
WELSH STATUTORY INSTRUMENTS

2014 No. 2368 (W. 231)

PLANT HEALTH, WALES

The Plant Health (Wales) (Amendment) (No. 3) Order 2014

Made - - - - 5 September 2014
Laid before the National
Assembly for Wales - - 5 September 2014
Coming into force - - 1 October 2014

The Welsh Ministers make the following Order in exercise of—

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

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

Title, commencement and application

1. (1) The title of this Order is the Plant Health (Wales) (Amendment) (No. 3) Order 2014.
- (2) This Order comes into force on 1 October 2014 and applies in relation to Wales.

Amendment of the Plant Health (Wales) Order 2006

2. The Plant Health (Wales) Order 2006(3) is amended as follows.

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

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

(3) S.I. 2006/1643 (W. 158); relevant amending instruments are S.I. 2007/2716 (W. 229), S.I. 2007/3305 (W. 292), S.I. 2008/2781 (W. 248), S.I. 2008/2913 (W. 257), S.I. 2009/1376 (W. 137), S.I. 2012/3143 (W. 315), S.I. 2013/888 (W. 100), S.I. 2013/2939 (W. 287), S.I. 2014/521 (W. 62) and S.I. 2014/1186 (W. 115).

Amendment of article 2 (general interpretation)

3. In article 2(1)(4)—

(a) after the definition of “Decision 2012/756/EU”, insert—

““Decision 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(5), as amended from time to time;”;

(b) for the definition of “Directive 2000/29/EC”, substitute—

““Directive 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(6);

“Directive 2007/33/EC” means Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC(7);”.

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

4. In article 8(2)(8)—

(a) in sub-paragraph (a)(iii), omit “, *Castanea* Mill.”;

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

Amendment of article 12 (plant health discharge)

5. In article 12(2)(e)(9), for “*amylovova*” substitute “*amylovora*”.

Amendment of article 21 (requirements for plant passports)

6. In article 21(10), for paragraphs (8) and (9), substitute—

“(8) No person must 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.”.

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

7. In article 22(11)—

(a) for paragraph (1), substitute—

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- (4) The definition of “Decision 2012/756/EU” was inserted by S.I. 2014/521 (W. 62), article 3(1)(b). The definition of “Directive 2000/29/EC” was amended by S.I. 2009/1376 (W. 137), article 2(2). There are other amendments to article 2(1), but none is relevant.
- (5) OJ No L 196, 3.7.2014, p. 21.
- (6) OJ No L 169, 10.7.2000, p.1, as last amended by Commission Implementing Directive 2014/78/EU (OJ No L 183, 24.6.2014, p. 23) and Commission Implementing Directive 2014/83/EU (OJ No L 186, 26.6.2014, p. 64).
- (7) OJ No L 156, 16.6.2007, p. 12.
- (8) Article 8(2)(a)(iii) and (b)(ii) was amended by S.I. 2013/888 (W. 100), article 2(3)(b) and S.I. 2014/521 (W. 62), article 5(a) and (b).
- (9) Article 12(2)(e) was amended by S.I. 2014/521 (W. 62), article 6(c).
- (10) Article 21(8) and (9) was inserted by S.I. 2014/521 (W. 62), article 8.
- (11) Article 22(1) was amended by S.I. 2014/521 (W. 62), article 9(1). Article 22(4) was inserted by S.I. 2014/521 (W. 62), article 9(2). There are other amendments to article 22, but none is relevant.

