michiganensis* ssp. *insidiosus* Davis *et al.* is known to occur
- (a) *Clavibacter michiganensis* ssp. *insidiosus* Davis *et al.* has not been known to occur on the farm or in its immediate vicinity since the beginning of the last 10 years;
  - (b) either:
    - (i) the crop belongs to a variety recognised as being highly resistant to *Clavibacter michiganensis* ssp. *insidiosus* Davis *et al.*;
    - (ii) it has not yet started its fourth complete cycle of vegetation from sowing when the seed was harvested, and there was not more than one preceding seed harvest from the crop; or

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- (iii) the content of inert matter which has been determined in accordance with the rules applicable for the certification of seed marketed in the European Union, does not exceed 0.1% by weight;
- (c) no symptoms of *Clavibacter michiganensis* ssp. *insidiosus* Davis et al. have been observed at the place of production, or on any *Medicago sativa* L. crop adjacent to it, during the last complete cycle of vegetation or, where appropriate, the last two cycles of vegetation; and
- (d) the crop has been grown on land on which no previous *Medicago sativa* L. crop has been present during the last three years prior to sowing
89. Seeds of *Oryza sativa* L., originating in any third country The seeds must be accompanied by an official statement that:
- (a) they have been officially tested by appropriate nematological tests and have been found free from *Aphelenchoides besseyi* Christie; or
- (b) they have been subjected to an appropriate hot water treatment or other appropriate treatment against *Aphelenchoides besseyi* Christie
90. Seeds of *Phaseolus* L., originating in any third country The seeds must be accompanied by an official statement that:
- (a) they originate in an area known to be free from *Xanthomonas campestris* pv. *phaseoli* (Smith) Dye; or
- (b) a representative sample of the seeds has been tested and found free from *Xanthomonas campestris* pv. *phaseoli* (Smith) Dye
91. Seeds of *Zea mays* L., originating in any third country The seeds must be accompanied by an official statement that:

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- (a) they originate in an area known to be free from *Erwinia stewartii* (Smith) Dye; or
- (b) a representative sample of the seeds has been tested and found free from *Erwinia stewartii* (Smith) Dye
92. Seeds of the genera *Triticum*, *Secale* or *X Triticosecale* from Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA where *Tilletia indica* Mitra is known to occur The seeds must be accompanied by an official statement that they originate in an area where *Tilletia indica* Mitra is known not to occur, and the name of the area must be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export
93. Grain of the genera *Triticum*, *Secale* or *X Triticosecale* from Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA where *Tilletia indica* Mitra is known to occur The grain must be accompanied by an official statement that:
- (a) it originates in an area where *Tilletia indica* Mitra is known not to occur, and the name of the area must be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “place of origin”; or
- (b) no symptoms of *Tilletia indica* Mitra have been observed on the plants at the place of production during their last complete cycle of vegetation and representative samples of the grain have been taken both at the time of harvest and before shipment and have been tested and found free from *Tilletia indica* Mitra, which must be evidenced by a statement “tested and found free from *Tilletia indica* Mitra” on the phytosanitary certificate or phytosanitary certificate for re-export under the heading “name of produce”
94. Susceptible plants within the meaning of Article 1(2) of Decision [2002/757/EC](#) originating in the USA The plants must be accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export which includes:
- (a) an official statement under the heading “Additional declaration” that they:
- (i) meet the requirements in point 1a(a) or 1a(b)

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- of Annex I to Decision  
[2002/757/EC](#); and
- (ii) have been found free from non-European isolates of *Phytophthora ramorum* Werres, De Cock & Man in't Veld sp. nov.; and
- (b) where point 1a(a) of that Annex applies, the name of the area in which they originate under the heading "place of origin"
95. Susceptible plants within the meaning of Article 1(b) of Decision [2007/365/EC](#) originating in any third country The plants must be accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export which includes an official statement under the heading "Additional declaration" that the plants, including those collected from natural habitats, meet the requirements specified in point 1(a), (b) or (c) of Annex I to Decision [2007/365/EC](#)
96. Specified plants within the meaning given in Article 1(2) of Decision [2007/433/EC](#) originating in any third country The plants must be accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export which includes an official statement under the heading "Additional declaration" that they:
- (a) originate in a place of production which is registered and supervised by the national plant protection organisation in the country of origin; and
- (b) meet the requirements specified in point 1(a), (b) or (c) of Annex I to Decision [2007/433/EC](#)
97. Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU originating in China The plants must be accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export which includes:
- (a) 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) where point 1(b) of that Section applies, the place of production of the plants must meet the requirements specified in Article 1(c) of Decision 2012/138/EU
98. Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU originating in any country The plants must be accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export which includes:

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- third country where *Anoplophora chinensis* (Forster) is known to be present, other than China
- (a) 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; and
- (b) where point 1(a) of that Section applies, the name of the relevant pest-free area under the heading “place of origin”
99. Tubers of *Solanum tuberosum* L., intended for planting, originating in any third country where *Epitrix cucumeris* (Harris), *Epitrix papa* sp.n, *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present
- The tubers must 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
100. Plants, other than seeds, intended for planting, which can only grow in water or soil that is permanently saturated with water and which originate in any third country
- The plants must 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 2012/697/EU
101. Live pollen of *Actinidia* Lindl. or plants, other than seeds, of *Actinidia* Lindl. intended for planting, originating in any third country
- The live pollen or plants must 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 (EU) 2017/198
102. Specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 originating in any third country, other than a third country where *Xylella fastidiosa* (Wells et al.) is known to be present
- The plants must:
- (a) originate in a third country which has been notified to the European Commission by the relevant national plant protection organisation in accordance with Article 16(a) of Decision (EU) 2015/789; and
- (b) be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration”;
- (i) in accordance with Article 16(b) of that Decision; or
- (ii) in the case of plants, other than seeds, intended for planting, of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea*

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*europaea* L., *Polygala myrtifolia* L. or *Prunus dulcis* (Mill.) D.A. Webb, in accordance with Article 16(b) and the second subparagraph of Article 16 of that Decision

103. Specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 originating in any third country where *Xylella fastidiosa* (Wells et al.) is known to be present
- The plants must be accompanied by a phytosanitary certificate which includes:
- (a) in the case of plants originating in an area which has been established as free from *Xylella fastidiosa* (Wells et al.) in accordance with ISPM No. 4 and has been notified to the European Commission by the relevant national plant protection organisation in accordance with Article 17(2) (a) of Decision (EU) 2015/789, the name of the area under the heading “place of origin”;
  - (b) in the case of plants which originate in an area where *Xylella fastidiosa* (Wells et al.) is known to be present and have not been grown for their entire production cycle *in vitro*:
    - (i) an official statement under the heading “Additional declaration” in accordance with Article 17(3) of that Decision; and
    - (ii) the name of the site from which they originate under the heading “place of origin”;
  - (c) in the case of plants which originate in an area where *Xylella fastidiosa* (Wells et al.) is known to be present and have been grown for their entire production cycle *in vitro*:
    - (i) an official statement under the heading “Additional declaration” in accordance with Article 17(3a) of that Decision; and
    - (ii) the name of the site from which they originate under



		the heading “place of origin”
104.	Plants, other than seeds, of <i>Mangifera</i> L. originating in India	The plants must be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration” describing the appropriate measures taken to ensure freedom from harmful organisms
105.	Specified plants within the meaning of Article 1(a) of Decision (EU) 2015/893 originating in any third country where <i>Anoplophora glabripennis</i> (Motschulsky) is known to be present	The plants must be accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export which includes— <ul style="list-style-type: none"> <li>(a) an official statement under the heading “Additional declaration” that they meet the requirements specified in point (1)(a), (b) or (c) of Section 1(A) of Annex II to Decision (EU) 2015/893; and</li> <li>(b) where point (1)(a) of that Section applies, the name of the relevant pest-free area under the heading “place of origin”</li> </ul>
106.	Plants of <i>Fraxinus</i> L., intended for planting originating in any third country	The plants must be accompanied by a phytosanitary certificate which has been issued by the national plant protection organisation of the country from which the plants originate and which includes under the heading “Additional declaration” an official statement that the plants have been grown throughout their life in an area which has been established and is maintained as an area free from <i>Chalara fraxinea</i> T. Kowalski (including its teleomorph <i>Hymenoscyphus pseudoalbidus</i> ) in accordance with ISPM No. 4

## PART B

Relevant material, from the European Union, which may only be introduced into or moved within Wales if special requirements are complied with

<b>(1) Item</b>	<b>(2) Description of relevant material</b>	<b>(3) Requirements of introduction</b>
<i>(1) Item</i>	<i>(2) Description of relevant material</i>	<i>(3) Requirements of introduction</i>
1.	Plants, other than seeds, of <i>Pinus</i> L., intended for planting	The plants must be accompanied by an official statement that no symptoms of <i>Scirrhia pini</i> Funk and Parker have been

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- observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
2. Plants, other than seeds, of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. or *Tsuga* Carr., intended for planting The plants must be accompanied by an official statement that no symptoms of *Melampsora medusae* Thümen have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
  3. Plants, other than seeds, of *Populus* L., intended for planting The plants must be accompanied by an official statement that no symptoms of *Melampsora medusae* Thümen have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
  4. Plants, other than seeds, of *Castanea* Mill. or *Quercus* L., intended for planting The plants must be accompanied by an official statement that:
    - (a) they originate in an area known to be free from *Cryphonectria parasitica* (Murrill) Barr; or
    - (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
  5. Plants, other than seeds, of *Platanus* L., intended for planting The plants must be accompanied by an official statement that:
    - (a) they originate in an area known to be free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.; or
    - (b) no symptoms of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
  6. Plants, other than seeds, of *Ulmus* L., intended for planting The plants must be accompanied by an official statement that no symptoms of *Candidatus Phytoplasma ulmi* have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation

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7. Plants, other than 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. or *Sorbus* L., intended for planting
- The plants must be accompanied by an official statement that:
- (a) they originate in a zone recognised as being free from *Erwinia amylovora* (Burr.) Winsl. *et al.*; or
  - (b) the plants in the field of production or in its immediate vicinity which have shown symptoms of *Erwinia amylovora* (Burr.) Winsl. *et al.* have been rogued out
8. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf.
- The plants must be accompanied by an official statement that:
- (a) they originate in an area known to be free from *Spiroplasma citri* Saglio *et al.*, *Phoma tracheiphila* (Petri) Kanchaveli and Gikashvili and *Citrus tristeza* virus (European strains);
  - (b) the plants derive from a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official individual testing for, at least, *Citrus tristeza* virus (European strains), using appropriate tests or methods in line with international standards, and have been growing permanently in an insect proof glasshouse or isolated cage on which no symptoms of *Spiroplasma citri* Saglio *et al.*, *Phoma tracheiphila* (Petri) Kanchaveli and Gikashvili or *Citrus tristeza* virus (European strains) have been observed; or
  - (c) they:
    - (i) have been derived from a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions

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and has been subjected to official individual testing for, at least, *Citrus tristeza virus* (European strains), using appropriate tests or methods in line with international standards, and has been found free from *Citrus tristeza virus* (European strains) and certified free from at least *Citrus tristeza virus* (European strains) in official individual tests carried out according to the methods mentioned in this paragraph; and

- (ii) have been inspected and no symptoms of *Spiroplasma citri* Saglio *et al.*, *Phoma tracheiphila* (Petri) Kanchaveli and Gikashvili or *Citrus tristeza virus* (European strains) have been observed since the beginning of the last complete cycle of vegetation

9. Plants, other than fruit or seeds, of *Citrus* L., *Choisya* Kunth, *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm. f., *Murraya* J. Koenig ex L., *Vepris* Comm., or *Zanthoxylum* L.
- The plants must be accompanied by an official statement that:
- (a) they originate in an area free from *Trioza erythrae* Del Guercio, established by the national plant protection organisation in accordance with ISPM No. 4;
- (b) they have been grown in a place of production:
- (i) which is registered and supervised by the relevant competent authority in the member State of origin;
- (ii) where the plants were placed in a site with complete physical protection against the introduction of *Trioza erythrae* Del Guercio; and

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- (iii) where two official inspections were carried out at appropriate times during the last complete cycle of vegetation prior to their movement from the site, and no signs of that plant pest were observed in that site or in the surrounding area with a width of at least 200 m
10. Plants of Araceae, Marantaceae, Musaceae, *Persea* spp. or Strelitziaceae, rooted or with growing medium attached or which appear to have been in contact with growing medium
- The plants must be accompanied by an official statement that:
- (a) no contamination by *Radopholus similis* (Cobb) Thorne has been observed at the place of production since the beginning of the last complete cycle of vegetation; or
  - (b) soil and roots from suspected plants have been subjected since the beginning of the last complete cycle of vegetation to official nematological testing for at least *Radopholus similis* (Cobb) Thorne and have been found to be free from that plant pest
11. Plants, other than seeds, of *Fragaria* L., *Prunus* L. or *Rubus* L., intended for planting
- The plants must be accompanied by an official statement that:
- (a) they originate in an area known to be free from the following plant pests:
    - (i) in the case of *Fragaria* L.:
      - Phytophthora fragariae Hickman var. fragariae,
      - Arabis mosaic virus,
      - Raspberry ringspot virus,
      - Strawberry crinkle virus,
      - Strawberry latent ringspot virus,
      - Strawberry mild yellow edge virus,

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- Tomato black ring virus,
  - *Xanthomonas fragariae* Kennedy and King;
  - (ii) in the case of *Prunus* L.:
    - Apricot chlorotic leafroll mycoplasma,
    - *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin et al;
  - (iii) in the case of *Prunus persica* (L.) Batsch:
    - *Pseudomonas syringae* pv. *persicae* (Prunier et al.) Young et al.; and
  - (iv) in the case of *Rubus* L.:
    - Arabis mosaic virus,
    - Raspberry ringspot virus,
    - Strawberry latent ringspot virus,
    - Tomato black ring virus; or
  - (b) no symptoms of diseases caused by the plant pests in paragraph (a) have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation
12. Plants, other than seeds, of *Cydonia* Mill. or *Pyrus* L., intended for planting The plants must be accompanied by an official statement that:
- (a) they originate in an area known to be free from Pear decline mycoplasma; or
  - (b) plants at the place of production or in its immediate vicinity which have shown symptoms giving rise to the suspicion of contamination by Pear decline mycoplasma, have been rogued out at that place within the last three complete cycles of vegetation
13. Plants, other than seeds, of *Fragaria* L., intended for planting The plants must be accompanied by an official statement that:

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- (a) they originate in an area known to be free from *Aphelenchoides besseyi* Christie;
    - (b) no symptoms of *Aphelenchoides besseyi* Christie have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation; or
    - (c) in the case of plants in tissue culture, the plants have been derived from plants complying with paragraph (b) or have been officially tested by appropriate nematological methods and have been found free from *Aphelenchoides besseyi* Christie
- 14. Plants, other than seeds, of *Malus* Mill., intended for planting, The plants must be accompanied by an official statement that:
  - (a) they originate in an area known to be free from Apple proliferation mycoplasma; or
  - (b) other than plants raised from seed, they have been:
    - (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official testing for at least Apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free from that plant pest; or
    - (ii) derived in direct line from material which has been maintained under appropriate conditions and has been subjected, at least once within the last six complete cycles of vegetation, to official testing for at least Apple

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- proliferation mycoplasma  
using appropriate  
indicators or equivalent  
methods and has been  
found free from that plant  
pest; and
- (c) no symptoms of diseases caused by Apple proliferation mycoplasma have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation
15. Plants, other than seeds, of the following species of *Prunus* L., intended for planting: The plants must be accompanied by an official statement that:
- *Prunus amygdalus* Batsch,
  - *Prunus armeniaca* L.,
  - *Prunus blireiana* Andre,
  - *Prunus brigantina* Vill.,
  - *Prunus cerasifera* Ehrh.,
  - *Prunus cistena* Hansen,
  - *Prunus curdica* Fenzl and Fritsch.,
  - *Prunus domestica* spp. *domestica* L.,
  - *Prunus domestica* spp. *insititia* (L.) C.K. Schneid.,
  - *Prunus domestica* spp. *italica* (Borkh.) Hegi.,
  - *Prunus glandulosa* Thunb.,
  - *Prunus holosericea* Batal.,
  - *Prunus hortulana* Bailey,
  - *Prunus japonica* Thunb.,
  - *Prunus mandshurica* (Maxim.) Koehne,
  - *Prunus maritima* Marsh.,
  - *Prunus mume* Sieb. and Zucc.,
  - *Prunus nigra* Ait.,
  - *Prunus persica* (L.) Batsch.,
  - *Prunus salicina* L.,
  - *Prunus sibirica* L.,
  - *Prunus simonii* Carr.,
  - *Prunus spinosa* L.,
  - *Prunus tomentosa* Thunb.,
  - *Prunus triloba* Lindl., or
  - other species of *Prunus* L. susceptible to Plum pox virus
- (a) they originate in an area known to be free from Plum pox virus;
- (b) other than plants raised from seed, they have been:
- (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official testing for, at least, Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest; or
  - (ii) derived in direct line from material which has been maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest; and



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- (c) no symptoms of disease caused by Plum pox virus have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation; and
    - (d) plants at the place of production which have shown symptoms of disease caused by other viruses or virus-like pathogens, have been rogued out
- 16. Plants, other than fruit or seeds, of *Vitis* L. The plants must be accompanied by an official statement that no symptoms of Grapevine flavescence dorée MLO or *Xylophilus ampelinus* (Panagopoulos) Willems *et al.* have been observed on the mother-stock plants at the place of production since the beginning of the last two complete cycles of vegetation
- 17. Tubers of *Solanum tuberosum* L., intended for planting The tubers must be accompanied by an official statement that:
  - (a) the European Union provisions to combat *Synchytrium endobioticum* (Schilbersky) Percival have been complied with;
  - (b) they originate in an area known to be free from *Clavibacter michiganensis* spp. *sepedonicus* (Spieckermann and Kottoff) Davis *et al.* or the European Union provisions to combat *Clavibacter michiganensis* spp. *sepedonicus* (Spieckermann and Kottoff) Davis *et al.* have been complied with;
  - (c) they originate in an area in which *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*
    - (i) is known not to occur; or
    - (ii) is known to occur, and the tubers originate from a place of production found free from *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* or considered to be free of

