



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2007 Rhif 2716 (Cy.229)

2007 No. 2716 (W.229)

**IECHYD PLANHIGION,
CYMRU**

**PLANT HEALTH,
WALES**

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) 2007**

**The Plant Health (Wales)
(Amendment) Order 2007**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn diwygio Atodlenni 16 a 17 i Orchymyn Iechyd Planhigion (Cymru) 2006 (O.S. 2006/1643 (Cy.158)) ("y prif Orchymyn"). Mae'r Atodlenni, sy'n gweithredu Cyfarwyddeb y Cyngor 93/85/EC (OJ Rhif L 259, 18.10.1993, t.1) a Chyfarwyddeb y Cyngor 98/57/EEC (OJ Rhif L 235, 21.8.1998, t.1), yn cynnwys mesurau arbennig ar reoli Pyddredd Cylch Tatws a *Ralstonia solanacearum* yn ôl eu trefn.

This Order amends Schedules 16 and 17 to the Plant Health (Wales) Order 2006 (S.I. 2006/1643 (W.158)) ("the principal Order"). The Schedules, which implement Council Directive 93/85/EEC (OJ No. L 259, 18.10.1993, p.1) and Council Directive 98/57/EC (OJ No. L 235, 21.8.1998, p.1), contain special measures on the control of Potato Ring Rot and *Ralstonia solanacearum* respectively.

Mae'r diwygiadau i Atodlen 16, yn erthygl 2(6), yn rhoi ei heffaith i Gyfarwyddeb y Comisiwn 2006/56/EC (OJ Rhif L 182, 4.7.2006, t.1) sy'n diwygio'r Atodiadau i Gyfarwyddeb y Cyngor 93/85/EEC. Yn yr un modd, mae'r diwygiadau i Atodlen 17, yn erthygl 2(7) ac (8), yn rhoi ei heffaith i Gyfarwyddeb y Comisiwn 2006/63/EC (OJ Rhif L 206, 27.7.2006, t.36) sy'n diwygio Atodiadau II i VII i Gyfarwyddeb y Cyngor 98/57/EC. Mae'r diwygiadau i'r ddwy Atodlen yn diweddarar gofynion ar gyfer gwaredu deunydd halogedig a deunydd halogedig posibl, ar gyfer y mesurau rheoli sy'n ofynnol mewn mannau cynhyrchu halogedig ac, yn achos *Ralstonia solanacearum*, ar gyfer mesurau o'r fath o fewn parthau darnodi.

The amendments to Schedule 16, in article 2(6), give effect to Commission Directive 2006/56/EC (OJ No. L 182, 4.7.2006, p.1) which amends the Annexes to Council Directive 93/85/EEC. Similarly, the amendments to Schedule 17, in article 2(7) and (8), give effect to Commission Directive 2006/63/EC (OJ No. L 206, 27.7.2006, p.36) which amends Annexes II to VII to Council Directive 98/57/EC. The amendments to both Schedules update requirements for the disposal of contaminated and possibly contaminated material, for the control measures required in contaminated places of production and, in the case of *Ralstonia solanacearum*, for such measures within demarcation zones.

Mae'r Gorchymyn, yn erthygl 2(2) i (5), hefyd yn gwneud mân ddiwygiadau a diwygiadau drafftio i'r prif Orchymyn.

The Order, in article 2(2) to (5), also makes minor and drafting amendments to the principal Order.

Nid oes asesiad effaith rheoleiddiol llawn wedi'i lunio ar gyfer yr offeryn hwn.

A full regulatory impact assessment has not been produced for this instrument.

2007 Rhif 2716 (Cy.229)

2007 No. 2716 (W.229)

**IECHYD PLANHIGION,
CYMRU**

**PLANT HEALTH,
WALES**

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) 2007**

**The Plant Health (Wales)
(Amendment) Order 2007**

Wedi'i wneud 18 Medi 2007
*Wedi'i osod gerbron Cynulliad
Cenedlaethol Cymru* 19 Medi 2007
Yn dod i rym 10 Hydref 2007

Made 18 September 2007
*Laid before the National
Assembly for Wales* 19 September 2007
Coming into force 10 October 2007

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn, drwy arfer y pwerau a roddwyd gan adrannau 2 a 3(1) o Ddeddf Iechyd Planhigion 1967(1), ac a freiniwyd ynddynt bellach(2):

The Welsh Ministers make this Order in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967(1), now vested in them(2):

Enwi, cychwyn, rychwantu a chymhwyso

Title, commencement, extent and application

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2007.

