
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 613

PLANT HEALTH

The Plant Health (Scotland) Order 2005

<i>Made</i>	- - - -	<i>30th November 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>1st December 2005</i>
<i>Coming into force</i>	- -	<i>31st December 2005</i>

The Scottish Ministers, in exercise of the powers conferred by sections 2, 3 and 4(1) of the Plant Health Act 1967(1), as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(2), and of all other powers enabling them in that behalf hereby make the following Order:

PART 1

GENERAL

Title, commencement and extent

1.—(1) This Order may be cited as the Plant Health (Scotland) Order 2005 and shall come into force on 31st December 2005.

(2) Subject to paragraph (3) this Order extends to Scotland only.

(3) In so far as this paragraph, articles 2(1), 5(1), 19(1), 20(1), 22(2), 23(2), 32(5), 33(2), 35(3), 43(2) and 44(2) of this Order extend beyond Scotland, they do so only as a matter of Scots law.

General interpretation

2.—(1) In this Order—

“area of plant health control” is defined in article 10(2);

“authorised officer” means—

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- (1) 1967 c. 8; sections 2(1), 3(1) and (2) and 4(1) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48) and further amended by section 17(1) of the Criminal Justice Act 1991 (c. 53) and the Statute Law (Repeals) Act 1993 (c. 50), section 1(1) and Schedule 1, Part XIV. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
- (2) 1972 c. 62.

- (a) an authorised representative of the responsible official body of the country in which a plant passport is issued, a public servant acting under the authority of such a representative or a qualified agent employed by the responsible official body, in any case who shall be appropriately qualified;
- (b) a person permitted by Swiss legislation to issue a Swiss plant passport; or
- (c) an authorised representative of the responsible official body or the national plant protection organisation of the country in which a phytosanitary certificate or phytosanitary certificate for re export or a translation of a phytosanitary certificate or phytosanitary certificate for re export is issued, or a public officer acting under the authority of such a representative;

“consignment” has the same meaning as in Article 2(1)(p) of Directive 2000/29/EC where that term is used in Part 2 or in relation to any relevant material referred to in that Part;

“Customs Act” means the Customs and Excise Management Act 1979⁽³⁾;

“Directive 93/85/EC” means Council Directive [93/85/EC](#)⁽⁴⁾ on the control of Potato Ring Rot;

“Directive 98/57/EC” means Council Directive [98/57/EC](#)⁽⁵⁾ on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.;

“Directive 2000/29/EC” means Council Directive [2000/29/EC](#)⁽⁶⁾ on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directives [2001/33/EC](#)⁽⁷⁾, [2002/28/EC](#)⁽⁸⁾, [2002/36/EC](#)⁽⁹⁾, [2003/22/EC](#)⁽¹⁰⁾, [2003/47/EC](#)⁽¹¹⁾, [2003/116/EC](#)⁽¹²⁾, [2004/31/EC](#)⁽¹³⁾, [2004/70/EC](#)⁽¹⁴⁾, [2004/102/EC](#)⁽¹⁵⁾, [2005/16/EC](#)⁽¹⁶⁾, Council Directive [2002/89/EC](#)⁽¹⁷⁾, Council Regulation [\(EC\) 806/2003](#)⁽¹⁸⁾ and by Article 20 and Annex II of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded⁽¹⁹⁾;

“early potatoes” means potatoes which are harvested before they are completely mature, marketed immediately after they have been harvested and whose skins can be easily removed without peeling;

“EC transit goods” means any relevant material introduced into Scotland from a third country via another part of the European Community;

“electronic communication” has the same meaning as in the Electronic Communications Act 2000⁽²⁰⁾;

⁽³⁾ [1979 c. 2](#).

⁽⁴⁾ O.J. No. L 259, 18.10.93, p.1.

⁽⁵⁾ O.J. No. L 235, 21.8.98, p.1.

⁽⁶⁾ O.J. No. L 169, 10.7.00, p.1.

⁽⁷⁾ O.J. No. L 127, 9.5.01, p.42; and see the associated Commission Directive [2001/32/EC](#), O.J. No. L 127, 9.5.01, p.38.

⁽⁸⁾ O.J. No. L 77, 20.3.02, p.23; and see the associated Commission Directive [2002/29/EC](#), O.J. No. L 77, 20.3.02, p.26.

⁽⁹⁾ O.J. No. L 116, 3.5.02, p.16.

⁽¹⁰⁾ O.J. No. L 78, 25.3.03, p.10; and see the associated Commission Directive [2003/21/EC](#), O.J. No. L 78, 25.3.03.

⁽¹¹⁾ O.J. No. L 138, 5.6.03, p.47; and see the associated Commission Directive [2003/46/EC](#), O.J. No. L 138, 5.6.03, p.45.

⁽¹²⁾ O.J. No. L 321, 6.12.03, p. 36.

⁽¹³⁾ O.J. No. L 85, 23.3.04, p.18; and see the associated Commission Directive [2004/32/EC](#), O.J. No. L 85, 23.3.04.

⁽¹⁴⁾ O.J. No. L 127, 29.4.04, p.97.

⁽¹⁵⁾ O.J. No. L 309, 6.10.04, p.9.

⁽¹⁶⁾ O.J. No. L 57, 3.3.05, p.19; and see the associated Commission Directive [2005/18/EC](#), O.J. No. L 57, 3.3.05, p.25.

⁽¹⁷⁾ O.J. No. L 355, 30.12.02, p.45.

⁽¹⁸⁾ O.J. No. L 122, 16.5.03, p.1.

⁽¹⁹⁾ O.J. No. L 236, 23.9.03, p.33.

⁽²⁰⁾ [2000 c. 7](#); the definition of electronic communication in section 15(1) was amended by the [Communications Act 2003 \(c.21\)](#), section 406(1) and Schedule 17, paragraph 158.

“Euro Mediterranean area” means the geographical area comprising Europe, Algeria, Ceuta, Egypt, Israel, Jordan, Lebanon, Libya, Melilla, Morocco, Syria, Tunisia and the area of Turkey east of the Bosphorus Strait known as Anatolia;

“Europe” includes European Russia, Belarus, Georgia, Ukraine, Turkey (except the area east of the Bosphorus Strait known as Anatolia), Kazakhstan (except the area east of the Ural river) and the Canary Islands;

“European Community” means the territories of the Member States including the Isle of Man and the Channel Islands but excluding the Canary Islands, Ceuta, Melilla and the French Overseas Departments;

“fruit” means fruit in the botanical sense but does not include dried, dehydrated, lacquered or deep frozen fruit;

“importer”, in relation to any plant pest or relevant material at any time between their landing from a third country and the time when they are discharged by an inspector under this Order, includes any owner or other person for the time being possessed of or beneficially interested in the plant pest or relevant material;

“inspector” means any person authorised by the Scottish Ministers to be an inspector for the purposes of this Order;

“IPPC” means the International Plant Protection Convention 1951⁽²¹⁾;

“ISPM No. 4” means International Standard for Phytosanitary Measures No. 4 of February 1996⁽²²⁾ on Requirements for the establishment of pest free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations;

“ISPM No. 10” means International Standard for Phytosanitary Measures No. 10 of October 1999⁽²³⁾ on Requirements for the establishment of pest free places of production and pest free production sites, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations;

“landed” means introduced into Scotland by any means and includes imported by post, and “land” and “landing” shall be construed accordingly;

“lot” has the same meaning as in Article 2(1)(o) of Directive 2000/29/EC;

“national plant protection organisation” means the service established by the government of a third country to discharge the functions specified in Article IV(1)(a) of the IPPC, details of which have been notified—

- (a) in the case of contracting parties to the IPPC, to the Director of the Food and Agriculture Organisation of the United Nations; and
- (b) in all other cases, to the European Commission;

“North America” means the geographical area comprising Canada, Mexico and the USA;

“nursery” means premises wholly or partly used for the cultivation or keeping of plants for the purpose of transplantation or removal to other premises;

“official”, in relation to any testing or other procedure required by this Order to be carried out in respect of any relevant material, means carried out by or under the supervision of the responsible official body or the national plant protection organisation of the country in which the testing or other procedure is carried out and “officially” shall be construed accordingly;

(21) Adopted in 1951 (Treaty Series No. 16 (1954), Cmd 9077) and revised in 1979 (Miscellaneous Series No. 1 (1981), Cmd 8108).

(22) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00100 Rome, Italy and <http://www.ippc.int/IPP/En/default.htm>.

(23) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00100 Rome, Italy and <http://www.ippc.int/IPP/En/default.htm>.

“official body of destination” has the same meaning as in Article 2(1)(l) of Directive 2000/29/EC;

“official body of point of entry” has the same meaning as in Article 2(1)(k) of Directive 2000/29/EC;

“official label” means a label that meets the relevant requirements set out in Part A or B of Schedule 9, issued by or with the authority of the responsible official body for the Member State in which the official label is issued;

“official statement” means a statement issued by an authorised officer or a statement included in a plant passport;

“phytosanitary certificate” means a certificate which complies with the relevant requirements of articles 7 and 15;

“phytosanitary certificate for re export” means a certificate which complies with the relevant requirements of articles 7 and 15;

“place of production” means any premises, normally worked as a unit, together with any contiguous land in the same ownership or occupation as such premises;

“plant” means a living plant (including a fungus or shrub), or a living part of a plant (including a living part of a fungus or shrub), at any stage of growth but excluding forest trees or forest shrubs; and living parts of a plant shall include—

- (a) fruit or seed,
- (b) vegetables, other than those preserved by deep freezing,
- (c) tubers, corms, bulbs or rhizomes,
- (d) cut flowers,
- (e) branches with or without foliage,
- (f) a plant or shrub that has been cut and which retains any foliage,
- (g) leaves or foliage,
- (h) a plant or shrub in tissue culture,
- (i) live pollen, and
- (j) bud wood, cuttings or scions;

“plant health check” means an examination carried out under article 12(3);

“plant health movement document” means a document which meets the requirements in Schedule 13;

“planting” has the same meaning as in Article 2(1)(c) of Directive 2000/29/EC;

“plant or shrub in tissue culture” means a plant or shrub growing in a clear liquid or clear solid aseptic culture medium in a closed transparent container;

“plant passport” means a label and, where appropriate, an accompanying document that meets the relevant requirements set out in Part A or B of Schedule 9, issued by or with the authority of the responsible official body for the Member State in which the plant passport is issued, and includes a replacement plant passport;

“plant pest” means any living organism, other than a vertebrate animal, in any stage of its existence, which is injurious or likely to be injurious to any plant or plant product;

“plant product” has the same meaning as in Article 2(1)(b) of Directive 2000/29/EC;

“plant trader” means—

- (a) an importer of relevant material,
- (b) a producer of relevant material,

(c) a person in charge of premises used for the storage, aggregation or dispatch of consignments of relevant material, or

(d) a person who in the course of a trade or business divides up or combines consignments of relevant material;

“potato” means any tuber or true seed or any other plant of *Solanum tuberosum* L. or other tuber-forming species of the genus *Solanum* L.;

“Potato Cyst Nematode” means any cyst-forming nematode of the species *Globodera pallida* Stone Behrens or *Globodera rostochiensis* (Wollenweber) Behrens that infests and multiplies on potatoes and any strains or pathotypes of such nematode;

“Potato Ring Rot” means either the disease of potatoes which is caused by the bacterium *Clavibacter michiganensis* subsp. *Sepedonicus* (Spieckermann and Kotthoff) Davis et al. or that bacterium, as the context may require;

“Potato Wart Disease” means either the disease of potatoes which is caused by the fungus *Synchytrium endobioticum* (Schilbersky) Percival or that fungus as the context may require;

“premises” includes any land, building, vehicle, vessel, aircraft, hovercraft, freight container or railway wagon;

“producer”, in relation to relevant material, means a person who grows or makes the material in the course of a trade or business;

“protected zone” means a zone listed in the third column of Annex IV, Part B of Directive 2000/29/EC opposite the reference to the relevant material to which that zone relates;

“register” means the register of plant traders maintained under article 25(1);

“registered”, in relation to a plant trader, means a trader whose particulars are listed in the register, and “registration” shall be construed accordingly;

“relevant material” means any plant, plant product, soil or growing medium;

“responsible official body” means either the body described in paragraph (i) or the body described in paragraph (ii) of Article 2(1)(g) of Directive 2000/29/EC;

“seed” means seed in the botanical sense other than seed not intended for planting;

“Seed Potatoes Regulations” means the Seed Potatoes (Scotland) Regulations 2000(24);

“South America” means the geographical area comprising Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, French Guiana, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela;

“Swiss plant passport” means a label and, where appropriate, an accompanying document, issued in Switzerland in accordance with Swiss legislation, which—

(a) contains information which gives evidence that the legislation in Switzerland relating to plant health standards and special requirements for relevant material moving into and within Switzerland have been complied with; and

(b) relates to relevant material listed in Part A of Schedule 8;

“third country” means a country or territory other than one within the European Community; and

“USA” means the United States of America except the state of Hawaii.

(2) “Transit”, for the purposes of this Order—

(a) where it occurs in article 12(5) or (6), has the same meaning as in Article 2(1)(r) of Directive 2000/29/EC; and

- (b) where it occurs anywhere else in this Order shall bear its ordinary meaning.
- (3) Any reference in this Order to a species shall be construed as a reference to that species or to any of its hybrids.
- (4) Any reference in this Order to the European Community, to a Member State or a third country includes a reference to a state, country, principality, province or region within the European Community, Member State, or third country, as the case may be.
- (5) Any reference in this Order to a numbered article or a numbered Schedule with no corresponding reference to a specific instrument shall be construed as a reference to the article or Schedule so numbered in this Order.
- (6) Any reference in this Order to a Community instrument is a reference to that instrument as amended on the date this Order is made.
- (7) Any reference in this Order to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is consequently capable of being reproduced.

PART 2

IMPORTS FROM THIRD COUNTRIES

Interpretation of Part 2

3. In this Part—

“approved place of inspection” means a place of destination of relevant material approved by the Scottish Ministers under article 17;

“Customs Code” means Council Regulation (EEC) No. 2913/92⁽²⁵⁾ establishing the Community Customs Code;

“customs document” means a document required by the Commissioners for Her Majesty’s Revenue and Customs for placing relevant material under one of the procedures specified in Article 4(16)(a) and (d) to (g) of the Customs Code;

“identity check” means an examination of a consignment of relevant material for the purposes of determining whether it corresponds to its description in the documents that accompany it being an examination of that consignment—

- (a) in its entirety; or
- (b) on the basis of one or more representative samples from the consignment or from each lot forming part of the consignment;

“working day”, in relation to the notice requirements in articles 6(3)(b) and 16(3) and the period for which material may be detained under article 14(1), means a period of twenty-four hours which is not a Saturday, Sunday, Easter Monday, 26th December if it is not a Saturday or Sunday, 27th December in a year in which 25th or 26th December is a Sunday or a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971⁽²⁶⁾; and

“working hour” means a period of one hour during a working day.

⁽²⁵⁾ O.J. No. L 302, 19.10.92, p.1.

⁽²⁶⁾ 1971 c. 80.

Application of Part 2

4.—(1) Subject to paragraph (2), the provisions of this Part shall apply to plant pests and relevant material which are introduced into Scotland from a third country either directly or via another part of the European Community.

(2) The provisions of this Part shall only apply to EC transit goods in respect of which the Scottish Ministers have agreed with the official body of point of entry for those goods, in accordance with article 12(6), to be responsible for certain matters.

Prohibitions and restrictions on landing plant pests and relevant material

5.—(1) The landing in Scotland of the following plant pests and relevant material is prohibited—

- (a) any plant pest of a description specified in Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 carrying or infected with a plant pest of a description specified in column 3 of that Schedule opposite the reference to that relevant material;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
- (d) subject to paragraph (2), any relevant material of a description specified in column 2 of Schedule 3 which originates in a third country specified in column 3 opposite the reference to that relevant material;
- (e) subject to article 8, any relevant material not prohibited under sub paragraph (d) which is of a description specified in column 2 of Part A of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with; and
- (f) subject to article 8 and without prejudice to any requirements specified in column 3 of Part A of Schedule 4 relating to the relevant material, any relevant material which is of a description specified in column 2 of Part C of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with.

(2) The prohibition in paragraph (1)(d) shall not apply to any relevant material which is in the course of its consignment between two third countries under appropriate customs procedures and without any change in customs status and which is transported in such a way as to prevent the accidental escape of plant pests.

Advance notification of landing

6.—(1) Subject to article 30(3), the landing in Scotland by any person of relevant material to which paragraph (2) refers, is prohibited unless that person gives notice in accordance with this article.

(2) The prohibition on landing relevant material in paragraph (1) applies to the landing in Scotland, where Scotland is the point of entry of the material into the Community, of the following relevant material—

- (a) any relevant material of a description specified in Part A of Schedule 5; or
- (b) any relevant material of a description specified in Part B of Schedule 5 and which is—
 - (i) specified in column 2 of Part C of Schedule 4;

- (ii) specified in the second column of Annex II, Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone listed in the fourth column opposite the reference to the relevant material; or
 - (iii) specified in the first column of Annex IV, Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone listed in the third column opposite the reference to the relevant material.
- (3) A notice under paragraph (1) shall—
- (a) be in accordance with the requirements of Schedule 12; and
 - (b) subject to paragraph (5), be given in time to arrive at the office of the Scottish Ministers at least two working days before the relevant material is landed.
- (4) The address to which a notice shall be given under paragraph (1) shall be such address as the Scottish Ministers shall specify from time to time, which may include an address for electronic communications.
- (5) Where persons who are required by paragraph (1) to give notice of the landing of any relevant material can reasonably show that they were unable to comply with the periods specified in paragraph (3)(b) because they were unaware that the material had been consigned, they shall give notice as soon as is reasonably practicable.

Requirements for certificates

- 7.—(1) Subject to articles 8 and 30(2) and to paragraph (6), the landing in Scotland of any relevant material referred to in sub paragraph (a) or (b) of article 6(2) is prohibited unless that relevant material is accompanied by a phytosanitary certificate issued in the country in which that material originates or in the country from which it was consigned and, where paragraph (2) applies, by a phytosanitary certificate for re export.
- (2) Where relevant material consigned to Scotland via any third country by way of transit has been split up, combined with other consignments or repackaged, that material shall be accompanied by a phytosanitary certificate for re export issued in the country of transit.
- (3) Where relevant material consigned to Scotland via any third country by way of transit has or may have been exposed to infection or contamination by any plant pest, no longer remains the same material specified in the phytosanitary certificate which accompanies it or has been processed so as to change its nature, the phytosanitary certificate required to accompany it shall be issued in the country of transit.
- (4) Where relevant material is listed in the first column of Annex IV, Part B of Directive 2000/29/EC and the requirement or requirements specified in the second column opposite the reference to that relevant material can only be fulfilled in the country in which the relevant material originates, the phytosanitary certificate required to accompany it shall be issued in that country.
- (5) Where a phytosanitary certificate is required by paragraph (2) to be accompanied by a phytosanitary certificate for re export, it may consist of a copy of the certificate certified as a true copy of the original by an authorised officer but in all other cases shall be the original certificate.
- (6) Provided the relevant material is transported in such a way as to prevent the accidental escape of plant pests and does not undergo any change in its customs status, paragraph (1) does not apply to—
- (a) relevant material landed in Scotland which, under appropriate customs procedures, is in the course of its consignment between two third countries; or
 - (b) relevant material landed in Scotland which has been consigned to Scotland from another part of the European Community via a third country.

Exceptions from certain prohibitions and requirements

8.—(1) The prohibitions on landing relevant material in article 5(1)(e) and (f), the requirement for advance notification in article 6(1) and the requirements of article 7 for relevant material to be accompanied by a phytosanitary certificate or phytosanitary certificate for re export shall not apply to relevant material of a description in paragraph (2), not showing any signs of the presence of any plant pest, landed in Scotland in the baggage of a passenger or other traveller and which—

- (a) is not intended for use in the course of a trade or business; and
- (b) is intended for household use.

(2) The relevant material referred to in paragraph (1) is material which is—

- (a) in one of the following categories, not exceeding the stated quantities—
 - (i) fruit and raw vegetables (other than potatoes), together not exceeding 2 kilogrammes in weight;
 - (ii) cut flowers which may include any parts of plants, together forming a single bouquet; or
 - (iii) seeds (other than seeds of potatoes), not exceeding 5 retail packets or packets of a similar size; or
- (b) in one of the following categories, not exceeding the stated quantities, and which has been grown in and consigned to Scotland from the Euro-Mediterranean area—
 - (i) bulbs, corms, tubers (other than potatoes) and rhizomes, together not exceeding 2 kilogrammes in weight; or
 - (ii) plants for planting, other than those in sub paragraph (i), not exceeding 5 in number.

(3) For the purpose of paragraph (2)(a)(iii), a retail packet in relation to a particular seed is one which is of a type normally sold to the consumer other than for use in the course of a trade or business.

Presentation and display of documents

9.—(1) Except in the case of consignments referred to in paragraph (3), any phytosanitary certificate or phytosanitary certificate for re export required under article 7 to accompany relevant material shall be delivered by the importer of that relevant material, within three days of its landing, to an inspector.

(2) Subject to article 30(4), importers shall include in a customs document relating to each consignment of relevant material referred to in sub paragraph (a) or (b) of article 6(2)—

- (a) a statement that “this consignment contains produce of phytosanitary relevance”;
- (b) the reference number of any phytosanitary certificate or phytosanitary certificate for re export required by article 7 to accompany the relevant material; and
- (c) the registration number of the importer of the relevant material.

(3) In the case of a consignment imported into Scotland by post, any phytosanitary certificate or phytosanitary certificate for re export required by article 7 to accompany that material shall be affixed to the outside of the package comprising the relevant material or, if the consignment of relevant material consists of more than one package, be affixed to the outside of one of the packages and copies of the certificate shall be affixed to the outside of each of the remaining packages.

Prohibition on removal of relevant material from an area of plant health control

10.—(1) Subject to articles 11 and 30(3), no person shall remove or cause to be removed from an area of plant health control any relevant material referred to in sub paragraph (a) or (b) of article

6(2) unless an inspector has discharged that relevant material or the removal of that relevant material is permitted under Part 6.

(2) An area of plant health control is—

- (a) the point of entry specified in paragraph (3) where relevant material is landed in Scotland for the first time;
- (b) a place close to the point of entry specified in paragraph (3) which has been designated as an area of plant health control by the Scottish Ministers and by the Commissioners for Her Majesty's Revenue and Customs; or
- (c) an approved place of inspection.

(3) The point of entry, for the purposes of paragraph (2), shall be—

- (a) where the relevant material is transported by air, the airport; and
- (b) where the relevant material is transported by maritime or fluvial transport, the port.

(4) Pending its removal from an area of plant health control, other than at an approved place of inspection, the importer of relevant material shall store it under the supervision of an inspector under such conditions as the inspector may direct and the importer shall be liable for the costs of such storage.

Exceptions from prohibition on removal of relevant material from an area of plant health control

11. The prohibition imposed by article 10(1) on the removal of relevant material from an area of plant health control unless it has been discharged by an inspector shall not apply to—

- (a) any relevant material which is in the course of its consignment between two third countries under appropriate customs procedures and without any change in its customs status and which is transported in such a way as to prevent the accidental escape of plant pests;
- (b) any relevant material excepted by article 8 from the requirements in article 7; or
- (c) any relevant material which is consigned to Scotland from another part of the European Community via a third country without any change in its customs status and which is transported in such a way as to prevent the accidental escape of plant pests.

Plant health discharge

12.—(1) An inspector may discharge relevant material pursuant to article 10(1) if the inspector is satisfied as to the matters referred to in paragraph (2).

(2) Subject to paragraphs (5) and (6), an inspector shall be satisfied—

- (a) that the relevant material is free from any plant pest of a description specified in Schedule 1;
- (b) if listed in column 2 of Schedule 2, that the relevant material is not carrying or infected with a plant pest of a description specified in column 3 of that Schedule opposite the reference to the relevant material;
- (c) if listed in the second column of Annex II, Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone listed in the fourth column opposite the reference to the relevant material, that the relevant material is not carrying or infected with a plant pest of a description specified in the first column opposite the reference to the relevant material;
- (d) if listed in column 2 of Part A or C of Schedule 4, that the relevant material complies with the requirements specified in column 3 of Part A or C, respectively, opposite the reference to the relevant material and, where there is one or more alternative requirements,

the requirements declared in the phytosanitary certificate or phytosanitary certificate for re export;

- (e) if listed in the first column in Annex IV, Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone listed in the third column opposite the reference to the relevant material, that the relevant material complies with the requirements specified in the second column opposite the reference to the relevant material and, where there is one or more alternative requirements, the requirements declared in the phytosanitary certificate or phytosanitary certificate for re export;
- (f) that the relevant material corresponds with the description given to it in the phytosanitary certificate or phytosanitary certificate for re export; and
- (g) that the relevant material is accompanied by the certificate or certificate required by article 7 and, where appropriate, by a plant health movement document.

(3) For the purpose of being satisfied as to any of the matters in paragraph (2)(a) to (e), an inspector may carry out an examination of a consignment or lot of relevant material and its packaging and, where necessary, the vehicle transporting that consignment or lot—

- (a) in its entirety; or
- (b) on the basis of one or more representative samples from the consignment or from each lot forming part of the consignment.

(4) For the purpose of being satisfied as to the matters in paragraph (2)(f), an inspector may carry out an identity check.

(5) Where the official body of destination of any relevant material landed in Scotland for the purpose of transit has agreed with the Scottish Ministers that it will be responsible for some or all of the matters referred to in paragraph (2)(a) to (f), an inspector need only be satisfied as to the matters referred to in paragraph (2)(g) and any matters referred to in paragraph (2)(a) to (f) not subject to the agreement.

(6) Where the official body of point of entry of any relevant material that has been consigned to Scotland via another part of the European Community by way of transit has agreed with the Scottish Ministers, as the official body of destination, that the Scottish Ministers shall be responsible for some or all of the matters referred to in paragraph (2)(a) to (f), the matters as to which an inspector must be satisfied shall be limited accordingly.

(7) Where an inspector is satisfied as to the matters referred to in paragraph (2)(g) the inspector shall—

- (a) stamp the phytosanitary certificate or phytosanitary certificate for re export with the official stamp of the Scottish Ministers and the date the certificate was delivered in accordance with article 9(1); and
- (b) where applicable, complete the relevant headings of the plant health movement document.

(8) An inspector may, for the purpose of performing a plant health check, require the occupier or other person in charge of the premises in which the check is to take place to provide—

- (a) where appropriate, suitable areas of inspection;
- (b) adequate lighting; and
- (c) inspection tables.

Request to an officer for Revenue and Customs for material to be detained

13.—(1) An inspector may, where there are reasonable grounds for suspecting that there is a risk of spread of any plant pest from any relevant material, request an officer for Revenue and Customs to exercise the power in article 14(1) for the purpose of enabling the inspector to enforce any provision of this Order.

- (2) A request under this article—
- (a) may identify the relevant material in any way; and
 - (b) shall be made—
 - (i) in writing; or
 - (ii) orally and confirmed in writing.

(3) Where an inspector issues a notice or takes any other action under this Order in respect of relevant material detained by an officer for Revenue and Customs under article 14(1) the inspector shall advise that officer in writing of that notice or action.

Power of an officer for Revenue and Customs

14.—(1) An officer for Revenue and Customs may, where requested by an inspector in accordance with article 13(1), detain for not more than two working days any relevant material or any container, package or cargo of any kind which has been or may have been in contact with that material and which is referred to in that request insofar as the material, container, package or cargo is under customs supervision pursuant to Article 37 of the Customs Code and has not been assigned a customs approved treatment or use within the meaning of Article 4(15) of that Code.

(2) The Commissioners for Her Majesty's Revenue and Customs may direct that any relevant material detained under paragraph (1) shall be dealt with during the period of its detention in such manner as they may specify.

(3) The importer of any relevant material detained under paragraph (1) shall be responsible for the costs of storage which arise during the period of its detention.

General provisions relating to certificates

15.—(1) A phytosanitary certificate or phytosanitary certificate for re export shall be completed by an authorised officer in accordance with the relevant requirements of this article and—

- (a) until 31st December 2009, shall—
 - (i) where it is issued by a contracting party to the IPPC, be in the form set out in Part A or B, respectively, of either Schedule 10 or Schedule 11; and
 - (ii) in any other case, be in the form set out in Part A or B, respectively, of Schedule 10; and
 - (b) on or after 1st January 2010, shall be in the form set out in Part A or B, respectively, of Schedule 11.
- (2) A phytosanitary certificate or phytosanitary certificate for re export shall—
- (a) be issued by the responsible official body or the national plant protection organisation of the country of export or re export in accordance with the provisions of Article V(1) of the IPPC;
 - (b) be issued in one of the official languages of the European Community;
 - (c) where it is issued in a language other than English, incorporate or be accompanied by a translation into the English language which, if the translation is a document separate from the certificate, shall be completed and signed by an authorised officer;
 - (d) be addressed to the “Plant Protection Organisations of the Member States of the European Community”; and
 - (e) be completed in typescript or block capitals.

(3) A phytosanitary certificate or phytosanitary certificate for re export issued in respect of any relevant material of a description specified in column 2 of Part A or C of Schedule 4 in which

one or more alternative requirement is specified in column 3 of Part A or C, respectively, opposite the reference to that relevant material, shall specify under the heading “Additional declaration” the requirement that has been complied with by reference to the relevant position in Annex IV, Part A Section I or Part B, respectively, of Directive 2000/29/EC.

(4) A phytosanitary certificate or a phytosanitary certificate for re export shall be based on an inspection carried out not more than 14 days before the date of dispatch of the relevant material to which the certificate relates.

(5) A phytosanitary certificate or phytosanitary certificate for re export shall be completed not more than 14 days before the date of dispatch of the consignment of relevant material which it is to accompany.

