

Statutory Instrument 2003 No. 1157

The Plant Health (Amendment) (England) Order 2003

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STATUTORY INSTRUMENTS

2003 No. 1157

PLANT HEALTH, ENGLAND

The Plant Health (Amendment) (England) Order 2003

<i>Made</i>	<i>28th April 2003</i>
<i>Laid before Parliament</i>	<i>29th April 2003</i>
<i>Coming into force</i>	<i>21st May 2003</i>

The Secretary of State, in relation to England, in exercise of the powers conferred on her by sections 2 and 3(1) of the Plant Health Act 1967^[1] hereby

makes the following Order:

Title, extent and commencement

1. This Order may be cited as the Plant Health (Amendment) (England) Order 2003, shall apply to England, and shall come into force on 21st May 2003.

Amendment of the Plant Health (Great Britain) Order 1993

2. - (1) The Plant Health (Great Britain) Order 1993[2] shall be amended in its application to England in accordance with the following paragraphs of this article.

(2) In article 2(1) -

(a) for the definition of "Directive 2000/29/EC" there shall be substituted the following -

" "Directive 2000/29/EC" means Council Directive 2000/29/EC[3] of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directives 2001/33/EC[4] of 8th May 2001, 2002/28/EC[5] of 19th March 2002, 2002/36/EC[6] of 29th April 2002 and by 2003/22/EC[7] of 24th March 2003 amending certain annexes to Council Directive 2000/29/EC;" and

(b) after the definition of "reforwarding phytosanitary certificate" there shall be inserted the following -

" relevant International Standards for Phytosanitary Measures (ISPM) means ISPM No. 4 "Requirements for the Establishment of Pest Free Areas" February 1996 and ISPM No. 10 "Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites" October 1999[8], prepared by the Secretariat of the International Plant Protection Convention (IPPC) established by the Food and Agriculture Organisation of the United Nations;"

(3) In Schedule 1, Part A, Section 1(a) (Insects, Mites and Nematodes, at all Stages of Their Development) -

(a) after item 4 there shall be inserted the following -

" **4.1** *Anoplophora glabripennis* (Motschulsky)"; and

(b) after item 16 there shall be inserted the following -

" **16.1** *Naupactus leucoloma* Boheman".

(4) In Schedule 1, Part A, Section 2(a) (Insects, Mites and Nematodes, at All Stages of Their Development), items 4, 5 and 6 shall be deleted.

(5) In Schedule 1, Part B(a) (Insects, Mites and Nematodes, at All Stages of Their Development), after item 2 there shall be inserted the following -

"3.	<i>Liriomyza bryoniae</i> (Kaltenbach)	IRL and UK (Northern Ireland)."
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(6) In Schedule 1, Part B(d) (Virus and Virus-like Organisms), in item 1, for the wording in the second column there shall be substituted the following -

" DK, F (Brittany), IRL, P (Azores), FI, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)".

(7) In Schedule 2, Part A, Section 1(c) (Fungi), after item 1 there shall be inserted the following -

"1.1	<i>Anisogramma anomala</i> (Peck) E. Müller	Plants of <i>Corylus</i> L., intended for planting, other than seeds, originating in Canada and the United States of America."
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(8) In Schedule 2, Part A, Section 2(a) (Insects, Mites and Nematodes, at All Stages of Their Development), after item 7 there shall be inserted the following -

"8.	<i>Liriomyza huidobrensis</i> (Blanchard)	Cut flowers, leafy vegetables of <i>Apium graveolens</i> L., and plants of herbaceous species, intended for planting, other than: <ul style="list-style-type: none">- bulbs,- corms,- plants of the family Gramineae,- rhizomes,- seeds
9.	<i>Liriomyza trifolii</i> (Burgess)	Cut flowers, leafy vegetables of <i>Apium graveolens</i> L., and plants of herbaceous species, intended for planting, other than: <ul style="list-style-type: none">- bulbs,- corms,- plants of the family Gramineae,- rhizomes,- seeds. "

(9) In Schedule 2, Part B(a) (Insects, Mites and Nematodes, at All Stages of Their Development), in item 5, for the wording in the third column there shall be substituted the following -

"P (Azores)".