1.-(1) The title of this Order is the Plant Health (Wales) (Amendment) Order 2007.

2. Mae'n gymwys o ran Cymru ac yn dod i rym ar 10 Hydref 2007.

2. It applies in relation to Wales and comes into force on 10 October 2007.

**Diwygiadau i Orchymyn Iechyd Planhigion
(Cymru) 2006**

**Amendments to the Plant Health (Wales) Order
2006**

3.-(1) Mae Gorchymyn Iechyd Planhigion (Cymru) 2006(3) wedi'i ddiwygio fel a ganlyn.

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

(2) Yn erthygl 2(1) (dehongli cyffredinol) ar y diffiniad o "Customs Act", mewnosoder-

(2) In article 2(1) (general interpretation) after the definition of "Customs Act", insert-

"Decision 2006/473/EC means Commission Decision 2006/473/EC recognising certain third countries and certain areas of third countries as being free from *Xanthomonas campestris* (all

"Decision 2006/473/EC means Commission Decision 2006/473/EC recognising certain third countries and certain areas of third countries as being free from *Xanthomonas campestris* (all

(1) 1967 p. 8; diwygiwyd adrannau 2(1) a 3(1) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), Atodlen 4, paragraff 8.

(2) Trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Mae swyddogaethau Cynulliad Cenedlaethol Cymru yn arferadwy gan Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(3) O.S. 2006/1643 (Cy.158).

(1) 1967 c. 8; sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 8.

(2) Functions of the Minister of Agriculture, Fisheries and Food transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Functions of the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(3) S.I. 2006/1643 (W.158).

strains pathogenic to Citrus), *Cercospora angolensis* Carv et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus);";

(3) Yn erthygl 2(1), yn lle'r diffiniadau o "Directive 93/85/EC" a "Directive 98/57/EC", rhodder-

"Directive 93/85/EEC" means Council Directive 93/85/EEC(1) on the control of potato ring rot;

"Directive 98/57/EC" means Council Directive 98/57/EC(2) on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.;"

(4) Yn erthygl 2(1), yn y diffiniad o "protected zone", o flaen "means" rhodder "otherwise" ac ar ôl "means" dileer "otherwise".

(5) Yn erthygl 22(2) ar ôl "article 21(1)" rhodder "or" yn lle'r gair "and".

(6) Yn erthygl 39(2)(c) (darpariaethau amrywiol ar gyfer rhywogaethau mochlysaidd penodol), yn lle "Directive 93/85/EC", rhodder "Directive 93/85/EEC".

(7) Yn lle paragraff (3) o erthygl 42 (hysbysu o bresenoldeb, neu achos o amau presenoldeb, plâu planhigion penodol), rhodder-

"(3) Where any plant pest referred to in paragraph 2(b), (c) or (d) is specified in Schedule 18, it must be notifiable under paragraph (1) where-

(a) it is a subspecies or strain normally present in Great Britain and is found on the premises of a registered plant trader; or

(b) it is a subspecies or strain not normally present in Great Britain and is found on any premises."

(8) Yn erthygl 45(1)(a)(xiii), ar ôl 39(1) mewnosoder "to (4)".

(9) Ar ôl eitem 15 o "Insects, mites and nematodes" yn Atodlen 1 Rhan A mewnosoder -

"15a *Dryocosmus kuriphilus Yasumatsu*"

(10) Yn eitem 15 "Viruses and virus-like organisms" yn Atodlen 2, Rhan B, rhodder "producers" yn lle'r gair "production".

(11) Yn Atodlen 4, Rhan A -

(a) yn nhrydedd golofn eitem 6, yn lle "items 5, 60, 61 and 64," rhodder "items 5, 6a, 60, 61, and 64.";

(b) ar ôl eitem 6, mewnosoder -

strains pathogenic to Citrus), *Cercospora angolensis* Carv et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus);";

(3) In article 2(1), for the definitions of "Directive 93/85/EC" and "Directive 98/57/EC", substitute-

"Directive 93/85/EEC" means Council Directive 93/85/EEC(1) on the control of potato ring rot;

"Directive 98/57/EC" means Council Directive 98/57/EC(2) on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.;"

(4) In article 2(1) in the definition of "protected zone", before "means" insert "otherwise" and after "means" delete "otherwise".

