

Regulations made by the Secretary of State, laid before Parliament under paragraph 5(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament within 28 days beginning with the day on which the Regulations were made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2019 No. 809

**EXITING THE EUROPEAN UNION
ANIMALS
PLANT HEALTH, ENGLAND AND WALES
PLANT HEALTH, NORTHERN IRELAND
SEEDS, ENGLAND**

The Animal Health, Plant Health, Seeds and Seed
Potatoes (Amendment) (EU Exit) Regulations 2019

Made - - - - 4th April 2019

Laid before Parliament 5th April 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019 and come into force as follows—

- (a) as regards this Part, Part 3 and regulation 8, immediately before exit day;
- (b) as regards Part 2 and regulations 6 and 7, other than regulation 7(15)(a), on exit day;
- (a) as regards regulation 7(15)(a), on the day one year after the day on which exit day falls.

PART 2

Animal Health

Chapter 1

Amendment of retained EU direct legislation

Commission Implementing [Decision 2014/709/EU](#) concerning animal health control measures relating to swine fever in certain Member States and repealing [Implementing Decision 2014/178/EU](#)

2.—(1) Commission Implementing [Decision 2014/709/EU](#) concerning animal health control measures relating to African swine fever in certain Member States and repealing [Implementing Decision 2014/178/EU](#) is amended as follows.

(2) In Article 1, at the end insert—

“For the purposes of this Decision, “the appropriate authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Wales, the Welsh Ministers.”.

(3) In Article 15, for paragraph 3, substitute—

“3. The appropriate authority must prohibit the export of live feral pigs.”.

(4) In Article 15a—

- (a) in the heading, omit “of the Member States”;
- (b) in point 2, for “All Member States” substitute “The appropriate authority”.

(5) For Article 19 substitute—

“The appropriate authority must amend the measures that it applies to trade so as to bring them into compliance with this Decision and it must give immediate appropriate publicity to the measures adopted.”.

(6) Omit Article 22.

Chapter 2

Amendment of domestic legislation consequent on the withdrawal of the United Kingdom from the European Union

The Transmissible Spongiform Encephalopathies (England) Regulations 2018

3. In the Transmissible Spongiform Encephalopathies (England) Regulations 2018(2), in regulation 5(6)(e), for “EU Commission” substitute “Secretary of State”.

PART 3

Plant health: amendment of secondary legislation relating to the withdrawal from the European Union

The Plant Health (Amendment) (England) (EU Exit) Regulations 2019

4.—(1) The Plant Health (Amendment) (England) (EU Exit) Regulations 2019(3) are amended as follows.

(2) In regulation 8(a)—

(a) in sub-paragraph (i)—

(i) in the inserted definition of “appropriate UK plant health authority”, after sub-paragraph (e) insert—

“(f) in relation to the Bailiwick of Guernsey, the Committee for the Environment & Infrastructure of the States of Guernsey;

(g) in relation to the Bailiwick of Jersey, the Department of Environment of the States of Jersey;

(h) in relation to the Isle of Man, the Department of Environment, Food and Agriculture of the Isle of Man;”;

(ii) after the inserted definition of “appropriate UK plant health authority” insert—

““CD territory” means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;”;

(iii) in the inserted definition of “UK plant passport” omit “Part A or B of”;

(b) for sub-paragraph (xxviii) substitute—

“(xxviii) for the definition of “third country” substitute—

““third country” means any country or territory outside the British Islands”;

(3) In regulation 10(a)—

(a) in the inserted definition of “correct phytosanitary certificate” after “phytosanitary”, in the last place where it occurs, insert “certificate”;

(b) in the inserted definition of “trade documents” for “similar document which accompanies the consignment” substitute “other similar document”.

(4) In regulation 13(e), in the inserted text of paragraph (3), for “(d)” substitute “(b) to (h)”.

(5) In regulation 17—

(2) [S.I. 2018/731](#).

(3) [S.I. 2019/786](#).

- (a) in paragraph (a), for the inserted text of article 8(A1) substitute—
- “(A1) The provisions referred to in paragraph (A2) do not apply to—
- (a) any tree or wood described in paragraph (2) originating in any third country, other than the European Union or Switzerland, which is brought into England in the baggage of a passenger or other traveller coming from any such third country and meets the conditions in paragraph (A3); or
 - (b) any small quantity of relevant material originating in the European Union or Switzerland which is brought into England in the baggage of a passenger or other traveller coming from the European Union or Switzerland and meets the conditions in paragraph (A3).
- (A2) The provisions are—
- (a) article 5(A1)(e) and (h);
 - (b) article 6(A1);
 - (c) article 6A(1);
 - (d) article 7(A1);
 - (e) article 10A;
 - (f) article 12A.
- (A3) The conditions are that the relevant material—
- (a) does not show any signs of the presence of a tree pest;
 - (b) is not intended for use in the course of a trade or business;
 - (c) is intended for household use; and
 - (d) in the case of any tree or wood originating in a third country, other than the European Union or Switzerland, has been grown in or consigned from the Euro-Mediterranean area.”.

(6) In regulation 21, for paragraph (a) substitute—

“(a) in the words before paragraph (a), after “article 10(1)” insert “and the prohibition imposed by article 10A(3)”.”.

(7) In regulation 23, in the inserted text of article 12A(2)(a) for “which accompanied” substitute “accompanying”.

(8) In regulation 32—

 - (a) in the inserted text of article 19A(2)(d), after “United Kingdom” insert “or a CD territory”;
 - (b) in the inserted text of article 19A(3)(b), for “2”, in the second place where it occurs, substitute “3”;
 - (c) in the inserted text of article 19A(3)(d), after “United Kingdom” insert “or a CD territory”.

(9) In regulation 34—

 - (a) in the inserted text of article 20A(1)(a), after “United Kingdom” insert “or a CD territory”;
 - (b) in the inserted text of article 20A(1)(b), for “under article 12” substitute “on behalf of the Commissioners under article 12(B1) or by or on behalf of another appropriate UK plant health authority in an equivalent manner.”;
 - (c) after the inserted text of article 20A(1)(b) insert—

“(c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of controlled material which originates in the European Union or Switzerland and was notified to

- the Commissioners in accordance with article 6(A1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order”;
- (d) in the inserted text of article 20A(2)(a), at the end insert “or a CD territory”;
- (e) for the inserted text of article 20A(2)(b) substitute—
- “(b) any relevant material of a description specified in the list of pest free area controlled material in respect of the relevant UK pest free area that has been discharged on behalf of the Commissioners under article 12(B1) or by or on behalf of another appropriate UK plant health authority in an equivalent manner;
- (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of pest free area controlled material in respect of the relevant UK pest free area which—
- (i) originates in the European Union or Switzerland; and
- (ii) was notified to the Commissioners in accordance with article 6(A1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.”;
- (f) in the inserted text of article 20A(3)—
- (i) in the words before sub-paragraph (a), after “UK territory” insert “or a CD territory”;
- (ii) at the end insert—
- “(e) in the case of relevant material destined for a CD territory, any relevant material of a description specified for the purposes of this paragraph in the applicable plant health legislation of that CD territory”;
- (g) at the end of the inserted text of article 20A insert—
- “(6) In paragraphs (1) and (2), “relevant Plant Health Order” has the same meaning as in Part 2 (see article 3).”.
- (10) In regulation 48(a), after sub-paragraph (ii) insert—
- “(iii) omit sub-paragraphs (a) and (b);”.
- (11) In regulation 57—
- (a) for paragraph (c) substitute—
- “(c) in paragraph 3(b), for the words from “appropriate authority” to the end substitute “appropriate UK plant health authority”;
- (b) in paragraph (f), after sub-paragraph (vi) insert—
- “(vii) in sub-paragraph (j), for “relevant territory” substitute “United Kingdom or a CD territory”.
- (12) In regulation 64(a)—
- (a) in sub-paragraph (i)—
- (i) in the inserted definition of “appropriate UK plant health authority”, after paragraph (e) insert—
- “(f) in relation to the Bailiwick of Guernsey, the Committee for the Environment & Infrastructure of the States of Guernsey;
- (g) in relation to the Bailiwick of Jersey, the Department of Environment of the States of Jersey;

- (h) in relation to the Isle of Man, the Department of Environment, Food and Agriculture of the Isle of Man;”;
- (ii) after the inserted definition of “appropriate UK plant health authority” insert—
 - ““CD territory” means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;”;
- (b) for sub-paragraph (xxix) substitute—
 - “(xxix) for the definition of “third country” substitute—
 - ““third country” means any country or territory outside the British Islands”;”.
- (13) In regulation 65(a), in the inserted definition of “correct phytosanitary certificate” after “phytosanitary”, in the last place where it occurs, insert “certificate”.
- (14) For regulation 71 substitute—
 - “71. In article 8—
 - (a) in paragraph (1)—
 - (i) for the words from “introduced into England in the baggage of a passenger or other traveller” substitute “brought into England in the baggage of a passenger or other traveller coming from any third country, other than the European Union or Switzerland, or to any exempt material which is brought into England in the baggage of a passenger or other traveller coming from the European Union or Switzerland”;
 - (ii) in paragraph (a), for “(f)” substitute “(h)”;
 - (iii) after paragraph (b) insert—
 - “(ba) article 6A(1);”;
 - (iv) after sub-paragraph (d), insert “(e) article 12A”;
 - (b) in paragraph (3)—
 - (i) in sub-paragraph (a), after “means” insert “any of the following relevant material originating in a third country, other than the European Union or Switzerland”;
 - (ii) after paragraph (a) insert—
 - “(aa) “exempt material” means any small quantity of relevant material originating in the European Union or Switzerland, other than plants of *Castanea* Mill. intended for planting, plants of *Fraxinus* L. intended for planting or plants, other than seeds, of *Platanus* L. intended for planting;”.
- (15) In regulation 75—
 - (a) in paragraph (a), in the inserted text of paragraph (A1), after “that” omit “it”;
 - (b) in paragraph (e)(i), in the substituted text, omit “its”.
- (16) In regulation 78(a)(iv), in the substituted text, omit “the”, in the first place where it occurs.
- (17) In regulation 84—
 - (a) in paragraph (a)—
 - (i) at the beginning insert “in paragraph (1);”;
 - (ii) in the substituted text of sub-paragraph (e), after “United Kingdom” insert “or a CD territory”;

