

---

WELSH STATUTORY INSTRUMENTS

---

**2020 No. 206 (W. 48)**

**ENVIRONMENTAL PROTECTION, WALES  
PLANT HEALTH, WALES**

The Official Controls (Plant Health and Genetically  
Modified Organisms) (Wales) Regulations 2020

<i>Made</i>	- - - -	<i>2 March 2020</i>
<i>Laid before the National Assembly for Wales</i>		<i>5 March 2020</i>
<i>Coming into force</i>		<i>27 March 2020</i>

**THE OFFICIAL CONTROLS (PLANT  
HEALTH AND GENETICALLY MODIFIED  
ORGANISMS) (WALES) REGULATIONS 2020**

PART 1

Introduction

1. Title, application and commencement
2. Interpretation: general
3. Interpretation: EU instruments relating to plant health
4. Measures adopted pursuant to Article 30(1) of the EU Plant Health Regulation
5. Article 82 of the EU Plant Health Regulation: meaning of “close proximity”

PART 2

Competent authorities: plant health

6. Designation of competent authorities

*Status: This is the original version (as it was originally made).*

### PART 3

Official controls on controlled consignments from third countries  
and other official controls on goods from third countries

7. Derogations to the requirement to give prior notification in accordance with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013
8. Suspicion of non-compliance
9. Consignments not correctly presented for official controls
10. Official measures in relation to non-compliant consignments or consignments which pose a risk to plant health
11. Notices under regulation 8, 9 or 10
12. Border control posts: authorisation of inspection centres and commercial storage facilities
13. Transitional provision: approved places of inspection

### PART 4

Official activities to prevent the establishment or spread of plant pests

14. Introduction
15. Notices in relation to controlled plant pests or prohibited material
16. Action which may be taken by a plant health inspector
17. Establishment of demarcated areas and measures to be taken in those areas

### PART 5

Temporary national measures relating to plant health

18. Schedule 1

### PART 6

Registration, authorisations and certificates relating to plant health

19. Applications for registration
20. Other applications
21. Authorisations for other purposes
22. Authorisations granted by an appropriate authority

### PART 7

Measures relating to certain solanaceous species

23. Schedule 2

### PART 8

Notification requirements: plant health

24. Notification requirements in relation to seed potatoes
25. Notification requirements in relation to citrus fruits
26. Notification requirements in relation to other plants and plant products

## PART 9

### General powers of plant health inspectors and enforcement

27. Interpretation
28. Powers of entry
29. Right of entry conferred by a warrant issued by a justice of the peace
30. Information notices
31. Failure to comply with a notice
32. Removal of ISPM 15 mark from wood packaging material
33. Marking of wood packaging material: power of seizure
34. Disclosure of information held by the Commissioners for Her Majesty's Revenue and Customs
35. Disclosure of information to other competent authorities

## PART 10

### General and supplemental provisions relating to plant health notices

36. Miscellaneous provisions as to notices
37. Service of notices

## PART 11

### Offences relating to plant health legislation

38. General
39. Failure to comply with requirements of notices etc.
40. Defence: reasonable excuse
41. Provision of false or misleading information
42. Improper use of plant passports or certificates
43. Obstruction
44. Offence relating to the disclosure of information held by Revenue and Customs
45. Defence: lawful disclosure
46. Offences by bodies corporate
47. Offences by partnerships and unincorporated associations
48. Penalties

## PART 12

### Miscellaneous: plant health

49. Minor and consequential amendments
50. Revocation of plant health instruments
51. Transitional provisions: licences under article 39(1) of the 2005 Order or article 41(1) of the 2018 Order
52. Transitional provisions: other licences under the 2005 Order or the 2018 Order
53. Transitional provisions: notices
54. Transitional provisions: approvals granted under article 17(1) of the 2005 Order or the 2018 Order

*Status: This is the original version (as it was originally made).*

## PART 13

### Official controls in relation to genetically modified organisms

55. Amendment to secondary legislation on official controls in relation to genetically modified organisms  
Signature

---

#### SCHEDULE 1 Temporary national measures

1. Interpretation  
PART 1 — Plants, plant products or other objects from third countries  
2. Temporary measures applying to the introduction of plants, plant products or other objects from third countries  
PART 2 — Plants, plant products or other objects from another part of the Union territory  
3. Temporary measures applying to the introduction of plants, plant products or other objects from another part of the Union territory  
4. No person may introduce or move any plants, plant products...

