
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 160

PLANT HEALTH

**The Plant Health (Amendment
No. 3) Order (Northern Ireland) 2019**

Made - - - - *28th August 2019*

Coming into operation *1st September 2019*

The Department of Agriculture, Environment and Rural Affairs⁽¹⁾ makes the following Order in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act (Northern Ireland) 1967⁽²⁾ and section 2(2) of and paragraph 1A of Schedule 2⁽³⁾ to the European Communities Act 1972.

Citation and commencement

1. This Order may be cited as The Plant Health (Amendment No. 3) Order (Northern Ireland) 2019 and comes into operation on 1st September 2019.

Amendment of the Plant Health Order (Northern Ireland) 2018

2. The Plant Health Order (Northern Ireland) 2018 is amended in accordance with articles 3 to 10.

Article 2 (general interpretation)

3. In article 2(1), in the definition of “relevant material”, at the end insert “or any machinery or vehicle which has been operated for agricultural or forestry purposes”.

-
- (1) The Ministry of Agriculture became known as the Department of Agriculture by virtue of section 7(5) of the Northern Ireland Constitution Act (c.36), was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I.1)) and was renamed the Department of Agriculture, Environment and Rural Affairs by section 1 of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.)).
- (2) 1967 c.28 (N.I.); sections 2(1) and 3(1) were amended by S.R. & O (N.I.) 1972 No. 351, article 3 and Schedule 2. Section 2(2) was amended by 1979 c.2 section 177(1) and Schedule 4, Part 11. Sections 2 and 3 were also amended by S.I. 1984/702 (N.I.2), Articles 15(2), 24 and Schedule.
- (3) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51) (the 2006 Act), section 27(1) (a) and the European Union (Amendment) Act 2008 (c.7) (the 2008 Act), the Schedule Part 1. Paragraph 1A of Schedule 2 was inserted by the 2006 Act, section 28, and was amended by the 2008 Act, the Schedule Part 1. Schedule 2(2) and paragraph 1A of Schedule 2 are prospectively repealed by the European Union (Withdrawal) Act 2018 (c.16), section 1 from exit day (see section 20 of that Act).

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

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

- (a) under the heading “Insects, mites and nematodes”—
 (i) after item 7 insert—

“7A. *Aromia bungii* (Faldermann)”

- (ii) after item 21 insert—

“21A. *Grapholita packardi* Zeller”

- (iii) after item 30 insert—

“30A. *Neoleucinodes elegantalis* (Guenée)

30B. *Oemona hirta* (Fabricius)”

- (b) under the heading “Fungi”, after item 3 insert—

“3A. *Elsinoë australis* Bitanc. & Jenk.

3B. *Elsinoë citricola* X.L. Fan, R.W. Barreto & Crous

3C. *Elsinoë fawcettii* Bitanc. & Jenk.”

(2) In Schedule 1 in Part B (plant pests known to occur in the European Union)—

- (a) under the heading “Insects, mites and nematodes”, after item 11 insert—

“11A. *Pityophthorus juglandis* Blackman”

- (b) under the heading “Fungi”—
 (i) before item 1 insert—

“A1. *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr”

- (ii) after item 1 insert—

“1A. *Fusarium circinatum* Nirenberg & O’Donnell

1B. *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat”.

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

5.—(1) In Schedule 2 in Part A (plant pests not known to occur in the European Union)—

- (a) under the heading “Insects, mites and nematodes”, omit item 9;
 (b) under the heading “Fungi”, omit item 9.

(2) In Part B (plant pests known to occur in the European Union) of Schedule 2, under the heading “Fungi”, omit item 1.

(3) In Part C (plant pests whose introduction into, and spread within, Northern Ireland (as a protected zone) shall be banned if they are present on certain relevant material) of Schedule 2, under the heading “Insects, mites and nematodes”, for item 11 substitute—

“11.	Plants of <i>Cedrus</i> Trew and <i>Pinus</i> L., <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller” seeds
------	---

Schedule 3 (relevant material which may not be landed in Northern Ireland if that material originates in certain third countries)

6. In Schedule 3, in the table, for item 10 substitute—

“10.	Soil consisting in part of solid organic substances or other growing medium consisting in whole or in part of solid organic substances, other than any growing medium that is composed entirely of peat or fibre of <i>Cocos nucifera</i> L., and has not been previously used for growing plants or for any agricultural purposes	Any third country other than Switzerland”.
------	--	--