“(1) The prohibitions on landing in article 19(1)(e), (f) and (g), (4) and (7) and on movement in article 20(1)(e) and (f) and the requirements in article 21(1), (2), (5) and (6) for certain relevant material to be accompanied by a plant passport do not apply to small quantities of any relevant material, other than excluded material, where the relevant material meets the conditions in paragraph (1A).”;

(b) for paragraph (4), substitute—

“(4) In this article—

(a) in paragraph (1), “excluded material” means any of the following relevant material—

(i) plants of *Castanea* Mill. intended for planting;

(ii) plants of *Fraxinus* L. intended for planting;

(iii) plants, other than seeds, of *Platanus* L. intended for planting;

(b) in paragraph (3), “demarcated area” means—

(i) in relation to tubers of *Solanum tuberosum* L., an area which has been established in accordance with Article 5 of Decision 2012/270/EU; and

(ii) in relation to plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water, an area established in accordance with Article 5 of Decision 2012/697/EU”.

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

8. (1) In Part A (plant pests not known to occur in any part of the European Union) of Schedule 1(**12**)—

(a) under the heading “Insects, mites and nematodes”—

(i) after item 1, insert—

“**1A.** *Agrilus anxius* Gory

1B. *Agrilus planipennis* Fairmaire”;

(ii) after item 5, insert—

“**6.** *Anthonomus eugenii* Cano”;

(iii) for items 15a and 15b, substitute—

“**15A.** *Diaphorina citri* Kuway;

15B. *Dryocosmus kuriphilus* Yasumatsu

15C. *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)”;

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

“**1.** *Candidatus Liberibacter* spp., a causal agent of Huanglongbing disease of citrus/citrus greening

1A. *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto”;

(12) Part A of Schedule 1 was amended by S.I. 2011/1043, article 9(1). Item 15a under the heading “Insects, mites and nematodes” was inserted by S.I. 2007/2716 (W. 229), article 3(9). Item 15b under the heading “Insects, mites and nematodes” was inserted by S.I. 2014/521 (W. 62), article 11(a). Item 1 under the heading “Bacteria” was inserted by S.I. 2014/521 (W. 62), article 11(b). There are other amendments to Part A of Schedule 1, but none is relevant.

- (c) omit item 9 under the heading “Fungi”.
- (2) In Part B (plant pests known to occur in the European Union) of Schedule 1(13), under the heading “Insects, mites and nematodes”—
 - (a) after item 1, insert—
 - “1A. *Bursaphelenchus xylophilus* (Steiner and Bühner) Nickle *et al.*”;
 - (b) after item 11, insert—
 - “12. *Thaumetopoea processionea* L.
 - 13. *Trioza erytreae* Del Guercio”.

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

- 9. (1) In Part A (plant pests not known to occur in the European Union) of Schedule 2(14)—
 - (a) omit items 1a, 8, 10 and 29 under the heading “Insects, mites and nematodes”;
 - (b) omit item 1 under the heading “Bacteria”;
 - (c) omit item 8 under the heading “Fungi”;
 - (d) in the second column of item 5a under the heading “Viruses and virus-like organisms”, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”.
- (2) In Part B (plants pests known to occur in the European Union) of Schedule 2(15)—
 - (a) in the second column of items 2 and 9 under the heading “Bacteria”, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”;
 - (b) for the entry in the third column of item 1 under the heading “Fungi”, substitute “*Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.”;
 - (c) under the heading “Viruses and virus-like organisms”—
 - (i) omit item 5;
 - (ii) in the second column of item 15, for “*Lycopersicon lycopersicum* (L.) *Lactuca sativa* L., Karsten ex Farw.”, substitute “*Lactuca sativa* L., *Solanum lycopersicum* L.”;
 - (iii) in the second column of item 16, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.”, substitute “*Solanum lycopersicum* L.”.