Requirements to be met by relevant material prior to inspection at its place or country of destination

16.—(1) This article applies to relevant material referred to in sub paragraph (a) or (b) of article 6(2) which—

- (a) is the subject of an agreement described in article 12(5) or (6); or
- (b) whether or not it is subject to an agreement referred to in sub paragraph (a), is destined for an approved place of inspection,

before it has been discharged by an inspector pursuant to article 10(1).

(2) Save where the Scottish Ministers have authorised otherwise, relevant material to which this article applies shall not be moved within Scotland or, where applicable, from Scotland to any other place within the European Community, unless its packaging and the vehicles in which it is transported are sealed in such a way that there is no risk of it causing infestation, infection or contamination or of any change in the identity of the material.

(3) The importer of relevant material to which this article applies, other than relevant material whose destination is elsewhere in the European Community, must give to the Scottish Ministers notice of the following particulars five working days before it is landed—

- (a) the name, address and location of the approved place of inspection or other area of plant health control for which the relevant material is destined;
- (b) the scheduled date and time of arrival of the relevant material at the place referred to in paragraph (a);
- (c) if available, the individual serial number of any plant health movement document required by article 18;
- (d) if available, the date and place at which that plant health movement document was drawn up;
- (e) the name, address and registration number of the importer; and
- (f) the reference number of the phytosanitary certificate or phytosanitary certificate for re export required to accompany the relevant material,

and must notify the Scottish Ministers immediately in writing of any changes to such particulars.

(4) The address to which notice shall be given under paragraph (3) shall be such address as the Scottish Ministers shall specify from time to time which may include an address for electronic communications.

Approved places of inspection

17.—(1) In accordance with the provisions of this article, the Scottish Ministers may approve a place of destination of relevant material referred to in sub paragraph (a) or (b) of article 6(2) as an approved place of inspection in relation to that material.

(2) An application for a place of destination of relevant material as an approved place of inspection may be made to the Scottish Ministers by an importer or other person responsible for that place in such form and containing such information as the Scottish Ministers may specify.

(3) An approval may be granted subject to conditions, including conditions relating to the storage of relevant material, and may be withdrawn at any time if the Scottish Ministers no longer consider that the place to which the approval relates is suitable for the purposes for which it was given.

(4) For the purposes of this article the Scottish Ministers may only approve a place of destination of relevant material that is subject to an agreement described in article 12(6) if the agreement so provides.

(5) The Scottish Ministers may only approve a place of destination of relevant material as an approved place of inspection where that place has been approved by the Commissioners for Her Majesty's Revenue and Customs for use as a temporary storage facility as referred to in Article 185(1) of Commission Regulation 2454/93/EC⁽²⁷⁾ laying down provisions for the implementation of the Customs Code.

Requirement for plant health movement document

18. Relevant material which is subject to an agreement in article 12(5) or (6) and which has not been discharged by an inspector pursuant to article 10(1) shall not be moved within Scotland or, where applicable, from Scotland to any other place within the European Community unless it is accompanied by a plant health movement document.

PART 3

INTERNAL COMMUNITY CONTROLS ON MOVEMENT

Prohibitions on landing plant pests and relevant material

19.—(1) Subject to paragraph (2), the landing in Scotland of plant pests or relevant material of the following descriptions which are introduced into Scotland from another part of the European Community, whether as country of origin or country of transit, is prohibited—

- (a) any plant pest of a description specified in Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 carrying or infected with a plant pest of a description specified in column 3 of that Schedule opposite the reference to that relevant material;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
- (d) any relevant material of a description specified in column 2 of Schedule 3 which originates in a third country specified in column 3 opposite the reference to that relevant material;
- (e) subject to article 22, any relevant material not prohibited under sub paragraph (d) which is of a description specified in column 2 of Part A of Schedule 4, unless the requirements

(27) O.J. No. L 253, 11.10.93, p.1.

specified in column 3 of that Part opposite the reference to that relevant material have been complied with.

- (f) subject to article 22, any relevant material not prohibited under sub paragraph (d) which is of a description specified in column 2 of Part B of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with; and
- (g) subject to article 22 and without prejudice to any requirements specified in column 3 of Part A of Schedule 4 relating to the relevant material, any relevant material which is of a description specified in column 2 of Part C of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with.

(2) Paragraph (1) shall not apply to relevant material prohibited from landing in Scotland by article 5(1)(e) or (f).

Prevention of the spread of plant pests

20.—(1) No person shall knowingly keep, store, sell, plant, move or otherwise dispose of or knowingly cause or permit to be kept, stored, sold, planted, moved or otherwise disposed of—

- (a) any plant pest of a description specified in Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 carrying or infected with a plant pest of a description specified in column 3 of that Schedule opposite the reference to that relevant material;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
- (d) any relevant material landed in contravention of article 5(1)(d), (e) or (f) or article 19(1)(d), (e), (f) or (g);
- (e) subject to article 22, any relevant material of a description specified in column 2 of Part B of Schedule 4 which originates in Great Britain, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with;
- (f) subject to article 22 and without prejudice to any requirements specified in column 3 of Part B of Schedule 4 relating to the relevant material, any relevant material of a description specified in column 2 of Part C of Schedule 4 which originates in Great Britain, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with; or
- (g) any relevant material introduced into Scotland from England or Wales which, if it had been introduced from a third country or from another part of the European Community, would have contravened article 5(1)(d), (e) or (f) or article 19(1)(d), (e), (f) or (g).

(2) Nothing in paragraph (1) shall prohibit the keeping, storing, moving or otherwise disposing of any plant pest or relevant material referred to in that paragraph in compliance with any requirement imposed by an inspector under Part 6 in respect of that plant pest or relevant material.

Requirements for plant passports

21.—(1) Subject to paragraph (7) and article 22, the landing in or movement within Scotland by any person of any relevant material of a description specified in Part A of Schedule 6 comprising EC transit goods or material originating in Scotland or elsewhere in the European Community is

prohibited, unless that relevant material is accompanied by a plant passport and, if originating in Scotland, has been the subject of a satisfactory inspection at the place of production.

(2) Subject to paragraph (7) and articles 22 and 23, the landing in or movement within Scotland by any person of any relevant material of a description specified in Part B of Schedule 6 comprising EC transit goods or material originating in Scotland or elsewhere in the European Community is prohibited, unless that relevant material is accompanied by a plant passport which is valid for Scotland as a protected zone and, if originating in Scotland, has been the subject of a satisfactory inspection at the place of production.

(3) No person shall move within Scotland any relevant material, which if comprised of EC transit goods or material consigned to Scotland from another part of the European Community would be subject to paragraph (1), after the phytosanitary certificate accompanying it has been officially stamped in accordance with article 12(7)(a) unless it is accompanied by a plant passport.

(4) Subject to article 23, no person shall move within Scotland any relevant material, which if comprised of EC transit goods or material consigned to Scotland from another part of the European Community would be subject to paragraph (2), after the phytosanitary certificate accompanying it has been officially stamped in accordance with article 12(7)(a) unless it is accompanied by a plant passport which is valid for Scotland as a protected zone.

(5) Subject to article 22, no person shall consign from Scotland to another part of the European Community any relevant material of a description specified in Part A of Schedule 7 unless that relevant material is accompanied by a plant passport.

(6) Subject to article 22, no person shall consign from Scotland to a protected zone in another part of the European Community any relevant material of a description specified in Part B of Schedule 7 unless that relevant material is accompanied by a plant passport which is valid for that protected zone.

(7) The prohibitions imposed on landing by paragraphs (1) and (2) shall not apply to relevant material in respect of which the Scottish Ministers have agreed, pursuant to an agreement described in article 12(6), to carry out a plant health check.

Exceptions from certain prohibitions and requirements

22.—(1) The prohibitions on landing in article 19(1)(e), (f) and (g) and on movement in article 20(1)(e) and (f) and the requirements in article 21(1), (2), (5) and (6) for certain relevant material to be accompanied by a plant passport shall not apply to small quantities of any relevant material, not showing any signs of the presence of any plant pest, which—

- (a) is not intended for use in the course of a trade or business; and
- (b) is intended for household use.

(2) The prohibitions on movement in article 21(1) and (2) shall not apply to movement of material, which originates in Great Britain, made locally by small producers or processors whose entire production and sale of such material is intended for final usage by persons on the local market who are not professionally involved in plant production.

Validity of plant passports for Scotland

23.—(1) Where a person moves relevant material of a description specified in Part B of Schedule 6 through Scotland to a destination outside Scotland, that person shall not be required to produce a plant passport which is valid for Scotland as a protected zone, if paragraph (2) or (3) applies.

(2) A plant passport shall not be required in respect of relevant material described in paragraph (1) if that material originates in Great Britain.

(3) A plant passport shall not be required in respect of relevant material described in paragraph (1)–

- (a) which during transit through Scotland is accompanied by a document of a type normally used for trade purposes which certifies that the material originates outside Scotland and is in transit to a final destination outside Scotland; and
- (b) whose packaging and any vehicle used in connection with its transit through Scotland is–
 - (i) free from soil and plant debris;
 - (ii) free from any relevant plant pest in relation to which Scotland is a protected zone;
 - (iii) of such a nature or construction as to ensure that, if any relevant plant pest is present in the relevant material, there is no risk of its spreading from the packaging or the vehicle as the case may be; and
 - (iv) sealed immediately after packaging or where appropriate after loading, and remains sealed during transit through Scotland.

General provisions relating to plant passports

24.—(1) Any alteration or erasure in a plant passport shall automatically invalidate that plant passport unless the alteration or erasure is certified by the authorised officer or the plant trader authorised under article 29 to issue the plant passport placing the hand written initials of the authorised officer or the plant trader next to the alteration or erasure.

(2) A plant passport relating to any relevant material shall be treated as accompanying that relevant material only if the plant passport is affixed to–

- (a) the relevant material,
- (b) the packaging of that material, or
- (c) the vehicle transporting that material,

by an authorised officer, the plant trader authorised to issue it or an inspector.

(3) A plant passport, insofar as it comprises an official label, shall be affixed in such a way that it cannot be re used.

(4) A person may only issue a replacement plant passport–

- (a) to replace a plant passport issued in respect of a consignment–
 - (i) that has been divided up;
 - (ii) that has been combined, or part of which has been combined, with another consignment; or
 - (iii) whose plant health status has been changed; and
- (b) if that person is satisfied that the relevant material to which the replacement plant passport will relate–
 - (i) can be identified; and
 - (ii) is free from any risk of infestation by a plant pest specified in either Schedule 1 or 2.

PART 4

REGISTRATION OF PLANT TRADERS AND AUTHORITY TO ISSUE PLANT PASSPORTS

Register of plant traders

25.—(1) The Scottish Ministers shall maintain a register listing the following particulars with respect to each plant trader who meets the requirements of this Part:

- (a) the name of the plant trader;
- (b) the name of the person responsible for making the application where that person is not the plant trader;
- (c) the trading name of the plant trader where that name is different from that of the plant trader;
- (d) details of those activities to which this Order applies which the plant trader undertakes or intends to undertake;
- (e) the address of the premises at which the plant trader undertakes or intends to undertake the activities referred to in sub paragraph (d); and
- (f) a registration number unique to the plant trader.

(2) The register maintained under paragraph (1) shall be open to inspection by the European Commission.

Obligation to register

26.—(1) Subject to paragraph (2), no plant trader shall engage in any activity to which this Order applies unless that plant trader is registered in respect of the activity and the premises at which it takes place.

(2) The requirement in paragraph (1) for a plant trader to be registered shall not apply to a producer whose entire production and sale of relevant material is intended for final use by persons on the local market who are not involved in plant production in the course of a trade or business.

(3) Entries on the register kept under article 15(1) of the Plant Health (Great Britain) Order 1993⁽²⁸⁾ on the day before the date of the coming into force of this Order shall, subject to the provisions of this Part, remain in effect for the purposes of this Order as if entered on the register maintained under article 25(1).

Registration requirements

27.—(1) An application for registration shall be made in writing to the Scottish Ministers and shall be in such form and contain such information as the Scottish Ministers may from time to time reasonably require to enable them to register the plant trader in respect of the activity and premises in relation to which the application is made.

(2) If, after a plant trader has applied to the Scottish Ministers to be registered under paragraph (1) but before registration has taken place, there is any change in the plant trader's circumstances as recorded in the application, the plant trader must notify the Scottish Ministers immediately in writing of any such change.

(3) Every registered plant trader must notify the Scottish Ministers immediately in writing of any change in the particulars listed in the register with respect to that plant trader.

⁽²⁸⁾ S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245, S.S.I. 1999/22 and 129, 2001/249, 2002/164, 2003/224 and 204/440..

(4) Subject to paragraph (5), the Scottish Ministers shall register a plant trader who meets the requirements of this article in respect of the activity and premises in relation to which the plant trader has applied to be registered and shall notify the plant trader when registration has taken place.

(5) The Scottish Ministers shall only register a plant trader in respect of an activity or premises if they are satisfied that the plant trader is able and willing to comply with the conditions specified in article 28(1).

Conditions for maintaining registration as a plant trader

28.—(1) Registered plant traders must in relation to the activities and premises to which their registration relates comply with the following conditions:

- (a) they must keep an accurate up to date plan of the premises;
- (b) they must keep a record of relevant material purchased by them or brought onto the premises for storage, planting or production on those premises, and of relevant material under production on or dispatched from those premises;
- (c) they must keep all documents, created or received by them, relating to the records kept under sub-paragraph (b), for at least one year from the date they created or received them;
- (d) they must designate an individual (whether the registered plant trader or another) who is technically experienced in relation to the activities carried out on the premises and related plant health matters affecting the premises who shall be available to liaise with the Scottish Ministers in relation to matters arising under this Order;
- (e) they must examine their premises and relevant material at such times and in a manner specified in guidelines issued from time to time by the Scottish Ministers;
- (f) they must make a declaration at such time and in such form as the Scottish Ministers may from time to time require that they are able and willing to comply with the conditions specified in sub paragraphs (a) to (e); and
- (g) they must comply with any other conditions which may be specified by the Scottish Ministers which the Scottish Ministers consider necessary to enable them to assess the presence of or spread of any plant pest on the premises by reason of the condition of those premises.

(2) Where the Scottish Ministers are satisfied that a registered plant trader has failed to comply with any of the conditions specified in paragraph (1) they may suspend the plant trader's registration until they are satisfied that the plant trader is able and willing to comply with those conditions.

Authority to issue plant passports

29.—(1) Where registered plant traders wish to issue plant passports in relation to any relevant material to be moved from their premises they shall apply to the Scottish Ministers for the authority to do so.

(2) An application under paragraph (1) must be in writing, must give such notice as the Scottish Ministers may reasonably specify to allow them to undertake any necessary examination of the premises to which the application relates and of any relevant material there and must contain such particulars in relation to the relevant material produced, grown, stored or otherwise present on those premises as the Scottish Ministers may from time to time reasonably require.

(3) The Scottish Ministers shall grant an authority under paragraph (1) only if, having regard to any examination of the premises to which the application relates and of any relevant material there, they are satisfied—

- (a) that the premises and relevant material are free from any relevant organisms; and

- (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.
- (4) The Scottish Ministers' authority to issue plant passports shall be given in writing and may be granted subject to such conditions as they consider appropriate to ensure that the relevant requirements of this Order are complied with, including a condition limiting any territories in which such plant passports shall be valid.
- (5) The Scottish Ministers may suspend the operation of an authority to issue plant passports entirely or in relation to specified premises or relevant material if, having regard to any examination of any premises of the registered plant trader and any relevant material there, they are not satisfied that—
 - (a) the premises or the relevant material are free from any relevant organisms; or
 - (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.
- (6) The Scottish Ministers may suspend the operation of or vary to the extent they consider necessary an authority to issue plant passports if they are satisfied that the registered plant trader has—
 - (a) failed to comply with any of the conditions specified in article 28(1);
 - (b) failed to notify the Scottish Ministers in accordance with article 27(3) of any change in the particulars listed in the register with respect to that plant trader;
 - (c) failed to comply with a requirement in a notice served on the plant trader under article 32; or
 - (d) failed to comply with any conditions in the authority issued by the Scottish Ministers under paragraph (4).
- (7) For the purposes of this article “relevant organism” means—
 - (a) any plant pest specified in Schedule 1; or
 - (b) in relation to relevant material of a description specified in Schedule 2, any plant pest of a description specified in that Schedule opposite the reference to that relevant material.

PART 5

SWISS TRADE AND SWISS PLANT PASSPORTS

Swiss trade and Swiss plant passports

30.—(1) Where relevant material listed in Part A of Schedule 8 has been consigned directly from Switzerland to Scotland, any requirements in article 7 for that relevant material to be accompanied by a phytosanitary certificate shall be deemed to be satisfied by its being accompanied by a Swiss plant passport.

(2) Any requirements in article 7 for relevant material to be accompanied by a phytosanitary certificate shall not apply to relevant material that has been introduced into Scotland from Switzerland where that material is listed in Part B but not in Part A of Schedule 8.

(3) The requirements in articles 6 and 10 shall not apply to relevant material which is—

- (a) accompanied by a Swiss plant passport pursuant to paragraph (1); or
- (b) of a description referred to in paragraph (2).

(4) Where any relevant material listed in Part A of Schedule 8 is introduced into Scotland from Switzerland via another part of the European Community any requirements in Part 3 for that

relevant material to be accompanied by a plant passport shall be deemed to be satisfied by its being accompanied by a Swiss plant passport.

PART 6

MEASURES TO CONTROL THE LANDING OF RELEVANT MATERIAL AND PREVENT THE SPREAD OF PLANT PESTS

Examination, sampling and marking

31.—(1) Subject to article 38, inspectors shall have a right on producing their authority, if so requested, at all reasonable times to enter any premises for the purpose of enforcing the provisions of this Order and in particular—

- (a) checking compliance with any provision of this Order; or
- (b) carrying out an examination of a plant trader's premises or of relevant material or documents or records on such premises for any purpose in connection with the granting or suspending of any authority to issue a plant passport under article 29.

(2) An inspector entering premises by virtue of paragraph (1) or of a warrant granted under article 38 may—

- (a) examine, photograph or mark any part of the premises or any object on the premises;
- (b) take samples of or from any plant pest or relevant material or from any container or package, or any material which has been or may have been in contact with such pest or relevant material; and
- (c) inspect or make copies of any documents or records (in whatever form they may be held) relating to the production of or trade in any relevant material.

(3) An inspector may, for the purpose of exercising any of the powers under paragraph (2), open, or authorise any person to open on the inspector's behalf any container or package or require the owner or any person in charge of any container or package to open it, in such manner as the inspector may specify.

(4) Inspectors may, so far as is necessary to enable them to exercise any of the powers conferred by paragraph (2), prohibit entirely or to such extent as they may specify the movement, treatment or destruction of any plant pest or relevant material, container or package, or any material which may have been in contact with such pest or relevant material.

(5) Where any such record or document as is mentioned in paragraph (2)(c) is kept by means of a computer, an inspector may—

- (a) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the record or document; and
- (b) require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford the inspector such assistance as the inspector may reasonably require.

(6) An inspector may destroy or otherwise dispose of any sample taken under paragraph (2)(b) where that sample is no longer required in connection with this Order.

(7) An inspector entering premises by virtue of paragraph (1), or of a warrant granted under article 38, may be accompanied by such other persons, including representatives of the European Commission, and such equipment and vehicles as the inspector considers necessary, and any such other persons may, whether or not accompanied by the inspector and on production, if so requested,

of their authority given in that behalf by the Scottish Ministers, remain on and from time to time re enter the premises with any equipment or vehicles that person considers necessary, and carry out such work in such manner as the inspector may direct.

Actions which may be required by an inspector

32.—(1) If an inspector has reasonable grounds for suspecting that any plant pest or relevant material is likely to be or has been landed in Scotland in contravention of this Order the inspector may serve a notice in writing in accordance with paragraphs (2) and (3).

(2) An inspector may serve a notice under paragraph (1) on—

- (a) a plant trader or other person who is in possession of or in any way entitled to the custody or control of the plant pest or relevant material which has been landed; or
- (b) any person in charge of the premises from which any plant pest or relevant material is likely to be or has been landed.

(3) A notice under paragraph (1) may—

- (a) prohibit the landing of any plant pest or relevant material;
- (b) specify the manner in which the landing is to be carried out and the precautions which are to be taken during and subsequent to the landing;
- (c) require any plant pest or relevant material to be treated, re exported, destroyed or otherwise disposed of in such manner and within such reasonable time as may be specified in the notice;
- (d) prohibit the removal of any plant pest or relevant material from premises specified in the notice for such period as may be so specified and, where appropriate, impose such other prohibitions as appear to the inspector to be necessary to prevent the introduction or spread of any plant pest;
- (e) require the removal of any plant pest or relevant material from premises specified in the notice in such manner and within such reasonable time as may be so specified;
- (f) require the taking of such other steps, specified in the notice, as appear to the inspector to be necessary to prevent the introduction or spread of any plant pest in such a manner and within such reasonable time as may be specified in the notice.

(4) If an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises any plant pest referred to in paragraph (5) or any relevant material referred to in paragraph (6), the inspector may by notice in writing served on the occupier or other person in charge of the premises or such plant pest or relevant material—

- (a) require any plant pest or relevant material to be treated, destroyed or otherwise disposed of in such manner and within such reasonable time as may be specified in the notice;
- (b) prohibit the removal of any plant pest or relevant material from premises specified in the notice for such period as may be so specified and, where appropriate, impose such other prohibitions as appear to the inspector to be necessary to prevent the spread of any plant pest;
- (c) require the removal of any plant pest or relevant material to premises specified in the notice in such manner and within such reasonable time as may be so specified; or
- (d) require the taking of such other steps, specified in the notice, as appear to the inspector to be necessary to prevent the spread of any plant pest in such manner and within such reasonable time as may be specified in the notice.

(5) The plant pests referred to in paragraph (4) are—

- (a) a plant pest of a description specified in Schedule 1 or in column 3 of Schedule 2;

- (b) any plant pest which is not normally present in Great Britain and in respect of which there is, in the opinion of the inspector, an imminent danger of its spreading or being spread in Great Britain; and
 - (c) any plant pest which is not normally present in another part of the European Community and in respect of which there is, in the opinion of the inspector, an imminent danger of its spreading or being spread to another part of the European Community.
- (6) The relevant material referred to in paragraph (4) is—
- (a) any relevant material which is carrying or is infected with, or which may be carrying or infected with, a plant pest referred to in paragraph (5); and
 - (b) any relevant material the landing of which in Scotland is prohibited under article 5 or 19 or the movement of which in Scotland is prohibited under article 20.
- (7) If an inspector has reasonable grounds for believing that it is necessary for the purpose of preventing the spread of or ensuring the eradication of any plant pest from the premises mentioned in paragraph (4), the inspector may by notice in writing served on the occupier or other person in charge of any other premises impose such prohibitions and require the taking of such reasonable steps, specified in the notice, as appear to the inspector to be necessary for that purpose, such steps to be taken in such manner and in such reasonable time as may be specified in the notice.

Actions which may be taken by an inspector

33.—(1) Without prejudice to article 32, and subject to article 38, if an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises any plant pest referred to in paragraph (2) or any relevant material referred to in paragraph (3), the inspector may, after giving the occupier or other person in charge of the premises reasonable notice of the inspector's intention and upon production if so required of the inspector's authority, enter such premises and either on those premises or elsewhere take steps—

- (a) to destroy any plant pest referred to in paragraph (2) and to prevent the spread of any such plant pest; or
 - (b) to destroy or treat any relevant material referred to in paragraph (3).
- (2) The plant pests referred to in paragraph (1) are—
- (a) a plant pest of a description specified in Schedule 1 or column 3 of Schedule 2; and
 - (b) any plant pest not normally present in Great Britain and in respect of which there is, in the opinion of the inspector, an imminent danger of its spreading or being spread in Great Britain.
- (3) The relevant material referred to in paragraph (1) is—
- (a) any relevant material which is carrying or is infected with, or which may be carrying or may be infected with, a plant pest referred to in paragraph (2); and
 - (b) any relevant material not carrying or infected with a plant pest referred to in paragraph (2), but in respect of which there is, in the opinion of the inspector, an imminent danger of such a plant pest spreading or being spread.
- (4) An inspector on entering any premises under paragraph (1) may be accompanied by such persons, including representatives of the European Commission, and such equipment and vehicles as the inspector considers necessary for the purposes of facilitating the exercise of the inspector's powers under that paragraph.
- (5) Any person who accompanies an inspector on to premises in accordance with paragraph (4) may, whether or not accompanied by an inspector, upon production if so required of the authority given in that behalf by the Scottish Ministers, remain on the premises and from time to time re enter

the premises with any equipment or vehicles that person considers necessary, and carry out such work in such manner as the inspector may direct.

Miscellaneous provisions as to notices

34.—(1) A notice served under paragraph (1) or (2) of article 32 may specify one or more requirements or alternative requirements.

(2) Any treatment, re export, destruction or disposal required by a notice served under article 32 shall be carried out or arranged to be carried out by the person on whom the notice is served to the satisfaction of an inspector from or at a place designated by an inspector and, except with the written authority of an inspector, no plant pest or relevant material to which the notice relates shall be moved otherwise than directly from or to such a place.

(3) An inspector may amend or withdraw a notice served by an inspector under this Order by a further notice served on the person on whom the original notice was served or on the person who is the occupier or in charge of the premises in respect of which the further notice is intended to be served.

(4) A notice under paragraph (3) may be subject to such conditions, if any, as the inspector considers expedient to impose for the purpose of preventing the introduction or spread of any plant pest or re infection or re infestation by the plant pest to which the original notice relates.

(5) Any notice served under this Part may define by reference to a map or plan or otherwise the extent of the premises referred to in the notice.

(6) Where a notice is served under paragraph (2) or (4) of article 32 (“an article 32 notice”), an inspector may, either in that notice or in a separate notice served on the owner or on such other person as appears to the inspector to be in charge of the premises to which the article 32 notice relates, require the person on whom the notice is served to inform—

- (a) the Scottish Ministers of any change in the occupation of the premises to which the article 32 notice relates together with the date of such change and the name of the new occupier; and
- (b) the new occupier of the premises of the contents of the article 32 notice.

Service of notices

35.—(1) Subject to paragraphs (2), (3) and (4), a notice under this Order may be served on any person—

- (a) by personal delivery;
- (b) by leaving it for that person at that person’s last known place of abode or business; or
- (c) by sending it through the post addressed to that person at that person’s last known place of abode or business.

(2) Where a notice under this Order must be served on the occupier or other person in charge of premises, and the last known place of abode or business of that person cannot be ascertained after reasonable inquiry, the notice shall be taken to be served seven days after it has been addressed to “the occupier” and affixed conspicuously to an object on the premises to which the notice relates.

(3) Subject to paragraph (4), a notice served under this Order may—

- (a) in the case of a body corporate (other than a limited liability partnership), be served on the secretary or clerk of that body at the address of the registered or principal office of that body;

- (b) in the case of a partnership (other than a limited liability partnership), be served on a partner or person having the control or management of the partnership business at the address of the principal office of the partnership; or
- (c) in the case of a limited liability partnership, be served on a member of the partnership at the address of the registered or principal office of that partnership,

and for the purposes of this paragraph the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be its principal office within the United Kingdom.

(4) In the case of a registered plant trader a notice under this Order shall be served on the trader either by personal delivery, or by leaving it for the trader, or sending it through the post addressed to the trader, at the address of the premises listed in the register or, if more than one such address is registered, any address specified by the trader as the principal address.

Information as to compliance with notices

36. A person on whom a notice has been served, or is deemed to have been served, under this Order must, if so required by an inspector, immediately inform the inspector whether the requirements of the notice have been complied with and, if they have been complied with, of the details of the steps taken in order to comply with those requirements.

Failure to comply with a notice

37.—(1) Subject to article 38, if any person fails to comply with a notice served, or deemed to be served, on that person under this Order then, without prejudice to any proceedings consequent upon such failure, an inspector may, on production if so required of the inspector's authority, at all reasonable times for the purposes of this Order enter any premises in which any plant pest or relevant material to which the notice relates may be present and take or cause to be taken such steps as appear to the inspector to be necessary either to ensure compliance with the requirements of the notice or to remedy the consequences of the failure to carry them out.

(2) An inspector entering any premises under paragraph (1) may be accompanied by such other persons, including representatives of the European Commission, and such equipment and vehicles as the inspector considers necessary for the purposes of facilitating the exercise of the powers under that paragraph, and such other persons whether or not accompanied by the inspector and on production, if so requested, of their authority given in that behalf by the Scottish Ministers, may remain on the premises and from time to time re enter the premises with any equipment or vehicles that person considers necessary, and carry out such work and in such manner as the inspector may direct.

(3) Where an inspector takes any steps pursuant to paragraph (1), the Scottish Ministers may recover all reasonable costs of taking such steps as a debt from the person on whom the notice was served.

Power to enter premises used wholly or mainly as a dwelling

38.—(1) The power to enter premises conferred by articles 31, 33 and 37 may be exercised by an inspector to enter premises used wholly or mainly as a dwelling only if the inspector has been granted a warrant by a sheriff or a justice of the peace.

- (2) A sheriff or a justice of the peace may grant a warrant under paragraph (1) only if satisfied—
 - (a) that admission to any premises has been refused, or is likely to be refused, or that the case is one of urgency, or that a request for admission might prejudice the purpose of the entry; and
 - (b) that there are reasonable grounds for entry under article 31, 33 or 37 as the case may be.

- (3) A warrant granted under paragraph (1) shall remain in force—
- (a) for one month; or
 - (b) until the purpose for which the warrant is granted has been fulfilled,
- whichever period is the shorter.

PART 7

PLANTING OF, AND CONTROL OF PLANT PESTS ON, CERTAIN SOLANACEOUS SPECIES

Miscellaneous provisions for certain solanaceous species

39.—(1) No person shall knowingly plant or knowingly cause or permit to be planted any potatoes or any potatoes which have been produced from those potatoes, which have been grown in any country outside the European Community other than Switzerland.

