STATUTORY INSTRUMENTS

2017 No. 1220

PLANT HEALTH, ENGLAND

The Plant Health (England) (Amendment) (No. 2) Order 2017

Made - - - -	*4th December 2017*
Laid before Parliament	*8th December 2017*
Coming into force - -	*1st January 2018*

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The Secretary of State makes this Order in exercise of—

(a) the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967(**a**) and now vested in the Secretary of State(**b**); and

(b) the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972(**c**).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(**d**) and it appears to the Secretary of State that it is expedient for the references to the European Union instrument mentioned in article 3(a)(ii) to be construed as references to that instrument as amended from time to time.

Citation and commencement

1. This Order may be cited as the Plant Health (England) (Amendment) (No. 2) Order 2017 and comes into force on 1st January 2018.

Amendment of the Plant Health (England) Order 2015

2. The Plant Health (England) Order 2015(**e**) is amended as follows.

Article 2 (general interpretation)

3. In article 2—

(a) in paragraph (1)—

(i) omit the definition of "Decision 2012/756/EU(**f**)";

(ii) after the definition of "Decision (EU) 2016/715" insert—

"Decision (EU) 2017/198" means Commission Implementing Decision (EU) 2017/198 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto(**g**);";

(iii) after the definition of "ISPM No. 10" insert—

""ISPM No. 31" means International Standard for Phytosanitary Measures No. 31 of April 2008 on methodologies for sampling consignments, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(**h**);";

(iv) for the definition of "Seed Potatoes Regulations" substitute—

(**a**) 1967 c. 8; section 2 was amended by paragraph 8(2)(a) of Schedule 4 to the European Communities Act 1972 (c. 68), Part 1 of the table in paragraph 12 of Schedule 4 to the Customs and Excise Management Act 1979 (c. 2) and S.I. 1990/2371, 2011/1043. Section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 and S.I. 2011/1043. The powers conferred by sections 2 and 3(1) are conferred on a "competent authority", which is defined in section 1(2). Section 1(2) provides that the Secretary of State is the competent authority for England otherwise than as regards the protection of forest trees and timber from attack by pests.

(**b**) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967, in so far as they were not exercisable in relation to Wales, were transferred to the Secretary of State by article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(**c**) 1972 c. 68; paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.

(**d**) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 and Part 1 of the Schedule to the European Union (Amendment) Act 2008.

(**e**) S.I. 2015/610, amended by S.I. 2015/1827, 2016/104, 2017/8.

(**f**) OJ No L 335, 7.12.2012, p. 49.

(**g**) OJ No L 31, 4.2.2017, p. 29.

(**h**) The latest published version is available from the IPPC Secretariat, Food and Agriculture Organization of the United Nations, AGDI, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at https://www.ippc.int/en/core-activities/standards-setting/ispms/.

""Seed Potatoes Regulations" means the Seed Potatoes (England) Regulations 2015(**a**);";

(b) in paragraph (5)—

(i) omit sub-paragraph (l);

(ii) after sub-paragraph (p) insert—

"(q) Decision (EU) 2017/198.".

Article 3 (interpretation of Part 2)

4. In article 3, for the definition of "Customs Code" substitute—

""Customs Code" means Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code(**b**);".

Article 9 (presentation and display of documents)

5. In article 9(5), for "Article 4(16)(a) and (d) to (g)" substitute "Article 5(16)(a) and (b)".

Article 14 (power of an officer for Revenue and Customs)

6. In article 14(1)—

(a) for "if the material, container, package or cargo—" substitute "if the material, container, package or cargo is under customs supervision pursuant to Article 134 of the Customs Code";

(b) omit sub-paragraphs (a) and (b).

Article 17 (approved places of inspection)

7. In article 17(5)(a), for the words from ", as referred to" to the end substitute "within the meaning of Article 148 of the Customs Code".

Schedule 1 (plant pests which may not be introduced into or spread within England)

8.—(1) In Part A of Schedule 1—

(a) under the heading "Insects, mites and nematodes"—

(i) after item 9 insert—

"9A. *Bactericera cockerelli* (Sulc.)";

(ii) after item 22 insert—

"22A. *Keiferia lycopersicella* (Walsingham)";

(iii) after item 33 insert—

"33A. *Saperda candida* Fabricius";

(iv) after item 39 insert—

"39A. *Thaumatotibia leucotreta* (Meyrick)";

(b) under the heading "Bacteria"—

(**a**) S.I. 2015/1953.

