

SCOTTISH STATUTORY INSTRUMENTS

2016 No. 83

The Plant Health (Scotland) Amendment Order 2016

Amendment of Schedule 4

10.—(1) In Schedule 4 (restrictions on the landing in and movement within Scotland of relevant material), in Part A (relevant material, from third countries, which may only be landed in Scotland if special requirements are satisfied)—

(a) after item 7b(1) insert—

“7c.	Plants, other than fruit or seeds, but including cut branches with or without foliage, of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, the Democratic People’s Republic of Korea, Japan, Mongolia, the Republic of Korea, Russia, Taiwan or the USA	Without prejudice to the requirement in item 7b, the plants must be accompanied by an official statement that they originate in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire for the purposes of point 11.4 of Annex IV, Part A, Section I of Directive 2000/29/EC and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export.”
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(b) omit item 37a(2);

(c) after item 85(3) insert—

“85a.	Plants, other than fruit but including seeds of <i>Aegle</i> Corrêa, <i>Aeglopsis</i> Swingle, <i>Afraegle</i> Engl, <i>Atalantia</i> Corrêa, <i>Balsamocitrus</i> Stapf, <i>Burkillanthus</i> Swingle, <i>Calodendrum</i> Thunb., <i>Choisya</i> Kunth, <i>Clausena</i> Burm. f., <i>Limonia</i> L., <i>Microcitrus</i> Swingle., <i>Murraya</i> J. Koenig ex L., <i>Pamburus</i> Swingle, <i>Severinia</i> Ten., <i>Swinglea</i> Merr., <i>Triphasia</i> Lour. and <i>Vepris</i> Comm. and seeds of <i>Citrus</i> L., <i>Fortunella</i> Swingle and <i>Poncirus</i> Raf., originating in any third country	Without the prejudice to the requirements in items 84 and 85, the plants must be accompanied by an official statement that they originate in a country recognised as being free from <i>Candidatus Liberibacter</i> spp., a causal agent of Huanglongbing disease of citrus/citrus greening.”
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; and

(d) for item 86(4) substitute—

(1) Item 7b was inserted by [S.S.I. 2012/326](#).
(2) Item 37a was inserted by [S.S.I. 2007/498](#).
(3) Item 85 was inserted by [S.S.I. 2015/10](#).
(4) Item 86 was inserted by [S.S.I. 2015/10](#).

“86.	Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.), originating in any third country where the national plant protection organisation of that country has confirmed in writing to the European Commission that <i>Xylella fastidiosa</i> (Wells et al.) is not present in that country	The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which contains, under the rubric “Additional declaration”, an official statement that the plants originate in a country known to be free from <i>Xylella fastidiosa</i> (Wells et al.).
87.	Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.), originating in any third country where <i>Xylella fastidiosa</i> (Wells et al.) is known to be present	<p>The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes—</p> <ul style="list-style-type: none"> (a) in the case of plants originating in an area which has been established as free from <i>Xylella fastidiosa</i> (Wells et al.) in accordance with ISPM No. 10 and which has been notified to the European Commission as a pest-free area by the relevant national plant protection organisation, the name of the pest-free area under the rubric “place of origin”; or (b) in the case of plants which originate in an area in which <i>Xylella fastidiosa</i> (Wells et al.) is known to be present— <ul style="list-style-type: none"> (i) an official statement under the rubric “Additional declaration”, that the plants and the site in which they were produced meet the requirements of Article 17(3) and (4) of Decision (EU) 2015/789; and (ii) the name of the site from which they originate, under the rubric “place of origin”.
88.	Plants intended for planting that have a stem diameter of 1 centimetre or more at their thickest point, other than seeds of <i>Acer</i> spp., <i>Aesculus</i> spp., <i>Alnus</i> spp., <i>Betula</i> spp., <i>Carpinus</i> spp., <i>Cercidiphyllum</i> spp., <i>Corylus</i> spp., <i>Fagus</i> spp., <i>Fraxinus</i> spp., <i>Koelreuteria</i> spp., <i>Platanus</i> spp., <i>Populus</i> spp., <i>Salix</i> spp., <i>Tilia</i> spp. and <i>Ulmus</i> spp., originating in any third country where <i>Anoplophora glabripennis</i> (Motschulsky) is known to be present.	<p>The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes, under the rubric “Additional declaration”, an official statement—</p> <ul style="list-style-type: none"> (a) that the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation in the country of origin and situated in a pest-free area established in accordance with ISPM No. 4 (the name of the pest-free area to be