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

- 10. (1) In Part A (relevant material, from third countries, which may only be landed in Wales if special requirements are satisfied) of Schedule 4(16)—

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- (13) Part B of Schedule 1 was amended by S.I. 2011/1043, article 9(1). There are other amendments to Part B of Schedule 1, but none is relevant.
 - (14) Part A of Schedule 2 was amended by S.I. 2011/1043, article 9(1). Item 1a under the heading “Insects, mites and nematodes” was inserted by S.I. 2009/1376 (W. 137), article 2(5)(a). Item 5a under the heading “Viruses and virus-like organisms” was inserted by S.I. 2009/1376 (W. 137), article 2(6)(c). There are other amendments to Part A of Schedule 2, but none is relevant.
 - (15) Part B of Schedule 2 was amended by S.I. 2011/1043, article 9(1). There are other amendments to Part B of Schedule 2, but none is relevant.
 - (16) Item 6 was replaced with items 6 and 6A by S.I. 2014/521 (W. 62), article 14(1)(a). Item 7a was inserted by S.I. 2009/1376 (W. 137), article 2(8)(a). Item 8 was amended by S.I. 2014/521 (W. 62), article 14(1)(c). Item 12 was amended by S.I. 2007/2716 (W. 229), article 3(11)(c). Item 17 was amended by S.I. 2007/2716 (W. 229), article 3(11)(g) and (h) and S.I. 2014/521 (W. 62), article 14(1)(g). Item 17a was inserted by S.I. 2007/3305 (W. 292), article 6(2)(d) and amended by S.I. 2014/521 (W. 62), article 14(1)(h). Item 35 was amended by S.I. 2014/521 (W. 62), article 14(1)(j). Items 35a and 35b were inserted by S.I. 2009/1376 (W. 137), article 2(8)(c) and amended by S.I. 2014/521 (W. 62), article 14(1)(k) and (l). Item 35c was inserted

(a) for items 6 and 6A substitute—

“6.	Plants, other than seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L. intended for planting, originating in any third country	Without prejudice to the requirements in items 4, 5, 6B, 60, 61 and 64, the plants must be accompanied by an official statement that: (a) they originate in an area or areas known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr; or (b) no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation”
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(b) omit item 7a;

(c) for item 8 substitute—

“8.	Plants, other than seeds, of <i>Platanus</i> L. intended for planting originating in Armenia, Switzerland or the USA	The plants must be accompanied by an official statement that no symptoms of <i>Ceratocystis platani</i> (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”;
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(d) for item 12 substitute—

“12.	Plants of <i>Betula</i> L., other than fruit of seeds, but including cut branches of <i>Betula</i> 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 <i>Agrilus anxius</i> Gory”;
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(e) omit item 13;

by S.I. 2014/521 (W. 62), article 14(1)(m). Item 36 was amended by S.I. 2014/521 (W. 62), article 14(1)(n). Item 37 was amended by S.I. 2007/2716 (W. 229), article 3(11)(j). Item 41 was amended by S.I. 2008/2781 (W. 248), article 2(12)(a). Item 43a was inserted by S.I. 2009/1376 (W. 137), article 2(8)(e). Item 71 was amended by S.I. 2008/2781 (W. 248), article 2(12)(b). Item 82 was inserted by S.I. 2014/521 (W. 62), article 14(1)(o). Item 84 was inserted by S.I. 2014/521 (W. 62), article 14(1)(p). There are other amendments to Part A of Schedule 4, but none is relevant.

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(f) in the second column of item 17 for “other than Brazil”, substitute “other than Brazil or South Africa”;

(g) after item 17a, insert—

“17B.	Fruits of <i>Citrus</i> L., other than the fruits of <i>Citrus aurantium</i> L. or <i>Citrus latifolia</i> Tanaka, and fruits of <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. originating in South Africa	Without prejudice to the requirements in items 14 to 16 and 18, the fruits must be accompanied by a phytosanitary certificate which includes an official statement in accordance with point 1 of the Annex to Decision 2014/422/EU”;
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(h) in the third column of item 35, for “35b” substitute “35B”;