(2) Without prejudice to paragraph (1), no person shall knowingly plant or knowingly cause or permit to be planted any potatoes unless—

- (a) they derive in direct line from potato material which has been obtained under an officially approved programme in the European Community or Switzerland;
- (b) they have been found to be free from *Ralstonia solanacearum* (Smith) Yabuuchi et al. in official tests using the methods set out in Annex II to Directive 98/57/EC; and
- (c) they have been found to be free from Potato Ring Rot in official tests using the methods set out in Annex I to Directive 93/85/EC.

(3) No person shall knowingly plant or knowingly cause or permit to be planted potatoes other than—

- (a) potatoes which may be marketed in Scotland under the Seed Potatoes Regulations; or
- (b) one year's direct progeny of the potatoes referred to in sub paragraph (a), when that direct progeny has been grown by that person.

(4) Without prejudice to article 28(1)(b), persons involved in the planting of potatoes must retain and make available to an inspector the following documentation—

- (a) an official label together with an invoice or delivery note; or
- (b) where potatoes marketed or marketable under the Seed Potatoes Regulations or their direct progeny were produced by a certificate holder, the certificate of classification.

(5) Paragraphs (3) and (4) shall not apply in the case of—

- (a) areas intended for planting of less than 0.1 hectare; or
- (b) areas intended for the production of early potatoes.

(6) Without prejudice to any additional or stricter measures which an inspector considers necessary under article 32 or 33, the special measures in respect of Potato Wart Disease, Potato Cyst Nematode, Potato Ring Rot and *Ralstonia solanacearum* (Smith) Yabuuchi et al. set out in Schedules 14, 15, 16 and Part A of 17, respectively, shall apply to control the spread of those plant pests.

(7) Without prejudice to any additional or stricter measures which an inspector considers necessary under article 32 or 33 and the special measures in respect of *Ralstonia solanacearum* (Smith) Yabuuchi et al. in Part A of Schedule 17, upon the confirmation of the presence of that pest in a sample taken pursuant to Articles 2 and 5 of Directive 98/57/EC, an inspector may demarcate a zone as described in Article 5(1)(a)(iv) or 5(1)(c)(iii) of that Directive in accordance with the requirements in Part B of Schedule 17, to prevent the spread of that plant pest.

PART 8

LICENCES

Licences to carry out activities prohibited by this Order

40. Notwithstanding any of the provisions of this Order, any plant pest or relevant material may be landed, kept, stored, sold, planted, moved or otherwise disposed of in Scotland and any other thing prohibited by this Order may be done under the authority of a licence, whether general or specific, granted by the Scottish Ministers in exercise of any derogation permitted by Directive 2000/29/EC.

Licences for trial or scientific purposes and for work on varietal selections

41.—(1) On receipt of an application for a licence containing the information set out in Article 1(2) of Directive 95/44/EC of 26th July 1995(29) and on being satisfied that the general conditions set out in Annex I to that Directive are fulfilled, the Scottish Ministers shall by licence authorise the landing, movement and keeping of any plant pest or relevant material for activities for trial or scientific purposes or for work on varietal selections where such landing, movement or keeping would otherwise be prohibited by this Order.

(2) A licence granted under paragraph (1) shall be subject to—

- (a) the conditions laid down in Article 2(2) of Directive 95/44/EC to the extent that they are relevant to any plant pest or relevant material that is the subject of the activities to which the licence relates;
- (b) such conditions specifying quarantine measures under paragraph 2(a) of Annex I to Directive 95/44/EC as the Scottish Ministers may determine; and
- (c) such conditions specifying further quarantine measures under paragraph 2(b) of Annex I to Directive 95/44/EC as the Scottish Ministers may determine.

(3) Where it is established to their satisfaction that the licensee has not fulfilled any condition under sub paragraph (b) or (c) of paragraph (2) imposed on a licence, the Scottish Ministers shall revoke the licence.

(4) At the conclusion of any activities to which a licence granted under paragraph (1) relates the licensee must—

- (a) subject to paragraph (5), destroy or sterilise any plant pest or relevant material that was the subject of the activities and any other relevant material which has come into contact with or which may have been contaminated by any such plant pest or relevant material; and
- (b) sterilise, or clean in such other manner as may be specified by the Scottish Ministers, the premises and facilities at which the activities were undertaken.

(5) The Scottish Ministers may authorise the licensee to refrain from destroying any relevant material under paragraph (4)(a) if they are satisfied that it has been subjected to appropriate quarantine measures and that it has been found by testing in such manner as may be specified by the Scottish Ministers to be free from the plant pests listed in this Order and from other plant pests considered by them to pose a risk.

(6) For the purpose of paragraph (2), references to the responsible official body in Article 2(2) of, and Annex I to, Directive 95/44/EC shall be taken to refer to the Scottish Ministers.

(7) In this article—

- (a) “appropriate quarantine measures” means—

(29) O.J. No. L 184, 3.8.95, p.34.

- (i) in relation to relevant material for which quarantine measures are specified in Part A of Annex III to Directive 95/44/EC, those measures; and
- (ii) in relation to other relevant material, such quarantine measures as may be specified by the Scottish Ministers; and
- (b) “Directive 95/44/EC” means Commission Directive 95/44/EC⁽³⁰⁾ establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V of Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections.

PART 9

NOTIFICATIONS, PROVISION AND EXCHANGE OF INFORMATION

Notification of the presence or suspected presence of certain plant pests

42.—(1) The occupier or other person in charge of premises who knows or suspects that any plant pest to which this article applies is present on the premises, or any other person who, in the course of that person’s duties or business, becomes aware or suspicious of the presence of such plant pest on any premises, must immediately give notice to the Scottish Ministers or an inspector of the presence or suspected presence of such plant pest and shall as soon as reasonably practicable after giving such notice confirm it in writing.

(2) This article applies to any plant pest which—

- (a) is of a description specified in Part A of Schedule 1;
- (b) subject to paragraph (3), is of a description specified in Part B of Schedule 1;
- (c) subject to paragraphs (3) and (4), is of a description specified in Part A of Schedule 2;
- (d) subject to paragraph (3), is of a description specified in column 3 of Part B of Schedule 2 and which is present on, or appears to an inspector to have been in contact with, relevant material specified in column 2 of that Schedule opposite the reference to that plant pest; or
- (e) although not specified in Schedule 1 or 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain.

(3) Where any plant pest referred to in paragraph (2)(b), (c) or (d) is specified in Schedule 18, it shall be notifiable under paragraph (1) only where it is a subspecies or strain not normally present in Great Britain and is found at the premises of a registered plant trader.

(4) Where any plant pest of a description specified in Schedule 18 is specified in column 3 of Part A of Schedule 2, it shall be notifiable under paragraph (1) only where it is present on, or appears to an inspector to have been in contact with, relevant material specified in column 2 of that Schedule opposite the reference to that plant pest.

Notification of the likely entry into, or presence in, a free zone of plant pests or relevant material

43.—(1) The responsible authority for a free zone who knows or suspects that any of the things to which this article applies is likely to enter, or is present in, such a free zone, shall immediately give notice of that fact to the Scottish Ministers or an inspector and shall as soon as is reasonably practicable after giving such notice confirm it in writing.

⁽³⁰⁾ O.J. No. L 184, 3.8.95, p.34.

(2) This article applies to—

- (a) any plant pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
- (b) any plant pest which, although not specified in Schedule 1 or 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain; and
- (c) any relevant material of a description specified in column 2 of Schedule 3 which originates in a country specified in column 3 of that Schedule opposite the reference to that relevant material,

which has been, or is likely to be, landed in Scotland, and has not been cleared out of charge under the Customs Act.

(3) In this article “the responsible authority” and “free zone” have the same meaning as in the Customs Act⁽³¹⁾.

Information to be given

44.—(1) An inspector or any other officer of the Scottish Ministers may by notice in writing require any person referred to in paragraph (2) to give to the inspector or officer within such reasonable time as may be specified in that notice any information referred to in paragraph (3).

(2) A person to whom paragraph (1) refers is any person who—

- (a) is the owner or occupier or other person in charge of premises in respect of which a notice has been served under this Order;
- (b) has or has had or is reasonably suspected by an inspector or other officer of the Scottish Ministers to have or have had in their possession or under their charge—
 - (i) any plant pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
 - (ii) any plant pest which, although not specified in Schedule 1 or 2 is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
 - (iii) any relevant material carrying or infected with a plant pest mentioned in sub paragraph (i) or (ii); or
 - (iv) any relevant material which an inspector or any other officer of the Scottish Ministers knows to have been landed or suspects has been landed in, or exported from, Scotland; or
- (c) as auctioneer, salesperson or otherwise, has sold, offered for sale or otherwise disposed of any plant pest or relevant material mentioned in sub paragraph (b).

(3) The information referred to in paragraph (1) is any information that a person referred to in paragraph (2) may possess—

- (a) as to plants grown or products stored at any time on the premises referred to in paragraph (2)(a);
- (b) as to any plant pest or relevant material referred to in paragraph (2)(b); and
- (c) as to the persons who have had or are likely to have had any plant pest or relevant material referred to in paragraph (2)(b) in their possession or under their charge.

(4) A person who is required to give an inspector or other officer any information under paragraph (1) shall produce for examination by that inspector or other officer any licences, official statements, certificates, plant passports, records, invoices or other documents relating to any plant pest or relevant material to which that information relates.

⁽³¹⁾ See section 100A of the Customs Act which was inserted by the Finance Act 1984 (c. 43), section 8 and Schedule 4, Part 1.

PART 10

OFFENCES

Offences

45.—(1) A person shall be guilty of an offence if without reasonable excuse, proof of which shall lie with that person—

- (a) subject to paragraph (2), that person contravenes or fails to comply with—
 - (i) article 6(1);
 - (ii) article 9;
 - (iii) article 10(1) or (4);
 - (iv) article 16(2) or (3);
 - (v) article 18;
 - (vi) article 20(1);
 - (vii) article 21;
 - (viii) article 24(3) or (4);
 - (ix) article 26(1);
 - (x) article 27(2) or (3);
 - (xi) article 28(1);
 - (xii) article 36;
 - (xiii) article 39(1), (2) or (3);
 - (xiv) article 41(4);
 - (xv) article 42(1); and
 - (xvi) article 43(1);
- (b) that person contravenes or fails to comply with a provision or condition of a notice served, or deemed to be served, on that person or of a licence granted or of any direction given, under this Order; or
- (c) that person intentionally obstructs an inspector or any person authorised by an inspector in exercise of the powers given by or under this Order.

(2) Paragraph (1)(a) shall not apply where an article of any description is landed in Scotland in contravention of a prohibition in this Order⁽³²⁾, other than the prohibition in article 6(1).

(3) A person shall be guilty of an offence if, for the purpose of procuring the issue of a plant passport or a replacement plant passport, a phytosanitary certificate, a phytosanitary certificate for re export or a licence under this Order, that person—

- (a) knowingly or recklessly makes a statement which is false in a material particular, or
 - (b) intentionally fails to disclose any material information.
- (4) A person shall be guilty of an offence if that person—
- (a) dishonestly issues a plant passport; or
 - (b) dishonestly alters a plant passport, or re uses a plant passport.

⁽³²⁾ Sections 49 and 50 of the Customs and Excise Management Act 1979 (c. 2) provide respectively for forfeiture of goods improperly imported and penalties for improper importation of goods.

(5) Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager or secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

that individual, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(6) For the purposes of paragraph (5), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(7) Where an offence under this Order is committed by a partnership and is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of, a partner, that partner, as well as the partnership, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(8) Where the commission by any person of an offence under this Order is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings for the offence are taken against the first-mentioned person.

(9) Section 136(3) of the Criminal Procedure (Scotland) Act 1995⁽³³⁾ (date of commencement of proceedings) shall apply for the purposes of this article as it applies for the purposes of that section.

Penalties

46. A person guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

PART 11

THE CUSTOMS ACT AND REVOCATION

The Customs Act

47. The provisions of this Order shall apply without prejudice to the Customs Act.

Revocation

48. The Orders specified in Schedule 19 are revoked, so far as they extend to Scotland.

St Andrew’s House, Edinburgh
30th November 2005

RHONA BRANKIN
Authorised to sign by the Scottish Ministers

(33) 1995 c. 46.

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

SCHEDULE 1

Articles 5(1), 12(2), 19(1), 20(1), 24(4),
29(7), 32(5), 33(2), 42(2), 43(2) and 44(2)

Plant pests which shall not be landed in or spread within Scotland

PART A

Plant pests not known to occur in any part of the European Community

Insects, mites and nematodes	
1.	<i>Acleris</i> spp. (non European)
2.	<i>Amauromyza maculosa</i> (Malloch)
3.	<i>Anomala orientalis</i> Waterhouse
4.	<i>Anoplophora chinensis</i> (Thomson)
5.	<i>Anoplophora glabripennis</i> (Motschulsky)
6.	<i>Anoplophora malasiaca</i> (Forster)
7.	<i>Arrhenodes minutus</i> Drury
8.	<i>Bemisia tabaci</i> Genn. (non European populations) vector of viruses such as: Bean golden mosaic virus, Cowpea mild mottle virus, Lettuce infectious yellow virus, Pepper mild tigré virus, Squash leaf curl virus, Euphorbia mosaic virus or Florida tomato virus
9.	Cicadellidae (non European) known to be vectors of Pierce's disease (caused by <i>Xylella fastidiosa</i>), such as: <i>Carneiocephala fulgida</i> Nottingham, <i>Draeculacephala minerva</i> Ball or <i>Graphocephala atropunctata</i> (Signoret)
10.	<i>Choristoneura</i> spp. (non European)
11.	<i>Conotrachelus nenuphar</i> (Herbst)
12.	<i>Diabrotica barberi</i> Smith and Lawrence
13.	<i>Diabrotica undecimpunctata howardi</i> Barber
14.	<i>Diabrotica undecimpunctata undecimpunctata</i> Mannerheim
15.	<i>Diabrotica virgifera</i> Le Conte
16.	<i>Heliothis zea</i> (Boddie)
17.	<i>Hirschmanniella</i> spp., other than <i>Hirschmanniella gracilis</i> (de Man) Luc and Goodey
18.	<i>Liriomyza sativae</i> Blanchard
19.	<i>Longidorus diadecturus</i> Eveleigh and Allen
20.	<i>Monochamus</i> spp. (non European)

Insects, mites and nematodes	
21.	<i>Myndus crudus</i> Van Duzee
22.	<i>Nacobbus aberrans</i> (Thorne) Thorne and Allen
23.	<i>Naupactus leucoloma</i> Boheman
24.	<i>Premnotrypes</i> spp. (non European)
25.	<i>Pseudopityophthorus minutissimus</i> (Zimmermann)
26.	<i>Pseudopityophthorus pruinosis</i> (Eichhoff)
27.	<i>Scaphoideus luteolus</i> Van Duzee
28.	<i>Spodoptera eridania</i> (Cramer)
29.	<i>Spodoptera frugiperda</i> (Smith)
30.	<i>Spodoptera litura</i> (Fabricius)
31.	<i>Thrips palmi</i> Karny
32.	<i>Tephritidae</i> (non European) such as: <i>Anastrepha fraterculus</i> (Wiedemann), <i>Anastrepha ludens</i> (Loew), <i>Anastrepha obliqua</i> Macquart, <i>Anastrepha suspensa</i> (Loew), <i>Dacus ciliatus</i> Loew, <i>Dacus cucurbitae</i> Coquillett, <i>Dacus dorsalis</i> Hendel, <i>Dacus tryoni</i> (Froggatt), <i>Dacus tsuneonis</i> Miyake, <i>Dacus zonatus</i> Saund., <i>Epochra canadensis</i> (Loew), <i>Pardalaspis cyanescens</i> Bezzi, <i>Pardalaspis quinaria</i> Bezzi, <i>Pterandrus rosa</i> (Karsch), <i>Rhacochlaena japonica</i> Ito, <i>Rhagoletis cingulata</i> (Loew), <i>Rhagoletis completa</i> Cresson, <i>Rhagoletis fausta</i> (Osten-Sacken), <i>Rhagoletis indifferens</i> Curran, <i>Rhagoletis mendax</i> Curran, <i>Rhagoletis pomonella</i> Walsh, <i>Rhagoletis ribicola</i> Doane or <i>Rhagoletis suavis</i> (Loew)
33.	<i>Xiphinema americanum</i> Cobb <i>sensu lato</i> (non European populations)
34.	<i>Xiphinema californicum</i> Lamberti and Bleve-Zacheo
Bacteria	
1.	<i>Xylella fastidiosa</i> (Wells and Raju)
Fungi	
1.	<i>Ceratocystis fagacearum</i> (Bretz) Hunt
2.	<i>Chrysomyxa arctostaphyli</i> Dietel
3.	<i>Cronartium</i> spp. (non European)
4.	<i>Endocronartium</i> spp. (non European)
5.	<i>Guignardia laricina</i> (Saw.) Yamamoto and Ito

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Insects, mites and nematodes	
6.	<i>Gymnosporangium</i> spp. (non European)
7.	<i>Inonotus weirii</i> (Murril) Kotlaba and Pouzar
8.	<i>Melampsora farlowii</i> (Arthur) Davis
9.	<i>Monilinia fructicola</i> (Winter) Honey
10.	<i>Mycosphaerella larici-leptolepsis</i> Ito <i>et al.</i>
11.	<i>Mycosphaerella populorum</i> G E Thompson
12.	<i>Phoma andina</i> Turkensteen
13.	<i>Phyllosticta solitaria</i> Ell. and Ev.
14.	<i>Septoria lycopersici</i> Speg. var <i>malagutii</i> Ciccarone and Boerema
15.	<i>Thecaphora solani</i> Barrus
16.	<i>Tilletia indica</i> Mitra
17.	<i>Trechispora brinkmannii</i> (Bresad.) Rogers
Viruses and virus-like organisms	
1.	Elm phloem necrosis mycoplasma
2.	Potato viruses and virus-like organisms such as: Andean potato latent virus, Andean potato mottle virus, Arracacha virus B oca strain, Potato black ringspot virus, Potato spindle tuber viroid, Potato virus T or non European isolates of potato viruses A, M, S, V, X and Y (including Y _o , Y _n and Y _c) and Potato leaf roll virus
3.	Tobacco ringspot virus
4.	Tomato ringspot virus
5.	Viruses and virus-like organisms of <i>Cydonia</i> Mill., <i>Fragaria</i> L., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L., <i>Ribes</i> L., <i>Rubus</i> L. or <i>Vitis</i> L., such as: Blueberry leaf mottle virus, Cherry rasp leaf virus (American), Peach mosaic virus (American), Peach phony rickettsia, Peach rosette mosaic virus, Peach rosette mycoplasma, Peach X-disease mycoplasma, Peach yellows mycoplasma, Plum line pattern virus (American), Raspberry leaf curl virus (American), Strawberry latent “C” virus, Strawberry vein banding virus, Strawberry witches' broom mycoplasma or non European viruses and virus like organism of <i>Cydonia</i> Mill., <i>Fragaria</i> L., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L., <i>Ribes</i> L., <i>Rubus</i> L. or <i>Vitis</i> L.

Insects, mites and nematodes	
6.	Viruses transmitted by <i>Bemisia tabaci</i> Genn., such as: Bean golden mosaic virus, Cowpea mild mottle virus, Lettuce infectious yellows virus, Pepper mild tigré virus, Squash leaf curl virus, Euphorbia mosaic virus or Florida tomato virus
Parasitic plants	
1.	<i>Arceuthobium</i> spp. (non European)

PART B

Plant pests known to occur in the European Community

Insects, mites and nematodes	
1.	<i>Bemisia tabaci</i> Genn. (European populations)
2.	<i>Globodera pallida</i> Stone Behrens
3.	<i>Globodera rostochiensis</i> (Wollenweber) Behrens
4.	<i>Heliothis armigera</i> (Hübner)
5.	<i>Leptinotarsa decemlineata</i> Say
6.	<i>Meloidogyne chitwoodi</i> Golden <i>et al.</i> (all populations)
7.	<i>Meloidogyne fallax</i> Karssen
8.	<i>Opogona sacchari</i> (Bojer)
9.	<i>Popillia japonica</i> Newman
10.	<i>Rhizoecus hibisci</i> Kawai and Takagi
11.	<i>Spodoptera littoralis</i> (Boisduval)
Bacteria	
1.	<i>Clavibacter michiganensis</i> subsp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i>
2.	<i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i>
Fungi	
1.	<i>Melampsora medusae</i> Thümen
2.	<i>Synchytrium endobioticum</i> (Schilbersky) Percival
Viruses and virus like organisms	
1.	Apple proliferation mycoplasma
2.	Apricot chlorotic leaf roll mycoplasma

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Insects, mites and nematodes

3. Pear decline mycoplasma

SCHEDULE 2

Articles 5(1), 12(2), 19(1), 20(1) 24(4),
29(7), 32(5), 33(2), 42(2) 43(2) and 44(2)

Relevant material which may not be landed in or moved within
Scotland if that material is carrying or infected with plant pests

PART A

Plant pests not known to occur in the European Community

Insects, mites and nematodes

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Fuchsia</i> L., intended for planting	<i>Aculops fuchsiae</i> Keifer
2.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Aleurocanthus</i> spp.
3.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Anthonomus bisignifer</i> (Schenkling)
4.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Anthonomus signatus</i> (Say)
5.	Plants, other than fruit or seeds of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Aonidella citrina</i> Coquillett
6.	Seeds of <i>Oryza</i> spp.	<i>Aphelenchoides besseyi</i> Christie ⁽³⁴⁾
7.	Plants, other than fruit or seeds, of <i>Juniperus</i> L., originating in any country outside Europe	<i>Aschistonyx eppoi</i> Inouye
8.	Plants, other than fruit or seeds, of <i>Abies</i> Mill., <i>Cedrus</i> Trew, <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L.,	<i>Bursaphelenchus xylophilus</i> (Steiner and Buhner) Nickle

(34) *Aphelenchoides besseyi* Christie is not present on *Oryza* spp. in the Community.

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(1) Item	(2) Description of relevant material	(3) Plant pest
	<i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr., originating in any country outside Europe	
9.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe	<i>Carposina niponensis</i> Walsingham
10.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle <i>Poncirus</i> Raf. or <i>Murraya</i> König	<i>Diaphorina citri</i> Kuway
11.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe	<i>Enarmonia packardi</i> (Zeller)
12.	Plants, other than seeds, of <i>Crataegus</i> L., <i>Malus</i> Mill., <i>Photinia</i> Ldl., <i>Prunus</i> L. or <i>Rosa</i> L., intended for planting; or fruit of <i>Malus</i> Mill. and <i>Prunus</i> L., in any case originating in any country outside Europe	<i>Enarmonia prunivora</i> Walsh
13.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Eotetranychus lewisi</i> (McGregor)
14.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe	<i>Grapholita inopinata</i> Heinrich
15.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Hishimonus phycitis</i> (Distant)
16.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Leucaspis japonica</i> Ckll.
17.	Seeds of <i>Cruciferae</i> , <i>Gramineae</i> or <i>Trifolium</i> spp., originating in Argentina, Australia, Bolivia, Chile, New Zealand or Uruguay	<i>Listronotus bonariensis</i> (Kuschel)

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(1) Item	(2) Description of relevant material	(3) Plant pest
18.	Plants, other than fruit or seeds, of <i>Vitis</i> L.	<i>Margarodes</i> , non European species, such as: (a) <i>Margarodes vitis</i> (Philippi) (b) <i>Margarodes vredendalensis</i> de Klerk (c) <i>Margarodes prieskaensis</i> Jakubski
19.	Plants, other than seeds, of <i>Pyrus</i> L., originating in any country outside Europe	<i>Numonia pyrivorella</i> (Matsumura)
20.	Plants, other than fruit or seeds, of <i>Juniperus</i> L., originating in any country outside Europe	<i>Oligonychus perditus</i> Pritchard and Baker
21.	Plants, other than fruit or seeds, of conifers (<i>Coniferales</i>), originating in any country outside Europe	<i>Pissodes</i> spp. (non European)
22.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.; or plants of <i>Araceae</i> , <i>Marantaceae</i> , <i>Musaceae</i> , <i>Persea</i> spp., or <i>Strelitziaceae</i> , in any case rooted or with growing medium attached or which appear to have been in contact with growing medium	<i>Radopholus citrophilus</i> Huettel Dickson and Kaplan
23.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Saissetia nigra</i> (Nietm.)
24.	Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Scirtothrips aurantii</i> Faure
25.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Scirtothrips dorsalis</i> Hood
26.	Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Scirtothrips citri</i> (Moultx)
27.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L.,	<i>Tachypterellus quadrigibbus</i> Say

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(1) Item	(2) Description of relevant material	(3) Plant pest
	originating in any country outside Europe	
28.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Toxoptera citricida</i> (Kirk.)
29.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle <i>Poncirus</i> Raf. or <i>Clausena</i> Burm.f.	<i>Trioza erytreae</i> Del Guercio
30.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Unaspis citri</i> Comstock

Bacteria

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus greening bacterium
2.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus variegated chlorosis
3.	Seeds of <i>Zea mays</i> L.	<i>Erwinia stewartii</i> (Smith) Dye
4.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Xanthomonas campestris</i> (all strains pathogenic to Citrus)
5.	Seeds of <i>Oryza</i> spp.	<i>Xanthomonas campestris</i> pv. <i>oryzae</i> (Ishiyama) Dye and pv. <i>oryzicola</i> (Fang. et al.) Dye

Fungi

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill. or <i>Pyrus</i> L., intended for planting, originating in any country outside Europe	<i>Alternaria alternata</i> (Fr.) Keissler (non European pathogenic isolates)
2.	Plants of <i>Corylus</i> L., other than seeds, intended for planting,	<i>Anisogramma anomala</i> (Peck) E. Müller

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(1) Item	(2) Description of relevant material	(3) Plant pest
	originating in Canada or the USA	
3.	Plants, other than seeds, of <i>Prunus</i> L., intended for planting	<i>Apiosporina morbosa</i> (Schwein.) v. Arx
4.	Plants, other than fruit or seeds, of <i>Pinus</i> L.	<i>Atropellis</i> spp.
5.	Plants, other than fruit or seeds, of <i>Acer saccharum</i> Marsh., originating in the USA or Canada	<i>Ceratocystis virescens</i> (Davidson) Moreau
6.	Plants, other than fruit or seeds, of <i>Pinus</i> L.	<i>Cercoseptoria pini-densiflorae</i> (Hori and Nambu) Deighton
7.	Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Cercospora angolensis</i> Carv. and Mendes
8.	Plants, other than seeds, of <i>Camellia</i> L., intended for planting, originating in any country outside Europe	<i>Ciborinia camelliae</i> Kohn
9.	Plants, other than seeds, of <i>Vaccinium</i> spp., intended for planting	<i>Diaporthe vaccinii</i> Shaer
10.	Plants, other than fruit or seeds, of <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.; or plants, other than fruit or seeds (except fruit of <i>Citrus reticulata</i> Blanco and of <i>Citrus sinensis</i> (L.) Osbeck) of <i>Citrus</i> L., in any case, originating in any country in South America	<i>Elsinoe</i> spp. Bitanc. and Jenk. Mendes
11.	Plants, other than fruit or seeds, of <i>Phoenix</i> spp.	<i>Fusarium oxysporum</i> f. sp. <i>albedinis</i> (Kilian and Maire) Gordon
12.	Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Guignardia citricarpa</i> Kiely (all strains pathogenic to Citrus)
13.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe	<i>Guignardia piricola</i> (Nosa) Yamamoto

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(1) Item	(2) Description of relevant material	(3) Plant pest
14.	Plants, other than fruit or seeds, of <i>Solanaceae</i>	<i>Puccinia pittieriana</i> Hennings
15.	Plants, other than fruit or seeds, of <i>Pinus</i> L.	<i>Scirrhia acicola</i> (Dearn.) Siggers
16.	Plants, other than seeds, of <i>Pyrus</i> L., intended for planting, originating in any country outside Europe	<i>Venturia nashicola</i> Tanaka and Yamamoto

Viruses and virus like organisms

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting	Beet curly top virus (non European isolates)
2.	Plants of <i>Rubus</i> L., intended for planting	Black raspberry latent virus
3.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Blight and blight-like
4.	Plants, other than seeds, of <i>Palmae</i> , intended for planting, originating in any country outside Europe	Cadang-Cadang viroid
5.	Plants of <i>Rubus</i> L., intended for planting	Cherry leaf-roll virus ⁽³⁵⁾
6.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus mosaic virus
7.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus tristeza virus (non European isolates)
8.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Leprosis
9.	Plants, other than seeds, of <i>Prunus cerasus</i> L., <i>Prunus avium</i> L., <i>Prunus incisa</i> Thunb., <i>Prunus sargentii</i> Rehd., <i>Prunus serrula</i> Franch.,	Little cherry pathogen (non European isolates)

(35) Cherry leaf-roll virus is not present in *Rubus* L. in the Community.

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(1) Item	(2) Description of relevant material	(3) Plant pest
	<i>Prunus serrulata</i> Lindl., <i>Prunus speciosa</i> (Koidz.) Ingram, <i>Prunus subhirtella</i> Miq. or <i>Prunus yedoensis</i> Matsum., or their cultivars, intended for planting	
10.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Naturally spreading psorosis
11.	Plants, other than seeds, of <i>Palmae</i> , intended for planting, originating in a country outside Europe	Palm lethal yellowing mycoplasma
12.	Plants of <i>Rubus</i> L, intended for planting	Prunus necrotic ringspot virus ⁽³⁶⁾
13.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Satsuma dwarf virus
14.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Tatter leaf virus
15.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Witches' broom (MLO)

PART B

Plant pests known to occur in the European Community

Insects, mites and nematodes

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Aphelenchoides besseyi</i> Christie
2.	Plants, other than fruit or seeds, of <i>Vitis</i> L.	<i>Daktulosphaira vitifoliae</i> (Fitch)
3.	Flower bulbs and corms of <i>Crocus</i> L., miniature cultivars of the genus <i>Gladiolus</i> Tourn.	<i>Ditylenchus destructor</i> Thorne

⁽³⁶⁾ Prunus necrotic ringspot virus is not present in *Rubus* L. in the Community.