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*Ralstonia solanacearum*  
(Smith) Yabuuchi *et al.*  
as a consequence of the  
implementation of an  
appropriate procedure  
aimed at eradicating  
*Ralstonia solanacearum*  
(Smith) Yabuuchi *et al.*;  
and

- (d) they originate in an area in which *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen are known not to occur or an area in which *Meloidogyne chitwoodi* Golden *et al.* (all populations) or *Meloidogyne fallax* Karssen are known to occur and:
- (i) they originate from a place of production which has been found free from *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production; or
  - (ii) the tubers after harvest have been randomly sampled and checked for the presence of symptoms after an appropriate method to induce symptoms or laboratory tested, as well as inspected visually, both externally and by cutting the tubers, at appropriate times and in all cases at the time of sealing of the packages or containers before

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- marketing according to the provisions on sealing in Council Directive [2002/56/EC](#) on the marketing of seed potatoes <sup>M33</sup>, and no symptoms of *Meloidogyne chitwoodi* Golden *et al.* (all populations) or *Meloidogyne fallax* Karsen have been found
18. Tubers of *Solanum tuberosum* L., intended for planting, other than those to be planted in accordance with Article 4(4)(b) of Directive [2007/33/EC](#) The tubers must be accompanied by an official statement that the European Union provisions to combat *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens are complied with
19. Tubers of *Solanum tuberosum* L., intended for planting, other than tubers of those varieties accepted in one or more member States pursuant to Council Directive [2002/53/EC](#) on the common catalogue of varieties of agricultural plant species <sup>M34</sup> The tubers must be accompanied by an official statement that they:
- (a) belong to advanced selections, such a statement being indicated in an appropriate way on the document accompanying the tubers;
  - (b) have been produced within the European Union;
  - (c) have been derived in direct line from material which has been maintained under appropriate conditions and has been subjected within the European Union to official quarantine testing in accordance with appropriate methods and has been found free from plant pests
20. Plants of stolon- or tuber-forming species of *Solanum* L., intended for planting, other than those tubers of *Solanum tuberosum* L. specified in column 2 of items 17 to 19, culture maintenance material being stored in gene banks or genetic stock collections or seeds of *Solanum tuberosum* L., specified in column 2 of item 21 The plants must have been held under quarantine conditions and:
- (a) must have been found free of any plant pests in quarantine testing which was:
    - (i) supervised by the responsible official body of the member State concerned and executed by scientifically trained staff of that organisation or any officially approved body;

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- (ii) executed at a site provided with appropriate facilities sufficient to contain plant pests and maintain the material including indicator plants in such a way as to eliminate any risk of plant pests spreading;
- (iii) executed on each unit of the material:
  - (aa) by visual examination at regular intervals during the full length of at least one vegetative cycle, having regard to the type of material and its stage of development during the testing programme, for symptoms caused by any plant pests; and
  - (bb) by testing:
    - in the case of all potato material at least for:
      - Andean potato latent virus,
      - Arracacha virus B. oca strain,
      - Potato black ringspot virus,
      - Potato spindle tuber viroid,
      - Potato virus T,
      - Andean potato mottle virus,
      - common potato viruses A, M, S, V, X and Y (including Y<sup>o</sup>, Y<sub>n</sub> and Y<sub>c</sub>) and Potato leaf roll virus,
      - *Clavibacter michiganensis* spp. sepedonicus

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(Spieckermann and Kottoff) Davis *et al.*  
— *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*;  
— in the case of seeds of *Solanum tuberosum* L., other than those specified in column 2 of item 21, at least for the viruses and viroid listed above; and

(iv) included appropriate testing on any other symptom observed in the visual examination in order to identify the plant pests having caused such symptoms;

(b) any material which has not been found free, under the testing referred to in paragraph (a) from plant pests specified in that paragraph must have been immediately destroyed or subjected to procedures which eliminate the plant pests; and

(c) each organisation or research body holding this material must inform their official member State Plant Protection Organisation of the material held

21. Seeds of *Solanum tuberosum* L, other than those specified in column 2 of item 22 The seeds must be accompanied by an official statement:

(a) that they:

(i) derive from plants complying with the requirements specified in column 3 of items 17 to 20; and

(ii) originate in areas known to be free from *Synchytrium endobioticum* (Schilbersky) Percival, *Clavibacter*

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*michiganensis*  
ssp. *sepedonicus*  
(Spieckermann and  
Kotthoff) Davis *et al.*,  
*Ralstonia solanacearum*  
(Smith) Yabuuchi *et al.*  
and Potato spindle tuber  
viroid; or

(b) that they have been produced  
in a site in which no symptoms  
of the disease caused by those  
plant pests have been observed  
since the beginning of the last  
cycle of vegetation and where  
the following actions have been  
taken:

(i) the site has been  
separated from other  
solanaceous plants and  
other host plants of Potato  
spindle tuber viroid;

(ii) staff and other items,  
such as tools, machinery,  
vehicles, vessels and  
packaging material, from  
other sites producing  
solanaceous plants and  
other host plants of Potato  
spindle tuber viroid have  
been prevented from  
coming into contact  
with the site or other  
appropriate hygiene  
measures have been  
taken to prevent infection  
by staff working, or  
items used, at other sites  
producing solanaceous  
plants and other host  
plants of Potato spindle  
tuber viroid;

(iii) only water free from  
those plant pests has been  
used

22. Plants of stolon- or tuber-forming species of *Solanum* L., intended for planting, being stored in gene banks or genetic stock collections
- Each organisation or research body holding such material must inform their official member State Plant Protection Organisation of the material held

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23. Tubers of *Solanum tuberosum* L., other than those mentioned in column 2 of items 18 to 22
- There must be evidence by a registration number put on the packaging, or in the case of loose-loaded potatoes transported in bulk, on the vehicle transporting the potatoes, that the potatoes have been grown by an officially registered producer, or originate from officially registered collective storage or dispatching centres located in the area of production, indicating that the tubers are free from *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* and that the following provisions are complied with:
- (a) the European Union provisions to combat *Synchytrium endobioticum* (Schilbersky) Percival;
  - (b) where appropriate, the European Union provisions to combat *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.*; and
  - (c) the European Union provisions to combat *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens
24. Plants, other than seeds, of Solanaceae, intended for planting, other than plants mentioned in column 2 of items 22 and 23
- The plants must be accompanied by an official statement that:
- (a) they originate in an area known to be free from Potato stolbur mycoplasma; or
  - (b) no symptoms of Potato stolbur mycoplasma have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation
25. Plants with roots of *Capsicum* spp., *Solanum lycopersicum* L. or *Solanum melongena* L., intended for planting, other than those to be planted in accordance with Article 4(4)(a) of Directive 2007/33/EC
- The plants must be accompanied by an official statement that the European Union provisions to combat *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens are complied with
26. Plants with roots of *Capsicum* spp., *Solanum lycopersicum* L., *Musa* L. or *Solanum melongena* L., intended for planting
- The plants must be accompanied by an official statement that:
- (a) they originate in an area known to be free from *Ralstonia*

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- solanacearum* (Smith)  
Yabuuchi *et al.* or
- (b) no symptoms of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation
27. Plants, other than seeds, of *Humulus lupulus* L., intended for planting The plants must be accompanied by an official statement that no symptoms of *Verticillium albo-atrum* Reinke and Berthold or *Verticillium dahliae* Klebahn have been observed on hops at the place of production since the beginning of the last complete cycle of vegetation
28. Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: The plants must be accompanied by an official statement that they:
- *Brahea* Mart.,
  - *Butia* Becc.,
  - *Chamaerops* L.,
  - *Jubaea* Kunth,
  - *Livistona* R. Br.,
  - *Phoenix* L.,
  - *Sabal* Adans.,
  - *Syagrus* Mart.,
  - *Trachycarpus* H. Wendl.,
  - *Trithrinax* Mart.,
  - *Washingtonia* Raf.
- (a) have been grown throughout their life in an area free from *Paysandisia archon* (Burmeister), established by the national plant protection organisation in accordance with ISPM No. 4;
- (b) have, during a period of at least two years prior to export, been grown in a place of production:
- (i) which is registered and supervised by the national plant protection organisation in the country of origin;
  - (ii) where the plants were placed in a site with complete physical protection against the introduction of *Paysandisia archon* (Burmeister) or with the application of appropriate preventive treatments; and
  - (iii) where, during three official inspections per year carried out at appropriate times, no signs of *Paysandisia archon* (Burmeister) have been observed



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29. Plants, other than seeds, of *Dendranthema* (DC.) Des Moul., *Dianthus* L. or *Pelargonium* L'Hérit. ex Ait., intended for planting
- The plants must be accompanied by an official statement that:
- (a) they originate in an area free from *Helicoverpa armigera* (Hübner) and *Spodoptera littoralis* (Boisd.), established by the national plant protection organisation in accordance with ISPM No. 4;
  - (b) no signs of *Helicoverpa armigera* (Hübner) or *Spodoptera littoralis* (Boisd.) have been observed at the place of production since the beginning of the last complete cycle of vegetation; or
  - (c) the plants have undergone appropriate treatment to protect them from those plant pests
30. Plants, other than seeds, of *Dendranthema* (DC.) Des Moul., intended for planting
- The plants must be accompanied by an official statement that:
- (a) they are of no more than third generation stock derived from material which has been found to be free from Chrysanthemum stunt viroid during virological tests, or are directly derived from material of which a representative sample of at least 10% has been found to be free from Chrysanthemum stunt viroid during an official inspection carried out at the time of flowering;
  - (b) the plants or cuttings:
    - (i) have come from premises which have been officially inspected at least monthly during the three months prior to dispatch and on which no symptoms of *Puccinia horiana* Hennings have been observed during that period, and in the immediate vicinity of which no symptoms of *Puccinia horiana* Hennings have been known to have occurred

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- during the three months prior to marketing; or
- (ii) have undergone appropriate treatment against *Puccinia horiana* Hennings; and
- (c) in the case of unrooted cuttings, no symptoms of *Didymella ligulicola* (Baker, Dimock and Davis) v. Arx were observed on the cuttings or the plants from which the cuttings were derived or, in the case of rooted cuttings, no symptoms of *Didymella ligulicola* (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the rooting bed
31. Plants, other than seeds, of *Dianthus* L., intended for planting The plants must be accompanied by an official statement that:
- (a) they have been derived in direct line from mother plants which have been found free from *Erwinia chrysanthemi* pv. *Dianthicola* (Hellmers) Dickey, *Pseudomonas caryophylli* (Burkholder) Starr and Burkholder and *Phialophora cinerescens* (Wollenw.) Van Beyma on officially approved tests, carried out at least once within the two previous years; and
- (b) no symptoms of these plant pests have been observed on the plants
32. Bulbs of *Tulipa* L. or *Narcissus* L. other than those for which there is evidence from their packaging, or from other means, that they are intended for sale to final consumers not involved in professional cut-flower production The bulbs must be accompanied by an official statement that no symptoms of *Ditylenchus dipsaci* (Kühn) Fililjev have been observed on the bulbs since the beginning of the last complete cycle of vegetation
33. Plants of herbaceous species, other than:  
 — bulbs,  
 — corms,  
 — plants of the family Gramineae,  
 — rhizomes,  
 — seeds, or  
 — tubers, The plants must be accompanied by an official statement that they:
- (a) originate in an area known to be free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess);

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- |   |   |
|---|---|
| intended for planting   | <ul style="list-style-type: none"> <li>(b) no signs of <i>Liriomyza huidobrensis</i> (Blanchard) or <i>Liriomyza trifolii</i> (Burgess) have been observed at the place of production on official inspections carried out at least monthly during the three months prior to harvesting;</li> <li>(c) immediately prior to marketing, the plants have been officially inspected and found free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess) and have been subjected to an appropriate treatment against <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess); or</li> <li>(d) they originate from plant material (explant) which is free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess), are grown <i>in vitro</i> in a sterile medium under sterile conditions that preclude the possibility of infestation with <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess) and are shipped in transparent containers under sterile conditions</li> </ul> |
| 34. Plants with roots, planted or intended for planting, grown in the open air  | There must be evidence that the place of production is known to be free from <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i> and <i>Synchytrium endobioticum</i> (Schilbersky) Percival  |
| 35. Plants with roots grown in the open air of <i>Allium porrum</i> L., <i>Asparagus officinalis</i> L., <i>Beta vulgaris</i> L., <i>Brassica</i> spp. or <i>Fragaria</i> L., intended for planting, other than those plants to be planted in accordance with Article 4.4(a) or (c) of Directive <a href="#">2007/33/EC</a>         | There must be evidence that the European Union provisions to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens are complied with   |
| 36. Bulbs, tubers or rhizomes, grown in the open air, of <i>Allium ascalonicum</i> L., <i>Allium cepa</i> L., <i>Dahlia</i> spp., <i>Gladiolus</i> Tourn. ex L., <i>Hyacinthus</i> spp., <i>Iris</i> spp., <i>Lilium</i> spp., <i>Narcissus</i> L. or <i>Tulipa</i> L., other than those bulbs, tubers or rhizomes to be planted in | There must be evidence that the European Union provisions to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens are complied with   |

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accordance with Article 4.4(a) or (c) of Directive [2007/33/EC](#)

37. Plants, other than seeds, of *Beta vulgaris* L., intended for planting
- The plants must be accompanied by an official statement that:
- (a) they originate in an area known to be free from Beet leaf curl virus; or
  - (b) Beet leaf curl virus has not been known to occur in the area of production and no symptoms of Beet curly top virus have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
38. Seeds of *Helianthus annuus* L.
- The seeds must be accompanied by an official statement that:
- (a) they originate in an area known to be free from *Plasmopara halstedii* (Farlow) Berl. and de Toni; or
  - (b) other than those that have been produced on varieties resistant to all races of *Plasmopara halstedii* (Farlow) Berl. and de Toni present in the area of production, they have been subjected to an appropriate treatment against *Plasmopara halstedii* (Farlow) Berl. and de Toni
39. Plants, other than seeds, of *Solanum lycopersicum* L., intended for planting
- The plants must be accompanied by an official statement that:
- (a) they originate in an area known to be free from Tomato yellow leaf curl virus;
  - (b) no symptoms of Tomato yellow leaf curl virus have been observed on the plants; and
    - (i) the plants originate in an area known to be free from *Bemisia tabaci* Genn.; or
    - (ii) the place of production has been found free from *Bemisia tabaci* Genn. on official inspections carried out at least

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- monthly during the three months prior to export; or
- (c) no symptoms of Tomato yellow leaf curl virus have been observed at the place of production and the place of production has been subjected to an appropriate treatment and monitoring regime to ensure freedom from *Bemisia tabaci* Genn.
40. Seeds, of *Solanum lycopersicum* L. The seeds must be accompanied by an official statement that they have been obtained by means of an appropriate acid extraction method and:
- (a) they originate in an area where *Clavibacter michiganensis* ssp. *michiganensis* (Smith) Davis *et al.*, or *Xanthomonas campestris* pv. *vesicatoria* (Doidge) Dye is not known to occur;
- (b) no symptoms of diseases caused by those plant pests have been observed on the plants at the place of production during their complete cycle of vegetation; or
- (c) the seeds have been subjected to official testing for at least those plant pests, on a representative sample and using appropriate methods, and have been found free from those plant pests
41. Seeds of *Medicago sativa* L. The seeds must be accompanied by an official statement that:
- (a) no symptoms of *Ditylenchus dipsaci* (Kühn) Filipjev have been observed at the place of production since the beginning of the last complete cycle of vegetation and no *Ditylenchus dipsaci* (Kühn) Filipjev has been revealed by laboratory tests on a representative sample;
- (b) fumigation has taken place prior to marketing; or

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- (c) the seeds have been subjected to an appropriate physical treatment against *Ditylenchus dipsaci* (Kühn) Filipjev and have been found to be free of *Ditylenchus dipsaci* (Kühn) Filipjev after laboratory tests on a representative sample
42. Seeds of *Medicago sativa* L.
- The seeds must be accompanied by an official statement that:
- (a) they originate in an area known to be free from *Clavibacter michiganensis* ssp. *insidiosus* Davis *et al.*; or
- (b) *Clavibacter michiganensis* ssp. *insidiosus* Davis *et al.* has not been known to occur on the farm or in its immediate vicinity since the beginning of the last 10 years; and
- (i) the crop belongs to a variety recognised as being highly resistant to *Clavibacter michiganensis* ssp. *insidiosus* Davis *et al.*;
- (ii) it had not yet started its fourth complete cycle of vegetation from sowing when the seed was harvested, and there has not been more than one preceding seed harvest from the crop; or
- (iii) the content of inert matter which has been determined in accordance with the rules applicable for the certification of seed marketed in the European Union, does not exceed 0.1% by weight;
- (c) no symptoms of *Clavibacter michiganensis* ssp. *insidiosus* Davis *et al.* have been observed at the place of production, or on any *Medicago sativa* L. crop adjacent to it, during the last complete cycle of vegetation or,

- where appropriate, the last two cycles of vegetation; and
- (d) the crop has been grown on land on which no previous *Medicago sativa* L. crop has been present during the last three years prior to sowing
43. Seeds of *Phaseolus* L. The seeds must be accompanied by an official statement that:
- (a) they originate in an area known to be free from *Xanthomonas campestris* pv. *phaseoli* (Smith) Dye; or
- (b) a representative sample of the seeds has been tested and found free from *Xanthomonas campestris* pv. *phaseoli* (Smith) Dye
44. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. The packaging, any label attached to the packaging or any document normally used for trade purposes which accompanies the consignment must bear an appropriate origin mark (which may be a reference to the name of the country of origin)
45. Plants, other than seeds, of *Viburnum* spp. L., *Camellia* spp. or *Rhododendron* spp. L., other than *Rhododendron simsii* Planch, intended for planting The plants must be accompanied by an official statement that they meet the requirements specified in point 3 of the Annex I to Decision [2002/757/EC](#)
46. Susceptible plants within the meaning of Article 1(b) of Decision [2007/365/EC](#) The plants must be accompanied by an official statement that they have been grown in accordance with the requirements specified in point 2(a), (b) (c) or (d) of Annex I to Decision [2007/365/EC](#)
47. Specified plants within the meaning of Article 1(2) of Decision [2007/433/EC](#) The plants must be accompanied by an official statement that they meet the requirements specified in Section II of Annex I to Decision [2007/433/EC](#)
48. 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 The plants must be accompanied by an official statement that they meet the requirements specified in point 1 of Section 2 of Annex I to Decision 2012/138/EU
49. Specified plants within the meaning of Article 1(a) of 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 The plants must 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

