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WELSH STATUTORY INSTRUMENTS

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**2014 No. 521 (W. 62)**

**PLANT HEALTH, WALES**

**The Plant Health (Wales) (Amendment) Order 2014**

<i>Made</i>	- - - -	<i>5 March 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>7 March 2014</i>
<i>Coming into force</i>	- -	<i>28 March 2014</i>

The Welsh Ministers, make the following Order in exercise of—

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

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972. It appears to the Welsh Ministers that it is expedient for the references to the European Union instruments mentioned in article 3(1)(a), (b) and (f) to be construed as references to those instruments as amended from time to time.

**Title, commencement and application**

1. (1) The title of this Order is the Plant Health (Wales) (Amendment) Order 2014.
- (2) This Order comes into force on 28 March 2014 and applies in relation to Wales.

**Amendment of the Plant Health (Wales) Order 2006**

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

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

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

(3) S.I. 2006/1643 (W. 158); relevant amending instruments are S.I. 2007/2716 (W. 229), S.I. 2007/3305 (W. 292), S.I. 2008/2781 (W. 248), S.I. 2008/2913 (W. 257), S.I. 2009/1376 (W. 137), S.I. 2010/2976 (W. 247), S.I. 2012/3143 (W. 315), S.I. 2013/888 (W. 100) and S.I. 2013/2939 (W. 287).

### Amendment of article 2 (general interpretation)

#### 3. (1) In article 2(1)(4)—

##### (a) for the definition of “Decision 2006/473/EC”, substitute—

““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 strains pathogenic to Citrus), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus)(5), as amended from time to time;”;

##### (b) after the definition of “Decision 2007/433/EC”, insert—

““Decision 2012/138/EU” means Commission Implementing Decision 2012/138/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis* (Forster)(6), as amended from time to time;

“Decision 2012/270/EU” means Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similis* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)(7), as amended from time to time;

“Decision 2012/697/EU” means Commission Implementing Decision 2012/697/EU as regards measures to prevent the introduction into and the spread within the Union of the genus *Pomacea* (Perry)(8), as amended from time to time;

“Decision 2012/756/EU” means Commission Implementing Decision 2012/756/EU as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto(9), as amended from time to time;”;

##### (c) omit the definition of “Decision 2008/840/EC”;

##### (d) after the definition of “official body of point of entry”, insert—

““official documentation” means documentation issued by or with the authority of the responsible official body of the member State in which the documentation is issued;”;

##### (e) for the definition of “protected zone”, substitute—

““protected zone” means a member State or an area in a member State which is recognised as a protected zone exposed to particular plant health risks for the purposes of Directive 2000/29/EC, as listed in Annex I to Regulation (EC) No 690/2008(10);”;

##### (f) after the definition of “registered”, insert—

““Regulation (EC) No 690/2008” means Commission Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community, as amended from time to time;”.

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(4) The definition of “Decision 2006/473/EC” was inserted by S.I. 2007/2716 (W. 229), article 3(2). The definition of “Decision 2008/840/EC” was inserted by S.I. 2010/2976 (W. 247), article 2(2). The definition of “protected zone” was amended by S.I. 2007/2716 (W. 229), article 3(4). There are other amendments to article 2(1), but none is relevant.

(5) OJ No L 187, 8.7.2006, p. 35.

(6) OJ No L 64, 3.3.2012, p. 38.

(7) OJ No L 132, 23.5.2012, p. 18.

(8) OJ No L 311, 10.11.2012, p. 14.

(9) OJ No L 335, 7.12.2012, p. 49.

(10) OJ No L 193, 22.7.2008, p. 1.

(2) In paragraph (3) of article 2, for “species”, in both places where it occurs, substitute “genus or species”.

#### **Amendment of article 6 (advance notification of landing)**

4. In article 6(2)(b)(11), for paragraphs (ii) and (iii) substitute—

“(ii) listed in the second column of Annex II Part B of Directive [2000/29/EC](#) and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest listed in the first column of that Annex opposite the reference to the relevant material; or

(iii) listed in the first column of Annex IV Part B of Directive [2000/29/EC](#) and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest specified in the second column of that Annex opposite the reference to the relevant material”.

