

Welsh Statutory Instrument 2005 No. 70 (W.8)

The Plant Health (Amendment) (Wales) Order 2005

© Crown Copyright 2005

Statutory Instruments printed from this website are printed under the superintendence and authority of the Controller of HMSO being the Queen's Printer of Acts of Parliament.

The legislation contained on this web site is subject to Crown Copyright protection. It may be reproduced free of charge provided that it is reproduced accurately and that the source and copyright status of the material is made evident to users.

It should be noted that the right to reproduce the text of Statutory Instruments does not extend to the Queen's Printer imprints which should be removed from any copies of the Statutory Instrument which are issued or made available to the public. This includes reproduction of the Statutory Instrument on the Internet and on intranet sites. The Royal Badge of Wales may be reproduced only where it is an integral part of the original document.

The text of this Internet version of the Statutory Instrument has been prepared to reflect the text as it was Made. A print version is also available and is published by The Stationery Office Limited as the **The Plant Health (Amendment) (Wales) Order 2005**, ISBN 0110910583. The print version may be purchased by clicking [here](#). Braille copies of this Statutory Instrument can also be purchased at the same price as the print edition by contacting TSO Customer Services on 0870 600 5522 or e-mail: customer.services@tso.co.uk.

Further information about the publication of legislation on this website can be found by referring to the [Frequently Asked Questions](#).

To ensure fast access over slow connections, large documents have been segmented into "chunks". Where you see a "continue" button at the bottom of the page of text, this indicates that there is another chunk of text available.

STATUTORY INSTRUMENTS

2005 No. 70 (W.8)

PLANT HEALTH, WALES

The Plant Health (Amendment) (Wales) Order 2005

<i>Made</i>	<i>18 January 2005</i>
<i>Coming into force</i>	<i>31 January 2005</i>

The National Assembly for Wales in exercise of the powers conferred on the Minister of Agriculture, Fisheries and Food by sections 2, 3(1) to (4) and 4(1) of the Plant Health Act 1967^[1] as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972^[2] and now vested in the National Assembly for Wales^[3] hereby makes the following Order:

Title, application and commencement

1. - (1) This Order may be cited as the Plant Health (Amendment) (Wales) Order 2005.

(2) This Order applies in relation to Wales and comes into force on 31 January 2005.

Amendment of the Plant Health (Great Britain) Order 1993

2. The Plant Health (Great Britain) Order 1993[4] is amended in its application to Wales in accordance with the Schedule .

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998[5]

D. Elis-Thomas
The Presiding Officer of the National Assembly

18 January 2005

SCHEDULE

(1) In article 2(1) -

(a) for the definition of "Directive 2000/29/EC", substitute the following:

" "Directive 2000/29/EC" means Council Directive 2000/29/EC[6] 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[7] of 8th May 2001, 2002/28/EC[8] of 19th March 2002, 2002/36/EC[9] of 29th April 2002, 2003/22/EC[10] of 24th March 2003, 2003/47/EC[11] of 4th June 2003, 2003/116/EC[12] of 4th December 2003, 2004/31/EC[13] of 17th March 2004, 2004/70/EC[14] 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[15]);";

(b) for the definition of "the Euro-Mediterranean area", substitute 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", substitute 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", substitute 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", insert "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", substitute 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) insert the following 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;"

(2) For article 3(1), sub-paragraph (e) substitute 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 the 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."

(3) In article 9 after the words "phytosanitary certificate" as they appear in each of paragraphs (1) and (2), insert "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".

(4) In Article 11(2) after the words "directly consigned to Great Britain", insert 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".

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

(a) for item 1a, substitute the following:

"1a	<i>Daktulosphaira vitifoliae</i> (Fitch)	CY
1b	<i>Globodera pallida</i> (Stone) Behrens	FI, LV, SI, SK"; and

(b) in item 2 for the wording in the second column, substitute the following:

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

(6) In Schedule 1, Part B(d) (Virus and Virus-Like Organisms) in item 1 for the wording in the second column, substitute the following:

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

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

(8) In Schedule 2, Part A, Section 2(a) (Insects, Mites and Nematodes, at All Stages of Their Development) after item 6 insert the following:

"6a	<i>Eutetranychus</i>	Plants of <i>Citrus</i> L., <i>Fortunella</i> Swingle,
-----	----------------------	--

	<i>orientalis</i> Klein	<i>Poncirus</i> Raf. and their hybrids, other than fruit and seeds".
--	----------------------------	--

(9) In Schedule 2, Part A, Section 2(b) (Bacteria) in item 3 for the wording in the second column substitute 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".