- (iii) in the substituted text of sub-paragraph (f), after “United Kingdom” insert “or a CD territory”;
- (b) in paragraph (b)—
 - (i) in the inserted text of paragraph (1B)(d), after “United Kingdom” insert “or a CD territory”;
 - (ii) in the inserted text of paragraph (1B)(e), after “United Kingdom” insert “or a CD territory”.
- (18) In regulation 85—
 - (a) in paragraph (b)—
 - (i) in the substituted text of paragraph (1)(a), at the end insert “or a CD territory”;
 - (ii) in the substituted text of paragraph (1)(b), for the words from “under article 12” substitute “on behalf of the Secretary of State under article 12(1) or by or on behalf of another appropriate UK plant health authority in an equivalent manner.”;
 - (iii) after the substituted text of paragraph (1)(b) insert—
 - “(c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of controlled material which originates in the European Union or Switzerland and was notified to the Secretary of State in accordance with article 6(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.”;
 - (iv) in the substituted text of paragraph (2)(a), at the end insert “or a CD territory”;
 - (v) for the substituted text of paragraph (2)(b) substitute—
 - “(b) any relevant material of a description specified in the list of pest free area controlled material in respect of the relevant UK pest free area that has been discharged on behalf of the Secretary of State under article 12(1) or by or on behalf of another appropriate UK plant health authority in an equivalent manner;
 - (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of pest free area controlled material in respect of the relevant UK pest free area which —
 - (i) originates in the European Union or Switzerland; and
 - (ii) was notified to the Secretary of State in accordance with article 6(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order”;
 - (vi) in the substituted text of paragraph (3)—
 - (aa) in the words before sub-paragraph (a), after “UK territory” insert “or a CD territory”;
 - (bb) in the substituted text of paragraph (3)(d), after “within” omit “in”;
 - (cc) at the end insert—
 - “(e) in the case of relevant material destined for a CD territory, any relevant material of a description specified for the purposes of

this paragraph in the applicable plant health legislation of that CD territory”;

(b) at the end insert—

“(g) for paragraph (11) substitute—

“(11) In paragraphs (1) and (2), “relevant Plant Health Order” has the same meaning as in Part 2 (see article 3).”

(19) In regulation 91—

(a) for paragraph (a) substitute—

“(a) in paragraph (3)(c), for “details specified in Article 10(4) of Decision (EU) 2015/789” substitute “specified details”;

(b) for paragraph (b) substitute—

“(b) in paragraph (4) for sub-paragraphs (a) and (b) substitute—

“(a) “professional operator” means any person who, in the course of a trade, business or profession, is involved in planting, breeding, producing, importing, marketing or distributing plants;

(aa) “specified details”, in relation to a lot, means its origin, consignor, consignee, place of destination, individual serial, week or batch number of the UK plant passport, identity and quantity;

(b) “*Xylella* specified plants” means plants which belong to the genera and species specified in paragraph 13 of Part E of the list of regulated material that have been grown for a part of their life in, or have been moved through—

(i) an area demarcated under paragraph 5 of Schedule 15 to the Plant Health Regulations or, in relation to Scotland, under equivalent provisions in the Scotland Orders; or

(ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present;”

(20) In regulation 99(b)(i), for “United Kingdom” substitute “United Kingdom, a CD territory,”.

(21) In regulation 105(a), after sub-paragraph (i) insert—

“(ia) omit paragraphs (v) and (va) of sub-paragraph (a);”.

(22) In regulation 108—

(a) in paragraph (d)(viii) for “the United Kingdom” substitute “the United Kingdom or a CD territory”;

(b) in paragraph (e), for the words in paragraph (i) substitute “for “elsewhere in the European Union” substitute “in another UK territory or a CD territory””;

(c) in paragraph (h), after the inserted text of paragraph 8(a) insert—

“(aa) in relation to fruit plant propagating material and fruit plants—

(i) produced in England, in Part 2 of Schedule 2 to the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017(4);

(ii) produced in Wales, in Part 2 of Schedule 2 to the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017(5);

(4) S.I. 2017/595, amended by S.I. 2019/131.

(5) S.I. 2017/691 (W.163), amended by S.I. 2019/368 (W.90).

- (iii) produced in Scotland, in Part 2 of Schedule 5 to the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017(6);
- (iv) produced in Northern Ireland, in Part 2 of Schedule 2 to the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017(7);”.

(23) In regulation 112(p), for “22” substitute “21”.

The Plant Health (EU Exit) Regulations 2019

5.—(1) The Plant Health (EU Exit) Regulations 2019(8) are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of “appropriate UK plant health authority”, in paragraph (a), at the end insert—

“(vi) in relation to the Bailiwick of Guernsey, the Committee for the Environment & Infrastructure of the States of Guernsey;

(vii) in relation to the Bailiwick of Jersey, the Department of Environment of the States of Jersey;

(viii) in relation to the Isle of Man, the Department of Environment, Food and Agriculture of the Isle of Man;”;

(b) after the definition of “bark-free” insert—

““CD territory” means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;”;

(c) in the definitions of “[Decision 2012/138/EU](#)”, “[Decision 2012/270/EU](#)”, “[Decision 2012/535/EU](#)”, “[Decision 2012/697/EU](#)”, “Decision (EU) 2015/789” and “Decision (EU) 2015/893”, before “as amended” insert “as it has effect in EU law”;

(d) after “Decision (EU) 2015/893” insert—

““Decision (EU) 2018/1503” means Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann)(9), as it has effect in EU law as amended from time to time, before and after exit day;”;

(e) for the definition of “third country” substitute—

““third country” means any country or territory outside the British Islands;”.

(3) In regulation 3—

(a) in paragraph (2), for “16” substitute “16A”;

(b) in paragraph (3), for “Schedules 10, 11, 13, 15 or 16” substitute “Schedule 10, 11, 13, 15, 16 or 16A”.

(4) In regulation 5, after paragraph (9) insert—

“(10) Schedule 16A makes provision about emergency measures in respect of *Aromia bungii* (Faldermann).”.

(5) In Schedule 1, in Part D, at the beginning insert—

(6) S.S.I. 2017/177, amended by S.S.I. 2019/59.

(7) S.R. 2017 No. 119, amended by S.R. 2019 No. 211.

(8) S.I. 2019/787.

(9) OJ No. L 254, 10.10.2018, p. 9.

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“A1. *Aromia bungii* (Faldermann)”.

(6) In Schedule 2—

(a) in the table in Part A, under the heading “Fungi”, after item 8 insert—

“8A.	Plants of <i>Castanea</i> Mill., intended for planting; plants, other than seeds, of <i>Quercus</i> L., intended for planting; wood, other than wood which is bark-free, of <i>Castanea</i> Mill; or isolated bark of <i>Castanea</i> Mill	<i>Cryphonectria parasitica</i> (Murrill) Barr”;
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(b) in the table in Part B, under the heading “Fungi”, omit item 1.

(7) In Schedule 4—

(a) in the table in Part B—

- (i) in item 5, in column 2, at the end insert “, originating in the United Kingdom”;
- (ii) in item 6, in column 2, after “planting” insert “, originating in the United Kingdom”;
- (iii) after item 6 insert—

“6A.	Tubers of <i>Solanum tuberosum</i> L., intended for planting, originating in a CD territory	The tubers must be accompanied by an official statement that they originate in an area in which <i>Synchytrium endobioticum</i> (Schilbersky) Percival, <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al., <i>Meloidogyne fallax</i> Karssen, <i>Globodera pallida</i> (Stone) Behrens and <i>Globodera rostochiensis</i> (Wollenweber) Behrens are known not to occur”;
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(iv) in item 7, in column 3—

- (aa) in paragraph (b), after “United Kingdom” insert “or a CD territory”;
- (bb) in paragraph (c), after “United Kingdom” insert “ or the CD territory”;

- (v) in item 8, in column 3, in paragraph (a)(i), for “by a” substitute “by the appropriate”;
- (vi) in item 9, in column 3, in paragraph (a), after “with the” insert “relevant”;
- (vii) in item 11, in column 2, after “*Solanum tuberosum* L.” insert “, originating in the United Kingdom”;
- (viii) after item 11 insert—

“11A.	Tubers of <i>Solanum tuberosum</i> L., originating in a CD territory, other than those mentioned in column 2 of items 6A to 8 or item 10	There must be evidence by a registration number put on the packaging, or in the case of loose-loaded potatoes transported in bulk, on the vehicle transporting the potatoes, that the potatoes have been grown by an officially registered producer, or originate from officially registered collective storage or dispatching centres located in the area of production, indicating that the tubers are free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et
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al., *Synchytrium endobioticum* (Schilbersky) Percival, *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens”;

- (ix) in item 12, in column 2, after “planting” insert “, originating in the United Kingdom”;
(x) after item 12 insert—

“12A. Plants with roots of *Capsicum* spp., *Solanum lycopersicum* L., or *Solanum melongena* L., intended for planting, originating in a CD territory The plants must be accompanied by an official statement that the plants originate in an area in which *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens are known not to occur”;

- (xi) in item 19, in column 2, after “planting” insert “, originating in the United Kingdom”;
(xii) after item 19 insert—

“19A. Plants with roots grown in the open air of *Allium porrum* L., *Asparagus officinalis* L., *Beta vulgaris* L., *Brassica* spp. or *Fragaria* L., intended for planting, originating in a CD territory The plants must be accompanied by an official statement that the plants originate in an area in which *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens are known not to occur”;

- (xiii) in item 20, in column 2, after “*Tulipa* L” insert “., originating in the United Kingdom”;
(xiv) after item 20 insert—

“20A. Bulbs, tubers or rhizomes, grown in the open air, of *Allium ascalonicum* L., *Allium cepa* L., *Dahlia* spp., *Gladiolus* Tourn. ex L., *Hyacinthus* spp., *Iris* spp., *Lilium* spp., *Narcissus* L. or *Tulipa* L., originating in a CD territory The plants must be accompanied by an official statement that the plants originate in an area in which *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens are known not to occur”;

- (b) in the table in Part D—

(i) item 8, in column 3, for paragraph (c) substitute

“(c) in the case of plants which have been grafted with scions that have not been grown in accordance with the requirements specified in paragraph (b), an official statement that:

- (i) the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (b),
(ii) at the time of export, the scions were no more than 1 cm in diameter at their thickest point, and
(iii) the plants have been subjected to a meticulous official inspection for the presence of *Anoplophora chinensis* (Forster), which included targeted

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destructive sampling using samples to enable at least the detection of 1% level of infestation with a confidence of 99%”;

(ii) in item 9—

- (aa) in column 2, after “other than China” insert “or the European Union”;
- (bb) column 3, in paragraph (a), after “supervised by” insert “the” and for paragraph (c) substitute—

“(c) in the case of plants which have been grafted with scions that have not been grown in accordance with the requirements specified in paragraph (b), an official statement that:

- (i) the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (b),
- (ii) at the time of export, the scions were no more than 1 cm in diameter at their thickest point, and
- (iii) the plants have been subjected to a meticulous official inspection for the presence of *Anoplophora chinensis* (Forster), which included targeted destructive sampling using samples to enable at least the detection of 1% level of infestation with a confidence of 99%”;

