

# Statutory Instrument 2004 No. 2365

## The Plant Health (Amendment) (England) Order 2004

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### STATUTORY INSTRUMENTS

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**2004 No. 2365**

### PLANT HEALTH, ENGLAND

The Plant Health (Amendment) (England) Order 2004

<i>Made</i>	<i>9th September 2004</i>
<i>Laid before Parliament</i>	<i>13th September 2004</i>
<i>Coming into force</i>	<i>6th October 2004</i>

The Secretary of State, in exercise of the powers conferred by sections 2 and 3 of the Plant Health Act 1967<sup>[1]</sup> and now vested in her<sup>[2]</sup>, hereby makes the

following Order:

**Title, commencement, extent and application**

1. - (1) This Order may be cited as The Plant Health (Amendment) (England) Order 2004 and shall come into force on 6th October 2004.

(2) This Order extends to England and Wales but applies in relation to England only.

**Amendment of The Plant Health (Great Britain) Order 1993**

2. - (1) The Plant Health (Great Britain) Order 1993[3] 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 2000/9/EC[4] 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[5] of 8th May 2001, 2002/28/EC[6] of 19th March 2002, 2002/36/EC[7] of 29th April 2002, 2003/22/EC[8] of 24th March 2003, 2003/47/EC[9] of 4th June 2003, 2003/116/EC[10] of 4th December 2003, 2004/31/EC[11] of 17th March 2004, 2004/70/EC[12] of 28th April 2004 and Article 20 and Annex II of the Act concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded[13];";

(b) for the definition of "the Euro-Mediterranean area" there shall be substituted the following:

" "the Euro-Mediterranean area" means the geographical area comprising Europe, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia and Turkey;";

(c) for the definition of "Europe" there shall be substituted the following:

" "Europe" includes the Canary Islands and Belarus, Moldova, the Ukraine and Russia (excluding the Regions of Buryat, Yakut and Tuva, the Altai, Khabarovsk, Drasnoyarsk and Maritime Krai and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts) but does not include Turkey;";

(d) for the definition of "European Community" there shall be substituted the following:

" "European Community" means the territories of the member States including the Isle of Man and the Channel Islands but excluding the Canary Islands, Ceuta, Melilla and the French Overseas Departments;"

(e) in the definition of "official statement" after the words "phytosanitary certificate" there shall be inserted "or, in the case of imports from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, by the issue of a Swiss plant passport";

(f) for the definition of "plant passport" there shall be substituted the following:

" "plant passport" means either:

(a) a label and, where appropriate, an accompanying document issued in the European Community containing the relevant information in Schedule 9 which gives evidence that the provisions of this Order relating to plant health standards and special requirements for plants and plant products moving within the European Community have been complied with, or

(b) except for the purposes of articles 11(3) and 14, a Swiss plant passport;" and

(g) the following shall be inserted after the definition of "South America":

" "Swiss plant passport" means a label and, where appropriate, an accompanying document, issued in Switzerland in accordance with Swiss legislation which:

(a) contains information which gives evidence that the legislation in Switzerland relating to plant health standards and special requirements for plants and plant products moving into and within Switzerland have been complied with; and

(b) relates to a plant, plant product or other object listed in Part A of Schedule 5A;"

(3) For article 3(1), sub-paragraph (e) there shall be substituted the following:

" (e) subject to the provisions of paragraph (2) of this article, any plant, plant product or other object which is of a description specified in section I of Part B of Schedule 5 unless:

(i) it has been the subject of a satisfactory plant health inspection by an authorised officer in the country of origin or the consignor country and is accompanied by a valid phytosanitary certificate or, in the case of imports from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, by a Swiss plant

passport; or

(ii) in the case of imports from Switzerland, it is a plant, plant product or other object listed in Part B of Schedule 5A."

(4) In article 9 after the words "phytosanitary certificate" as they appear in each of paragraphs (1) and (2) there shall be inserted "or, in the case of imports from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, a Swiss plant passport".

(5) In Article 11(2) after the words "directly consigned to Great Britain" there shall be inserted the words "or, in the case of consignments from Switzerland of plants, plant products or other objects which are listed in Part A of Schedule 5A, a Swiss plant passport".