(**b**) OJ No L 269, 10.10.2013, p. 1, as amended by Regulation (EU) 2016/2339 of the European Parliament and of the Council (OJ No L 354, 23.12.2016, p. 32).

(i) omit item 3;

(ii) at the end insert—

"4. *Xanthomonas citri* pv. *aurantifolii*
5. *Xanthomonas citri* pv. *citri*";

(c) under the heading "Fungi"—

(i) after item 12 insert—

"12A. *Phyllosticta citricarpa* (McAlpine) Van der Aa";

(ii) in item 13, for "Ell. and Ev." substitute "Ellis & Everhart";

(d) under the heading "Viruses and virus-like organisms"—

(i) omit item 1;

(ii) in item 2, omit "Potato spindle tuber viroid,".

(2) In Part B of Schedule 1—

(a) under the heading "Insects, mites and nematodes", in item 10, for "*Popilia*" substitute "*Popillia*";

(b) under the heading "Bacteria", after item 2 insert—

"3. *Xylella fastidiosa* (Wells *et al.*)";

(c) under the heading "Viruses and virus-like organisms", after item 2 insert—

"2A. *Candidatus* Phytoplasma ulmi".

(3) In Part C of Schedule 1, in the second column of the table—

(a) after "Epsom and Ewell," insert "Guildford,";

(b) for "and West Berkshire" substitute ", West Berkshire and Woking".

Schedule 2 (relevant material which may not be introduced into or moved within England if that material is carrying or infected with plant pests)

9.—(1) In Part A of Schedule 2—

(a) under the heading "Insects, mites and nematodes", in the entry in the third column of item 5, for "*Aonidella*" substitute "*Aonidiella*";

(b) under the heading "Bacteria"—

(i) in the entry in the second column of item 2, for "*mais*" substitute "*mays*";

(ii) omit item 3;

(c) under the heading "Fungi", omit item 11.

(2) In Part B of Schedule 2—

(a) under the heading ""Insects, mites and nematodes"—

(i) after item 9 insert—

"9A.	Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth., *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.	*Paysandisia archon* (Burmeister)";

(ii) after item 10 insert—

"10A.	Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendl., *Borassus flabellifer* L., *Brahea armata* S. Watson, *Brahea edulis* H. Wendl., *Butia capitata* (Mart.) Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. Ex Mart., *Chamaerops humilis* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha* utan Lam., *Elaeis guineenis* Jacq., *Howea forsteriana* Becc., *Jubaea chilensis* (Molina) Baill., *Livistona australis* C. Martius, *Livistona decora* (W. Bull) Dowe, *Livistonia rotundifolia* (Lam.) Mart., *Metroxylon sagu* Rottb., *Phoenix canariensis* Chabaud, *Phoenix dactylifera* L., *Phoenix reclinata* Jacq., *Phoenix roebelenii* O'Brien, *Phoenix sylvestris* (L.) Roxb., *Phoenix theophrasti* Greuter, *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal palmetto* (Walter) Lodd. ex Schult. & Schult. f., *Syagrus roman-zoffiana* (Cham.) Glassman, *Trachycarpus fortunei* (Hook.) H. Wendl. or *Washingtonia* Raf.	Rhynchophorus ferrugineus *(Olivier)*
10B.	Plants, other than fruit or seeds, of *Pinus* L., intended for planting	*Thaumetopoea pityocampa* Denis & Schiffermüller";

(iii) omit item 13;

(b) under the heading "Bacteria", in the entry in the third column of item 8, for "*Xanthomonas campestris* pv. *pruni* (Smith) Dye" substitute "*Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al.*";

(c) under the heading "Viruses and virus-like organisms"—

(i) after item 2 insert—

"2A.	Plants, other than seeds, of *Ulmus* L., intended for planting	*Candidatus* Phytoplasma ulmi";

(ii) after item 7 insert—

"7A.	Plants of *Solanum lycopersicum* L., *Capsicum annuum* L. or *Capsicum frutescens* L., intended for planting, or plants of *Solanum tuberosum* L.	Potato spindle tuber viroid".