(iii) in item 10, in column 3, for paragraph (b) substitute—

“(b) in the case of plants which have been grafted with scions that have not been grown in accordance with the requirements specified in paragraph (a), an official statement that:

- (i) the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a), and
- (ii) at the time of export, the scions were no more than 1 cm in diameter at their thickest point”;

(iv) in item 16, in column 3—

- (aa) in paragraph (b)(i)(bb), at the beginning insert “must”, and omit “to” in the third place where it occurs;
- (bb) in paragraphs (b)(ii) and (c)(ii), for “be” substitute “must have been”;

- (v) in item 21, in column 3, in the final paragraph, omit “NPPO”;
- (vi) in item 22, in column 3, in paragraph (a), at the end insert “, an official statement that they originate in such an area”;
- (vii) in item 23, in column 3, in the final paragraph, for “test, as specified in” substitute “molecular test, as specified in the list maintained by the European Commission of validated tests”;
- (viii) in item 26, in column 2, omit “an” in the third place where it occurs;
- (ix) in item 27, in column 3, in paragraph (b) omit “to” in the third place where it occurs;
- (x) item 28, in column 3, for paragraph (c) substitute—

“(c) in the case of plants which have been grafted with scions that have not been grown in accordance with the requirements specified in paragraph (b), an official statement that:

- (i) the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (b),
- (ii) at the time of export, the scions were no more than 1 cm in diameter at their thickest point, and
- (iii) the plants have been subjected to a meticulous official inspection for the presence of *Anoplophora glabripennis* (Motschulsky), in the manner specified in paragraph (b)(iv)”;”;

(xi) in item 29, in column 3, for paragraph (c) substitute—

“(c) in the case of plants which have been grafted with scions that have not been grown in accordance with the requirements specified in paragraph (b), an official statement that:

- (i) the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (b),
- (ii) at the time of export, the scions were no more than 1 cm in diameter at their thickest point”;

(xii) in item 31, in column 3, in paragraph(c)(cc), for “to”, in the first place where it occurs, substitute “from”;

(xiii) after item 32 insert—

<p>“33. Wood obtained in whole or in part from plants of <i>Prunus</i> spp., other than <i>Prunus laurocerasus</i> L., which meets one of the relevant CN descriptions below and originates in any third country, other than the European Union, where <i>Aromia bungii</i> (Faldermann) is known to be present</p> <p>Relevant CN descriptions:</p> <p>—CN 4401 12 00 (non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms),</p> <p>—CN 4401 22 00 (non-coniferous wood, in chips or particles),</p> <p>—CN 4401 40 (sawdust and wood waste and scrap, not agglomerated),</p> <p>—CN 4403 12 00 (non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not</p>	<p>In the case of wood:</p> <p>(a) in the form of chips, particles, shavings, wood waste or scrap, the wood must be accompanied by:</p> <ul style="list-style-type: none"> (i) an official statement that it originates in an area* established by the national plant protection organisation in accordance with ISPMNo. 4 as an area that is free from <i>Aromia bungii</i> (Faldermann), (ii) an official statement that it is debarked and has undergone an appropriate heat treatment to achieve a minimum temperature of 56 #C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), (iii) an official statement that it has been processed into pieces of not more than 2.5 cm thickness and width, <p>(b) in the case of any other wood, the wood must be accompanied by:</p> <ul style="list-style-type: none"> (i) an official statement that it originates in an area* established by the national plant protection organisation in accordance
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stripped of bark or sapwood, or roughly squared),

—CN ex 4404 20 00 (non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like),

—CN 4406 (railway or tramway sleepers (cross-ties) of wood),

—CN 4407 94 (wood of cherry (*Prunus* spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),

—CN 4416 00 00 (casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves),

—CN 9406 10 00 (prefabricated buildings of wood)

34. Wood obtained in whole or in part from plants of *Prunus* spp., other than *Prunus laurocerasus* L., which meets one of the relevant CN descriptions below and:

—originates in an area in the European Union established in accordance with Article 5 of Decision (EU) 2018/1503, or

—in the case of wood retaining all or part of its round surface, has been introduced into an area in the European Union established in accordance with Article 5 of Decision (EU) 2018/1503

Relevant CN descriptions:

with ISPM No. 4 as an area that is free from *Aromia bungii* (Faldermann),

- (ii) an official statement that it is debarked and has undergone an appropriate heat treatment to achieve a minimum temperature of 56 #C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), or
- (iii) an official statement that it has undergone appropriate ionizing radiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.

Where the phytosanitary certificate includes the official statement referred to in paragraph (b)(ii), there must also be evidence of that heat treatment by a mark "HT" put on the wood or on any wrapping in accordance with current usage.

* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"

In the case of wood:

- (a) in the form of chips, particles, shavings, wood waste or scrap, the wood must be accompanied by:
 - (i) an official statement that it is debarked and has undergone an appropriate heat treatment to achieve a minimum temperature of 56 #C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), or
 - (ii) an official statement that it has been processed into pieces of not more than 2.5 cm thickness and width,
- (b) in the case of any other wood, the wood must be accompanied by:
 - (i) an official statement that it is debarked and has undergone an

- CN 4401 12 00 (non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms),
- CN 4401 22 00 (non-coniferous wood, in chips or particles),
- CN 4401 40 (sawdust and wood waste and scrap, not agglomerated),
- CN 4403 12 00 (non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared),
- CN ex 4404 20 00 (non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like),
- CN 4406 (railway or tramway sleepers (cross-ties) of wood),
- CN 4407 94 (wood of cherry (*Prunus* spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),
- CN 4416 00 00 (casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves),
- CN 9406 10 00 (prefabricated buildings of wood)

- appropriate heat treatment to achieve a minimum temperature of 56 #C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), or
- (ii) an official statement that it has undergone appropriate ionizing radiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.

Where the phytosanitary certificate includes the official statement referred to in paragraph (b)(i), there must also be evidence of that heat treatment by a mark "HT" put on the wood or on any wrapping in accordance with current usage

35. Plants, other than seeds, intended for planting, of *Prunus* spp., other than *Prunus laurocerasus* L., that have a stem or root collar with a diameter of 1 cm or more at
- The plants must be accompanied by:
- (a) an official statement that the plants have been grown throughout their life in a place of production which is registered and supervised by the

their thickest point, originating in any third country, other than the European Union, where *Aromia bungii* (Faldermann) is known to be present

national plant protection organisation in the country of origin and is situated in an area* established by that organisation in accordance with ISPM No. 4 as an area that is free from *Aromia bungii* (Faldermann),

- (b) an official statement:
- (i) that the plants have been grown during a period of at least two years prior to export or, in the case of plants which are younger than two years, have been grown throughout their life, in a place of production established as free from *Aromia bungii* (Faldermann) in accordance with ISPM No. 10:
 - (aa) which is registered and supervised by the national plant protection organisation in the country of origin,
 - (bb) which has been subjected annually to at least two official meticulous inspections for any signs of *Aromia bungii* (Faldermann) carried out at appropriate times without the plant pest or any signs of the plant pest being found,
 - (cc) which has complete physical protection against the introduction of *Aromia bungii* (Faldermann) or has been subjected to appropriate preventive treatments and which was surrounded by a buffer zone with a radius of at least 4 km where official surveys for the presence or signs of *Aromia bungii* (Faldermann) are carried out annually at appropriate times and, where signs of *Aromia bungii* (Faldermann) have been found, eradication measures were taken immediately to restore the

- buffer zone to freedom from the pest, and
- (ii) that immediately prior to export, the plants, and in particular their branches and stems, were subjected to a meticulous official inspection for the presence of *Aromia bungii* (Faldermann) which included targeted destructive sampling and, in the case of plants originating in sites which at the time of their production were located in a buffer zone where the presence or signs of *Aromia bungii* (Faldermann) have been found, targeted destructive sampling at the appropriate level, or
- (c) in the case of plants which have been grafted with scions that have not been grown in accordance with the requirements specified in paragraph (b), an official statement that:
 - (i) the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (b),
 - (ii) at the time of export, the scions were no more than 1 cm in diameter at their thickest point, and
 - (iii) the plants have been subjected to a meticulous official inspection for the presence of *Aromia bungii* (Faldermann), in the manner specified in paragraph (b)(i)(bb).

*The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration".

For the purpose of paragraph (b)(ii), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants where the number of plants is more than 4,500

36. Plants, other than seeds, intended for planting, of *Prunus* spp., other than *Prunus laurocerasus* The plants must be accompanied by:
- (a) an official statement that the plants have been grown during a period of at

L., that have a stem or root collar with a diameter of 1 cm or more at their thickest point, originating in an area in the European Union established in accordance with Article 5 of Decision (EU) 2018/1503

least two years prior to export, or in the case of plants which are younger than two years, have been grown throughout their life, in a place of production:

- (i) which is registered and supervised by the national plant protection organisation in the country of origin,
- (ii) which has been subjected annually to at least two official meticulous inspections for any signs of *Aromia bungii* (Faldermann) carried out at appropriate times which included targeted destructive sampling of the stems and branches (where appropriate), without the plant pest or any signs of the plant pest being found, and
- (iii) which:
 - (aa) has complete physical protection against the introduction of *Aromia bungii* (Faldermann), or
 - (bb) has been subjected to appropriate preventive treatments and is a place where targeted destructive sampling has been carried out on each lot of the plants prior to their movement from the place of production at the appropriate level, and where official surveys for the presence or signs of *Aromia bungii* (Faldermann) are carried out annually at appropriate times within a radius of at least 1 km around the site at appropriate times without the plant pest or any signs of the plant pest being found, or
- (b) in the case of plants which have been grafted with scions that have not been grown in accordance with the requirements specified in paragraph (a), an official statement that:

- (i) the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a), and
- (ii) at the time of export, the scions were no more than 1 cm in diameter at their thickest point.

For the purpose of paragraph (a)(iii)(bb), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500

37. Plants, other than seeds, intended for planting, that have a stem or root collar with a diameter of 1 cm or more at their thickest point, of *Prunus* spp., other than *Prunus laurocerasus* L., which have been introduced into an area in the European Union established in accordance with Article 5 of Decision (EU) 2018/1503
- The plants must be accompanied by an official statement that the plants have been grown during a period of at least two years prior to export or, in the case of plants which are younger than two years, have been grown throughout their life, in a place of production:
- (a) which is registered and supervised by the national plant protection organisation in the country of origin,
 - (b) which has been subjected annually to at least two official meticulous inspections for any signs of *Aromia bungii* (Faldermann) carried out at appropriate times which included targeted destructive sampling of the stems and branches (where appropriate), without the plant pest or any signs of the plant pest being found, and
 - (c) which:
 - (i) has complete physical protection against the introduction of *Aromia bungii* (Faldermann), or
 - (ii) has been subjected to appropriate preventive treatments and is a place where targeted destructive sampling has been carried out on each lot of the plants prior to their movement from the place of production at the appropriate level, and where official surveys for the presence or signs of *Aromia bungii* (Faldermann) are carried out annually at appropriate times within a radius of at least 1 km around the site at appropriate times without the

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plant pest or any signs of the plant pest being found.