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

5. In article 8(2)(12)—

(a) in sub-paragraph (a)(iii), for “or seeds of *Fraxinus* L.”, substitute “, *Castanea* Mill. or *Fraxinus* L.”;

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

#### **Amendment of article 12 (plant health discharge)**

6. In article 12(2)—

(a) for sub-paragraph (b), substitute—

“(b) “(b) in the case of relevant material in the course of its consignment to a protected zone, that the relevant material is free from any plant pest listed in the first column of Annex I to Regulation [\(EC\) No 690/2008](#) opposite the reference to the protected zone;”;

(b) for sub-paragraph (d), substitute—

“(d) “(d) in the case of relevant material which is listed in the second column of Annex II Part B of Directive [2000/29/EC](#) and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest listed in the first column of that Annex opposite the reference to the relevant material, that the relevant material is not carrying or infected with the plant pest;”;

(c) for sub-paragraph (e), substitute—

“(e) “(e) in the case of relevant material listed in Annex III Part B of Directive [2000/29/EC](#), that the relevant material is not in the course of being consigned to a protected zone for *Erwinia amylovora* (Burr.) Winsl. *et. al.*;”;

(d) for sub-paragraph (g), substitute—

“(g) “(g) in the case of relevant material which is listed in the first column of Annex IV Part B of Directive [2000/29/EC](#) and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pest specified in the second column of that Annex opposite the reference to the

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(11) Article 6(2) was amended by [S.I. 2011/1043](#), article 9(1).

(12) Article 8(2) was amended by [S.I. 2013/888 \(W. 100\)](#), article 2(3).

relevant material, that the relevant material complies with the requirements specified in the second column of that Annex opposite the reference to the relevant material and where there is one or more alternative requirement, the requirement declared in the phytosanitary certificate or phytosanitary certificate for re-export.”.

#### **Amendment of article 19 (prohibitions on landing plant pests and relevant material)**

7. In article 19(6)(13)—

- (a) in sub-paragraph (a), after “*Fraxinus* L.,” insert “*Pinus* L.”;
- (b) in sub-paragraph (b), after “*Castanea* Mill.,” insert “*Pinus* L.”.

#### **Amendment of article 21 (requirements for plant passports)**

8. After article 21(7), insert—

“(8) Subject to article 22(1), a person must not move within Wales or consign from Wales to another part of the European Union any relevant material of the following description unless it is accompanied by the appropriate documentation—

- (a) plants of *Castanea* Mill. intended for planting; or
- (b) plants, other than seeds, of *Platanus* L. intended for planting.

(9) In paragraph (8), “appropriate documentation” means—

- (a) in the case of plants of *Castanea* Mill. intended for planting, official documentation confirming that they have been grown throughout their life in a place of production in a country in which *Cryphonectria parasitica* (Murrill) Barr is known not to occur or an area established and maintained as an area free from *Cryphonectria parasitica* (Murrill) Barr in accordance with ISPMNo. 4;
- (b) in the case of plants, other than seeds, of *Platanus* L. intended for planting, official documentation confirming that they have been grown throughout their life in a place of production in a country in which *Ceratocystis fimbriata* f. spp. *platani* Walter is known not to occur or an area established and maintained as an area free from *Ceratocystis fimbriata* f. spp. *platani* Walter in accordance with ISPM No. 4.”

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

9. (1) For article 22(1)(14), substitute—

“(1) The following prohibitions and requirements do not apply to small quantities of the following relevant material where it meets the conditions in paragraph (1A)—

- (a) in the case of relevant material, other than plants of *Castanea* Mill., *Fraxinus* L. or *Platanus* L. intended for planting—
  - (i) the prohibitions on landing in article 19(1)(e), (f) and (g), (4) and (7);
  - (ii) the prohibitions on movement in article 20(1)(e) and (f); and
  - (iii) the requirements in article 21(1), (2), (5) and (6);
- (b) in the case of plants of *Castanea* Mill. intended for planting—
  - (i) the prohibitions on landing in article 19(1)(e), other than the prohibition on the landing of plants of *Castanea* Mill. intended for planting unless the

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(13) Article 19(6) was inserted by S.I. 2013/2939 (W. 287), article 2(3).