(i) for items 35a and 35b substitute—

“35A.	Tubers of <i>Solanum tuberosum</i> L., other than those intended for planting, originating in any third country	Without prejudice to the provisions applicable to tubers listed in items 32 to 34, 35B and 35C, the tubers must be accompanied by an official statement that they originate in an area or areas in which <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> is not known to occur
35B.	Tubers of <i>Solanum tuberosum</i> L. originating in any third country	<p>Without prejudice to the provisions applicable to tubers listed in items 32 to 35A and 35C, the tubers must be accompanied by an official statement that the tubers originate:</p> <p>(a) in a country where <i>Scrobipalopsis solanivora</i> Povolny is not known to occur; or</p> <p>(b) in an area free from <i>Scrobipalopsis solanivora</i> Povolny, established by the national plant protection organisation in accordance with ISPM No. 4”;</p>

(j) item 35c is re-numbered as item 35C and in the third column of that item, for “35b, 35c”, substitute “35B, 35C”;

(k) in the third column of item 36, for “35b, 35c” substitute “35B, 35C”;

- (l) in the second column of items 37 and 38, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.”, substitute “*Solanum lycopersicum* L.”;
- (m) for items 41 and 42 substitute—

“41.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., <i>Dianthus</i> L. or <i>Pelargonium</i> l’Hérit. ex Ait., intended for planting, originating in any third country	Without prejudice to the requirements in items 42 to 44, 46 to 48, 50, 55, 60, 64 and 66, the plants must be accompanied by an official statement that:
		(a) they originate in an area free from <i>Helicoverpa armigera</i> (Hübner) and <i>Spodoptera littoralis</i> (Boisd.) established by the national plant protection organisation in accordance with ISPM No. 4;
		(b) no signs of <i>Helicoverpa armigera</i> (Hübner) or <i>Spodoptera littoralis</i> (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 the plant pests referred to in paragraphs (a) and (b)
42.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., <i>Dianthus</i> L. or <i>Pelargonium</i> l’Hérit. ex Ait., originating in any third country	Without prejudice to the requirements in items 41, 43, 44, 46 to 48, 50, 55, 60, 64 and 66, the plants must be accompanied by an official statement that:
		(a) they originate in an area free from <i>Spodoptera eridania</i> (Cramer), <i>Spodoptera frugiperda</i> Smith and <i>Spodoptera litura</i> (Fabricius), established by the national plant protection organisation in accordance with ISPM No. 4;

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(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 the plant pests referred to in paragraphs (a) and (b)”;

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- (n) in the third column of item 43, after “42”, insert “43a.”;
- (o) in the second column of item 43a, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.”, substitute “*Solanum lycopersicum* L.”;
- (p) in the third column of item 48—
- (i) omit the word “or” immediately preceding paragraph (c);
 - (ii) at the end of paragraph (c), insert—
 - “; 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”;
- (q) in the third column of item 50—
- (i) omit the word “or” immediately preceding paragraph (c);
 - (ii) at the end of paragraph (c), insert—
 - “; 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”;
- (r) for item 51 substitute—

“51.	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”

(s) in the third column of item 55—

(i) for “46, 48” substitute “46 to 48”;

(ii) omit the word “or” immediately preceding paragraph (b);

(iii) at the end of paragraph (c), insert—

“; 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”;

(t) after item 56, insert—

“56A.

Fruits of *Capsicum* L. The fruits must be
originating in Belize, Costa Rica, Dominican Republic,
El Salvador, Guatemala, Honduras, Jamaica, Mexico,
Nicaragua, Panama, Puerto Rico, USA or French Polynesia where *Anthonomus eugenii* Cano is known to occur

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 the phytosanitary certificate for re-export under the rubric “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 or the phytosanitary certificate for re-export under the rubric “Additional declaration”, and declared free from *Anthonomus eugenii* 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”;