Schedule 4 (restrictions on the landing in and movement within Northern Ireland of relevant material)

7.—(1) In Schedule 4 in Part A (relevant material, originating in third countries, which may only be landed in Northern Ireland if special requirements are complied with)—

(a) after item 8 insert—

“8A.	Plants, other than seeds of <i>Juglans</i> L. and <i>Pterocarya</i> Kunth, intended for planting, originating in the USA	The plants shall be accompanied by an official statement that: (a) they have been grown throughout their life in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Geosmithia morbida</i> Kolarik, Freeland, Utley & Tisserat and its vector <i>Pityophthorus juglandis</i> Blackman; (b) they: (i) originate in a place of production, where neither symptoms of <i>Geosmithia morbida</i> Kolarik, Freeland, Utley & Tisserat nor its vector <i>Pityophthorus juglandis</i>
------	--	---

- Blackman, or the presence of the vector, have been observed during official inspections of the place of production and its vicinity (which, as a minimum, must include the area lying within a radius of 5 km of the place of production) carried out in the period of two years prior to their export;
- (ii) have been inspected immediately prior to export; and
 - (iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production; or
- (c) they:
- (i) originate in a place of production, with complete physical isolation;
 - (ii) have been inspected immediately prior to export; and
 - (iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”;

(b) for item 10 substitute—

- | | | |
|------|---|---|
| “10. | Plants, other than seeds, of <i>Platanus</i> L., intended for planting, originating in Albania, Armenia, Switzerland, Turkey or the USA | The plants must be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr.; or |
|------|---|---|

- (b) no symptoms of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”;

(c) after item 14 insert—

- | | | |
|-------|---|--|
| “14A. | Plants, other than plants in tissue culture or seeds of <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L. and <i>Vaccinium</i> L., intended for planting, originating in Canada, Mexico or the USA | The plants shall be accompanied by an official statement that: <ul style="list-style-type: none">(a) they have been grown throughout their life in an area established by the national plant protection organisation in the country of origin, in accordance with ISPM No. 4 as an area free from <i>Grapholita packardi</i> Zeller;(b) they have been:<ul style="list-style-type: none">(i) grown throughout their life in a place of production established in accordance with ISPM No. 10 as a place of production that is free from <i>Grapholita packardi</i> Zeller, which is registered and supervised by the national plant protection organisation in the country of origin and has been subjected annually to inspections for any signs of <i>Grapholita packardi</i> Zeller carried out at appropriate times;(ii) grown in a site with the application of appropriate preventive treatments and where the absence of <i>Grapholita packardi</i> Zeller has been confirmed |
|-------|---|--|

- by official surveys carried out annually at appropriate times; and
- (iii) subjected to a meticulous inspection for the presence of *Grapholita packardi* Zeller immediately prior to export; or
- (c) they have been grown in a site with complete physical protection against the introduction of *Grapholita packardi* Zeller.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration” and must have been previously notified in writing to the European Commission by the national plant protection organisation”;

- (d) in item 19, in the entry in the third column—
- (i) omit paragraph (c);
- (ii) in paragraph (e), after “Argentina” insert “or Brazil”;
- (e) for items 21 and 22 substitute—

“21.	Fruits of <i>Capsicum</i> (L.), <i>Citrus</i> L., other than <i>Citrus limon</i> (L.) Osbeck. or <i>Citrus aurantiifolia</i> (Christm.) Swingle, <i>Prunus persica</i> (L.) Batsch and <i>Punica granatum</i> L. originating in any country of the African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius or Isreal	The fruits shall be accompanied by an official statement that:
		<p>(a) they originate in a country recognised as being free from <i>Thaumatotibia leucotreta</i> (Meyrick) in accordance with the measures specified in ISPM No. 4;</p> <p>(b) they originate in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Thaumatotibia leucotreta</i> (Meyrick);</p> <p>(c) they:</p> <p>(i) originate in a place of production established by the national plant protection organisation</p>

- in the country of origin in accordance with ISPM No. 10 as a place of production that is free from *Thaumatotibia leucotreta* (Meyrick); and
- (ii) are free from *Thaumatotibia leucotreta* (Meyrick) as shown from official inspections carried out at the place of production at appropriate times during the growing season, which included at least one visual examination on representative samples of fruit; or
- (d) they have been subjected to an effective cold or other treatment to ensure freedom from *Thaumatotibia leucotreta* (Meyrick).