Schedule 3 (relevant material which may not be introduced into England if that material originates in certain third countries)

10. In Schedule 3, omit item 17.

Schedule 4 (restrictions on the introduction into and movement within England of relevant material)

11.—(1) In Part A of Schedule 4—

(a) in the entry in the third column of item 13, for "Elm phlöem necrosis mycoplasm" substitute "*Candidatus* Phytoplasma ulmi";

(b) after item 13 insert—

"13A.	Plants, other than scions, cuttings, plants in tissue culture, pollen or seeds, of *Amelanchier* Medik., *Aronia* Medik., *Cotoneaster* Medik., *Crataegus* L., *Cydonia* Mill., *Malus* Mill., *Prunus* L., *Pyracantha* M. Roem., *Pyrus* L. or *Sorbus* L., intended for planting, originating in Canada or the USA	The plants must be accompanied by an official statement that: (a) they have been grown throughout their life in an area free from *Saperda candida* Fabricius, established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading "Additional declaration"; or (b) they 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 *Saperda candida* Fabricius in accordance with ISPM No. 10: (i) which is registered and supervised by the national plant protection organisation in the country of origin; (ii) which has been subjected annually to two official inspections for any signs of *Saperda candida* Fabricius carried out at appropriate times; (iii) where the plants have been grown in a site with complete physical protection against the introduction of *Saperda candida* Fabricius or with the application of appropriate preventive

treatments and surrounded by a buffer zone with a width of at least 500 m in which the absence of *Saperda candida* Fabricius has been confirmed by official surveys carried out annually at appropriate times; and

(iv) immediately prior to export, the plants, and in particular their stems, have been subjected to a meticulous inspection for the presence of *Saperda candida* Fabricius, which included destructive sampling, where appropriate";

(c) for items 15 to 17 substitute—

"15.	Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Microcitrus* Swingle, *Naringi* Adans., or *Swinglea* Merr., originating in any third country	The fruits must be accompanied by an official statement that: (a) they originate in a country recognised as being free from *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* in accordance with ISPM No. 4, and which has been previously notified in writing to the European Commission by the relevant national plant protection organisation; (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading "Additional declaration" and has been previously notified in writing to the European Commission by the relevant national plant protection organisation; (c) they originate in a place of production established by the national plant protection organisation as being free from *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading "Additional declaration"; or (d) they: (i) have been subjected to a treatment with sodium

orthophenylphenate or any other effective treatment which has been previously notified in writing to the European Commission by the relevant national plant protection organisation;

(ii) originate in a site of production, which along with the immediate vicinity, are subject to appropriate treatments and cultural practices against *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii*; and

(iii) are free from symptoms of *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii*, as shown from official inspections carried out at appropriate times prior to export; and

(iv) which includes information on traceability

16.	Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., originating in any third country	The fruits must be accompanied by an official statement that: (a) they originate in a country recognised as being free from *Cercospora angolensis* Carv. et Mendes in accordance with ISPM No. 4, and which has been previously notified in writing to the European Commission by the relevant national plant protection organisation; (b) they originate in an area recognised as being free from *Cercospora angolensis* Carv. et Mendes in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading "Additional declaration" and has been previously notified in writing to the European Commission by the relevant national plant protection organisation; or (c) no symptoms of *Cercospora angolensis* Carv. et Mendes have been observed in the site of production and in its immediate vicinity since the beginning of the last cycle of vegetation and none of fruits harvested in the site of production has shown, in appropriate official examination, symptoms of this plant pest
17.	Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., other than fruits of *Citrus aurantium* L. or *Citrus latifolia* Tanaka, originating in any third country, other than Argentina, Brazil, South Africa or Uruguay	The fruits must be accompanied by an official statement that: (a) they originate in a country recognised as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 4, and which has been previously notified in writing to the European Commission by the relevant national plant protection organisation; (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading "Additional declaration" and has been previously notified in writing to the European Commission by the relevant national

plant protection organisation;

(c) they:

(i) originate in a place of production established by the national plant protection organisation in the country of origin as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading "Additional declaration"; and

(ii) have been found free of symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa by official inspection of a representative sample defined in accordance with ISPM No. 31; or

(d) they originate in a site of production subjected:

(i) to appropriate treatments and cultural measures against *Phyllosticta citricarpa* (McAlpine) Van der Aa; and

(ii) official inspections have been carried out in the site of production during the growing season since the beginning of the last cycle of vegetation, and no symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa have been detected in the fruits; and

(iii) the harvested fruits from that site of production have been found free of symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa during an official inspection, prior to export, of a representative sample, defined in accordance with ISPM No. 31; and