(5) In article 22(2) after "article 21(1)" substitute "or" for the word "and".

(6) In article 39(2)(c) (miscellaneous provisions for certain solanaceous species), for "Directive 93/85/EC", substitute "Directive 93/85/EEC".

(7) For paragraph (3) of article 42 (notification of the presence or suspected presence of certain plant pests), substitute-

"(3) Where any plant pest referred to in paragraph 2(b), (c) or (d) is specified in Schedule 18, it must be notifiable under paragraph (1) where-

(a) it is a subspecies or strain normally present in Great Britain and is found on the premises of a registered plant trader; or

(b) it is a subspecies or strain not normally present in Great Britain and is found on any premises."

(8) In article 45(1)(a)(xiii), after 39(1) insert "to (4)".

(9) After item 15 of "Insects, mites and nematodes" in Schedule 1 Part A insert-

"15a *Dryocosmus kuriphilus Yasumatsu*"

(10) In item 15 of "Viruses and virus-like organisms" in Schedule 2, Part B, substitute "producers" for the word "production".

(11) In Schedule 4, Part A -

(a) in the third column of item 6, for "items 5, 60, 61 and 64," substitute "items 5, 6a, 60, 61, and 64.";

(b) after item 6 insert -

(1) OJ Rhif L259, 18.10.1993, t.1, fel y'i diwygiwyd ddiwethaf gan OJ Rhif L 182, 4.7.2006, t.1.

(2) OJ Rhif L235, 21.8.1998, t.1, fel y'i diwygiwyd ddiwethaf gan OJ Rhif L 206, 27.7.2006, t.36.

(1) OJ No. L 259, 18.10.1993, p.1, as last amended by OJ No. L 182, 4.7.2006, p.1.

(2) OJ No. L 235, 21.8.1998, p.1, as last amended by OJ No. L 206, 27.7.2006, p.36.

"6a	Plants, other than fruit or seeds, of <i>Castanea</i> Mill, intended for planting, originating in any third country	Without prejudice to the requirements in items 5, 6, 51, 55, 60 and 61, the plants shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which states under the rubric "Additional declaration" that they have been grown throughout their life in places of production: (a) in countries where <i>Dryocosmus kuriphilus</i> Yasumatsu is not known to occur; or (b) in an area of areas, established by the national plant protection organisation in the country of origin, as being free from <i>Dryocosmus kuriphilus</i> Yasumatsu, in accordance with ISPM No. 4, and that area shall be mentioned in the phytosanitary certificate or phytosanitary certificate for re-export under the rubric "Place of origin";
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"6a	Plants, other than fruit or seeds, of <i>Castanea</i> Mill, intended for planting, originating in any third country	Without prejudice to the requirements in items 5, 6, 51, 55, 60 and 61, the plants shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which states under the rubric "Additional declaration" that they have been grown throughout their life in places of production: (a) in countries where <i>Dryocosmus kuriphilus</i> Yasumatsu is not known to occur; or (b) in an area of areas, established by the national plant protection organisation in the country of origin, as being free from <i>Dryocosmus kuriphilus</i> Yasumatsu, in accordance with ISPM No. 4, and that area shall be mentioned in the phytosanitary certificate or phytosanitary certificate for re-export under the rubric "Place of origin";
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(c) yn lle'r geiriau yn nhyrdded golofn eitem 12, rhodder -

"Without prejudice to the requirements in items 19, 21 to 23, 27 to 30, 60, 61 and 64, the plants shall be accompanied by an official statement that they originate in a country known to be free from *Monilinia fructicola* (Winter) Honey";

(ch) yn nhyrdded golofn eitem 15, ar ôl "(all strains pathogenic to *Citrus*)" ym mharagraff (a), mewnosoder "as referred to in Article 1(1) of Decision 2006/473/EC";

(d) yn nhyrdded golofn eitem 15, ar ôl "(all strains pathogenic to *Citrus*)" ym mharagraff (b), mewnosoder "as referred to in Article 1(2) of Decision 2006/473/EC";