For the purpose of paragraph (c)(ii), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants where the number of plants is more than 4,500”;

(c) in the table in Part E—

- (i) in item 2, in column 2, at the end insert “, other than those intended for sale to final consumers not involved in professional plant production, provided that it is evident from the packaging of the seeds or by other means that they are intended for sale to the final consumer”;
- (ii) in item 3, in column 3, in paragraphs (a) and (b), after “United Kingdom”, in each place where it occurs, insert “or a CD territory”;
- (iii) in item 4—
 - (aa) in column 2, for the words from “which originate” to the end substitute—

“originating in:

—an area that is demarcated under paragraph 3 of Schedule 11 or under equivalent provisions in the Scotland Orders, or

—a CD territory where there is evidence that *Anoplophora chinensis* (Forster) is present”;

(bb) in column 3, in paragraph (a)(i), for “relevant” substitute “appropriate” and for paragraph (b) substitute—

“(b) in the case of plants which have been grafted with scions that have not been grown in accordance with the requirements specified in paragraph (a), an official statement that:

- (i) the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a), and

- (ii) at the time the plants were moved from the place of production, the scions were no more than 1 cm in diameter at their thickest point”;

(iv) in item 5, in column 2, for the words from “introduced into” to the end substitute—

“introduced into:

—an area that is demarcated under paragraph 3 of Schedule 11 or under equivalent provisions in the Scotland Orders, or

—a CD territory where there is evidence that *Anoplophora chinensis* (Forster) is present”;

(v) in item 6—

- (aa) in column 2, for the words from “which originate” to the end substitute—

“originating in:

—an area that is demarcated under paragraph 3 of Schedule 12 or under equivalent provisions in the Scotland Orders, other than those which are only being moved within such an area, or

—a CD territory where there is evidence that *Epitrix cucumeris* (Harris), *Epitrix papa*. Orlova-Bienkowskaja, *Epitrix subcrinita* (Lec.) or *Epitrix tuberis* (Gentner) is present or where there are signs of infestation by one of those plant pests on potato tubers”;

(bb) in column 3, in paragraph (b), after “concerned,” insert “spreading”;

(vi) in item 7—

(aa) in column 2, for the words from “originating in” to the end substitute—

“originating in:

—an area that is demarcated under paragraph 3 of Schedule 13 or under equivalent provisions in the Scotland Orders, other than wood which is being moved from the infested zone to the buffer zone in the demarcated area, or

—a CD territory where there is evidence that *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. is present”;

(bb) in column 3, in paragraph (a)(i), for “under Part F of Schedule 13 or equivalent provisions in the Scotland Orders” substitute “by the appropriate UK plant health authority for the purposes of this item” and in paragraph (b) (i)(bb), omit “to” in the third place where it occurs;

(vii) in item 8, in column 2, for the words from “originating in” to the end substitute—

“originate in:

—an area that is demarcated under paragraph 3 of Schedule 13 or under equivalent provisions in the Scotland Orders, other than wood which is being moved from the infested zone to the buffer zone in the demarcated area, or

—a CD territory where there is evidence that *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. is present”;

(viii) in item 9, in column 2, for the words from “originate in” to the end substitute—

“originate in:

—an area that is demarcated under paragraph 3 of Schedule 14 or under equivalent provisions in the Scotland Orders, other than those which are only being moved within such an area, or

—a CD territory where there is evidence that *Pomacea* (Perry) is present in a field or watercourse”;

(ix) in item 12, for the entry in column 2 substitute—

“Plants, other than seeds, intended for planting which belong to the genera and species listed in the list of *Xylella* host plants and have never been grown in:

— an area that is demarcated under paragraph 5 of Schedule 15 or under equivalent provisions in the Scotland Orders, or

— a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present”;

(x) in item 13—

(aa) for the entry in column 2 substitute—

“Plants, other than seeds, intended for planting which belong to the genera and species listed in Annex 1 to Decision (EU) 2015/789, other than those belonging to the varieties specified in Annex 3 to Decision (EU) 2015/789, or listed in the list of *Xylella* host plants, and have been grown for at least part of their life in:

—an area that is demarcated under paragraph 5 of Schedule 15 or under equivalent provisions in the Scotland Orders, or

—a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present”;

(bb) in column 3, in paragraph (b)(i), for “relevant” substitute “appropriate”;

(cc) in column 3, for the final paragraph (beginning with “In either case”) substitute—

“In either case, to ensure that infection with *Xylella fastidiosa* (Wells et al.) or any of its vectors cannot occur, the plants may only be moved in closed containers or in packaging through or within:

— the demarcated area and any other area that is demarcated under paragraph 5 of Schedule 15 or under equivalent provisions in the Scotland Orders, and

— any CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present”;

(xi) in item 14, in column 2—

(aa) after “Scotland Orders” insert “or a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present”;

(bb) after “any such area” insert “or territory”;

(xii) in item 15—

(aa) in column 2, for the words from “originating in” to the end substitute—

“originating in:

—an area that is demarcated under paragraph 3 of Schedule 16 or under equivalent provisions in the Scotland Orders, or

—a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present”;

(bb) in column 3, in paragraph (b), omit “to” in the third place where it occurs;
(xiii) in item 16—

(aa) in column 2, for the words from “introduced into” to the end substitute—

“introduced into:

—an area that is demarcated under paragraph 3 of Schedule 16 or under equivalent provisions in the Scotland Orders, or

—a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present”;

(bb) in column 3, in paragraph (a)(i), for “relevant” substitute “appropriate” and for paragraph (b) substitute—

“(b) in the case of plants which have been grafted with scions that have not been grown in accordance with the requirements specified in paragraph (a)(iii), an official statement that:

(i) the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a)(iii), and

(ii) at the time the plants were moved from the place of production, the scions were no more than 1 cm in diameter at their thickest point”;

(xiv) after item 17 insert—

- “18. Wood obtained in whole or in part from plants of *Prunus* spp., other than *Prunus laurocerasus* L., which meets one of the relevant CN descriptions below and:
- originates in an area demarcated under paragraph 3 of Schedule 16A or under equivalent provisions in the Scotland Orders,
- originates in a CD territory in which the presence of *Aromia bungii* (Faldermann) has been confirmed to be present, or
- in the case of wood retaining all or part of its round surface, has been introduced into any such area or territory.
- In the case of wood:
- (a) in the form of chips, particles, shavings, wood waste or scrap, the wood must be accompanied by:
- (i) an official statement that it is debarked and has undergone an appropriate heat treatment to achieve a minimum temperature of 56 #C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), or
- (ii) an official statement that the wood has been processed into pieces of not more than 2.5 cm thickness and width,
- (b) in the case of any other wood, the wood must be accompanied by:
- (i) an official statement that it is debarked and has undergone an

Relevant CN descriptions:

—CN 4401 12 00 (non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms),

—CN 4401 22 00 (non-coniferous wood, in chips or particles),

—CN 4401 40 (sawdust and wood waste and scrap, not agglomerated),

—CN 4403 12 00 (non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared),

—CN ex 4404 20 00 (non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like),

—CN 4406 (railway or tramway sleepers (cross-ties) of wood),

—CN 4407 94 (wood of cherry (*Prunus* spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),

—CN 4416 00 00 (casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves),

—CN 9406 10 00 (prefabricated buildings of wood)

appropriate heat treatment to achieve a minimum temperature of 56 #C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), or

- (ii) an official statement that it has undergone appropriate ionizing radiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.

Where paragraph (b)(i) applies, there must also be evidence of that heat treatment by a mark "HT" put on the wood or on any wrapping in accordance with current usage.

19. Wood packaging material obtained in whole or in part from plants of *Prunus* spp., other than

The wood packaging material must:

- Prunus laurocerasus*, originating in:
- an area demarcated under paragraph 3 of Schedule 16A or under equivalent provisions in the Scotland Orders, or
 - a CD territory in which the presence of *Aromia bungii* (Faldermann) has been confirmed to be present
20. Plants, other than seeds, intended for planting, of *Prunus* spp., other than *Prunus laurocerasus* L., that have a stem or root collar with a diameter of 1 cm or more at their thickest point, originating in:
- an area demarcated under paragraph 3 of Schedule 16A or under equivalent provisions in the Scotland Orders, or
 - a CD territory in which the presence of *Aromia bungii* (Faldermann) has been confirmed to be present
- (a) have been subject to one of the treatments specified in Annex 1 to ISPM No. 15, and
- (b) display a mark in accordance with Annex 2 to ISPM No. 15 indicating that it has been subject to an approved phytosanitary treatment in accordance with this international standard
- The plants must be accompanied by an official statement:
- (a) that the plants have been grown during a period of at least two years prior to their movement, or in the case of plants which are younger than two years, have been grown throughout their life, in a place of production:
- (i) which is registered and supervised by the appropriate UK plant health authority,
 - (ii) which has been subjected annually to at least two official meticulous inspections for any signs of *Aromia bungii* (Faldermann) carried out at appropriate times which included targeted destructive sampling of the stems and branches (where appropriate), without the plant pest or any signs of the plant pest being found, and
 - (iii) which:
 - (aa) has complete physical protection against the introduction of *Aromia bungii* (Faldermann), or
 - (bb) has been subjected to appropriate preventive treatments and is a place where targeted destructive sampling has been carried out on each lot of the plants prior to their movement from the place of production at the appropriate level, and where official surveys for the presence or signs of *Aromia bungii*

- (Faldermann) are carried out annually at appropriate times within a radius of at least 1 km around the site at appropriate times without the plant pest or any signs of the plant pest being found, or
- (b) in the case of plants which have been grafted with scions that have not been grown in accordance with the requirements specified in paragraph (a), an official statement that:
- (i) the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a), and
- (ii) at the time the plants were moved from the place of production, the scions were no more than 1 cm in diameter at their thickest point.