(6) In Schedule 1, Part B(a) (Insects, Mites and Nematodes, at All Stages of Their Development) -

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

- 1a *Daktulosphaira vitifoliae* (Fitch) CY
- 1b *Globodera pallida* (Stone) Behrens FI, LV, SI, SK"; and

(b) in item 2 for the wording in the second column there shall be substituted the following:

" E (Ibiza and Menorca), IRL, P (Azores and Madeira), FI (districts of - land, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), S (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), UK, CY, M".

(7) 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), FI, IRL, LT, P (Azores), UK (Northern Ireland)".

(8) In Schedule 2, Part A, Section 1(a) (Insects, Mites and Nematodes, at All Stages of Their Development) item 14 shall be deleted.

(9) In Schedule 2, Part A, Section 2(a) (Insects, Mites and Nematodes, at All Stages of Their Development) after item 6 there shall be inserted the following:

- 6a *Eutetranychus orientalis* Klein Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf. and their hybrids, other than fruit and seeds."

(10) In Schedule 2, Part A, Section 2(b) (Bacteria) in item 3 for the wording in the second column there shall be substituted the following:

" Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds".

(11) 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:

" EL, P (Azores)".

(12) In Schedule 2, Part B(b) (Bacteria) for item 2 there shall be substituted the following:

2. <i>Erwinia amylovora</i> (Burr.) Winsl. et al.	Parts of plants, other than fruit, seeds and plants intended for planting, but including live pollen for pollination of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L.	E, F (Corsica), IRL, I (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; Trentino-Alto Adige: autonomous province of Trento; Tuscany; 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 Umbertino, Castalguglielmo, 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), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".
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(13) In Schedule 2, Part B(d) (Viruses and Virus-Like Organisms) for the wording in the third column there shall be substituted the following:

" EL, F (Corsica), I, M, P".

(14) In Schedule 3, Part A (Plants, plant products and other objects the introduction of which shall be prohibited in Great Britain) -

- (a) in item 12 the words "Cyprus," and "Malta," in the right-hand column shall be deleted;
- (b) in item 14 for the wording in the right-hand column there shall be substituted the following:

" Turkey, Belarus, Moldova, Russia, Ukraine, Georgia and third countries not belonging to continental Europe, other than the following: Algeria, Egypt, Israel, Libya, Morocco and Tunisia"; and

- (c) in item 15 for the wording in the right-hand column there shall be substituted the following:

" Third countries other than Switzerland".

(15) In Schedule 3, Part B (Plants, plant products and other objects the introduction of which shall be prohibited in certain protected zones) -

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

- |   |   |
|---|---|
| 1. Without prejudice to the prohibitions applicable to the plants listed in Schedule 3A(9), (9.1) and (18), where appropriate, plants and live pollen for pollination of: <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Pyracantha</i> Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., other than fruit and seeds, originating in third countries other than Switzerland and other than those recognised as being free from <i>Erwinia</i> | 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; Trentino-Alto Adige: autonomous province of Trento; Tuscany; 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 Umbertoiano, Castalguglielmo, 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 |
|---|---|

<i>amylovora</i> (Burr.) Winsl. et al. or in which pest free areas have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with the relevant International Standards for Phytosanitary Measures.	province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)"; and
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(b) after item 1, there shall be inserted:

- |   |  |
|---|--|
| 2. Without prejudice to the prohibitions applicable to the plants listed in Schedule 3A(9), (9.1) and (18), where appropriate, plants and live pollen for pollination of: <i>Cotoneaster</i> Ehrh. and <i>Photinia davidiana</i> (Dcne.) Cardot, other than fruit and seeds, originating in third countries other than those recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al. or in which pest free areas have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with the relevant International Standards for | 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; Trentino-Alto Adige: autonomous province of Trento; Tuscany; 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 Umbertino, Castalguglielmo, 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), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)". |
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Phytosanitary  
Measures.

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

(a) for item 17 there shall be substituted the following:

17. Plants of *Amelanchier* Med.,  
*Chaenomeles* Lindl.,  
*Cotoneaster* Ehrh., *Crataegus*  
L., *Cydonia* Mill., *Eriobotrya*  
Lindl., *Malus* Mill., *Mespilus*  
L., *Photinia davidiana* (Dcne.)  
Cardot, *Pyracantha* Roem.,  
*Pyrus* L. and *Sorbus* L.,  
intended for planting, other  
than seeds.

