
WELSH STATUTORY INSTRUMENTS

2019 No. 1280 (W. 224)

PLANT HEALTH, WALES

The Plant Health (Wales) (Amendment) (No. 3) Order 2019

Made - - - - 24 September 2019

Laid before the National

Assembly for Wales - - 26 September 2019

Coming into force in accordance with article 1(2)

The Welsh Ministers make this Order in exercise of:

- (a) the powers conferred on them by sections 2 and 3(1) of the Plant Health Act 1967(1);
- (b) the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972(2).

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

Title and commencement

- 1.—(1) The title of this Order is the Plant Health (Wales) (Amendment) (No. 3) Order 2019.
- (2) It comes into force 21 days after the day on which this Order is laid.

Amendment of the Plant Health (Wales) Order 2018

- 2. The Plant Health (Wales) Order 2018 is amended as follows.

Article 2

- 3. In article 2—

-
- (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), S.I. 1990/2371 and S.I. 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) was amended by paragraph 43 of Schedule 2 to S.I. 2013/755 (W. 90). Section 1(2), as amended, provides that the competent authority for Wales is the Welsh Ministers.
 - (2) 1972 c. 68; paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.
 - (3) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 and Part 1 of the Schedule to the European Union (Amendment) Act 2008.

- (a) in paragraph (1)—
- (i) omit the definition of “Decision 2007/365/EC”;
 - (ii) after the definition of “Decision (EU) 2017/198” insert—
 - ““Decision (EU) 2018/638” (“*Penderfyniad (EU) 2018/638*”) means Commission implementing Decision (EU) 2018/638 establishing emergency measures to prevent the introduction into and spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith)(4);
 - “Decision (EU) 2018/1503” (“*Penderfyniad (EU) 2018/1503*”) means Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann)(5);”;
 - (iii) in the definition of “relevant material”, at the end insert “or any machinery or vehicle which has been operated for agricultural or forestry purposes;”;
- (b) in paragraph (5)—
- (i) omit sub-paragraph (d);
 - (ii) at the end of sub-paragraph (o), insert—
 - “(p) Decision (EU) 2018/638;
 - (q) Decision (EU) 2018/1503.”.

Schedule 1

4. In Schedule 1—

- (a) in the table in Part A—
- (i) under the heading “Insects, mites and nematodes”—
 - (aa) after item 8 insert—
 - “**8A.** *Aromia bungii* (Faldermann);”;
 - (bb) after item 21 insert—
 - “**21A.** *Grapholita packardi* Zeller”;
 - (cc) after item 30 insert—
 - “**30A.** *Neoleucinodes elegantalis* (Guenée)
 - 30B.** *Oemona hirta* (Fabricius)
 - 30C.** *Phyllocoptes fructiphilus* (Keifer 1940);”;
 - (ii) 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.”;
 - (iii) under the heading “Viruses and virus-like organisms”, after item 1 insert—
 - “**1A.** Rose rosette virus”;
- (b) in the table in Part B—

(4) OJ No. L 105, 25.4.2018, p. 31.

(5) OJ No. L 254, 10.10.2018, p. 9.

- (i) under the heading “Insects, mites and nematodes”, after item 9 insert—
 - “**9A.** *Pityophthorus juglandis* Blackman”;
- (ii) under the heading “Fungi”—
 - (aa) before item 1 insert—
 - “**A1.** *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.”;
 - (bb) after item 1 insert—
 - “**1A.** *Fusarium circinatum* Nirenberg & O’Donnell
 - 1B.** *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat”.

Schedule 2**5.** In Schedule 2—

- (a) in the table in Part A—
 - (i) under the heading “Insects, mites and nematodes”, omit item 9;
 - (ii) under the heading “Fungi”, omit item 9;
- (b) in the table in Part B—
 - (i) under the heading “Insects, mites and nematodes”, in item 13, in the entry in the second column, after “seeds, of” insert “*Cedrus* Trew or”;
 - (ii) under the heading, “Viruses and virus-like organisms” after item 6 insert—

“6A.	Seeds of <i>Solanum lycopersicum</i> L.	Pepino mosaic virus”
------	---	----------------------

Schedule 3**6.** In the table in Schedule 3—

- (a) 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”.
------	---	---

- (b) omit item 17.