For the purpose of paragraph (a)(iii)(bb), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500

21. Plants, other than seeds, intended for planting, of *Prunus* spp., other than *Prunus laurocerasus* L., that have a stem or root collar with a diameter of 1 cm or more at their thickest point, which have been introduced into:
- an area demarcated under paragraph 3 of Schedule 16A or under equivalent provisions in the Scotland Orders, or
- a CD territory in which the presence of *Aromia bungii* (Faldermann) has been confirmed to be present
- The plants must be accompanied by an official statement that the plants have been grown during a period of at least two years prior to their movement, or in the case of plants which are younger than two years, have been grown throughout their life, in a place of production:
- (a) which is registered and supervised by the appropriate UK plant health authority,
- (b) which has been subjected annually to at least two official meticulous inspections for any signs of *Aromia bungii* (Faldermann) carried out at appropriate times, which included targeted destructive sampling of the stems and branches (where appropriate), without the plant pest or any signs of the plant pest being found, and
- (c) which:

- (i) has complete physical protection against the introduction of *Aromia bungii* (Faldermann), or
- (ii) has been subjected to appropriate preventive treatments and is a place where targeted destructive sampling has been carried out on each lot of the plants prior to their movement from the place of production at the appropriate level, and where official surveys for the presence or signs of *Aromia bungii* (Faldermann) are carried out annually at appropriate times within a radius of at least 1 km around the site at appropriate times without the plant pest or any signs of the plant pest being found.

For the purpose of paragraph (c)(ii), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500”.

(8) In Schedule 5, in Part C, after paragraph 49 insert—

“50. Plants, other than seeds, intended for planting, of *Prunus* spp., other than *Prunus laurocerasus* L., that have a stem or root collar with a diameter of 1 cm or more at their thickest point, which—

- (a) originate in any third country, other than the European Union, where *Aromia bungii* (Faldermann) is known to be present; or
- (b) originate, or have been introduced into a place of production, in an area in the European Union established in accordance with Article 5 of Decision (EU) 2018/1503.

51. Wood obtained in whole or in part from plants of *Prunus* spp., other than *Prunus laurocerasus* L.—

- (a) which—
 - (i) originates in any third country, other than the European Union, where *Aromia bungii* (Faldermann) is known to be present; or
 - (ii) originates in an area in the European Union which has been established in accordance with Article 5 of Decision (EU) 2018/1503, or in the case of wood retaining all or part of its round surface, has been introduced into an such area; and
- (b) which meets one of the following descriptions—

<i>CN Code</i>	<i>Description</i>
CN 4401 12 00	Non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms

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<i>CN Code</i>	<i>Description</i>
CN 4401 22 00	Non-coniferous wood, in chips or particles
CN 4401 40	Sawdust and wood waste and scrap, not agglomerated
CN 4403 12 00	Non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared
CN ex 4404 20 00	Non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like
CN 4406	Railway or tramway sleepers (cross-ties) of wood
CN 4407 94	Wood of cherry (<i>Prunus</i> spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
CN 4416 00 00	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves
CN 9406 10 00	Prefabricated buildings of wood".

(9) In Schedule 6, in Part B—

- (a) in paragraph 15, for “or in the United Kingdom” substitute “the United Kingdom or a CD territory”;
- (b) in paragraph 16, for “, originating in any third country or in the United Kingdom” substitute—
 - “which originate—
 - (a) in a third country; or
 - (b) in the United Kingdom or a CD territory, other than those intended for sale to final consumers not involved in professional plant production, provided that it is evident from the packaging of the seeds or by other means that they are intended for sale to the final consumer”;
- (c) in paragraph 17, for “or in the United Kingdom” substitute “, the United Kingdom or a CD territory”;
- (d) in paragraph 18, for sub-paragraph (c) substitute—
 - “(c) originate in, or have been introduced into—
 - (i) an area in the United Kingdom that is demarcated under paragraph 3 of Schedule 11 or under equivalent provisions in the Scotland Orders;
 - (ii) a CD territory where there is evidence that *Anoplophora chinensis* (Forster) is present”;
- (e) in paragraph 19—
 - (i) in sub-paragraph (a), for “*similaris* (Gentner)” substitute “*papa*. Orlova-Bienkowskaja”;
 - (ii) after sub-paragraph (c) insert—
 - “(d) in a CD territory where there is evidence that *Epitrix cucumeris* (Harris), *Epitrix papa*. Orlova-Bienkowskaja, *Epitrix subcrinita* (Lec.)

- or *Epitrix tuberis* (Gentner) is present or there are signs of infestation by one of those plant pests on potato tubers”;
- (f) in paragraph 20, after sub-paragraph (b) insert—
- “ (c) in a CD territory where there is evidence that *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. is present”.
- (g) in paragraph 21, after sub-paragraph (b)—
- “ (c) in a CD territory where there is evidence that *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. is present”.
- (h) in paragraph 22—
- (i) in sub-paragraph (c), after “in”, in the first place where it occurs, insert “an”;
- (ii) at the end insert—
- “ (d) in a CD territory where there is evidence that *Pomacea* (Perry) is present in a field or watercourse”.
- (i) in paragraph 23, for “or in the United Kingdom” substitute “, the United Kingdom or a CD territory”;
- (j) in paragraph 24, for “or in the United Kingdom” substitute “, the United Kingdom or a CD territory”;
- (k) in paragraph 25, for sub-paragraph (c) substitute—
- “ (c) originate in the United Kingdom or a CD territory and have never been grown in—
- (i) an area that is demarcated under paragraph 5 of Schedule 15 or under equivalent provisions in the Scottish Orders; or
- (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present”;
- (l) in paragraph 26, for sub-paragraph (b) substitute—
- “ (b) originate in the United Kingdom or a CD territory and have never been grown in—
- (i) an area that is demarcated under paragraph 5 of Schedule 15 or under equivalent provisions in the Scottish Orders; or
- (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present”;
- (m) in paragraph 27, for sub-paragraph (c) substitute—
- “ (c) originate, or have been introduced into a place of production, in—
- (i) an area in the United Kingdom that is demarcated under paragraph 3 of Schedule 16 or under equivalent provisions in the Scotland Orders;
- (ii) a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present”;
- (n) in paragraph 28—
- (i) for sub-paragraphs (a) and (b) substitute—
- “ (a) originates in any third country, other than the European Union, where *Anoplophora glabripennis* (Motschulsky) is known to be present;
- (b) originates in an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893 or, in the case of wood

retaining all or part of its round surface, has been introduced into any such area;

- (c) originates in an area in the United Kingdom that is demarcated under paragraph 3 of Schedule 16 or under equivalent provisions in the Scotland Orders or a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present or, in the case of wood retaining all or part of its round surface, has been introduced into any such area or territory”; and

(ii) renumber sub-paragraph (c) as sub-paragraph (d);

(o) for paragraph 29 substitute—

“**29.** Plants, other than fruit or seeds, intended for planting, of *Quercus* L., other than *Quercus suber*, whose girth at 1.2 m above the root collar is 8 cm or more, originating in any third country, the United Kingdom or a CD territory, except any such plants which are only being moved within the OPM excluded zone.”;

(p) after paragraph 29 insert—

“**30.** Plants, other than seeds, intended for planting, of *Prunus* spp., other than *Prunus laurocerasus* L., that have a stem or root collar with a diameter of 1 cm or more at their thickest point, which—

- (a) originate in any third country, other than the European Union, where *Aromia bungii* (Faldermann) is known to be present;
- (b) originate in, or have been introduced into, a place of production, in an area in the European Union established in accordance with Article 5 of Decision (EU) 2018/1503; or
- (c) originate in, or have been introduced into a place of production in—
- (i) an area demarcated under paragraph 3 of Schedule 16A or under equivalent provisions in the Scotland Orders; or
- (ii) a CD territory in which *Aromia bungii* (Faldermann) has been confirmed to be present.

31. Wood obtained in whole or in part from plants of *Prunus* spp., other than *Prunus laurocerasus* L.—

- (a) which—
- (i) originates in any third country, other than the European Union, where *Aromia bungii* (Faldermann) is known to be present;
- (ii) originates in an area in the European Union which has been established in accordance with Article 5 of Decision (EU) 2018/1503 or, in the case of wood retaining all or part of its round surface, has been introduced into an such area; or
- (iii) originates in or, in the case of wood retaining all or part of its round surface, has been introduced into—
- (aa) an area demarcated under paragraph 3 of Schedule 16A or under equivalent provisions in the Scotland Orders; or
- (bb) a CD territory in which *Aromia bungii* (Faldermann) has been confirmed to be present; and

(b) which meets one of the following descriptions—

<i>CN Code</i>	<i>Description</i>
CN 4401 12 00	Non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
CN 4401 22 00	Non-coniferous wood, in chips or particles
CN 4401 40	Sawdust and wood waste and scrap, not agglomerated
CN 4403 12 00	Non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared
CN ex 4404 20 00	Non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like
CN 4406	Railway or tramway sleepers (cross-ties) of wood
CN 4407 94	Wood of cherry (<i>Prunus</i> spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
CN 4416 00 00	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves
CN 9406 10 00	Prefabricated buildings of wood".

(10) In Schedule 8, after Part C insert—

“PART D

Wood of *Fraxinus* L. from the USA or Canada

23. In this Part—

“permitted wood” means wood of *Fraxinus* L., originating or processed in the USA or Canada;

“relevant NPPO” means—

- (a) in relation to permitted wood originating or processed in Canada, the national plant protection organisation of Canada;
- (b) in relation to permitted wood originating or processed in the USA, the national plant protection organisation of the USA.

24. Permitted wood may be imported into a relevant UK territory provided that—

- (a) it meets the relevant conditions;
- (b) it is accompanied by a phytosanitary certificate issued by the relevant NPPO which includes the required official statement and the relevant details;
- (c) its importation is authorised by the appropriate UK plant health authority under the relevant Plant Health Order.

25. For the purposes of paragraph 24(a), the relevant conditions are—

- (a) that the permitted wood—

- (i) in the case of wood, other than bark, is debarked, or in case of bark, consists of visually separate and clearly distinct pieces, each of which is less than three cm in width or, if greater than 3 cm in width, has a total surface area of less than 50 cm², or;
 - (ii) in the case of sawn wood, has been produced from debarked round wood;
 - (iii) has been heated through its profile to at least 71°C for 1,200 minutes in a heat chamber approved by the relevant NPPO or an agency approved by the relevant NPPO;
 - (iv) has been dried in accordance with industrial drying schedules recognised by the relevant NPPO for at least two weeks; and
 - (v) has a final moisture content, expressed as a percentage of dry matter, which does not exceed 10%;
- (b) that the permitted wood has been produced, handled and stored in a facility that—
- (i) is officially approved by the relevant NPPO, or an agency approved by the relevant NPPO pursuant to its certification programme in relation to *Agrilus planipennis* Fairmaire;
 - (ii) is registered in a database published on the website of the relevant NPPO;
 - (iii) is audited by the relevant NPPO, or an agency approved by the relevant NPPO at least once a month to verify that the facility is being operated in a manner that is consistent with ensuring that any exports of permitted wood to a relevant UK territory will meet the relevant conditions in this paragraph;
 - (iv) uses equipment for the treatment of permitted wood which has been calibrated consistently with the equipment’s manual of operation; and
 - (v) keeps records of its procedures for verification by the relevant NPPO, or an agency approved by the relevant NPPO, including details of the duration of the treatment, temperatures during treatment, and for each bundle to be exported, the compliance check and final moisture content;
- (c) where the facility is audited by an agency approved by the relevant NPPO, the agency is audited by the relevant NPPO every six months to verify the procedures and documentation of the agency and the audits of the facility carried out by the agency for the purposes of exports of permitted wood to a relevant UK territory under this Part;
- (d) each bundle of permitted wood visibly displays a unique bundle number and a label with the words “HT-KD” or “Heat Treated-Kiln Dried”, issued by or under the supervision of a designated officer of the approved facility following the verification of the conditions in sub-paragraphs (a) and (b)(iv);
- (e) that the permitted wood has been inspected before its export by the relevant NPPO or an agency approved by the relevant NPPO to ensure that the conditions in sub-paragraphs (a) and (d) are met.