(iv) which includes information on traceability";

(d) omit item 17A;

(e) for items 17B and 17C—

"17B.	Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., other than fruits of *Citrus aurantium* L. or *Citrus latifolia* Tanaka, which originate in Argentina, Brazil, South Africa or Uruguay and are not destined exclusively for industrial processing into juice	The fruits must: (a) be accompanied by an official statement that they originate in an area established by the national plant protection organisation in the country of origin as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export and has been previously notified in writing to the European Commission by the relevant national plant protection organisation; (b) in the case of fruits originating in Brazil, be accompanied by a phytosanitary certificate which includes an official statement under the heading "Additional Declaration" that they meet the requirements specified in Articles 4 and 7 of Decision (EU) 2016/715(**a**); (c) in the case of fruits originating in South Africa or Uruguay, be accompanied by a phytosanitary certificate which includes an official statement under the heading "Additional Declaration" that they meet the requirements specified in Articles 5 and 7 of Decision (EU) 2016/715; (d) in the case of fruits originating in Argentina, be accompanied by a phytosanitary certificate which includes an official statement under the heading "Additional Declaration" that they meet the requirements specified in Articles 5a and 7 of Decision (EU) 2016/715
17C.	Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., other than fruits of *Citrus aurantium* L. or *Citrus latifolia* Tanaka, which originate in Argentina, Brazil, South Africa or Uruguay and are destined exclusively for industrial processing into juice	The fruits: (a) must be accompanied by an official statement that: (i) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 4, and which is mentioned on the

(**a**) OJ No L 125, 13.5.2016, p. 16, as amended by Commission Implementing Decision (EU) 2017/801 (OJ No L 120, 11.5.2017, p. 26).

phytosanitary certificate or phytosanitary certificate for re-export under the heading "Additional declaration" and has been previously notified in writing to the European Commission by the relevant national plant protection organisation; or

(ii) they:

(aa) originate in a place of production established by the national plant protection organisation in the country of origin as being free from *Phyllosticta citricarpa* (McAlpine) Van der Aa in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading "Additional declaration"; and

(bb) have been found free of symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa by official inspection of a representative sample defined in accordance with ISPM No. 31;

(b) in the case of citrus fruits for processing under Decision (EU) 2016/715, must be:

(i) accompanied by a phytosanitary certificate which includes an official statement under the heading "Additional declaration" in accordance with Articles 9(1) and 10 of Decision (EU) 2016/715 and the information specified in Article 9(2) of that Decision;

(ii) packaged and labelled in accordance with Article 17 of that Decision; and

(iii) subject to a licence granted under Article 40(1) of this Order authorising their movement within England and, where applicable, their processing and

storage in England";

(f) after item 18 insert—

"18A.	Fruits of *Capsicum* (L.), *Citrus* L., other than *Citrus limon* (L.) Osbeck. or *Citrus aurantii-folia* (Christm.) Swingle, *Prunus persica* (L.) Batsch or *Punica granatum* L., originating in any country of the African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius or Israel	The fruits must be accompanied by an official statement that: (a) they originate in a country recognised as being free from *Thaumatotibia leucotreta* (Meyrick) in accordance with ISPM No. 4; (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Thaumatotibia leucotreta* (Meyrick) in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading "Additional declaration"; (c) they: (aa) originate in a place of production established by the national plant protection organisation in the country of origin as being free from *Thaumatotibia leucotreta* (Meyrick) in accordance with ISPM No. 10; and (bb) are free from that plant pest as shown from official inspections carried out in the place of production at appropriate times during the growing season, which included a visual examination on representative samples of fruit, and which includes information on traceability; or (d) in the case of fruits which have been subjected to an effective cold treatment or any other effective treatment to ensure freedom from *Thaumatotibia leucotreta* (Meyrick) which has previously been notified in writing to the European Commission by the relevant national plant protection organisation, they have been subjected to such a treatment, and which includes the treatment data";