(dd) yn nhyrdded golofn eitem 16, ar ôl "Carv et Mendes" ym mharagraff (a), mewnosoder "as referred to in Article 2 of Decision 2006/473/EC";

(c) for the wording in the third column of item 12, substitute -

"Without prejudice to the requirements in items 19, 21 to 23, 27 to 30, 60, 61 and 64, the plants shall be accompanied by an official statement that they originate in a country known to be free from *Monilinia fructicola* (Winter) Honey";

(d) in the third column of item 15, after "(all strains pathogenic to *Citrus*)" in paragraph (a), insert "as referred to in Article 1(1) of Decision 2006/473/EC";

(e) in the third column of item 15, after "(all strains pathogenic to *Citrus*)" in paragraph (b), insert "as referred to in Article 1(2) of Decision 2006/473/EC";

(f) in the third column of item 16, after "Carv et Mendes" in paragraph (a), insert "as referred to in Article 2 of Decision 2006/473/EC";

- (e) yn nhrydedd golofn eitem 17, ar ôl "(all strains pathogenic to *Citrus*)" ym mharagraff (a), mewnosoder "as referred to in Article 3(1) of Decision 2006/473/EC";
- (f) yn nhrydedd golofn eitem 17, ar ôl "(all strains pathogenic to *Citrus*)" ym mharagraff (b), mewnosoder "as referred to in Article 3(2) of Decision 2006/473/EC";
- (ff) yn nhrydedd golofn eitem 29, ar ôl "vegetation" ym mharagraff (b), rhodder "and" yn lle "or"; ac
- (g) yn ail golofn eitem 37, ar ôl "*Solanaceae*," mewnosoder "intended for planting,".

(12) Yn Rhan A (deunydd perthnasol, o drydydd gwledydd, y caniateir ei laniog yng Nghymru ddim ond os caiff gofynion penodol eu bodloni) o Atodlen 4, yn nhrydedd golofn eitem 77, yn lle "a country", rhodder "an area or areas".

(13) Yn Atodlen 4, Rhan B -

- (a) yn nhrydedd golofn eitem 4, yn lle "The plants shall be accompanied by an official statement that", rhodder "Without prejudice to the requirements in item 4(a), the plants shall be accompanied by an official statement that"; a
- (b) Ar ôl eitem 4, mewnosoder -

- (g) in the third column of item 17, after "(all strains pathogenic to *Citrus*)" in paragraph (a), insert "as referred to in Article 3(1) of Decision 2006/473/EC";
- (h) in the third column of item 17, after "(all strains pathogenic to *Citrus*)" in paragraph (b), insert "as referred to in Article 3(2) of Decision 2006/473/EC";
- (i) in the third column of item 29, after "vegetation" in paragraph (b), substitute "and" for "or"; and
- (j) in the second column of item 37, after "*Solanaceae*," insert "intended for planting,".

(12) In Part A (relevant material, from third countries, which may only be landed in Wales if special requirements are satisfied) of Schedule 4, in the third column of item 77, for "a country", substitute "an area or areas".

(13) In Schedule 4, Part B -

- (a) in the third column of item 4, for "The plants shall be accompanied by an official statement that", substitute "Without prejudice to the requirements in item 4(a), the plants shall be accompanied by an official statement that"; and
- (b) After item 4 insert -

"4a	Plants, other than fruit or seeds of <i>Castanea</i> Mill, intended for planting	Without prejudice to the requirements in item 4, the plants shall be accompanied by an official statement that: (a) they have been grown throughout their life or since their introduction into the Community in a place of production in a member State where <i>Dryocosmus kuriphilus</i> Yasumatsu is not known to occur; or (b) they have been grown throughout their life or since their introduction into the Community in a place of production in an area or areas, established by the responsible official body in a member State, as being free from <i>Dryocosmus</i>
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"4a	Plants, other than fruit or seeds of <i>Castanea</i> Mill, intended for planting	Without prejudice to the requirements in item 4, the plants shall be accompanied by an official statement that: (a) they have been grown throughout their life or since their introduction into the Community in a place of production in a member State where <i>Dryocosmus kuriphilus</i> Yasumatsu is not known to occur; or (b) they have been grown throughout their life or since their introduction into the Community in a place of production in an area or areas, established by the responsible official body in a member State, as being free from <i>Dryocosmus</i>
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		<i>kuriphilus</i> Yasumatsu, in accordance with ISPM No. 4".
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		<i>kuriphilus</i> Yasumatsu, in accordance with ISPM No. 4".
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(14) Ym mharagraff 1(c) o Atodlen 5, Rhan A, yn lle "Capsicum subsp Helianthus annuus L, Lycopersicon lycopersicon (L) Karsten ex Farw," rhodder "Solanaceae, Helianthus annuus L,".