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the freedom status of the country must have been previously notified in writing to the European Commission by the relevant national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”, and must have been previously notified in writing to the European Commission by the national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (c), information on traceability must also be included in the certificate.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (d), details of the treatment data must also be mentioned on the certificate and the treatment method, together with documentary evidence of its effectiveness, must have been previously notified in writing to the European Commission by the relevant national plant protection organisation;

22. Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Mangifera* L. or *Prunus* L. originating in any third country
- The fruits shall be accompanied by an official statement that:
- (a) they originate in a country recognised as free from *Tephritidae* (non-European), in accordance with the measures specified in ISPM No. 4;
 - (b) they originate in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area free from *Tephritidae* (non-European);
 - (c) no signs of *Tephritidae* (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 examinations, signs of *Tephritidae* (non-European).
 - (d) they have been subjected to an effective treatment to ensure freedom from *Tephritidae* (non-European).

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the freedom status of the country must

have been previously notified in writing to the European Commission by the relevant national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), the name of the area must also be mentioned on the certificate under the heading “Additional declaration” and must have been previously notified in writing to the European Commission by the national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (c), information on traceability must also be included in the certificate.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (d), details of the treatment data must also be mentioned on the certificate and the treatment method must have been previously notified in writing to the European Commission by the national plant protection organisation.

- 22A. Fruits of *Malus* Mill. originating in any third country
- The fruits shall be accompanied by an official statement that:
- (a) they originate in a country which is recognised as being free from *Enarmonia prunivora* Walsh, *Grapholita inopinata* Heinrich and *Rhagoletis pomonella* (Walsch) in accordance with the measures specified in ISPM No. 4;
 - (b) they originate in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Enarmonia prunivora* Walsh, *Grapholita inopinata* Heinrich

- and *Rhagoletis pomonella* (Walsch);
- (c) they originate in a place of production where official inspections and surveys for the presence of *Enarmonia prunivora* Walsh, *Grapholita inopinata* Heinrich and *Rhagoletis pomonella* (Walsch) are carried out at appropriate times during the growing season, including at least one visual examination on representative samples of fruits, and have shown the fruits to be free from those plant pests; or
 - (d) they have been subjected to an effective treatment to ensure freedom from *Enarmonia prunivora* Walsh, *Grapholita inopinata* Heinrich and *Rhagoletis pomonella* (Walsch).

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the freedom status of the country must have been previously notified in writing to the European Commission by the national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), the name of the area must also be mentioned on the certificate under the heading “Additional declaration” and have been previously notified in writing to the European Commission by the national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (c), information on traceability must also be included in the certificate.

Where the phytosanitary certificate or phytosanitary certificate for re-

- export includes the official statement referred to in paragraph (d), details of the treatment data must also be included in the certificate and the treatment method must have been previously notified in writing to the European Commission by the national plant protection organisation
- 22B. Fruits of *Malus* Mill. or *Pyrus* L. originating in any third country
- L. The fruits shall be accompanied by an official statement that:
- (a) they originate in a country which is recognised as being free from *Guignardia piricola* (Nosa) Yamamoto in accordance with the measures specified in ISPM No. 4;
 - (b) they originate in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as being free from *Guignardia piricola* (Nosa) Yamamoto;
 - (c) they originate in a place of production where official inspections and surveys for the presence of *Guignardia piricola* (Nosa) Yamamoto are carried out at appropriate times during the growing season, including at least one visual examination on representative samples of fruits, and have shown the fruits to be free from that plant pest; or
 - (d) they have been subjected to an effective treatment to ensure freedom from *Guignardia piricola* (Nosa) Yamamoto.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the freedom status of the country must have been previously notified in writing to the European Commission by the relevant national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-

export includes the official statement referred to in paragraph (b), the name of the area must also be mentioned in the certificate under the heading “Additional declaration” and must have been previously notified in writing to the European Commission by the national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (c), information on traceability must also be included in the certificate.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (d), details of the treatment data must also be included in the certificate and the treatment method must have been previously notified in writing to the European Commission by the relevant national plant protection organisation