" Without prejudice to the  
provisions applicable to  
the plants listed in  
Schedule 3(A)(9), (9.1)  
and (18), Schedule 3(B)  
(1) or Schedule 4(A)(1)  
(15), where appropriate,  
official statement:  
  
(a) that the plants  
originate in  
countries  
recognised as being  
free from *Erwinia*  
*amylovora* (Burr.)  
Winsl. et al., or  
  
(b) that the plants  
originate in pest  
free areas which  
have been  
established in  
relation to *Erwinia*  
*amylovora* (Burr.)  
Winsl. et al. in  
accordance with the  
relevant  
International  
Standards for  
Phytosanitary  
Measures, or  
  
(c) that the plants in  
the field of  
production and in  
its immediate  
vicinity, which  
have shown  
symptoms of  
*Erwinia amylovora*  
(Burr.) Winsl. et  
al., have been  
removed  
  
";



(b) in item 34 for the wording in the left-hand column there shall be substituted the following:

" Soil and growing medium attached to or associated with plants, consisting in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark or any solid inorganic substance intended to sustain the vitality of the plants, originating in:

- Turkey
- Belarus, Georgia, Moldova, Russia, Ukraine
- non-European countries other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia"; and

(c) in items 53 and 54 in the left-hand column of each, respectively, after the word "India," there shall be inserted the word "Iran,".

(17) In Schedule 4, Part A, Section 2 (Plants, plant products, and other objects originating in the Community) in item 9 for the wording in the first column there shall be substituted the following:

" Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds".

(18) 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:

" EL, P (Azores)";

(b) in items 20.1, 20.2, 22, 23, 25, 26, 27.1, 27.2 and 30 for the words as they appear in the third column of each item there shall be substituted the following:

" DK, F (Brittany), FI, IRL, LT, P (Azores), UK (Northern Ireland)";

(c) in item 20.3, for the words in the third column there shall be substituted the following:

" FI, LV, SI, SK";

(d) for item 21 there shall be substituted the following:

" 21. Plants and live pollen for pollination of: <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia</i> <i>daurica</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., other than fruit and seeds	Without prejudice to the prohibitions applicable to the plants listed in Schedule 3A(9), (9.1), (18) and 3B(1), where appropriate, official statement that:  (a) the plants originate in third countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al., or  (b) the plants originate in pest free areas in third countries which have been established in relation to <i>Erwinia</i> <i>amylovora</i> (Burr.) Winsl. et al. in accordance with the relevant International Standards for Phytosanitary Measures, or  (c) the plants originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Ticino, Vaud, Valais, or  (d) the plants originate in the protected zones listed in the third column, or  (e) the plants have been produced, or, if moved into a buffer zone, maintained for a	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; Trentino-Alto Adige: autonomous province of Trento; Tuscany; 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, 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 Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige,
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- period of at least 7 months including the period from 1st April to 31st October of the last complete cycle of vegetation, on a field:

(i) located at least 1 km inside the border of an officially designated buffer zone of at least 50 km<sup>2</sup> where host plants are subject to an officially approved and supervised control regime established at the latest before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, with the object of minimising the risk of *Erwinia amylovora* (Burr.) Winsl. et al. being spread from the plants grown there,

(ii) which has been officially approved, as well as the

Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)

buffer zone,  
before the  
beginning of  
the complete  
cycle of  
vegetation  
preceding  
the last  
complete  
cycle of  
vegetation,  
for the  
cultivation  
of plants  
under the  
requirements  
laid down in  
this item,

(iii) which,  
as well as  
the  
surrounding  
zone of a  
width of at  
least 500 m,  
has been  
found free  
from  
*Erwinia*  
*amylovora*  
(Burr.)  
Winsl. et al.  
since the  
beginning of  
the last  
complete  
cycle of  
vegetation,  
at official  
inspection  
carried out at  
least:

- twice in  
the field at  
the most  
appropriate  
time, i.e.  
once during  
June to  
August and  
once during  
August to  
November,  
and

- once in the said surrounding zone at the most appropriate time, i.e. during August to November, and

(iv) from which plants were officially tested for latent infections in accordance with an appropriate laboratory method on samples officially drawn at the most appropriate period.