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50. Tubers of *Solanum tuberosum* L., including those intended for planting, which originate in an area established in accordance with Article 5 of Decision 2012/270/EU, other than those which originate in Wales and are only being moved within such an area
- The tubers must be accompanied by an official statement that the tubers meet the requirements specified in point (1)(a) to (c) of Section 2 of Annex I to Decision 2012/270/EU
51. Live pollen of *Actinidia* Lindl. or plants, other than seeds, of *Actinidia* Lindl. intended for planting
- The pollen and plants must 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 2017/198/EU
52. Host plants within the meaning of Article 1(b) of Decision (EU) 2015/789 which have never been grown in an area established in accordance with Article 4 of that Decision
- The plants must be accompanied by an official statement that:
- (a) they meet the requirements specified in Article 9(8)(a) of Decision (EU) 2015/789; or
  - (b) in the case of plants, other than seeds, intended for planting, of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L. or *Prunus dulcis* (Mill.) D.A. Webb, they meet the requirements specified in the second sub-paragraph of Article 9(8) of that Decision
53. Pre-basic mother plants as defined in Article 1(3) of Commission Implementing Directive 2014/98/EU or pre-basic material as defined in Article 2(5) of Council Directive 2008/90/EC which:
- belong to the species *Juglans regia* L., *Olea europaea* L., *Prunus amygdalus* Batsch, *P. amygdalus* x *P. persica*, *P. armeniaca* L., *P. avium* (L.) L., *P. cerasus* L., *P. domestica* L., *P. domestica* x *P. salicina*, *P. dulcis* (Mill.) D.A. Webb, *P. persica* (L.) Batsch, or *P. salicina* Lindley,
  - have been grown outside an area established in accordance with Article 4 of Decision (EU) 2015/789, and
  - have spent at least part of their life outside insect proof facilities
- The plants must be accompanied by an official statement that they meet the requirements specified in Article 9(9)(a) and (b) of Decision (EU) 2015/789
54. Specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789, other than those belonging to the varieties specified in Annex III to that Decision,
- The plants must:
- (a) in the case of plants which have not been grown for their entire production cycle *in vitro*:



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- which have been grown for at least part of their life in an area established in accordance with Article 4 of that Decision
- (i) be accompanied by an official statement that they meet the requirements specified in Article 9(2) to (4) and (5) of Decision (EU) 2015/789; or
  - (ii) in the case of dormant plants, other than seeds, of *Vitis* intended for planting, be accompanied by an official statement that they meet the requirements specified in Article 9(4a) and (5) of that Decision;
- (b) in the case of plants which have been grown for their entire production cycle *in vitro*, be accompanied by an official statement that they meet the requirements specified in Article 9a(2) and (3) of that Decision and be transported in the manner specified in Article 9a(4) of that Decision
55. Specified plants within the meaning of Article 1(a) of Decision (EU) 2015/893 which originate, or have been introduced into a place of production, in an area established in accordance with Article 7 of that Decision
- The plants must be accompanied by an official statement that:
- (a) in the case of plants which originate in an area established in accordance with Article 7 of Decision (EU) 2015/893, they have been grown during a period of at least two years prior to their movement, or in the case of plants which are younger than two years, throughout their life, in a place of production which meets the requirements specified in point (1)(a) and (b) of Section 2(A) of Annex II to that Decision; and
  - (b) they meet the requirements specified in point (1)(c) of that Section
56. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., other than fruits of *Citrus aurantium* L. or *Citrus latifolia* Tanaka, which:
- The fruits must be:
- (a) packaged and labelled in accordance with Article 17 of that Decision; and

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**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

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|--|--|
| <p>— originate in Brazil, South Africa or Uruguay;</p> <p>— are destined exclusively for industrial processing into juice; and</p> <p>— have been introduced into another part of the European Union in accordance with Articles 9 to 13 of Decision (EU) 2016/715</p>   | <p>(b) subject to a licence granted under article 40(1) of this Order authorising their introduction into, and their movement within, Wales and, where applicable, their processing and storage in Wales</p>   |
| <p>57. Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., <i>Microcitrus</i> Swingle, <i>Naringi</i> Adans. Or <i>Swinglea</i> Merr. which:</p> <p>— originate in any third country;</p> <p>— are destined for industrial processing into juice; and</p> <p>— have been introduced into another part of the European Union in accordance with Article 3 of Commission Implementing Decision (EU) 2017/2374</p> | <p>The fruits must be subject to a licence granted under article 40(1) of this Order authorising their introduction into, and their movement within, Wales and, where applicable, their processing and storage in Wales</p>  |
| <p>58. Plants of <i>Fraxinus</i> L. intended for planting</p>  | <p>The plants must be accompanied by an official statement that they have been grown throughout their life in an area which has been established and is maintained as an area free from <i>Chalara fraxinea</i> T. Kowalski (including its teleomorph <i>Hymenoscyphus pseudoalbidus</i>) in accordance with ISPM No.4</p> |
| <p>59. Tubers of <i>Solanum tuberosum</i> L., other than those mentioned in column 2 of items 19 to 22, originating in Poland</p>  | <p>The tubers must be accompanied by a certificate issued by the responsible official body of Poland confirming that they have been found to be free from <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i> in official laboratory tests</p>                        |
| <p>60. Tubers of <i>Solanum tuberosum</i> L., including those intended for planting, originating in any area of Spain which is within the European Union, other than those originating in an area established in accordance with Article 5 of Decision 2012/270/EU or the Balearic Islands</p>   | <p>The tubers must have been washed so that there is no more than 0.1% of soil remaining</p>   |

#### Marginal Citations

**M33** OJ No L 193, 20.7.2002, p. 60, to which there are amendments not relevant to this Order.

**M34** OJ No L 193, 20.7.2002, p. 1, as amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ No L 268, 18.10.2003, p. 1).

## PART C

Relevant material which may only be landed in or moved within  
Wales (as a protected zone) if special requirements are complied with

(1) Item	(2) Description of relevant material	(3) Requirements of landing
1.	Plants, other than seeds, of <i>Platanus</i> L. intended for planting, originating in the European Union or in Armenia, Switzerland or the USA	<p>The plants must be accompanied by an official statement that they have been grown throughout their life:</p> <ul style="list-style-type: none"> <li>(a) in an area free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. &amp; T.C. Harr., established in accordance with ISPM No. 4; or</li> <li>(b) in a protected zone which is recognised as a protected zone for <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. &amp; T.C. Harr.</li> </ul>
2.	Plants, other than fruit or seeds, of <i>Pinus</i> L., intended for planting	<p>The plants must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> <li>(a) they have been grown throughout their life in places of production in countries in which <i>Thaumetopoea pityocampa</i> Denis &amp; Schiffermüller is not known to occur;</li> <li>(b) they have been grown throughout their life in an area free from <i>Thaumetopoea pityocampa</i> Denis &amp; Schiffermüller, established by the national plant protection organisation in accordance with ISPM No. 4;</li> <li>(c) they have been produced in nurseries which, along with their vicinity, have been found free from <i>Thaumetopoea pityocampa</i> Denis &amp; Schiffermüller on the basis of official inspections and official surveys carried out at appropriate times; or</li> <li>(d) they have been grown throughout their life in a site with complete physical protection against the introduction of <i>Thaumetopoea pityocampa</i> Denis &amp;</li> </ul>

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- Schiffermüller and have been inspected at appropriate times and found to be free from *Thaumetopoea pityocampa* Denis & Schiffermüller
3. Plants of *Castanea Mill.* intended for planting      The plants must be accompanied by an official statement that they have been grown throughout their life:
- (a) in a place of production in a country where *Cryphonectria parasitica* (Murrill) Barr is known not to occur;
  - (b) in an area free from *Cryphonectria parasitica* (Murrill) Barr, established by the national plant protection organisation in accordance with ISPM No. 4; or
  - (c) in a protected zone which is recognised as a protected zone for *Cryphonectria parasitica* (Murrill) Barr
4. Plants, other than seeds, of *Prunus L.*, intended for planting      The plants must be accompanied by an official statement that:
- (a) they have been grown throughout their life in places of production in countries in which *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al.* is not known to occur;
  - (b) they have been grown throughout their life in an area free from *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al.*, established by the national plant protection organization in accordance with ISPM No. 4;
  - (c) they have been derived in direct line from mother plants which have shown no symptoms of *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al.* during the last complete cycle of vegetation and no symptoms of that plant pest have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation; or

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- (d) in the case of plants of *Prunus laurocerasus* L. or *Prunus lusitanica* L. for which there is evidence from their packing or from other means that they are intended for sale to final consumers not involved in professional plant production, no symptoms of *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al.* have been observed on plants at the place of production since the beginning of the last complete growing season
5. Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., or *Washingtonia* Raf. The plants must be accompanied by an official statement that:
- (a) they have been grown throughout their life in places of production in countries where *Paysandisia archon* (Burmeister) is known not to occur;
  - (b) they have been grown throughout their life in an area free from *Paysandisia archon* (Burmeister) established by the national plant protection organization in accordance with ISPM No. 4; or
  - (c) they have, during a period of at least two years prior to export or movement, been grown in a place of production:
    - (i) which is registered and supervised by the national plant protection organization in the country of origin;
    - (ii) where the plants were placed in a site with complete physical protection against the introduction of *Paysandisia archon* (Burmeister); and
    - (iii) where, during three official inspections per year carried out at appropriate times,

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**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

including immediately prior to movement from the place of production, no signs of *Paysandisia archon* (Burmeister) have been observed

6. Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendle., *Borassus flabellifer* L., *Brahea armata* S. Watson, *Brahea edulis* H. Wendl., *Butia capitata* (Mart.) Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. ex Mart., *Chamaerops humilis* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha utan* Lam., *Elaeis guineensis* Jacq., *Howea forsteriana* Becc., *Jubae chilensis* (Molina) Baill., *Livistona australis* C. Martius, *Livistona decora* (W. Bull) Dowe, *Livistona rotundifolia* (Lam.) Mart., *Metroxylon sagu* Rottb., *Phoenix canariensis* Chabaud, *Phoenix dactylifera* L., *Phoenix reclinata* Jacq., *Phoenix roebelenii* O'Brien, *Phoenix sylvestris* (L.) Roxb., *Phoenix theophrasti* Greuter, *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal palmetto* (Walter) Lodd. ex Schult. & Schult. F., *Syagrus roman-zoffiana* (Cham.) Glassman, *Trachycarpus fortunei* (Hook.) H. Wendl. Or *Washingtonia* Raf.
- The plants must be accompanied by an official statement that:
- (a) they have been grown throughout their life in places of production in countries where *Rhynchophorus ferrugineus* (Olivier) is known not to occur;
  - (b) they have been grown throughout their life in an area free from *Rhynchophorus ferrugineus* (Olivier), established by the national plant protection organization in accordance with ISPM No. 4; or
  - (c) they have, during a period of at least two years prior to export or movement, been grown in a place of production:
    - (i) which is registered and supervised by the national plant protection organization in the country of origin;
    - (ii) where the plants were placed in a site with complete physical protection against the introduction of *Rhynchophorus ferrugineus* (Olivier); and
    - (iii) where, during three official inspections per year carried out at appropriate times, including immediately prior to movement from the place of production, no signs of *Rhynchophorus ferrugineus* (Olivier) have been observed

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**Changes to legislation:** There are currently no known outstanding effects for the  
The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

7. Uprooted cuttings of *Euphorbia pulcherrima* Willd., intended for planting The plants must be accompanied by an official statement that:
- (a) they originate in an area known to be free from *Bemisia tabaci* Genn. (European populations);
  - (b) no signs of *Bemisia tabaci* Genn. (European populations) have been observed on the cuttings or on the plants from which the cuttings are derived and which are held or produced at the place of production on official inspections carried out at least once each three weeks during the whole production period of these plants at the place of production; or
  - (c) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the cuttings and the plants from which the cuttings are derived and which are held or produced at the place of production have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production has been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in official inspections carried out weekly during the three weeks prior to the movement from this place of production, and in monitoring procedures throughout the period. The last inspection of the weekly inspections must have been carried out immediately prior to movement
8. Plants of *Euphorbia pulcherrima* Willd., intended for planting, other than:  
— seeds, The plants must be accompanied by an official statement that:

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**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

- those for which there is evidence from their packing or their flower (or bract) development or from other means that they are intended for sale to final customers not involved in professional plant production, or
  - those specified in item 7
- (a) they originate in an area known to be free from *Bemisia tabaci* Genn. (European populations);
  - (b) no signs of *Bemisia tabaci* Genn. (European populations) have been observed on plants at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing; or
  - (c) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the plants held or produced at the place of production have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production has been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in official inspections carried out weekly during the three weeks prior to the movement from this place of production, and in monitoring procedures throughout the period. The last inspection of the weekly inspections must have been carried out immediately prior to movement; and
  - (d) evidence is available that they have been produced from cuttings which:
    - (i) originate in an area known to be free from *Bemisia tabaci* Genn. (European populations);
    - (ii) have been grown at a place of production where no signs of *Bemisia tabaci* Genn. (European populations) have been



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observed on official inspections carried out at least once each three weeks during the whole production period of these plants; or

(iii) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, have been grown on plants held or produced at the place of production having undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production has been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in official inspections carried out weekly during the three weeks prior to the movement from this place of production, and in monitoring procedures throughout the period. The last inspection of the weekly inspections must have been carried out immediately prior to movement

9. Plants, other than seeds, tubers or corms, of *Begonia* L., intended for planting; or plants, other than seeds, of *Dipladenia* A.DC., *Ficus* L., *Hibiscus* L., *Mandevilla* Lindl. or *Nerium oleander* L., intended for planting
- (a) (a) The plants must be accompanied by an official statement that:
  - (b) they originate in an area known to be free from *Bemisia tabaci* Genn. (European populations);
  - (c) no signs of *Bemisia tabaci* Genn. (European populations) have been observed on plants

**Status:** Point in time view as at 28/03/2019.

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- at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing;
- (d) where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the plants, held or produced at the place of production, have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently the place of production has been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating *Bemisia tabaci* Genn. (European populations), in official inspections carried out weekly during the three weeks prior to the movement from the place of production, and in monitoring procedures throughout the said period; or
  - (e) in the case of plants for which there is evidence from their packing or their flower development or from other means that they are intended for direct sale to final consumers not involved in professional plant production, they have been officially inspected and found free from *Bemisia tabaci* Genn. (European populations) immediately prior to their movement
10. Plants of *Castanea Mill.*, other than plants in tissue culture, fruit or seeds
- (a) (a) The plants must be accompanied by an official statement that the plants have been grown throughout their life:
  - (b) in a place of production in a country where *Dryocosmus*

*kuriphilus* Yasumatsu is known not to occur;

- (c) in an area free from *Dryocosmus kuriphilus* Yasumatsu, established by the national plant protection organisation in accordance with ISPM No. 4; or
  - (d) in a protected zone which is recognised as a protected zone for *Dryocosmus kuriphilus* Yasumatsu
- 

## SCHEDULE 5

Article 3

Relevant material from a third country for which a phytosanitary certificate may be required

### PART A

Relevant material which may only be landed if accompanied by a phytosanitary certificate

1. Plants, other than seeds, intended for planting.
2. Seeds of—
  - (a) Cruciferae, Gramineae or *Trifolium* spp., originating in Argentina, Australia, Bolivia, Chile, New Zealand or Uruguay;
  - (b) the genera *Triticum*, *Secale* or *X Triticosecale* from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA; or
  - (c) Solanaceae, Citrus L., Fortunella Swingle, Poncirus Raf., Capsicum spp., Helianthus annuus L., Solanum lycopersicum L., Medicago sativa L., Prunus L., Rubus L., Oryza spp., Zea mays L., Allium ascalonicum L., Allium cepa L., Allium porrum L., Allium schoenoprasum L. or Phaseolus L.
3. Parts of plants, other than fruit or seeds, of—
  - (a) *Castanea* Mill., *Dendranthema* (DC.) Des Moul., *Dianthus* L., *Gypsophila* L., *Pelargonium* L'Hérit. ex Ait., *Phoenix* spp., *Populus* L., *Quercus* L., *Solidago* L. or cut flowers of Orchidaceae;
  - (b) conifers (Coniferales);
  - (c) *Acer saccharum* Marsh, originating in the USA or Canada;
  - (d) *Prunus* L., originating in any country outside Europe;
  - (e) cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. or *Trachelium* L., originating in any country outside Europe;
  - (f) leafy vegetables of *Apium graveolens* L., *Ocimum* L., *Limnophila* L. or *Eryngium* L.;
  - (g) leaves of *Manihot esculenta* Crantz;
  - (h) cut branches of *Betula* L. with or without foliage;

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- (i) cut branches of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., with or without foliage, originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA; or
  - (j) *Amyris* P. Browne, *Casimiroa* La Llave, *Citropsis* Swingle & Kellerman, *Eremocitrus* Swingle, *Esenbeckia* Kunth., *Glycosmis* Corrêa, *Merrillia* Swingle, *Naringi* Adans., *Tetradium* Lour., *Toddalia* Juss. or *Zanthoxylum* L.
4. Parts of plants, other than fruit but including seeds, of *Aegle* Corrêa, *Aeglopsis* Swingle, *Afraegle* Engl., *Atalantia* Corrêa, *Balsamocitrus* Stapf, *Burkillanthus* Swingle, *Calodendrum* Thunb., *Choisya* Kunth, *Clausena* Burm. f., *Limonia* L., *Microcitrus* Swingle, *Murraya* J. Koenig ex L., *Pamburus* Swingle, *Severinia* Ten., *Swinglea* Merr., *Triphasia* Lour or *Vepris* Comm.
5. Fruit of—
- (a) *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Microcitrus* Swingle, *Naringi* Adans., *Swinglea* Merr., *Momordica* L., *Solanum lycopersicum* L. or *Solanum melongena* L.;
  - (b) *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn. or *Vaccinium* L., originating in any country outside Europe;
  - (c) *Capsicum* L.;
  - (d) *Punica granatum* L., originating in any country of the African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius or Israel.
6. Tubers of *Solanum tuberosum* L.
7. Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants or humus, including peat or bark, other than those composed entirely of peat.
8. Soil or growing medium which is attached to or appears to have been in contact with plants, consisting in whole or in part of material specified in paragraph 7 or consisting in part of any solid inorganic substances, intended to sustain the vitality of plants, originating in—
- (a) Belarus, Georgia, Moldova, Russia, Turkey or Ukraine; or
  - (b) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia.
9. Grain of the genera *Triticum*, *Secale* or *X Triticosecale* originating in Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA.
10. Susceptible plants within the meaning of Article 1(2) of Decision [2002/757/EC](#) originating in the USA.
11. Susceptible plants within the meaning of Article 1(b) of Decision [2007/365/EC](#).
12. Seeds or cones, intended for propagating, of the genera or species referred to in Article 1(2) of Decision [2007/433/EC](#).
13. Live pollen of *Actinidia* Lindl.
14. Plants, other than seeds, of *Mangifera* L. originating in India.
15. Parts of plants, including seeds, of *Fraxinus* L.