(15) Ym mharagraff 1 o Atodlen 6, Rhan A ac o Atodlen 7, Rhan A, ar ôl "Amelanchier Med," mewnosoder "Castanea Mill,".

(16) Ym mharagraff 7(a) o Atodlen 6, Rhan A ac o Atodlen 7, Rhan A, hepgorer "Castanea Mill,".

(17) Yn Atodlen 16 (mesurau arbennig ar gyfer rheoli pydredd cylch tatws) -

- (a) ym mharagraff 1, yn y diffiniad o "certified seed potatoes", yn lle "seed potatoes", rhodder "pre-basic seed potatoes, basic seed potatoes or certified seed potatoes";
- (b) ym mharagraff 2, yn lle "Directive 93/85/EC", rhodder "Directive 93/85/EEC";
- (c) yn lle paragraff 3, rhodder-
 - "3. Material can be required to be disposed of-
 - (a) by destruction; or
 - (b) by any other measure that complies with paragraph 1 of Annex IV to Directive 93/85/EEC.";
- (ch) ym mharagraff 4-
 - (i) yn lle "Directive 93/85/EC", rhodder "Directive 93/85/EEC";
 - (ii) ym mharagraff (b), yn lle "paragraph 5", rhodder "paragraph 2 of Annex IV to Directive 93/85/EEC";
- (d) hepgorer paragraff 5;
- (dd) ym mharagraffau 6, 7 a 9, yn lle "Directive 93/85/EC", rhodder "Directive 93/85/EEC";
- (e) yn lle paragraff 10(b) ac (c), rhodder-
 - "(b)in the first potato cropping season following the period referred to in paragraph (a), that potatoes may be planted, for ware production only, provided that the field has been free from volunteer potato plants and other naturally found host plants of Potato Ring Rot for at least the two consecutive growing years prior to planting; and
 - (c) in the potato cropping season which follows that referred to in paragraph (b) and following an appropriate rotation cycle (which must be at least two years where potatoes are planted for seed production), that potatoes may be planted, for seed or ware production.";

(14) In paragraph 1(c) of Schedule 5, Part A, for "Capsicum subsp Helianthus annuus L, Lycopersicon lycopersicon (L) Karsten ex Farw," substitute "Solanaceae, Helianthus annuus L,".

(15) In paragraph 1 of Schedule 6, Part A and of Schedule 7, Part A, after "Amelanchier Med," insert "Castanea Mill,".

(16) In paragraph 7(a) of Schedule 6, Part A and of Schedule 7, Part A, omit "Castanea Mill,".

(17) In Schedule 16 (special measures for the control of potato ring rot)-

- (a) in paragraph 1, in the definition of "certified seed potatoes", for "seed potatoes", substitute "pre-basic seed potatoes, basic seed potatoes or certified seed potatoes";
- (b) in paragraph 2, for "Directive 93/85/EC", substitute "Directive 93/85/EEC";
- (c) for paragraph 3, substitute-
 - "3. Material can be required to be disposed of-
 - (a) by destruction; or
 - (b) by any other measure that complies with paragraph 1 of Annex IV to Directive 93/85/EEC.";
- (d) in paragraph 4-
 - (i) for "Directive 93/85/EC", substitute "Directive 93/85/EEC";
 - (ii) in paragraph (b), for "paragraph 5", substitute "paragraph 2 of Annex IV to Directive 93/85/EEC";
- (e) omit paragraph 5;
- (f) in paragraphs 6, 7 and 9, for "Directive 93/85/EC", substitute "Directive 93/85/EEC";
- (g) for paragraph 10(b) and (c), substitute-
 - "(b)in the first potato cropping season following the period referred to in paragraph (a), that potatoes may be planted, for ware production only, provided that the field has been free from volunteer potato plants and other naturally found host plants of Potato Ring Rot for at least the two consecutive growing years prior to planting; and
 - (c) in the potato cropping season which follows that referred to in paragraph (b) and following an appropriate rotation cycle (which must be at least two years where potatoes are planted for seed production), that potatoes may be planted, for seed or ware production.";