These provisions shall not apply to plants moved before 1st April into and within the protected zones listed in the third column which have been produced and maintained on fields located in officially designated buffer zones in accordance with the relevant requirements applicable before 1st April 2004.

**21.1** From 15 March to 30 June, beehives

There shall be documented evidence that the beehives:

(a) originate in third countries recognised as being free from *Erwinia amylovora* (Burr.) Winsl. et

E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forl -Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria;

al., or	Lombardy; Marche; Molise; Piedmont;
(b) originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Ticino, Vaud, Valais, or	Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San
(c) originate in the protected zones listed in the third column, or	Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di
(d) have undergone an appropriate quarantine measure before being moved.	Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano,
For the purposes of these provisions:	Castelguglielmo, 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), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P,
(i) "beehive" means a beehive which contains one or more bees of a species known to be susceptible to spreading <i>Erwinia amylovora</i> (Burr.) Winsl. et al.; and	
(ii) an authorised officer shall accept as "documented evidence" any written evidence that shows to his reasonable satisfaction that one of	

	the above conditions has been met.	SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)
<b>21.2</b> Plants of <i>Vitis</i> L., other than fruit and seeds	Without prejudice to the prohibition applicable to the plants listed in Schedule 3(A)(15), official statement that the plants:  (a) originate in an area known to be free from <i>Daktulosphaira vitifoliae</i> (Fitch), or  (b) have been grown at a place of production which has been found free from <i>Daktulosphaira vitifoliae</i> (Fitch) on official inspections carried out during the last two complete cycles of vegetation, or  (c) have been subject to fumigation or other appropriate treatment against <i>Daktulosphaira vitifoliae</i> (Fitch).	CY
<b>21.3</b> Fruits of <i>Vitis</i> L.	(1) The fruits shall be free from leaves.  (2) Official statement that the fruits:  (a) originate in an area known to be free from <i>Daktulosphaira vitifoliae</i> (Fitch), or  (b) have been grown at a place of	CY"; and

production which  
has been found  
free from  
*Daktulosphaira*  
*vitifoliae* (Fitch) on  
official inspections  
carried out during  
the last two  
complete cycles of  
vegetation, or

(c) have been  
subject to  
fumigation or other  
appropriate  
treatment against  
*Daktulosphaira*  
*vitifoliae* (Fitch).

(e) for item 31 there shall be substituted the following:

31. Fruits of <i>Citrus</i> L, <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf. and their hybrids originating in E, F (except Corsica) and CY	" Without prejudice to the requirements applicable to the fruit in Schedule 4A(2) (31.1):	EL, F (Corsica), I, M, P".
	(a) the fruits shall be free from leaves and peduncles, or	
	(b) in the case of fruits with leaves or peduncles, official statement that the fruits are packed in closed containers which have been officially sealed and shall remain sealed during their transport through a protected zone, recognised for these fruits, and shall bear a distinguishing mark to be reported on the passport.	

(19) In Schedule 5, Part A (Plants, Plant Products and Other Objects  
Originating in the Community) -

(a) under section I (Plants, plant products and other objects which are  
potential carriers of plant pests of relevance for the entire Community,  
and which must be accompanied by a plant passport), for item 1.1 there  
shall be substituted the following:



" 1.1 Plants, intended for planting, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Prunus* L., other than *Prunus laurocerasus* L. and *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.";

(b) under 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), for items 1.3 and 1.4 there shall be substituted the following:

" 1.3 Plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Eucalyptus* L'Herit., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.

1.4 Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L."; and

(c) under 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), in item 1.9 after the words "unginned cotton" there shall be added the following:

" , fruits of *Vitis* L.".