(10) In Schedule 2, Part B(b) (Bacteria) for item 2, substitute 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</i> <i>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 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, 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)".
---	--	---

(11) In Schedule 2, Part B(d) (Viruses and Virus-Like Organisms) for the wording in the third column, substitute the following:

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

(12) 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 delete the words "Cyprus," and "Malta," in the right-hand column ;
- (b) in item 14 for the wording in the right-hand column, substitute 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, substitute the following:

" Third countries other than Switzerland".

(13) 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, substitute the following:

<p>"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 amylovora</i> (Burr.) Winsl. et al. Or in which pest free areas</p>	<p>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, Castelvuglielmo, 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), LV, LT, A (Burgenland,</p>
--	---

have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. Et al. in accordance with the relevant International Standards for Phytosanitary Measures.	Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FI, UK (Northern Ireland, Isle of Man and Channel Islands)";
---	---

(b) and after item 1, insert:

"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 Phytosanitary Measures.	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, Castलगuglielmo, 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), 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)".
--	--

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

(a) for item 17, substitute the following:

"17. Plants of	Without prejudice to the provisions
<i>Amelanchier</i>	applicable to the plants listed in Schedule
Med.,	3(A)(9), (9.1) and (18), Schedule 3(B)(1) or
<i>Chaenomeles</i>	Schedule 4(A)(1)(15), where appropriate,
Lindl.,	official statement:that the plants originate in
<i>Cotoneaster</i>	countries recognised as being free from
Ehrh., <i>Crataegus</i>	<i>Erwinia amylovora</i> (Burr.) Winsl. et al.,
L., <i>Cydonia</i>	orthat the plants originate in pest free areas
Mill., <i>Eriobotrya</i>	which have been established in relation to
Lindl., <i>Malus</i>	<i>Erwinia amylovora</i> (Burr.) Winsl. et al. in
Mill., <i>Mespilus</i>	accordance with the relevant International
L., <i>Photinia</i>	Standards for Phytosanitary Measures, orthat
<i>davidiana</i>	the plants in the field of production and in its
(Dcne.) Cardot,	immediate vicinity, which have shown
<i>Pyracantha</i>	symptoms of <i>Erwinia amylovora</i> (Burr.)
Roem., <i>Pyrus</i> L.	Winsl. et al., have been removed";
and <i>Sorbus</i> L.,	
intended for	
planting, other	
than seeds	

(b) in item 34 for the wording in the left-hand column, substitute 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," insert the word "Iran,".

(15) 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, substitute 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".

(16) 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 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, substitute the following:

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

(b) in item 20.3, for the words in the third column, substitute the following:

" FI, LV, SI, SK";

(c) for item 21, substitute 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 davidiana</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 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),	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 of Rovigo, Polesella, Villamarzana,
--	---	--

Fribourg, Grisons, Ticino, Vaud, Valais, or	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,
(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 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 ² 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 <i>Erwinia amylovora</i> (Burr.) Winsl. et al. being spread from the plants grown there,	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),
(ii) which has been officially approved, as well as the 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,

P, SI, SK, FI,
UK (Northern
Ireland, Isle of
Man and
Channel Islands)

(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 do 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	<p>There must be documented evidence that the beehives:</p> <p>originate in third countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al., or 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 originate in the protected zones listed in the third column, or have undergone an appropriate quarantine measure before being moved.</p> <p>For the purposes of these provisions: "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</p> <p>an authorised officer must accept as "documented evidence" any written evidence that shows to his reasonable satisfaction that one of the above conditions has been met.</p>	<p>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,</p>
--	---	---

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,
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)
21.2 Plants of <i>Vitis</i> L., other than fruit and seeds	<p>Without prejudice to the prohibition applicable to the plants listed in Schedule 3(A) (15), official statement that the plants:</p> <p>originate in an area known to be free from <i>Daktulosphaira vitifoliae</i> (Fitch), or</p> <p>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</p> <p>have been subject to fumigation or other appropriate treatment against <i>Daktulosphaira vitifoliae</i> (Fitch).</p>	CY
21.3 Fruits of <i>Vitis</i> L.	<p>(1) The fruits must be free from leaves.</p> <p>(2) Official statement that the fruits:originate in an area known to be free from <i>Daktulosphaira vitifoliae</i> (Fitch), or</p> <p>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</p> <p>have been subject to fumigation or other appropriate treatment against <i>Daktulosphaira vitifoliae</i> (Fitch).</p>	CY"; and

(d) for item 31, substitute 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 must 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 must remain sealed during their transport through a protected zone, recognised for these fruits, and must bear a distinguishing mark to be reported on the passport.	

(17) 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 substitute 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, substitute 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", add the following:

" , fruits of *Vitis* L."

(18) 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,", insert the word "Iran";

(ii) for item 2, substitute 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), substitute 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,", insert 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, substitute 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, inserte the following:

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

(19) After Schedule 5, insert 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**

1. 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'Herit 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 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 SWITZRLAND 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."