## PART B

Relevant material which, if destined for certain protected zones, may only be landed if accompanied by a phytosanitary certificate

16. Plants of *Beta vulgaris* L. intended for industrial processing.
17. Soil from beet or unsterilized waste from beet (*Beta vulgaris* L.).
18. 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. or *Sorbus* L.
19. Parts of plants, other than fruit or 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. or *Sorbus* L.
20. Seeds of *Castanea* Mill., *Dolichos* Jacq., *Magnifera* spp., *Beta vulgaris* L. or *Phaseolus vulgaris* L.
21. Seeds or fruits (bolls) of *Gossypium* spp. or unginning cotton.
22. Fruits of *Vitis* L.
23. Parts of plants of *Eucalyptus* L'Hérit.

### SCHEDULE 6

Articles 21(1) to (4) and 23(1)

Prohibitions on the introduction into or movement within Wales of relevant material without a plant passport

## PART A

Relevant material which may only be landed or moved within Wales if accompanied by a plant passport

1. Plants, 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. or *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L., intended for planting.
2. Plants, other than seeds, of *Beta vulgaris* L. or *Humulus lupulus* L., intended for planting.
3. Plants of stolon- or tuber-forming species of *Solanum* L., intended for planting.
4. Plants, other than fruit or seeds, of *Choisya* Kunth, *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm. f., *Murraya* J. Koenig ex L., *Vepris* Comm., *Zanthoxylum* L. or *Vitis* L.
5. Plants, other than fruit or seeds, of *Citrus* L.
6. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., with leaves and peduncles.
7. The following plants which have been produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than plants which have been prepared and are ready for sale to the final consumer, and which were

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

produced separately from other products under the supervision of the responsible official body of the consignor country—

- (a) plants, other than seeds, intended for planting, of the genera *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Asparagus officinalis* L., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC.) Des Moul., *Dianthus* L., *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'Hérit. 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., *Ulmus* L., *Verbena* L. or other plants of herbaceous species, other than plants of the family Gramineae, intended for planting, or bulbs, corms, rhizomes, seeds or tubers;
  - (b) plants of Solanaceae, other than seeds or those specified in paragraph 3, intended for planting;
  - (c) plants of Araceae, Marantaceae, Musaceae, *Persea* spp. or Strelitziaceae, rooted or with growing medium attached or which appear to have been in contact with growing medium;
  - (d) plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart, *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syragrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.;
  - (e) seeds or bulbs of *Allium ascalonicum* L., *Allium cepa* L. or *Allium schoenoprasum* L., intended for planting; plants of *Allium porrum* L. intended for planting; or seeds of *Medicago sativa* L., *Helianthus annuus* L., *Solanum lycopersicum* L. or *Phaseolus* L.;
  - (f) bulbs, corms, tubers or rhizomes, intended for planting, of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston “Golden Yellow”, *Dahlia* spp., *Galanthus* L., *Galtonia candicans* (Baker) Decne., miniature cultivars of the genus *Gladiolus* Tourn. ex L. (such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort. or *Gladiolus tubergenii* hort.), *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Lilium* spp., *Muscari* Miller, *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. or *Tulipa* L.
8. Susceptible plants within the meaning of Article 1(2) of Decision [2002/757/EC](#) originating in the USA.
  9. Plants, other than seeds, intended for planting, of *Viburnum* spp., *Camellia* spp., *Rhododendron* spp., other than *Rhododendron simsii* Planch, originating in any third country other than the USA, or in the European Union.
  10. Susceptible plants within the meaning of Article 1(b) of Decision [2007/365/EC](#).
  11. Specified plants within the meaning of Article 1(2) of Decision [2007/433/EC](#).
  12. 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.
  13. Tubers of *Solanum tuberosum* L., including those intended for planting, which originate in a third country where *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present or in an area which has been established in accordance with Article 5 of Decision 2012/270/EU.
  14. Plants, other than seeds, intended for planting, 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.
  15. Live pollen or plants intended for planting, other than seeds, of *Actinidia* Lindl.

16. Pre-basic mother plants as defined in Article 1(3) of Commission Implementing Directive 2014/98/EU or pre-basic material as defined in Article 2(5) of Council Directive 2008/90/EC which—

- (a) belong to the species *Juglans regia* L., *Olea europaea* L., *Prunus amygdalus* Batsch, *P. amygdalus* x *P. persica*, *P. armeniaca* L., *P. avium* (L.) L., *P. cerasus* L., *P. domestica* L., *P. domestica* x *P. salicina*, *P. dulcis* (Mill.) D.A. Webb, *P. persica* (L.) Batsch, or *P. salicina* Lindley;
- (b) have been grown outside an area established in accordance with Article 4 of Decision (EU) 2015/789; and
- (c) have spent at least part of their life outside insect proof facilities.

17. Specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 which have been grown for at least part of their life in an area established in accordance with Article 4 of that Decision or *Xylella* host plants within the meaning of Article 1(b) of that Decision which have never been grown in such an area.

18. Specified plants within the meaning of Article 1(a) of Decision (EU) 2015/893 which originate in a third country in which *Anoplophora glabripennis* (Motschulsky) is known to be present or which originate, or have been introduced into a place of production, in an area established in accordance with Article 7 of that Decision.

19. Plants of *Fraxinus* L., intended for planting.

## PART B

Relevant material which may only be landed or moved within Wales if accompanied by a plant passport which is valid for Wales as a protected zone

20. Plants, other than seeds, of *Platanus* L., *Prunus* L., *Quercus* spp., other than *Quercus suber*, or *Ulmus* L., intended for planting.

21. Plants, other than fruit, of *Castanea* Mill.

22. Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendl., *Borassus flabellifer* L., *Brahea* Mart., *Butia* Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. ex Mart., *Chamaerops* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha utan* Lam., *Elaeis guineensis* Jacq., *Howea forsteriana* Becc., *Jubae* Kunth, *Livistona* R. Br., *Metroxylon sagu* Rottb., *Phoenix* L., *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.

23. Plants of *Pinus* L.

24. Seeds of *Castanea* Mill.

25. The following plants which have been produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than plants which have been prepared and are ready for sale to the final consumer, and which were produced separately from other products under the supervision of the responsible official body of the consignor country—

- (a) plants, other than corms, seeds or tubers, of *Begonia* L., intended for planting; or
- (b) plants, other than seeds, of *Dipladenia* A.DC., *Euphorbia pulcherrima* Willd., *Ficus* L., *Hibiscus* L., *Mandevilla* Lindl. or *Nerium oleander* L., intended for planting.

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

## SCHEDULE 7

Article 21(5) and (6)

Prohibitions on the consignment of relevant material to another part of the European Union without a plant passport

### PART A

Relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport

1. Plants, 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. or *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L., intended for planting.

2. Plants, other than seeds, of *Beta vulgaris* L. or *Humulus lupulus* L., intended for planting.

3. Plants of stolon- or tuber-forming species of *Solanum* L., intended for planting.

4. Plants, other than fruit or seeds, of *Choisya* Kunth, *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm. f., *Murraya* J. Koenig ex L., *Vepris* Comm., *Zanthoxylum* L. or *Vitis* L.

5. Plants, other than fruit or seeds, of *Citrus* L.

6. Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., with leaves and peduncles.

7. The following plants which have been produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than plants which have been prepared and are ready for sale to the final consumer, and which were produced separately from other products under the supervision of the responsible official body of the consignor country—

- (a) plants, other than seeds, intended for planting, of the genera *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Asparagus officinalis* L., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC.) Des Moul., *Dianthus* L., *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'Hérit. 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., *Ulmus* L., *Verbena* L. or other plants of herbaceous species, other than plants of the family Gramineae, intended for planting, or bulbs, corms, rhizomes, seeds or tubers;
- (b) plants of Solanaceae, other than seeds or those specified in paragraph 3, intended for planting;
- (c) plants of Araceae, Marantaceae, Musaceae, *Persea* spp. or Strelitziaceae, rooted or with growing medium attached or which appear to have been in contact with growing medium;
- (d) plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart, *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syragrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.;
- (e) seeds or bulbs of *Allium ascalonicum* L., *Allium cepa* L. or *Allium schoenoprasum* L., intended for planting; plants of *Allium porrum* L. intended for planting; or seeds of *Medicago sativa* L., *Helianthus annuus* L., *Solanum lycopersicum* L. or *Phaseolus* L.;



- (f) bulbs, corms, tubers or rhizomes, intended for planting, of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston “Golden Yellow”, *Dahlia* spp., *Galanthus* L., *Galtonia candicans* (Baker) Decne., miniature cultivars of the genus *Gladiolus* Tourn. ex L. (such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort. or *Gladiolus tubergenii* hort.), *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Lilium* spp., *Muscari* Miller, *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. or *Tulipa* L.
8. Susceptible plants within the meaning of Article 1(2) of Decision [2002/757/EC](#) originating in the USA.
9. Plants, other than seeds, intended for planting, of *Viburnum* spp., *Camellia* spp., *Rhododendron* spp., other than *Rhododendron simsii* Planch, originating in any third country other than the USA, or in the European Union.
10. Susceptible plants within the meaning of Article 1(b) of Decision [2007/365/EC](#).
11. Specified plants within the meaning of Article 1(2) of Decision [2007/433/EC](#).
12. 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.
13. Tubers of *Solanum tuberosum* L., including those intended for planting, which originate in a third country where *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present or in an area which has been established in accordance with Article 5 of Decision 2012/270/EU.
14. Plants, other than seeds, intended for planting 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.
15. Live pollen or plants intended for planting, other than seeds, of *Actinidia* Lindl.
16. Pre-basic mother plants as defined in Article 1(3) of Commission Implementing Directive 2014/98/EU or pre-basic material as defined in Article 2(5) of Council Directive [2008/90/EC](#) which—
- (a) belong to the species *Juglans regia* L., *Olea europaea* L., *Prunus amygdalus* Batsch, *P. amygdalus* x *P. persica*, *P. armeniaca* L., *P. avium* (L.) L., *P. cerasus* L., *P. domestica* L., *P. domestica* x *P. salicina*, *P. dulcis* (Mill.) D.A. Webb, *P. persica* (L.) Batsch, or *P. salicina* Lindley;
- (b) have been grown outside an area established in accordance with Article 4 of Decision (EU) 2015/789; and
- (c) have spent at least part of their life outside insect proof facilities.
17. Specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 which have been grown for at least part of their life in an area established in accordance with Article 4 of that Decision or *Xylella* host plants within the meaning of Article 1(b) of that Decision which have never been grown in such an area.
18. Specified plants within the meaning of Article 1(a) of Decision (EU) 2015/893 which originate in a third country in which *Anoplophora glabripennis* (Motschulsky) is known to be present or which originate, or have been introduced into a place of production, in an area established in accordance with Article 7 of that Decision.
19. Plants of *Fraxinus* L., intended for planting.

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

## PART B

Relevant material which may only be consigned to a protected zone in another part of the European Union by a plant passport which is valid for that protected zone

20. Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. or *Pseudotsuga* Carr.
21. Plants, other than seeds, of *Beta vulgaris* L., *Platanus* L., *Populus* L., *Prunus* L., *Quercus* spp., other than *Quercus suber*, or *Ulmus* L., intended for planting.
22. Plants, other than fruit or seeds, of *Amelanchier* Med., *Castanea* Mill., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Eucalyptus* L'Hérit, *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L., *Sorbus* L. or *Vitis* L.
23. Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendl., *Borassus flabellifer* L., *Brahea* Mart., *Butia* Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. ex Mart., *Chamaerops* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha utan* Lam., *Elaeis guineensis* Jacq., *Howea forsteriana* Becc., *Jubae* Kunth, *Livistona* R. Br., *Metroxylon sagu* Rottb., *Phoenix* L., *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.
24. 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. or *Sorbus* L.
25. Tubers of *Solanum tuberosum* L. intended for planting.
26. Plants of *Beta vulgaris* L. intended for industrial processing.
27. Soil from beet or unsterilized waste from beet (*Beta vulgaris* L.).
28. Seeds of *Beta vulgaris* L., *Castanea* Mill., *Dolichos* Jacq., *Gossypium* spp. or *Phaseolus vulgaris* L.
29. Fruits (bolls) of *Gossypium* spp. or ginned cotton or fruits of *Vitis* L.
30. The following plants which have been produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than plants which have been prepared and are ready for sale to the final consumer, and which were produced separately from other products under the supervision of the responsible official body of the consignor country—
  - (a) plants, other than corms, seeds, or tubers, of *Begonia* L., intended for planting; or
  - (b) plants, other than seeds, of *Dipladenia* A.DC., *Euphorbia pulcherrima* Willd., *Ficus* L., *Hibiscus* L., *Mandevilla* Lindl. or *Nerium oleander* L., intended for planting.

## SCHEDULE 8

Articles 2(1) and 30

### Swiss plant passports

#### PART A

Relevant material originating in Switzerland which may be landed  
or moved within Wales if accompanied by a Swiss plant passport

1. Plants, other than seeds, of *Amelanchier* Med., *Beta vulgaris* L., *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Humulus lupulus* L., *Malus* Mill., *Mespilus* L., *Prunus* L., other than *Prunus laurocerasus* L. or *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L., intended for planting.

2. Plants of stoloniferous or tuberous species of *Solanum* L. intended for planting.

3. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm.f., *Vepris* Comm., *Zanthoxylum* L. or *Vitis* L.

4. Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., with leaves and peduncles.

5. The following plants which have been produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than plants which have been prepared and are ready for sale to the final consumer and which were clearly produced separately from other products, as guaranteed by a person authorised by Swiss legislation to give such a guarantee—

- (a) plants, other than seeds, intended for planting, of the genera *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Asparagus officinalis* L., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC.) Des Moul., *Dianthus* L., *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'Hérit. 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. or other plants of herbaceous species, other than plants of the family Gramineae or bulbs, corms, rhizomes or tubers;
- (b) plants, other than seeds, of Solanaceae, other than those plants referred to in paragraph 2, intended for planting;
- (c) plants of Araceae, Marantaceae, Musaceae, *Persea* spp. or Strelitziaceae, rooted or with growing medium attached or which appear to have been in contact with growing medium;
- (d) plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera or species: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth., *Livistona* R.Br., *Phoenix* L., *Sabal* Adans., *Syragrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.;
- (e) seeds or bulbs, intended for planting, of *Allium ascalonicum* L., *Allium cepa* L., *Allium schoenoprasum* L., *Helianthus annuus* L., *Medicago sativa* L., *Solanum lycopersicum* L. or *Phaseolus* L.;
- (f) plants of *Allium porrum* L. intended for planting; or
- (g) bulbs, corms, tubers or rhizomes intended for planting, of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston “Golden Yellow”, *Dahlia* spp., *Galanthus* L., *Galtonia candicans* (Baker) Decne., miniature cultivars of the genus *Gladiolus* Tourn. ex L. (such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort. or *Gladiolus tubergenii* hort.), *Hyacinthus* L., *Iris* L., *Ismene* Herbert,

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**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

*Lilium* spp., *Muscari* Miller, *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. or *Tulipa* L.

## PART B

Relevant material imported into Switzerland from another third country which, if it would normally be permitted to be landed in Wales if accompanied by a phytosanitary certificate, may be accompanied by a Swiss plant passport or may be landed without phytosanitary documentation

6. Plants, other than seeds, intended for planting.
7. Seeds of Cruciferae, Gramineae or *Trifolium* spp. originating in Argentina, Australia, Bolivia, Chile, New Zealand or Uruguay.
8. Seeds of *Allium ascalonicum* L., *Allium cepa* L., *Allium porrum* L., *Allium schoenoprasum* L., *Capsicum* spp., *Helianthus annuus* L., *Solanum lycopersicum* L., *Medicago sativa* L., *Phaseolus* L., *Prunus* L., *Rubus* L., *Oryza* spp. or *Zea mays* L.
9. Seeds of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf.
10. Seeds of *Triticum*, *Secale* or *X Triticosecale*, originating in Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA.
11. Parts of plants, other than fruit or seeds, of—
  - (a) leafy vegetables of *Apium graveolens* L., *Eryngium* L., *Limnophila* L. or *Ocimum* L.;
  - (b) cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. or *Trachelium* L., originating in any country outside Europe, or cut flowers of Orchidaceae;
  - (c) *Acer saccharum* Marsh, originating in Canada or the USA;
  - (d) *Castanea* Mill., conifers (Coniferales), *Dendranthema* (DC.) Des Moul., *Dianthus* L., *Gypsophila* L., *Pelargonium* L'Hérit. ex Ait., *Phoenix* spp., *Populus* L., *Quercus* L. or *Solidago* L.
  - (e) *Prunus* L. originating in any country outside Europe;
  - (f) leaves of *Manihot esculenta* Crantz;
  - (g) cut branches of *Betula* L., with or without foliage;
  - (h) cut branches of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. Or *Pterocarya rhoifolia* Siebold & Zucc., with or without foliage, originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA;
  - (i) *Amiris* P. Browne, *Casimiroa* La Llave, *Citropsis* Swingle & Kellerman, *Eremocitrus* Swingle, *Esenbeckia* Kunth., *Glycosmis* Corrêa, *Merrillia* Swingle, *Naringi* Adans., *Tetradium* Lour., *Toddalia* Juss. or *Zanthoxylum* L.
12. Parts of plants, other than fruit but including seeds, of *Aegle* Corrêa, *Aeglopsis* Swingle, *Afraegle* Engl., *Atalantia* Corrêa, *Balsamocitrus* Stapf, *Burkillanthus* Swingle, *Calodendrum* Thunb., *Choisya* Kunth, *Clausena* Burm. f., *Limonia* L., *Microcitrus* Swingle, *Murraya* J. Koenig ex L., *Pamburus* Swingle, *Severinia* Ten., *Swinglea* Merr., *Triphasia* Lour. or *Vepris* Comm.
13. Fruit of—
  - (a) *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Momordica* L. or *Solanum melongena* L.;

(b) *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn., or *Vaccinium* L., originating in any third country outside Europe;

(c) *Capsicum* L.