(20) In Schedule 5, Part B (Plants, Plant Products and Other Objects Originating in Territories, Other Than Those Territories Referred to in Part A) -

(a) under section I (Plants, plant products and other objects which are potential carriers of plant pests of relevance for the entire Community) -

(i) in item 1 after the word "India", there shall be inserted the word "Iran";

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

" Parts of plants, other than fruits and seeds of -

- *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.";

(iii) for item 7(b) there shall be substituted the following -

" Soil and growing medium, attached to or associated with plants, consisting in whole or in part of material specified in (a) or consisting in whole or in part of peat or of any solid inorganic substance intended to sustain the vitality of the plants, originating in -

- Turkey,
- Belarus, Georgia, Moldova, Russia, Ukraine,
- non-European countries other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia"; and

(iv) in item 8 after the word "India," there shall be inserted the word "Iran,"; and

(b) under section II (Plants, plant products and other objects which are potential carriers of plant pests of relevance for certain protected zones) -

(i) for items 3 and 4 there shall be substituted the following -

" **3.** Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.

**4.** Parts of plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L."; and

(ii) after item 6 there shall be inserted the following -

" 6a. Fruits of *Vitis* L.".

(21) After Schedule 5, there shall be inserted the following -

" SCHEDULE 5A  
Articles 2(1), 3(1), 9 and 11(2)

EUROPEAN COMMUNITY TRADE ARRANGEMENTS WITH  
SWITZERLAND

*Part A*

*PLANTS, PLANT PRODUCTS AND OTHER OBJECTS FOR WHICH  
THE COMMUNITY AND SWITZERLAND HAVE SIMILAR  
LEGISLATION LEADING TO EQUIVALENT RESULTS AND WHICH  
RECOGNISES THE PLANT PASSPORT*

**I. Plants, plant products and other objects originating in either  
the Community or Switzerland**

***I. Plants and plant products***

**1.1** Plants intended for planting, not including seeds, of *Beta vulgaris* L., *Humulus lupulus* L. and *Prunus* L. other than *Prunus laurocerasus* L. and *Prunus lusitanica* L.

**1.2** Plants not including fruit or seeds, but including live pollen for pollination, of *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L. other than *Sorbus intermedia* (Ehrh) Pers.

**1.3** Plants of stoloniferous and tuberous species intended for planting of *Solanum* L. and hybrids thereof.

**1.4** Plants not including fruit of *Vitis* L.

***2. Plants, plant products and other objects produced by producers whose production and sale is authorised to persons professionally engaged in plant production, other than those plants, plant products and other objects which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official bodies of the Member States and Switzerland, that the production thereof is clearly separate from that of other products***

**2.1** Plants intended for planting, other than seeds, of *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC) Des Moul., *Dianthus* L. and hybrids, *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* l'Hérit ex Ait., *Picea* A Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Verbena* L. 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.

**2.2** Plants of *Solanaceae*, other than those referred to in item 1.3, intended for planting, other than seeds.

**2.3** Plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp and *Strelitziaceae*, rooted or with growing medium attached or associated.

**2.4** Seeds and bulbs of *Allium ascalonicum* L, *Allium cepa* L and *Allium schoenoprasum* L intended for planting and plants of *Allium porrum* L intended for planting.

**2.5** Bulbs and bulbous rhizomes intended for planting of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston "Golden Yellow", *Galanthus* L., *Galtonia candicans* (Baker) Decne, miniature cultivars and their hybrids 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, *Muscari* Mill., *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. and *Tulipa* L.

**II. Plants, plant products and other objects originating in territories other than those referred to in Section I**

**1.** All plants intended for planting, other than seeds, listed under Part A(I) of this Schedule.

**2.** Seeds originating in third countries other than Switzerland of *Allium ascalonicum* L., *Allium cepa* L. and *Allium schoenoprasum* L.

*Part B*

*PLANTS, PLANT PRODUCTS AND OTHER OBJECTS ORIGINATING  
IN THIRD COUNTRIES OTHER THAN SWITZERLAND FOR WHICH  
THE COMMUNITY AND SWITZERLAND HAVE SIMILAR  
LEGISLATION LEADING TO EQUIVALENT RESULTS AND WHICH  
MAY BE TRADED WITHOUT A PLANT PASSPORT*

**1. All plants intended for planting, not including seeds, other than:**

**(a) plants intended for planting, not including seeds, listed in Part A of this Schedule; or**

**(b) *Clausena* Burm. f., *Murraya* Koenig ex L. and *Palmae*, not including *Phoenix* spp. originating in Algeria or Morocco.**

**2.1** Seeds of *Cruciferae*, *Gramineae*, other than *Oryza* spp., and *Trifolium* spp. originating in Argentina, Australia, Bolivia, Chile, New Zealand and Uruguay.