- (u) omit item 58;
- (v) in the third column of item 66—
 - (i) omit the word “or” immediately preceding paragraph (c);
 - (ii) at the end of paragraph (c), insert—
 - “; 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”;
- (w) in the second column of items 68 and 69, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.”, substitute “*Solanum lycopersicum* L.”;
- (x) in the third column of item 71—
 - (i) omit the word “or” immediately preceding paragraph (c);
 - (ii) at the end of paragraph (c), insert—
 - “; 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”;
- (y) in the second column of item 73, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.”, substitute “*Solanum lycopersicum* L.”;
- (z) in the third column of item 74—
 - (i) omit the word “or” immediately preceding paragraph (b);
 - (ii) at the end of paragraph (b), insert—
 - “; 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”;
- (aa) in the second column of item 82, for “*chinesis*”, substitute “*chinensis*”;

(bb) after item 84, insert—

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| “85. | Plants, other than fruit or seeds, of <i>Casimiroa</i> La Llave, <i>Clausena</i> Burm. f., <i>Vepris</i> Comm or <i>Zanthoxylum</i> L., originating in any third country | Without prejudice to the requirements in item 86, the plants must be accompanied by an official statement that they originate:

(a) in a country in which <i>Trioza erytrae</i> Del Guercio is known not to occur; or

(b) in an area free from <i>Trioza erytrae</i> 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 rubric “Additional declaration”; |
| 86. | Plants, other than fruit or seeds, of <i>Aegle</i> Corrêa, <i>Aeglopsis</i> Swingle, <i>Afraegle</i> Engl., <i>Amyris</i> P. Browne, <i>Atalantia</i> Corrêa, <i>Balsamocitrus</i> Stapf, <i>Choisya</i> Kunth, <i>Citropsis</i> Swingle & Kellerman, <i>Clausena</i> Burm. f., <i>Eremocitrus</i> Swingle, <i>Esenbeckia</i> Kunth., <i>Glycosmis</i> Corrêa, <i>Limonia</i> L., <i>Merrillia</i> Swingle, <i>Microcitrus</i> Swingle, <i>Murraya</i> J. Koenig ex L., <i>Naringi</i> Adans., <i>Pamburus</i> Swingle, <i>Severinia</i> Ten., <i>Swinglea</i> Merr., <i>Tetradium</i> Lour., <i>Toddalia</i> Juss., <i>Triphasia</i> Lour., <i>Vepris</i> Comm. or <i>Zanthoxylum</i> L., originating in any third country | Without prejudice to the requirements in item 85, the plants must be accompanied by an official statement that they originate:

(a) in a country in which <i>Diaphorina citri</i> Kuway is known not to occur; or

(b) in an area free from <i>Diaphorina citri</i> Kuway, 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 rubric “Additional declaration”. |

(2) In Part B (relevant material, from another part of the European Union, which may only be landed in or moved within Wales if special requirements are satisfied) of Schedule 4(17)—

(17) Part B of Schedule 4 was amended by S.I. 2011/1043, article 9(1). Item 4 was replaced with items 4 and 4A by S.I. 2014/521 (W. 62), article 14(2)(a). Item 5 was amended by S.I. 2014/521 (W. 62), article 14(2)(c). Item 15 was amended by S.I. 2012/3143 (W. 315), article 2(3)(a). Item 19 was amended by S.I. 2014/521 (W. 62), article 14(2)(f). Item 23 was amended by S.I. 2008/2781 (W. 248), article 2(12)(a). There are other amendments to Part B of Schedule 4, but none is relevant.

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(a) for items 4 and 4A substitute—

“4.	Plants, other than seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L. intended for planting	Without prejudice to the requirements in item 4B, the plants must be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in an area known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr; or (b) no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation”
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(b) for item 5 substitute—

“5.	Plants, other than seeds, of <i>Platanus</i> L. intended for planting	The plants must be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in an area known to be free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr.; or (b) no symptoms of <i>Ceratocystis platani</i> (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”;
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(c) for item 7 substitute—