(14) Article 22(1) was amended by S.I. 2013/888 (W. 100), article 2(4) and S.I. 2013/2939 (W. 287), article 2(4).

- requirements in column 3 of item 6 of Part A of Schedule 4 have been complied with;
- (ii) the prohibitions on landing in article 19(1)(f), other than the prohibition on the landing of plants of *Castanea* Mill. intended for planting unless the requirements in column 3 of item 4 of Part B of Schedule 4 have been complied with; and
  - (iii) the requirements in article 21(1) and (5);
- (c) in the case of plants of *Castanea* Mill. intended for planting which originate in Great Britain and have remained in Great Britain throughout their life—
- (i) the prohibitions on movement under article 20(1)(e); and
  - (ii) the requirement in article 21(8)(a);
- (d) in the case of plants of *Castanea* Mill. intended for planting which originate in Great Britain, but have not remained in Great Britain throughout their life, the prohibitions on movement under article 20(1)(e), other than the prohibition on the movement of plants of *Castanea* Mill. intended for planting unless the requirements in column 3 of item 4 of Part B of Schedule 4 have been complied with;
- (e) in the case of plants of *Platanus* L. intended for planting—
- (i) the prohibitions on landing in article 19(1)(e), other than the prohibition on the landing of plants, other than seeds, of *Platanus* L. intended for planting unless the requirements in column 3 of item 8 of Part A of Schedule 4 have been complied with;
  - (ii) the prohibitions on landing in article 19(1)(f), other than the prohibition on the landing of plants, other than seeds, of *Platanus* L. intended for planting unless the requirements in column 3 of item 5 of Part B of Schedule 4 have been complied with; and
  - (iii) the requirements in article 21(1) and (5);
- (f) in the case of plants of *Platanus* L. intended for planting which originate in Great Britain and have remained in Great Britain throughout their life—
- (i) the prohibitions on movement under article 20(1)(e); and
  - (ii) the requirement in article 21(8)(b); or
- (g) in the case of plants of *Platanus* L. intended for planting which originate in Great Britain but have not remained in Great Britain throughout their life, the prohibitions on movement under article 20(1)(e), other than the prohibition on the movement of plants, other than seeds, of *Platanus* L. intended for planting unless the requirements in column 3 of item 5 of Part B of Schedule 4 have been complied with.
- (1A) The conditions are that the relevant material—
- (a) does not show any signs of the presence of a plant pest;
  - (b) is not intended for use in the course of a trade or business; and
  - (c) is intended for household use.”
- (2) After article 22(2), insert—
- “(3) The requirement in article 21(1) for certain relevant material to be accompanied by a plant passport does not apply to the movement of the following relevant material if the material originates in a demarcated area and is not moved from the demarcated area—
- (a) tubers of *Solanum tuberosum* L., including those intended for planting; or

- (b) plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water.
- (4) In paragraph (3), “demarcated area” means—
  - (a) in relation to tubers of *Solanum tuberosum* L., an area which has been established in accordance with Article 5 of Decision 2012/270/EU; and
  - (b) in relation to plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water, an area established in accordance with Article 5 of Decision 2012/697/EU.”

**Amendment of article 24 (general provisions relating to plant passports)**

10. For article 24(5), substitute—

“(5) Any person who—

- (a) is the final user of relevant material; and
- (b) uses the relevant material in the course of a trade or business,

shall retain the plant passport or the official documentation which accompanies the relevant material in accordance with article 21 for one year.”

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

11. In Part A (plant pests not known to occur in any part of the European Union) of Schedule 1(15)—

(a) after item 15a under the heading “Insects, mites and nematodes”, insert—

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

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

“1. *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto

2. *Xylella fastidiosa* (Wells and Raju)”;

(c) at the end, insert—

“Molluscs

1. *Pomacea* (Perry)”.