**2.2** Seeds of *Allium porrum* L., *Capsicum* spp., *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw, *Medicago sativa* L.,

*Phaseolus* L., *Prunus* L., *Rubus* L. and *Zea mays* L.

**2.3** Seeds of *Triticum*, *Secale* and *X Triticosecale* originating in Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa and the United States.

**3.** Parts of plants, not including fruit or seeds, of *Acer saccharum* Marsh originating in North American countries, leafy vegetables of *Apium graveolens* L., cut flowers of *Aster* spp. originating in non-European countries, *Dendranthema* (DC) Des Moul., *Dianthus* L., cut flowers of *Eryngium* L. originating in non-European countries, *Gypsophila* L., cut flowers of *Hypericum* L. originating in non-European countries, cut flowers of *Lisianthus* L. originating in non-European countries, leafy vegetables of *Ocimum* L., cut flowers of *Orchidaceae*, *Pelargonium* L'Hérit. ex Ait., *Populus* L., *Prunus* L. originating in non-European countries, *Quercus* L., cut flowers of *Rosa* L. originating in non-European countries, *Solidago* L. and cut flowers of *Trachelium* L. originating in non-European countries.

**4.** Fruit of *Momordica* L. and *Solanum melongena* L. and of the following, originating in non-European countries, *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn. and *Vaccinium* L.

**5.** Tubers, other than for planting, of *Solanum tuberosum* L.

**6.** Soil and growing medium -

(a) Soil and growing medium as such, which consists in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark, other than that composed entirely of peat;

(b) Soil and growing medium, attached to or associated with plants, consisting in whole or in part of material specified in (a) or consisting in whole or in part of peat or of any solid inorganic substance intended to sustain the vitality of the plants, originating in -

- Turkey,
- Belarus, Moldova, Russia, Ukraine, Georgia,
- non-European countries other than Algeria, Egypt, Israel, Libya, Morocco and Tunisia.

**7.** Grain of the genera *Triticum*, *Secale* and *X Triticosecale* originating in Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA."

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

(a) after item 3 there shall be inserted the following -

" 3a *Daktulosphaira vitifoliae* (Fitch). Cyprus";

(b) in item 5a, for the wording in the second column there shall be substituted the following -

" Finland, Latvia, Slovenia, Slovakia";

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

" Greece, Portugal (Azores)"; and

(d) in item 12, for the wording in the second column there shall be substituted the following -

" Spain (Ibiza and Menorca), Ireland, Portugal (Azores and Madeira), Finland (districts of - land, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), Sweden (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), United Kingdom, Cyprus, Malta".

(23) 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 Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; 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 Umbertino, Castelviguglielmo, 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 Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), Latvia, Lithuania, Austria (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), Portugal, Slovenia, Slovakia, Finland, United Kingdom (Northern Ireland, Isle of Man and Channel Islands)".

(24) In Schedule 8(d) (Viruses and Virus-Like Organisms) -

(a) in item 1 for the wording in the second column there shall be substituted the following -

" Denmark, France (Brittany), Ireland, Lithuania, Portugal (Azores), Finland, United Kingdom (Northern Ireland)"; and

(b) in item 4 after the word "Portugal" there shall be added ", Malta".

*Ben Bradshaw*

Parliamentary Under Secretary of State, Department for Environment, Food and Rural Affairs

9th September 2004

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, which comes into force on 6th October 2004, amends the Plant Health (Great Britain) Order 1993[[14](#)] so as to implement in England -

