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STATUTORY INSTRUMENTS

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**2018 No. 320**

**PLANT HEALTH, ENGLAND**

**The Plant Health (England) (Amendment) (No. 2) Order 2018**

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| <i>Made</i>                   | - - - - | <i>7th March 2018</i> |
| <i>Laid before Parliament</i> |         | <i>8th March 2018</i> |
| <i>Coming into force</i>      | - -     | <i>1st April 2018</i> |

The Secretary of State makes this Order in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967(1), and now vested in the Secretary of State(2).

**Citation and commencement**

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

**Amendment of the Plant Health (England) Order 2015**

2. The Plant Health (England) Order 2015(3) is amended as follows.

**Article 2 (general interpretation)**

3. In article 2(1), for the definition of “citrus fruits for processing under Decision (EU) 2016/715” substitute—

““citrus fruits for processing” means fruits of *Citrus* L., *Fortunella Swingle*, *Poncirus* Raf., *Microcitrus* Swingle, *Naringi* Adans., or *Swinglea* Merr., which originate in a third country and are destined for industrial processing into juice in the European Union;”.

**Article 6 (advance notification of landing)**

4. In article 6(2A), omit “under Decision (EU) 2016/715”.

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- (1) 1967 c. 8; section 2 was amended by paragraph 8(2)(a) of Schedule 4 to the European Communities Act 1972 (c. 68), Part 1 of the table in paragraph 12 of Schedule 4 to the Customs and Excise Management Act 1979 (c. 2) and S.I. 1990/2371, 2011/1043. Section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 and S.I. 2011/1043. The powers conferred by sections 2 and 3(1) are conferred on a “competent authority”, which is defined in section 1(2). Section 1(2) provides that the Secretary of State is the competent authority for England otherwise than as regards the protection of forest trees and timber from attack by pests.
- (2) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967, in so far as they were not exercisable in relation to Wales, were transferred to the Secretary of State by article 2(2) of S.I. 2002/794.
- (3) S.I. 2015/610; relevant amending instruments are S.I. 2016/104, 2017/8, 2017/1220.

**Article 19 (prohibitions on the introduction of plant pests and relevant material from the European Union)**

5. In article 19(9), in the definition of “notifiable citrus fruits”, omit “under Decision (EU) 2016/715”.

**Article 19A (notification of the landing of certain plants for planting)**

6. In article 19A(2)(c), for “genus and species” substitute “genus, species and quantity”.

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

7.—(1) In Part A of Schedule 4—

(a) in the entry in the third column of item 15—

- (i) at the end of paragraph (c), omit “or”;
- (ii) at the end of paragraph (d), insert “; or”;
- (iii) after paragraph (d), insert—

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“(e) in the case of fruits destined for industrial processing into juice in the European Union:

- (i) they have been found free of symptoms of *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii* during official inspections carried out prior to export;
  - (ii) they originate in a site of production which, along with the immediate vicinity, was subject to appropriate treatments and cultural practices against *Xanthomonas citri* pv. *citri* and *Xanthomonas citri* pv. *aurantifolii*;
  - (iii) they are subject to a licence granted under article 40(1) of this Order authorising their movement within England and, where applicable, their processing and storage in England;
  - (iv) they are transported in individual packages bearing a label which contains a traceability code and indicates that the fruits are destined for industrial processing; and
  - (v) which includes information on traceability”;
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(b) in the entry in the third column of item 17—

- (i) at the end of paragraph (c), omit “or”;
- (ii) at the end of paragraph (d), insert “; or”;
- (iii) after paragraph (d), insert—

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“(e) in the case of fruits destined for industrial processing into juice in the European Union:

- (i) they have been found free of symptoms of *Phyllosticta citricarpa* (McAlpine) Van der Aa prior to export during an official inspection of a representative sample defined in accordance with ISPM No. 31;
- (ii) they originate in a site of production which was subject to appropriate treatments against *Phyllosticta citricarpa* (McAlpine) Van der Aa at appropriate times and which is mentioned on the phytosanitary