- 22C. Fruits of *Malus* Mill. or *Pyrus* L. originating in any third country L. The fruits shall be accompanied by an official statement that:
- (a) they originate in a country which is recognised as being free from *Tachypterellus quadrigibbus* Say in accordance with the measures specified in ISPM No. 4;
 - (b) they originate in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Tachypterellus quadrigibbus* Say;
 - (c) they originate in a place of production where official inspections and surveys for the presence of *Tachypterellus quadrigibbus* Say are carried out at appropriate times during the growing season, including at least one visual examination on representative samples of

fruits, and have shown the fruits to be free from that plant pest;
or

- (d) they have been subjected to an effective treatment to ensure freedom from *Tachypterellus quadrigibbus* Say.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the freedom status of the country must have been previously notified in writing to the European Commission by the relevant national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), the name of the area must also be mentioned on the certificate under the heading “Additional declaration” and must have been previously notified in writing to the European Commission by the national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (c), information on traceability must also be included in the certificate.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (d), details of the treatment data must also be included in the certificate and the treatment method must have been previously notified in writing to the European Commission by the national plant protection organisation.

- 22D. Fruits of *Malus* Mill., *Prunus* L., *Pyrus* L. or *Vaccinium* L., originating in Canada, Mexico or the USA
- The fruits must be accompanied by an official statement that:
- (a) they originate in an area established by the national plant protection organisation in the

- country of origin in accordance with ISPM No. 4 as an area that is free from *Grapholita packardi* Zeller;
- (b) they originate in a place of production where official inspections and surveys for the presence of *Grapholita packardi* Zeller are carried out at appropriate times during the growing season, including at least one visual examination on representative samples of fruits, and have shown the fruits to be free from that plant pest.
 - (c) they have been subjected to an effective treatment to ensure freedom from *Grapholita packardi* Zeller.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration” and must have been previously notified in writing to the European Commission by the national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), information on traceability must also be included in the certificate.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (c), details of the treatment data must also be included in the certificate and the treatment method must have been previously notified in writing to the European Commission by the relevant national plant protection organisation”;

(f) after item 49 insert—

-
- “49A. Fruits of *Capsicum annuum* L., *Solanum aethiopicum* L., *Solanum lycopersicum* L. and *Solanum melongena* L., originating in any third country
- The fruits must be accompanied by an official statement that:
- (a) they originate in a country recognised as being free from *Neoleucinodes elegantalis* (Guenée) in accordance with the measures specified in ISPM No. 4;
 - (b) they originate in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Neoleucinodes elegantalis* (Guenée);
 - (c) they:
 - (i) originate in a place of production established by the national plant protection organisation in the country of origin in accordance with ISPM No. 10 as a place of production that is free from *Neoleucinodes elegantalis* (Guenée); and
 - (ii) are free from that plant pest as shown from official inspections carried out at the place of production at appropriate times during the growing season, which included at least one visual examination on representative samples of fruit.
 - (d) they originate in an insect proof site of production, established by the national plant protection organisation in the country of origin as a site of production that is free from *Neoleucinodes elegantalis* (Guenée) on the basis of official inspections and surveys carried out during the three months prior to export.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the

freedom status of the country must have been previously notified in writing to the European Commission by the relevant national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), the name of the area must also be mentioned on the certificate under the heading “Additional declaration” and must have been previously notified in writing to the European Commission by the national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (c) or (d), information on traceability must also be included in the certificate.

- 49B. Fruits of *Solanaceae* originating in Australia, the Americas or New Zealand
- The fruits must be accompanied by an official statement that:
- (a) they originate in a country which is recognised as being free from *Bactericera cockerelli* (Sulc.) in accordance with the measures specified in ISPM No. 4;
 - (b) they originate in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Bactericera cockerelli* (Sulc.);
 - (c) they:
 - (i) originate in a place of production, where official inspections and surveys for the presence of *Bactericera cockerelli* (Sulc.) were carried out at the place of production and in its immediate vicinity during the last three months prior to export;

- (ii) have been subjected to effective treatments to ensure freedom from the plant pest; and
- (iii) representative samples of the fruit have been inspected prior to export.
- (d) they originate in an insect proof site of production, established by the national plant protection organisation in the country of origin, as a site of production that is free from *Bactericera cockerelli* (Sulc.) on the basis of official inspections and surveys carried out during the three months prior to export.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the freedom status of the country must have been previously notified in writing to the European Commission by the national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), the name of the area must also be mentioned on the certificate under the heading “Additional declaration” and must have been previously notified in writing to the European Commission by the national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (c) or (d), information on traceability must also be included in the certificate”;

(g) for item 63 substitute—

“63.	Growing medium attached to or associated with plants, intended to sustain the vitality of the plants, with the exception of sterile medium of <i>in-vitro</i>	The growing medium attached to or associated with plants must be accompanied by an official statement that:
------	---	---