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

12. In Part B (plant pests known to occur in the European Union) of Schedule 2(16), for item 3 under the heading “Fungi”, substitute—

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“3. Plants of *Castanea* Mill. *Cryphonectria parasitica* intended for planting or plants, (Murrill) Barr

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

(16) Part B of Schedule 2 was amended by S.I. 2011/1043, article 9(1). There are other amendments to Part B of Schedule 2, but none is relevant.

other than seeds, of *Quercus* L.  
intended for planting

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**Amendment of Schedule 3 (relevant material which may not be landed in Wales if that material originates in certain third countries)**

**13.** In Schedule 3(17)—

- (a) in the third column of item 8, after “Morocco,” insert “Serbia,”;
- (b) omit item 16.

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

**14.** (1) In Part A (relevant material, from third countries, which may only be landed in Wales if special requirements are satisfied) of Schedule 4(18)—

- (a) for item 6, substitute—

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“6.	Plants of <i>Castanea</i> Mill. intended for planting, which originate in any third country	Without prejudice to the requirements in items 5, 6B, 60, 61 and 64, the plants shall be accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export which includes under the heading “Additional declaration” an official statement that they have been grown throughout their life in:  (a) a place of production in a country in which <i>Cryphonectria parasitica</i> (Murrill) Barr is known not to occur; or  (b) an area established and maintained as an area free from <i>Cryphonectria</i>
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(17) Item 8 was amended by S.I. 2008/2781 (W. 248), article 2(11). Item 16 was inserted by S.I. 2010/2976 (W. 247), article 2(4). There are other amendments to Schedule 3, but none is relevant.

(18) Item 6 was amended by S.I. 2007/2716 (W. 229), article 3(11)(a). Item 6a was inserted by S.I. 2007/2716 (W. 229), article 3(11)(b). Item 15 was amended by S.I. 2007/3305 (W. 292), article 6(2)(a) and S.I. 2007/2716 (W. 229), article 3(11)(d) and (e). Item 15a was inserted by S.I. 2007/3305 (W. 292), article 6(2)(b). Item 16 was amended by S.I. 2007/3305 (W. 292), article 6(2)(c) and by S.I. 2007/2716 (W. 229), article 3(11)(f). Item 17 was amended by S.I. 2007/3305 (W. 292), article 6(2)(a) and S.I. 2007/2716 (W. 229), article 3(11)(g) and (h). Item 17a was inserted by S.I. 2007/3305 (W. 292), article 6(2)(d). Items 35a and 35b were inserted by S.I. 2009/1376 (W. 137), article 2(8)(c). Items 81 and 82 were substituted by S.I. 2010/2976 (W. 247), article 2(5)(b). There are other amendments to Part A of Schedule 4, but none is relevant.

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- 6A. Plants, other than seeds, of *Quercus* L. intended for planting, which originate in any third country
- parasitica* (Murrill) Barr in accordance with ISPM No. 4
- Without prejudice to the requirements in items 4, 5, 60, 61 and 64, the plants shall be accompanied by an official statement that:
- (a) they originate in an area known to be free from *Cryphonectria parasitica* (Murrill) Barr; or
  - (b) no symptoms of *Cryphonectria parasitica* (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation”;

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- (b) item 6a is renumbered as item 6B;  
(c) for item 8, substitute—

- “8. Plants, other than seeds, of *Platanus* L. intended for planting, which originate in any third country
- Without prejudice to the requirements in items 60, 61, 64, 81 and 82, the plants shall be accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export which includes under the heading “Additional declaration” an official statement that they have been grown throughout their life in:
- (a) a place of production in a country in which *Ceratocystis fimbriata f. spp. platani* Walter is known not to occur; or
  - (b) an area established and maintained as an area free from *Ceratocystis fimbriata f. spp. platani* Walter in accordance with ISPM No. 4”;

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- (d) in item 15, omit “, other than Brazil”;



- (e) omit item 15a;
- (f) in the third column of item 16, for “, 15a, 17, 17a and 18”, substitute “and 17 to 18”;
- (g) for the entry in the second column of item 17, substitute “Fruits of *Citrus* L., other than fruits of *Citrusaurantium* L., and fruits of *Fortunella* Swingle or *Poncirus* Raf. which originate in any third country other than Brazil”;
- (h) for item 17a, substitute—