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(1) Item	(2) Description of relevant material	(3) Plant pest
	ex L. including <i>Gladiolus callianthus</i> Marais, <i>Gladiolus colvillei</i> Sweet, <i>Gladiolus nanus</i> hort., <i>Gladiolus ramosus</i> hort., <i>Gladiolus tubergenii</i> hort., <i>Hyacinthus</i> L., <i>Iris</i> L., <i>Trigridia</i> Juss. or <i>Tulipa</i> L., intended for planting, and potato tubers (<i>Solanum tuberosum</i> L.), intended for planting	
4.	Seeds and bulbs of <i>Allium ascalonicum</i> L., <i>Allium cepa</i> L. or <i>Allium schoenoprasum</i> L., intended for planting; plants of <i>Allium porrum</i> L., intended for planting; bulbs and corms of <i>Camassia</i> Lindl., <i>Chionodoxa</i> Boiss., <i>Crocus flavus</i> Weston “Golden Yellow”, <i>Galanthus</i> L., <i>Galtonia candicans</i> (Baker) Decne, <i>Hyacinthus</i> L., <i>Ismene</i> Herbert, <i>Muscari</i> Miller, <i>Narcissus</i> L., <i>Ornithogalum</i> L., <i>Puschkinia</i> Adams, <i>Scilla</i> L. or <i>Tulipa</i> L., intended for planting; or seeds of <i>Medicago sativa</i> L.	<i>Ditylenchus dipsaci</i> (Kühn) Filipjev
5.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Circulifer haematocephus</i> (Mulsant and Rey)
6.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Circulifer tenellus</i> (Baker)
7.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Eutetranychus orientalis</i> Klein
8.	Plants of <i>Araceae</i> , <i>Marantaceae</i> , <i>Musaceae</i> , <i>Persea</i> spp., or <i>Strelitziaceae</i> , rooted or with growing medium attached or which appear to have been in contact with growing medium	<i>Radopholus similis</i> (Cobb) Thorne
9.	Cut flowers, leafy vegetables of <i>Apium graveolens</i> L., and plants of herbaceous species,	<i>Liriomyza huidobrensis</i> (Blanchard)

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(1) Item	(2) Description of relevant material	(3) Plant pest
	intended for planting, other than: <ul style="list-style-type: none"> — bulbs, — corms, — plants of the family Gramineae, — rhizomes, or — seeds 	
10.	Cut flowers, leafy vegetables of <i>Apium graveolens</i> L., and plants of herbaceous species, intended for planting, other than: <ul style="list-style-type: none"> — bulbs, — corms, — plants of the family Gramineae, — rhizomes, or — seeds 	<i>Liriomyza trifolii</i> (Burgess)

Bacteria

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Seeds of <i>Medicago sativa</i> L.	<i>Clavibacter michiganensis</i> subsp. <i>insidiosus</i> (McCulloch) Davis et al.
2.	Plants of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., intended for planting	<i>Clavibacter michiganensis</i> subsp. <i>michiganensis</i> (Smith) Davis et al.
3.	Plants, other than seeds, of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L., or <i>Sorbus</i> L., intended for planting	<i>Erwinia amylovora</i> (Burr.) Winsl. et al.
4.	Plants, other than seeds, of <i>Dianthus</i> L., intended for planting	<i>Erwinia chrysanthemi</i> pv. <i>dianthicola</i> (Hellmers) Dickey

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(1) Item	(2) Description of relevant material	(3) Plant pest
5.	Plants, other than seeds, of <i>Dianthus</i> L., intended for planting	<i>Pseudomonas caryophylli</i> (Burkholder) Starr and Burkholder
6.	Plants, other than seeds, of <i>Prunus persica</i> (L.) Batsch or <i>Prunus persica</i> var. <i>nectarina</i> (Ait.) Maxim, intended for planting	<i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier et al.) Young et al.
7.	Seeds of <i>Phaseolus</i> L.	<i>Xanthomonas campestris</i> pv. <i>phaseoli</i> (Smith) Dye
8.	Plants, other than seeds, of <i>Prunus</i> L., intended for planting	<i>Xanthomonas campestris</i> pv. <i>pruni</i> (Smith) Dye
9.	Plants of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., or <i>Capsicum</i> spp., intended for planting	<i>Xanthomonas campestris</i> pv. <i>vesicatoria</i> (Doidge) Dye
10.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Xanthomonas fragariae</i> Kennedy and King
11.	Plants, other than fruit or seeds, of <i>Vitis</i> L.	<i>Xylophilus ampelinus</i> (Panagopoulos) Willems et al.

Fungi

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Platanus</i> L., intended for planting	<i>Ceratocystis fimbriata</i> f.spp. <i>platani</i> Walter
2.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Colletotrichum acutatum</i> Simmonds
3.	Plants, other than seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L., intended for planting	<i>Cryphonectria parasitica</i> (Murrill) Barr
4.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting	<i>Didymella ligulicola</i> (Baker, Dimock and Davis) v. Arx
5.	Plants, other than seeds, of <i>Dianthus</i> L., intended for planting,	<i>Phialophora cinerescens</i> (Wollenweber) van Beyma

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(1) Item	(2) Description of relevant material	(3) Plant pest
6.	Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili
7.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Phytophthora fragariae</i> Hickman var. <i>fragariae</i>
8.	Seeds of <i>Helianthus annuus</i> L.	<i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni
9.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting	<i>Puccinia horiana</i> Hennings
10.	Plants, other than seeds, of <i>Pinus</i> L., intended for planting	<i>Scirrhia pini</i> Funk and Parker
11.	Plants, other than seeds, of <i>Humulus lupulus</i> L., intended for planting	<i>Verticillium albo-atrum</i> Reinke and Berthold
12.	Plants, other than seeds, of <i>Humulus lupulus</i> L., intended for planting	<i>Verticillium dahliae</i> Klebahn

Viruses and virus like organisms

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Arabis mosaic virus
2.	Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting	Beet leaf curl virus
3.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting	Chrysanthemum stunt viroid
4.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus tristeza virus (European isolates)
5.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus vein enation woody gall
6.	Plants, other than fruit or seeds, of <i>Vitis</i> L.	Grapevine flavescence dorée MLO

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(1) Item	(2) Description of relevant material	(3) Plant pest
7.	Plants, other than seeds, of <i>Prunus</i> L., intended for planting	Plum pox virus
8.	Plants, other than seeds, of <i>Solanaceae</i> , intended for planting	Potato stolbur mycoplasma
9.	Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Raspberry ringspot virus
10.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Spiroplasma citri</i> Saglio <i>et al.</i>
11.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	Strawberry crinkle virus
12.	Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Strawberry latent ringspot virus
13.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	Strawberry mild yellow edge virus
14.	Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Tomato black ring virus
15.	Plants, other than seeds, of <i>Apium graveolens</i> L., <i>Capsicum annuum</i> L., <i>Cucumis melo</i> L., <i>Dendranthema</i> (DC.) Des Moul., all varieties of New Guinea hybrids <i>Impatiens</i> , <i>Lactuca sativa</i> L., <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., <i>Nicotiana tabacum</i> L. of which there shall be evidence that they are intended for sale to professional tobacco production, <i>Solanum melongena</i> L., or <i>Solanum tuberosum</i> L., intended for planting	Tomato spotted wilt virus
16.	Plants, other than seeds, of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., intended for planting	Tomato yellow leaf curl virus

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SCHEDULE 3

Articles 5(1), 19(1) and 43(2)

Relevant material which may not be landed in Scotland
if that material originates in certain third countries

(1) Item	(2) Description of relevant material	(3) Countries of origin
1.	Plants, other than fruit or seeds, of <i>Abies</i> Mill., <i>Cedrus</i> Trew, <i>Chamaecyparis</i> Spach, <i>Juniperus</i> L., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr.	Any country outside Europe
2.	Plants with leaves, other than fruit or seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L.	Any country outside Europe
3.	Plants with leaves, other than fruit or seeds, of <i>Populus</i> L.	Any country in North America
4.	Plants, other than dormant plants free from leaves, flowers and fruit of <i>Chaenomeles</i> Lindl., <i>Cydonia</i> Mill., <i>Crataegus</i> L., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L. or <i>Rosa</i> L., intended for planting	Any country outside Europe
5.	Plants, other than dormant plants free from leaves, flowers and fruit, of <i>Photinia</i> Lindl., intended for planting	USA, China, Japan, the Republic of Korea or the Democratic People's Republic of Korea
6.	Tubers of <i>Solanum tuberosum</i> L. for planting	Any third country other than Switzerland
7.	Plants of stolon or tuber forming species of <i>Solanum</i> L., intended for planting, other than tubers of <i>Solanum tuberosum</i> L. specified in item 6	Any third country
8.	Tubers of species of <i>Solanum</i> L., other than those specified in items 6 and 7	Any third country other than Algeria, Egypt, Israel, Libya, Morocco, Switzerland, Syria, Tunisia or Turkey
9.	Plants of <i>Solanaceae</i> , intended for planting, other than seeds and relevant material specified in items 6 to 8	Any third country other than any country in the Euro-Mediterranean area

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(1) Item	(2) Description of relevant material	(3) Countries of origin
10.	Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark, other than that composed entirely of peat	Belarus, Moldova, Russia, Turkey, Ukraine, any country outside Europe, other than Egypt, Israel, Libya, Morocco or Tunisia
11.	Plants, other than fruits, of <i>Vitis</i> L.	Any third country other than Switzerland
12.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Any third country
13.	Plants, other than fruit or seeds, of <i>Phoenix</i> spp.	Algeria, Morocco
14.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L. or <i>Fragaria</i> L, intended for planting	Without prejudice to the requirements in item 4, any third country, other than a country in the Euro-Mediterranean area, Australia, New Zealand, Canada and the continental states of the USA
15.	Plants, other than seeds, of the family <i>Gramineae</i> , other than plants of ornamental perennial grasses of the subfamilies <i>Bambusoideae</i> , <i>Panicoideae</i> and of the genera <i>Buchloe</i> , <i>Bouteloua</i> Lag., <i>Calamagrostis</i> , <i>Cortaderia</i> Stapf., <i>Glyceria</i> R. Br., <i>Hakonechloa</i> Mak. ex Honda, <i>Hystrix</i> , <i>Molinia</i> , <i>Phalaris</i> L., <i>Shibataea</i> , <i>Spartina</i> Schreb., <i>Stipa</i> L. or <i>Uniola</i> L., intended for planting	Any third country, other than a country in the Euro-Mediterranean area

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SCHEDULE 4

Articles 5(1), 6(2), 12(2), 15(3) 19(1) and
20(1)

Restrictions on the landing in and movement within Scotland of relevant material

PART A

Relevant material, from third countries, which may only
be landed in Scotland if special requirements are satisfied

(1) Item	(2) Description of relevant material	(3) Requirements of landing
1.	Plants, other than fruit or seeds, of conifers (<i>Coniferales</i>), originating in any country outside Europe	Without prejudice to the requirements in items 2, 3, 60 and 64, the plants shall be accompanied by an official statement that they have been produced in nurseries and that the place of production is free from <i>Pissodes</i> spp. (non European).
2.	Plants, other than seeds, of <i>Pinus</i> L., intended for planting, originating in any third country	Without prejudice to the requirements in items 1, 3, 60 and 64, the plants shall be accompanied by an official statement that no symptoms of <i>Scirrhia acicola</i> (Dearn.) Siggers or <i>Scirrhia pini</i> Funk and Parker have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
3.	Plants, other than seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr., intended for planting, originating in any third country	Without prejudice to the requirements in items 1, 2, 60 and 64, the plants shall be accompanied by an official statement that no symptoms of <i>Melampsora medusae</i> Thümen have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
4.	Plants, other than fruit or seeds, of <i>Quercus</i> L., originating in the USA	Without prejudice to the requirements in items 5, 60, 61 and 64, the plants shall be accompanied by an official statement that they originate

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		in an area or areas known to be free from <i>Ceratocystis fagacearum</i> (Bretz) Hunt.
5.	Plants of <i>Castanea</i> Mill. or <i>Quercus</i> L., other than fruit or seeds, originating in any country outside Europe	Without prejudice to the requirements in items 46, 60, 61 and 64, the plants shall be accompanied by an official statement that no signs of <i>Cronartium</i> spp. (non European) have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
6.	Plants, other than seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L., intended for planting, originating in any third country	Without prejudice to the requirements in items 5, 60, 61 and 64, the plants shall be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in area or areas known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr; or (b) no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
7.	Plants, other than seeds, of <i>Corylus</i> L., intended for planting, originating in Canada or the USA	Without prejudice to the requirements in item 61, the plants shall be accompanied by an official statement that they have been grown in nurseries and: <ul style="list-style-type: none"> (a) originate in an area or areas, established in the country of export by the national plant protection organisation in that country, as being free from <i>Anisogramma anomala</i> (Peck) E. Müller, in

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>accordance with ISPM No. 4, and which is mentioned under the rubric “Additional declaration” on the phytosanitary certificate or phytosanitary certificate for re export; or</p> <p>(b) originate in a place of production, established in the country of export by the national plant protection organisation in that country, as being free from <i>Anisogramma anomala</i> (Peck) E. Müller on official inspections carried out at the place of production or in its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with ISPM No. 10, and which is mentioned under the rubric “Additional declaration” on the phytosanitary certificate or phytosanitary certificate for re export and declared free from <i>Anisogramma anomala</i> (Peck) E. Müller.</p>
8.	Plants, other than seeds, of <i>Platanus</i> L., intended for planting, originating in the USA or Armenia	Without prejudice to the requirements in item 60, 61 and 64, the plants shall be accompanied by an official statement that no symptoms of <i>Ceratocystis fimbriata</i> f. sp. <i>platani</i> Walter have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
9.	Plants, other than seeds, of <i>Populus</i> L., intended for	Without prejudice to the requirements in items 10, 60,

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
	planting, originating in any third country	61 and 64, the plants shall be accompanied by an official statement that no symptoms of <i>Melampsora medusae</i> Thümen have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
10.	Plants, other than fruit or seeds, of <i>Populus</i> L., originating in any country of the American continents	Without prejudice to the requirements in items 9, 60, 61 and 64, the plants shall be accompanied by an official statement that no symptoms of <i>Mycosphaerella populorum</i> G E Thompson have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
11.	Plants, other than seeds, of <i>Ulmus</i> L., intended for planting, originating in any country in North America	Without prejudice to the requirements in items 60, 61 and 64, the plants shall be accompanied by an official statement that no symptoms of Elm phloem necrosis mycoplasma have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
12.	Plants, other than seeds, of <i>Chaenomeles</i> Lindl., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., intended for planting, originating in any country outside Europe	Without prejudice to the requirements in items 19, 21 to 23, 27 to 30, 60, 61 and 64, the plants shall be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in a country known to be free from <i>Monilinia fructicola</i> (Winter) Honey; or (b) no symptoms of <i>Monilinia fructicola</i> (Winter) Honey have been observed at the place of production since the beginning of the

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		last complete cycle of vegetation.
13.	From 15th February to 30th September, fruits of <i>Prunus</i> L., originating in any country outside Europe	The fruits shall be accompanied by an official statement that they: (a) originate in a country known to be free from <i>Monilinia fructicola</i> (Winter) Honey; or (b) have been subjected to appropriate inspection and treatment procedures either before harvest, before export or before both harvest and export to ensure freedom from <i>Monilinia</i> spp.
14.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in any third country	Without prejudice to the requirements in items 15 to 18, the fruits shall be free from peduncles and leaves and the packaging, any label attached to the packaging or any document normally used for trade purposes which accompanies the consignment shall bear an appropriate origin mark (which may be a reference to the name of the country of origin).
15.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in any third country	Without prejudice to the requirements in items 14 and 16 to 18, the fruits shall be accompanied by an official statement that: (a) they originate in a country recognised as being free from <i>Xanthomonas campestris</i> (all strains pathogenic to <i>Citrus</i>); (b) they originate in an area recognised as being free from <i>Xanthomonas campestris</i> (all strains pathogenic to <i>Citrus</i>), and mentioned on the phytosanitary certificate

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		<p>or phytosanitary certificate for re export; or</p> <p>(c) they comply with the following—</p> <p>(i) in accordance with an official control and examination regime, no symptoms of <i>Xanthomonas campestris</i> (all strains pathogenic to <i>Citrus</i>) have been observed in the field of production or in its immediate vicinity since the beginning of the last cycle of vegetation;</p> <p>(ii) none of the fruits harvested in the field of production has shown symptoms of <i>Xanthomonas campestris</i> (all strains pathogenic to <i>Citrus</i>);</p> <p>(iii) the fruits have been subjected to treatment such as sodium orthophenylphenate, mentioned on the phytosanitary certificate or phytosanitary certificate for re export; and</p> <p>(iv) the fruits have been packed at premises or dispatching centres registered for this purpose.</p>
16.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in any third country	Without prejudice to the requirements in items 14, 15, 17 and 18, the fruits shall be

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>accompanied by an official statement that:</p> <p>(a) they originate in a country recognised as being free from <i>Cercospora angolensis</i> Carv. and Mendes; or</p> <p>(b) no symptoms of <i>Cercospora angolensis</i> Carv. and Mendes have been observed in the field of production or in its immediate vicinity since the beginning of the last cycle of vegetation, and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism.</p>
17.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., other than fruits of <i>Citrus aurantium</i> L., originating in any third country	<p>Without prejudice to requirements in items 14 to 16 and 18, the fruits shall be accompanied by an official statement that:</p> <p>(a) they originate in a country recognised as being free from <i>Guignardia citricarpa</i> Kiely (all strains pathogenic to <i>Citrus</i>);</p> <p>(b) they originate in an area or areas recognised as being free from <i>Guignardia citricarpa</i> Kiely (all strains pathogenic to <i>Citrus</i>), and mentioned on the phytosanitary certificate or phytosanitary certificate or re export;</p> <p>(c) no symptoms of <i>Guignardia citricarpa</i> Kiely (all strains pathogenic to <i>Citrus</i>), have been observed in the field of production or in its immediate vicinity</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>since the beginning of the last cycle of vegetation, and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism; or</p> <p>(d) the fruits originate in a field of production subjected to appropriate treatments against <i>Guignardia citricarpa</i> Kiely (all strains pathogenic to <i>Citrus</i>), and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism.</p>
18.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle, or <i>Poncirus</i> Raf., originating in any third country where <i>Tephritidae</i> (non European) are known to occur on these fruits	<p>Without prejudice to the requirements in items 14 to 17, the fruits shall be accompanied by an official statement that:</p> <p>(a) they originate in an area or areas known to be free from <i>Tephritidae</i> (non European)</p> <p>(b) no signs of <i>Tephritidae</i> (non European) have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation, on official inspections carried out at least monthly during the three months prior to harvesting, and none of the fruits harvested at the place of production has shown, in appropriate official examination, signs of <i>Tephritidae</i> (non European);</p> <p>(c) they have been shown, in appropriate</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>official examination on representative samples, to be free from <i>Tephritidae</i> (non European) in all stages of their development; or</p> <p>(d) the fruits have been subjected to an appropriate treatment, any acceptable vapour heat treatment, cold treatment, or quick freeze treatment, which has been shown to be efficient against the <i>Tephritidae</i> (non European) without damaging the fruit, or, where not available, chemical treatment as far as it is acceptable under Community legislation.</p>
19.	Plants, other than seeds, of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. or <i>Sorbus</i> L., intended for planting, originating in any third country	Without prejudice to the requirements in items in 12, 21 to 23, 27, 28, 60, 61 and 64, the plants shall be accompanied by an official statement that the plants in the field of production or in its immediate vicinity, which have shown symptoms of <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> , have been removed.
20.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., and plants of <i>Araceae</i> , <i>Marantaceae</i> , <i>Musaceae</i> , <i>Persea</i> spp. or <i>Strelitziaceae</i> , rooted or with growing medium attached or which appear to have been in contact with growing medium, originating in any third country	<p>Without prejudice to the requirements in items 60, 61 and 64, the plants shall be accompanied by an official statement that:</p> <p>(a) the plants originate in countries known to be free from <i>Radopholus citrophilus</i> Huettel <i>et al.</i> and <i>Radopholus similis</i> (Cobb) Thorne; or</p> <p>(b) representative samples of soil and roots from the place of production have been subjected, since the beginning of</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		the last complete cycle of vegetation, to official nematological testing for at least <i>Radopholus citrophilus</i> Huettel <i>et al.</i> and <i>Radopholus similis</i> (Cobb) Thorne and have been found to be free from those plant pests.
21.	Plants, other than seeds, of <i>Crataegus</i> L., intended for planting, originating in any third country where <i>Phyllosticta solitaria</i> Ell. and Ev. is known to occur	Without prejudice to the requirements in items 12, 19, 60, 61 and 64, the plants shall be accompanied by an official statement that no symptoms of <i>Phyllosticta solitaria</i> Ell. and Ev. have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation.
22.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Fragaria</i> L., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L., <i>Ribes</i> L. or <i>Rubus</i> L., intended for planting, originating in any third country where the following plant pests are known to occur on the following genera: — n <i>Fragaria</i> L.: — <i>Phytophthora fragariae</i> Hickman, var. <i>fragariae</i> , — Arabis mosaic virus — Raspberry ringspot virus, — Strawberry crinkle virus, — Strawberry latent ringspot virus, — Strawberry mild yellow edge virus, — Tomato black ring virus, or — <i>Xanthomonas fragariae</i> Kennedy and King; — on <i>Malus</i> Mill.: — <i>Phyllosticta solitaria</i> Ell. and Ev.; — on <i>Prunus</i> L.: — Apricot chlorotic leafroll mycoplasma, or	Without prejudice to the requirements in items 12, 19, 24 to 31, 60, 61 and 64, the plants shall be accompanied by an official statement that no symptoms of diseases caused by the plant pests listed in column 2 of this item have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation.

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
	<ul style="list-style-type: none"> — <i>Xanthomonas campestris</i> pv. <i>pruni</i> (Smith) Dye; — on <i>Prunus persica</i> (L.) Batsch; — <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier et al.) Young et al.; — on <i>Pyrus</i> L.; — <i>Phyllosticta solitaria</i> Ell. and Ev.; — on <i>Rubus</i> L.; — Arabis mosaic virus, — Raspberry ringspot virus, — Strawberry latent ringspot virus, or — Tomato black ring virus; or — on all species: — non European viruses and virus-like organisms 	
23.	Plants, other than seeds, of <i>Cydonia</i> Mill. or <i>Pyrus</i> L., intended for planting, originating in any third country where Pear decline mycoplasma is known to occur	Without prejudice to the requirements in items 12, 19, 22, 60, 61 and 64, the plants shall be accompanied by an official statement that plants at the place of production or in its immediate vicinity, which have shown symptoms giving rise to the suspicion of contamination by Pear decline mycoplasma, have been rogued out at that place within the last three complete cycles of vegetation.
24.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting, originating in any third country where the following plant pests are known to occur: <ul style="list-style-type: none"> — strawberry latent “C” virus, — Strawberry vein banding virus, or — Strawberry witches' broom mycoplasma 	Without prejudice to the requirements in items 22, 25, 26 and 28, the plants shall be accompanied by an official statement that: <ul style="list-style-type: none"> (a) the plants, other than those raised from seed, have been: <ul style="list-style-type: none"> (i) either officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained

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		<p>under appropriate conditions and subjected to official testing for at least the plant pests in column 2 of this item using appropriate indicator or equivalent methods and has been found free from those plant pests; or</p> <p>(ii) derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; and</p> <p>(b) no symptoms of diseases caused by the plant pests in column 2 of this item have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last complete cycle of vegetation.</p>
25.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting, originating in any third country where	Without prejudice to the requirements in items 22, 24 and 26, the plants shall be

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	<i>Aphelenchoides besseyi</i> Christie is known to occur	accompanied by an official statement that: (a) no symptoms of <i>Aphelenchoides besseyi</i> Christie have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation; or (b) in the case of plants in tissue culture, the plants have been derived from plants which complied with paragraph (a) or have been officially tested by appropriate nematological methods and have been found free from <i>Aphelenchoides besseyi</i> Christie.
26.	Plants of <i>Fragaria</i> L., other than seeds, intended for planting, originating in any third country	Without prejudice to the requirements in items 22, 24 and 25, the plants shall be accompanied by an official statement that they originate in an area or areas known to be free from <i>Anthonomus signatus</i> Say and <i>Anthonomus bisignifer</i> (Schenkling).
27.	Plants, other than seeds, of <i>Malus</i> Mill., intended for planting, originating in any third country where the following plant pests are known to occur on <i>Malus</i> Mill.: — Cherry rasp leaf virus (American), or — Tomato ringspot virus	Without prejudice to the requirements in items 12, 19, 22, 60, 61 and 64, the plants shall be accompanied by an official statement that: (a) they have been: (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least the plant

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		<p>pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; or</p> <p>(ii) derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; or</p> <p>(b) no symptoms of diseases caused by the plant pests in column 2 of this item have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last complete cycle of vegetation.</p>
28.	Plants, other than seeds, of <i>Malus</i> Mill., intended for planting, originating in any third country where apple proliferation mycoplasma is known to occur	<p>Without prejudice to the requirements in items 12, 19, 22, 24, 60, 61 and 64, the plants shall be accompanied by an official statement that:</p> <p>(a) they originate in an area or areas known to be free from apple proliferation mycoplasma; or</p>

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		<p>(b) other than plants raised from seeds, they have been:</p> <p>(i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free from that plant pest; or</p> <p>(ii) derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once within the last six complete cycles of vegetation, to official testing for at least apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free, in these tests, from that plant pest; and</p> <p>(c) no symptoms of diseases caused by apple proliferation mycoplasma have been observed on plants at the place</p>

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		of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation.
29.	<p>Plants, other than seeds, of the following species of <i>Prunus</i> L., intended for planting, originating in any third country where Plum pox virus is known to occur:</p> <ul style="list-style-type: none"> — <i>Prunus amygdalus</i> Batsch, — <i>Prunus armeniaca</i> L., — <i>Prunus blireiana</i> Andre, — <i>Prunus brigantina</i> Vill., — <i>Prunus cerasifera</i> Ehrh., — <i>Prunus cistena</i> Hansen, — <i>Prunus curdica</i> Fenzl and Fritsch., — <i>Prunus domestica</i> spp. <i>domestica</i> L., — <i>Prunus domestica</i> spp. <i>insititia</i> (L.) C.K. Schneid., — <i>Prunus domestica</i> spp. <i>italica</i> (Borkh.) Hegi., — <i>Prunus glandulosa</i> Thunb., — <i>Prunus holosericea</i> Batal., — <i>Prunus hortulana</i> Bailey, — <i>Prunus japonica</i> Thunb., — <i>Prunus mandshurica</i> (Maxim.) Koehne, — <i>Prunus maritima</i> Marsh., — <i>Prunus mume</i> Sieb and Zucc., — <i>Prunus nigra</i> Ait., — <i>Prunus persica</i> (L.) Batsch, — <i>Prunus salicina</i> L., — <i>Prunus sibirica</i> L., — <i>Prunus simonii</i> Carr., — <i>Prunus spinosa</i> L., — <i>Prunus tomentosa</i> Thunb., — <i>Prunus triloba</i> Lindl., or 	<p>Without prejudice to the requirements in items 12, 22, 30, 60, 61 and 64, the plants shall be accompanied by an official statement that:</p> <p>(a) other than plants raised from seed, they have been:</p> <p>(i) either officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for, at least, Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest; or</p> <p>(ii) derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for, at least, Plum pox virus using appropriate indicators or</p>

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	<ul style="list-style-type: none"> — other species of <i>Prunus</i> L. susceptible to Plum pox virus 	<p>equivalent methods and has been found free from that plant pest;</p> <p>(b) no symptoms of disease caused by Plum pox virus have been observed on plants at the place of production or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation; and</p> <p>(c) plants at the place of production which have shown symptoms of disease caused by other viruses or virus-like pathogens, have been rogued out.</p>
30.	<p>Plants of <i>Prunus</i> L, intended for planting:</p> <p>(a) originating in any third country where Tomato ringspot virus is known to occur on <i>Prunus</i> L.;</p> <p>(b) other than seeds, originating in any third country where the following plant pests are known to occur:</p> <ul style="list-style-type: none"> — Cherry rasp leaf virus, (American), — Peach mosaic virus (American), — Peach phony rickettsia, — Peach rosette mycoplasma, — Peach yellows mycoplasma, — Plum line pattern virus (American), or — Peach X disease mycoplasma; <p>(c) other than seeds, originating in any</p>	<p>Without prejudice to requirements in items 12, 22, 29, 60, 61 and 64, the plants shall be accompanied by an official statement that:</p> <p>(a) they have been:</p> <p>(i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least the plant pests in (a), (b) or (c) in column 2, as the case may be, using appropriate indicators or equivalent methods and has been found free from those plant pests; or</p>

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	country outside Europe where Little cherry pathogen is known to occur.	<p>(ii) derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once, within the last three complete cycles of vegetation, to official testing for at least the plant pests in (a), (b) or (c) in column 2, as the case may be, using appropriate indicators or equivalent methods and has been found free from those plant pests; and</p> <p>(b) no symptoms of diseases caused by the plant pests in (a), (b) or (c) in column 2, as the case may be, have been observed on plants at the place of production or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation.</p>
31.	<p>Plants of <i>Rubus</i> L., intended for planting:</p> <p>(a) originating in any third country where the following plant pests are known to occur on <i>Rubus</i>:</p> <ul style="list-style-type: none"> — Tomato ringspot virus, — Black raspberry latent virus, — Cherry leaf roll virus, or — Prunus necrotic ringspot virus; 	<p>Without prejudice to the requirements in items 22, 60, 61 and 64, the plants shall be free from aphids, including their eggs and shall be accompanied by an official statement that:</p> <p>(a) they have been—</p> <p>(i) officially certified under a certification scheme requiring them to be derived in direct line from material which has</p>