- Points 9 and 30 of the Annex to Commission Directive 2002/36/EC (OJ No. L 116, 3.5.2002, p. 16) which amends various Annexes to Council Directive 2000/29/EC (OJ No. L 169, 10.7.2000, 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;
- Commission Directive 2003/46/EC (OJ No. L 138, 5.6.2003, p. 45) which amends some protected zones exposed to particular plant health risks in the Community in Commission Directive 2001/32/EC (OJ No. L 127, 9.5.01, p. 38);
- Commission Directive 2003/47/EC (OJ No. L 138, 5.6.2003, p. 47) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;
- Commission Directive 2003/116/EC (OJ No. L 321, 6.12.2003, p. 36) which amends certain Annexes to Council Directive 2000/29/EC as regards the harmful organism *Erwinia amylovora* (Burr.) Winsl. et al.;
- Commission Directive 2004/31/EC (OJ No. L 85, 23.3.2004, p. 18) which amends certain Annexes to Council Directive 2000/29/EC as regards the harmful organism *Erwinia amylovora* (Burr.) Winsl. et al. and in other respects;
- Commission Directive 2004/32/EC (OJ No. L 85, 23.3.2004, p. 24) which amends certain protected zones exposed to particular plant health risks in the Community in Commission Directive 2001/32/EC;
- Commission Directive 2004/70/EC (OJ No. L 127, 29.4.2004, p. 97) which amends certain Annexes to Council Directive 2000/29/EC;
- Commission Decision 2004/522/EC (OJ No. L 228, 29.6.2004, p. 18)

which amends certain protected zones exposed to particular plant health risks in the Community in Commission Directive 2001/32/EC;

- Commission Decision 2004/278/EC (OJ No. L 87, 25.3.2004, p. 31) on the Community position on the amendment of the Appendices to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade and agricultural products; and
- Article 20 and Annex II of the Act concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ No. L 236, 23.9.2003, p. 33) insofar as they relate to matters covered by the Plant Health (Great Britain) Order 1993.

The main changes to the Plant Health (Great Britain) Order 1993 as it applies in England are as follows -

(a) amendment of the definition of "Directive 2000/29/EC" to incorporate amendments made to it by Directives 2003/47/EC, 2003/116/EC, 2004/31/EC, 2004/70/EC and Article 20 and Annex II of the Act concerning the Conditions of Accession referred to above (article 2(2)(a));

(b) amendment of the definition of "the Euro-Mediterranean area" and "Europe" to remove the references to Cyprus, Malta, Estonia, Latvia and Lithuania (article 2(2)(b) and (c));

(c) amendment of the definition of "European Community" (article 2(2)(d));

(d) amendment of the definition of "official statement" in respect of plants, plant products and other objects imported from outside the European Community to include, in the case of imports from Switzerland, a Swiss plant passport (article 2(2)(e));

(e) amendment of the definition of "plant passport" to include, in the case of imports from Switzerland, Swiss plant passports and the insertion of a definition of "Swiss plant passport" (article 2(2)(f) and (g) and article 2(21));

(f) amendment of articles 3(1)(e), 9 and 11(2) so as to include recognition of a Swiss plant passport for certain plant products imported from Switzerland and, in relation to article 3(1)(e) to exclude certain plant products imported from Switzerland from the prohibition on importation (article 2(3), (4), (5) and (21));

(g) amendment of the Protected Zone for *Globodera pallida* (Stone) Behrens to include Latvia, Slovakia and Slovenia (article 2(6)(a), (18)(c) and (22)(b));

(h) establishment of a new Protected Zone for *Daktulosphaira vitifoliae* (Fitch) in Cyprus and corresponding amendments to the plant passport arrangements in respect of *Vitis* L. (article 2(6)(a), (18)(d) and (22)(a));