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“17a.	Fruits of <i>Citrus</i> L., other than fruits of <i>Citrusaurantium</i> L., and fruits of <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. which originate in Brazil	Without prejudice to the requirements in items 14, 16, and 18, the fruits shall be accompanied by a phytosanitary certificate which includes an official statement in accordance with point 2 of the Annex to Decision <a href="#">2004/416/EC</a> ”;
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- (i) in the third column of item 34 of the table, for “35, 36 and 39” substitute “35 to 36”;
- (j) in the third column of item 35 of the table, for “36” insert “35b to 36”;
- (k) in the third column of item 35a of the table, after “34” insert “and 35b”;
- (l) in the third column of item 35b of the table, after “35a” insert “and 35c”;
- (m) after item 35b, insert—

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“35c.	Tubers of <i>Solanum tuberosum</i> L., including those intended for planting, which originate in any third country in which <i>Epitrix cucumeris</i> (Harris), <i>Epitrix similaris</i> (Gentner), <i>Epitrix subcrinita</i> (Lec.) or <i>Epitrix tuberis</i> (Gentner) is known to be present	Without prejudice to the requirements in items 32 to 35b and 36, the tubers shall be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration” in accordance with Section 1 of Annex I to Decision <a href="#">2012/270/EU</a> ”;
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- (n) in the third column of item 36 of the table, after “35,” insert “35b, 35c.”;
- (o) for items 81 and 82, substitute—

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“81.	Specified plants within the meaning of Article 1(a) of Decision <a href="#">2012/138/EU</a> which originate in China	Without prejudice to the requirements in items 4, 12 and 14 of Schedule 3 and items 7, 8 to 12, 19, 21 to 23, 27, 28, 30, 48, 50, 51, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule:
		(a) the plants shall be accompanied by a phytosanitary certificate which includes an official

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		statement under the heading “Additional declaration” in accordance with point 1 of Section 1(B) of Annex I to Decision 2012/138/EU; and
		(b) the place of production of the plants shall meet the requirements specified in Article 3(1)(c) of Decision 2012/138/EU
82.	Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in any third country where <i>Anoplophora chinensis</i> (Forster) is known to be present, other than China	Without prejudice to the requirements in items 4, 12 and 14 of Schedule 3 and items 7, 8 to 12, 19, 21 to 23, 27, 28, 30, 48, 50, 51, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule, the plants shall be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration” in accordance with point 1 of Section 1(A) of Annex I to Decision 2012/138/EU”;
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	(p) after item 82, insert—	
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“83.	Plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water and which originate in any third country	The plants shall be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration” in accordance with point (1) of Section 1 of Annex I to Decision 2012/697/EU
84.	Live pollen and plants intended for planting, other than seeds, of <i>Actinidia</i> Lindl. which originate in any third country	The live pollen and plants shall be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional Declaration” in accordance with Section I of Annex I to Decision 2012/756/EU”.

(2) In Part B (relevant material, from another part of the European Union, which may only be landed in or moved within Wales if special requirements are satisfied) of Schedule 4(19)—

(19) Part B of Schedule 4 was amended by S.I. 2011/1043, article 9(1). Item 4 was amended by S.I. 2007/2716 (W. 229), article 3(13)(a). Item 4a was inserted by S.I. 2007/2716 (W. 229), article 3(13)(b). Item 19 was amended by S.I. 2012/3143 (W. 315),

(a) for item 4, substitute—

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“4.	Plants of <i>Castanea</i> intended for planting	Mill. Without prejudice to the requirements in item 4B, the plants shall be accompanied by official documentation confirming that they have been grown throughout their life in:  (a) a place of production in a country in which <i>Cryphonectria parasitica</i> (Murrill) Barr is known not to occur; or  (b) an area established and maintained as an area free from <i>Cryphonectria parasitica</i> (Murrill) Barr in accordance with ISPM No. 4
4A.	Plants, other than seeds, of <i>Quercus</i> L. intended for planting	The plants shall be accompanied by an official statement that:  (a) they originate in an area known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr; or  (b) no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation”;

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(b) item 4a is renumbered as item 4B;

(c) for item 5, substitute—

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“5.	Plants, other than seeds, of <i>Platanus</i> L. intended for planting	Without prejudice to the requirements in items 37 and 39, the plants shall be accompanied by official
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article 2(3)(b). Item 19a was inserted by S.I. 2012/3143 (W. 315), article 2(3)(c). Item 37 was inserted by S.I. 2008/2913 (W. 257), article 2(4). Item 38 was inserted by S.I. 2013/888 (W. 100), article 2(10). There are other amendments to Part B of Schedule 4, but none is relevant.