included on the certificate under the rubric “place of origin”); or

- (b) that—
 - (i) the plants have been grown during a period of at least 2 years prior to export (or in the case of plants which are younger than 2 years, throughout their life) in a place of production which is registered and supervised by the national plant protection organisation in the country of origin, which is established as free from *Anoplophora glabripennis* (Motschulsky) in accordance with ISPM No. 10 and which has been subjected annually to at least 2 meticulous official inspections, carried out at appropriate times for any sign of *Anoplophora glabripennis* (Motschulsky) and no sign of the organism has been found;
 - (ii) the plants have been grown in a site—
 - (aa) with complete physical protection against the introduction of *Anoplophora glabripennis* (Motschulsky); or
 - (bb) with the application of appropriate preventive treatments and surrounded by a buffer zone with a radius of at least 2 kilometres in which official surveys for the presence or signs of *Anoplophora glabripennis* (Motschulsky) are carried out annually at appropriate times and, where the presence or signs of the organism have been found, eradication measures are taken immediately to restore the pest freedom of the buffer zone; and
 - (iii) immediately prior to export, consignments of the plants have been subjected to a meticulous official inspection for the presence of *Anoplophora glabripennis* (Motschulsky), in particular in the stems and branches of the plants, and such inspection has included targeted destructive sampling which, in the case of plants originating

		<p>in sites which were at the time of production located in a buffer zone where the presence or signs of <i>Anoplophora glabripennis</i> (Motschulsky) were found has been carried out at the level set out in the following table—</p> <table border="1"> <thead> <tr> <th>Number of plants in lot</th> <th>Level of destructive sampling (number of plants to be destroyed)</th> </tr> </thead> <tbody> <tr> <td>1 - 4500</td> <td>10% of lot size</td> </tr> <tr> <td>> 4500</td> <td>450</td> </tr> </tbody> </table> <p>; or</p> <p>(c) that the plants have been grown from rootstocks which meet the requirements of sub-paragraph (b), grafted with scions which meet the following requirements—</p> <p>(i) at the time of export, the grafted scions are no more than 1 centimetre in diameter at their thickest point; and</p> <p>(ii) the grafted plants have been inspected in accordance with sub-paragraph (b)(iii).</p>	Number of plants in lot	Level of destructive sampling (number of plants to be destroyed)	1 - 4500	10% of lot size	> 4500	450
Number of plants in lot	Level of destructive sampling (number of plants to be destroyed)							
1 - 4500	10% of lot size							
> 4500	450							
89.	Plants of <i>Mangifera</i> L., other than seeds, originating in India	The plants must be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration” describing the appropriate measures taken to ensure freedom from harmful organisms.”						

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

- (a) in column 3 of item 15, for “19a and 19b” substitute “19a, 19b and 19c”;
- (b) in column 3 of item 15a(5), for “19a, and 19b” substitute “19a, 19b and 19c”;
- (c) in column 3 of item 19(6), for “19a and 19b” substitute “19a, 19b and 19c”;
- (d) in column 3 of item 19a(7) re-number sub-paragraphs (c), (d) and (e) as sub-paragraphs (b), (c) and (d) respectively;
- (e) for item 19b(8) substitute—

(5) Item 15a was inserted by S.S.I. 2015/10.
(6) Item 19 was substituted by S.S.I. 2015/10.
(7) Item 19a was substituted by S.S.I. 2015/10.
(8) Item 19b was inserted by S.S.I. 2013/5.

“19b.	Tubers of <i>Solanum tuberosum</i> L. which originate in Spain, other than those which originate in: — a demarcated area mentioned in column 2 of item 19a; or — the Balearic Islands	Without prejudice to the requirements in items 15 to 19 the tubers shall have been washed so that there is no more than 0.1 per cent of soil remaining in order to remove <i>Epitrixcucumeris</i> (Harris), <i>Epitrixisimilaris</i> (Gentner), <i>Epitrixisubcrinita</i> (Lec.) or <i>Epitrixtuberis</i> (Gentner) and to ensure that there is no risk of spreading those organisms.
19c.	Tubers of <i>Solanum tuberosum</i> L. which originate in Poland, other than those mentioned in column 2 of items 16 to 18	Without prejudice to the requirements of items 19 and 19a the tubers shall be accompanied by a certificate issued by the responsible official body in Poland confirming that they have been found to be free from <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckerman and Kotthoff) Davis et al. in official laboratory tests.”