- (i) amendment of the Protected Zone for *Leptinotarsa decemlineata* Say to include Cyprus and Malta (article 2(6)(b) and (22)(d));
- (j) amendment of the Protected Zone for beet necrotic yellow vein virus to include Lithuania and to exclude Sweden (article 2(7), (18)(b) and (24)(a));
- (k) removal of *Eotetranychus orientalis* Klein from the list of plant pests not known to occur in the Community and relevant for the entire Community and placement of this in the list of plant pests known to occur in the Community and relevant for the entire Community (article 2(8) and (9));
- (l) amendment of the Protected Zone for *Gonipterus scutellatus* Gyll to include Greece and to limit the application in relation to Portugal to the Azores only (article 2(11), (18)(a) and (22)(c));
- (m) amendment of the Protected Zone for Citrus tristeza virus to include Malta (article 2(13), (18)(e) and (24)(b));
- (n) removal of Cyprus and Malta from the countries of origin in relation to tubers of species of *Solanum* L and their hybrids (article 2(14)(a));
- (o) removal of Cyprus, Malta, Estonia, Latvia, Lithuania and Algeria and the addition of Georgia to the list of countries that are subject to requirements relating to soil and growing medium (article 2(14)(b), (16)(b) and (20)(a)(iii));
- (p) removal of Switzerland from the third countries from which the introduction into England of plants of *Vitis* L. other than fruit is prohibited (article 2(14)(c));
- (q) amendment of Schedule 5, Part B, section I, item 2 to include the relevant parts of plants of the species referred to in that item (article 2(20)(a)(ii));
- (r) introduction of plant passport and phytosanitary certificate requirements in respect of fruits of *Vitis* L. (article 2(19)(c) and 20(b)(ii));
- (s) various amendments in respect of *Erwinia amylovora* (Burr.) Winsl. et al., as follows -
  - (i) an amendment to the list of host plants capable of spreading *Erwinia amylovora* (Burr.) Winsl. et al. to include *Amelanchier* Med., *Photinia davidiana* (Dcne.) Cardot and all species of *Sorbus* L. (article 2(10), (12), (15), (16)(a), (17), (18)(d), (19)(a) and (b) and (20)(b)(i));
  - (ii) amendments to the provisions on "buffer zones" in Schedule 4, Part B, item 21 (article 2(18)(d));
  - (iii) the introduction of a requirement for documentary evidence of certain facts for the movement of beehives in Schedule 4, Part B, item 21 (article 2(18)(d));
  - (iv) an amendment of the Protected Zone to include Latvia,

Lithuania, Slovenia and Slovakia (article 2(12), (15), (18)(d) and (23));

(v) the removal of Switzerland from the list of third countries prohibited from introducing plants and live pollen for pollination of plants capable of spreading *Erwinia amylovora* (Burr.) Winsl. et al., except in relation to *Cotoneaster* Ehrh. and *Photinia davidiana* (Dcne.) Cardot (article 2(15));

(t) addition of Iran to the list of countries where *Tilletia indica* Mitra is known to occur and for which special requirements must be met for the introduction and movement into and within Great Britain of seeds and grain of the genera *Triticum*, *Secale* and *X Triticosecale* (article 2(16)(c), (20)(a)(i) and (20)(a)(iv));

(u) insertion of a new Schedule 5A providing the lists of plants, plant products and other objects which may be traded between the Community and Switzerland with a plant passport and those plants, plant products and other objects which may be so traded without a plant passport (article 2(21)).

A regulatory impact assessment and a transposition note have been prepared and a copy of each has been placed in the library of each House of Parliament. Copies can be obtained from Plant Health Division, Defra, Foss House, Kings Pool, Peasholme Green, York YO1 7PX.

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*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).[back](#)

[2] 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 the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, the functions transferred to the Secretary of State by the 1978 Order were transferred to the National Assembly for Wales. Under article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794), the remaining functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were transferred to the Secretary of State.[back](#)

[3] S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245 and 1999/2126 and 2726, 2001/2342, 2002/1067 and 2003/1157.[back](#)

[4] OJ No. L 169, 10.7.2000, p. 1.[back](#)

[5] OJ No. L 127, 9.5.2001, p. 42.[back](#)

[6] OJ No. L 77, 20.3.2002, p. 23.[back](#)

[7] OJ No. L 116, 3.5.2002, p. 16.[back](#)

[8] OJ No. L 78, 25.3.2003, p. 10.[back](#)

[9] OJ No. L 138, 5.6.2003, p. 47.[back](#)

[10] OJ No. L 321, 6.12.2003, p. 36.[back](#)

[11] OJ No. L 85, 23.3.2004, p. 18.[back](#)

[12] OJ No. L 127, 29.4.2004, p. 97.[back](#)

[13] O.J. No. L 236, 23.9.2003, p. 33.[back](#)

[14] S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245 and 1999/2126 and 2726, 2001/2342, 2002/1067 and 2003/1157.[back](#)

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