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	(b) other than seeds, originating in any third country where the following plant pests are known to occur: <ul style="list-style-type: none"> — Raspberry leaf curl virus (American), or — Cherry rasp leaf virus (American). 	been maintained under appropriate conditions and subjected to official testing for at least the plant pests in paragraphs (a) or (b) in column 2, as applicable, using appropriate indicators or equivalent methods and has been found free from those plant pests; or (ii) they have been derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the plant pests in paragraphs (a) or (b) in column 2, as applicable, using appropriate indicators for equivalent methods and has been found free from those plant pests; and (b) no symptoms of diseases caused by the relevant plant pests in paragraphs (a) or (b) in column 2, as applicable, have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		last three complete cycles of vegetation.
32.	Tubers of <i>Solanum tuberosum</i> L., originating in any third country where <i>Synchytrium endobioticum</i> (Schilbersky) Percival is known to occur	Without prejudice to the requirements in items 33 to 36 and 39, the tubers shall be accompanied by an official statement that they originate in an area or areas known to be free from <i>Synchytrium endobioticum</i> (Schilbersky) Percival (all races other than Race 1, the common European race), and no symptoms of <i>Synchytrium endobioticum</i> (Schilbersky) Percival have been observed either at the place of production or in its immediate vicinity since the beginning of an adequate period.
33.	Tubers of <i>Solanum tuberosum</i> L., originating in any third country	Without prejudice to the requirements in items 32, 34 to 36 and 39, the tubers shall be accompanied by official statement that they originate in countries known to be free from <i>Clavibacter michiganensis</i> subsp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i>
34.	Tubers of <i>Solanum tuberosum</i> L., other than early potatoes, originating in any third country where Potato spindle tuber viroid is known to occur.	Without prejudice to the requirements in items 32, 33, 35, 36 and 39, the faculty of germination in the tubers shall have been suppressed.
35.	Tubers of <i>Solanum tuberosum</i> L., intended for planting, originating in any third country	Without prejudice to the requirements in items 32 to 34 and 36, the tubers shall be accompanied by an official statement that they originate from a field known to be free from <i>Globodera rostochiensis</i> (Wollenweber) Behrens and <i>Globodera pallida</i> (Stone) Behrens, and (a) the tubers originate in areas in which <i>Ralstonia solanacearum</i> (Smith)

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		<p>Yabuuchi <i>et al.</i> is known not to occur; and</p> <p>(b) the tubers originate in areas in which <i>Meloidogyne chitwoodi</i> Golden <i>et al.</i> (all populations) and <i>Meloidogyne fallax</i> Karssen are known not to occur; or</p> <p>(c) in areas where <i>Meloidogyne chitwoodi</i> Golden <i>et al.</i> (all populations) and <i>Meloidogyne fallax</i> Karssen are known to occur, either:</p> <p>(i) the tubers originate from a place of production which has been found free from <i>Meloidogyne chitwoodi</i> Golden <i>et al.</i> (all populations) and <i>Meloidogyne fallax</i> Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production, or</p> <p>(ii) the tubers after harvest have been randomly sampled and, either checked for the presence of symptoms after an appropriate method to induce symptoms, or laboratory tested,</p>

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		as well as inspected visually both externally and by cutting the tubers, at appropriate times and in all cases at the time of sealing of the packages or containers before marketing according to the provisions on sealing in Council Directive 2002/56/EC on the marketing of seed potatoes ⁽³⁷⁾ , and no symptoms of <i>Meloidogyne chitwoodi</i> Golden <i>et al.</i> (all populations) and <i>Meloidogyne fallax</i> Karssen have been found.
36.	Plants, other than seeds, of <i>Solanaceae</i> , intended for planting, originating in any third country where Potato stolbur mycoplasma is known to occur.	Without prejudice to the requirements in items 32 to 35, 37, 38, 60, 62, 64 and 68 to 71, the plants shall be accompanied by an official statement that no symptoms of Potato stolbur mycoplasma have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation.
37.	Plants of <i>Solanaceae</i> , other than tubers of <i>Solanum tuberosum</i> L. and seeds of <i>Lycopersicon lycopersicum</i> (L) Karsten ex Farw., originating in any third country where Potato spindle tuber viroid is known to occur	Without prejudice to the requirements in items 36, 38, 60, 62, 64 and 68 to 71, the plants shall be accompanied by an official statement that no symptoms of Potato spindle tuber viroid have been observed on plants at the place of production since the

(37) O.J. No. L 193, 20.7.02, p.60; to which there are amendments not relevant to this Order.

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		beginning of the last complete cycle of vegetation.
38.	Plants, other than seeds, of <i>Capsicum annuum</i> L., <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., <i>Musa</i> L., <i>Nicotiana</i> L. or <i>Solanum melongena</i> L., intended for planting, originating in any third country where <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> is known to occur	Without prejudice to the requirements in items 36, 37, 68 and 69, the plants shall be accompanied by an official statement that: (a) they originate in an area or areas which have been found free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> ; or (b) that no symptoms of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation.
39.	Tubers of <i>Solanum tuberosum</i> L., other than those intended for planting, originating in any third country.	Without prejudice to the requirements in items 32 to 34, the tubers shall be accompanied by an official statement that they originate in an area or areas in which <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> is not known to occur.
40.	Plants, other than seeds, of <i>Humulus lupulus</i> L., intended for planting, originating in any third country.	Without prejudice to the requirements in items 60 and 64, the plants shall be accompanied by an official statement that no symptoms of <i>Verticillium albo-atrum</i> Reinke and Berthold and <i>Verticillium dahliae</i> Klebahn have been observed on hops at the place of production since the beginning of the last complete cycle of vegetation.
41.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., <i>Dianthus</i> L. or <i>Pelargonium</i> L'Hérit. ex Ait., intended for planting,	Without prejudice to the requirements in items 42 to 44, 46 to 48, 50, 55, 60, 64 and 66, the plants shall be

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	originating in any third country.	<p>accompanied by an official statement that:</p> <p>(a) no signs of <i>Heliothis armigera</i> Hübner or <i>Spodoptera littoralis</i> (Boisd.) have been observed at the place of production since the beginning of the last complete cycle of vegetation; or</p> <p>(b) the plants have undergone appropriate treatment to protect them from the plant pests in paragraph (a).</p>
42.	Plants, other than seeds of <i>Dendranthema</i> (DC.) Des Moul., <i>Dianthus</i> L. or <i>Pelargonium</i> L'Hérit. ex Ait., originating in any third country.	<p>Without prejudice to the requirements in items 41, 43, 44, 46 to 48, 50, 55, 60, 64 and 66, the plants shall be accompanied by official statement that:</p> <p>(a) no signs of <i>Spodoptera eridania</i> Cramer, <i>Spodoptera frugiperda</i> Smith, or <i>Spodoptera litura</i> (Fabricius) have been observed at the place of production since the beginning of the last complete cycle of vegetation; or</p> <p>(b) the plants have undergone appropriate treatment to protect them from the plant pests in (a)</p>
43.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting, originating in any third country.	<p>Without prejudice to the requirements in items 41, 42, 48, 50, 55, 60, 64 and 66, the plants shall be accompanied by an official statement that:</p> <p>(a) they are no more than third generation stock derived from material which has been found to be free from <i>Chrysanthemum stunt viroid</i> during virological tests, or are directly</p>

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		<p>derived from material of which a representative sample of at least 10% has been found to be free from <i>Chrysanthemum stunt viroid</i> during an official inspection carried out at the time of flowering;</p> <p>(b) the plants or cuttings:</p> <p>(i) have come from premises which have been officially inspected at least monthly, during the three months prior to dispatch and on which no symptoms of <i>Puccinia horiana</i> Hennings have been observed during that period, and in the immediate vicinity of which no symptoms of <i>Puccinia horiana</i> Hennings have been known to have occurred during the three months prior to export; or</p> <p>(ii) have undergone appropriate treatment against <i>Puccinia horiana</i> Hennings; and</p> <p>(c) in the case of unrooted cuttings, no symptoms of <i>Didymella ligulicola</i> (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the plants from which the cuttings were derived, or that, in the case of rooted cuttings, no symptoms of <i>Didymella ligulicola</i></p>

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		(Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the rooting bed.
44.	Plants, other than seeds, of <i>Dianthus</i> L., intended for planting, originating in any third country.	<p>Without prejudice to the requirements in items 41, 42, 48, 50, 55, 60 and 66, the plants shall be accompanied by an official statement that:</p> <p>(a) they have been derived in direct line from mother plants which have been found free from <i>Erwinia chrysanthemi</i> pv. <i>dianthicola</i> (Hellmers) Dickey, <i>Pseudomonas caryophylli</i> (Burkholder) Starr and Burkholder and <i>Phialophora cinerescens</i> (Wollenw.) Van Beyma on officially approved tests, carried out at least once within the two previous years; and</p> <p>(b) no symptoms of the plant pests in (a) have been observed on the plants.</p>
45.	Bulbs of <i>Tulipa</i> L. or <i>Narcissus</i> L., other than those for which there is evidence from their packaging, or from other means, that they are intended for sale to final consumers not involved in professional cut flower production, originating in any third country.	The bulbs shall be accompanied by an official statement that no symptoms of <i>Ditylenchus dipsaci</i> (Kühn) Filipjev have been observed on the plants since the beginning of the last complete cycle of vegetation.
46.	Plants, other than seeds, of <i>Pelargonium</i> L'Hérit. ex Ait., intended for planting, originating in any third country where Tomato ringspot virus is known to occur and where <i>Xiphinema americanum</i> Cobb <i>sensu lato</i> (non European populations) or other vectors of Tomato ringspot virus are not known to occur.	<p>Without prejudice to the requirements in items 41, 42 and 55, the plants shall be accompanied by an official statement that:</p> <p>(a) they are directly derived from places of production known to be free from Tomato ringspot virus; or</p>

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47.	Plants, other than seeds, of <i>Pelargonium</i> L'Hérit. ex Ait., intended for planting, originating in any third country where Tomato ringspot virus is known to occur and where <i>Xiphinema americanum</i> Cobb <i>sensu lato</i> (non European populations) or other vectors of Tomato ringspot virus are known to occur.	<p>(b) they are no more than fourth generation stock, derived from mother plants found to be free from Tomato ringspot virus under an official approved system of virological testing.</p> <p>Without prejudice to the requirements in items 41 and 42, the plants shall be accompanied by an official statement that:</p> <p>(a) they are directly derived from places of production known to be free from Tomato ringspot virus in the soil or plants; or</p> <p>(b) are of no more than second generation stock, derived from mother plants found to be free from Tomato ringspot virus under an officially approved system of virological testing.</p>
48.	Plants of herbaceous species, other than: — bulbs, — corms, — plants of the family <i>Gramineae</i> , — rhizomes, — seeds, or — tubers, intended for planting, originating in any third country where <i>Liriomyza sativae</i> (Blanchard) or <i>Amauromyza maculosa</i> (Malloch) are known to occur.	<p>Without prejudice to the requirements in items 41 to 44, 50, 55, 60, 62, 64 to 66, 70 and 71, the plants shall be accompanied by an official statement that they have been grown in nurseries and:</p> <p>(a) originate in an area, established in the country of export by the national plant protection organisation in that country, as being free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) in accordance with ISPM No. 4, and which is mentioned under the rubric “Additional declaration” on the</p>

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		<p>phytosanitary certificate or phytosanitary certificate for re export;</p> <p>(b) originate in a place of production, established in the country of export by the national plant protection organisation in that country, as being free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) in accordance with ISPM No. 10, and which is mentioned under the rubric “Additional declaration” on the phytosanitary certificate or phytosanitary certificate for re export, and declared free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) on official inspections carried out at least monthly during the three months prior to export; or</p> <p>(c) immediately prior to export, have been subjected to an appropriate treatment against <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch) and have been officially inspected and found free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch). Details of the treatment shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re export.</p>

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49.	Cut flowers of <i>Dendranthema</i> (DC.) Des. Moul., <i>Dianthus</i> L., <i>Gypsophila</i> L., <i>Solidago</i> L. or leafy vegetables of <i>Apium graveolens</i> L. or <i>Ocimum</i> L., originating in any third country	Without prejudice to the requirements in items 60, 62, 64, 65, 70 and 71, the cut flowers and the leafy vegetables shall be accompanied by an official statement that they: <ul style="list-style-type: none"> (a) originate in a country free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch); or (b) immediately prior to their export, have been officially inspected and found free from <i>Liriomyza sativae</i> (Blanchard) and <i>Amauromyza maculosa</i> (Malloch)
50.	Plants of herbaceous species, other than: <ul style="list-style-type: none"> — bulbs, — corms, — plants of the family <i>Gramineae</i>, — rhizomes, — seeds, or — tubers, intended for planting, originating in any third country.	Without prejudice to the requirements in items 41 to 44, 48, 55, 62, 65 and 66, the plants shall be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in an area or areas known to be free from <i>Liriomyza huidobrensis</i> (Blanchard), and <i>Liriomyza trifolii</i> (Burgess); (b) no signs of <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess) have been observed at the place production, on official inspections carried out at least monthly during the three months prior to harvesting; or (c) immediately prior to export, the plants have been officially inspected and found free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i>

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		(Burgess) and have been subjected to an appropriate treatment against <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess).
51.	Plants with roots, planted or intended for planting, grown in the open air, originating in any third country	Without prejudice to the requirements in items 60 to 65, the plants shall be accompanied by an official statement that the place of production is known to be free from <i>Clavibacter michiganensis</i> subsp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i> , <i>Globodera pallida</i> (Stone) Behrens, <i>Globodera rostochiensis</i> (Wollenweber) Behrens and <i>Synchytrium endobioticum</i> (Schilbersky) Percival.
52.	Soil or growing medium attached to or appears to have been in contact with plants, consisting in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark or consisting in part of any solid inorganic substance, intended to sustain the vitality of the plants, originating in: (a) Belarus, Georgia, Moldova, Russia, Turkey or the Ukraine; or (b) any country outside Europe, other than Algeria, Egypt, Israel, Libya Morocco or Tunisia.	Without prejudice to the requirements in items 60 and 63 to 65, the material shall be accompanied by an official statement that: (a) at the time of planting it was: (i) free from soil and organic matter; (ii) found to be free from insects and harmful nematodes and subjected to appropriate examination or heat treatment or fumigation to ensure that it was free from other harmful organisms; or (iii) subjected to appropriate heat treatment or fumigation to ensure freedom

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		<p>from harmful organisms; and</p> <p>(b) since planting, either:</p> <p>(i) appropriate measures have been taken to ensure that the growing material has been maintained free from harmful organisms, or</p> <p>(ii) within two weeks prior to dispatch; the plants were shaken free from the material leaving the minimum amount necessary to sustain vitality during transport, and, if replanted, the medium used for that purpose meets the requirements laid down in paragraph (a).</p>
53.	Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting, originating in any third country.	Without prejudice to the requirements in item 54, 70 and 71, the plants shall be accompanied by an official statement that no symptoms of Beet curly top virus (non European isolates) have been observed at the place of production since the beginning of the last complete cycle of vegetation.
54.	Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting, originating in any third country where Beet leaf curl virus is known occur	<p>Without prejudice to the requirements in item 53, 70 and 71, the plants shall be accompanied by an official statement that:</p> <p>(a) Beet leaf curl virus has not been known to occur in the area or areas of production; and</p> <p>(b) no symptoms of Beet leaf curl virus have been</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.</p>
55.	<p>Plants, other than:</p> <ul style="list-style-type: none"> — bulbs, — corms, — rhizomes, — seeds, or — tubers, <p>intended for planting, originating in any third country.</p>	<p>Without prejudice to the requirements in items 41 to 44, 46, 48, 50, 60, 61, 64 and 66, the plants shall be accompanied an official statement that they have been grown in nurseries and:</p> <ul style="list-style-type: none"> (a) originate in an area or areas, established in the country of export by the national plant protection organisation in that country, as being free from <i>Thrips palmi</i> Karny in accordance with ISPM No. 4, and which is or are mentioned on the phytosanitary certificate or phytosanitary certificate for re export under the rubric “Additional Declaration”; (b) originate in a place of production, established in the country of export by the national plant protection organisation in that country, as being free from <i>Thrips palmi</i> Karny in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re export under the rubric “Additional declaration”, and declared free from <i>Thrips palmi</i> Karny on official inspections carried out at least

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		<p>monthly during the three months prior to export; or</p> <p>(c) immediately prior to export, have been subjected to an appropriate treatment against <i>Thrips palmi</i> Karny and have been officially inspected and found free from <i>Thrips palmi</i> Karny. Details of the treatment shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re export.</p>
56.	Cut flowers of Orchidaceae and fruits of <i>Momordica</i> L. or <i>Solanum melongena</i> L., originating in any third country.	<p>Without prejudice to the requirements in items 60, the cut flowers and fruits shall be accompanied by an official statement that:</p> <p>(a) they originate in a country free from <i>Thrips palmi</i> Karny; or</p> <p>(b) immediately prior to their export, they have been officially inspected and found free from <i>Thrips palmi</i> Karny.</p>
57.	Plants, other than seeds, of <i>Palmae</i> , intended for planting, originating in any country outside Europe	<p>Without prejudice to the requirements in items 60 and 64, the plants shall be accompanied by an official statement that:</p> <p>(a) they originate in an area known to be free from Palm lethal yellowing mycoplasma and Cadang-Cadang viroid, and no symptoms have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation;</p> <p>(b) no symptoms of Palm lethal yellowing mycoplasma and Cadang-</p>

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		<p>Cadang viroid have been observed on the plants since the beginning of the last complete cycle of vegetation, and plants at the place of production which have shown symptoms giving rise to the suspicion of contamination by the diseases have been rogued out at that place and the plants have undergone appropriate treatment to rid them of <i>Myndus crudus</i> Van Duzee; or</p> <p>(c) in the case of plants in tissue culture, the plants were derived from plants which have met the requirements laid down in (a) or (b).</p>
58.	Plants of <i>Camellia</i> L., other than seeds, intended for planting, originating in any country outside Europe	<p>Without prejudice to the requirements in items 60, 61 and 64, the plants shall be accompanied by an official statement that:</p> <p>(a) they originate in areas known to be free from <i>Ciborinia camelliae</i> Kohn; or</p> <p>(b) no symptoms of <i>Ciborinia camelliae</i> Kohn have been observed on plants in flower at the place of production since the beginning of the last complete cycle of vegetation.</p>
59.	Plants, other than seeds, of <i>Fuchsia</i> L., intended for planting, originating in the USA or Brazil	<p>Without prejudice to the requirements in items 60, 61 and 64, the plants shall be accompanied by official statement that no symptoms of <i>Aculops fuchsiae</i> Keifer have been observed at the place of production and that</p>

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60.	Trees or shrubs, other than seeds or plants in tissue culture, intended for planting, originating in any third country other than a country in the Euro-Mediterranean area.	<p>immediately prior to export the plants have been inspected and found free from <i>Aculops fuchsiae</i> Keifer.</p> <p>Without prejudice to the requirements in items 61 and 64, the trees or shrubs shall be accompanied by an official statement that they:</p> <ul style="list-style-type: none"> (a) are free from plant debris and from flowers and fruits; (b) have been grown in nurseries; and (c) have been inspected at appropriate times and prior to export and found to be free from symptoms of harmful bacteria, viruses and virus-like organisms, and either found free from signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to appropriate treatment to eliminate such organisms.
61.	Deciduous trees or shrubs, other than seeds or plants in tissue culture, intended for planting, originating in any third country, other than a country in the Euro-Mediterranean area.	Without prejudice to the requirements in items 60 and 64, the trees or shrubs shall be accompanied by an official statement that the plants are dormant and free from leaves
62.	Annual and biennial plants, other than <i>Gramineae</i> , other than seeds, intended for planting, originating in any country other than a country in the Euro-Mediterranean area.	<p>Without prejudice to the requirements in items 36, 37, 48 to 51, the plants shall be accompanied by an official statement that they</p> <ul style="list-style-type: none"> (a) have been grown in nurseries; (b) are free from plant debris and from flowers and fruits; and (c) have been inspected at appropriate times and prior to export, and

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		<ul style="list-style-type: none"> (i) found free from symptoms of harmful bacteria, viruses and virus-like organisms, and (ii) found free from signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to appropriate treatment to eliminate such organisms.
63.	Plants of the family <i>Gramineae</i> of ornamental perennial grasses of the subfamilies <i>Bambusoideae</i> , <i>Panicoideae</i> or of the genera <i>Buchloe</i> , <i>Bouteloua</i> Lag., <i>Calamagrostis</i> , <i>Cortaderia</i> Stapf., <i>Glyceria</i> R. Br., <i>Hakonechloa</i> Mak. ex Honda, <i>Hystrix</i> , <i>Molinia</i> , <i>Phalaris</i> L., <i>Shibataea</i> , <i>Spartina</i> Schreb., <i>Stipa</i> L. or <i>Uniola</i> L., other than seeds, intended for planting, originating in any country other than a country in the Euro-Mediterranean area.	<p>Without prejudice to requirements in items 51, 52 and 64, the plants shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they have been grown in nurseries; (b) they are free from plant debris and from flowers and fruits; and (c) they have been inspected at appropriate times and prior to export, and <ul style="list-style-type: none"> (i) found free from symptoms of harmful bacteria, viruses and virus-like organisms, and (ii) found free from signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to appropriate treatment to eliminate such organisms.
64.	Naturally or artificially dwarfed plants, other than seeds, intended for planting,	Without prejudice to the requirements in items 60 and 61, the plants shall be

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	originating in any country outside Europe.	<p>accompanied by an official statement that:</p> <ul style="list-style-type: none"> <li data-bbox="986 510 1353 891">(a) the plants, including those collected directly from natural habitats, shall have been grown, held and trained for at least two consecutive years prior to dispatch in officially registered nurseries, which are subject to an officially supervised control regime; and <li data-bbox="986 891 1353 1883">(b) the plants in the nurseries referred to in paragraph (a) shall at least during the period referred to in (a): <ul style="list-style-type: none"> <li data-bbox="1050 1048 1353 1182">(i) be potted, in pots which are placed on shelves at least 50 cm above ground; <li data-bbox="1050 1182 1353 1883">(ii) have been subjected to appropriate treatments to ensure freedom from non European rusts (the active ingredient, concentration and date of application of these treatments shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re export under the rubric “disinfestation and/or disinfection treatment”); <li data-bbox="1050 1883 1353 2038">(iii) have been officially inspected at least six times a year at appropriate intervals for the

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		<p>presence of plant pests mentioned in the Schedules to this Order. These inspections, which shall also be carried out on plants in the immediate vicinity of the nurseries referred to in paragraph (a), shall be carried out at least by visual examination of each row in the field or nursery and by visual examination of all parts of the plant above the growing medium, using a random sample of at least 300 plants from a given genus where the number of plants of that genus is not more than 3,000 plants, or 10% of the plants if there are more than 3,000 plants from that genus;</p> <p>(iv) have been found free, in the inspections in paragraph (iii), from the relevant plant pests. Infested plants shall be removed. The remaining plants, where appropriate, shall be effectively treated, and in addition shall be held for an appropriate period and inspected to ensure freedom</p>

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		<p>from such plant pests;</p> <p>(v) have been planted in either an unused artificial growing medium or in a natural growing medium which has been treated by fumigation or by appropriate heat treatment and examined afterwards and found free of any plant pests; and</p> <p>(vi) have been kept under conditions which ensure that the growing medium has been maintained free from plant pests and within two weeks prior to dispatch, have been:</p> <p>(aa) shaken and washed with clean water to remove the original growing medium and kept bare rooted; or</p> <p>(bb) shaken and washed with clean water to remove the original growing medium and replanted in growing medium which meets the conditions laid down in</p>

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		<p>paragraph (v); or</p> <p>(cc) subjected to appropriate treatments to ensure that the growing medium is free from plant pests (the active ingredient, concentration and date of application of these treatments shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re export under the rubric “disinfestation and/or disinfection treatment”); and</p> <p>(c) the plants at the nurseries referred to in paragraph (a) shall be packed in closed containers which have been officially sealed and bear the registration number of the registered nursery, which number shall also be indicated under the rubric “additional declaration” on the phytosanitary certificate or phytosanitary certificate for re export enabling the</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		consignments to be identified.
65.	Herbaceous perennial plants, other than seeds, intended for planting, of the families <i>Caryophyllaceae</i> (except <i>Dianthus</i> L.), <i>Compositae</i> (except <i>Dendranthema</i> (DC.) Des Moul.), <i>Cruciferae</i> , <i>Leguminosae</i> or <i>Rosaceae</i> (except <i>Fragaria</i> L.), originating in any third country other than a country in the Euro-Mediterranean area.	<p>Without prejudice to the requirements in items 48 to 52, 70 and 71, the plants shall be accompanied by an official statement that they:</p> <ul style="list-style-type: none"> (a) have been grown in nurseries; (b) are free from plant debris and from flowers and fruits; and (c) have been inspected at appropriate times and prior to export, and <ul style="list-style-type: none"> (i) found free from symptoms of harmful bacteria, viruses and virus-like organisms, and (ii) either found free from signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to appropriate treatment to eliminate such organisms.
66.	Plants of herbaceous species and plants of <i>Ficus</i> L. or <i>Hibiscus</i> L., other than bulbs, corms, rhizomes, seeds or tubers, intended for planting, originating in any country outside Europe.	<p>Without prejudice to the requirements in items 41 to 44, 48, 50, 55, 61, 70 and 71, the plants shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they originate in an area or areas established in the country of export by the national plant protection organisation in that country, as being free from <i>Bemisia tabaci</i> Genn. (non European populations) in accordance with ISPM No. 4, and which is or are mentioned on the phytosanitary certificate

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		<p>or phytosanitary certificate for re export under the rubric “Additional declaration”;</p> <p>(b) they originate in a place of production, established in the country of export by the national plant protection organisation in that country as being free from <i>Bemisia tabaci</i> Genn. (non European populations) in accordance with the ISPM No. 10, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re export under the rubric “Additional declaration”, and declared free from <i>Bemisia tabaci</i> Genn. (non European populations) on official inspections carried out at least once each three weeks during the nine weeks prior to export; or</p> <p>(c) in cases where <i>Bemisia tabaci</i> Genn. (non European populations) has been found at the place of production, are held or produced in this place of production and have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (non European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (non European populations) as a consequence of the</p>

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		implementation of appropriate procedures aiming at eradicating <i>Bemisia tabaci</i> Genn. (non European populations), in both official inspections carried out weekly during the nine weeks prior to export and in monitoring procedures throughout that period. Details of the treatment shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re export.
67.	Cut flowers of <i>Aster</i> spp., <i>Eryngium</i> L., <i>Gypsophila</i> L., <i>Hypericum</i> L., <i>Lisianthus</i> L., <i>Rosa</i> L., <i>Solidago</i> L., <i>Trachelium</i> L., or leafy vegetables of <i>Ocimum</i> L., originating in any country outside Europe.	Without prejudice to the requirements in items 70 and 71, the flowers or leafy vegetables shall be accompanied by an official statement that: (a) they originate in a country free from <i>Bemisia tabaci</i> Genn. (non European populations); or (b) immediately prior to their export, they have been officially inspected and found free from <i>Bemisia tabaci</i> Genn. (non European populations).
68.	Plants of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., other than seeds, intended for planting, originating in any third country where Tomato yellow leaf curl virus is known to occur and where <i>Bemisia tabaci</i> Genn. is not known to occur.	Without prejudice to the requirements in items 36 to 38, 70 and 71, the plants shall be accompanied by an official statement that no symptoms of Tomato yellow leaf curl virus have been observed on the plants.
69.	Plants of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., other than seeds, intended for planting, originating in any third country	Without prejudice to the requirements in items 36 to 38, 70 and 71, the plants shall be accompanied by an official statement that:

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	where Tomato yellow leaf curl virus is known to occur and where <i>Bemisia tabaci</i> Genn. is known to occur	<p>(a) no symptoms of Tomato yellow leaf curl virus have been observed on the plants; and</p> <p>(i) the plants originate in areas known to be free from <i>Bemisia tabaci</i> Genn.; or</p> <p>(ii) the place of production has been found free from <i>Bemisia tabaci</i> Genn. on official inspections carried out at least monthly during the three months prior to export; or</p> <p>(b) no symptoms of Tomato yellow leaf curl virus have been observed at the place of production and the place of production has been subjected to an appropriate treatment and monitoring regime to ensure freedom from <i>Bemisia tabaci</i> Genn..</p>
70.	Plants, other than seeds, bulbs, tubers, corms or rhizomes, intended for planting, originating in any third country where the following relevant plant pests are known to occur: <ul style="list-style-type: none"> — bean golden mosaic virus, — cowpea mild mottle virus, — lettuce infectious yellows virus, — pepper mild tigré virus, — squash leaf curl virus, or — other viruses transmitted by <i>Bemisia tabaci</i> Genn., and where <i>Bemisia tabaci</i> Genn. (non European populations) or other vectors of the 	Without prejudice to the requirements in items 36, 37, 48, 49, 53, 54 and 65 to 69, the plants shall be accompanied by an official statement that no symptoms of the relevant plant pests in column 2 have been observed on the plants during their complete cycle of vegetation.