14. Tubers of *Solanum tuberosum* L.

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

16. Soil or growing medium which is attached to or appears to have been in contact with plants, consisting in whole or in part of material specified in paragraph 15 or consisting in part of any solid inorganic substances, intended to sustain the vitality of plants, originating in—

(a) Belarus, Georgia, Moldova, Russia, Turkey or Ukraine; or

(b) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia.

17. Grain of the genera *Triticum*, *Secale* or *X Triticosecale*, originating in Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA.

## SCHEDULE 9

Article 2(1)

### Requirements for plant passports

## PART A

### Requirements for plant passports for any relevant material in Schedule 6 or 7

1. A plant passport may only be issued in respect of relevant material that has been the subject of a satisfactory inspection at its place of production.

2. A plant passport must comprise—

(a) an official label containing at least the plant passport details specified in paragraph 4(a) to (e); and

(b) a document of a kind normally used for trade purposes containing all of the plant passport details specified in paragraph 4.

3. But where the plant passport relates to any relevant material referred to in Part B, the plant passport may comprise an official label containing the plant passport details specified in paragraph 4 and any other information required under Part B.

4. The plant passport details are—

(a) the title “EU-plant passport”;

(b) the code for the member State in which the plant passport was issued;

(c) the name or code for the responsible official body of the member State in which the plant passport was issued;

(d) the registration number of the producer, importer or other person who is authorised to issue the plant passport or to whom the plant passport was issued;

(e) the week number of the date when the plant passport was attached to the relevant material, or a serial or batch number identifying that material;

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

- (f) the botanical name in Latin of the relevant material to which the plant passport relates;
  - (g) the quantity of the relevant material to which the plant passport relates (number of plants, plant products, volume or weight);
  - (h) where the relevant material fulfils the requirements for a protected zone, the marking “ZP” and the code for the protected zone;
  - (i) in the case of a replacement plant passport, the marking “RP” and, where appropriate, a code for the producer or importer who was authorised to issue the original plant passport or to whom the original plant passport was issued;
  - (j) in the case of relevant material originating in a third country, the name of the country of origin of the material or (if appropriate) the country from which the material was consigned to Wales.
5. An official label must—
- (a) not have been previously used;
  - (b) be made of material suitable for its purpose; and
  - (c) in the case of an adhesive label, be in a form approved for use as an official label by—
    - (i) in the case of plant passports issued in Wales, the Welsh Ministers;
    - (ii) in the case of plant passports issued elsewhere in the European Union, the responsible official body with responsibility in relation to the issue of plant passports in the relevant part of the European Union.
- 6.—(1) The information contained in a plant passport must be—
- (a) given in at least one of the official languages of the European Union;
  - (b) printed, except where it would not be reasonably practicable to do so.
- (2) Where the information is printed, it must be printed in block capitals.
- (3) Where the information is not printed, it must be given in typescript or written in block capitals.
7. An additional document of a kind referred to in paragraph 2(b) may include the additional information specified in paragraph 8 provided that it is clearly separate from the plant passport details included in the document.
8. The additional information is any information relevant for the purpose of labelling the relevant material to which it relates and which is set out in—
- (a) Article 2(1) of Commission Directive [1999/66/EC](#) setting out requirements as to the label or other document made out by the supplier pursuant to Council Directive [98/56/EC](#)<sup>M35</sup>;
  - [<sup>F3</sup>(b) Article 5(2) of Commission Implementing [Directive 2014/96/EU](#) on the requirements for the labelling, sealing and packaging of fruit propagating material and fruit plants intended for fruit production falling within the scope of Council [Directive 2008/90/EC](#)];
  - (c) Article 6(1) of Commission Directive [93/61/EEC](#) setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed, pursuant to Council Directive [92/33/EEC](#)<sup>M36</sup>.

#### Textual Amendments

- F3** Sch. 9 Pt. A para. 8(b) substituted (28.3.2019) by [The Rural Affairs, Environment, Fisheries and Food \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2019 \(S.I. 2019/463\)](#), regs. 1(3), [27](#)

**Marginal Citations**

**M35** OJ No L 164, 30.6.1999, p. 76.

**M36** OJ No L 250, 7.10.1993, p. 19.

## PART B

### Requirements for plant passports permitted for certain relevant material in Schedule 6 or 7

**9.** An official label which comprises a plant passport or part of a plant passport and which relates to any relevant material specified in this Part must comply with the following requirements in relation to that material.

- 10.** An official label in respect of tubers of *Solanum tuberosum* L. intended for planting must—
- (a) comply with the requirements in Article 13(1)(a) of Council Directive [2002/56/EC](#) on the marketing of seed potatoes <sup>M37</sup>;
  - (b) contain the title “EU-plant passport”; and
  - (c) where the tubers are intended to be consigned to another part of the European Union, provide evidence that they have been officially examined to ensure that they comply with the requirements in item 18.1 of Section II of Annex IV Part A.

**Marginal Citations**

**M37** OJ No L 193, 20.7.2002, p. 60, to which there are amendments not relevant to this Order.

- 11.** An official label in respect of seeds of *Helianthus annuus* L. must—
- (a) comply with the requirements in Article 12(1)(a) of Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants <sup>M38</sup>;
  - (b) contain the title “EU-plant passport”; and
  - (c) where the seeds are intended to be consigned to another part of the European Union, provide evidence that they have been officially examined to ensure that they comply with the requirements in item 26 of Section II of Annex IV Part A.

**Marginal Citations**

**M38** OJ No L 193, 20.7.2002, p. 74, as amended by Council Directive [2002/68/EC](#) (OJ No L 195, 24.7.2002, p. 32); there are other amending instruments but none is relevant.

- 12.** An official label in respect of seeds of *Solanum lycopersicum* L. must—
- (a) comply with the requirements in Article 28(1)(a) of Council Directive [2002/55/EC](#) on the marketing of vegetable seed <sup>M39</sup>;
  - (b) contain the title “EU-plant passport”; and
  - (c) where the seeds are intended to be consigned to another part of the European Union, provide evidence that they have been officially examined to ensure that they comply with the requirements in item 27 or 29 of Section II of Annex IV Part A.

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

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**Marginal Citations**

**M39** OJ No L 193, 20.7.2002, p. 33, to which there are amendments not relevant to this Order.

**13.** An official label in respect of seeds of *Medicago sativa* L. must—

- (a) comply with the requirements in Article 10(1)(a) of Council Directive [66/401/EEC](#) on the marketing of fodder plant seed <sup>M40</sup>;
- (b) contain the title “EU-plant passport”; and
- (c) where the seeds are intended to be consigned to another part of the European Union, provide evidence that they have been officially examined to ensure that they comply with the requirements in items 28.1 and 28.2 of Section II of Annex IV Part A.

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**Marginal Citations**

**M40** OJ No L 125, 11.7.1966, p. 2298, as amended by Council Directive 96/72/EC (OJ No L 304, 27.11.1996, p. 10); there are other amending instruments but none is relevant.



**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

SCHEDULE 10

Article 2(1)

Form of phytosanitary certificate and form of phytosanitary certificate for re-export

**PART A**

Form of phytosanitary certificate  
PHYTOSANITARY CERTIFICATE

No .....

Plant protection organisation of:.....  
To plant protection organisation(s) of: .....

**I. Description of consignment**

Name and address of exporter: .....  
Declared name and address of consignee: .....  
Number and description of packages: .....  
Distinguishing marks: .....  
Place of origin: .....  
Declared means of conveyance: .....  
Declared point of entry:.....  
Name of produce and quantity declared: .....  
Botanical name of plants: .....

This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.

They are deemed to be practically free from other pests<sup>(\*)</sup>.

**II. Additional declaration**

**III. Disinfestation and/or disinfection treatment**

Date: .....Treatment: ..... Chemical (active ingredient): .....  
Duration and temperature: .....  
Concentration: .....  
Additional information: .....

Place of issue: .....

Name of authorised officer: .....

(Stamp of organisation)

Date .....

(signature)

No financial liability with respect to this certificate attaches to.....  
(name of plant protection organisation) or to any of its officers or representatives<sup>(\*)</sup>.

Optional clause

**Status:** Point in time view as at 28/03/2019.  
**Changes to legislation:** There are currently no known outstanding effects for the  
The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

## PART B

### Form of phytosanitary certificate for re-export

#### PHYTOSANITARY CERTIFICATE FOR RE-EXPORT

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Plant protection organisation of: .....(contracting party of re-export) **No**.....  
To plant protection organisation(s) of: ..... (contracting party(ies) of import)

#### I. Description of consignment

Name and address of exporter: .....  
Declared name and address of consignee:.....  
Number and description of packages: .....  
Distinguishing marks: .....  
Place of origin: .....  
Declared means of conveyance: .....  
Declared point of entry:.....  
Name of produce and quantity declared: .....  
Botanical name of plants: .....

This is to certify that the plants, plant products or other regulated articles described above.....  
were imported into (contracting party of re-export) ..... from .....  
(contracting party of origin) covered by phytosanitary certificate No ..... <sup>(\*)</sup>original   
certified true copy  of which is attached to this certificate; that they are packed  repacked  in  
original  <sup>(\*)</sup>new  containers, that based on the original phytosanitary certificate  and additional  
inspection , they are considered to conform with the current phytosanitary requirements of the  
importing contracting party, and that during storage in.....(contracting party of re-export), the  
consignment has not been subjected to the risk of infestation or infection.

#### II. Additional declaration

#### III. Disinfestation and/or disinfection treatment

Date: .....Treatment: ..... Chemical (active ingredient):.....  
Duration and temperature: .....  
Concentration: .....  
Additional information: .....

(Stamp of organisation) Place of issue: .....  
Name of authorised officer: .....  
Date: ..... (signature)

No financial liability with respect to this certificate attaches to.....  
(name of plant protection organisation) or to any of its officers or representatives<sup>(\*\*)</sup>.

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<sup>(\*)</sup> Insert tick in appropriate  boxes. <sup>(\*\*)</sup> Optional clause.

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

SCHEDULE 11

Article 6(2)

Notice of landing

Notice of landing of notifiable relevant material required by article 6(1) of the  
Plant Health (Wales) Order 2018

1. Details of relevant material .....
2. Quantity of relevant material .....
3. Consignor country .....
4. Country where consigned .....
5. Consignor .....
6. Importer .....
7. Country of destination .....
8. Intended point of entry in Wales .....
9. Air: Flight No. ....
10. Land: Vehicle registration number .....
11. Sea: Vessel name and container number or numbers .....
12. Expected date and time of arrival .....
13. Additional information (where required) .....

Signature of importer or  
airport or harbour  
authority

Date.....

(The information contained in the notice must be completed in English and in typescript or block capitals)

SCHEDULE 12

Article 2(1)

Plant health movement document

**PART A**

1. The plant health movement document required under article 17(6) must be in the form set out in Part B.

2. The information contained in a plant health movement document must be given in at least one of the official languages of the European Union and must be completed—

- (a) in typescript or written in block capitals; or

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the  
The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

(b) with the agreement of the Welsh Ministers and the official body of destination or entry, by electronic means.

3. In Part B, “approved place of inspection” has the same meaning as in Commission Directive [2004/103/EC](#) on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive [2000/29/EC](#), which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks <sup>M41</sup>.

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**Marginal Citations**

**M41** OJ No L 313, 12.10.2004, p. 16.

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

## PART B

1. Plant health movement document as referred to in Article 1(3)(c) of Commission Directive 2004/103/EC	<b>2. PLANT HEALTH MOVEMENT DOCUMENT</b> No EU/.../... (1)	
3. <u>Identification of consignment</u> (2) — <i>This consignment contains produce of phytosanitary relevance</i> — Plant, plant product or other object (Taric code): ..... Reference number(s) of required phytosanitary documentation ..... Country of issue: ..... Date of issue: ..... Distinguishing mark(s), numbers, number of packages, amount (weight/units): ..... ..... Reference number(s) of required customs documentation: .....		
4. Official registration number of importer: ..... I, the undersigned importer, hereby request the responsible official body to carry out the official identity checks and plant health checks of the abovementioned plants, plant products or other objects at the approved place of inspection listed below and I undertake to respect the rules and procedures set out by the responsible official body. Date, name and signature of importer: .....		
5.1 <u>Point of entry</u>	5.2 Countersigning by official body of point of entry (date, name, service stamp and signature): ..... .....	
6. Place(s) of inspection(3)		
A- ..... .....	B- (replaces A)..... .....	
The plants, plant products or other objects are moved to the abovementioned place(s) of inspection in accordance with the agreement concluded between(4) .....		
<b>The consignment may not be moved to places other than those listed above unless this has been officially approved.</b>		
7. Documentary check <input type="checkbox"/>	8. Identity check <input type="checkbox"/>	9. Plant health check <input type="checkbox"/>
Place/date: ..... Name: .....	Place/date: ..... Name: .....	Place/date: ..... Name: .....
10. Decision: <input type="checkbox"/> Release Place/date: ..... Name: ..... ..... Service stamp/signature: ..... Indicate EU Plant Passport (serial or week or batch) number where appropriate: ..... <input type="checkbox"/> Official measure		

**Status:** Point in time view as at 28/03/2019.  
**Changes to legislation:** There are currently no known outstanding effects for the  
 The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

<input type="checkbox"/> Refusal of entry <input type="checkbox"/> Destruction <input type="checkbox"/> Movement outside the Union <input type="checkbox"/> Quarantine period <input type="checkbox"/> Removal of infected/infested produce <input type="checkbox"/> Appropriate treatment Remark: .....
---

- (1) Make reference to country code/number.
- (2) Fill in box or make reference to information of phytosanitary certificate which must be attached.
- (3) Make reference to "C" (Article 13c(2)(d) of Directive 2000/29/EC) or "D" (Article 13c(2)(d) of Directive 2000/29/EC).
- (4) When appropriate, give details on agreement between the Member States' official services, either on a case-by-case agreement or on the basis of a longer-term agreement.

SCHEDULE 13

Article 39(3)

Special measures for the control of Potato wart disease

1. A plot is to be regarded as contaminated for the purposes of this Schedule if Potato wart disease is confirmed to be present on at least one plant from the plot as a result of an official test.
2. An inspector must demarcate a contaminated plot and a safety zone around that plot which is large enough to ensure the protection of the surrounding areas.
3. [<sup>F4</sup>An inspector must serve a notice under article 32 requiring] any potato tubers or haulms which are present on a contaminated plot or which come from such a plot to be treated in such a way that the Potato wart disease present on them is destroyed.

**Textual Amendments**  
**F4** Words in Sch. 13 para. 3 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), 3

4. Where an inspector is satisfied that any potato tubers or haulms are contaminated with Potato wart disease and the inspector cannot determine whether those tubers or haulms have been present on a contaminated plot, the inspector may serve a notice under article 32 which requires the whole batch containing the affected tubers or haulms to be treated in such a way that there is no risk of Potato wart disease spreading.
5. Where a contaminated plot is demarcated under paragraph 2—
  - (a) no potatoes may be grown on it; and
  - (b) no plants intended for transplanting may be grown, stored or moved on it.
6. No potatoes may be grown in a safety zone demarcated under paragraph 2 unless an inspector is satisfied that they are of a variety which is resistant to the races of Potato wart disease found on the contaminated plot to which the safety zone relates.
7. A potato variety is to be considered resistant to a particular race of Potato wart disease for the purposes of paragraph 6 where that variety reacts to contamination by the pathogenic agent of that race in such a way that there is no danger of secondary infection.

8. Where an inspector is satisfied that Potato wart disease is no longer present on a plot demarcated under paragraph 2 or on its associated safety zone, the inspector must revoke that demarcation.

## SCHEDULE 14

Article 39(3)

Special measures for the control of European populations of Potato cyst nematode

### Interpretation and application of Schedule 14

<sup>F5</sup>1. ....

#### Textual Amendments

**F5** Sch. 14 para. 1 omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(a)**

[<sup>F6</sup>2. In this Schedule—

“field” (“*cae*”) means an area which has been demarcated as a field for the purposes of Article 3 of [Directive 2007/33/EC](#);

“host plants” (“*planhigion cynhaliol*”) means plants with roots of *Capsicum* spp., *Solanum lycopersicum* L. or *Solanum melongena* L.;

“infested field” (“*cae wedi ei heigio*”) means a field which is recorded as infested pursuant to paragraph 2B;

“notice” (“*hysbysiad*”) means a notice under article 32;

“susceptible bulbs” (“*bylbiau sy’n dueddol o gael plâu neu glefydau*”) means bulbs, tubers or rhizomes, grown in soil and intended for planting, other than those for which there is evidence by their packaging or by other means that they are intended for sale to final consumers not involved in professional plant or cut flower production, of *Allium ascalonicum* L., *Allium cepa* L., *Dahlia* spp., *Gladiolus* Tourn. Ex L., *Hyacinthus* spp., *Iris* spp., *Lilium* spp., *Narcissus* L. or *Tulipa* L.;

“susceptible material” (“*deunydd sy’n dueddol o gael plâu neu glefydau*”) means host plants, susceptible bulbs or susceptible plants;

“susceptible plants” (“*planhigion sy’n dueddol o gael plâu neu glefydau*”) means plants with roots of *Allium porrum* L., *Asparagus officinalis* L., *Beta vulgaris* L., *Brassica* spp. or *Fragaria* L.]