(10) In Schedule 2, Part B(b) (Bacteria), in item 2, for the wording in the third column there shall be substituted the following -

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

(11) In Schedule 3, Part B (Plants, plant products and other objects the introduction of which shall be prohibited in certain protected zones), in item 1, for the wording in the second column there shall be substituted the following -

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

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

(a) after item 11.2 there shall be inserted the following -

"11.3	Plants of <i>Corylus</i> L., intended for planting, other than seeds, originating in Canada and the United States of America	<p>Official statement that the plants have been grown in nurseries and:</p> <p>(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from <i>Anisogramma anomala</i> (Peck) E. Müller, in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration",</p> <p>or</p> <p>(b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from <i>Anisogramma anomala</i> (Peck) E. Müller on official inspections carried out at the place of production or its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration" and declared free from <i>Anisogramma anomala</i> (Peck) E. Müller;</p> <p>"</p>
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(b) for items 32.1, 32.2 and 32.3 there shall be substituted the following -

"32.1	<p>Plants of herbaceous species, intended for planting, other than:</p> <ul style="list-style-type: none">- bulbs,- corms,- plants of the family Gramineae,- rhizomes,- seeds,- tubers, <p>originating in</p>	<p>Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 1, items 27.1, 27.2, 28 and 29, where appropriate, official statement that the plants have been grown in nurseries and:</p> <p>(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", or</p> <p>(b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", and</p>
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	third countries where <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) are known to occur	<p>declared free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) on official inspections carried out at least monthly during the three months prior to export, or</p> <p>(c) immediately prior to export, have been subjected to an appropriate treatment against <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) and have been officially inspected and found free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch). Details of the treatment shall be mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC</p>
32.2	Cut flowers of <i>Dendranthema</i> (DC) Des. Moul., <i>Dianthus</i> L., <i>Gypsophila</i> L. and <i>Solidago</i> L., and leafy vegetables of <i>Apium graveolens</i> L. and <i>Ocimum</i> L.	<p>Official statement that the cut flowers and the leafy vegetables:</p> <ul style="list-style-type: none">- originate in a country free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch), or- immediately prior to their export, have been officially inspected and found free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch)
32.3	<p>Plants of herbaceous species, intended for planting, other than:</p> <ul style="list-style-type: none">- bulbs,- corms,- plants of the family Gramineae,- rhizomes,- seeds,- tubers, <p>originating in third countries</p>	<p>Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 1, items 27.1, 27.2, 28, 29 and 32.1, official statement that:</p> <p>(a) the plants originate in an area known to be free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess), or</p> <p>(b) either no signs of <i>Liriomyza huidobrensis</i> (Blanchard) and <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, or</p> <p>(c) immediately prior to export, 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);</p> <p>"</p>

(c) for items 36.1 and 36.2 there shall be substituted the following -

"36.1	<p>Plants, intended for planting, other than:</p> <ul style="list-style-type: none">- bulbs,- corms,- rhizomes,- seeds,- tubers, <p>originating in third countries</p>	<p>Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 1, items 27.1, 27.2, 28, 29, 31, 32.1 and 32.3, official statement that the plants have been grown in nurseries and:</p> <p>(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from <i>Thrips palmi</i> Karny in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional Declaration", or</p> <p>(b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from <i>Thrips palmi</i> Karny in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", and declared free from <i>Thrips palmi</i> Karny on official inspections carried out at least monthly during the three months prior to export, or</p> <p>(c) immediately prior to export, have been subjected to an appropriate treatment against <i>Thrips palmi</i> Karny and have been officially inspected and found free from <i>Thrips palmi</i> Karny. Details of the treatment shall be mentioned on the certificates referred to in Article 7 or 8 of Directive 2000/29/EC</p>
36.2	<p>Cut flowers of Orchidaceae and fruits of <i>Momordica</i> L. and <i>Solanum</i> <i>melongena</i> L., originating in third countries</p>	<p>Official statement that the cut flowers and the fruits:</p> <ul style="list-style-type: none">- originate in a country free from <i>Thrips palmi</i> Karny, or- immediately prior to their export, have been officially inspected and found free from <i>Thrips palmi</i> Karny; <p>"</p>

(d) in item 40, for the wording in the second column there shall be substituted the following -

" Without prejudice to the provisions applicable to the plants listed in Schedule 3, Part A, items 2, 3, 9, 15, 16, 17 and 18, Schedule 3, Part B, item 1 and Schedule 4, Part A, Section 1, items 11.1, 11.2, 11.3, 12, 13.1, 13.2, 14, 15, 17, 18, 19.1, 19.2, 20, 22.1, 22.2, 23.1, 23.2, 24, 33, 36.1, 38.1, 38.2, 39 and 45.1

where appropriate, official statement that the plants are dormant and free from leaves";