(g) for item 22 substitute—

"22.	Plants, other than fruit or seeds, of *Casimiroa* La Llave, *Choisya* Kunth, *Clausena* Burm. f., *Murraya* J.Koenig ex L., *Vepris* Comm, *Zanthoxylum* L., originating in any third country	The plants must be accompanied by an official statement that: (a) they originate in a country in which *Trioza erytreae* Del Guercio is known not to occur; (b) they originate in an area free from *Trioza erytreae* Del Guercio, established by the national plant protection organisation in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading "Additional declaration"; or (c) they have been grown in a place of production: (i) which is registered and supervised by the national plant protection organisation in the country of origin; (ii) where the plants were placed in a site with complete physical protection against the introduction of *Trioza erytreae* Del Guercio; and (iii) where two official inspections were carried out at appropriate times during the last complete cycle of vegetation prior to their movement from the site, and no signs of that plant pest were observed in that site or in the surrounding area with a width of at least 200 m";

(h) after item 23 insert—

"23A.	Plants, other than fruits or seeds, of *Microcitrus* Swingle, *Naringi* Adans. or *Swinglea* Merr., originating in any third country	The plants must be accompanied by an official statement that: (a) they originate in a country recognised as being free from *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* in accordance with ISPM No. 4, and which has been notified in writing to the European Commission by the relevant national plant protection organisation; or (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading "Additional declaration" and has been notified in writing to the European Commission by the national plant protection organisation";

(i) in the entry in the second column of item 25, for "*Xanthomonas campestris* pv. *pruni* (Smith) Dye" substitute "*Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al*.";

(j) after item 43 insert—

"43A.	Plants, other than fruits or seeds, of *Solanum lycopersicum* L. or *Solanum melongena* L., originating in any third country	The plants must be accompanied by an official statement that: (a) they originate in a country recognised as being free from *Keiferia lycopersicella* (Walsingham) in accordance with ISPM No. 4; or (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Keiferia lycopersicella* (Walsingham) in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading "Additional declaration"

43B.	Fruits of *Solanum lycopersicum* L. or *Solanum melongena* L., originating in any third country	The fruits must be accompanied by an official statement that: (a) they originate in a country recognised as being free from *Keiferia lycopersicella* (Walsingham) in accordance with ISPM No. 4; (b) they originate in an area established by the national plant protection organisation in the country of origin as being free from *Keiferia lycopersicella* (Walsingham) in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading "Additional declaration"; or (c) they originate in a place of production established by the national plant protection organisation in the country of origin as being free from *Keiferia lycopersicella* (Walsingham) on the basis of official inspections and surveys carried out during the last three months prior to export, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the heading "Additional declaration"";

(k) in the entry in the second column of item 84, for "*mais*" substitute "*mays*".

(2) In Part B of Schedule 4—

(a) after item 5 insert—

"5A.	Plants, other than seeds, of *Ulmus* L., intended for planting	The plants must be accompanied by an official statement that no symptoms of *Candidatus* Phytoplasma ulmi have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation";

(b) for item 8 substitute—

"8.	Plants, other than fruit or seeds, of *Citrus* L., *Choisya* Kunth, *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm. f., *Murraya* J.Koenig ex L., *Vepris* Comm., or *Zanthoxylum* L.	The plants must be accompanied by an official statement that: (a) they originate in an area free from *Trioza erytreae* Del Guercio, established by the national plant protection organisation in accordance with ISPM No. 4; (b) they have been grown in a place of production: (i) which is registered and supervised by the relevant competent authority in the member State of origin; (ii) where the plants were placed in a site with complete physical protection against the introduction of *Trioza erytreae* Del Guercio; and (iii) where two official inspections were carried out at appropriate times during the last complete cycle of vegetation prior to their movement from the site, and no signs of that plant pest were observed in that site or in the surrounding area with a width of at least 200 m";

(c) in the entry in the third column of item 10, for "*Xanthomonas campestris* pv. *pruni* (Smith) Dye" substitute "*Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al*.";

(d) in the entry in the third column of item 50, for "Decision 2012/756/EU" substitute "Decision 2017/198/EU".