(f) yn lle paragraff 11(b), rhodder-
"(b)in the first potato cropping season following the period referred to in paragraph (a), that potatoes may be planted, for seed or ware production, provided that the field has been free from volunteer potato plants and other naturally found host plants of Potato Ring Rot for at least the two consecutive growing years prior to planting.";

(ff) ym mharagraff 12-

(i) yn lle "Directive 93/85/EC", rhodder "Directive 93/85/EEC";

(ii) yn lle paragraffau (b) ac (c), rhodder-

"(b)in the second growing year following the period referred to in (a) that-

(i) certified seed potatoes; or

(ii) seed potatoes officially tested for the absence of Potato Ring Rot and grown under official control at a place of production which is not designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EEC,

may be planted, for seed or ware production;

(c) for at least the third growing year following the period referred to in paragraph (a), that certified seed potatoes or seed potatoes grown under official control from certified seed potatoes may be planted, for seed or ware production; and

(d) from the date of receipt of the notice for the growing years referred to in paragraphs (a), (b) and (c), measures shall be taken to eliminate volunteer potato plants and naturally found host plants of Potato Ring Rot.";

(g) ym mharagraffau 13 a 16, yn lle "Directive 93/85/EC", rhodder "Directive 93/85/EEC".

(18) Yn Rhan A (mesurau arbennig ar gyfer rheoli *Ralstonia solanacearum*) o Atodlen 17-

(a) ym mharagraff 1, yn y diffiniad o "certified seed potatoes", ar ôl "means", mewnosoder "pre-basic seed potatoes, basic seed potatoes or";

(b) ym mharagraff 2(b), yn lle "used or disposed of in accordance with paragraph 3", rhodder "subjected to a provision in paragraph 1 of Annex VI to that Directive";

(c) hepgorer paragraff 3;

(ch) ym mharagraff 4(b), yn lle "paragraph 5", rhodder "paragraph 2 of Annex VI to that Directive";

(d) hepgorer paragraff 5;

(h) for paragraph 11(b), substitute-

"(b)in the first potato cropping season following the period referred to in paragraph (a), that potatoes may be planted, for seed or ware production, provided that the field has been free from volunteer potato plants and other naturally found host plants of Potato Ring Rot for at least the two consecutive growing years prior to planting.";

(i) in paragraph 12-

(i) for "Directive 93/85/EC", substitute "Directive 93/85/EEC";

(ii) for paragraphs (b) and (c), substitute-

"(b)in the second growing year following the period referred to in (a) that-

(i) certified seed potatoes; or

(ii) seed potatoes officially tested for the absence of Potato Ring Rot and grown under official control at a place of production which is not designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EEC,

may be planted, for seed or ware production;

(c) for at least the third growing year following the period referred to in paragraph (a), that certified seed potatoes or seed potatoes grown under official control from certified seed potatoes may be planted, for seed or ware production; and

(d) from the date of receipt of the notice for the growing years referred to in paragraphs (a), (b) and (c), measures shall be taken to eliminate volunteer potato plants and naturally found host plants of Potato Ring Rot.";

(j) in paragraphs 13 and 16, for "Directive 93/85/EC", substitute "Directive 93/85/EEC".

(18) In Part A (special measures for the control of *Ralstonia solanacearum*) of Schedule 17-

(a) in paragraph 1, in the definition of "certified seed potatoes", after "means", insert "pre-basic seed potatoes, basic seed potatoes or";

(b) in paragraph 2(b), for "used or disposed of in accordance with paragraph 3", substitute "subjected to a provision in paragraph 1 of Annex VI to that Directive";

(c) omit paragraph 3;

(d) in paragraph 4(b), for "paragraph 5", substitute "paragraph 2 of Annex VI to that Directive";

(e) omit paragraph 5;

(dd) ym mharagraff 10-

(i) ym mharagraff (a)(ii)(aa), yn lle "and plants", rhodder ", plants and true seeds";