26. For the purposes of paragraph 24(b), the required official statement is an official statement that the wood has been inspected and is free from harmful plant pests.

27. The relevant details which must be included under the heading “Additional declaration” in the phytosanitary certificate for the purposes of paragraph 24(b) are—

- (a) the statement: “This consignment meets the conditions in Part D of Schedule 8 to the Plant Health (EU Exit) Regulations 2019;
- (b) the bundle number(s) corresponding to each specific bundle in the consignment; and

- (c) the name of the approved facility which processed the permitted wood in the consignment.”.
- (11) In Schedule 9, in Part A—
- (a) in paragraph 1, at the end insert—
- “**(k)** *Aromia bungii* (Faldermann);”
- (b) in paragraph 7—
- (i) for “under” substitute “pursuant to”;
- (ii) for “*chinensis* (Forster)” substitute “*glabripennis* (Motschulsky)”;
- (c) after paragraph 7 insert—
- “**7A.** Official surveys carried out pursuant to paragraph 1(k) must—
- (a) consist of visual examinations and, in the case of any suspicion of infestation by *Aromia bungii* (Faldermann), collection of samples for pest identification; and
- (b) take account of the available scientific and technical evidence, the biology of the plant pest and any other appropriate information concerning the presence of the plant pest.”.
- (12) In Schedule 15, in Part F, renumber paragraphs 24, 25 and 26 as paragraphs 25, 26 and 27 respectively.
- (13) After Schedule 16, insert—

“SCHEDULE 16A

Regulation 5(10)

Emergency measures: *Aromia bungii* (Faldermann)

PART A

Application and interpretation

1. This Schedule applies where *Aromia bungii* (Faldermann) is confirmed to be present in a relevant UK territory.
2. In this Schedule—

“appropriate time”, in relation to the felling of a susceptible plant, means—

(a) in the case of any plant identified outside the flight season of the plant pest, before the next flight season;

(b) in the case of any plant identified during the flight season of the plant pest, immediately;

“demarcated area” means an area demarcated under paragraph 3;

“infested plant” means a plant which has been found to be infested with the plant pest;

“infested wood” means wood which has been found to be infested with the plant pest;

“infested wood packaging material” means wood packaging material which has been found to be infested with the plant pest;

“the plant pest” means *Aromia bungii* (Faldermann);

“susceptible plants” means plants for planting, other than seeds, of *Prunus* spp., other than *Prunus laurocerasus* L., that have a stem diameter of one cm or more at their thickest point;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“susceptible wood” means wood, obtained in whole or in part from susceptible plants, which meets one of the following descriptions—

<i>CN Code</i>	<i>Description</i>
CN 4401 12 00	Non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
CN 4401 22 00	Non-coniferous wood, in chips or particles
CN 4401 40	Sawdust and wood waste and scrap, not agglomerated
CN 4403 12 00	Non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared
CN ex 4404 20 00	Non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like
CN 4406	Railway or tramway sleepers (cross-ties) of wood
CN 4407 94	Wood of cherry (<i>Prunus</i> spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
CN 4416 00 00	Casks, barrels, vats, tubs and other coopers’ products and parts thereof, of wood, including staves
CN 9406 10 00	Prefabricated buildings of wood

“susceptible wood packaging material” means wood packaging material obtained in whole or in part from susceptible plants.

PART B

Establishment of demarcated area

3. The appropriate UK plant health authority must by notice and without delay demarcate an area in relation to the infestation consisting of an infested zone and a buffer zone around the infested zone.
4. The infested zone must include the area in which—
 - (a) the plant pest was found;
 - (b) all plants known to be infested by the plant pest are located;
 - (c) all plants showing signs or symptoms indicating possible infestation by the plant pest are located; and
 - (d) all plants which may be or may become infested by the plant pest, including any plants which may be or may become infested with the plant pest due their susceptibility to the plant pest and their close proximity to infested plants or a common source of production, if known, with infested plants or plants grown from them.
5. The boundary of the buffer zone—
 - (a) must be at least two km beyond the boundary of the infested zone, but may be reduced to one km beyond the boundary of the infested zone if the appropriate UK plant health authority concludes that eradication of the plant pest is possible and for so long as it remains of that view; or

- (b) where the appropriate UK plant health authority subsequently concludes in accordance with paragraph 13 that eradication of the plant pest is no longer possible, must be at least four km beyond the boundary of the infested zone.
- 6. The demarcation of the infested zone and the buffer zone must be based on sound scientific principles, the biology of the plant pest, the level of infestation, the distribution of susceptible plants and susceptible wood in the area concerned and evidence of establishment of the plant pest.
- 7. If there is a confirmed finding of the plant pest in the buffer zone, the appropriate UK plant health authority must amend the original demarcated area in accordance with paragraphs 3 to 6 to take account of that finding.
- 8. Paragraph 3 is subject to paragraph 14.
- 9. This Part does not apply in so far as any part of the area to be demarcated would be in Scotland.

PART C

Measures to be taken in a demarcated area

- 10. Where an area is demarcated under paragraph 3, the appropriate UK plant health authority must ensure that measures are taken within the demarcated area to eradicate the plant pest in the area or, where it has concluded that eradication of the plant pest is longer possible, to contain the spread of the plant pest from the area.
- 11. The eradication measures must include—
 - (a) the immediate felling of all infested plants and plants with symptoms caused by the plant pest at the appropriate time, and the complete removal of their roots if larval galleries are observed below the root collar of the infested plants;
 - (b) the felling of all susceptible plants within a radius of 100 m of an infested plant, other than any plant to which sub-paragraph (d) applies, and the examination of those plants for any sign of infestation;
 - (c) the removal, examination and disposal of plants felled in accordance with sub-paragraphs (a) and (b), and where necessary their roots, taking all necessary precautions to avoid the spread of the plant pest during and after felling and the examination and disposal of other plant products and wood packaging material;
 - (d) in any case where the appropriate UK plant health authority concludes that the felling and disposal of any susceptible plant within a radius of 100 m of an infested plant would not be appropriate due to the particular social, cultural or environmental value of the plant, regular detailed examination of the plant for any sign of infestation and the application of measures equivalent to its felling and disposal to prevent any possible spread of the plant pest from the plant;
 - (e) the prohibition of any movement of a susceptible plant, susceptible wood or susceptible wood packaging material which is potentially infested with the plant pest out of the demarcated area;
 - (f) the tracing back to the origin of the infestation, and the tracing of plants, wood and wood packaging material associated with the infestation as far as possible, along with examinations of the plants, wood and wood packaging material traced for any sign that they are infested with the plant pest;
 - (g) where appropriate, the replacement of susceptible plants by other plant species;

- (h) a prohibition on the planting of susceptible plants in the open air within a radius of 100 m of an infested plant, except in a place of production authorised by the appropriate UK plant health authority;
- (i) intensive surveillance for the presence of the plant pest on species of *Prunus* L. by annual inspections at appropriate times, with specific focus on the buffer zone, which must include at least one inspection a year and, where appropriate, destructive sampling;
- (j) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within the relevant UK territory, including the conditions relating to the movement of susceptible plants, susceptible wood and susceptible wood packaging material from the demarcated area;
- (k) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication of the plant pest; and
- (l) any other measure which may contribute to the eradication of the plant pest, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

12. The containment measures must include—

- (a) the following measures—
 - (i) the immediate felling of all infested plants and plants with symptoms caused by the plant pest at the appropriate time, and the complete removal of their roots if larval galleries are observed below the root collar of the infested plants; and
 - (ii) the removal, examination and disposal of plants felled in accordance with paragraph (i) and, where necessary, their roots, taking all necessary precautions to avoid the spread of the plant pest after felling; or
- (b) the prohibition of any movement of a susceptible plant, susceptible wood or susceptible wood packaging material which is potentially infested with the plant pest out of the demarcated area;
- (c) where appropriate, the replacement of susceptible plants by other plants;
- (d) the prohibition on the planting of susceptible plants in the open air in the infested zone, except in a place of production authorised by the appropriate UK plant health authority;
- (e) intensive surveillance for the presence of the plant pest on species of *Prunus* L., with specific focus on the buffer zone, which must include at least one inspection a year and, where appropriate, targeted destructive sampling;
- (f) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within the relevant UK territory, including the conditions relating to the movement of susceptible plants and susceptible wood from the demarcated area;
- (g) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay containment of the plant pest; and
- (j) any other measure which may contribute to the containment of the plant pest.

13. The appropriate UK plant health authority may only conclude that it is not possible to eradicate the plant pest from a demarcated area where the results of official surveys carried out over a period of four consecutive years have confirmed the presence of the plant pest in the demarcated area and there is evidence that the plant pest can no longer be eradicated from the area.

PART D

Measures to be taken where no demarcated area is established

14. The appropriate UK plant health authority need not demarcate an area in relation to a finding of the plant pest in a relevant UK territory where—

- (a) there is evidence—
 - (i) that the infestation has been caused by the movement of any susceptible plant, susceptible wood or susceptible wood packaging material to the area in which the plant pest was found and that the susceptible plant, susceptible wood or susceptible wood packaging material was infested with the plant pest before that movement; or
 - (ii) that it is an isolated finding, immediately associated with a susceptible plant, susceptible wood or susceptible wood packaging material, which is not expected to lead to the establishment of the plant pest; and
- (b) it has ascertained from a specific investigation that the plant pest is not established in the area and that, due to its biology, it will not successfully breed or spread if appropriate eradication measures are taken.