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documentation confirming that they have been grown throughout their life in:

(a) a place of production in a country in which *Ceratocystis fimbriata f. spp. platani* Walter is known not to occur; or

(b) an area established and maintained as an area free from *Ceratocystis fimbriata f. spp. platani* Walter in accordance with ISPM No. 4”.

- (d) in the third column of item 16, for “item 15” substitute “items 15 and 19b”;
- (e) in the third column of item 17, for “item 20” substitute “items 19b and 20”;
- (f) in the third column of item 19, for “item 19a”, substitute “items 19a and 19b”;
- (g) after item 19a, insert—

“19b.	Tubers of <i>Solanum tuberosum</i> L., including those intended for planting, which originate in an area established in accordance with Article 5 of Decision 2012/270/EU	Without prejudice to the requirements in items 15, 16, 18, 19 and 20, the tubers shall be accompanied by an official statement that the tubers meet the requirements specified in point (2) of Section 2 of Annex I to Decision 2012/270/EU”;
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- (h) in the third column of item 20, after “17,” insert “19a, 19b,”;
- (i) for item 37, substitute—

“37.	Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in an area established in accordance with Article 6 of that Decision	Without prejudice to the requirements in items 3 to 6, 9, 10, 12, 13, 27 and 28, the plants shall be accompanied by an official statement that the plants meet the requirements specified in point 1 of Section 2 of Annex I to Decision 2012/138/EU”;
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- (j) after item 38, insert—

“39.	Specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which do	Without prejudice to the requirements in items 3 to 6, 9, 10, 12, 13, 27 and 28, the plants shall be
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	not originate in, but have been introduced into, a place of production that is in an area established in accordance with Article 6 of that Decision	accompanied by an official statement that the place of production into which the plants have been introduced meets the requirements specified in point 1(iii) of Section 2 of Annex I to Decision 2012/138/EU
40.	Live pollen and plants intended for planting, other than seeds, of <i>Actinidia</i> Lindl.	The live pollen and plants shall be accompanied by an official statement that they meet one of the requirements specified in point (2) and, where appropriate, one of the requirements in point (3) of Annex II to Decision 2012/756/EU”.

**Amendment of Schedule 5 (relevant material from a third country for which a phytosanitary certificate may be required)**

15. In Part A (relevant material which may only be landed in Wales if accompanied by a phytosanitary certificate) of Schedule 5(20)—

(a) after paragraph 2, insert—

“2A. Seeds of *Castanea* Mill. intended for planting.”

(b) after paragraph 7, insert—

“8. Live pollen of *Actinidia* Lindl.”

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

16. In Part A (relevant material, from Wales or elsewhere in the European Union, which may only be landed in or moved within Wales if accompanied by a plant passport) of Schedule 6(21)—

(a) after paragraph 3a, insert—

“3B. Without prejudice to paragraph 3, tubers of *Solanum tuberosum* L., including those intended for planting, which originate in a third country in which *Epitrix cucumeris* (Harris), *Epitrix similis* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberosa* (Gentner) is known to be present or which originate in an area which has been established in accordance with Article 5 of Decision 2012/270/EU.”;

(b) for paragraph 8, substitute—

“8. Without prejudice to paragraphs 1 and 7, specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in a third country in which *Anoplophora chinensis* (Forster) is known to be present or which originate in or have been introduced into an area established in accordance with Article 6 of that Decision.”;

(c) after paragraph 9, insert—

(20) There are amendments to Schedule 5, but none is relevant.