- certificate or phytosanitary certificate for re-export under the heading “Additional declaration”;
- (iii) they are subject to a licence granted under article 40(1) of this Order authorising their movement within England and, where applicable, their processing and storage in England;
  - (iv) they are transported in individual packages bearing a label which contains a traceability code and indicates that the fruits are destined for industrial processing; and
  - (v) which includes information on traceability”;
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- (c) in the third column of item 17C, in paragraph (b), for “citrus fruits for processing under Decision (EU) 2016/715,” substitute “fruits introduced into the European Union under the derogation specified in Article 8 of Decision (EU) 2016/715, they”;
  - (d) in the third column of item 96, for “[Decision 2012/756/EU](#)” substitute “Decision (EU) 2017/198(4)”.
- (2) In Part B of Schedule 4—
- (a) in item 19—
    - (i) in the second column, for the words from “items 17 and 18” to the end, substitute “items 16 to 18, culture maintenance material being stored in gene banks or genetic stock collections or seeds of *Solanum tuberosum* L. specified in column 2 of item 19A”;
    - (ii) in the third column, in paragraph (a)(iii)(bb), for “true seed of potato” substitute “seeds of *Solanum tuberosum* L., other than those specified in column 2 of item 19A,”;
  - (b) after item 19 insert—
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- “19A.      Seeds of *Solanum tuberosum* L,      The seeds must be accompanied by an official other than those specified in statement: column 2 of item 20
- (a)      that they:
    - (i)      derive from plants complying with the requirements specified in column 3 of items 16 to 19; and
    - (ii)     originate in areas known to be free from *Synchytrium endobioticum* (Schilbersky) Percival, *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.*, *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* and Potato spindle tuber viroid; or
  - (b)      that they have been produced in a site in which no symptoms of the disease caused by those plant pests have been observed since the beginning of the last cycle of vegetation and where the following actions have been taken:

- (i) the site has been separated from other solanaceous plants and other host plants of Potato spindle tuber viroid;
- (ii) staff and other items, such as tools, machinery, vehicles, vessels and packaging material, from other sites producing solanaceous plants and other host plants of Potato spindle tuber viroid have been prevented from coming into contact with the site or other appropriate hygiene measures have been taken to prevent infection by staff working, or items used, at other sites producing solanaceous plants and other host plants of Potato spindle tuber viroid;
- (iii) only water free from those plant pests has been used”;

(c) after item 51B insert—

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| <p>“51C. Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., <i>Microcitrus</i> Swingle, <i>Naringi</i> Adans. or <i>Swinglea</i> Merr. which:</p> <p>—originate in any third country;</p> <p>—are destined for industrial processing into juice; and</p> <p>—have been introduced into another part of the European Union in accordance with Article 3 of Commission Implementing Decision (EU) 2017/2374(5)</p> | <p>The fruits must be subject to a licence granted under Article 40(1) of this Order authorising their introduction into, and their movement within, England and, where applicable, their processing and storage in England”;</p> |
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### Schedule 8 (Swiss plant passports)

8. In Part B of Schedule 8, in paragraph 10(d), after “*Castanea* Mill.,” insert “conifers (Coniferales).”.

7th March 2018

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

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Plant Health (England) Order 2015 ([S.I. 2015/610](#)) to implement—

- (a) Commission Implementing Directive (EU) 2017/1920 amending Annex IV to Council [Directive 2000/29/EC](#) as regards the movement of seeds of *Solanum tuberosum* L. originating in the Union (OJ No L 271, 20.10. 2017, p. 34);
- (b) Points 16.2(e) and 16.4(e) of Section 1 of Part A of Annex 4 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 169, 10.7.2000, p. 1); and
- (c) Commission Implementing Decision (EU) 2017/2374 setting out conditions for movement, storage and processing of certain fruits and their hybrids originating in third countries to prevent the introduction into the Union of certain harmful organisms (OJ No L 337, 19.12.2017, p. 60).

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.