(ii) yn lle paragraffau (b) ac (c), rhodder-

"(b) in the first potato cropping season following the period referred to in paragraph (a), that potatoes may be planted, for ware production only, provided that the field or unit of production has been free from volunteer potato and tomato plants and other host plants including solanaceous weeds for at least the two consecutive growing years prior to planting; and

(c) in the potato or tomato cropping season which follows that referred to in paragraph (b), that there must be an appropriate rotation cycle which shall be at least two years where seed potatoes are planted.";

(e) ym mharagraff 11-

(i) ym mharagraff (a)(i), ar ôl "other", mewnosoder "naturally found";

(ii) ym mharagraff (b), yn lle'r geiriau ar ôl "paragraph (a)" hyd at ddiwedd y paragraff hwnnw, rhodder "that potatoes may be planted, for seed or ware production";

(f) ym mharagraff 12(a), yn lle "or potato plants", rhodder ", potato plants or true seeds";

(ff) ym mharagraff 14, ar ôl paragraff (a), hepgorer "and" ac mewnosoder -

"(aa) where the authorisation is granted for tomato production, production shall be from seed which meets the requirements of Directive 2000/29/EC(1) or, if vegetatively propagated, from tomato plants produced from such seed and grown under official control; and";

(g) yn lle paragraff 15, rhodder -

"15. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC and with regard to any fields at that place other than those referred to in paragraph 9 the inspector is satisfied that the risk of volunteer potato and tomato plants and other naturally found host plants of *R solanacearum* has been eliminated, the notice referred to in paragraph 8 may require that with regard to such fields-

(a) from the date of receipt of the notice and for one growing year following the start of the next growing year-

(f) in paragraph 10-

(i) in paragraph (a)(ii)(aa), for "and plants", substitute ", plants and true seeds";

(ii) for paragraphs (b) and (c), substitute-

"(b) in the first potato cropping season following the period referred to in paragraph (a), that potatoes may be planted, for ware production only, provided that the field or unit of production has been free from volunteer potato and tomato plants and other host plants including solanaceous weeds for at least the two consecutive growing years prior to planting; and

(c) in the potato or tomato cropping season which follows that referred to in paragraph (b), that there must be an appropriate rotation cycle which shall be at least two years where seed potatoes are planted.";

(g) in paragraph 11-

(i) in paragraph (a)(i), after "other", insert "naturally found";

(ii) in paragraph (b), for the words after "paragraph (a)" to the end of that paragraph, substitute "that potatoes may be planted, for seed or ware production";

(h) in paragraph 12(a), for "or potato plants", substitute ", potato plants or true seeds";

(i) in paragraph 14, after paragraph (a), omit "and" and insert-

"(aa) where the authorisation is granted for tomato production, production shall be from seed which meets the requirements of Directive 2000/29/EC(1) or, if vegetatively propagated, from tomato plants produced from such seed and grown under official control; and";

(j) for paragraph 15, substitute-

"15. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC and with regard to any fields at that place other than those referred to in paragraph 9 the inspector is satisfied that the risk of volunteer potato and tomato plants and other naturally found host plants of *R solanacearum* has been eliminated, the notice referred to in paragraph 8 may require that with regard to such fields-

(a) from the date of receipt of the notice and for one growing year following the start of the next growing year-

(1) OJ Rhif L169, 10.7.2000, t.1, fel y'i diwygiwyd ddiwethaf gan OJ Rhif L 88, 25.3.2006, t.9.