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

(a) after item 3, insert the following:

"3a	<i>Daktulosphaira vitifoliae</i> (Fitch).	Cyprus";
-----	---	----------

(b) in item 5a, for the wording in the second column substitute the following:

" Finland, Latvia, Slovenia, Slovakia";

(c) in item 6, for the wording in the second column substitute the following:

" Greece, Portugal (Azores)"; and

(d) in item 12, for the wording in the second column substitute the following:

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

(21) In Schedule 8(b) (Bacteria) in item 2 for the wording in the second column, substitute 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, 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), 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".

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

(a) in item 1 for the wording in the second column, substitute the following:

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

(b) in item 4 after the word "Portugal", add ", Malta"

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on 31 January 2005, amends the Plant Health (Great Britain) Order 1993[16] so as to implement in Wales -

- 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 2003/116/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 Wales 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 (para 1(a) of the Schedule);
- (b) amendment of the definition of "the Euro-Mediterranean area" and "Europe" to remove the references to Cyprus, Malta, Estonia, Latvia and Lithuania (para 1(b) and (c) of the Schedule);
- (c) amendment of the definition of "European Community" (para 1(d) of the Schedule);
- (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 (para 1(e) of the Schedule);
- (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" (para 1(f) and (g) and para (19) of the Schedule);
- (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 (para (2), (3), (4) and (19) of the Schedule) ;
- (g) amendment of the Protected Zone for *Globodera pallida* (Stone) Behrens to include Latvia, Slovakia and Slovenia (para (5)(a), (16)(c) and (20) of the Schedule);
- (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. (paras (5)(a), (16)(c) and (20)(a) of the Schedule);
- (i) amendment of the Protected Zone for *Leptinotarsa decemlineata* Say to include Cyprus and Malta (para (5)(b) and (20)(d) of the Schedule);
- (j) amendment of the Protected Zone for beet necrotic yellow vein virus to include Lithuania and to exclude Sweden (para (6), (16)(b) and (22)(a) of the Schedule);
- (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 (para (7) and (8) of the Schedule);
- (l) amendment of the Protected Zone for Citrus tristeza virus to include Malta (para (11), (16)(d) and (22)(b) of the Schedule);
- (m) removal of Cyprus and Malta from the countries of origin in relation to tubers of species of *Solanum* L. and their hybrids (para (10)(a) of the

Schedule);

(n) removal of Cyprus, Malta, Estonia, Latvia and Lithuania and Algeria and the addition of Georgia to the list of countries that are subject to requirements relating to soil and growing medium (para (12)(b), (14)(b) and (18)(a)(iii) of the Schedule);

(o) removal of Switzerland from the third countries from which the introduction into Wales of plants of *Vitis* L. other than fruit is prohibited (para (12)(c) of the Schedule);

(p) amendment of the Schedule 5, Part B, section I, item 2 to include the relevant parts of plants of the species referred to in that item (para (18)(a)(ii) of the Schedule);

(q) introduction of plant passport and phytosanitary certificate requirements in respect of fruits of *Vitis* L. (para (17)(c) and 18(b)(ii) of the Schedule);

(r) 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. (para (9), (10), (13), (14)(a), (15), (16)(d), (17)(a) and (b) and (18)(b)(i) of the Schedule);

(ii) amendments to the provisions on "buffer zones" in Schedule 4, Part B, item 21 (para (16)(d) of the Schedule);

(iii) the introduction of a requirement for documentary evidence of certain facts for the movement of beehives in Schedule 4, Part B, item 21 (para (16)(d) of the Schedule);

(iv) amendment of the Protected Zone to include Latvia, Lithuania, Slovenia and Slovakia (para (10), (13), (16)(d) and (21) of the Schedule);

(v) 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 (para (13) of the Schedule);

(s) 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 (14)(c), (18)(a)(i) and (18)(a)(iv) of the Schedule);

(t) 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 (para (19) of the Schedule).

Directive 2003/46/EC (OJ No. L 138, 5.6.2003, p. 45) which amended 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); and 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;

A regulatory appraisal has been prepared and is available from the Plant Health Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.

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] 1972 c.62[back](#)

[3] Section 1(2)(b) of the Plant Health Act 1967 provides that the competent authority in England and Wales for the purposes of that Act is the Minister of Agriculture, Fisheries and Food. By virtue of 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.[back](#)

[4] 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](#)

[5] 1998 c.38.[back](#)

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

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

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

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

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

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

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

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

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

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

[16] 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](#)

[Cymraeg \(Welsh\)](#)

ISBN 0 11 091058 3

[Other UK SIs](#) | [Home](#) | [National Assembly for Wales Statutory Instruments](#) | [Scottish Statutory Instruments](#) | [Statutory Rules of Northern Ireland](#) | [Her Majesty's Stationery Office](#)

We welcome your [comments](#) on this site

© Crown copyright 2005

Prepared 26 January 2005