(3) In Part C of Schedule 4—

(a) after item 1 insert—

"1A.	Plants, other than fruit or seeds, of *Pinus* L., intended for planting	The plants must be accompanied by an official statement that: (a) they have been grown throughout their life in places of production in countries in which *Thaumetopoea pityocampa* Denis & Schiffermüller is not known to occur; (b) they have been grown throughout their life in an area free from *Thaumetopoea pityocampa* Denis & Schiffermüller, established by the national plant protection organisation in accordance with ISPM No. 4; (c) they have been produced in nurseries which, along with their vicinity, have been found free from *Thaumetopoea pityocampa* Denis & Schiffermüller on the basis of official inspections and official surveys carried out at

		appropriate times; or (d) they have been grown throughout their life in a site with complete physical protection against the introduction of *Thaumetopoea pityocampa* Denis & Schiffermüller and have been inspected at appropriate times and found to be free from *Thaumetopoea pityocampa* Denis & Schiffermüller";

(b) after item 2 insert—

"2A.	Plants, other than seeds, of *Prunus* L., intended for planting	The plants must be accompanied by an official statement that: (a) they have been grown throughout their life in places of production in countries in which *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al*. is not known to occur; (b) they have been grown throughout their life in an area free from *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al*., established by the national plant protection organisation in accordance with ISPM No. 4; (c) they have been derived in direct line from mother plants which have shown no symptoms of *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al*. during the last complete cycle of vegetation and no symptoms of that plant pest have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation; or (d) in the case of plants of *Prunus laurocerasus* L. or *Prunus lusitanica* L. for which there is evidence from their packing or from other means that they are intended for sale to final consumers not involved in professional plant production, no symptoms of *Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al*. have been observed on plants at the place of production since the beginning of the last complete growing season

2B.	Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., or *Washingtonia* Raf.	The plants must be accompanied by an official statement that: (a) they have been grown throughout their life in places of production in countries where *Paysandisia archon* (Burmeister) is known not to occur; (b) they have been grown throughout their life in an area free from *Paysandisia archon* (Burmeister) established by the national plant protection organisation in accordance with ISPM No. 4; or (c) they have, during a period of at least two years prior to export or movement, been grown in a place of production: (i) which is registered and supervised by the national plant protection organisation in the country of origin; (ii) where the plants were placed in a site with complete physical protection against the introduction of *Paysandisia archon* (Burmeister); and (iii) where, during three official inspections per year carried out at appropriate times, including immediately prior to movement from the place of production, no signs of *Paysandisia archon* (Burmeister) have been observed
2C.	Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendl., *Borassus flabellifer* L., *Brahea armata* S. Watson, *Brahea edulis* H. Wendl., *Butia capitata* (Mart.) Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. ex Mart., *Chamaerops humilis* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha utan* Lam., *Elaeis guineenis* Jacq., *Howea forsteriana* Becc., *Jubae chilensis* (Molina) Baill., *Livistona australis* C. Martius, *Livistona decora* (W. Bull) Dowe, *Livistona rotundifolia* (Lam.)	The plants must be accompanied by an official statement that: (a) they have been grown throughout their life in places of production in countries where *Rhynchophorus ferrugineus* (Olivier) is known not to occur; (b) they have been grown throughout their life in an area free from *Rhynchophorus ferrugineus* (Olivier), established by the national plant protection organisation in accordance with ISPM No. 4; or (c) they have, during a period of at least two years prior to export or movement, been grown in a place of production: (i) which is registered and supervised by the national plant protection organisation in the country of origin; (ii) where the plants were placed in a site with complete physical protection against the introduction

	Mart., *Metroxylon sagu* Rottb., *Phoenix canariensis* Chabaud, *Phoenix dactylifera* L., *Phoenix reclinata* Jacq., *Phoenix roebelenii* O'Brien, *Phoenix sylvestris* (L.) Roxb., *Phoenix theophrasti* Greuter, *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal palmetto* (Walter) Lodd. ex Schult. & Schult.f., *Syagrus roman-zoffiana* (Cham.) Glassman, *Trachycarpus fortunei* (Hook.) H. Wendl. or *Washingtonia* Raf.	of *Rhynchophorus ferrugineus* (Olivier); and (iii) where, during three official inspections per year carried out at appropriate times, including immediately prior to movement from the place of production, no signs of *Rhynchophorus ferrugineus* (Olivier) have been observed";

(c) for item 5 substitute—

"5.	Plants, other than seeds, tubers or corms, of *Begonia* L., intended for planting; or plants, other than seeds, of *Dipladenia* A.DC., *Ficus* L., *Hibiscus* L., *Mandevilla* Lindl. or *Nerium oleander* L., intended for planting	The plants must be accompanied by an official statement that: (a) they originate in an area known to be free from *Bemisia tabaci* Genn. (European populations); (b) no signs of *Bemisia tabaci* Genn. (European populations) have been observed on plants at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing; (c) where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the plants, held or produced at the place of production, have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently the place of production has been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating *Bemisia tabaci* Genn. (European populations), in official inspections carried out weekly during the three weeks prior to the movement from the place of production, and in monitoring procedures throughout the said period; or (d) in the case of plants for which there is evidence from their packing or their flower development or from other means that they are intended for direct sale to final consumers not involved in

professional plant production, they have been officially inspected and found free from *Bemisia tabaci* Genn. (European populations) immediately prior to their movement".