(e) item 45 shall be deleted;

(f) for item 45.1 there shall be substituted the following -

"45.1	Plants of herbaceous species and plants of <i>Ficus</i> L. and <i>Hibiscus</i> L., intended for planting, other than bulbs, corms, rhizomes, seeds and tubers, originating in non-European countries	<p>Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 1, items 27.1, 27.2, 28, 29, 32.1, 32.3 and 36.1, official statement that the plants:</p> <p>(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from <i>Bemisia tabaci</i> Genn. (non-European populations) in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", or</p> <p>(b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from <i>Bemisia tabaci</i> Genn. (non-European populations) in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", and declared free from <i>Bemisia tabaci</i> Genn. (non-European populations) on official inspections carried out at least once each three weeks during the nine weeks prior to export, or</p> <p>(c) in cases where <i>Bemisia tabaci</i> Genn. (non-European populations) has been found at the place of production, are held or produced in this place of production and have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (non-European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (non-European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating <i>Bemisia tabaci</i> Genn. (non-European populations), in both official inspections carried out weekly during the nine weeks prior to export and in monitoring procedures throughout the said period. Details of the treatment shall be mentioned on the certificates referred to in Article 7 or 8 of Directive 2000/29/EC;</p> <p>"</p>
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(g) after item 45.1 there shall be inserted the following -

"45.2	Cut flowers of <i>Aster</i> spp.,	Official statement that the cut flowers and
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	<p><i>Eryngium</i> L., <i>Gypsophila</i> L., <i>Hypericum</i> L., <i>Lisianthus</i> L., <i>Rosa</i> L., <i>Solidago</i> L., <i>Trachelium</i> L., and leafy vegetables of <i>Ocimum</i> L., originating in non - European countries</p>	<p>leafy vegetables:</p> <ul style="list-style-type: none">- originate in a country free from <i>Bemisia tabaci</i> Genn. (non-European populations), or- immediately prior to their export, have been officially inspected and found free from <i>Bemisia tabaci</i> Genn. (non-European populations)
45.3	<p>Plants of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw. intended for planting, other than seeds, originating in countries where Tomato yellow leaf curl virus is known to occur</p> <p>(a) Where <i>Bemisia tabaci</i> Genn. is not known to occur</p> <p>(b) Where <i>Bemisia tabaci</i> Genn. is known to occur</p>	<p>Without prejudice to the requirements applicable to plants listed in Schedule 3, Part A, item 13 and Schedule 4, Part A, Section 1, items 25.5, 25.6, and 25.7 where appropriate</p> <p>Official statement that no symptoms of Tomato yellow leaf curl virus have been observed on the plants</p> <p>Official statement that:</p> <p>(a) no symptoms of Tomato yellow leaf curl virus have been observed on the plants, and</p> <p>(aa) the plants originate in areas known to be free from <i>Bemisia tabaci</i> Genn., or</p> <p>(bb) the place of production has been found free from <i>Bemisia tabaci</i> Genn. on official inspections carried out at least monthly during the three months prior to export, or</p> <p>(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 <i>Bemisia tabaci</i> Genn.;</p> <p>"</p>

(h) in item 46, in the second column there shall be inserted the numbers "45.2 and 45.3" after the number "45.1"; and

(i) in items 53 and 54, in the first column there shall be inserted the words "South Africa" after the word "Pakistan".

(13) In Schedule 4, Part A, Section 2 (Plants, plant products, and other objects originating in the Community), for item 24 there shall be substituted the following -

"24.	Plants of herbaceous species, intended for planting, other than: - bulbs, - corms, - plants of the family Gramineae, - rhizomes, - seeds, - tubers	Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 2, items 21, 22.1 or 22.2, official statement that: (a) the plants originate in an area known to be free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess), or (b) either no signs of <i>Liriomyza huidobrensis</i> (Blanchard) and <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, or (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). "
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(14) In Schedule 4, Part B (Special requirements which shall be laid down for the introduction and movement of plants, plant products and other objects into and within certain protected zones) -

(a) in item 19, for the wording in the third column there shall be substituted the following -

"P (Azores)";

(b) in items 20.1, 23, 27.1 and 27.2, for the wording in the third column there shall be substituted the following -

" DK, F (Brittany), IRL, P (Azores), FI, S (with the exception of the District Council areas of Bromölla, Hässelholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)";