#### Textual Amendments

**F6** Sch. 14 para. 2 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(b)**

#### Textual Amendments

**F5** Sch. 14 para. 1 omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(a)**

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

**F6** Sch. 14 para. 2 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(b)**

## [<sup>F7</sup>Official investigations and surveys

**2A.** The Welsh Ministers must ensure that—

- (a) official investigations are carried out in accordance with Articles 4 and 5 of [Directive 2007/33/EC](#) for the presence of Potato cyst nematodes in fields in which seed potatoes or susceptible material intended for the production of plants for planting are to be planted or stored;
- (b) official surveys are carried out in accordance with Article 6 of [Directive 2007/33/EC](#) for the presence of Potato cyst nematodes in fields used for the production of potatoes, other than those intended for the production of seed potatoes.]

### Textual Amendments

**F7** Sch. 14 paras. 2A-2C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(c)**

## [<sup>F7</sup>Official records

**2B.** The Welsh Ministers must ensure that the results of each official investigation or official survey carried out pursuant to paragraph 2A are recorded to indicate whether Potato cyst nematodes were found in the field during the investigation or survey.]

### Textual Amendments

**F7** Sch. 14 paras. 2A-2C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(c)**

[<sup>F7</sup>**2C.** Where the officially approved measures set out in Section 3(C) of Annex 3 to [Directive 2007/33/EC](#) have been taken in a field which has been recorded as infested pursuant to paragraph 2B and, following the completion of those measures, the presence of Potato cyst nematodes is not confirmed, the Welsh Ministers must ensure that the record is updated accordingly.]

### Textual Amendments

**F7** Sch. 14 paras. 2A-2C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(c)**

### Textual Amendments

**F7** Sch. 14 paras. 2A-2C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(c)**



F8 ...

3. An inspector must serve a notice in writing on the occupier or other person in charge of [F9 an infested field which specifies the boundaries of the field].

**Textual Amendments**

F9 Words in Sch. 14 para. 3 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(d)(ii)**

4. The notice may not be withdrawn until it is confirmed, [F10 in accordance with paragraph 2C], that Potato cyst nematode is no longer present in the field.

**Textual Amendments**

F10 Words in Sch. 14 para. 4 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(e)**

**Textual Amendments**

F8 Sch. 14 para. 3 heading omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(d)(i)**

F9 Words in Sch. 14 para. 3 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(d)(ii)**

F10 Words in Sch. 14 para. 4 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(e)**

**[F11 Official designation**

4A. An inspector must by notice designate as contaminated any potatoes or susceptible material which comes from a field that has been officially recorded as infested under paragraph 2B or any susceptible material which has been in contact with soil in which Potato cyst nematodes have been found.]

**Textual Amendments**

F11 Sch. 14 para. 4A inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(f)**

**Prohibition on planting of potatoes**

5. Unless authorised to do so by an inspector, no person may—
- (a) plant F12... any potatoes that are intended for the production of seed potatoes [F13 in an infested field]; or
  - (b) plant or store [F14 any susceptible material which is intended for planting in an infested field].

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

#### Textual Amendments

- F12** Words in Sch. 14 para. 5(a) omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), [regs. 1\(2\)\(a\)](#), [4\(g\)\(i\)\(aa\)](#)
- F13** Words in Sch. 14 para. 5(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), [regs. 1\(2\)\(a\)](#), [4\(g\)\(i\)\(bb\)](#)
- F14** Words in Sch. 14 para. 5(b) substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), [regs. 1\(2\)\(a\)](#), [4\(g\)\(ii\)](#)

6. An inspector may authorise the planting [<sup>F15</sup>of susceptible bulbs or susceptible plants in an infested field].

#### Textual Amendments

- F15** Words in Sch. 14 para. 6 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), [regs. 1\(2\)\(a\)](#), [4\(h\)](#)

7. An authorisation under paragraph 6 must be by notice and must contain the measures set out in Section III(A) of Annex III to Directive [2007/33/EC](#).

#### Suppression of Potato cyst nematode

8. No person may plant <sup>F16</sup>... any potatoes that are not intended for the production of seed potatoes [<sup>F17</sup>in an infested field unless authorised to do so by an inspector].

#### Textual Amendments

- F16** Words in Sch. 14 para. 8 omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), [regs. 1\(2\)\(a\)](#), [4\(i\)\(i\)](#)
- F17** Words in Sch. 14 para. 8 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), [regs. 1\(2\)\(a\)](#), [4\(i\)\(ii\)](#)

[<sup>F18</sup>8A. An authorisation under paragraph 8 must be by notice and may only be given if the inspector is satisfied that all reasonable steps to suppress Potato cyst nematodes in the field have been taken in accordance with the official control programme adopted for the suppression of Potato cyst nematodes.]

#### Textual Amendments

- F18** Sch. 14 para. 8A inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), [regs. 1\(2\)\(a\)](#), [4\(j\)](#)

#### Textual Amendments

- F16** Words in Sch. 14 para. 8 omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), [regs. 1\(2\)\(a\)](#), [4\(i\)\(i\)](#)
- F17** Words in Sch. 14 para. 8 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), [regs. 1\(2\)\(a\)](#), [4\(i\)\(ii\)](#)

**F18** Sch. 14 para. 8A inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(j)**

### Controls on contaminated seed potatoes etc.

**9.** No person may plant any seed potatoes or any [<sup>F19</sup>host plants which have been designated as contaminated pursuant to paragraph 4A], unless authorised to do so by an inspector.

#### Textual Amendments

**F19** Words in Sch. 14 para. 9 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(k)**

**10.** An authorisation under paragraph 9 must be by notice and must contain the measures which the inspector considers necessary to decontaminate those seed potatoes or plants.

### [<sup>F20</sup>Controls on potatoes for industrial processing or grading

**10A.** No person may move any potatoes which have been designated as contaminated pursuant to paragraph 4A and are intended for industrial processing or grading, unless authorised to do so by an inspector.]

#### Textual Amendments

**F20** Sch. 14 paras. 10A, 10B inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(l)**

[<sup>F20</sup>**10B.** An authorisation under paragraph 10A must be by notice and must require the potatoes to be delivered to a processing or grading plant that has appropriate and officially approved waste disposal procedures that ensure that there is no risk of Potato cyst nematodes spreading.]

#### Textual Amendments

**F20** Sch. 14 paras. 10A, 10B inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(l)**

#### Textual Amendments

**F20** Sch. 14 paras. 10A, 10B inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(l)**

### Controls on contaminated bulbs etc.

**11.** No person may plant any [<sup>F21</sup>susceptible bulbs or susceptible plants which have been designated as contaminated pursuant to paragraph 4A, unless they have been subject to the measures set out in Section 3(A) of Annex 3 to [Directive 2007/33/EC](#) and an inspector has confirmed by notice that they are no longer contaminated].

**Status:** Point in time view as at 28/03/2019.  
**Changes to legislation:** There are currently no known outstanding effects for the  
 The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)

**Textual Amendments**  
**F21** Words in Sch. 14 para. 11 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(m)**

<sup>F22</sup>**12.** . . . . .

**Textual Amendments**  
**F22** Sch. 14 para. 12 omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(n)**

**Textual Amendments**  
**F21** Words in Sch. 14 para. 11 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(m)**  
**F22** Sch. 14 para. 12 omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(n)**

<sup>F23</sup>**Further investigations**

**13.** If any suspected occurrence or confirmed presence of Potato cyst nematodes in Wales results from a breakdown or change in the effectiveness of a resistant potato variety which relates to an exceptional change in the composition of nematode species, pathotype or virulence group, the Welsh Ministers must ensure that the species of Potato cyst nematode and, where applicable, the pathotype and virulence group involved, is investigated and confirmed by appropriate methods.]

**Textual Amendments**  
**F23** Sch. 14 para. 13 inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **4(o)**

SCHEDULE 15

Article 39(3)

Special measures for the control of Potato ring rot

**Interpretation**

**1.** In this Schedule—

“certified seed potatoes” (“*tatws hadyd ardystiedig*”) means pre-basic seed potatoes, basic seed potatoes or certified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations;

“contaminated” (“*halogedig*”) means designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive [93/85/EEC](#);

“first growing year” (“*blwyddyn dyfu gyntaf*”), in the case of measures to be taken in relation to a contaminated place of production, means the first growing year following the growing

year in which the place of production is designated as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EEC;

“notice” (“*hysbysiad*”) means [<sup>F24</sup>in Part A to C] a notice under article 32;

“object” (“*gwrthrych*”) means any machinery, vehicle, vessel, store or other object, including packaging material;

[<sup>F25</sup>“official testing” (“*profion swyddogol*”) means testing in an official laboratory or an officially supervised laboratory;]

“possibly contaminated” (“*halogedig o bosibl*”) means determined by an inspector as possibly contaminated for the purposes of Article 5(1)(b) of Directive 93/85/EEC;

“susceptible material” (“*deunydd sy'n dueddol o gael plâu neu glefydau*”) means tubers or plants of *Solanum tuberosum* L.

#### Textual Amendments

**F24** Words in Sch. 15 para. 1 inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(a)(ii)**

**F25** Words in Sch. 15 para. 1 inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(a)(i)**

## [<sup>F26</sup>PART A

#### Textual Amendments

**F26** Sch. 15 Pt. A inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(b)**

### Official surveys and testing

**1A.** The Welsh Ministers must ensure that systematic official surveys for Potato ring rot are carried out on tubers of *Solanum tuberosum* L. and, where appropriate, on plants of *Solanum tuberosum* L., originating in Wales in accordance with Article 2(1) of [Directive 93/85/EEC](#).

**1B.** Where the presence of Potato ring rot in susceptible material is suspected, the Welsh Ministers must ensure that—

- (a) official testing is carried out using the method set out in Annex 1 to [Directive 93/85/EEC](#) and in accordance with the conditions specified in point 1 of Annex 2 to [Directive 93/85/EEC](#) to confirm or refute its presence;
- (b) the following are retained and appropriately conserved pending completion of the official testing—
  - (i) all tubers sampled, and wherever possible, all plants sampled;
  - (ii) any remaining extract and additional preparation material for the screening tests;
  - (iii) all relevant documentation; and
- (c) pending the confirmation or refutation of its presence, where suspect diagnostic visual symptoms of Potato ring rot have been seen or symptoms of Potato ring rot have been identified by a positive immunofluorescence test or other appropriate positive test—

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

- (i) the movement of all lots or consignments from which the samples have been taken, other than those which are under official control, is prohibited, except where it has been established that there is no identifiable risk of Potato ring rot spreading;
- (ii) steps are taken to trace the origin of the suspected occurrence; and
- (iii) additional appropriate precautionary measures based on the level of estimated risk to prevent any spread of the plant pest are taken.

**1C.** A notice may contain measures for the purposes of paragraph 1B(c)(i) to (iii).]

## [<sup>F27</sup>PART B

### Textual Amendments

**F27** Sch. 15 Pt. B inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(b)**

### Measures to be taken following the confirmation of the presence of Potato ring rot

**1D.** If the presence of Potato ring rot is confirmed in a sample of susceptible material following official testing carried out pursuant to paragraph 1B(a) or 1E, the Welsh Ministers must ensure that—

- (a) the susceptible material, the consignment or lot and any object from which the sample was taken and, where appropriate, the place of production and field from which the susceptible material was harvested is designated as contaminated by an inspector;
- (b) an inspector determines the extent of the probable contamination through pre- or post-harvest contact or through any production link with anything designated as contaminated under sub-paragraph (a), taking into account the provisions in point 1 of Annex 3 to [Directive 93/85/EEC](#);
- (c) a zone is demarcated by an inspector on the basis of the designation made under sub-paragraph (a), taking into account the provisions in point 2 of Annex 3 to [Directive 93/85/EEC](#).

**1E.** Where susceptible material has been designated as contaminated under paragraph 1D(a), the Welsh Ministers must ensure that testing is carried out on potato stocks which are clonally related to that susceptible material in the manner specified in paragraph 1B in order to determine the probable primary source of infection and the extent of the probable contamination.

**1F.** Any such testing must be carried out on as much susceptible material as is necessary to determine the probable primary source of infection and the extent of the probable contamination.

**1G.** Any designation by an inspector under this Part must be made by notice.

**1H.** Where any susceptible material or object is determined by an inspector under paragraph 1D(b) to be possibly contaminated, the inspector must by notice designate that material or object as possibly contaminated.]

## [<sup>F28</sup>PART C]

### Textual Amendments

- F28** Sch. 15 Pt. C heading inserted (20.3.2019) by *The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/674)*, regs. 1(2)(a), **5(b)**

### Susceptible material or objects contaminated or possibly contaminated with Potato ring rot

2. No person may knowingly plant or knowingly cause or permit to be planted—
  - (a) any contaminated susceptible material; or
  - (b) any possibly contaminated susceptible material.
3. [<sup>F29</sup>Where susceptible material or an object has been designated as contaminated or possibly contaminated under Part B, an inspector must serve a notice requiring that]—
  - (a) [<sup>F30</sup>in the case of] contaminated susceptible material[<sup>F31</sup>, the material] be disposed of by destruction or by any other measure that complies with point 1 of Annex IV to Directive [93/85/EEC](#);
  - (b) [<sup>F32</sup>in the case of] possibly contaminated susceptible material[<sup>F33</sup>, the material] be used or disposed of in accordance with point 2 of Annex IV to Directive [93/85/EEC](#);
  - (c) [<sup>F34</sup>in the case of] a contaminated object or a possibly contaminated object[<sup>F34</sup>, the object] be—
    - (i) disposed of by destruction; or
    - (ii) cleansed and disinfected so that there is no identifiable risk of Potato ring rot [<sup>F35</sup>surviving or] spreading.

### Textual Amendments

- F29** Words in Sch. 15 para. 3 substituted (20.3.2019) by *The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/674)*, regs. 1(2)(a), **5(c)(i)**
- F30** Words in Sch. 15 para. 3(a) inserted (20.3.2019) by *The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/674)*, regs. 1(2)(a), **5(c)(ii)(aa)**
- F31** Words in Sch. 15 para. 3(a) inserted (20.3.2019) by *The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/674)*, regs. 1(2)(a), **5(c)(ii)(bb)**
- F32** Words in Sch. 15 para. 3(b) inserted (20.3.2019) by *The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/674)*, regs. 1(2)(a), **5(c)(iii)(aa)**
- F33** Words in Sch. 15 para. 3(b) inserted (20.3.2019) by *The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/674)*, regs. 1(2)(a), **5(c)(iii)(bb)**
- F34** Words in Sch. 15 para. 3(c) inserted (20.3.2019) by *The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/674)*, regs. 1(2)(a), **5(c)(iv)(aa)**
- F35** Words in Sch. 15 para. 3(c)(ii) inserted (20.3.2019) by *The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/674)*, regs. 1(2)(a), **5(c)(iv)(bb)**

4. Anything cleansed and disinfected in accordance with paragraph 3(c)(ii) may no longer be treated as contaminated for the purposes of Directive [93/85/EEC](#).

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

#### Textual Amendments

- F29** Words in Sch. 15 para. 3 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(i)**
- F30** Words in Sch. 15 para. 3(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(ii)(aa)**
- F31** Words in Sch. 15 para. 3(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(ii)(bb)**
- F32** Words in Sch. 15 para. 3(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iii)(aa)**
- F33** Words in Sch. 15 para. 3(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iii)(bb)**
- F34** Words in Sch. 15 para. 3(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iv)(aa)**
- F35** Words in Sch. 15 para. 3(c)(ii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iv)(bb)**

#### Measures <sup>F36</sup>... in relation to a contaminated place of production

5. An inspector [<sup>F37</sup>must] serve the following notices in relation to a contaminated place of production—

- (a) in the case of a contaminated field, a notice containing the first set of eradication measures or a notice containing the second set of eradication measures;
- (b) in the case of a field which is not contaminated, a notice containing the third set of eradication measures.

#### Textual Amendments

- F37** Word in Sch. 15 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(d)(ii)**

6. The first set of eradication measures are—

- (a) the measures to be taken in the field from the date of receipt of the notice and for at least three growing years from the start of the first growing year so as to eliminate volunteer potato plants, and other naturally-found host plants, of Potato ring rot;
- (b) a prohibition on the planting of any of the following in the field during that period—
  - (i) potato tubers, plants or true seeds;
  - (ii) naturally-found host plants of Potato ring rot;
  - (iii) crops for which there is a risk of Potato ring rot surviving or spreading;
- (c) a requirement that in the first potato cropping season following that period only potatoes for ware production be planted in the field, provided that the field has been found free from volunteer potato plants and other naturally-found host plants of Potato ring rot for at least two consecutive growing years prior to planting<sup>F38</sup>, and that the harvested tubers be subjected to official testing using the method set out in Annex 1 to [Directive 93/85/EEC](#); and
- (d) a requirement that in the next potato cropping season only potatoes for seed or ware production be planted in the field following an appropriate rotation cycle (which must be at least two years where the potatoes are to be planted for seed production).



### Textual Amendments

**F38** Words in Sch. 15 para. 6(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(e)**

7. The second set of eradication measures are—
- (a) the measures to be taken in the field from the date of receipt of the notice and for four growing years from the start of the first growing year so as to eliminate volunteer potato plants, and other naturally-found host plants, of Potato ring rot;
  - (b) a requirement that, during that period, the field be maintained in bare fallow or in permanent pasture with frequent close cutting or intensive grazing; and
  - (c) a requirement that in the first potato cropping season following that period only potatoes for [<sup>F39</sup>seed or] ware production be planted, provided that the field has been found free from volunteer potato plants and other naturally-found host plants of Potato ring rot for at least two consecutive growing years prior to planting [<sup>F40</sup>], and that the harvested tubers be subjected to official testing using the method set out in Annex 1 to [Directive 93/85/EEC](#).