Schedule 4**7.** In Schedule 4—

- (a) in the table in Part A—
 - (i) after item 8 insert—

“8A.	Plants, other than seeds, of <i>Juglans L.</i> or <i>Pterocarya Kunth</i> , intended for planting, originating in the USA	<p>The plants must be accompanied by an official statement that:</p> <p>(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;</p> <p>(b) they:</p> <p>(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;</p> <p>(ii) have been inspected immediately prior to export; and</p> <p>(iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production; or</p> <p>(c) they:</p> <p>(i) originate in a place of production with complete physical isolation;</p> <p>(ii) have been inspected immediately prior to export; and</p> <p>(iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production.</p>
------	---	--

		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”;
--	--	---

(ii) 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	<p>The plants must be accompanied by an official statement that:</p> <p>(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</p> <p>(b) no symptoms of <i>Ceratocystis platani</i> (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.</p> <p>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”;</p>
------	---	---

(iii) 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. or <i>Vaccinium</i> L., intended for planting, originating in Canada, Mexico or the USA	<p>The plants must be accompanied by an official statement that:</p> <p>(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>Grapholita packardi</i> Zeller;</p> <p>(b) they have been:</p> <p>(i) grown throughout their life in a place of production established in accordance with ISPM No. 10 as a</p>
-------	---	---

		<p>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;</p> <p>(ii) grown in a site with the application of appropriate preventive treatments, where the absence of <i>Grapholita packardi</i> Zeller has been confirmed by official surveys carried out annually at appropriate times; and</p> <p>(iii) subjected to a meticulous inspection for the presence of <i>Grapholita packardi</i> Zeller immediately prior to export; or</p> <p>(c) they have been grown in a site with complete physical protection against the introduction of <i>Grapholita packardi</i> Zeller.</p> <p>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 relevant national plant protection organisation”;</p>
--	--	--

(iv) in item 19, in the entry in the third column—

(aa) omit paragraph (b);

(bb) in paragraph (d), after “Argentina” insert “or Brazil”;

(v) for items 21 and 22 substitute—

<p>“21.</p>	<p>Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., <i>Mangifera</i> L. or <i>Prunus</i> L., originating in any third country</p>	<p>The fruits must be accompanied by an official statement that:</p> <p>(a) they originate in a country which is recognised as being free from</p>
-------------	---	--

- 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 that is 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 have shown, in appropriate official examinations, signs of *Tephritidae* (non-European); or
 - (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 relevant national plant protection organisation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred

		<p>to in paragraph (c), information on traceability must also be included in the certificate.</p> <p>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 relevant national plant protection organisation</p>
22.	<p>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 or <i>Punica granatum</i> L., originating in any country of the African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius or Israel</p>	<p>The fruits must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they originate in a country which is recognised as being free from <i>Thaumatotibia leucotreta</i> (Meyrick) 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 <i>Thaumatotibia leucotreta</i> (Meyrick); (c) they: <ul style="list-style-type: none"> (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 <i>Thaumatotibia leucotreta</i> (Meyrick); and (ii) are free from <i>Thaumatotibia leucotreta</i> (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

		<p>treatment to ensure freedom from <i>Thaumatotibia leucotreta</i> (Meyrick).</p> <p>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.</p> <p>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 relevant national plant protection organisation.</p> <p>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.</p> <p>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”;</p>
--	--	---

(vi) after item 22 insert—

<p>“22A.</p>	<p>Fruits of <i>Malus</i> Mill. originating in any third country</p>	<p>The fruits must be accompanied by an official statement that:</p> <p>(a) they originate in a country which is recognised as being free from <i>Enarmonia prunivora</i> Walsh, <i>Grapholita inopinata</i> Heinrich</p>
--------------	--	---

- 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 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

		<p>relevant national plant protection organisation.</p> <p>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.</p> <p>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.</p>
22B.	Fruits of <i>Malus</i> Mill. or <i>Pyrus</i> L., originating in any third country	<p>The fruits must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they originate in a country which is recognised as being free from <i>Guignardia piricola</i> (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 an area that is free from <i>Guignardia piricola</i> (Nosa) Yamamoto; (c) they originate in a place of production where official inspections and surveys for the presence of <i>Guignardia piricola</i> (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 <i>Guignardia piricola</i> (Nosa) Yamamoto.