- plants, originating in third countries other than Switzerland
- (a) at the time of planting of the associated plants the growing medium:
- (i) was free from soil and organic matter and not previously used for growing plants for any agricultural purposes;
 - (ii) was composed entirely of peat or fibre of *Cocos nucifera* L. and not previously used for growing plants or for any agricultural purposes; or
 - (iii) was subjected to effective treatment to ensure freedom from harmful plant pests (iv) was stored and maintained under appropriate conditions to keep it free from harmful plant pests;
- (b) the growing medium was stored and maintained under appropriate conditions to keep it free from harmful plant pests; and
- (c) either:
- (i) appropriate measures have been taken since planting to ensure that the growing medium has been kept free from harmful plant pests, including at least the physical isolation of the growing medium from soil and other possible sources of contamination, the use of water that is free from harmful plant pests and hygiene measures; or
 - (ii) in the period of two weeks prior to export:
 - (aa) the growing medium (including, where appropriate, any soil) has been completely removed by washing with water that is free from harmful plant pests; and

- (bb) where the associated plants have been replanted, the growing medium met the requirements specified in paragraph (a) at the time of replanting and appropriate measures since replanting have been taken to ensure that the growing medium has been kept free from harmful plant pests in accordance with sub-paragraph (i).

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a)(iii), details of the treatment data should be mentioned on the certificate under the heading “Additional declaration”;

(h) after item 63 insert—

“63A.	Bulbs, corms, rhizomes or tubers, intended for planting, other than tubers of <i>Solanum tuberosum</i> , originating in any third country other than Switzerland	The bulbs, corms, rhizomes and tubers must be accompanied by an official statement that the consignment or lot does not contain more than 1% by net weight of soil and growing medium
63B.	Tubers of <i>Solanum tuberosum</i> originating in third countries other than Switzerland	The tubers must be accompanied by an official statement that the consignment or lot does not contain more than 1% by net weight of soil and growing medium
63C.	Root or tubercle vegetables originating in any third country other than Switzerland	The vegetables must be accompanied by an official statement that the consignment or lot does not contain more than 1% by net weight of soil and growing medium
63D.	Machinery or vehicles which have been operated for agricultural or forestry purposes, imported from any third country other than Switzerland	The machinery or vehicles must be accompanied by an official statement that they have been cleaned and are free from soil and plant debris

- 63E. Machinery or vehicles which have been operated for agricultural or forestry purposes, imported from Switzerland
- The machinery or vehicles must be accompanied by an official statement that:
- (a) they have been exported from an area established by the national plant protection organisation for Switzerland in accordance with ISPM No. 4 as an area that is free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.; or
 - (b) in the case of any machinery or vehicles exported from an area infested with *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., they have been cleaned and are free from soil and plant debris prior to export”;

(2) In Schedule 4 in Part B (relevant material, from the European Union, which may only be introduced into or moved within Northern Ireland if special requirements are complied with)—

(a) after item 4 insert—

-
- “4A. Plants, other than seeds, of *Juglans* L. and *Pterocarya* Kunth, intended for planting
- The plants must be accompanied by an official statement that:
- (a) they have been grown throughout their life, or, since their introduction into the European Union, in a place of production in an area established in accordance with ISPM No. 4 as an area that is free from *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman;
 - (b) they:
 - (i) originate in a place of production where neither symptoms of *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman, or the presence of the vector, have been observed during official inspections of the place of production and its vicinity

- (i) (which, as a minimum, must include the area lying within a radius of 5 km of the place of production) carried out in the period of two years prior to their movement;
 - (ii) have been visually inspected immediately prior to movement from the place of production; and
 - (iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production; or
- (c) they:
- (i) originate in a place of production, with complete physical isolation;
 - (ii) have been visually inspected immediately prior to their movement from the place of production; and
 - (iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production”;

(b) after item 61 insert—

- “62. Machinery or vehicles which have been operated for agricultural or forestry purposes
- The machinery or vehicles must:
- (a) have been moved from an area established in accordance with ISPM No. 4 as an area that is free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.; or a protected zone which is recognised as a protected zone for *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.); or
 - (b) in the case of any machinery or vehicles being moved out of an area infested with *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., have been cleaned and be free from soil and plant debris prior to movement out of the area”.