15. Where the appropriate UK plant health authority does not demarcate an area for the reasons specified in paragraph 14, the appropriate UK plant health authority must ensure that—

- (a) measures are taken immediately for the purpose of promptly eradicating the plant pest and preventing its spread;
- (b) regular and intensive surveillance is carried out over a period of at least four consecutive years for the presence of the plant pest in the area which lies within a radius of one km of the infested plants, infested wood or infested wood packaging material or the place where the plant pest was found;
- (c) all infested plants, infested wood and infested wood packaging material are destroyed;
- (d) tracing back to the origin of the infestation and tracing of plants, wood and wood packaging material associated with the infestation is carried out as far as possible, along with examinations of the plants, wood and wood packaging material traced for any sign that they are infested with the plant pest, which must include targeted destructive sampling;
- (e) activities to raise public awareness of the threat posed by the plant pest are carried out; and
- (f) any other measure which may contribute to the eradication of the plant pest is taken, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

PART E

Authorisation of treatment and processing facilities

16. Where an area is demarcated under paragraph 3 by an appropriate UK plant health authority and there are no treatment or processing facilities in the demarcated area to treat or process susceptible wood for the purposes of item 18 of Part E of Schedule 4, or to treat and mark susceptible wood packaging material for the purposes of item 19 of Part E of Schedule 4, the appropriate UK plant health authority must ensure that any susceptible wood or susceptible wood packaging material is only moved to a facility outside the demarcated area if—

- (a) in the case of susceptible wood, the facility has been authorised to treat susceptible wood for the purposes of item 18 of Part E of Schedule 4, and the wood is immediately treated or processed at the facility on arrival;

- (b) in the case of susceptible wood packaging material, the facility has been authorised to treat and mark susceptible wood packaging material for the purposes of item 19 of Part E of Schedule 4, and the wood packaging material is immediately treated and marked at the facility on arrival; and
 - (b) the movement is carried out under the control of the appropriate UK plant health authority and under closed conditions so as to ensure that the plant pest cannot spread.
17. The appropriate UK plant health authority must ensure that—
- (a) any facility which is located outside the demarcated area and is authorised to treat susceptible wood for the purposes of item 18 of Part E of Schedule 4 disposes of any waste material in a manner that ensures that the plant pest cannot spread;
 - (b) intensive surveillance is carried out at appropriate times for the presence of the plant pest through inspections on species of *Prunus* L, within at least one km of the facility.

PART F

Lifting of demarcation

18. The appropriate UK plant health authority may lift the demarcation that applies to a demarcated area if the plant pest is not detected in the area over a period of four consecutive years—
- (a) during official surveys carried pursuant to paragraph 1(k) of Schedule 9; and
 - (b) in regular and intensive surveillance for the presence of the plant pest carried out in the area lying within a radius of one km of the infested plants, infested wood or infested wood packaging material or the place where the plant pest was found.”.

PART 4

Seeds and seed potatoes: amendment of secondary legislation consequent on the withdrawal of the United Kingdom from the European Union

The Seed Marketing Regulations 2011

- 6.—(1) The Seed Marketing Regulations 2011 are amended as follows.
- (2) In Schedule 4, in paragraph 10 (as amended by regulation 6(2)(a))—
- (a) in sub-paragraph (7)—
 - (i) at the beginning insert “Subject to sub-paragraph (9), ”;
 - (ii) for “another” substitute “an”;
 - (b) after sub-paragraph (8) insert—

“(9) Seed marketed under sub-paragraph (7) may not be marketed after the end of the period of two years beginning with the day after the day on which exit day falls.”.

The Seed Potatoes (England) Regulations 2015

- 7.—(1) The Seed Potatoes (England) Regulations 2015 are amended as follows.
- (2) In regulation 1(3), for “European Union” substitute “United Kingdom”.
- (3) In regulation 2—

- (a) in the definition of “basic seed potatoes”, in sub-paragraph (b), for the words from “in accordance” to the end substitute—
- “, stating that the potatoes were certified as basic seed potatoes and the grade, in accordance with—
- (i) in the case of seed potatoes produced in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to paragraphs 2, 5, 7, 9, 10 and 11 of Part 1 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 13(1)(a) of the Directive;”;
- (b) in the definition of “category” omit the words from “in accordance” to the end;
- (c) in the definition of “certification”—
- (i) renumber paragraphs (c) and (d) as paragraphs (a) and (b) respectively;
 - (ii) in paragraph (b) (as renumbered), for the words from “in accordance” to the end substitute—
- “in accordance with—
- (i) in the case of seed potatoes produced in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to regulation 10(2) and (3);
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, the Directive;”;
- (d) in the definition of “certified seed potatoes”—
- (i) renumber paragraphs (e) and (f) as paragraphs (a) and (b) respectively;
 - (ii) in paragraph (b) (as renumbered), for the words from “in accordance” to the end substitute—
- “, stating that the potatoes were certified as certified seed potatoes and the grade, in accordance with—
- (i) in the case of seed potatoes produced in Wales, Part 1 of Schedule 2 of the Seed Potatoes (Wales) Regulations 2016(10);
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to paragraphs 3, 5, 7, 9, 10 and 11 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 13(1)(a) of the Directive;”;
- (e) after the definition of “Common Catalogue” insert—
- ““Crown Dependency” means the Isle of Man and any of the Channel Islands;
- “equivalent Union grade” means—
- (a) for “UK grade PBTC”, “Union grade PBTC”;
 - (b) for “UK grade PB”, “Union grade PB”;
 - (c) for “UK grade S”, “Union grade S”;

- (d) for “UK grade SE”, “Union grade SE”;
- (e) for “UK grade E”, “Union grade E”;
- (f) for “UK grade A”, “Union grade A”;
- (g) for “UK grade B”, “Union grade B”;
- (f) after the definition of “genetically modified” insert—
 - ““the GMO regulations” means—
 - (a) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002(**11**);
 - (b) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002(**12**);
 - (c) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002(**13**);
 - (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(**14**);”;
- (g) for the definition of “grade” substitute—
 - ““grade” includes the United Kingdom grade;”;
- (h) in the definition of “marketing”, renumber paragraphs (g) and (h) as paragraphs (a) and (b) respectively;
- (i) for the definition of “National List” substitute—
 - ““National List” means a list of varieties of potato species prepared and published in accordance with regulation 3 of the National Lists Regulations;”;
- (j) in the definition of “official document”—
 - (i) renumber paragraphs (k) and (l) as paragraphs (a) and (b) respectively;
 - (ii) in paragraph (b) (as renumbered), for the words from “ requirements of” to the end substitute—
 - “requirements of—
 - (i) in the case of seed potatoes produced in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to the requirements of Part 2 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 13(1)(b) of the Directive;”;
- (k) in the definition of “official label”—
 - (i) renumber paragraphs (m) and (n) as paragraphs (a) and (b) respectively;
 - (ii) in paragraph (b) (as renumbered), for the words from “requirements of” to the end substitute—
 - “requirements of—

(11) S.I. 2002/2443, amended by S.I. 2004/2411, 2005/2759, 2009/1892, 2018/575, 2019/88.

(12) S.I. 2002/3188 (W. 304), amended by S.I. 2005/2759, 2005/1913 (W. 156), 2013/755 (W. 90), 2018/1216 (W. 249), 2019/379 (W.94), 463 (W.111).

(13) S.S.I. 2002/541, amended by S.S.I. 2004/439, 2015/100, 2019/57.

(14) S.R. 2003 No. 167, amended by S.R. 2018 No. 188, S.R. 2019 No. 190.

- (i) in the case of seed potatoes produced in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to the requirements of Part 1 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 13(1)(a) or 18(f) of the Directive or Article 9 of the Decision;”;
 - (l) in the definition of “package or container”, renumber paragraphs (o) and (p) as paragraphs (a) and (b) respectively;
 - (m) in the definition of “pre-basic seed potatoes”—
 - (i) renumber paragraphs (q) and (r) as paragraphs (a) and (b) respectively;
 - (ii) in paragraph (b) (as renumbered), for the words “in accordance” to the end substitute —
“, stating that the potatoes were certified as pre-basic seed potatoes and the grade, in accordance with—
 - (i) in the case of seed potatoes produced in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to paragraphs 1, 5, 6, 9, 10 and 11 of Part 1 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 18(f) of the Directive;”;
 - (n) in the definition of “seed potatoes”, renumber paragraphs (s) and (t) as paragraphs (a) and (b) respectively;
 - (o) for the definition of “seed potatoes of a conservation variety” substitute—
““seed potatoes of a conservation variety” means any variety of seed potatoes listed as a conservation variety in the National List;”;
 - (p) in the definition of “seed potatoes produced outside England”—
 - (i) renumber paragraphs (u), (v) and (w) as paragraphs (a), (b) and (c) respectively;
 - (ii) in paragraph (b) (as renumbered), omit “other than the United Kingdom”;
 - (q) after the definition of “seed potatoes produced outside England” insert—
““the seed potatoes regulations” means—
 - (a) in relation to Wales, the Seed Potatoes (Wales) Regulations 2016;
 - (b) in relation to Scotland, the Seed Potatoes (Scotland) Regulations 2015(15);
 - (c) in relation to Northern Ireland, the Seed Potatoes Regulations (Northern Ireland) 2016(16);and “the relevant seed potatoes regulations”, in relation to any constituent part of the United Kingdom, means the seed potatoes regulations applicable in relation to that part;”;
- (r) in the definition of “test and trial seed potatoes”—
 - (i) renumber paragraphs (x) and (y) as paragraphs (a) and (b) respectively;

(15) S.S.I. 2015/395, amended by S.S.I. 2016/68, 434, 2018/391, 2019/59.

(16) S.R. 2016 No. 190, amended by S.R. 2017 No. 155, S.R. 2019 No. 41.

- (ii) in paragraph (b) (as renumbered), for the words from “accordance with Article 9 of the Decision” substitute—
 - “accordance with—
 - (i) in the case of seed potatoes produced in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to paragraphs 4, 5, 8, 9, 10 and 11(c) of Part 1 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 9 of the Decision;”;
- (s) for the definition of “Union grade” substitute—
 - ““Union grade” means, in relation to seed potatoes produced in a member State or Switzerland —
 - (a) in the case of pre-basic seed potatoes, Union grade PBTC or Union grade PB, the minimum conditions for which are set out in Articles 2 and 3 of, and the Annex to, [Directive 2014/21/EU\(17\)](#);
 - (b) in the case of basic seed potatoes, Union grade S or Union grade SE of Union Grade E, the minimum conditions for which are set out in Article 1 of, and the Annex 1 to, [Directive 2014/20/EU\(18\)](#);
 - (c) in the case of certified seed potatoes, Union grade A or Union grade B, the minimum conditions for which are set out in Article 2 of, and the Annex 2 to, [Directive 2014/20/EU](#);”;
- (t) after the definition of “Union grade” insert—
 - ““United Kingdom grade” means—
 - (a) in relation to seed potatoes produced in England, the United Kingdom grade determined in accordance with Schedule 4 during certification, this being—
 - (i) in the case of pre-basic seed potatoes, UK grade PBTC or UK grade PB;
 - (ii) in the case of basic seed potatoes, UK grade S, UK grade SE or UK grade E;
 - (iii) in the case of certified seed potatoes, UK grade A or UK grade B;
 - (b) in relation to seed potatoes produced in the United Kingdom other than in England, the United Kingdom grade determined in accordance with the relevant seed potatoes regulations;”;
- (u) in paragraph (2), omit the words from “in accordance” to the end;
- (v) omit paragraph (4).