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	relevant plant pests are not known to occur.	
71.	<p>Plants, other than seeds, tubers, corms, or rhizomes, intended for planting, originating in any third country where the following relevant plant pests are known to occur:</p> <ul style="list-style-type: none"> — bean golden mosaic virus, — cowpea mild mottle virus, — lettuce infectious yellows virus, — pepper mild tigré virus, — squash leaf curl virus, or — other viruses transmitted by <i>Bemisia tabaci</i> Genn., and where <i>Bemisia tabaci</i> Genn. (non European populations) or other vectors of the relevant plant pests are known to occur. 	<p>Without prejudice to the requirements in items 36, 37, 48, 49, 53, 54 and 65 to 69, the plants shall be accompanied by an official statement that no symptoms of the plant pests have been observed on the plants during an adequate period, and</p> <p>(a) the plants originate in areas known to be free from <i>Bemisia tabaci</i> Genn. and other vectors of the plant pests;</p> <p>(b) the place of production has been found free from <i>Bemisia tabaci</i> Genn. and other vectors of the relevant plant pests on official inspections carried out at appropriate times; or</p> <p>(c) the plants have been subjected to an appropriate treatment aimed at eradicating <i>Bemisia tabaci</i> Genn..</p>
72.	Seeds of <i>Helianthus annuus</i> L., originating in any third country	<p>The seeds shall be accompanied by an official statement that:</p> <p>(a) they originate in area or areas known to be free from <i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni; or</p> <p>(b) other than those that have been produced on varieties resistant to all races of <i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni present in the area of production, they have been subjected to an appropriate treatment against <i>Plasmopara</i></p>

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		<i>halstedii</i> (Farlow) Berl and de Toni.
73.	Seeds of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., originating in any third country.	<p>The seeds shall be accompanied by an official statement that they have been obtained by means of an appropriate acid extraction method and:</p> <ul style="list-style-type: none"> (a) they originate in an area or areas where <i>Clavibacter michiganensis</i> ssp. <i>michiganensis</i> (Smith) Davis et al. <i>Xanthomonas campestris</i> pv. <i>vesicatoria</i> (Doidge) Dye and potato spindle tuber viroid are not known to occur; (b) no symptoms of diseases caused by those plant pests have been observed on the plants at the place of production during their complete cycle of vegetation; or (c) they have been subjected to official testing for at least those plant pests, on a representative sample and using appropriate methods, and have been found free from those plant pests.
74.	Seeds of <i>Medicago sativa</i> L., originating in any third country.	<p>Without prejudice to the requirements in item 75, the seeds shall be accompanied by an official statement that</p> <ul style="list-style-type: none"> (a) no symptoms of <i>Ditylenchus dipsaci</i> (Kühn) Filipjev have been observed at the place of production since the beginning of the last complete cycle of vegetation and that no <i>Ditylenchus dipsaci</i> (Kühn) Filipjev has been revealed by laboratory

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75.	Seeds of <i>Medicago sativa</i> L., originating in any third country where <i>Clavibacter michiganensis</i> ssp. <i>insidiosus</i> Davis <i>et al.</i> is known to occur.	<p>tests on a representative sample; or</p> <p>(b) fumigation has taken place prior to export.</p> <p>Without prejudice to the requirements in items 74, the seeds shall be accompanied by an official statement that:</p> <p>(a) <i>Clavibacter michiganensis</i> subsp. <i>insidiosus</i> Davis <i>et al.</i> has not been known to occur on the farm or in its immediate vicinity since the beginning of the last 10 years;</p> <p>(b) either:</p> <p>(i) the crop belongs to a variety recognised as being highly resistant to <i>Clavibacter michiganensis</i> subsp. <i>insidiosus</i> Davis <i>et al.</i>;</p> <p>(ii) it had not yet started its fourth complete cycle of vegetation from sowing when the seed was harvested, and there was not more than one preceding seed harvest from the crop; or</p> <p>(iii) the content of inert matter which has been determined in accordance with the rules applicable for the certification of seed marketed in the Community, does not exceed 0.1 % by weight;</p> <p>(c) no symptoms of <i>Clavibacter michiganensis</i> subsp.</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p><i>insidiosus</i> (McCulloch) Davis <i>et al.</i> have been observed at the place of production, or on any <i>Medicago sativa</i> L. crop adjacent to it, during the last complete cycle of vegetation or, where appropriate, the last two cycles of vegetation; and</p> <p>(d) the crop has been grown on land on which no previous <i>Medicago sativa</i> L. crop has been present during the last three years prior to sowing.</p>
76.	Seeds of <i>Oryza sativa</i> L., originating in any third country.	<p>The seeds shall be accompanied by an official statement that:</p> <p>(a) they have been officially tested by appropriate nematological tests and have been found free from <i>Aphelenchoides besseyi</i> Christie; or</p> <p>(b) they have been subjected to an appropriate hot water treatment or other appropriate treatment against <i>Aphelenchoides besseyi</i> Christie.</p>
77.	Seeds of <i>Phaseolus</i> L., originating in any third country.	<p>The seeds shall be accompanied by an official statement that:</p> <p>(a) they originate in a country known to be free from <i>Xanthomonas campestris</i> pv. <i>phaseoli</i> (Smith) Dye; or</p> <p>(b) a representative sample of the seeds has been tested and found free from <i>Xanthomonas campestris</i> pv. <i>phaseoli</i> (Smith) Dye.</p>
78.	Seeds of <i>Zea mays</i> L., originating in any third country.	<p>The seeds shall be accompanied by an official statement that:</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>(a) they originate in an area or areas known to be free from <i>Erwinia stewartii</i> (Smith) Dye; or</p> <p>(b) a representative sample of the seeds has been tested and found free from <i>Erwinia stewartii</i> (Smith) Dye.</p>
79.	Seeds of the genera <i>Triticum</i> , <i>Secale</i> or <i>X Triticosecale</i> from Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa, the USA or Iran where <i>Tilletia indica</i> Mitra is known to occur	The seeds shall be accompanied by an official statement that they originate in an area or areas where <i>Tilletia indica</i> Mitra is known not to occur. The name of the area or areas shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re export
80.	Grain of the genera <i>Triticum</i> , <i>Secale</i> or <i>X Triticosecale</i> from Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa, the USA or Iran where <i>Tilletia indica</i> Mitra is known to occur.	<p>The grain shall be accompanied by an official statement that:</p> <p>(a) it originates in an area or areas where <i>Tilletia indica</i> Mitra is known not to occur. The name of the area or areas shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re export under the rubric “place or origin”; or</p> <p>(b) no symptoms of <i>Tilletia indica</i> Mitra have been observed on the plants at the place of production during their last complete cycle of vegetation and representative samples of the grain have been taken both at the time of harvest and before shipment and have been tested and found free from <i>Tilletia indica</i> Mitra which shall be evidenced by a statement “tested and</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		found free from <i>Tilletia indica</i> Mitra on the phytosanitary certificate or phytosanitary certificate for re export under the rubric “name of produce.

PART B

Relevant material, from another part of the European Community, which may only be landed in or moved within Scotland if special requirements are satisfied

(1) Item	(2) Description of relevant material	(3) Requirements of landing
1.	Plants, other than seeds, of <i>Pinus</i> L., intended for planting.	Without prejudice to the requirements in item 2, the plants shall be accompanied by an official statement that no symptoms of <i>Scirrhia pini</i> Funk and Parker have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
2.	Plants, other than seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr., intended for planting.	Without prejudice to the requirements in item 1, the plants shall be accompanied by an official statement that no symptoms of <i>Melampsora medusae</i> Thümen have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
3.	Plants, other than seeds, of <i>Populus</i> L., intended for planting.	The plants shall be accompanied by an official statement that no symptoms of <i>Melampsora medusae</i> Thümen have been observed at the place of production or in its immediate vicinity since the

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		beginning of the last complete cycle of vegetation.
4.	Plants, other than seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L., intended for planting.	<p>The plants shall be accompanied by an official statement that:</p> <p>(a) they originate in an area or areas known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr; or</p> <p>(b) no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.</p>
5.	Plants, other than seeds, of <i>Platanus</i> L., intended for planting	<p>The plants shall be accompanied by an official statement that:</p> <p>(a) they originate in an area or areas known to be free from <i>Ceratocystis fimbriata</i> f.sp. <i>platani</i> Walter; or</p> <p>(b) no symptoms of <i>Ceratocystis fimbriata</i> f.sp. <i>platani</i> Walter have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.</p>
6.	Plants, other than seeds, of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. or <i>Sorbus</i> L., intended for planting.	<p>Without prejudice to the requirements in items 10 and 12, the plants shall be accompanied by an official statement that:</p> <p>(a) they originate in zones recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i>; or</p> <p>(b) the plants in the field of production or in its immediate vicinity,</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		which have shown symptoms of <i>Erwinia amylovora</i> (Burr.) Winkl. <i>et al.</i> , have been rogued out.
7.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<p>The plants shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they originate in an area or areas known to be free from <i>Spiroplasma citri</i> Saglio <i>et al.</i>, <i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili, <i>Citrus</i> vein enation woody gall and <i>Citrus</i> tristeza virus (European strains); (b) they derive from a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official individual testing for, at least, <i>Citrus</i> tristeza virus (European strains) and <i>Citrus</i> vein enation woody gall, and have been growing permanently in an insect proof glasshouse or in an isolated cage on which no symptoms of <i>Spiroplasma citri</i> Saglio <i>et al.</i>, <i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili, <i>Citrus</i> tristeza virus (European strains) and <i>Citrus</i> vein enation woody gall have been observed; or (c) they: <ul style="list-style-type: none"> (i) have been derived from a certification scheme requiring

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official individual testing for, at least, Citrus vein enation woody gall and Citrus tristeza virus (European strains), and has been found free from Citrus tristeza virus (European strains), and certified free from, at least, Citrus tristeza virus (European strains) in official individual tests, and</p> <p>(ii) have been inspected and no symptoms of <i>Spiroplasma citri</i> Saglio <i>et al.</i>, <i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili, Citrus vein enation woody gall or Citrus tristeza virus have been observed since the beginning of the last complete cycle of vegetation.</p>
8.	Plants of <i>Araceae</i> , <i>Marantaceae</i> , <i>Musaceae</i> , <i>Persea</i> spp. or <i>Strelitziaceae</i> , rooted or with growing medium attached or which appear to have been in contact with growing medium.	<p>The plants shall be accompanied by an official statement that:</p> <p>(a) no contamination by <i>Radopholus similis</i> (Cobb) Thorne has been observed at the place of production, since the beginning of the last complete cycle of vegetation; or</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		(b) soil and roots from suspected plants have been subjected since the beginning of the last complete cycle of vegetation to official nematological testing for at least <i>Radopholus similis</i> (Cobb) Thorne and have been found free from that plant pest.
9.	Plants, other than seeds, of <i>Fragaria</i> L., <i>Prunus</i> L. or <i>Rubus</i> L., intended for planting	<p>Without prejudice to the requirements in items 11 and 13, the plants shall be accompanied by an official statement that:</p> <p>(a) they originate in an area or areas known to be free from the following plant pests—</p> <p>(i) on <i>Fragaria</i> L.</p> <ul style="list-style-type: none"> — <i>Phytophthora fragariae</i> Hickman var. <i>fragariae</i>, — Arabis mosaic virus, — Raspberry ringspot virus, — Strawberry crinkle virus, — Strawberry latent ringspot virus, — Strawberry mild yellow edge virus, — Tomato black ring virus, — <i>Xanthomonas fragariae</i> Kennedy and King; <p>(ii) on <i>Prunus</i> L.</p> <ul style="list-style-type: none"> — Apricot chlorotic leaf roll mycoplasma,

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>— <i>Xanthomonas campestris</i> pv. <i>pruni</i> (Smith) Dye;</p> <p>(iii) on <i>Prunus persica</i> (L.) Batsch:</p> <p>— <i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier et al.) Young et al.; and</p> <p>— on <i>Rubus</i> L.:</p> <p>— Arabis mosaic virus,</p> <p>— Raspberry ringspot virus,</p> <p>— Strawberry latent ringspot virus,</p> <p>— Tomato black ring virus; or</p> <p>(d) no symptoms of diseases caused by the plant pests in sub paragraph (a) have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation.</p>
10.	Plants, other than seeds, of <i>Cydonia</i> Mill. or <i>Pyrus</i> L., intended for planting	<p>Without prejudice to the requirements in items 6, the plants shall be accompanied by an official statement that:</p> <p>(a) they originate in an area or areas known to be free from Pear decline mycoplasma; or</p> <p>(b) the plants at the place of production and its immediate vicinity, which have shown symptoms giving rise to the suspicion of contamination by Pear decline mycoplasma, have been rogued out at that place within the last</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		three complete cycles of vegetation.
11.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting.	<p>Without prejudice to the requirements in item 9, the plants shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they originate in an area or areas known to be free from <i>Aphelenchoides besseyi</i> Christie; (b) no symptoms of <i>Aphelenchoides besseyi</i> Christie have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation; or (c) in the case of plants in tissue culture, the plants have been derived from plants complying with sub paragraph (b) or have been officially tested by appropriate nematological methods and have been found free from <i>Aphelenchoides besseyi</i> Christie.
12.	Plants, other than seeds, of <i>Malus</i> Mill., intended for planting.	<p>Without prejudice to the requirements in item 6, the plants shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they originate in an area or areas known to be free from Apple proliferation mycoplasma; or (b) other than those raised from seed, the plants: <ul style="list-style-type: none"> (i) have been officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and

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		<p>subjected to official testing for at least Apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free from that plant pest; or</p> <p>(ii) have been derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once, within the last six complete cycles of vegetation, to official testing for, at least, Apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free from that plant pest; and</p> <p>(c) no symptoms of diseases caused by Apple proliferation mycoplasma have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation.</p>
13.	<p>Plants, other than seeds, of the following species of <i>Prunus</i> L., intended for planting:</p> <ul style="list-style-type: none"> — <i>Prunus amygdalus</i> Batsch, — <i>Prunus armeniaca</i> L., — <i>Prunus blireiana</i> Andre, 	<p>Without prejudice to the requirements in item 9, the plants shall be accompanied by an official statement that:</p> <p>(a) they originate in an area or areas known to be free from Plum pox virus, or</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
	<ul style="list-style-type: none"> — <i>Prunus brigantina</i> Vill., — <i>Prunus cerasifera</i> Ehrh., — <i>Prunus cistena</i> Hansen, — <i>Prunus curdica</i> Fenzl and Fritsch., — <i>Prunus domestica</i> ssp <i>domestica</i> L., — <i>Prunus domestica</i> ssp <i>insititia</i> (L.) C K Schneid, — <i>Prunus domestica</i> ssp <i>italica</i> (Borkh.) Hegi., — <i>Prunus glandulosa</i> Thunb., — <i>Prunus holosericea</i> Batal., — <i>Prunus hortulana</i> Bailey, — <i>Prunus japonica</i> Thunb., — <i>Prunus mandshurica</i> (Maxim) Koehne, — <i>Prunus maritima</i> Marsh., — <i>Prunus mume</i> Sieb. and Zucc., — <i>Prunus nigra</i> Ait., — <i>Prunus persica</i> (L) Batsch, — <i>Prunus salicina</i> L., — <i>Prunus sibirica</i> L., — <i>Prunus simonii</i> Carr., — <i>Prunus spinosa</i> L., — <i>Prunus tomentosa</i> Thunb., — <i>Prunus triloba</i> Lindl., or — other species of <i>Prunus</i> L. susceptible to Plum pox virus. 	<p>(b) other than those raised from seed, the plants:</p> <p>(i) have been officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for, at least, Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest; or</p> <p>(ii) have been derived in direct line from material which is maintained under appropriate conditions and has been subjected, within the last three complete cycles of vegetation, at least once, to official testing for at least Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest;</p> <p>(c) no symptoms of disease caused by Plum pox virus have been observed on plants at the place of production or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation; and</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		(d) plants at the place of production which have shown symptoms of disease caused by other viruses or virus-like pathogens, have been rogued out.
14.	Plants, other than fruit or seeds, of <i>Vitis</i> L.	The plants shall be accompanied by an official statement that no symptoms of Grapevine flavescence dorée MLO or <i>Xylophilus ampelinus</i> (Panagopoulos) Willems <i>et al.</i> have been observed on the mother-stock plants at the place of production since the beginning of the last two complete cycles of vegetation.
15.	Tubers of <i>Solanum tuberosum</i> L., intended for planting.	Without prejudice to the requirements in item 16, the tubers shall be accompanied by an official statement that: <ul style="list-style-type: none"> (a) the Community provisions to combat <i>Synchytrium endobioticum</i> (Schilbersky) Percival have been complied with; (b) they originate in an area or areas known to be free from <i>Clavibacter michiganensis</i> subsp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i> or the Community provisions to combat <i>Clavibacter michiganensis</i> subsp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i> have been complied with; (c) they originate from a field known to be free from <i>Globodera rostochiensis</i> (Wollenweber) Behrens

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		<p>and <i>Globodera pallida</i> (Stone) Behrens;</p> <p>(d) they originate in an area or areas in which <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i>:</p> <p>(i) is known not to occur; or</p> <p>(ii) is known to occur, and the tubers originate from a place of production found free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> or considered to be free of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> as a consequence of the implementation of an appropriate procedure aimed at eradicating <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i>; and</p> <p>(e) they originate in an area or areas in which <i>Meloidogyne chitwoodi</i> Golden <i>et al.</i> (all populations) and <i>Meloidogyne fallax</i> Karssen are known not to occur, or in an area or areas where <i>Meloidogyne chitwoodi</i> Golden <i>et al.</i> (all populations) and <i>Meloidogyne fallax</i> Karssen are known to occur and:</p> <p>(i) they originate from a place of production which has been found free from <i>Meloidogyne</i></p>

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		<p><i>chitwoodi</i> Golden <i>et al.</i> (all populations) and <i>Meloidogyne fallax</i> Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production; or</p> <p>(ii) the tubers after harvest have been randomly sampled, and either checked for the presence of symptoms after an appropriate method to induce symptoms or laboratory tested, as well as inspected visually both externally and by cutting the tubers, at appropriate times and in all cases at the time of sealing of the packages or containers before marketing according to the provisions on sealing in Council Directive 2002/56/EC on the marketing of seed potatoes⁽³⁸⁾, and no symptoms of <i>Meloidogyne chitwoodi</i></p>

(38) O.J. No. L 193, 20.7.2002, p.60, to which there are amendments not relevant to this Order.

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		Golden <i>et al.</i> (all populations) or <i>Meloidogyne fallax</i> Karssen have been found
16.	Tubers of <i>Solanum tuberosum</i> L, intended for planting, other than tubers of those varieties accepted in one or more member States pursuant to Council Directive 2002/53/EC on the common catalogue of varieties of agricultural plant species ⁽³⁹⁾ .	Without prejudice to the requirements in item 15, the tubers shall be accompanied by an official statement that they: (a) belong to advanced selections with such a statement being indicated in an appropriate way on the document accompanying the relevant tubers; (b) have been produced within the Community; and (c) have been derived in direct line from material which has been maintained under appropriate conditions and has been subjected within the Community to official quarantine testing in accordance with appropriate methods and has been found, in these tests, to be free from harmful organisms.
17.	Plants of stolon- or tuber-forming species of <i>Solanum</i> L., intended for planting, other than those tubers of <i>Solanum tuberosum</i> L specified in column 2 of items 15 and 16, and other than culture maintenance material being stored in gene banks or genetic stock collections in item 18.	Without prejudice to the requirements in item 20: (a) the plants shall have been held under quarantine conditions and shall have been found free of any plant pests in quarantine testing which shall: (i) be supervised by the responsible official body of the Member

(39) O.J. No. L 193, 20.7.2002, p.1; amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, O.J. No. L 236, 23.9.2003, p 820, 828 and 910; there are other amending instruments but they are not relevant to this Order.

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>State concerned and executed by scientifically trained staff of that organisation or of any officially approved body;</p> <p>(ii) be executed at a site provided with appropriate facilities sufficient to contain plant pests and maintain the material including indicator plants in such a way as to eliminate any risk of spreading plant pests;</p> <p>(iii) be executed on each unit of the material:</p> <p>(aa) by visual examination at regular intervals during the full length of at least one vegetative cycle, having regard to the type of material and its stage of development during the testing programme, for symptoms caused by any plant pests; and</p> <p>(bb) by testing:</p> <p>— in the case of all potato material at least for:</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<ul style="list-style-type: none"> — Andean potato latent virus, — Arracacha virus B. oca strain, — Potato black ringspot virus, — Potato spindle tuber viroid, — Potato virus T, — Andean potato mottle virus, — common potato viruses A, M, S, V, X and Y (including Y^o, Yn and Yc) and Potato leaf roll virus, — <i>Clavibacter michiganensis</i> subsp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i>, — <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i>; — in the case of true seed of potato at least for the viruses and viroid listed above; and
		(iv) by appropriate testing on any other symptom observed in the visual examination in order to identify the plant pests

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		<p>having caused such symptoms;</p> <p>(b) material, if any, which has not been found free, under the testing referred to in sub paragraph (a) from plant pests specified in that sub paragraph shall be immediately destroyed or subjected to procedures which eliminate the plant pest or pests; and</p> <p>(c) each organisation or research body holding this material shall inform their official Member State Plant Protection Organisation of the material held.</p>
18.	Plants of stolon, or tuber-forming species of <i>Solanum</i> L., intended for planting, being stored in gene banks or genetic stock collections	Each organisation or research body holding such material shall inform their official Member State Plant Protection Organisation of the material held
19.	Tubers of <i>Solanum tuberosum</i> L., other than those mentioned in column 2 of items 15 to 18	<p>There shall 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 <i>et al.</i> and that:</p> <p>(a) the Community provisions to combat <i>Synchytrium endobioticum</i> (Schilbersky) Percival; and</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
20.	Plants, other than seeds, of <i>Solanaceae</i> , intended for planting, other than plants mentioned in column 2 of items 18 or 19	<p>(b) where appropriate, the Community provisions to combat <i>Clavibacter michiganensis</i> subsp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i> are complied with.</p> <p>Without prejudice to the requirements in items 15 to 17, 21 and 31, the plants shall be accompanied by an official statement that:</p> <p>(a) they originate in an area or areas known to be free from Potato stolbur mycoplasma; or</p> <p>(b) no symptoms of Potato stolbur mycoplasma have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation.</p>
21.	Plants, other than seeds, of <i>Capsicum annuum</i> L., <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., <i>Musa</i> L., <i>Nicotiana</i> L. or <i>Solanum melongena</i> L., intended for planting.	<p>Without prejudice to the requirements in item 20, the plants shall be accompanied by an official statement that:</p> <p>(a) they originate in an area or areas which have been found free from <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i>; or</p> <p>(b) no symptoms of <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation.</p>
22.	Plants, other than seeds, of <i>Humulus lupulus</i> L. intended for planting.	The plants shall be accompanied by an official statement that no symptoms of <i>Verticillium albo-atrum</i> Reinke

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
23.	Plants, other than seeds, of <i>Dendranthema</i> (DC) Des Moul., <i>Dianthus</i> L. or <i>Pelargonium</i> l'Hérit ex Ait., intended for planting.	<p>and Berthold or <i>Verticillium dahliae</i> Klebahn have been observed on hops at the place of production since the beginning of the last complete cycle of vegetation.</p> <p>Without prejudice to the requirements in items 24, 25 and 27, the plants shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) no signs of <i>Heliothis armigera</i> Hubner, or <i>Spodoptera littoralis</i> (Boisd.) have been observed at the place of production since the beginning of the last complete cycle of vegetation; or (b) they have undergone appropriate treatment to protect them from these pests.
24.	Plants, other than seeds, of <i>Dendranthema</i> (DC) Des Moul., intended for planting.	<p>Without prejudice to the requirements in items 23 and 27, the plants shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they are no more than third generation stock derived from material which has been found to be free from Chrysanthemum stunt viroid during virological tests, or are directly derived from material of which a representative sample of at least 10% has been found to be free from Chrysanthemum stunt viroid during an official inspection carried out at the time of flowering; (b) they or cuttings have come from premises:

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>(i) which have been officially inspected at least monthly, during the three months prior to dispatch and on which no symptoms of <i>Puccinia horiana</i> Hennings have been observed during that period, and in the immediate vicinity of which no symptoms of <i>Puccinia horiana</i> Hennings have been known to have occurred during the three months prior to marketing; or</p> <p>(ii) the consignment has undergone appropriate treatment against <i>Puccinia horiana</i> Hennings; and</p> <p>(c) in the case of unrooted cuttings no symptoms of <i>Didymella ligulicola</i> (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the plants from which the cuttings were derived, or that, in the case of rooted cuttings, no symptoms of <i>Didymella ligulicola</i> (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or the rooting bed.</p>
25.	Plants, other than seeds, of <i>Dianthus</i> L., intended for planting.	Without prejudice to the requirements in items 23 and 27, the plants shall be

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>accompanied by an official statement that:</p> <p>(a) they have been derived in direct line from mother plants which have been found free from <i>Erwinia chrysanthemi</i> pv. <i>dianthicola</i> (Hellmers) Dickey, <i>Pseudomonas caryophylli</i> (Burkholder) Starr and Burkholder and <i>Phialophora cinerescens</i> (Wollenw.) van Beyma on officially approved tests carried out at least once within the two previous years; and</p> <p>(b) no symptoms of these plants pests have been observed on the plants.</p>
26.	Bulbs of <i>Tulipa</i> L. or <i>Narcissus</i> L., other than those for which there is evidence from their packaging, or from other means, that they are intended for sale to final consumers not involved in professional cut flower production.	The bulbs shall be accompanied by an official statement that no symptoms of <i>Ditylenchus dipsaci</i> (Kühn) Filipjev have been observed on the plants since the beginning of the last complete cycle of vegetation.
27.	Plants of herbaceous species intended for planting, other than: <ul style="list-style-type: none"> — bulbs, — corms, — plants of the family <i>Gramineae</i> — rhizomes, — seeds, or — tubers. 	<p>Without prejudice to the requirements in items 23 to 25 and 31, the plants shall be accompanied by an official statement that:</p> <p>(a) they originate in an area or areas known to be free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess);</p> <p>(b) no signs of <i>Liriomyza huidobrensis</i> (Blanchard) or <i>Liriomyza trifolii</i> (Burgess) have been observed at the place of production, or on official inspections carried out at least monthly during the three months prior to harvesting; or</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		(c) immediately prior to marketing, the plants have been officially inspected and found free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess) and have been subjected to an appropriate treatment against <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifolii</i> (Burgess).
28.	Plants with roots, planted or intended for planting, grown in the open air.	There shall be evidence that the place of production is known to be free from <i>Clavibacter michiganensis</i> subsp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i> , <i>Globodera pallida</i> (Stone) Behrens, <i>Globodera rostochiensis</i> (Wollenweber) Behrens and <i>Synchytrium endobioticum</i> (Schilbersky) Percival.
29.	Plants, other than seeds, of <i>Beta vulgaris</i> L, intended for planting.	The plants shall be accompanied by an official statement that: (a) they originate in area or areas known to be free from Beet leaf curl virus; or (b) Beet leaf curl virus has not been known to occur in the area of production and no symptoms of Beet leaf curl virus have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
30.	Seeds of <i>Helianthus annuus</i> L.	The seeds shall be accompanied by an official statement that:

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>(a) they originate in areas known to be free from <i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni; or</p> <p>(b) other than those seeds that have been produced on varieties resistant to all races of <i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni present in the area of production, they have been subjected to an appropriate treatment against <i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni.</p>
31.	Plants, other than seeds, of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., intended for planting.	<p>Without prejudice to the requirements in items 20 and 27, the plants shall be accompanied by an official statement that:</p> <p>(a) they originate in areas known to be free from Tomato yellow leaf curl virus;</p> <p>(b) no symptoms of Tomato yellow leaf curl virus have been observed on the plants, and</p> <p>(i) the plants originate in an area or areas known to be free from <i>Bemisia tabaci</i> Genn.; or</p> <p>(ii) the place of production has been found free from <i>Bemisia tabaci</i> Genn. on official inspections carried out at least monthly during the three months prior to export; or</p> <p>(c) no symptoms of Tomato yellow leaf curl virus have been observed at the</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
32.	Seeds of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw.	<p>place of production and the place of production has been subjected to an appropriate treatment and monitoring regime to ensure freedom from <i>Bemisia tabaci</i> Genn.</p> <p>The seeds shall be accompanied by an official statement that they have been obtained by means of an appropriate acid extraction method, and:</p> <ul style="list-style-type: none"> (a) the seeds originate in an area or areas where <i>Clavibacter michiganensis</i> subsp. <i>michiganensis</i> (Smith) Davis <i>et al.</i> or <i>Xanthomonas campestris</i> pv. <i>vesicatoria</i> (Doidge) Dye are not known to occur; (b) no symptoms of diseases caused by those plant pests have been observed on the plants at the place of production during their last complete cycle of vegetation; or (c) the seeds have been subjected to official testing for at least those plant pests, on a representative sample and using appropriate methods, and have been found to be free from those plant pests.
33.	Seeds of <i>Medicago sativa</i> L.	<p>Without prejudice to the requirements in item 34, the seeds shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) no symptoms of <i>Ditylenchus dipsaci</i> (Kühn) Filipjev have been observed at the place of production since the beginning of

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
34.	Seeds of <i>Medicago sativa</i> L.	<p>the last complete cycle of vegetation and that no <i>Ditylenchus dipsaci</i> (Kühn) Filipjev has been revealed by laboratory tests on a representative sample; or</p> <p>(b) fumigation has taken place prior to marketing.</p> <p>Without prejudice to the requirements in item 33, the seeds shall be accompanied by an official statement:</p> <p>(a) that they originate in an area or areas known to be free from <i>Clavibacter michiganensis</i> subsp. <i>insidiosus</i> (McCulloch) Davis <i>et al.</i>; or</p> <p>(b) that:</p> <p>(i) <i>Clavibacter michiganensis</i> subsp. <i>insidiosus</i> (McCulloch) Davis <i>et al.</i> has not been known to occur on the farm or in the immediate vicinity since the beginning of the past 10 years, and</p> <p>(aa) the crop belongs to a variety recognised as being highly resistant to <i>Clavibacter michiganensis</i> subsp. <i>insidiosus</i> (McCulloch) Davis <i>et al.</i>,</p> <p>(bb) it had not yet started its fourth complete cycle of vegetation</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>from sowing when the seed was harvested, and there was not more than one preceding seed harvest from the crop; or</p> <p>(cc) the content of inert matter which has been determined in accordance with the rules applicable for certification of seed marketed in the Community, does not exceed 0.1 % by weight;</p> <p>(ii) no symptoms of <i>Clavibacter michiganensis</i> subsp. <i>insidiosus</i> (McCulloch) Davis <i>et al.</i> have been observed at the place of production or on any <i>Medicago sativa</i> L. crop adjacent to it, during the last complete cycle of vegetation or, where appropriate, the last two cycles of vegetation; and</p> <p>(iii) the crop has been grown on land on which no previous <i>Medicago sativa</i> L. crop has been present during the</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		last three years prior to sowing.
35.	Seeds of <i>Phaseolus</i> L.	The seeds shall be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in an area or areas known to be free from <i>Xanthomonas campestris</i> pv. <i>phaseoli</i> (Smith) Dye; or (b) a representative sample of the seeds has been tested and found free from <i>Xanthomonas campestris</i> pv. <i>phaseoli</i> (Smith) Dye.
36.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	The packaging, any label attached to the packaging or any document normally used for trade purposes which accompanies the consignment shall bear an appropriate origin mark (which may be a reference to the name of the country of origin).