“7.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Without prejudice to the requirements in item 7A, the plants must be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in an area or areas known to be free
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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 in an 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 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 found, in these tests, 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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

		mentioned in this paragraph, and
		(ii) have been inspected and no symptoms of <i>Spiroplasma citri</i> Saglio <i>et al.</i> , <i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili and <i>Citrus tristeza</i> virus (European strains) have been observed since the beginning of the last complete cycle of vegetation
7A.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., <i>Casimiroa</i> La Llave, <i>Clausena</i> Burm f., <i>Vepris</i> Comm. or <i>Zanthoxylum</i> L.	Without prejudice to the requirements in item 7, the plants must be accompanied by an official statement that they originate in an area free from <i>Trioza erytrae</i> Del Guercio, established by the national plant protection organisation in accordance with ISPM No. 4”;
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	(d) in the third column of item 15—	
	(i) for “16 and 19a”, substitute “15A, 16, 19a and 19b”;	
	(ii) omit paragraph (c);	
	(e) after item 15, insert—	
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“15A.	Tubers of <i>Solanum tuberosum</i> L. intended for planting, other than those to be planted in accordance with Article 4.4(b) of Council Directive 2007/33/EC	Without prejudice to the requirements in items 15, 16 and 19b, the tubers must be accompanied by an official statement that the European Union provisions to combat <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera</i> <i>rostochiensis</i> (Wollenweber) Behrens are complied with”;
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	(f) for item 19 substitute—	
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“19.	Tubers of <i>Solanum tuberosum</i> L., other than those mentioned in column 2 of items 15 to 18	Without prejudice to the requirements in items 19a and 19b, 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:

(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 are complied with”;

(g) in the second column of item 21, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.”, substitute “*Solanum lycopersicum* L.”;

(h) after item 21, insert—

“21A.	Plants with roots of <i>Capsicum</i> spp., <i>Solanum lycopersicum</i> L. or <i>Solanum melongena</i> L. intended for planting, other than those to be planted in accordance with Article 4.4(a) of Council Directive 2007/33/EC	Without prejudice to the requirements in items 20 and 21, the plants must be accompanied by an official statement 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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(i) in the third column of item 23, for paragraphs (a) and (b) substitute—

“(a) “(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) they have undergone appropriate treatment to protect them from the plant pests mentioned in paragraphs (a) and (b)”;
- (j) in the third column of item 27—
 - (i) omit the word “or” immediately preceding paragraph (c);
 - (ii) at the end of paragraph (c), insert—
 - “; 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”;
- (k) in the third column of item 28, omit “, *Globodera pallida* (Stone) Behrens, *Globodera rostochiensis* (Wollenweber) Behrens”;
- (l) after item 28, insert—

“28A.	Plants with roots grown in Without prejudice to the the open air of <i>Allium porrum</i> requirements in item 28, there L., <i>Asparagus officinalis</i> L., must be evidence that the <i>Beta vulgaris</i> L., <i>Brassica</i> European Union provisions spp. or <i>Fragaria</i> L. intended to combat <i>Globodera</i> for planting, other than those <i>pallida</i> (Stone) Behrens plants to be planted in and <i>Globodera rostochiensis</i> accordance with Article 4.4(a) (Wollenweber) Behrens are or (c) of Council Directive complied with 2007/33/EC
28B.	Bulbs, tubers and rhizomes, There must be evidence grown in the open air, that the European Union of <i>Allium ascalonicum</i> L., provisions to combat <i>Allium cepa</i> L., <i>Dahlia</i> spp., <i>Globodera pallida</i> (Stone) <i>Gladiolus</i> Tourn. ex L., Behrens and <i>Globodera Hyacinthus</i> spp., <i>Iris</i> spp., <i>rostochiensis</i> (Wollenweber) <i>Lilium</i> spp., <i>Narcissus</i> L. and Behrens are complied with”; <i>Tulipa</i> L., other than bulbs, tubers or rhizomes to be planted in accordance with Article 4.4(a) or (c) of Council Directive 2007/33/EC

- (m) in the second column of items 31 and 32, for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.”, substitute “*Solanum lycopersicum* L.”;
- (n) in the third column of item 33—
 - (i) omit the word “or” immediately preceding paragraph (b);
 - (ii) at the end of paragraph (b), insert—
 - “; 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”.