#### SCHEDULE 2

- PART 1 — General interpretation  
1. In this Schedule— “Directive 93/85/EEC” (“Cyfarwyddeb 93/85/EEC”) means Council Directive...  
PART 2 — General provisions relating to the planting of certain solanaceous species  
2. General restrictions on the planting of potatoes  
PART 3 — Measures for the control of Potato wart disease  
3. Interpretation  
4. Official measures relating to contaminated plots of land  
5. Prohibition on the planting of potatoes on contaminated plots  
6. Revocation of the demarcation of a contaminated plot  
PART 4 — Measures for the control of European populations of Potato cyst nematode  
7. Interpretation  
8. Official investigations and surveys  
9. Official records of investigations and surveys  
10. Notices in relation to infested fields and contaminated susceptible material  
11. Prohibition on the planting of potatoes in infested fields  
12. Suppression of Potato cyst nematodes  
13. Controls on contaminated seed potatoes etc.  
14. Controls on potatoes for industrial processing or grading  
15. Controls on contaminated bulbs etc.  
16. Further investigations for the presence of Potato cyst nematodes  
PART 5 — Measures for the control of Potato ring rot  
17. Interpretation  
18. Official surveys and testing  
19. Measures to be taken following the confirmation of the presence of Potato ring rot

20. Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato ring rot
  21. Measures in relation to a contaminated place of production
  22. Additional measures applicable to a unit of protected crop production
  23. Measures to be taken in demarcated zones for the control of Potato ring rot
  - PART 6 — Measures for the control of Potato brown rot
  24. In this Part— “certified seed potatoes” (“tatws hadyd ardystiedig”) means...
  25. Official surveys and testing
  26. Measures to be taken following the confirmation of the presence of Potato brown rot
  27. Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato brown rot
  28. Measures which may be required in relation to a contaminated place of production
  29. Additional measures in relation to units of protected crop production
  30. Measures to be taken in demarcated zones for the control of Potato brown rot
  - PART 7 — Measures relating to Egyptian potatoes
  31. Measures for the purposes of Article 7 of Commission Implementing Decision 2011/787/EC
- SCHEDULE 3 Offences: relevant provisions in the EU Regulations
- 3
- PART 1 — The EU Plant Health Regulation  
PART 2 — The Official Controls Regulation  
PART 3 — Other EU legislation
- SCHEDULE 4 Offences relating to EU emergency decisions
- 4
- SCHEDULE 5 Amendments to secondary legislation relating the marketing of seeds and plant propagating material and plant health fees
- 5
- PART 1 — The Marketing of Vegetable Plant Material Regulations 1995
1. (1) The Marketing of Vegetable Plant Material Regulations 1995 are...
- PART 2 — The Marketing of Ornamental Plant Propagating Material Regulations 1999
2. (1) The Marketing of Ornamental Plant Propagating Material Regulations 1999...
- PART 3 — The Forest Reproductive Material (Great Britain) Regulations 2002
3. (1) The Forest Reproductive Material (Great Britain) Regulations 2002 are...
- PART 4 — The Seed Potatoes (Wales) Regulations 2016
4. (1) The Seed Potatoes (Wales) Regulations 2016 are amended as...
- PART 5 — The Plant Health (Fees) (Forestry) (Wales) Regulations 2019
5. (1) The Plant Health (Fees) (Forestry) (Wales) Regulations 2019 are...
- PART 6 — The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017
6. (1) The Marketing of Fruit Plant and Propagating Material (Wales)...
- SCHEDULE 6 Revocation of instruments
- 6
- Explanatory Note