		<p>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.</p> <p>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 relevant national plant protection organisation.</p> <p>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.</p> <p>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</p>
22C.	Fruits of <i>Malus</i> Mill. or <i>Pyrus</i> L., originating in any third country	<p>The fruits must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they originate in a country which is recognised as being free from <i>Tachypterellus quadrigibbus</i> 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 relevant 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.
22D.	Fruits of <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L. or <i>Vaccinium</i> L., originating in Canada, Mexico or the USA	<p>The fruits must be accompanied by an official statement that:</p> <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>Grapholita packardi</i> Zeller; (b) they originate in a place of production where official inspections and surveys for the presence of <i>Grapholita packardi</i> 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; or (c) they have been subjected to an effective treatment to ensure freedom from <i>Grapholita packardi</i> Zeller. <p>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 relevant national plant protection organisation.</p> <p>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.</p> <p>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</p>

		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”;
--	--	---

(vii) after item 45 insert—

“45A.	Tubers of <i>Solanum tuberosum</i> originating in any third country 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”;
-------	--	--

(viii) after item 50 insert—

“50A.	Fruits of <i>Capsicum annuum</i> L., <i>Solanum aethiopicum</i> L., <i>Solanum lycopersicum</i> L. or <i>Solanum melongena</i> L. originating in any third country	<p>The fruits must be accompanied by an official statement that:</p> <p>(a) they originate in a country which is recognised as being free from <i>Neoleucinodes elegantalis</i> (Guenée) 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>Neoleucinodes elegantalis</i> (Guenée);</p> <p>(c) they:</p> <p>(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 <i>Neoleucinodes elegantalis</i> (Guenée); and</p> <p>(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; or</p> <p>(d) they originate in an insect-proof site of production, established</p>
-------	--	---

		<p>by the national plant protection organisation in the country of origin as a site of production that is free from <i>Neoleucinodes elegantalis</i> (Guenée) on the basis of official inspections and surveys carried out during the three months prior to export.</p> <p>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.</p> <p>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 phytosanitary certificate or phytosanitary certificate for re-export under the heading “Additional declaration” and must have been previously notified in writing to the European Commission by the relevant national plant protection organisation.</p> <p>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.</p>
50B.	Fruits of <i>Solanaceae</i> originating in Australia, the Americas or New Zealand	<p>The fruits must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they originate in a country which is recognised as being free from <i>Bactericera cockerelli</i> (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 <i>Bactericera cockerelli</i> (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 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; or
- (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 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 relevant 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”;
--	--

(ix) for item 64 substitute—

“64.	Growing medium, attached to or associated with plants, intended to sustain the vitality of the plants, other than any sterile medium of <i>in-vitro</i> plants, originating in any third country other than Switzerland	<p>The associated plants must be accompanied by an official statement that:</p> <p>(a) at the time of their planting, the growing medium:</p> <p>(i) was free from soil and organic matter and had not been previously used for growing plants or for any agricultural purposes;</p> <p>(ii) was composed entirely of peat or fibre of <i>Cocos nucifera</i> L. and had not been previously used for growing plants or for any agricultural purposes; or</p> <p>(iii) was subjected to an effective treatment to ensure freedom from harmful plant pests;</p> <p>(b) the growing medium was stored and maintained under appropriate conditions to keep it free from harmful plant pests; and</p> <p>(c) either:</p> <p>(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</p> <p>(ii) in the period of two weeks prior to export:</p> <p>(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</p>
------	---	---

		<p>(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 subparagraph (i).</p> <p>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 must also be mentioned on the certificate under the heading “Additional declaration”;</p>
--	--	---

(x) after item 64 insert—

“64A.	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 or 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
64B.	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
64C.	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
64D.	Machinery or vehicles which have been operated for agricultural or forestry	The machinery or vehicles must be accompanied by an official statement that: (a) they have been exported from an area established by the national

	purposes, imported from Switzerland	<p>plant protection organisation for Switzerland 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</p> <p>(b) in the case of any machinery or vehicles exported from an area infested with <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr., they have been cleaned and are free from soil and plant debris prior to export”;</p>
--	-------------------------------------	---

(xi) in the second column of item 68, after “Orchidaceae” insert “originating in any third country, other than Thailand.”;

(xii) after item 93 insert—

“93A.	Cut flowers of Orchidaceae originating in Thailand	<p>The cut flowers must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes an official statement under the heading “Additional declaration” that they have been:</p> <p>(a) produced at a place of production which has been found to be free from <i>Thrips palmi</i> Karny in official inspections carried out at least monthly during the three months prior to export; or</p> <p>(b) subjected, as a consignment prior to export, to an appropriate fumigation treatment to ensure freedom from thysanoptera.</p> <p>Where paragraph (b) applies, the specification of the fumigation treatment must also be included under the heading “Disinfestation and/or disinfection treatment” of the certificate.”</p>
-------	--	--

(xiii) Omit item 95 and insert (as a subsequent entry)—

“95A.	Seeds of <i>Solanum lycopersicum</i> L., originating in any third country	<p>The seeds must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes an official statement under the heading “Additional declaration” that they have been obtained by means of an appropriate acid extraction method and that:</p>
-------	---	---