(f) omit item 20a(9);

(g) in column 3 of item 33, in sub-paragraph (c)(10), for “*Ditylenchus dipsaci*” substitute “*Ditylenchus dipsaci*”;

(h) for item 40(11) substitute—

“40.	Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.), which have been grown for at least part of their life in an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 4 of Decision (EU) 2015/789	The plants must be accompanied by an official statement that they— (a) have been grown in a site which meets the requirements of Article 9(2) and (3) of Decision (EU) 2015/789; and (b) meet the requirements of Article 9(4) and (5) of that Decision; or (c) in the case of dormant plants of <i>Vitis</i> , intended for planting (other than seeds)— (i) have been grown in a site which meets the requirements of Article 9(2)(a) of that Decision; and (ii) have, as close to the time of movement as is practically
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(9) Item 20a was inserted by S.S.I. 2007/498.

(10) Sub-paragraph (c) was inserted by S.S.I. 2015/10.

(11) Item 40 was inserted by S.S.I. 2015/10.

		<p>possible, undergone an appropriate thermotherapy treatment in a treatment facility authorised and supervised by the responsible official body for that purpose, whereby the dormant plants are submerged for 45 minutes in water heated to 50 degrees Celsius, in accordance with the European and Mediterranean Plant Protection Organisation standard: Hot water treatment of grapevine to control <i>Grapevine flavescence dorée</i> phytoplasma(12).</p>
41.	<p>Plants intended for planting that have a stem diameter of 1 centimetre or more at their thickest point, other than seeds of <i>Acer</i> spp., <i>Aesculus</i> spp., <i>Alnus</i> spp., <i>Betula</i> spp., <i>Carpinus</i> spp., <i>Cercidiphyllum</i> spp., <i>Corylus</i> spp., <i>Fagus</i> spp., <i>Fraxinus</i> spp., <i>Koelreuteria</i> spp., <i>Platanus</i> spp., <i>Populus</i> spp., <i>Salix</i> spp., <i>Tilia</i> spp. and <i>Ulmus</i> spp., which originate in an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 7 of Decision (EU) 2015/893 or which were introduced into a place of production in such an area</p>	<p>The plants must be accompanied by an official statement—</p> <ul style="list-style-type: none"> (a) in the case of plants which originate in an area demarcated in accordance with Article 7 of Decision (EU) 2015/893, that they have been grown during a period of at least 2 years prior to movement, or in the case of plants which are younger than 2 years, throughout their life in a place of production— <ul style="list-style-type: none"> (i) which is registered in accordance with Directive 92/90/EEC; and (ii) which has been subjected annually to at least 2 meticulous official inspections, carried out at appropriate times, for any sign of <i>Anoplophora glabripennis</i> (Motschulsky) and no signs of the organism have been found and such inspection has, where appropriate, included targeted destructive sampling of the stems and branches of the plants; and (b) in the case of plants which originate in an area mentioned in subparagraph (a) or which were introduced into a place of production in such an area, that the plants have been grown in a site— <ul style="list-style-type: none"> (i) with complete physical protection against the introduction of <i>Anoplophora glabripennis</i> (Motschulsky); or

	<p>(ii) with the application of appropriate preventive treatments or where targeted destructive sampling is carried out on each lot of specified plants prior to movement at the level set out in the table below and, in any case, where official surveys for the presence or signs of <i>Anoplophora glabripennis</i> (Motschulsky) are carried out annually, at appropriate times, within a radius of at least 1 kilometre around the site and the presence, or signs, of <i>Anoplophora glabripennis</i> (Motschulsky) have not been found.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Number of plants in lot</th> <th style="text-align: center;">Level of destructive sampling (number of plants to be destroyed)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1 – 4500</td> <td style="text-align: center;">10% of lot size</td> </tr> <tr> <td style="text-align: center;">> 4500</td> <td style="text-align: center;">450</td> </tr> </tbody> </table> <p>; and</p> <p>(c) in the case of plants grown from rootstocks that comply with sub-paragraphs (a) and (b) but which have been grafted with scions which do not comply with those sub-paragraphs, that the rootstocks have been grafted with scions which are no more than 1 centimetre in diameter at their thickest point.”</p>	Number of plants in lot	Level of destructive sampling (number of plants to be destroyed)	1 – 4500	10% of lot size	> 4500	450
Number of plants in lot	Level of destructive sampling (number of plants to be destroyed)						
1 – 4500	10% of lot size						
> 4500	450						

(3) In Schedule 4, in Part C (relevant material which may only be landed in or moved within Scotland (as a protected zone) if special requirements are satisfied), in column 3 of item 4(13) re-number sub-paragraphs (c) and (d) as sub-paragraphs (b) and (c) respectively.