(c) for item 20.2 there shall be substituted the following -

"20.2	Tubers of <i>solanum tuberosum</i> L.,	(a) The consignment or lot shall not contain more than 1% by weight of	DK, F (Brittany), IRL, P (Azores), FI, S (with the exception of the District
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	other than those mentioned in Schedule 4, Part B, item 20.1	soil, or (b) the tubers are intended for processing at premises with officially approved waste disposal facilities which ensures that there is no risk of spreading BNYVV	Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the County of Skåne), UK (Northern Ireland);"
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(d) in item 21, for the wording in part (a) of the entry in the second column after the words "the plants originate in the protected zones" and for the wording in the third column there shall be substituted the following -

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

(e) for item 22 there shall be substituted the following -

"22.	Plants of <i>Allium porrum</i> L., <i>Apium</i> L., <i>Beta</i> L., other than those mentioned in Schedule 4, Part B, item 25 and those intended for animal fodder, <i>Brassica napus</i> L., <i>Brassica rapa</i> L., <i>Daucus</i> L., other than plants intended for planting	(a) the consignment or lot shall not contain more than 1% by weight of soil, or (b) the plants are intended for processing at premises with officially approved waste disposal facilities which ensures that there is no risk of spreading BNYVV	DK, F (Brittany), IRL, P (Azores), FI, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland);"
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(f) item 24 shall be deleted and after item 23 there shall be inserted the following items
24.1, 24.2 and 24.3 -

"24.1	Unrooted cuttings of <i>Euphorbia pulcherrima</i> Willd., intended for planting	<p>Without prejudice to the requirements applicable to the plants listed in Schedule 4 Part A, Section 1, item 45.1, where appropriate, official statement that:</p> <p>(a) the unrooted cuttings originate in an area known to be free from <i>Bemisia tabaci</i> Genn. (European populations), or</p> <p>(b) no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed either on the cuttings or on the plants from which the cuttings are derived and held or produced at the place of production on official inspections carried out at least each three weeks during the whole production period of these plants on this place of production, or</p> <p>(c) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, the cuttings and the plants from which the cuttings are derived and held or produced in this place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement</p>	IRL, P (Alentejo, Azores, Beira Interior, Beira Litoral, Entre Douro e Minho, Madeira, Ribatejo e Oeste and Trás-os-Montes), FI, S, UK
24.2	Plants of <i>Euphorbia pulcherrima</i> Willd., intended for planting, other than: - seeds, - those for	<p>Without prejudice to the requirements applicable to the plants listed in Schedule 4, Part A, Section 1, item 45.1, where appropriate official statement that:</p> <p>(a) the plants originate in an area known to be free from <i>Bemisia tabaci</i> Genn.</p>	IRL, P (Alentejo, Azores, Beira Interior, Beira Litoral, Entre

<p>which there shall be evidence by their packing or their flower (or bract) development or by other means that they are intended for sale to final customers not involved in professional plant production,</p> <p>- those specified in item 24.1</p>	<p>(European populations), or</p> <p>(b) no sign of <i>Bemisia tabaci</i> 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</p> <p>(c) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, the plants, held or produced in this place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement, and</p> <p>(d) evidence is available that the plants have been produced from cuttings which:</p> <p>(da) originate in an area known to be free from <i>Bemisia tabaci</i> Genn. (European populations), or</p> <p>(db) have been grown at a place of production where no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed on official inspections carried out at least once each three weeks during the whole production period of these plants, or</p> <p>(dc) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, have been grown on plants held or produced in this place of production having</p>	<p>Douro e Minho, Madeira, Ribatejo e Oeste and Trás-os-Montes), FI, S, UK</p>
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		<p>undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement</p>	
24.3	<p>Plants of <i>Begonia</i> L., intended for planting, other than seeds, tubers and corms, and plants of <i>Ficus</i> L. and <i>Hibiscus</i> L., intended for planting, other than seeds, other than those for which there shall be evidence by their packing or their flower development or by other means that they are intended for sale to final customers not involved in professional plant production</p>	<p>Without prejudice to the requirements applicable to the plants listed in Schedule 4, Part A, Section 1, item 45.1, where appropriate, official statement that:</p> <p>(a) the plants originate in an area known to be free from <i>Bemisia tabaci</i> Genn. (European populations), or</p> <p>(b) no signs of <i>Bemisia tabaci</i> 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</p> <p>(c) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, the plants, held or produced in this place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating <i>Bemisia tabaci</i> Genn.</p>	<p>IRL, P (Alentejo, Azores, Beira Interior, Beira Litoral, Entre Douro e Minho, Madeira, Ribatejo e Oeste and Trás-os-Montes), FI, S, UK";"</p>