(3) In Schedule 4 in Part C (relevant material which may only be landed in or moved within Northern Ireland (as a protected zone) if special requirements are complied with)—

- (a) for the second column of item 9 substitute “Plants, other than fruit or seeds, of *Cedrus* Trew and *Pinus* L., intended for planting”;
- (b) in item 21, in the entry in the second column, for “item 18” substitute “item 20”;
- (c) after item 21 insert—

“21A.	Plants of <i>Euphorbia pulcherrima</i> Willd., intended for planting, for which there is evidence from their packing or their flower development or from other means that they are intended for direct sale to final consumers not involved in professional plant production, other than: <ul style="list-style-type: none"> — seeds, or — uprooted cuttings 	The plants must be accompanied by an official statement that they have been officially inspected and found free from <i>Bemisia tabaci</i> Genn. (European populations) immediately prior to their movement”;
-------	--	---

(d) in item 22—

- (i) in the entry in the second column, after “seeds, of” insert “*Ajuga* L., *Crossandra* Salisb.”;
- (ii) in the entry in the third column, in paragraph (c), at the end insert “. The last inspection of the weekly inspections must have been carried out immediately prior to movement”.

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

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

(a) in paragraph 3—

(i) for sub-paragraph (i) substitute—

“(i) cut branches of *Fraxinus* L., *Juglans* L., *Ulmus davidiana* Planch. and *Pterocarya* L., with or without foliage, originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA.”;

(ii) after sub-paragraph (j) insert—

“(k) *Convolvulus* L., *Ipomoea* L. (other than tubers), *Micromeria* Benth or *Solanaceae*, originating in Australia, the Americas or New Zealand.”;

(b) in paragraph 5—

(i) in sub-paragraph (a), for “, *Solanum lycopersicum* L. or *Solanum melongena* L.” substitute “or *Solanaceae*”;

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

“(b) *Actinidia* Lindl., *Annona* L., *Carica papaya* L., *Cydonia* Mill., *Diospyros* L., *Fragaria* L., *Malus* L., *Mangifera* L., *Passiflora* L., *Persea americana* Mill., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Rubus* L., *Syzygium* Gaertn., *Vaccinium* L. or *Vitis* L.”;

(iii) omit sub-paragraph (c);

- (c) omit paragraph 7;
- (d) for paragraph 8 substitute—

“8. Growing medium, attached to or associated with plants, intended to sustain the vitality of the plants originating in any third country other than Switzerland.”;
- (e) before paragraph 9 insert—

“8A. Machinery or any vehicle, imported from any third country, other than Switzerland, which has been operated for agricultural or forestry purposes and meets one of the descriptions specified in point 7.1 of Annex 5, Part B, Section 1 of [Directive 2000/29/EC](#).”;
- (f) after paragraph 15 insert—

“16. Plants, other than seeds, of *Rosa* sp., originating in Canada, India, Mexico or the USA.”.

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

9.—(1) In Schedule 6 in Part A (relevant material which may only be landed or moved within Northern Ireland if accompanied by a plant passport)—

- (a) in paragraph 7(a)—
 - (i) after “*Impatiens* L.,” insert “*Juglans* L.”;
 - (ii) after “*Pseudotsuga* Carr.,” insert “*Pterocarya* L.”;

(2) In Part B (relevant material which may only be landed or moved within Northern Ireland if accompanied by a plant passport which is valid for Northern Ireland as a protected zone) of Schedule 6, in paragraph 2, for “*Platanus* L.,” substitute “*Cedrus* Trew, *Platanus* L., *Populus* L.”.

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

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

- (a) in paragraph 7(a)—
 - (i) after “*Impatiens* L.,” insert “*Juglans* L.”;
 - (ii) after “*Pseudotsuga* Carr.,” insert “*Pterocarya* L.”.

(2) In Schedule 7 in Part B (relevant material which may only be consigned to a protected zone in another part of the European Union by a plant passport which is valid for that protected zone), in paragraph 2, after “*Beta vulgaris* L.,” insert “*Cedrus* Trew.”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 28th August 2019.



John Joe O'Boyle
A senior officer of the
Department of Agriculture, Environment and
Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health Order (Northern Ireland) 2018 ([S.R. 2018/184](#)) to—

- (a) implement Commission Implementing Decision (EU) 2019/449 amending Commission Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ No. L 77, 20.3.2019, p. 76); and
- (b) implement Commission Implementing Directive (EU) 2019/523 amending Annexes 1 to V to Council [Directive 2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No. L 86, 28.3.2019, p 41).

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