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

12. In Part A of Schedule 5—

(a) in paragraph 2(c), for "*mais*" substitute "*mays*";

(b) for paragraph 5 substitute—

"**5.** Fruit of—

(a) *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Microcitrus* Swingle, *Naringi* Adans., *Swinglea* Merr., *Momordica* L., *Solanum lycopersicum* L. or *Solanum melongena* L.;

(b) *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn. or *Vaccinium* L., originating in any country outside Europe;

(c) *Capsicum* L.;

(d) *Punica granatum* L., originating in any country of the African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius or Israel.".

Schedule 6 (prohibitions on the introduction into or movement within England of relevant material without a plant passport)

13.—(1) In Part A of Schedule 6—

(a) in paragraph 4—

(i) after "of" insert "*Choisya* Kunth,";

(ii) after "*Clausena* Burm. f.," insert "*Murraya* J. Koenig ex L.,";

(b) in paragraph 7(a), after "*Tsuga* Carr.," insert "*Ulmus* L.,".

(2) In Part B of Schedule 6—

(a) in paragraph 19, after "*Platanus* L." insert ", *Prunus* L., *Quercus* spp., other than *Quercus suber*, or *Ulmus* L.,";

(b) after paragraph 20 insert—

"**20A.** Plant of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendl., *Borassus flabellifer* L., *Brahea* Mart., *Butia* Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. ex Mart., *Chamaerops* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha utan* Lam., *Elaeis guineenis* Jacq., *Howea forsteriana* Becc., *Jubae* Kunth, *Livistona* R. Br., *Metroxylon sagu* Rottb., *Phoenix* L., *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.

20B. Plants of *Pinus* L.";

(c) in paragraph 22(b), for "*Euphorbia pulcherrima* Willd., *Ficus* L. or *Hibiscus* L." substitute "*Dipladenia* A.DC., *Euphorbia pulcherrima* Willd., *Ficus* L., *Hibiscus* L., *Mandevilla* Lindl. or *Nerium* oleander L.".

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

14.—(1) In Part A of Schedule 7—

(a) in paragraph 4—

(i) after "of" insert "*Choisya* Kunth,";

(ii) after "*Clausena* Burm. f.," insert "*Murraya* J. Koenig ex L.,";

(b) in paragraph 7(a), after "*Tsuga* Carr.," insert "Ulmus L.,".

(2) In Part B of Schedule 7 —

(a) in paragraph 20, for "*Platanus* L., *Populus* L. or *Beta vulgaris* L." substitute "*Beta vulgaris* L., *Platanus* L., *Populus* L., *Prunus* L., *Quercus* spp., other than *Quercus suber*, or *Ulmus* L.";

(b) after paragraph 21 insert—

"**21A.** Plant of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendl., *Borassus flabellifer* L., *Brahea* Mart., *Butia* Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. ex Mart., *Chamaerops* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha utan* Lam., *Elaeis guineenis* Jacq., *Howea forsteriana* Becc., *Jubae* Kunth, *Livistona* R. Br., *Metroxylon sagu* Rottb., *Phoenix* L., *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.";

(c) in paragraph 28(b), for "*Euphorbia pulcherrima* Willd., *Ficus* L. or *Hibiscus* L." substitute "*Dipladenia* A.DC., *Euphorbia pulcherrima* Willd., *Ficus* L., *Hibiscus* L., *Mandevilla* Lindl. or *Nerium* oleander L.".