PART C

Relevant material which may only be landed in or moved within Scotland (as a protected zone) if special requirements are satisfied

(1) Item	(2) Description of relevant material	(3) Requirements of landing
1.	Unrooted cuttings of <i>Euphorbia pulcherrima</i> Willd., intended for planting.	The cuttings shall be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in an area or areas known to be free from <i>Bemisia tabaci</i> Genn. (European populations); (b) no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed on the cuttings or on the plants from

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>which the cuttings are derived and which are held or produced at the place of production on official inspections carried out at least each three weeks during the whole production period of these plants at the place of production; or</p> <p>(c) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production the cuttings and the plants from which the cuttings are derived and which are held or produced in this place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout this period. The last inspection of the above weekly inspections shall be carried out immediately prior to movement.</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
2.	Plants of <i>Euphorbia pulcherrima</i> Willd., intended planting, other than: — seeds, — those for which there is evidence from their packing or their flower (or bract) development or from other means that they are intended for sale to final customers not involved in professional plant production, or — those specified in item 1.	The plants shall be accompanied by an official statement that: (a) they originate in an area or areas known to be free from <i>Bemisia tabaci</i> Genn. (European populations); (b) no signs of <i>Bemisia tabaci</i> 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; or (c) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, the plants, held or produced in this place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout this period.

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p>The last inspection of the above weekly inspections shall be carried out immediately prior to movement; and</p> <p>(d) evidence is available that they have been produced from cuttings which:</p> <p>(i) originate in an area or areas known to be free from <i>Bemisia tabaci</i> Genn. (European populations);</p> <p>(ii) have been grown at a place of production where no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed on official inspections carried out at least once each three weeks during the whole production period of these plants; or</p> <p>(iii) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, have been grown on plants held or produced in this place of production having undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production shall have been found free from</p>

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		<p><i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and on monitoring procedures throughout this period. The last inspection of the above weekly inspections shall be carried out immediately prior to movement.</p>
3.	Plants, other than seeds, tubers or corms, of <i>Begonia</i> L., intended for planting; or <i>Ficus</i> L, or <i>Hibiscus</i> L., intended for planting, other than seeds, other than those for which there is evidence from their packing or their flower development or from other means that they are intended for sale to final consumers not involved in professional plant production	<p>The plants shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they originate in an area or areas known to be free from <i>Bemisia tabaci</i> Genn. (European populations); (b) no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been by 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; or (c) in cases where <i>Bemisia tabaci</i> Genn. (European

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(1) Item	(2) Description of relevant material	(3) Requirements of landing
		populations) has been found at the place of production, the plants held or produced in this place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European population) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout this period. The last inspection of the above weekly inspections shall be carried out immediately prior to movement.

SCHEDULE 5

Article 6(2)

Relevant material from a third country for which a phytosanitary certificate may be required

PART A

Relevant material which may only be landed in
Scotland if accompanied by a phytosanitary certificate

1. Plants, intended for planting, other than seeds but including seeds of–

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- (a) *Cruciferae*, *Gramineae* or *Trifolium* spp., originating in Argentina, Australia, Bolivia, Chile, New Zealand or Uruguay;
 - (b) the genera *Triticum*, *Secale* or *X Triticosecale* from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA;
 - (c) *Capsicum* spp. *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw., *Medicago sativa* L., *Prunus* L., *Rubus* L., *Oryza* spp., *Zea mais* L., *Allium ascalonicum* L., *Allium cepa* L., *Allium porrum* L., *Allium schoenoprasum* L. or *Phaseolus* L.
2. Parts of plants, other than fruit or seeds, of–
- (a) *Castanea* Mill., *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Gypsophila* L., *Pelargonium* L'Hérit. Ex Ait, *Phoenix* spp., *Populus* L., *Quercus* L., *Solidago* L. or cut flowers of *Orchidaceae*;
 - (b) Conifers (*Coniferales*);
 - (c) *Acer saccharum* Marsh., originating in the USA or Canada;
 - (d) *Prunus* L., originating in any country outside Europe;
 - (e) cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. or *Trachelium* L., originating in any country outside Europe; or
 - (f) leafy vegetables of *Apium graveolens* L. or *Ocimum* L.
3. Fruits of–
- (a) *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Momordica* L. or *Solanum melongena* L.; or
 - (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.
4. Tubers of *Solanum tuberosum* L.
5. Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants or humus, including peat or bark, other than those composed entirely of peat.
6. Soil or growing medium attached to or appears to have been in contact with plants, consisting in whole or in part of material specified in paragraph 5 or consisting in whole or in part of peat or of any solid inorganic substances, intended to sustain the vitality of plants, originating in–
- (a) Belarus, Georgia, Moldova, Russia, Turkey or the Ukraine; or
 - (b) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia.
7. Grain of the genera *Triticum*, *Secale* or *X Triticosecale* originating in Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA.

PART B

Relevant material which, if destined for certain protected zones, may only be landed in Scotland if accompanied by a phytosanitary certificate

- 1. Plants of *Beta vulgaris* L. intended for industrial processing.
- 2. Without prejudice to paragraphs 5 and 6, soil from beet or unsterilised waste from beet (*Beta vulgaris* L.).
- 3. Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.

4. Parts of plants, other than fruit or seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.
5. Seeds of *Dolichos* Jacq., *Magnifera* spp., *Beta vulgaris* L. or *Phaseolus vulgaris* L.
6. Seeds or fruits (bolls) of *Gossypium* spp. or unginned cotton.
7. Fruits of *Vitis* L.
8. Parts of plants of *Eucalyptus* L'Hérit.

SCHEDULE 6

Articles 21(1) and (2) and 23(1)

Prohibitions on the landing in and movement within
Scotland of relevant material without a plant passport

PART A

Relevant material, from Scotland or elsewhere in the European Community, which may only be landed in or moved within Scotland if accompanied by a plant passport

1. Plants, intended for planting, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Prunus* L. other than *Prunus laurocerasus* L. or *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.
2. Plants, other than seeds, of *Beta vulgaris* L. or *Humulus lupulus* L., intended for planting.
3. Plants of stolon or tuber forming species of *Solanum* L., intended for planting.
4. Plants, other than fruit or seeds, of *Fortunella* Swingle, *Poncirus* Raf. or *Vitis* L.
5. Plants, other than fruit or seeds, of *Citrus* L..
6. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., with leaves and peduncles.
7. Plants in paragraphs (a) to (e) which are produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than plants which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official body of the consignor country, that the production thereof is separate from that of other products—
 - (a) plants, intended for planting, other than seeds, of the genera *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC) Des Moul., *Dianthus* L., *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* L'Hérit, ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Verbena* L. or other plants of herbaceous species, other than plants of the family *Gramineae*, intended for planting, other than bulbs, corms, rhizomes, seeds or tubers;
 - (b) plants, of *Solanaceae*, other than seeds and other than those in item 3, intended for planting;
 - (c) plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp. or *Strelitziaceae*, rooted or with growing medium attached or which appear to have been in contact with growing medium;

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- (d) seeds or bulbs or *Allium ascalonicum* L., *Allium cepa* L. or *Allium schenoprasum* L., intended for planting; plants of *Allium porrum* L. intended for planting; seeds of *Medicago sativa* L.; certified seeds of *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw. or *Phaseolus* L.; or
- (e) bulbs or corms, of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston “Golden Yellow”, *Galanthus* L., *Galtonia candicans* (Baker) Decne., miniature cultivars of the genus *Gladiolus* Tourn. ex L., (such as *Gladiolus callianthus* Marais, *Gladiolus colvellei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort., and *Gladiolus tubergenii* hort.) *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Muscari* Miller, *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. or *Tulipa* L., intended for planting.

PART B

Relevant material, from Scotland or elsewhere in the European Community, which may only be landed in or moved within Scotland if accompanied by a plant passport which is valid for Scotland (as a protected zone)

1. Plants in paragraphs (a) and (b) which are produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than those plants which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official body of the consignor country, that the production thereof is separate from that of other products—

- (a) plants, other than corms, seeds or tubers, of *Begonia* L., intended for planting; or
- (b) plants, other than seeds, of *Euphorbia pulcherrima* Willd., *Ficus* L. or *Hibiscus* L., intended for planting.

SCHEDULE 7

Article 21(5) and (6)

Prohibitions on the consignment of relevant material to another part of the European Community without a plant passport

PART A

Relevant material which may only be consigned to another part of the European Community if accompanied by a plant passport

1. Plants, intended for planting, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Prunus* L. other than *Prunus laurocerasus* L. or *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.

- 2. Plants, other than seeds, of *Beta vulgaris* L. or *Humulus lupulus* L., intended for planting.
- 3. Plants of stolon or tuber forming species of *Solanum* L., intended for planting.
- 4. Plants, other than fruit or seeds, of *Fortunella* Swingle, *Poncirus* Raf. or *Vitis* L.
- 5. Plants, other than fruit or seeds, of *Citrus* L..
- 6. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., with leaves and peduncles.

7. Plants in paragraphs (a) to (e) which are produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than plants which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official body of the consignor country, that the production thereof is separate from that of other products—

- (a) plants, intended for planting, other than seeds, of the genera *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC) Des Moul., *Dianthus* L., *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* L'Hérit, ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Verbena* L. or other plants of herbaceous species, other than plants of the family *Gramineae*, intended for planting, other than bulbs, corms, rhizomes, seeds or tubers;
- (b) plants, of *Solanaceae*, other than seeds and other than those in paragraph 3, intended for planting;
- (c) plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp. or *Strelitziaceae*, rooted or with growing medium attached or which appear to have been in contact with growing medium;
- (d) seeds or bulbs or *Allium ascalonicum* L., *Allium cepa* L. or *Allium schenoprasum* L., intended for planting; plants of *Allium porrum* L. intended for planting; seeds of *Medicago sativa* L.; certified seeds of *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw. or *Phaseolus* L.; or
- (e) bulbs or corms, of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston “Golden Yellow”, *Galanthus* L., *Galtonia candicans* (Baker) Decne., miniature cultivars of the genus *Gladiolus* Tourn. ex L., (such as *Gladiolus callianthus* Marais, *Gladiolus colvellei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort., and *Gladiolus tubergenii* hort.) *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Muscari* Miller, *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss or *Tulipa* L., intended for planting.

PART B

Relevant material which may only be consigned to a protected zone in another part of the European Community if accompanied by a plant passport which is valid for that protected zone

- 1. Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. or *Pseudotsuga* Carr.
- 2. Plants, other than seeds, of *Populus* L. or *Beta vulgaris* L., intended for planting.
- 3. Plants, other than fruit or seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Eucalyptus* L'Hérit., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Decne.) Cardot, *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.
- 4. Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Decne.) Cardot, *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.
- 5. Tubers of *Solanum tuberosum* L., intended for planting.
- 6. Plants of *Beta vulgaris* L., intended for industrial processing.
- 7. Soil from beet or unsterilised waste from beet (*Beta vulgaris* L.)
- 8. Seeds of *Beta vulgaris* L., *Dolichos* Jacq., *Gossypium* spp. or *Phaseolus vulgaris* L.

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9. Fruits (bolls) of *Gossypium* spp. or unginned cotton or fruits of *Vitis* L.

10. The plants in paragraphs (a) and (b) which are produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than those plants which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official body of the consignor country, that the production thereof is separate from that of other products—

- (a) plants, other than corms, seeds or tubers, of *Begonia* L., intended for planting; or
- (b) plants, other than seeds, of *Euphorbia pulcherrima* Willd., *Ficus* L. or *Hibiscus* L., intended for planting.

SCHEDULE 8

Articles 2(1) and 30

Swiss plant passports

PART A

Relevant material originating in Switzerland which may be landed in or moved within Scotland if accompanied by a Swiss plant passport

1. Plants, other than seeds, of *Beta vulgaris* L., *Humulus lupulus* L. or *Prunus* L. other than *Prunus laurocerasus* L. or *Prunus lusitanica* L., intended for planting.

2. Plants, other than fruit or seeds, but including live pollen for pollination, of *Amelanchier* Med., *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L. other than *Sorbus intermedia* (Ehrh.) Pers.

3. Plants of stoloniferous and tuberous species intended for planting of *Solanum* L..

4. Plants, other than fruit, of *Vitis* L..

5. Plants in sub paragraphs (a) to (f), produced by producers authorised to produce for sale to persons engaged in plant production in the course of a trade or business, other than those plants which are prepared and ready for sale to the final customer, and for which it is guaranteed by a person authorised by Swiss legislation to give such guarantee, that the production thereof is clearly separate from that of other products—

- (a) plants, intended for planting, other than seeds, of *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC) Des Moul., *Dianthus* L., *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* l'Hérit. ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Verbena* L. or other plants of herbaceous species other than plants of the family *Gramineae* and other than bulbs, corms, rhizomes or tubers;
- (b) plants of *Solanaceae*, other than those referred to in paragraph 3, intended for planting, other than seeds;
- (c) plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp. or *Strelitzaceae*, rooted or with cultivation medium attached or which appear to have been in contact with cultivation medium;

- (d) seeds or bulbs of *Allium ascalonicum* L., *Allium cepa* L. or *Allium schoenoprasum* L., intended for planting;
- (e) plants of *Allium porrum* L. intended for planting; or
- (f) bulbs and bulbous rhizomes of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston cv. “Golden Yellow”, *Galanthus* L., *Galtonia candicans* (Baker) Decne, miniature cultivars of the genus *Gladiolus* Tourn. Ex L. such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort. or *Gladiolus tubergenii* hort., *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Muscari* Mill., *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. or *Tulipa* L., intended for planting.

PART B

Relevant material imported into Switzerland from another third country which, if it would normally be permitted to be landed in Scotland if accompanied by a phytosanitary certificate, may be accompanied by a Swiss plant passport⁽⁴⁰⁾ or may be landed without phytosanitary documentation⁽⁴¹⁾

1. Plants, other than seeds, intended for planting.
2. Seeds of *Cruciferae*, *Gramineae* other than *Oryza* spp. or *Trifolium* spp., originating in Argentina, Australia, Bolivia, Chile, New Zealand or Uruguay.
3. Seeds of *Allium ascalonicum* L., *Allium cepa* L., *Allium porrum* L., *Allium schoenoprasum* L., *Capsicum* spp., *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karst. ex Farw., *Medicago sativa* L., *Phaseolus* L., *Prunus* L., *Rubus* L. or *Zea mays* L.
4. Seeds of *Triticum*, *Secale* and *X Triticosecale* originating in Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA.
5. Parts of plants, other than fruit or seeds, of–
 - (a) leafy vegetables of *Apium graveolens* L. or *Ocimum* L.;
 - (b) cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. or *Trachelium* L., originating in any country outside Europe; cut flowers of *Orchidaceae*; or
 - (c) *Acer saccharum* Marsh. originating in the USA or Canada, *Camellia* sp., conifers (*Coniferales*), *Dendranthema* (DC) Des Moul., *Dianthus* L., *Gypsophila* L., *Pelargonium* L'Hérit. ex Ait., *Populus* L., *Prunus* L. originating in any country outside Europe, *Quercus* L. or *Solidago* L.
6. Fruit of–
 - (a) *Momordica* L. or *Solanum melongena* L.; or
 - (b) *Annona* L., *Cydonia* L., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn. or *Vaccinium*, originating in any country outside Europe.
7. Tubers of *Solanum tuberosum* L. other than for planting.
8. Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants or humus, including peat or bark, other than that composed entirely of peat.

(40)
(41)

If it is listed in Part A as well as in Part B.
If it is listed in Part B but not in Part A.

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9. Soil or growing medium attached to or appears to have been in contact with plants, consisting in whole or in part of material specified in paragraph 8 or consisting in part of any solid inorganic substance, intended to sustain the vitality of the plants, originating in—

- (a) Belarus, Georgia, Moldova, Russia, Turkey or the Ukraine; or
- (b) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia.

10. Grains of the genera *Triticum*, *Secale* or *X Triticosecale* originating in Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA.

SCHEDULE 9

Article 2(1)

Requirements for plant passports

PART A

Requirements for plants passports for any relevant material in Schedule 6 or 7

1. A plant passport may only be issued in respect of relevant material that has been the subject of a satisfactory inspection at its place of production.

2. Subject to Part B, a plant passport shall comprise either an official label or an official label together with a document of a kind normally used for trade purposes, containing the information specified in paragraph 5 or (as the case may be) 6.

3. The references in paragraph 1 above to an official label are references to a label which—

- (a) has not been previously used and is made of a material suitable for its purpose, and
- (b) in the case of an adhesive label, is in a form approved for use as an official label by the Scottish Ministers, for plant passports issued in Scotland, or by the authority with responsibility for such authorisation for plant passports in other Member States.

4.—(1) The information contained in a plant passport shall be—

- (a) given in at least one of the official languages of the European Community, and
- (b) printed, except where it would not reasonably be practicable to do so.

(2) Where the information is printed, it shall be printed in block capitals.

(3) Where the information is not printed, it shall be given in typescript or written in block capitals.

5. Where a plant passport comprises only an official label, it shall contain the information specified in paragraph 7.

6. Where the plant passport comprises an official label and an additional document—

- (a) the official label shall contain at least the information specified in sub paragraphs (a)–(e) of paragraph 7, and
- (b) the additional document shall contain all the information specified in paragraph 7, and may also contain, clearly separate from that information, any other information relevant for the purpose of labelling the material to which the plant passport relates and which is set out in Article 2(1) of Commission Directive [1999/66/EC](#) setting out requirements as to the label or other document made out by the supplier pursuant to Council Directive

98/56/EC(42), Article 8(1) of Commission Directive 1993/48/EEC setting out the schedule indicating the conditions to be met by fruit plant propagating material and fruit plants intended for fruit production pursuant to Council Directive 92/34/EEC(43) or Article 6(1) of Commission Directive 1993/61/EEC setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed, pursuant to Council Directive 92/33/EEC(44).

7. The information referred to in paragraph 5 and 6 above shall be—
- (a) the title “EC plant passport” or, until 31st December 2005 “EEC plant passport”;
 - (b) the code for the Member State in which the plant passport was issued;
 - (c) the name or code for the responsible official body of the Member State in which the plant passport was issued;
 - (d) the registration number of the producer, importer or other person who is authorised to issue the plant passport;
 - (e) the week number of the date of production or when the plant passport is attached to the material, or a serial or batch number identifying that material;
 - (f) the botanical name in Latin of the material to which the plant passport relates;
 - (g) the quantity of the material to which the plant passport relates (number of plants, plant products, volume or weight);
 - (h) where the relevant material fulfils the requirements for a protected zone, the marking “ZP” and the code for the protected zone;
 - (i) in the case of a replacement plant passport, the marking “RP” and where appropriate the registration number of the producer or importer who was authorised to issue the original plant passport; and
 - (j) in the case of material originating in a third country, the name of the country of origin of the material or (if appropriate) the country from which the material was consigned to Scotland.

PART B

Requirements for plant passports permitted for certain material in Schedule 6 or 7

1. A plant passport in respect of any relevant material referred to in paragraph 2, 3, 4 or 5 may comprise an official label which complies with the requirements specified in the paragraph in which the reference is made.
2. The official label in paragraph 1 in respect of tubers of *Solanum tuberosum* L., intended for planting, shall—
- (a) comply with the requirements in Article 13(1)(a) of Council Directive 2002/56/EC on the marketing of seed potatoes(45);
 - (b) contain the title “EC plant passport”; and
 - (c) where the tubers are intended to be consigned to another part of the European Community, provides evidence that they have been officially examined to ensure that they comply with the requirements in item 18.1 of Section II of Part A of Annex IV to Directive 2000/29/EC.

(42) O.J. No. L 164, 30.6.99, p.76.

(43) O.J. No. L 250, 7.10.93, p.1.

(44) O.J. No. L 250, 7.10.93, p.19.

(45) O.J. No. L 193, 20.7.02, p.60, to which there are amendments not relevant to this Order.

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3. The official label in paragraph 1 in respect of seeds of *Helianthus annuus* L., shall—
 - (a) comply with the requirements in Article 12(1)(a) of Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants([46](#));
 - (b) contain the title “EC plant passport”; and
 - (c) where the seeds are intended to be consigned to another part of the European Community, provides evidence that they have been officially examined to ensure that they comply with the requirements in item 26 of Section II of Part A of Annex IV to Directive 2000/29/EC.
4. The official label in paragraph 1 in respect of seeds of *Lycopersicon lycopersicum* (L.) Karsten ex Farw. or *Phaseolus* L., shall—
 - (a) comply with the requirements in Article 28(1)(a) of Council Directive [2002/55/EC](#) on the marketing of vegetable seed([47](#));
 - (b) contain the title “EC plant passport”; and
 - (c) where the seeds are intended to be consigned to another part of the European Community, provides evidence that they have been officially examined to ensure that they comply with the requirements in item 27 or 29 as the case may be of Section II of Part A of Annex IV to Directive 2000/29/EC.
5. The official label in paragraph 1 in respect of seeds of *Medicago sativa* L., shall—
 - (a) comply with the requirements in Article 10(1)(a) of Council Directive [66/401/EEC](#) on the marketing of fodder plant seed([48](#));
 - (b) contain the title “EC plant passport”; and
 - (c) where the seeds are intended to be consigned to another part of the EC, provides evidence that they have been officially examined to ensure that they comply with the requirements in items 28.1 and 28.1 of Section II of Part A of Annex IV to Directive 2000/29/EC.

SCHEDULE 10

Article 15(1)

Form of phytosanitary certificate and form of phytosanitary
certificate for re export required by article 15(1)

PART A

Form of phytosanitary certificatePHYTOSANITARY CERTIFICATE

(46) OJ No. L 193, 20.7.02, p.74; amended by Council Directive [2002/68/EC](#) O.J. No. L 195, 24.7.02, p. 32; Commission Directive [2003/45/EC](#) O.J. No. L 138, 5.6.03, p. 40 and Council Directive [2004/117/EC](#) O.J. No. L 14, 18.1.05, p.18; there is another amending Directive which is not relevant.

(47) OJ No. L 193, 20.7.02, p.33; amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, O.J. No. L 236, 23.9.03, p 820, 828 and 910 and Council Directive O.J. No. L 14, 18.1.05, p.18; there are other amending Directives but none are relevant.

(48) O.J. No. P 125, 11.7.66, p.2298; as last amended by Commission Directive [2004/55/EC](#) O.J. No. L 114, 21.4.04, p.18.

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

No.
Plant protection organisation of:
To plant protection organisation(s) of:

Description of consignment

Name and address of exporter:
Declared name and address of consignee:
Number and description of packages:
Distinguishing marks:
Place of origin:
Declared means of conveyance:
Declared point of entry:
Name of produce and quantity declared:
Botanical name of plants:

This is to certify that the plants or plant products described above have been inspected according to appropriate procedures and are considered to be free from quarantine pests, and practically free from other injurious pests; and that they are considered to conform with the current phytosanitary regulations of the importing country.

Disinfestation and/or disinfection treatment

Date: Treatment: Chemical (active ingredient):
Duration and temperature: Concentration
Additional information:
Additional declaration:

(Stamp of organisation) Place of issue:
Name of authorised officer
Date (signature)

No financial liability with respect to this certificate shall attach to
(name of plant protection organisation) or to any of its officers or representatives(*).

(*)Optional clause.

PART B

Form of phytosanitary certificate for re export PHYTOSANITARY CERTIFICATE FOR RE-EXPORT

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

Plant protection organisation of: No.
 To plant protection organisation(s) of: (country of re-export)
 (country(ies) of import)

Description of consignment

Name and address of exporter:
 Declared name and address of consignee:
 Number and description of packages:
 Distinguishing marks:
 Place of origin:
 Declared means of conveyance:
 Declared point of entry:
 Name of produce and quantity declared:
 Botanical name of plants:

This is to certify that the plants or plant products described above were imported into (country of re-export) from (country of origin) covered by phytosanitary certificate No (*) original ☐ certified true copy ☐ of which is attached to this certificate; that they are packed ☐ repacked ☐ in original ☐ (*) new ☐ containers; that based on the original phytosanitary certificate ☐ and additional inspection ☐, they are considered to conform with the current phytosanitary regulations of the importing country, and that during storage in (country of re-export), the consignment has not been subjected to the risk of infestation or infection.

Disinfestation and/or disinfection treatment

Date: Treatment: Chemical (active ingredient):
 Duration and temperature: Concentration:
 Additional information:
 Additional declaration:

(Stamp of organisation) Place of issue:
 Name of authorised officer
 Date
 (signature)

No financial liability with respect to this certificate shall attach to
 (name of plant protection organisation) or to any of its officers or representatives(**).

(*) Insert tick in appropriate ☐ boxes.

(**) Optional clause.

SCHEDULE 11

Article 15(1)

Form of phytosanitary certificate and form of phytosanitary
certificate for re export permitted by article 15(1)

PART A

Form of phytosanitary certificate PHYTOSANITARY CERTIFICATE

No.

Plant protection organisation of:
To plant protection organisation(s) of:

I. Description of consignment

Name and address of exporter:
Declared name and address of consignee:
Number and description of packages:
Distinguishing marks:
Place of origin:
Declared means of conveyance:
Declared point of entry:
Name of produce and quantity declared:
Botanical name of plants:

This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.

They are deemed to be practically free from other pests(*).

II. Additional declaration

III. Disinfestation and/or disinfection treatment

Date: Treatment: Chemical (active ingredient):
Duration and temperature:
Concentration:
Additional information:
.....

(Stamp of organisation) Place of issue:
Name of authorised officer
Date
(signature)

No financial liability with respect to this certificate shall attach to
(name of plant protection organisation) or to any of its officers or representatives(*).

(*)Optional clause.

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

PART B

Form of phytosanitary certificate for re export PHYTOSANITARY CERTIFICATE FOR RE EXPORT

No.
 Plant protection organisation of:(contracting party of re-export)
 To plant protection organisation(s) of:(contracting party(ies) of import)

I. Description of consignment

Name and address of exporter:
 Declared name and address of consignee:
 Number and description of packages:
 Distinguishing marks:
 Place of origin:
 Declared means of conveyance:
 Declared point of entry:
 Name of produce and quantity declared:
 Botanical name of plants:

This is to certify that the plants, plant products or other regulated articles described above were imported into (contracting party of re-export) from (contracting party of origin) covered by phytosanitary certificate No.(*) original _ certified true copy || of which is attached to this certificate; that they are packed || repacked _ in original || (*) new _ containers, that based on the original phytosanitary certificate _ and additional inspection, || they are considered to conform with the current phytosanitary requirements of the importing contracting party, and that during storage in (contracting party of re-export), the consignment has not been subjected to the risk of infestation or infection.

II. Additional declaration

III. Disinfestation and/or disinfection treatment

Date: Treatment: Chemical (active ingredient):
 Duration and temperature:
 Concentration:
 Additional information:

(Stamp of organisation) Place of issue:
 Name of authorised officer
 Date (signature)

No financial liability with respect to this certificate shall attach to (name of plant protection organisation) or to any of its officers or representatives(**).

(*)Insert tick in appropriate _ boxes.

(**)Optional clause.

SCHEDULE 12

Article 6(3)

Notice of landing

PART A

1. The notice of landing required under article 6(1) shall be in the form set out in Part B or in a document containing at least the information referred to in that form.

2. The information contained in the notice referred to in paragraph (1) shall be—

- (a) in English, and
- (b) in typescript or block capitals.

PART B

Notice of landing of relevant material required by article 6(1) of the Plant Health (Scotland) Order 2005

1. Details of relevant material.....
 2. Quantity of relevant material.....
 3. Consignor country.....
 5. Country where consigned.....
 6. Consignor.....
 7. Importer.....
 8. Country of destination.....
 9. Intended point of entry in Scotland.....
 10. Air: Flight No.....
 11. Land: Vehicle registration number.....
 12. Sea: Vessel name and container number or numbers.....
 13. Expected date and time of arrival.....
- Signature of importer or airport or harbour authority Date.....

SCHEDULE 13

Article 2(1)

Plant health movement document

PART A

1. The plant health movement document required under article 18 shall be in the form set out in Part B.

2. The information contained in the notice in paragraph 1 shall be given in at least one of the official languages of the European Community and—

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- (a) shall be completed in typescript or written in block capitals; or
- (b) in agreement with the Scottish Ministers and the official body of destination or entry shall be completed by electronic means.