(21) Part A of Schedule 6 was amended by S.I. 2011/1043, article 9(1). Paragraph 3a was inserted by S.I. 2007/3305 (W. 292), article 5(4)(a). Paragraph 8 was inserted by S.I. 2008/2913 (W. 257), article 2(5). Paragraph 9 was inserted by S.I. 2013/888 (W. 100), article 2(12). There are other amendments to Part A of Schedule 6, but none is relevant.

“10. Plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water and which originate in an area established in accordance with Article 5 of Decision 2012/697/EU.

11. Live pollen and plants intended for planting, other than seeds, of *Actinidia Lindl.*”.

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

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

(a) after paragraph 3a, insert—

“3B. Without prejudice to paragraph 3, tubers of *Solanum tuberosum* L., including those intended for planting, which originate in a third country in which *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is known to be present or which originate in an area which has been established in accordance with Article 5 of Decision 2012/270/EU.”;

(b) for paragraph 8, substitute—

“8. Without prejudice to paragraphs 1 and 7, specified plants within the meaning of Article 1(a) of Decision 2012/138/EU which originate in a third country in which *Anoplophora chinensis* (Forster) is known to be present or which originate in or have been introduced into an area established in accordance with Article 6 of that Decision.”;

(c) after paragraph 9, insert—

“10. Plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water and which originate in a demarcated area established in accordance with Article 5 of Decision 2012/697/EU.

11. Live pollen and plants intended for planting, other than seeds, of *Actinidia Lindl.*”.

5 March 2014

*Alun Davies*  
one of the Welsh Ministers  
Minister for Natural Resources and Food

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(22) Part A of Schedule 7 was amended by S.I. 2011/1043, article 9(1). Paragraph 3a was inserted by S.I. 2007/3305 (W. 292), article 5(4)(a). Paragraph 8 was inserted by S.I. 2008/2913 (W. 257), article 2(5). Paragraph 9 was inserted by S.I. 2013/888 (W. 100), article 2(13). There are other amendments to Part A of Schedule 7, but none is relevant.

## EXPLANATORY NOTE

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

This Order amends the Plant Health (Wales) Order 2006 ([S.I. 2006/1643 \(W. 158\)](#)) (“the principal Order”).

Articles 5, 8 to 12, 14 to 17 of this Order amend the principal Order by revising the existing control measures to prevent the introduction and spread of *Ceratocystis fimbriata* f. spp. *platani* Walter (a cause of plane canker stain) and *Cryphonectria parasitica* (Murrill) Barr (a cause of sweet chestnut blight). The amendments also implement the specific control measures in the Commission Implementing Decisions referred to in article 3(1)(b) and Commission Implementing Decision 2013/67/EU amending Decision [2004/416/EC](#) on temporary emergency measures in respect of certain citrus fruits originating in Brazil (OJ No L 31, 31.1.2013, p. 75).

Article 3(1)(a) implements Commission Implementing Decision 2013/253/EU amending Decision [2006/473/EC](#) as regards the recognition of certain third countries and certain areas of third countries as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus) (OJ No L 145, 31.5.2013, p. 35)

Articles 3(1)(e), 4 and 6 of this Order amend the definition of “protected zone” in article 2(1) of the principal Order, and make minor amendments to articles 6(2) and 12(2), of the principal Order to take account of [Commission Regulation \(EC\) No 690/2008](#) recognising protected zones exposed to particular plant health risks in the Community (OJ No L 193, 22.7.2008, p. 1).

Article 7 makes provision prohibiting a person from landing in Wales plants of *Pinus* L. intended for planting unless prior written notification has been given to an authorised inspector.

Article 13 amends Schedule 3 to the principal Order to implement Commission Implementing Decision 2012/219/EU recognising Serbia as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman et Kotthof) Davis *et al.* (OJ No L 114, 26.4.2012, p. 28).

Article 3(1)(a), (b) and (f) provides for the references to Commission Decision [2006/473/EC](#), Commission Implementing Decision 2012/756/EU, Commission Implementing Decision 2012/697/EU, Commission Implementing Decision 2012/270/EU, Commission Implementing Decision 2012/138/EU and [Commission Regulation \(EC\) No 690/2008](#) in the principal Order to be read as references to those instruments as amended from time to time.

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