Schedule 8 (Swiss plant passports)

15.—(1) In Part A of Schedule 8—

(a) for paragraph 1 substitute—

"**1.** Plants, other than seeds, of *Amelanchier* Med., *Beta vulgaris* L., *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Humulus lupulus* L., *Malus* Mill., *Mespilus* L., *Prunus* L., other than *Prunus laurocerasus* L. or *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L., intended for planting.";

(b) omit paragraph 2;

(c) for paragraph 4 substitute—

"**4.** Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm.f., *Vepris* Comm., *Zanthoxylum* L. or *Vitis* L.";

(d) after paragraph 4 insert—

"**4A.** Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., with leaves and peduncles.";

(e) in paragraph 5—

(i) in sub-paragraph (a), after "*Argyanthemum* spp.," insert "*Asparagus officinalis* L.,";

(ii) in sub-paragraph (d), for the words from "*Areca catechu* L.," to "*Oreodoxa* regia Kunth.," substitute "*Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth., *Livistona* R. Br.,";

(iii) in sub-paragraph (g)—

(aa) for "or bulbous rhizomes" substitute ", corms, tubers or rhizomes";

(bb) after "*Crocus flavus* Weston "Golden Yellow"," insert "*Dahlia* spp.,";

(cc) after "*Ismene* Herbert," insert "*Lilium* spp.,".

(2) In Part B of Schedule 8—

(a) in paragraph 6, omit the words from ", other than plants" to the end;

(b) in paragraph 7, omit "other than *Oryza* spp.";

(c) in paragraph 8, for "*Zea mais* L." substitute ", *Oryza* spp. or *Zea mays* L.";

(d) after paragraph 8 insert—

"**8A.** Seeds of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf.";

(e) in paragraph 10—

(i) in sub-paragraph (a), after "*Apium graveolens* L." insert "*Eryngium* L., *Limnophila* L.";

(ii) for sub-paragraph (d) substitute—

"(d) *Castanea* Mill., *Dendranthema* (DC.) Des Moul., *Dianthus* L., *Gypsophila* L., *Pelargonium* l'Herit. ex Ait, *Phoenix* spp., *Populus* L., *Quercus* L. or *Solidago* L. ";

(iii) omit sub-paragraph (e);

(iv) at the end insert—

"(f) *Prunus* L. originating in any country outside Europe;

(g) leaves of *Manihot esculenta* Crantz;

(h) cut branches of *Betula* L., with or without foliage;

(i) cut branches of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., with or without foliage, originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA;

(j) *Amiris* P. Browne, *Casimiroa* La Llave, *Citropsis* Swingle & Kellerman, *Eremocitrus* Swingle, *Esenbeckia* Kunth., *Glycosmis* Corrêa, *Merrillia* Swingle, *Naringi* Adans., *Tetradium* Lour., *Toddalia* Juss. or *Zanthoxylum* L.";

(v) after paragraph 10 insert—

"**10A.** Parts of plants, other than fruit but including seeds, of *Aegle* Corrêa, *Aeglopsis* Swingle, *Afraegle* Engl., *Atalantia* Corrêa, *Balsamocitrus* Stapf., *Burkillanthus* Swingle, *Calodendrum* Thunb., *Choisya* Kunth, *Clausena* Burm. f., *Limonia* L., *Microcitrus* Swingle, *Murraya* J. Koenig ex L., *Pamburus* Swingle, *Severinia* Ten., *Swinglea* Merr., *Triphasia* Lour. or *Vepris* Comm.";

(vi) in paragraph 11, for sub-paragraphs (a) and (b) substitute—

"(a) *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Momordica* L. or *Solanum melongena* L.;

(b) *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn., or *Vaccinium* L., originating in any third country outside Europe;

(c) *Capsicum* L.".

(vii) in paragraph 12, omit ", other than for planting".

Gardiner of Kimble
Parliamentary Under Secretary of State
4th December 2017 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (England) Order 2015 (S.I. 2015/610) to implement:

(a) Decision No 1/2015 of the Joint Committee on Agriculture concerning the amendment to Appendices 1, 2 and 4 to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ No L 27, 1.2.2017, p. 155) (see article 15 of the Order);

(b) Commission Implementing Decision (EU) 2017/198 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ No L 31, 4.2.2017, p. 29) (see articles 3(a)(i) and (ii) and (b) and 11(2)(d) of the Order);

(c) Commission Implementing Decision (EU) 2017/801 amending Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ No L 120, 11.5.2017, p. 26) (see article 11(1)(e)) of the Order);

(d) Commission Implementing Directive (EU) 2017/1279 amending Annexes I to V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 184, 15.7.2017, p. 33) (see articles 8, 9, 11(1), 11(2)(a) to (c), 11(3), 12, 13 and 14 of the Order).

This Order also makes minor amendments to out of date references in the Plant Health (England) Order 2015.

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.

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