(4) In regulation 4, in paragraph (3)(b), for the words from “accordance with” to the end substitute

“accordance with—

- (i) in the case of seed potatoes produced in the United Kingdom, the relevant seed potatoes regulations;

(17) OJ No L 38, 7.2.2014, p. 39.

(18) OJ No L 38, 7.2.2014, p. 32.

- (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to regulation 8;
- (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 6(1)(a) of the Directive.”.

(5) After regulation 4 insert—

“ Marketing of seed potatoes from the EU or Switzerland

4A.—(1) No person may market in England any seed potatoes produced in a member State or Switzerland.

(2) Paragraph (1) does not apply to seed potatoes which meet the conditions set out in paragraph (3).

(3) The conditions are that the seed potatoes—

- (a) are of a variety listed in the National List or in the Common Catalogue;
- (b) have complied with the requirements of the Directive; and
- (c) have been imported into England before the end of the period of one year beginning with the day after the day on which exit day falls.

(4) Paragraph (1) is subject to regulations made under section 16(1A) of the Act regulating the importation of seed potatoes.”.

(6) In regulation 5—

(a) in paragraph (3), for the words from the beginning to “[Directive 2008/62/EC](#)” substitute “Where the quantities specified in Article 14 of [Directive 2008/62/EC](#)(19) would otherwise be likely to be exceeded”;

(b) after paragraph (3) insert—

“(3A) For the purposes of paragraph (3), Article 14 of [Directive 2008/62/EC](#) is to be read as if—

(a) in the first paragraph, in the first sentence—

- (i) the words “Each Member State shall ensure that” were omitted;
- (ii) for the words “does not exceed” there were substituted “may not exceed”;
- (iii) for the reference to “that Member State” there were substituted “the United Kingdom”;

(b) in the second paragraph—

- (i) in the first sentence, for the reference to “each Member State” there were substituted “the United Kingdom”;
- (ii) for the references to “the Member State” in both places there were substituted “the United Kingdom”.”.

(7) In regulation 6—

(a) renumber the existing text as paragraph (1);

(b) in paragraph (b)(i), omit “or”;

(c) after paragraph (b)(ii) insert—

“(iii) “UK grade S” or “UK grade SE” as set out in—

(aa) for England, Part 2 of Schedule 4;

- (bb) for elsewhere in the United Kingdom, the relevant seed potatoes regulations; or
- (cc) for a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to Part 2 of Schedule 4.”;
- (d) in paragraph (c)(ii), omit “or”;
- (e) after paragraph (c)(iii) insert—
 - “(iv) “UK grade S”, “UK grade SE” or “UK grade E” as set out in—
 - (aa) for England, Part 2 of Schedule 4;
 - (bb) for elsewhere in the United Kingdom, the relevant seed potatoes regulations; or
 - (cc) for a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to Part 2 of Schedule 4.”;
- (f) after paragraph (1) (as renumbered), insert—
 - “(2) Sub-paragraphs (b)(i) and (ii) and (c)(i), (ii) and (iii) of paragraph (1) do not apply after the end of the period of one year beginning with the day after the day on which exit day falls.”.
- (8) In regulation 8(2), for the words from “the Food and Feed Regulation” to the end substitute—
 - “—
 - (a) the Food and Feed Regulation;
 - (b) the GMO regulations; or
 - (c) before exit day, Part C of the Deliberate Release Directive”.
- (9) In regulation 9—
 - (a) in paragraph (2)—
 - (i) in sub-paragraph (a), for “in excess of that permitted by Article 7 of the Decision” substitute “which exceeds the greater of 0.1% of the annual number of seed potatoes used in the United Kingdom and such quantity as the Secretary of State considers is sufficient to sow 10 hectares”;
 - (ii) in sub-paragraph (b), for the words from “the Food and Feed Regulation” to the end substitute—
 - “—
 - (i) the Food and Feed Regulation;
 - (ii) the GMO regulations; or
 - (iii) before exit day, Part C of the Deliberate Release Directive”;
 - (b) in paragraph (6)(b), omit “or the Common Catalogue”;
 - (c) in paragraph (8)(b), for “member State” substitute “country”.
- (10) In regulation 11(3)(b), for the words from “pursuant to the Directive” to the end substitute—
 - “, in respect of the marketing of potatoes of that category, pursuant to—
 - (i) in the case of seed potatoes produced in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to sub-paragraph (a),
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, the Directive”.

- (11) In regulation 14(2)(b), for the words from “accordance with” to the end substitute—
“accordance with—
- (i) in the case of seed potatoes produced in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Secretary of State as having equivalent effect to sub-paragraph (a);
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 11(1) of the Directive”.

- (12) In regulation 16—

- (a) in the heading, for “European Union” substitute “British Islands”;
- (b) renumber the existing text as paragraph (1);
- (c) in paragraph (1) (as renumbered), for “European Union” substitute “British Islands”;
- (d) after paragraph (1), insert—

“(2) Paragraph (1) does not apply to any person marketing more than 2 kilograms of seed potatoes that have been imported into England from a member State or Switzerland before the end of the period of one year beginning with the day after the day on which exit day falls.”.

- (13) After regulation 23 insert—

“Transitional provision for official labels on exit day

23A. A label pre-printed before exit day which at the date on which it was printed was an official label for the purposes of these Regulations is to be treated as an official label for basic seed potatoes or certified seed potatoes for the purposes of any use of that label before the end of the period of one year beginning with the day after the day on which exit day falls.”.

- (14) Omit regulation 26(2).

- (15) In Schedule 1—

- (a) in paragraph 3(a), omit “or the Common Catalogue”;
- (b) in paragraphs 5, 6, 8 and 11, for “Union”, in each place where it occurs, substitute “UK”.

- (16) In Schedule 2—

- (a) in paragraph 6(a), for “member State” substitute “country”;
- (b) in paragraph 7—
 - (i) in sub-paragraph (a), for “EU” substitute “UK”;
 - (ii) in sub-paragraph (b)(i), for “member State” substitute “country”;
- (c) in paragraph 8(b)(i), for “member State” substitute “country”;
- (d) in paragraph 9—
 - (i) for “required by” substitute “specified in”;
 - (ii) at the end, insert “read as if, in point (a), for “EC” there were substituted “UK””;
- (e) in paragraph 11, for “Union”, in each place where it occurs, substitute “UK”.

- (17) In Schedule 3—

- (a) in the headings to Parts 1 and 2 for “Union” substitute “UK”;
- (b) in the table in Part 3, in column 2, for “Union”, in each place where it occurs, substitute “UK”.

- (18) Schedule 4 is amended in accordance with paragraphs 19 to 21.
- (19) In Part 1—
- (a) in the paragraph preceding Table 1, for “Union” substitute “United Kingdom”;
 - (b) in Table 1—
 - (i) in the heading to column 1, for “Union” substitute “UK”;
 - (ii) in the row relating to grade “PB”, in column 2, in paragraph (1)(b), for “Union grade PB” substitute “UK grade PB or equivalent Union grade”.
- (20) In Part 2—
- (a) in the paragraph preceding Table 2, for “Union” substitute “United Kingdom”;
 - (b) in Table 2—
 - (i) in the heading to column 1, for “Union” substitute “UK”;
 - (ii) in the row relating to grade “S”, in column 2, for “Union grade S” substitute “UK grade S or equivalent Union grade”;
 - (iii) in the row relating to grade “SE”, in column 2, for “Union grade S or Union grade SE” substitute “UK grade S, UK grade SE or equivalent Union grade”;
 - (iv) in the row relating to grade “E”, in column 2—
 - (aa) in paragraph (1)(a), for “Union grade S or Union grade SE” substitute “UK grade S, UK grade SE or equivalent Union grade”;
 - (bb) in paragraph (1)(b), for “Union grade S, Union grade SE or Union grade E” substitute “UK grade S, UK grade SE, UK grade E or equivalent Union grade”.
- (21) In Part 3—
- (a) in the paragraph preceding Table 3, for “Union” substitute “United Kingdom”;
 - (b) in Table 3—
 - (i) in the heading to column 1, for “Union” substitute “UK”;
 - (ii) in column 2—
 - (aa) for “Union grade A”, in both places where it occurs, substitute “UK grade A or equivalent Union grade”;
 - (bb) for “Union grade B” substitute “UK grade B or equivalent Union grade”.
- (22) In the heading to Schedule 6, for “OTHER THAN A MEMBER STATE” substitute “OUTSIDE THE BRITISH ISLANDS”.

The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019

8.—(1) The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019(**20**) are amended as follows.

(2) In regulation 7(5), in the text inserted as regulation 8A(**21**) of the Seed Marketing Regulations 2011(**22**), after paragraph (3)(a), insert—

- “(aa) is not vegetable seed of the species listed in the definition of “vegetables” in Article 2(1)(b) of Council [Directive 2002/55/EC](#) which is produced in Switzerland;”.

(20) [S.I. 2019/131](#).

(21) [S.I. 2019/131](#), at regulation 7(5) inserted regulation 8A into the Seeds Marketing Regulations 2011.

(22) [S.I. 2011/463](#), amended by [S.I. 2011/2992](#), [2012/3035](#), [2016/613](#) and [2017/288](#).

(3) In regulation 8(2)(e), in the definition of “the fruit marketing regulations”, after paragraph (c), insert—

“and “the relevant fruit marketing regulations”, in relation to any constituent part of the United Kingdom, means the fruit marketing regulations applicable in relation to that part;”.

4th April 2019

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular section 8(2)(b), (c), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

Chapter 1 of Part 2 amends requirements of Commission Implementing Decision 2014/709 concerning animal health control measures relating to African swine fever.

Chapter 2 of Part 2 makes an amendment to the Transmissible Spongiform Encephalopathies (England) Regulations 2018 (S.I. 2018/731) consequential on the United Kingdom's withdrawal from the European Union.

Part 3 makes amendments to subordinate legislation relating to plant health. Regulation 4 amends the Plant Health (Amendment) (England) (EU Exit) Regulations 2019 (S.I. 2019/786) to make further amendments to the Plant Health (Forestry) Order 2015 (S.I. 2015/2517) (in relation to England) and the Plant Health (England) Order 2015 (S.I. 2015/610). Regulation 5 amends the Plant Health (EU Exit) Regulations 2019 (S.I. 2019/787).

Part 4 makes amendments to secondary legislation regulating the marketing of agricultural seed, seed potatoes and fruit plant and propagating material.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.