### Textual Amendments

**F39** Words in Sch. 15 para. 7(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(f)(i)**

**F40** Words in Sch. 15 para. 7(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(f)(ii)**

8. The third set of eradication measures are—
- (a) [<sup>F41</sup>where an inspector is satisfied that the risk of volunteer potato plants and other naturally-found host plants of Potato ring rot has been eliminated,] a prohibition on the planting of any of the following in the field from the date of receipt of the notice and for the first growing year—
    - (i) potato tubers, plants or true seeds;
    - (ii) naturally-found host plants of Potato ring rot; and
    - (iii) certified seed potatoes, unless they are for ware production only <sup>F42</sup> ...;
  - (b) a requirement that in the subsequent growing year only the following potatoes be planted for seed or ware production—
    - (i) certified seed potatoes; and
    - (ii) seed potatoes officially tested for the absence of Potato ring rot and grown under official control at a place of production which is not a contaminated place of production;
  - (c) a requirement that during at least the third growing year only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes be planted for seed or ware production; and
  - (d) the measures to be taken in the field from the date of receipt of the notice to the end of the third growing year so as to eliminate volunteer potato plants, and naturally-found host plants, of Potato ring rot [<sup>F43</sup>and a requirement that official testing be carried out on harvested tubers in each field using the method set out in Annex 1 to [Directive 93/85/EEC](#)].

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

#### Textual Amendments

- F41** Words in Sch. 15 para. 8(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(i)(aa)**
- F42** Words in Sch. 15 para. 8(a)(iii) omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(i)(bb)**
- F43** Words in Sch. 15 para. 8(d) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(ii)**

9. [<sup>F44</sup>Except where the Welsh Ministers have published a notice under Part D, a notice must] in relation to a contaminated place of production specify that all machinery and storage facilities at the place of production which are used for potato production must be cleansed and disinfected so that there is no identifiable risk of Potato ring rot spreading throughout the period specified in the notice.

#### Textual Amendments

- F44** Words in Sch. 15 para. 9 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(h)**

10. The measures which may be specified in a notice under paragraph 5 or 9 may be included in a notice with other appropriate measures.

[<sup>F45</sup>**10A.** Where an inspector serves a notice containing the first set of eradication measures, the Welsh Ministers must ensure that an official survey is carried out in relation to the field mentioned in paragraph 6(d) in accordance with Article 2 of [Directive 93/85/EEC](#).]

#### Textual Amendments

- F45** Sch. 15 para. 10A inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(i)**

#### Textual Amendments

- F36** Words in Sch. 15 para. 5 heading omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(d)(i)**
- F37** Word in Sch. 15 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(d)(ii)**
- F38** Words in Sch. 15 para. 6(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(e)**
- F39** Words in Sch. 15 para. 7(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(f)(i)**
- F40** Words in Sch. 15 para. 7(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(f)(ii)**
- F41** Words in Sch. 15 para. 8(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(i)(aa)**
- F42** Words in Sch. 15 para. 8(a)(iii) omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(i)(bb)**
- F43** Words in Sch. 15 para. 8(d) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(ii)**
- F44** Words in Sch. 15 para. 9 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(h)**

**F45** Sch. 15 para. 10A inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(i)**

### **Additional measures applicable in relation to unit of protected crop production**

**11.** Where it is possible to replace all of the growing medium in a contaminated unit of protected crop production, no person may plant in the unit any potato tubers, plants or true seeds without the written authorisation of an inspector.

**12.** An inspector may not grant an authorisation under paragraph 11 unless—

- (a) all of the measures to eliminate Potato ring rot [<sup>F46</sup>and to remove all host plants] which are specified in a notice in relation to the place of production in which the unit is situated have been complied with;
- (b) the growing medium in the unit has been completely changed; and
- (c) the unit and all equipment used on the unit has been cleansed and disinfected to eliminate Potato ring rot and to remove all host plant material.

#### **Textual Amendments**

**F46** Words in Sch. 15 para. 12(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(j)**

**13.** Where an authorisation is granted under paragraph 11, the authorisation may specify that only certified seed potatoes, mini-tubers or micro-plants derived from officially tested sources may be used in the production.

#### **Textual Amendments**

**F46** Words in Sch. 15 para. 12(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(j)**

## **[<sup>F47</sup>PART D**

#### **Textual Amendments**

**F47** Sch. 15 Pt. D inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(k)**

### **Demarcation of zones for the control of Potato ring rot**

**14.** This Part applies where an inspector has demarcated a zone pursuant to paragraph 1D(c).

**15.** The Welsh Ministers may, by notice, specify—

- (a) how long the zone is to remain demarcated; and
- (b) the measures which apply in the demarcated zone.

**16.** A notice under paragraph 15—

- (a) must be in writing;

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

- (b) must describe the extent of the demarcated zone;
- (c) must specify the date on which each measure takes effect;
- (d) must be published in a manner appropriate to bring it to the attention of the public; and
- (e) may be amended, suspended or revoked, in whole or in part, by further notice.

**17.** Any premises which are partly within and partly outside a demarcated zone must be treated as within that zone for the purposes of this Schedule, except where the part which is outside the demarcated zone is not in Wales.

**18.** A notice published in accordance with paragraph 16 is to be treated as having been served on—

- (a) any occupier or other person in charge of any premises within the demarcated zone; and
- (b) any person who operates machinery or carries out any other activity in relation to the production of potatoes within the demarcated zone.

**19.** A notice under paragraph 15 must specify that—

- (a) any machinery or storage facilities at premises within the demarcated zone which are used for potato production must be cleansed and disinfected in an appropriate manner so that there is no identifiable risk of Potato ring rot surviving or spreading;
- (b) during the specified period, only certified seed potatoes or seed potatoes grown under official control may be planted and any seed potatoes grown in a place of production which is possibly contaminated must be officially tested after harvesting;
- (c) during the specified period, potatoes intended for planting must be handled separately from all other potatoes at premises within the zone or that a system of cleansing and, where appropriate, disinfection must be carried out between the handling of seed and ware potatoes.

**20.** The Welsh Ministers must ensure that during the specified period—

- (a) premises growing, storing or handling potato tubers and premises which operate potato machinery under contract are supervised by an inspector;
- (b) an official survey is carried out in accordance with Article 2 of [Directive 93/85/EEC](#);
- (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.

**21.** For the purposes of paragraphs 19 and 20, the “specified period” means the period specified in the notice, which must be at least three growing seasons following the year in which the relevant zone was demarcated.]

## SCHEDULE 16

Article 39(3)

### Potato brown rot

#### Interpretation

**1.** In this Schedule—

“certified seed potatoes” (“*tatws hadyd ardystiedig*”) means pre-basic seed potatoes, basic seed potatoes or certified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations;

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

“contaminated” (“*halogedig*”) means designated by an inspector as contaminated for the purposes of Article 5(1)(a)(ii) of Directive [98/57/EC](#);

“first growing year” (“*blwyddyn dyfu gyntaf*”), in the case of measures to be taken in relation to a contaminated place of production, means the first growing year following the growing year in which the contaminated place of production is designated as contaminated for the purposes of Article 5(1)(a)(ii) of Directive [98/57/EC](#);

“notice” (“*hysbysiad*”) means, in [<sup>F48</sup>Parts A to C], a notice under article 32;

“object” (“*gwrthrych*”) means any machinery, vehicle, vessel, store or other object, including packaging material;

“possibly contaminated” (“*halogedig o bosibl*”) means determined by an inspector as possibly contaminated for the purposes of Article 5(1)(a)(iii) or (c)(iii) of Directive [98/57/EC](#);

“susceptible material” (“*deunydd sy'n dueddol o gael plâu neu glefydau*”) means plants (including tubers), other than true seed, of *Solanum tuberosum* L. or plants, other than fruit or seeds, of *Solanum lycopersicum* L.

#### Textual Amendments

**F48** Words in Sch. 16 para. 1 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(a)**

## PART A

### Special measures for the control of Potato brown rot

#### [<sup>F49</sup>Official surveys and testing

#### Textual Amendments

**F49** Sch. 16 paras. 1A-1C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(b)**

**1A.** The Welsh Ministers must ensure that annual systematic official surveys are carried out to identify the presence of Potato brown rot on susceptible material originating in Wales in accordance with Article 2 of [Directive 98/57/EC](#).]

#### Textual Amendments

**F49** Sch. 16 paras. 1A-1C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(b)**

[<sup>F49</sup>**1B.** Where the presence of Potato brown rot is suspected, the Welsh Ministers must ensure that—

- (a) official testing is carried out to confirm or refute its presence—
  - (i) in the case of susceptible material, using the method set out in Annex 2 to [Directive 98/57/EC](#) and in accordance with the conditions specified in point 1 of Annex 3 to [Directive 98/57/EC](#);
  - (ii) in any other case, using any officially approved method;

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

- (b) pending the confirmation or refutation of its presence, where suspect diagnostic visual symptoms of Potato brown rot have been seen and a positive result in a rapid screening test has been obtained or a positive result in the screening tests specified in point 2 of section 1 and section 3 of Annex 2 to [Directive 98/57/EC](#) has been obtained—
- (i) the movement of all plants and tubers from all crops, lots or consignments from which the samples have been taken, other than those which are under official control, is prohibited, except where it has been established that there is no identifiable risk of Potato brown rot spreading;
  - (ii) steps are taken to trace the origin of the suspected occurrence; and
  - (iii) additional appropriate precautionary measures based on the level of estimated risk are taken to prevent any spread of Potato brown rot.

#### Textual Amendments

**F49** Sch. 16 paras. 1A-1C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(b)**

[  
<sup>F49</sup>**1C.** A notice may contain measures for the purposes of paragraph 1B(b)(i) to (iii).]

#### Textual Amendments

**F49** Sch. 16 paras. 1A-1C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(b)**

## [<sup>F50</sup>**PART B**

#### Textual Amendments

**F50** Sch. 16 Pt. B inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(b)**

### Measures to be taken following confirmation of the presence of Potato brown rot

**1D.** If the presence of Potato brown rot is confirmed following official testing carried out pursuant to paragraph 1B, the Welsh Ministers must ensure that the actions specified in paragraphs 1E to 1G are taken in accordance with sound scientific principles, the biology of Potato brown rot and the relevant production, marketing and processing systems of host plants of Potato brown rot.

**1E.** In the case of susceptible material, the actions are—

- (a) an investigation by an inspector to determine the extent and the primary sources of the contamination in accordance with Annex 4 to [Directive 98/57/EC](#);
- (b) further official testing, including on all clonally related seed potato stocks;
- (c) the designation of the following as contaminated by an inspector—
  - (i) the susceptible material and consignment or lot from which the sample was taken;
  - (ii) any objects which have been in contact with that sample;

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018* (revoked). (See end of Document for details)

- (iii) any unit or field of protected crop production and any place of production of the susceptible material from which the sample was taken;
- (d) a determination by an inspector of the extent of probable contamination through pre- or post-harvest contact, through production, irrigation or spraying links or through clonal relationship;
- (e) the demarcation of a zone by an inspector on the basis of the designation under sub-paragraph (c), the determination made under sub-paragraph (d) and the possible spread of Potato brown rot in accordance with point 2(i) of Annex 5 to [Directive 98/57/EC](#).

**1F.** In the case of host plants, other than susceptible material, where the production of susceptible material is identified to be at risk by an inspector, the actions are—

- (a) an investigation by an inspector to determine the extent and the primary sources of the contamination in accordance with Annex 4 to [Directive 98/57/EC](#);
- (b) the designation by an inspector of host plants from which the sample was taken as contaminated;
- (c) a determination of the probable contamination by an inspector;
- (d) the demarcation of a zone by an inspector on the basis of the designation under sub-paragraph (b), the determination made under sub-paragraph (c) and the possible spread of Potato brown rot in accordance with point 2(i) of Annex 5 to [Directive 98/57/EC](#).

**1G.** In the case of surface water and associated wild solanaceous host plants where production of susceptible material is identified by an inspector to be at risk through irrigation, spraying or flooding of surface water, the actions are—

- (a) an investigation by an inspector to establish the extent of the contamination, which includes an official survey at appropriate times on samples of surface water and, if present, wild solanaceous host plants;
- (b) the designation of surface water from which the sample was taken by an inspector, to the extent appropriate and on the basis of the investigation under sub-paragraph (a);
- (c) a determination by an inspector of the probable contamination on the basis of the designation made under sub-paragraph (b);
- (d) the demarcation of a zone by an inspector on the basis of the designation under sub-paragraph (b), the determination made under sub-paragraph (c) and the possible spread of Potato brown rot in accordance with point 2(ii) of Annex 5 to [Directive 98/57/EC](#).]

## [<sup>F51</sup>PART C]

### Special measures for the control of Potato brown rot

#### Textual Amendments

**F51** Sch. 16 Pt. C heading inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(b)**

#### Susceptible material or objects contaminated or possibly contaminated with Potato brown rot

2. No person may knowingly plant or knowingly cause or permit to be planted—
  - (a) any contaminated susceptible material; or

*Status: Point in time view as at 28/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked). (See end of Document for details)*

- (b) any possibly contaminated susceptible material.
3. <sup>F52</sup>Where susceptible material or any object has been designated as contaminated or possibly contaminated under Part B, an inspector must serve a notice requiring that]—
- (a) <sup>F53</sup>in the case of] contaminated susceptible material<sup>F54</sup>, the material] be subjected to any measure that complies with point 1 of Annex VI to Directive 98/57/EC;
- (b) <sup>F55</sup>in the case of] possibly contaminated susceptible material<sup>F56</sup>, the material] be used or disposed of in accordance with point 2 of Annex VI to Directive 98/57/EC;
- (c) <sup>F57</sup>in the case of] a contaminated object or a possibly contaminated object<sup>F57</sup>, the object] be—
- (i) disposed of by destruction; or
- (ii) cleansed and disinfected so that there is no identifiable risk of Potato brown rot <sup>F58</sup>surviving or] spreading.

#### Textual Amendments

- F52** Words in Sch. 16 para. 3 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(i)**
- F53** Words in Sch. 16 para. 3(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(ii)(aa)**
- F54** Words in Sch. 16 para. 3(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(ii)(bb)**
- F55** Words in Sch. 16 para. 3(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(iii)(aa)**
- F56** Words in Sch. 16 para. 3(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(iii)(bb)**
- F57** Words in Sch. 16 para. 3(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(iv)(aa)**
- F58** Words in Sch. 16 para. 3(c)(ii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(iv)(bb)**

4. Anything cleansed and disinfected in accordance with paragraph 3(c)(ii) may no longer be treated as contaminated for the purposes of Directive 98/57/EC.

#### Textual Amendments

- F52** Words in Sch. 16 para. 3 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(i)**
- F53** Words in Sch. 16 para. 3(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(ii)(aa)**
- F54** Words in Sch. 16 para. 3(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(ii)(bb)**
- F55** Words in Sch. 16 para. 3(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(iii)(aa)**
- F56** Words in Sch. 16 para. 3(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(iii)(bb)**
- F57** Words in Sch. 16 para. 3(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(iv)(aa)**
- F58** Words in Sch. 16 para. 3(c)(ii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(iv)(bb)**



## Measures which may be required in relation to a contaminated place of production

5. An inspector [<sup>F59</sup>must] serve the following notices in relation to a contaminated place of production which is in a zone demarcated by an inspector under [<sup>F60</sup>Part B]—

- (a) in the case of a contaminated field or unit of protected crop production, a notice containing the first set of eradication measures or a notice containing the second set of eradication measures;
- (b) in the case of a field which is not contaminated and, where the inspector is satisfied that the risk of volunteer potato and tomato plants and other naturally-found host plants of Potato brown rot has been eliminated, a notice containing the third set of eradication measures.

### Textual Amendments

**F59** Word in Sch. 16 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(d)(i)**

**F60** Words in Sch. 16 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(d)(ii)**

6. The first set of eradication measures are—

- (a) the measures to be taken in the field or the unit from the date of receipt of the notice and for at least four growing years from the start of the first growing year so as to eliminate any volunteer potato and tomato plants and other host plants, including solanaceous weeds, of Potato brown rot;
- (b) a prohibition on the planting of any of the following in the field or the unit during that period—
  - (i) potato tubers, plants or true seeds;
  - (ii) tomato plants or seeds;
  - (iii) taking into account the biology of Potato brown rot, other host plants or plants of the species *Brassica* for which there is a risk of Potato brown rot surviving;
  - (iv) crops for which there is a risk of Potato brown rot spreading;
- (c) a requirement that in the first potato [<sup>F61</sup>or tomato] cropping season following that period only potatoes for ware production be planted in the field or the unit, provided that the field or the unit has been found free from volunteer potato and tomato plants and other host plants, including solanaceous weeds, [<sup>F62</sup>during official inspections] of Potato brown rot, for at least the two consecutive growing years prior to planting [<sup>F63</sup>], and that harvested tubers or tomato plants be subjected to official testing using the method set out in Annex 2 to [Directive 98/57/EC](#); and
- (d) a requirement that an appropriate rotation cycle be applied in subsequent potato or tomato cropping seasons, which must be at least two years where potatoes are to be planted for seed production.

### Textual Amendments

**F61** Words in Sch. 16 para. 6(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(e)(i)**

**F62** Words in Sch. 16 para. 6(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(e)(ii)**

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

**F63** Words in Sch. 16 para. 6(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(e)(iii)**

**7.** The second set of eradication measures are—

- (a) the measures to be taken in the field or the unit from the date of receipt of the notice and for five growing years from the start of the first growing year so as to eliminate volunteer potato and tomato plants and other naturally-found host plants, including solanaceous weeds, of Potato brown rot;
- (b) a requirement that—
  - (i) during the first three of those growing years, the field or the unit be maintained—
    - (aa) in bare fallow;
    - (bb) in cereals, if the inspector is satisfied that there is no risk of Potato brown rot spreading;
    - (cc) in permanent pasture with frequent close cutting or intensive grazing; or
    - (dd) as grass for seed production;
  - (ii) [<sup>F64</sup>during the fourth and fifth growing years,] only non-host plants of Potato brown rot for which there is no risk of Potato brown rot surviving or spreading be planted in the field or the unit; and
  - (iii) a requirement that in the first potato or tomato cropping season following that period only potatoes for seed or ware production be planted<sup>F65</sup>, provided that the field or the unit has been found free from volunteer potato and tomato plants and other host plants, including solanaceous weeds, during official inspections of Potato brown rot, for at least the two consecutive growing years prior to planting, and that harvested tubers or tomato plants be subjected to official testing using the method set out in Annex 2 to [Directive 98/57/EC](#)].