		(European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement	
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(g) after item 24.3 there shall be inserted the following -

"25.	Plants of <i>Beta vulgaris</i> L., intended for industrial processing	Official statement that: (a) the plants are transported in such a manner as to ensure that there is no risk of spreading BNYVV, and are intended to be delivered to a processing plant with officially approved waste disposal facilities, which ensures that there is no risk of spreading BNYVV, or (b) the plants have been grown in an area where BNYVV is known not to occur	DK, F (Brittany), IRL, P (Azores), FI, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Ästra Göinge in the County of Skåne), UK (Northern Ireland);"
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(h) items 25.1 and 25.2 shall be deleted;

(i) for item 26 there shall be substituted the following -

"26.	Soil from beet and unsterilised waste from beet (<i>Beta vulgaris</i> L.)	Official statement that soil or waste: (a) has been treated to eliminate contamination with BNYVV, or (b) is intended to be transported for disposal in an officially approved manner, or	DK, F (Brittany), IRL, P (Azores), FI, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Ästra Göinge in the county of Skåne), UK (Northern Ireland); and"
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		(c) comes from <i>Beta vulgaris</i> plants grown in an area where BNYVV is known not to occur	
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(j) in item 30, for the wording in the second and third columns there shall be substituted the following -

	" (a) The machinery shall be cleaned and free from soil and plant debris when brought in on places of production where beets are grown, or (b) the machinery shall come from an area where BNYVV is known not to occur	DK, F (Brittany), IRL, P (Azores), FI, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)."
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(15) In Schedule 5, Part A, Section I (Plants, and plant products), in item 2.1, after the words "*Verbena* L." there shall be inserted the words -

" and other plants of herbaceous species, other than plants of the family Gramineae, intended for planting, and other than bulbs, corms, rhizomes, seeds and tubers".

(16) In Schedule 5, Part A, Section II (Plants, plant products and other objects which are potential carriers of plant pests of relevance for certain protected zones, and which must be accompanied by a plant passport valid for the appropriate zone when introduced into or moved within that zone) -

(a) for item 1.6 there shall be substituted the following -

" **1.6** Plants of *Beta vulgaris* L., intended for industrial processing";

(b) for item 1.7 there shall be substituted the following -

" **1.7** Soil from beet and unsterilised waste from beet (*Beta vulgaris* L.)"; and

(c) for item 2.1 there shall be substituted the following -

" **2.1** Plants of *Begonia* L., intended for planting, other than corms, seeds, tubers, and plants of *Euphorbia pulcherrima* Willd., *Ficus* L. and *Hibiscus* L., intended for planting, other than seeds".

(17) In Schedule 5, Part B, Section I (Plants, plant products and other objects which are potential carriers of plant pests of relevance for the entire Community) -

(a) in items 1 and 8, there shall be inserted the words "South Africa" after the word "Pakistan";

(b) for item 2 there shall be substituted the following -

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

- *Acer saccharum* Marsh., originating in North American countries,
- *Prunus* L., originating in non-European countries,
- cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. and *Trachelium* L., originating in non-European countries,
- leafy vegetables of *Apium graveolens* L. and *Ocimum* L."; and

(c) in the first indent of item 3, after the words "*Poncirus* Raf.," there shall be inserted the words "*Momordica* L. and *Solanum melongena* L.".

(18) In Schedule 5, Part B Section II (Plants, plant products and other objects which are potential carriers of plant pests of relevance for certain protected zones) -

(a) for item 1 there shall be substituted the following -

" **1.** Plants of *Beta vulgaris* L., intended for industrial processing"; and

(b) for item 2 there shall be substituted the following -

" **2.** Soil from beet and unsterilised waste from beet (*Beta vulgaris* L.)".

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

(a) in item 6, for the wording in the second column there shall be substituted the following -

" Portugal (Azores)"; and

(b) after item 12 there shall be inserted the following -

"13.	<i>Liriomyza bryoniae</i> (Kaltenbach)	Ireland, United Kingdom (Northern Ireland)."
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(20) In Schedule 8(b) (Bacteria), in item 2, for the wording in the second column there shall be substituted the following -

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

(21) In Schedule 8(d)(Viruses and Virus-like Organisms), in item 1, for the wording in the second column there shall be substituted the following -

" Denmark, France (Brittany), Ireland, Portugal (Azores), Finland, Sweden (with the exception of the District Council areas of Brom lla, H ssleholm, Kristianstad and  stra G inge in the county of Sk ne), United Kingdom (Northern Ireland)".