(1) OJ No. L 169, 10.7.2000, p.1 as last amended by OJ No. L 88, 25.3.2006, p.9

- (i) potato tubers, potato plants and true seeds and other host plants of *R solanacearum* must not be planted save that, in the case of potato tubers, certified seed potatoes may be planted for ware production only;
 - (ii) tomato plants grown from seed which meets the requirements of Directive 2000/29/EC may be planted, for fruit production only;
- (b) in the first growing year following that specified in paragraph (a)-
- (i) if potatoes are to be planted, only certified seed potatoes or seed potatoes officially tested for the absence of *R solanacearum* and grown under official control at a place of production which is not designated by an inspector as contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC may be planted, for seed or ware production;
 - (ii) in the case of tomatoes, only tomato plants grown from seed which meets the requirements of Directive 2000/29/EC or, if vegetatively propagated, from tomato plants produced from such seed and grown under official control at a place of production which is not designated by an inspector as contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC may be planted, for plant or fruit production;
- (c) in the second growing year following that specified in paragraph (a) and, where appropriate, in any subsequent growing year which may be specified in the notice-
- (i) if potatoes are to be planted, only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes may be planted, for seed or ware production;
 - (ii) if tomatoes are to be planted, only tomato plants grown from seed which meets the requirements of Directive 2000/29/EC or tomato plants grown from such plants under official control may be planted, for plant or fruit production; and
- (d) from the date of the receipt of the notice and in each of the growing years referred to in this paragraph, measures shall be taken to eliminate volunteer potato plants and other naturally found host plants of *R solanacearum* as appropriate.";
- (i) potato tubers, potato plants and true seeds and other host plants of *R solanacearum* must not be planted save that, in the case of potato tubers, certified seed potatoes may be planted for ware production only;
 - (ii) tomato plants grown from seed which meets the requirements of Directive 2000/29/EC may be planted, for fruit production only;
- (b) in the first growing year following that specified in paragraph (a)-
- (i) if potatoes are to be planted, only certified seed potatoes or seed potatoes officially tested for the absence of *R solanacearum* and grown under official control at a place of production which is not designated by an inspector as contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC may be planted, for seed or ware production;
 - (ii) in the case of tomatoes, only tomato plants grown from seed which meets the requirements of Directive 2000/29/EC or, if vegetatively propagated, from tomato plants produced from such seed and grown under official control at a place of production which is not designated by an inspector as contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC may be planted, for plant or fruit production;
- (c) in the second growing year following that specified in paragraph (a) and, where appropriate, in any subsequent growing year which may be specified in the notice-
- (i) if potatoes are to be planted, only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes may be planted, for seed or ware production;
 - (ii) if tomatoes are to be planted, only tomato plants grown from seed which meets the requirements of Directive 2000/29/EC or tomato plants grown from such plants under official control may be planted, for plant or fruit production; and
- (d) from the date of the receipt of the notice and in each of the growing years referred to in this paragraph, measures shall be taken to eliminate volunteer potato plants and other naturally found host plants of *R solanacearum* as appropriate.";

(ng) ym mharagraff 16, yn lle "throughout the subsequent growing years up to and including the first potato or tomato cropping season permitted by paragraph 10(b) or 11(b)", rhodder "after the first subsequent growing year".

(19) Yn Rhan B (darnodi parthau ar gyfer rheoli *Ralstonia solanacearum*) o Atodlen 17, ym mharagraff 6(a)-

- (a) yn is-baragraff (ii), yn lle "may be planted", rhodder "or seed potatoes grown under official control may be planted";
- (b) ar ôl is-baragraff (ii), hepgorer "and";
- (c) ar ddiwedd is-baragraff (iii), mewnosoder ", or a system of cleansing and, where appropriate, disinfection shall be carried out between the handling of seed and ware potatoes";
- (ch) ar ôl is-baragraff (iii), mewnosoder -

"and

- (iv) with regard to tomato crops in the zone, only tomato plants grown from seed which meets the requirements of Directive 2000/29/EC or, if vegetatively propagated, tomato plants produced from such seed and grown under official control may be planted;".

(k) in paragraph 16, for "throughout the subsequent growing years up to and including the first potato or tomato cropping season permitted by paragraph 10(b) or 11(b)", substitute "after the first subsequent growing year".

(19) In Part B (demarcation of zones for the control of *Ralstonia solanacearum*) of Schedule 17, in paragraph 6(a)-

- (a) in sub-paragraph (ii), for "may be planted", substitute "or seed potatoes grown under official control may be planted";
- (b) after sub-paragraph (ii), omit "and";
- (c) at the end of sub-paragraph (iii), insert ", or a system of cleansing and, where appropriate, disinfection shall be carried out between the handling of seed and ware potatoes";
- (d) after sub-paragraph (iii), insert-

"and

- (iv) with regard to tomato crops in the zone, only tomato plants grown from seed which meets the requirements of Directive 2000/29/EC or, if vegetatively propagated, tomato plants produced from such seed and grown under official control may be planted;".

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

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