(3) In Part C (relevant material which may only be landed in or moved within Wales (as a protected zone) if special requirements are satisfied) of Schedule 4, before item 1, insert—

“A1.	Plants of <i>Castanea</i> Mill. intended for planting	Without prejudice to the requirements in item A2, 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 <i>Cryphonectria parasitica</i> (Murrill) Barr is known not to occur; (b) in an area free from <i>Cryphonectria parasitica</i> (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 the plant pest mentioned in paragraphs (a) and (b)
A2.	Plants of <i>Castanea</i> Mill., other than plants in tissue culture, fruit or seeds	Without prejudice to the requirements in item A1, the plants must be accompanied by an official statement that the plants have been grown throughout their life: (a) in a place of production in a country where <i>Dryocosmus kuriphilus</i> Yasumatsu is known not to occur; (b) in an area free from <i>Dryocosmus kuriphilus</i> Yasumatsu, 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 the plant pest mentioned in paragraphs (a) and (b)

- A3. Plants, other than seeds, of *Platanus* L. intended for planting, originating in the European Union or in Armenia, Switzerland or the USA
- The plants must be accompanied by an official statement that they have been grown throughout their life:
- (a) in an area free from *Ceratocystis platani* (J. M. Walter) Engelbr. & T.C. Harr., established in accordance with ISPM No. 4; or
 - (b) in a protected zone which is recognised as a protected zone for the plant pest mentioned in paragraph (a)”.
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Amendment of Schedule 5 (relevant material from a third country for which a phytosanitary certificate may be required)

11. (1) In Part A (relevant material which may only be landed in Wales if accompanied by a phytosanitary certificate) of Schedule 5(18)—

- (a) in paragraph 1(c), for “*Helianthus annuus* L.” substitute “*Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Capsicum* spp., *Helianthus annuus* L., *Solanum lycopersicum* L.”;
- (b) in paragraph 2, for sub-paragraphs (e) and (f) substitute—
 - “(e) “(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;
 - (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.”;
- (c) for paragraph 2A substitute—
 - “**2A.** 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.”;
- (d) for paragraph 3 substitute—

(18) Paragraph 1(c) was amended by S.I. 2007/2716 (W. 229), article 3(14). Paragraph 2A was inserted by S.I. 2014/521 (W. 62), article 15(a). There are other amendments to Part A of Schedule 5, but none is relevant.

“3. Fruits 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 country outside Europe; or
- (c) *Capsicum* L.”.

(2) In Part B (relevant material, which if destined for certain protected zones, may only be landed in Wales if accompanied by a phytosanitary certificate) of Schedule 5(19), in paragraph 5, after “Seeds of” insert “*Castanea* Mill.”.

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

12. (1) In Part A (relevant material, from Wales or elsewhere in the European Union, which may only be landed in or moved within Wales if accompanied by a plant passport) of Schedule 6(20)—

(a) for paragraph 4 substitute—

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

(b) in paragraph 7—

(i) in sub-paragraph (a), after “*Argyranthemum* subsp.”, insert “*Asparagus officinalis* L.”;

(ii) in sub-paragraph (d), for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”;

(iii) for sub-paragraph (e) substitute—

“(e) “(e) bulbs, corms, tubers or rhizomes 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. and *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., intended for planting”;

(c) in paragraph 8, for “*chinesis*”, substitute “*chinensis*”.

(2) In Part B (relevant material, from Wales or elsewhere in the European Union, which may only be landed in or moved within Wales if accompanied by a plant passport which is valid for Wales (as a protected zone)) of Schedule 6(21), before paragraph 1, insert—

“A1. Plants, other than fruit, of *Castanea* Mill.

A2. Seeds of *Castanea* Mill.

A3. Plants, other than seeds, of *Platanus* L. intended for planting.”.