Michael Meacher
Minister of State Department for Environment, Food and Rural Affairs

28th April 2003

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Great Britain) Order 1993 so as to implement in England -

(1) Commission Directives 2002/36/EC (OJ No. L116, 3.5.02, p.16) and 2003/22/EC (OJ

No. L78, 25.3.03, p.10) which amend various Annexes to Council Directive 2000/29/EC (OJ No. L169, 10.7.00, p.1) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;

(2) Commission Directive 2003/21/EC (OJ No. L78, 25.3.03, p.8) which amends some protected zones exposed to particular plant health risks in the Community in Commission Directive 2001/32/EC (OJ No. L127, 9.5.01, p38).

The principal changes introduced by this Order, which comes into force on 21st May 2003, are as follows -

- (a) addition of *Anoplophora glabripennis* (article 2(3)(a)) *Naupactus leucoloma* (article 2(3)(b)) and *Anisogramma anomala* (article 2(7)) to the list of quarantine plant pests. It introduces specific measures for the import of *Corylus* from Canada and the United States (article 2(12)(a));
- (b) restriction of the quarantine provisions on *Liriomyza bryoniae* to the Protected Zones of the Republic of Ireland and Northern Ireland (articles 2(4), 2(5) and 2(19)(b));
- (c) restriction of the quarantine provisions on *Liriomyza huidobrensis* and *Liriomyza trifolii* to a list of host plants (articles 2(4) and 2(8));
- (d) extension of plant passport and phytosanitary certificate requirements for certain plants or plant products in respect of *Bemisia tabaci*, *Liriomyza sativae*, *Amauromyza maculosa*, *Liriomyza huidobrensis*, *Liriomyza trifolii* and *Thrips palmi* (articles 2(12)(b) to (h), 2(13), 2(14)(f), 2(15), 2(16)(c) and 2(17)(b) to (c));
- (e) amendment of the provisions against Beet necrotic yellow vein virus (articles 2(14)(c), (e), and (g) to (j), 2(16)(a) to (b) and 2(18)(a) to (b));
- (f) addition of South Africa to the list of countries where *Tilletia indica* is known to occur (article 2(12)(i) and 2(17)(a));
- (g) removal of areas in Sweden from the Protected Zones for *Beet necrotic yellow vein virus* (articles 2(6), 2(14)(c), (e), and (g) to (j) and 2(21)) and removal of areas in Italy from the protected zone for *Erwinia amylovora* (articles 2(10), 2(11), 2(14)(d) and 2(20));
- (h) restriction of the Protected Zone for *Gonipterus scutellatus* to Portugal (Azores) (articles 2(9), 2(14)(a) and 2(19)(a)); and
- (i) inclusion of the definition of relevant International Standards for Phytosanitary Measures and details of their availability (article 2(2)(b)).

A regulatory impact assessment of the plant passport requirements only, and a transposition note, have been placed in the library of each House of Parliament. Copies can be obtained from Plant Health Division, Defra, Foss House, King's Pool, Peasholme Green, York YO1 7PX.

Notes:

[1] 1967 c. 8; sections 2(1) and 3(1) and (2) were amended by the European Communities

Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48); under the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as they are exercisable in relation to Wales transferred to the Secretary of State; and under article 2(a) and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) these functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales. Under article 2(1) and (2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 as regards England were transferred to the Secretary of State.[back](#)

[2] S.I. 1993/1320; as amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245, 1999/2126 and 2726, 2001/2342 and 2002/1067.[back](#)

[3] OJ No. L 169, 10.7.00, p.1.[back](#)

[4] OJ No. L 127, 9.5.01, p.42; and see the associated Commission Directive 2001/32/EC, OJ No. L 127, 9.5.01, p.38.[back](#)

[5] OJ No. L 77, 20.3.02, p.23; and see the associated Commission Directive 2002/29/EC, OJ No. L 77, 20.3.02, p.26.[back](#)

[6] OJ No. L 116, 3.5.02, p.16.[back](#)

[7] OJ No. L 78, 25.3.03, p.10.[back](#)

[8] Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00100 Rome, Italy and <http://www.ippc.int/IPP/En/default.htm>[back](#)

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