**Textual Amendments**

**F64** Words in Sch. 16 para. 7(b)(ii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(f)(i)**

**F65** Words in Sch. 16 para. 7(b)(iii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(f)(ii)**

**8.** The third set of eradication measures are—

- (a) a requirement that from the date of receipt of the notice and for the first growing year [<sup>F66</sup>no host plants of Potato brown rot be planted or] only the following potatoes and tomato plants be planted in the field—
  - (i) certified seed potatoes for ware production;
  - (ii) tomato plants grown from seed which meets the requirements of [Directive 2000/29/EC](#), for fruit production;
- (b) a requirement that, if potatoes are to be planted in the first subsequent growing year, only the following potatoes be planted for seed or ware production in that year—
  - (i) certified seed potatoes;
  - (ii) seed potatoes officially tested for the absence of Potato brown rot and grown under official control at a place of production which is not contaminated;
- (c) a requirement that, if tomato plants are to be planted in the first subsequent growing year, only the following tomato plants be planted for plant or fruit production in that year—

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**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

- (i) tomato plants grown from seed which meets the requirements of Directive [2000/29/EC](#);
- (ii) if vegetatively propagated, tomato plants grown from seed which meets the requirements of Directive [2000/29/EC](#) and grown under official control at a place of production which is not contaminated;
- (d) a requirement, in the case of potatoes, that in the second subsequent growing year and any other subsequent growing year, only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes be planted for seed or ware production in the field;
- (e) a requirement, in the case of tomatoes, that during the second subsequent growing year and any other subsequent growing year, only tomato plants grown from seed which meets the requirements of Directive [2000/29/EC](#) or if, vegetatively propagated, tomato plants grown from seed which meets the requirements of Directive [2000/29/EC](#) and grown under official control be planted for plant or fruit production in the field; and
- (f) the measures to be taken in the field from the date of receipt of the notice to the end of the growing year specified in the notice so as to eliminate volunteer potato plants, and naturally-found host plants, of Potato brown rot<sup>F67</sup>;
- (g) official inspections of growing crops at appropriate times and official testing of harvested potatoes in accordance with the method set out in Annex 2 to [Directive 98/57/EC](#)].

#### Textual Amendments

- F66** Words in Sch. 16 para. 8(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(g)(i)**
- F67** Sch. 16 para. 8(g) and semicolon inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(g)(ii)**

9. <sup>F68</sup>Except where the Welsh Ministers have published a notice under Part D, a notice in relation to a contaminated place of production must]—
- (a) require for a specified period that all machinery and storage facilities at the place of production which are used for potato or tomato production be cleansed and, where appropriate, disinfected so that there is no identifiable risk of Potato brown rot spreading;
  - (b) prohibit any irrigation or spraying programme at the place of production or specify how any irrigation or spraying programme at the place of production must be carried out for the purpose of preventing the spread of Potato brown rot.

#### Textual Amendments

- F68** Words in Sch. 16 para. 9 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(h)**

10. The measures which may be specified in a notice under paragraph 5 or 9 may be included in a notice with other appropriate measures.

#### Textual Amendments

- F59** Word in Sch. 16 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(d)(i)**

**Status:** Point in time view as at 28/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*. (See end of Document for details)

- F60** Words in Sch. 16 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(d)(ii)**
- F61** Words in Sch. 16 para. 6(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(e)(i)**
- F62** Words in Sch. 16 para. 6(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(e)(ii)**
- F63** Words in Sch. 16 para. 6(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(e)(iii)**
- F64** Words in Sch. 16 para. 7(b)(ii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(f)(i)**
- F65** Words in Sch. 16 para. 7(b)(iii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(f)(ii)**
- F66** Words in Sch. 16 para. 8(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(g)(i)**
- F67** Sch. 16 para. 8(g) and semicolon inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(g)(ii)**
- F68** Words in Sch. 16 para. 9 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(h)**

### Additional measures applicable in relation to units of protected crop production

**11.** Where it is possible to replace all of the growing medium in a contaminated unit of protected crop production, no person may plant in the unit any potato tubers, plants or true seeds, tomato plants or seeds or other host plants of Potato brown rot without the written authorisation of an inspector.

**12.** An inspector may not grant an authorisation under paragraph 11 unless—

- (a) all of the measures to eliminate Potato brown rot [<sup>F69</sup> and to remove all host plants of Potato brown rot] which are specified in a notice in relation to the place of production in which the unit is situated have been complied with;
- (b) the growing medium in the unit has been completely changed; and
- (c) the unit and all of the equipment used on the unit has been cleansed and disinfected to eliminate Potato brown rot and remove all host plant material.

#### Textual Amendments

- F69** Words in Sch. 16 para. 12(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(i)**

**13.** An authorisation under paragraph 11 may—

- (a) in relation to potato production, specify that only certified seed potatoes or mini-tubers or micro-plants derived from officially tested sources may be used in the production;
- (b) in relation to tomato production, specify that only seed which meets the requirements of Directive [2000/29/EC](#) or, if vegetatively propagated, tomato plants produced from seed which meets the requirements of Directive [2000/29/EC](#) and grown under official control, may be used in the production;
- (c) prohibit any irrigation or spraying programme at the place of production;
- (d) specify how any irrigation or spraying programme at the place of production must be carried out for the purpose of preventing the spread of Potato brown rot.

**Textual Amendments**

- F69** Words in Sch. 16 para. 12(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(i)**

**[<sup>F70</sup>PART D]**

Demarcation of zones for the control of Potato brown rot

**Textual Amendments**

- F70** Sch. 16 Pt. B renumbered as Sch. 16 Pt. D (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(j)**

**14.** This Part applies where an inspector has demarcated a zone in relation to a confirmed finding of Potato brown rot under [<sup>F71</sup>Part B].

**Textual Amendments**

- F71** Words in Sch. 16 para. 14 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(k)**

**15.** The Welsh Ministers may, by notice, specify—

- (a) how long the zone is to remain demarcated;
- (b) the measures which apply in the demarcated zone.

**16.** A notice under paragraph 15—

- (a) must be in writing;
- (b) must describe the extent of the demarcated zone;
- (c) must specify in relation to each measure whether it applies generally or to an area of surface water in the demarcated zone;
- (d) must specify the date on which each measure takes effect;
- (e) must be published in a manner appropriate to bring it to the attention of the public; and
- (f) may be amended, suspended or revoked, in whole or in part, by further notice.

**17.** Any premises which are partly within and partly outside a demarcated zone must be treated as within that zone for the purposes of this Schedule, except where the part which is outside the demarcated zone is not in Wales.

**18.** A notice published in accordance with paragraph 16 is to be treated as having been served on—

- (a) any occupier or other person in charge of any premises within the demarcated zone;
- (b) any person who—
  - (i) has a right to use any contaminated surface water;
  - (ii) has any contaminated surface water on premises within the demarcated zone which the person occupies or is in charge of; and

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- (c) any person who operates machinery or carries out any other activity in relation to the production of potatoes or tomatoes within the demarcated zone.
19. <sup>[F72]</sup>A notice under paragraph 15 must specify that]—
- (a) any machinery or <sup>[F73]</sup>storage facilities] at premises within the demarcated zone which are used for growing, storing or handling potato tubers or tomatoes within the zone, or any premises within the zone from which machinery for potato or tomato production is operated under contract, must be cleansed and, where appropriate, disinfected so that there is no identifiable risk of Potato brown rot surviving or spreading;
  - (b) in the case of potato crops, <sup>[F74]</sup>during the specified period] only certified seed potatoes or seed potatoes grown under official control may be planted;
  - (c) <sup>[F75]</sup>during the specified period] potatoes intended for planting must be handled separately from all other potatoes at premises within the zone or that a system of cleansing and, where appropriate, disinfection must be carried out between the handling of seed and ware potatoes;
  - (d) in the case of tomato crops, <sup>[F76]</sup>during the specified period] only tomato plants grown from seed which meets the requirements of Directive 2000/29/EC or, if vegetatively propagated, tomato plants produced from such seed and grown under official control may be planted;
  - (e) contaminated surface water must not be used for the irrigation or the spraying of specified plant material and, where appropriate, other host plants of Potato brown rot, without the prior written authorisation of an inspector;
  - (f) if liquid waste discharges have been contaminated, any waste from industrial processing or packaging premises in the zone which handle specified plant material must be disposed of under the supervision of an inspector.

#### Textual Amendments

- F72** Words in Sch. 16 para. 19 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(1)(i)**
- F73** Words in Sch. 16 para. 19(a) substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(1)(ii)**
- F74** Words in Sch. 16 para. 19(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(1)(iii)**
- F75** Words in Sch. 16 para. 19(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(1)(iv)**
- F76** Words in Sch. 16 para. 19(d) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(1)(v)**

20. The Welsh Ministers may only specify—
- (a) the measures referred to in paragraph 19(a) to (d) where the zone has been demarcated for the purposes of Article 5(1)(a)(iv) of Directive 98/57/EC;
  - (b) the measures referred to in paragraph 19(e) and (f) where the zone has been demarcated for the purposes of Article 5(1)(c)(iii) of Directive 98/57/EC.
- <sup>[F77]</sup>21. The Welsh Ministers must ensure that during the specified period—
- (a) premises growing, storing or handling potato tubers and premises which operate potato machinery under contract are supervised by inspectors;
  - (b) an official survey is carried out in accordance with Article 2 of [Directive 98/57/EC](#);

- (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.]

**Textual Amendments**

**F77** Sch. 16 paras. 21, 22 inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(m)**

[<sup>F77</sup>**22.** For the purposes of paragraphs 19 and 21, the “specified period” means the period specified in the notice, which must be at least three growing seasons following the year in which the relevant zone was demarcated.]

**Textual Amendments**

**F77** Sch. 16 paras. 21, 22 inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(m)**

SCHEDULE 17

Article 42(3)

Notification requirements

**Live organisms of the animal kingdom**

1. *Ditylenchus destructor* Thorne – Potato tuber nematode.
2. *Ditylenchus dipsaci* (Kühn) Filipjev – Stem nematode.
3. *Globodera rostochiensis* (Wollenweber) Behrens and *Globodera pallida* (Stone) Behrens – Potato cyst nematodes.

**Bacteria**

4. *Clavibacter michiganensis* subspecies *insidiosum* (McCulloch) Davis *et al.* (syn. *Corynebacterium insidiosum* (McCulloch) Jensen) – Bacterial wilt of Lucerne.
5. *Clavibacter michiganensis* subspecies *michiganensis* (Smith) Davis *et al.* (syn. *Corynebacterium michiganse* (Smith) Jensen pv. *michiganse* Dye and Kemp) – Bacterial canker of tomato.
6. *Erwinia amylovora* (Burr.) Winslow *et al.*, the cause of Fire blight of Roseaceae, in areas designated as fire blight free buffer zones.
7. *Erwinia chrysanthemi* pv. *dianthicola* (Hellmers) Dickey – Slow wilt of carnation.
8. *Xanthomonas campestris* pv. *vesicatoria* (Diodge) Dye – Tomato bacterial spot.

**Cyptograms**

9. *Didymella ligulicola* (Baker, Dimock and Davis) V. Arx. (syn. *Mycosphaerella ligulicola* Baker *et al.*) – Chrysanthemum ray blight.
10. *Phialophora cinerescens* (Wollenweber) Van Beyma – a carnation wilt.
11. *Puccinia horiana* P. Henn. – Chrysanthemum white rust.

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12. *Verticillium albo-atrum* Reinke and Berth – Verticillium wilt disease.

13. *Verticillium dahliae* Klebahn – Verticillium wilt of hops.

#### Viruses and virus-like pathogens

14. Arabis mosaic virus.

15. Chrysanthemum stunt viroid.

16. Plum pox virus.

17. Raspberry ringspot virus.

18. Strawberry crinkle virus.

19. Strawberry latent ringspot virus.

20. Strawberry mild yellow edge virus.

21. Tomato black ring virus.

22. Tomato spotted wilt virus.

#### SCHEDULE 18

Article 49(1)

#### Revocation of Orders

<b>Order</b>	<b>Reference</b>
The Plant Health ( <i>Phytophthora ramorum</i> ) (Wales) Order 2006	S.I. 2006/1344 (W. 134)
The Plant Health ( <i>Phytophthora ramorum</i> ) (Wales) (Amendment) Order 2007	S.I. 2007/2715 (W. 228)
The Plant Health (Wales) (Amendment) Order 2007	S.I. 2007/2716 (W. 229)
The Plant Health (Wales) (Amendment) (No. 2) Order 2007	S.I. 2007/3305 (W. 292)
The Plant Health (Wales) (Amendment) Order 2008	S.I. 2008/2781 (W. 248)
The Plant Health (Wales) (Amendment) (No. 2) Order 2008	S.I. 2008/2913 (W. 257)
The Plant Health (Wales) (Amendment) Order 2009	S.I. 2009/1376 (W. 137)
The Plant Health (Wales) (Amendment) Order 2010	S.I. 2010/1795 (W.171)
The Plant Health (Wales) (Amendment) (No. 2) Order 2010	S.I. 2010/2976 (W. 247)
The Plant Health (Wales) (Amendment) Order 2012	S.I. 2012/3143 (W. 315)



The Plant Health (Wales) (Amendment) S.I. 2013/888 (W. 100)  
Order 2013

The Plant Health (Wales) (Amendment) S.I. 2013/2939 (W. 287)  
(No. 2) Order 2013

The Plant Health (Wales) (Amendment) S.I. 2014/521 (W. 62)  
Order 2014

The Plant Health (Wales) (Amendment) S.I. 2014/1186 (W. 115)  
(No. 2) Order 2014

The Plant Health (Wales) (Amendment) S.I. 2014/2368 (W. 231)  
(No. 3) Order 2014

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order replaces the Plant Health (Wales) Order 2006 (S.I. 2006/1643 (W. 158)) and the Plant Health (*Phytophthora ramorum*) (Wales) Order 2006 (S.I. 2006/1344 (W. 134)).

It implements Council Directive [2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 169, 10.7.2000, p. 1) and related European Union plant health legislation. It also implements instruments including:

- (a) Commission Implementing Decision 2014/690/EU repealing Decision [2006/464/EC](#) on provisional emergency measures to prevent the introduction into and the spread within the Community of *Dryocosmus kuriphilus* Yasumatsu (OJ No L 288, 2.10.2014, p. 5);
- (b) Commission Implementing Decision (EU) 2015/749 repealing Decision [2007/410/EC](#) on measures to prevent the introduction into and the spread within the Community of Potato spindle tuber viroid (OJ No L 119, 12.5.2015, p. 25);
- (c) Commission Implementing Decisions (EU) 2015/789, (EU) 2016/764 and (EU) 2017/2352 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (OJ No L 125, 21.5.2015, p. 36), (OJ No L 126, 14.5.2016, p. 77) and (OJ No L 336, 16.12.2017, p. 31);
- (d) Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky) (OJ No 146, 11.6.2015, p. 16);
- (e) Commission Implementing Decision (EU) 2015/1199 recognising Bosnia and Herzegovina as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman and Kotthof) Davis et al. (OJ No L 194, 22.7.2015, p. 42);
- (f) Commission Implementing Decisions (EU) 2016/715 and (EU) 2017/801 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ No L 125, 13.5.2016, p. 16) and (OJ No L 120, 11.5.2017, p. 26);
- (g) Commission Implementing Decision (EU) 2016/1359 amending Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread

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- within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinata* (Lec.) and *Epitrix tuberis* (Gentner) (OJ No L 215, 10.8.2016, p. 29);
- (h) Decision No 1/2015 of the Joint Committee on Agriculture concerning the amendment to Appendices 1, 2 and 4 to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ No L 27, 1.2.2017, p. 155);
  - (i) Commission Implementing Decision (EU) 2017/198 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ No L 31, 4.2.2017, p. 29);
  - (j) Commission Implementing Decision (EU) 2017/2374 setting out conditions for movement, storage and processing of certain fruits and their hybrids originating in third countries to prevent the introduction into the Union of certain harmful organisms (OJ No L 337, 19.12.2017, p. 60); and
  - (k) Commission Implementing Directives (EU) 2017/1279 and (EU) 2017/1920 amending Annexes 1 to V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 184, 15.7.2017, p. 33) and (OJ No L 271, 20.10.2017, p. 34).

Part 1 is introductory and includes definitions. Article 2(5) provides for references to the European Union instruments listed in that provision to be read as references to those instruments as amended from time to time.

Part 2 applies to plant pests and relevant material coming from countries outside the European Union, including relevant material from third countries coming via another part of the European Union where the Welsh Ministers have agreed to carry out certain checks on that material.

“Relevant material” is defined in article 2(1).

Article 5 prohibits the landing in Wales of certain plant pests and relevant material and imposes restrictions on other relevant material which may be imported into Wales from third countries.

Article 6 requires importers of controlled imports of relevant material to provide the Welsh Ministers with advance notice of their landing and article 7 requires those imports to be accompanied by the appropriate phytosanitary certificate. Articles 10 to 12 prohibit the removal of this relevant material from an area of plant health control until an inspector has inspected the material and is satisfied that the material can be discharged.

Article 8 exempts certain relevant material which is brought into Wales in a person's baggage from the requirements in article 5 and other related requirements.

Part 3 applies to plant pests and relevant material from the European Union (whether originating in the European Union or in third countries). Articles 18 to 20 prohibit the introduction into Wales of certain plant pests and relevant material from another part of the European Union and contain prohibitions and restrictions on the movement of plant pests and relevant material and other activities in Wales. Article 21 requires certain relevant material to be accompanied by a plant passport when it is moved within Wales or consigned to another part of the European Union.

Part 4 imposes a requirement on plant traders to be registered in respect of any activity which they carry out and which is regulated by the Order (articles 25 to 28) and makes provision for the Welsh Ministers to authorise plant traders to issue plant passports (article 29).

Part 5 contains special arrangements governing relevant material from Switzerland.

Part 6 contains general enforcement powers given to plant health inspectors.

Part 7 imposes additional requirements in relation to certain solanaceous species (potatoes and tomatoes).

Part 8 makes provision for the Welsh Ministers to grant licences authorising activities which would otherwise be prohibited by the Order.

Part 9 requires certain plant pests which are present or suspected to be present in Wales to be notified to the Welsh Ministers or an inspector and makes provision for inspectors to request information about certain plant health matters.

Part 10 contain offences for non-compliance with the Order and with requirements imposed under article 46. Article 47 sets out the penalties for the offences. (Contravention of any prohibition on landing imposed by this Order is an offence under the Customs and Excise Management Act 1979 (c. 2)).

Part 11 deals with revocations and transitional provisions.

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.

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