(19) There are amendments to Part B of Schedule 5, but none is relevant.

(20) Part A of Schedule 6 was amended by S.I. 2011/1043, article 9(1). Paragraph 7(a) was amended by S.I. 2007/2716 (W. 229), article 3(16). Paragraph 8 was inserted by S.I. 2014/521 (W. 62), article 16(b). There are other amendments to Part A of Schedule 6, but none is relevant.

(21) Part B of Schedule 6 was amended by S.I. 2011/1043, article 9(1).

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

13. (1) In Part A (relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport) of Schedule 7(22)—

(a) for paragraph 4 substitute—

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

(b) in paragraph 7—

(i) in sub-paragraph (a), after “*Argyranthemum* subsp.”, insert “*Asparagus officinalis* L.”;

(ii) in sub-paragraph (d), for “*Lycopersicon lycopersicum* (L.) Karsten ex Farw.” substitute “*Solanum lycopersicum* L.”;

(iii) for sub-paragraph (e) substitute—

“(e) “(e) bulbs, corms, tubers or rhizomes 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. and *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., intended for planting”;

(c) in paragraph 8, for “*chinesis*”, substitute “*chinensis*”.

(2) In Part B (relevant material which may only be consigned to a protected zone in another part of the European Union if accompanied by a plant passport which is valid for that protected zone) of Schedule 7(23)—

(a) for paragraph 2, substitute—

“2. Plants, other than seeds, of *Platanus* L., *Populus* L. or *Beta vulgaris* L. intended for planting.”;

(b) in paragraph 3, after “*Amelanchier* Med.”, insert “*Castanea* Mill.”;

(c) in paragraph 8, after “*Beta vulgaris* L.”, insert “*Castanea* Mill.”.

John Griffiths

Minister for Natural Resources, Culture and Sport, one of the Welsh Ministers

5 September 2014

(22) Part A of Schedule 7 was amended by S.I. 2011/1043, article 9(1). Paragraph 7(a) was amended by S.I. 2007/2716 (W. 229), article 3(16). Paragraph 8 was inserted by S.I. 2014/521 (W. 62), article 17(b). There are other amendments to Part A of Schedule 7, but none is relevant.

(23) Part B of Schedule 7 was amended by S.I. 2011/1043, article 9(1). Paragraph 3 was amended by S.I. 2007/3305 (W. 292), article 7(b).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Wales) Order 2006 (S.I. 2006/1643 (W. 158)) (“the principal Order”) to implement—

- (a) Commission Implementing Directive 2014/78/EU amending Annexes I, II, III, IV and 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 183, 24.6.2014, p. 23);
- (b) Commission Implementing Directive 2014/83/EU amending Annexes I, II, III, IV and 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 186, 26.6.2014, p. 64); and
- (c) Commission Implementing Decision 2014/422/EU setting out measures in respect of certain citrus fruit originating in South Africa to prevent the introduction into and spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ No L 196, 3.7.2014, p. 21).

Articles 8, 9, 10 (other than article 10(1)(g) and (h)), 11, 12 and 13 amend Schedules 1 to 7 to the principal Order so as to implement various amendments made by the Commission Implementing Directives 2014/78/EU and 2014/83/EU to technical annexes I to V to Council Directive 2000/29/EC (OJ No L 169, 10.7.2000, p. 1).

Article 6 also amends article 21 of the principal Order to impose additional requirements on the movement of plants, other than seeds, of *Quercus* spp, other than *Quercus suber*, intended for planting, which are likely to host *Thaumetopoea processionea* L., The Oak Processionary Moth.

Articles 3(a) and 10(1)(g) and (h) amend article 2(1) of, and Part A of Schedule 4 to, the principal Order to implement Commission Implementing Decision 2014/422/EU.

In addition, the Order makes other minor amendments to the principal Order.

Article 3(a) provides for references to Commission Implementing Decision 2014/422/EU to be read as references to that Decision as amended from time to time.

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