PART B

- (1) Make reference to country code/number.
- (2) Fill in box or make reference to information on Phytosanitary certificate which must be attached.
- (3) Make reference to 'C' (Article 13c(2)(c) of Directive 2000/29/EC) or 'D' (Article 13c(2)(d) of Directive 2000/29/EC).
- (4) When appropriate, give details on agreement between Member States' official services, either on a case-by-case agreement or on the basis of a longer-term agreement.

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SCHEDULE 14

Article 39(6)

Special measures for the control of Potato Wart Disease

1. If, as a result of an official test, *Synchytrium endobioticum* (Schilb.) Perc., the pathogenic agent of Potato Wart Disease, is recorded, an inspector shall demarcate the contaminated plot and a safety zone around that plot which is large enough to ensure the protection of surrounding areas.
2. A plot shall be regarded as being contaminated for the purposes of paragraph 1 when symptoms of Potato Wart Disease have been found on at least one plant from the plot.
3. A notice under article 32 may require any potato tubers or haulms which are present on a contaminated plot or which have come from such a plot to be treated in such a way that any Potato Wart Disease present on them is destroyed.
4. Where an inspector is satisfied that any potato tubers or haulms are contaminated with Potato Wart Disease and the inspector cannot determine whether those tubers or haulms have been present on a contaminated plot, the inspector may serve a notice under article 32 which requires the whole batch containing the affected tubers or haulms to be treated in such a way that there is no risk of the spread of Potato Wart Disease.
5. Where a contaminated plot is demarcated under paragraph 1—
 - (a) no potatoes shall be grown on it; and
 - (b) no plants intended for transplanting shall be grown, stored or moved on it.
6. Where a safety zone is demarcated under paragraph 1 no potatoes shall be grown on it unless an inspector is satisfied they are of a variety which is resistant to the races of *Synchytrium endobioticum* found on the contaminated plot to which that safety zone relates.
7. A potato variety shall be considered to be resistant to a particular race of *Synchytrium endobioticum* for the purposes of paragraph 6 where that variety reacts to contamination by the pathogenic agent of that race in such a way that there is no danger of secondary infection.
8. Where an inspector is satisfied that *Synchytrium endobioticum* is no longer present on a plot demarcated under paragraph 1 or on its associated safety zone, the inspector shall revoke that demarcation.

SCHEDULE 15

Article 39(6)

Special measures for the control of Potato Cyst Nematode

1. If, as a result of an official test, Potato Cyst Nematode is recorded, an inspector shall demarcate the contaminated plot.
2. Subject to paragraph 5, no person shall distribute as seed potatoes any seed potatoes which an inspector is satisfied are contaminated with or likely to be contaminated with Potato Cyst Nematode, unless they have been treated in such a way that, to the satisfaction of an inspector, they are no longer contaminated.
3. Subject to paragraph 5, where contaminated land is demarcated under paragraph 1—
 - (a) no potatoes shall be grown on it; and
 - (b) no plants intended for transplanting shall be grown, stored or moved on it.
4. Where an inspector is satisfied that Potato Cyst Nematode is no longer present on a plot which is demarcated under paragraph 1, the inspector shall revoke that demarcation.

5. Provided there is no risk of the spread of Potato Cyst Nematode and the control of the pest is not prejudiced, an inspector may, by notice in writing, authorise—

- (a) the growing on a contaminated plot of potatoes, other than seed potatoes, which are resistant to pathotypes of Potato Cyst Nematode found on that contaminated plot;
- (b) the growing on a contaminated plot of potatoes, other than seed potatoes, provided that such potatoes are to be harvested before the cysts of Potato Cyst Nematode mature; or
- (c) the growing on a contaminated plot of potatoes other than seed potatoes where the ground has been decontaminated by appropriate means.

6. A potato variety shall be regarded as being resistant to a particular pathotype of Potato Cyst Nematode for the purposes of paragraph 5(a) if, when that variety is grown, a natural and annual decrease in the population of that pathotype is found to occur.

SCHEDULE 16

Article 39(6)

Special measures for the control of Potato Ring Rot

1. In this Schedule—

“specified plant material” means tubers or plants of *Solanum tuberosum* L;

“basic seed potatoes” means seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations; and

“pre basic seed potatoes” means seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations.

2. Where specified plant material is designated by an inspector to be contaminated with Potato Ring Rot for the purposes of Article 5(1)(a) of Directive 93/85/EC—

- (a) without prejudice to article 20, no person shall knowingly plant that material or knowingly cause or permit it to be planted; and
- (b) a notice under article 32 may require that material to be disposed of in accordance with paragraph 3.

3. The methods by which material can be required to be disposed of are—

- (a) by destruction;
- (b) by industrial processing at a plant to which the specified plant material is to be delivered direct within such time as may be specified in the notice and in respect of which an inspector is satisfied that—
 - (i) appropriate waste disposal facilities are present such that there is no identifiable risk of Potato Ring Rot spreading; and
 - (ii) there is an appropriate system of disinfection of storage areas and departing vehicles;or
- (c) by any method other than those referred to in paragraphs (a) and (b) and in respect of which an inspector is satisfied that there is no identifiable risk of Potato Ring Rot spreading.

4. Where specified plant material is determined by an inspector to be possibly contaminated for the purposes of Article 5(1)(b) of Directive 93/85/EC—

- (a) without prejudice to article 20, no person shall knowingly plant that material or knowingly cause or permit it to be planted; and

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- (b) a notice under article 32 may require the material to be used or disposed of in accordance with paragraph 5.
- 5. The methods by which material can be required to be used or disposed of are–
 - (a) use as ware potatoes which are intended for consumption, and which are packed and are intended and ready for direct delivery and use without re packing;
 - (b) use as ware potatoes which are intended for industrial processing, by processing at a plant to which the potatoes are delivered direct within such time as may be specified in the notice and in respect of which the inspector is satisfied the appropriate waste disposal and disinfection facilities are present such that there is no identifiable risk of Potato Ring Rot spreading; or
 - (c) by any method other than those referred to in paragraphs (a) and (b) and in respect of which an inspector is satisfied that there is no identifiable risk of Potato Ring Rot spreading.
- 6. A notice under article 32 may require that any machinery, vehicle, vessel, store or any part of such machinery, vehicle, vessel or store or any other object including packaging material designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EC or determined by the inspector to be possibly contaminated for the purposes of Article 5(1)(b) of the Directive shall either–
 - (a) be disposed of by destruction; or
 - (b) be cleansed and disinfected, such that there is no identifiable risk of Potato Ring Rot spreading.
- 7. Anything cleansed and disinfected in accordance with paragraph 6(b) shall no longer be treated as contaminated for the purposes of Directive 93/85/EC.
- 8. Without prejudice to paragraph 6, a notice under article 32 may require any of the measures referred to in paragraphs 9 to 16 as appropriate to be implemented.
- 9. Subject to paragraph 13, where a place of production is designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EC, the notice referred to in paragraph 8 may require that, with regard to any field at that place, which has also been so designated, the measures referred to in paragraph 10 or 11 shall apply.
- 10. The measures referred to in paragraph 9 are–
 - (a) from the date of the receipt of the notice and for at least three growing years from the start of the next growing year–
 - (i) such measures as may be required to eliminate volunteer potato plants and other naturally found host plants of Potato Ring Rot; and
 - (ii) that the following shall not be planted–
 - (aa) tubers, plants or true seeds or potato;
 - (bb) naturally found host plants of Potato Ring Rot; and
 - (cc) crops for which there is a risk of Potato Ring Rot surviving or spreading;
 - (b) in the first potato cropping season following the period referred to in paragraph (a), that basic seed potatoes and pre basic seed potatoes may be planted, for ware production only, provided that the field has been free from volunteer potato plants for at least the two consecutive growing years prior to planting; and
 - (c) in the potato cropping season which follows that referred to in paragraph (b) and following an appropriate rotation cycle, that only basic seed potatoes and pre basic seed potatoes may be planted, and only for seed or ware production.
- 11. The measures referred to in paragraph 9 are–

- (a) from the date of receipt of the notice and for four growing years from the start of the next growing year—
 - (i) such measures as may be required to eliminate volunteer potato plants and other naturally found host plants of Potato Ring Rot; and
 - (ii) that the field shall be maintained in bare fallow, permanent pasture with frequent close cutting or intensive grazing; and
- (b) in the first potato cropping season following the period referred to in paragraph (a), that basic seed potatoes and pre basic seed potatoes may be planted, for seed or ware production only.

12. Where an inspector is satisfied that a place of production is contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EC, the notice referred to in paragraph 8 may require that with regard to any fields at that place other than those referred to in paragraph 9—

- (a) from the date of receipt of the notice and for one growing year from the start of the next growing year
 - (i) the following shall not be planted—
 - (aa) tubers, plants or true seed of potato;
 - (bb) naturally found host plants of Potato Ring Rot; or
 - (ii) basic seed potatoes and pre basic seed potatoes may be planted, for ware production only, where an inspector is satisfied that the risk of volunteer potato plants and other naturally found host plants of Potato Ring Rot has been eliminated;
- (b) for at least two growing years following the period referred to in (a), that basic seed potatoes and pre basic seed potatoes may be planted, for seed or ware production only; and
- (c) from the date of receipt of the notice for the growing years referred to in (a) and (b), measures shall be taken to eliminate volunteer potato plants and naturally found host plants of Potato Ring Rot.

13. Where an inspector is satisfied that a place of production is contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EC and a unit of protected crop production at that place has also been so designated and complete replacement of the growing medium is possible in that unit—

- (a) no person shall plant in the unit any potato tubers, plants or true seeds without the written authority of an inspector; and
- (b) an authorisation under paragraph (a) shall not be granted unless the measures specified in the notice referred to in paragraph 8, which shall include at least those specified in paragraph 14, have been complied with.

14. The measures referred to in paragraph 13(b) are—

- (a) a complete change of growing medium in the unit; and
- (b) cleansing and disinfection of the unit and all equipment which is used on it,

for the purpose of eliminating Potato Ring Rot and removing all host plant material.

15. The authorisation referred to in paragraph 13(a) may require that where an authorisation is granted for potato production, production shall be from basic seed potatoes and pre basic seed potatoes or from mini-tubers or micro-plants derived from officially tested sources.

16. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EC, the notice referred to in paragraph 8 may require that upon receipt of the notice and throughout the subsequent growing years up to and including the first potato cropping season permitted by paragraph 10(b) or 11(b), all machinery and storage facilities

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at the place of production which are used for potato production shall be cleansed and disinfected as appropriate in accordance with paragraph 6(b).

SCHEDULE 17

Article 39(6) and (7)

Ralstonia solanacearum

PART A

Special measures for the control of *Ralstonia solanacearum*

1. In this Schedule—

“agricultural land” means land used or capable of use for the purposes of a trade or business in connection with agriculture;

“basic seed potatoes” means seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations;

“pre basic seed potatoes” means seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations;

“specified plant material” means plants (including tubers), other than true seed, of *Solanacearum tuberosum* L., and plants, other than fruit or seeds, of *Lycopersicon lycopersicum* (L) Karsten ex Farw.; and

“*R. solanacearum*” means *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*, the cause of Potato brown rot.

2. Where specified plant material is designated by an inspector to be contaminated with *R. solanacearum* for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC—

- (a) without prejudice to article 20, no person shall knowingly plant that material or knowingly cause or permit it to be planted; and
- (b) a notice under article 32 may require that material to be used or disposed of in accordance with paragraph 3.

3. The methods by which material can be required to be used or disposed of in paragraph 2 are—

- (a) by incineration;
- (b) as animal feed after heat treatment such that there is no risk of *R. solanacearum* surviving;
- (c) by deep burial at a disposal site at which there is no risk of seepage to agricultural land or contact with water sources which are or could be used for irrigation of agricultural land;
- (d) by industrial processing at a plant to which the specified plant material is to be delivered direct within such time as may be specified in the notice and in respect of which the inspector is satisfied that the waste disposal facilities conform to the provisions laid down in Annex VII to Directive 98/57/EC; or
- (e) in any way not referred to in paragraphs (a) to (d) in regard to which it has been established to the satisfaction of the inspector that there is no identifiable risk of *R. solanacearum* spreading.

4. Where specified plant material is determined by an inspector to be possibly contaminated for the purposes of Article 5(1)(a)(iii) and Article 5(1)(c)(iii) of Directive 98/57/EC—

- (a) without prejudice to article 20, no person shall knowingly plant that material or knowingly cause or permit it to be planted; and
 - (b) a notice under article 32 may require that material to be used or disposed of in accordance with paragraph 5.
5. The methods by which material can be required to be used or disposed of in are–
- (a) in the case of potato tubers, by use as ware potatoes which are intended for consumption and which are packed at sites which the inspector is satisfied have appropriate waste disposal facilities such that there is no identifiable risk of *R. solanacearum* spreading and are intended and ready for direct delivery and use without re packing;
 - (b) in the case of potato tubers, by use as ware potatoes which are intended for industrial processing and which are, processed at a plant to which the potatoes are delivered direct within such time as may be specified in the notice and in respect of which the inspector is satisfied the appropriate waste disposal facilities are present such that there is no identifiable risk of *R. solanacearum* spreading;
 - (c) in the case of potato tubers, by use or disposal, other than destruction, and in respect of which the inspector is satisfied that there is no identifiable risk of *R. solanacearum* spreading; or
 - (d) in the case of plants, other than potato tubers, including stem and foliage debris, by–
 - (i) disposal by destruction; or
 - (ii) use or disposal, other than destruction, and in respect of which the inspector is satisfied that there is no identifiable risk of *R. solanacearum* spreading.
6. A notice under article 32 may require that any machinery, vehicle, vessel, store, or any part of such machinery, vehicle, vessel or store and any other object including packaging material designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC or determined by the inspector to be possibly contaminated for the purposes of Article 5(1)(a)(iii) and Article 5(1)(c)(iii) of that Directive shall either–
- (a) be disposed of by destruction; or
 - (b) be cleansed and, where appropriate, disinfected, such that there is no identifiable risk of *R. solanacearum* spreading.
7. Anything cleansed and, where appropriate disinfected in accordance with paragraph 6(b) shall no longer be treated as contaminated for the purposes of Directive 98/57/EC.
8. Without prejudice to paragraph 6, a notice under article 32 may require the measures referred to in paragraphs 9 to 16 as appropriate to be implemented in a zone demarcated by an inspector under Article 39(4).
9. Subject to paragraph 12, where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC, the notice referred to in paragraph 8 may require that, with regard to any field or any unit of protected crop production at that place, which has also been so designated, the measures referred to in paragraph 10 or 11 shall apply.
10. The measures referred to in paragraph 9 are–
- (a) from the date of the receipt of the notice and for at least four growing years from the start of the next growing year:
 - (i) such measures as may be required to eliminate volunteer potato and tomato plants as well as other host plants of *R. solanacearum* including solanaceous weeds as appropriate; and
 - (ii) that the following shall not be planted–

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- (aa) potato tubers and plants;
 - (bb) tomato plants and seeds;
 - (cc) taking into account the biology of *R. solanacearum*, other host plants and plants of species of *Brassica* for which there is a risk of *R. solanacearum* surviving; or
 - (dd) crops for which there is a risk of *R. solanacearum* spreading;
 - (b) in the first potato cropping season following the period referred to in paragraph (a), if potatoes are to be planted, only basic seed potatoes and pre basic seed potatoes may be planted, for ware production only, provided that the field or unit of production has been free from volunteer potato and tomato plants and other host plants including solanaceous weeds for at least the two consecutive growing years prior to planting; and
 - (c) in the potato or tomato cropping season which follows that referred to in paragraph (b) and following an appropriate rotation cycle, if potatoes are to be planted, that only basic seed potatoes and pre basic seed potatoes may be planted, and only for seed or ware production.
- 11.** The measures referred to in paragraph 9 are—
- (a) from the date of receipt of the notice and for five growing years from the start of the next growing year—
 - (i) such measures as may be required to eliminate volunteer potato and tomato plants as well as other host plants of *R. solanacearum* including solanaceous weeds as appropriate; and
 - (ii) that the field or unit of production shall be maintained during the first three growing years—
 - (aa) in bare fallow;
 - (bb) in cereals if the inspector is satisfied that there is no identifiable risk of *R. solanacearum* spreading;
 - (cc) in permanent pasture with frequent close cutting or intensive grazing; or
 - (dd) as grass for seed production;
 followed by planting in the succeeding two growing years with non host plants of *R. solanacearum* for which there is no identified risk of that organism surviving or spreading; and
 - (b) in the first potato or tomato cropping season which follows the period referred to in paragraph (a), if potatoes are to be planted, that only basic seed potatoes and pre basic seed potatoes may be planted, and only for seed or ware production.
- 12.** Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC and a unit of protected crop production at that place has also been so designated and complete replacement of the growing medium is possible in that unit—
- (a) no person shall plant in the unit any potato tubers or potato plants or other host plants of *R. solanacearum* including tomato plants and seeds without the written authorisation of an inspector; and
 - (b) an authorisation under paragraph (a) shall not be granted unless the measures specified in the notice referred to in paragraph 8, which shall include at least those specified in paragraph 13, have been complied with.
- 13.** The measures referred to in paragraph 12(b) are—
- (a) a complete change of growing medium in the unit; and

- (b) cleansing and, where appropriate, disinfection of the unit and all equipment which is used in it,

for the purpose of eliminating *R. solanacearum* and removing all host plant material.

14. The authorisation referred to in paragraph 12(a) may require that—

- (a) where the authorisation is granted for potato production, production shall be from basic seed potatoes and pre basic seed potatoes or from mini-tubers or micro-plants derived from officially tested sources; and
- (b) controls on irrigation and spraying programmes, which may include a prohibition on such programmes, shall be introduced as appropriate to prevent the spread of *R. solanacearum*.

15. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC, the notice referred to in paragraph 8 may require that with regard to any fields at that place other than those referred to in paragraph 9—

- (a) from the date of receipt of the notice and for one growing year following the start of the next growing year no potato tubers or potato plants or other host plants of *R. solanacearum* shall be planted, save that if an inspector is satisfied that any risk of the occurrence of volunteer potato plants and tomato plants and other host plants of *R. solanacearum* including solanaceous weeds has been eliminated basic seed potatoes and pre basic seed potatoes may be planted for ware production only;
- (b) if potatoes are to be planted, in the first growing year following that specified in paragraph (a), only basic seed potatoes and pre basic seed potatoes may be planted, and only for seed or ware production;
- (c) if potatoes are to be planted, in the second growing year following that specified in paragraph (a) and, where appropriate, in any subsequent growing year which may be specified in the notice, only basic seed potatoes and pre basic seed potatoes may be planted, and only for seed or ware production; and
- (d) from the date of the receipt of the notice and in each of the growing years referred to in this paragraph, measures shall be taken to eliminate volunteer potatoes and tomato plants and other host plants of *R. solanacearum* including solanaceous weeds as appropriate.

16. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC, the notice referred to in paragraph 8 may require that upon receipt of the notice and throughout the subsequent growing years up to and including the first potato or tomato cropping season permitted by paragraph 10(b) or 11(b)—

- (a) all machinery and storage facilities at the place of production which are used for potato or tomato production shall be cleansed and, where appropriate, disinfected in accordance with paragraph 6(b); and
- (b) such controls on irrigation and spraying programmes, which may include a prohibition on such programmes, shall be introduced as the inspector considers appropriate for the prevention of the spread of *R. solanacearum*.

PART B

Demarcation of zones for the control of *Ralstonia solanacearum*

1. The Scottish Ministers shall make notice available to the public, by such measures as they consider appropriate, of the demarcation under article 39(7) of any zone and such notice shall—

- (a) subject to paragraph (b), include a declaration that the provisions of paragraph 6 shall apply in the demarcated zone with effect from the date which is specified in the notice; and

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- (b) where appropriate, specify those areas of surface water within the zone to which the prohibition on irrigation and spraying in paragraph 6 shall apply.
- 2. The zone shall remain demarcated for the purposes of this Order until such date as may be specified in the notice referred to in paragraph 1 or in any further notice relating to the demarcated zone which an inspector may issue varying the controls in the demarcated zone or its extent or ending it.
- 3. For the purposes of this Order, a notice made available to the public in accordance with paragraph 1 shall be deemed to have been served on—
 - (a) any occupier or other person in charge of any premises within the demarcated zone;
 - (b) any person—
 - (i) with a right to use any surface water; or
 - (ii) who has on premises in their occupation or of which they have charge any surface water,
 designated as contaminated pursuant to paragraph 6(b); and
 - (c) any person who operates machinery or carries out any other activity in relation to the production of potatoes or tomatoes within the demarcated zone.
- 4. Any premises which are partly inside and partly outside a demarcated zone shall be deemed to be wholly inside that zone for the purposes of this Schedule.
- 5. Paragraph 4 shall not apply in respect of any part of any premises which is situated outside Scotland.
- 6. When a declaration has been made pursuant to paragraph 1 that the provisions of this paragraph shall apply—
 - (a) where the zone has been demarcated for the purposes of Article 5(1)(a)(iv) of Directive 98/57/EC—
 - (i) machinery and stores at premises within the zone which are used for growing, storing or handling potato tubers or tomatoes within the zone and premises within the zone from which machinery for potato and tomato production is operated under contract, shall be cleansed and, where appropriate, disinfected in accordance with paragraph 6(b) of Part A;
 - (ii) with regard to potato crops in the zone, only basic seed potatoes and pre basic seed potatoes may be planted; and
 - (iii) potatoes intended for planting shall be handled separately from all other potatoes at all premises within the zone;
 - (b) where surface water has been designated by an inspector as contaminated for the purposes of Article 5(1)(c)(ii) of Directive 98/57/EC—
 - (i) the use of water designated as contaminated for the irrigation and spraying of specified plant material and where appropriate, other host plants, shall be prohibited without the written authorisation of an inspector, in order to prevent the spread of *R. solanacearum*; and
 - (ii) if liquid waste discharges have been contaminated, the disposal of waste from industrial processing or packaging premises which handle specified plant material shall be carried out under the supervision of an inspector.

SCHEDULE 18

Article 42(3) and (4)

Notification requirements

Live organisms of the animal kingdom

1. *Ditylenchus destructor* Thorne Potato tuber nematode.
2. *Ditylenchus dipsaci* (Kühn) Filipjev – Stem nematode.
3. *Globodera rostochiensis* (Wollenweber) Behrens and *Globodera pallida* Stone Behrens – Potato cyst nematodes.

Bacteria

1. *Clavibacter michiganensis* subspecies *insidiosus* (McCulloch) Davis *et al.* (syn. *Corynebacterium insidiosum* (McCulloch) Jensen) Bacterial wilt of Lucerne.
2. *Clavibacter michiganensis* subsp. *michiganensis* (Smith) Davis *et al.* (syn. *Corynebacterium michiganse* (Smith) Jensen pv *michiganse* Dye and Kemp) – Bacterial canker of tomato.
3. *Erwinia amylovora* (Burr.) Winslow *et al.*, the cause of Fire blight of Roseaceae, in areas designated as fire blight free buffer zones.
4. *Erwinia chrysanthemi* pv *dianthicola* (Hellmers) Dickey – Slow wilt of carnation.
5. *Xanthomonas campestris* pv *vesicatoria* (Diodge) Dye – Tomato bacterial spot.

Cryptograms

1. *Didymella ligulicola* (Baker, Dimock and Davis) V. Arx (syn. *Mycosphaerella ligulicola* Baker *et al.*) – Chrysanthemum ray blight.
2. *Phialophora cinerescens* (Wollenweber) Van Beyma – a carnation wilt.
3. *Puccinia horiana* P. Henn – Chrysanthemum white rust.
4. *Verticillium albo-atrum* Reinke and Berth. – Verticillium wilt disease.
5. *Verticillium dahliae* Klebahn – Verticillium wilt of hops.

Viruses and virus-like pathogens

1. Arabis mosaic virus.
2. Chrysanthemum stunt viroid.
3. Plum pox virus.
4. Raspberry ringspot virus.
5. Strawberry crinkle virus.
6. Strawberry latent ringspot virus.
7. Strawberry mild yellow edge virus.
8. Tomato black ring virus.
9. Tomato spotted wilt virus.

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SCHEDULE 19

Article 48

Revocation of Orders

<i>Order</i>	<i>Reference</i>
The Plant Health (Great Britain) Order 1993	S.I. 1993/1320
The Plant Health (Great Britain) (Amendment) (Potatoes) Order 1993	S.I. 1993/3213
The Plant Health (Great Britain) (Amendment) Order 1995	S.I. 1995/1358
The Plant Health (Great Britain) (Amendment) (No. 2) Order 1995	S.I. 1995/2929
The Plant Health (Great Britain) (Amendment) Order 1996	S.I. 1996/25
The Plant Health (Great Britain) (Amendment) (No. 2) Order 1996	S.I. 1996/1165
The Plant Health (Great Britain) (Amendment) (No. 3) Order 1996	S.I. 1996/3242
The Plant Health (Great Britain) (Amendment) Order 1997	S.I. 1997/1145
The Plant Health (Great Britain) (Amendment) (No. 2) Order 1997	S.I. 1997/2907
The Plant Health (Great Britain) (Amendment) Order 1998	S.I. 1998/349
The Plant Health (Great Britain) (Amendment) (No. 2) Order 1998	S.I. 1998/1121
The Plant Health (Great Britain) (Amendment) (No. 3) Order 1998	S.I. 1998/2245
The Plant Health (Amendment) (Scotland) Order 1999	S.S.I. 1999/22
The Plant Health (Scotland) Amendment (No. 2) Order 1999	S.S.I. 1999/129
The Plant Health (Great Britain) Amendment (Scotland) Order 2001	S.S.I. 2001/249
The Plant Health (Great Britain) Amendment (Scotland) Order 2002	S.S.I. 2002/164
The Plant Health (Great Britain) Amendment (Scotland) Order 2003	S.S.I. 2003/224
The Plant Health (Great Britain) Amendment (Scotland) Order 2004	S.S.I. 2004/440

EXPLANATORY NOTE

(This note is not part of the Order)

The Plant Health (Scotland) Order 2005 (“this Order”), which extends to Scotland only, revokes and consolidates with amendments the Plant Health (Great Britain) Order 1993 ([SI 1993/1320](#)) (in its application to Scotland). This Order also implements–

- (a) Council Directive [2002/89/EC](#) (O.J. No. L 355, 30.12.02, p.45) amending 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;
- (b) Commission Directive [2004/103/EC](#) (O.J. No. L 313, 12.10.04, p.16) on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks;
- (c) Commission Directive [2004/105/EC](#) (O.J. No. L 319, 20.10.04, p.9) determining the models of phytosanitary certificates or phytosanitary certificates for re export accompanying plants, plant products or other objects from third countries and listed in Council Directive 2000/29/EC;
- (d) Commission Directive [2005/16/EC](#) (O.J. No. L 57, 3.3.05, p.19) 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;
- (e) Commission Directive [2005/17/EC](#) (O.J. No. L 57, 3.3.05, p.23) amending certain provisions of Directive [92/105/EEC](#) concerning plant passports; and
- (f) Commission Decision [2005/260/EC](#) (O.J. No. L 78, 24.3.05, p.50) which comprises Decision No. 2/2005 of the Joint Committee on Agriculture set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products concerning the amendments to the Appendices to Annex 4.

This Order comes into force on 31st December 2005.

Part 2 of this Order imposes restrictions and requirements on relevant material imported into Scotland from third countries, including material coming via another country in the European Community where the Scottish Ministers have agreed to inspect that material in Scotland. “Relevant material” is defined in article 2.

The principal controls are in article 5, which contains general prohibitions and restrictions on relevant material being landed in Scotland, article 6, which requires importers to provide the Scottish Ministers with advance notice of landing of relevant material and article 7, which imposes requirements for relevant material to be accompanied by a phytosanitary certificate. Article 8 exempts certain relevant material which is brought into Scotland in a person’s baggage from these prohibitions and requirements.

Article 9 imposes requirements relating to the contents, display and presentation of documents required to accompany relevant material.

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

Articles 10 to 12 provide that certain relevant material shall not be removed from an area of plant health control (defined in article 10(2)) until, being satisfied as to the matters specified in article 12, an inspector has discharged that material.

Articles 13 and 14 provide for an officer for Revenue and Customs to be able to detain relevant material from which an inspector considers a plant pest may spread.

Article 15 contains general requirements to be met by phytosanitary documentation.

Articles 16 to 18 introduce provisions to allow relevant material to be inspected at its place of destination provided that place is approved by the relevant authorities and the material is accompanied by a plant health movement document.

Part 3 of this Order contains the prohibitions and restrictions that apply to relevant material coming to Scotland from another part of the European Community (which includes other parts of the United Kingdom) and on the movement of that material within Scotland. The requirements for such material to be accompanied by a plant passport are imposed by article 21.

Part 4 of this Order imposes a requirement on plant traders to be registered in respect of their activities (articles 25 to 28) and provides for the Scottish Ministers to be able to authorise them to issue plant passports (article 29).

Part 5 contains special arrangements governing trade in relevant material between Scotland and Switzerland.

Part 6 contains general enforcement powers given to plant health inspectors.

Part 7 imposes additional requirements in respect of certain solanaceous species (potatoes and tomatoes).

Part 8 provides for the Scottish Ministers to be able to license activities that would otherwise be prohibited by this Order.

Part 9 imposes requirements to notify the presence of certain pests to the Scottish Ministers.

Part 10 contains offences for non compliance with this Order or with requirements imposed under it (article 45(1)); in relation to making statements or failing to disclose information for the purpose of procuring a plant health document (article 45(3)) and for dishonestly issuing, altering or re using a plant passport (article 45(4)). (Contravention of any prohibition on landing imposed by this Order is an offence under the Customs and Excise Management Act 1979 (c. 2) and not under this Order.)

A person found guilty of an offence under this Order is liable on summary conviction to a fine of up to level 5 on the standard scale (article 46).

A transposition note has been prepared and placed before Parliament. Copies of the transposition note can be obtained from SEERAD, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY. A full regulatory impact assessment has not been produced for this Order as it has no impact on the costs for business.