		<ul style="list-style-type: none"> (a) they originate in an area in which Pepino mosaic virus is known not to occur; (b) no symptoms of Pepino mosaic virus have been observed on the plants at the place of production during their complete cycle of vegetation; or (c) they have undergone official testing for Pepino mosaic virus on a representative sample and using appropriate methods, and have been found in these tests to be free from Pepino mosaic virus.”
--	--	--

(xiv) omit item 104;

(xv) after item 105 insert—

“105A.	Specified plants within the meaning of Article 1(b) of Decision (EU) 2018/638	The fruits must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes an official statement in accordance with Article 3(b) of Decision (EU) 2018/638.
105B.	Specified plants within the meaning of Article 1(b) of Decision (EU) 2018/1503 originating in any third country where <i>Aromia bungii</i> (Faldermann) is known to be present	The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes: <ul style="list-style-type: none"> (a) an official statement under the heading “Additional declaration” that they meet the requirements specified in point (a), (b) or (c) of Article 11 of Decision (EU) 2018/1503; and (b) where point (a) of that Article applies, the name of the pest-free area under the heading “place of origin”;

(xvi) after item 106 insert—

“107.	Plants, other than seeds, of <i>Rosa</i> sp., originating in Canada, India, Mexico or the USA	The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes 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
-------	---	--

		<p>No. 4 as an area that is free from Rose rosette virus and <i>Phyllocoptes fructiphilus</i> (Keifer 1940); and</p> <p>(b) they have been packaged in a manner to prevent infestation by <i>Phyllocoptes fructiphilus</i> (Keifer 1940) during their transport.</p> <p>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”</p>
108.	Plants in tissue culture of <i>Rosa</i> sp., originating in Canada, India, Mexico or the USA	The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes an official statement that they have been produced from mother plants tested and found to be free from Rose rosette virus”;

(b) in Part B—

(i) after item 4 insert—

“4A.	Plants, other than seeds, of <i>Juglans</i> L. or <i>Pterocarya</i> Kunth, intended for planting	<p>The plants must be accompanied by an official statement that:</p> <p>(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 <i>Geosmithia morbida</i> Kolarik, Freeland, Utley & Tisserat and its vector <i>Pityophthorus juglandis</i> Blackman;</p> <p>(b) they:</p> <p>(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</p>
------	--	---

		<p>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 movement;</p> <p>(ii) have been visually inspected immediately prior to their movement from the place of production; and</p> <p>(iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production; or</p> <p>(c) they:</p> <p>(i) originate in a place of production with complete physical isolation;</p> <p>(ii) have been visually inspected immediately prior to their movement from the place of production; and</p> <p>(iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production”;</p>
--	--	--

(ii) after item 44 insert—

<p>“44A.</p>	<p>Machinery or vehicles which have been operated for agricultural or forestry purposes</p>	<p>The machinery or vehicles must:</p> <p>(a) have been moved from an area established 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 a protected zone which is recognised as a protected zone for <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr.); or</p> <p>(b) in the case of any machinery or vehicles being moved out of an area infested with <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr., have been cleaned and be free from soil and plant debris prior to being moved out of the area”;</p>
--------------	---	--

(iii) after item 45 insert—

“45A.	Seeds of <i>Solanum lycopersicum</i> L.	The seeds must be accompanied by an official statement that they have been obtained by means of an appropriate acid extraction method and that: <ul style="list-style-type: none"> (a) they originate in an area in which Pepino mosaic virus is known not to occur; (b) no symptoms of Pepino mosaic virus have been observed on the plants at the place of production during their complete cycle of vegetation; or (c) they have undergone official testing for Pepino mosaic virus on a representative sample and using appropriate methods, and have been found in these tests to be free from Pepino mosaic virus.”
-------	---	--

(iv) omit item 46;

(v) after item 57 insert—

“57A.	Specified plants within the meaning of Article 1(b) of Decision (EU) 2018/1503 which originate, or have been introduced into a place of production, in an area established in accordance with Article 5 of Decision (EU) 2018/1503	The plants must be accompanied by an official statement that: <ul style="list-style-type: none"> (a) in the case of plants which originate in an area established in accordance with Article 5 of Decision (EU) 2018/1503, they have been grown during a period of at least two years prior to their movement, or in the case of plants which are younger than two years, throughout their life, in a place of production which meets the requirements specified in Article 7(2) to (5) of that Decision; (b) in the case of plants which have been introduced into a place of production in an area established in accordance with Article 5 of Decision (EU) 2018/1503, the place of production meets the requirements specified in Article 7(2) to (4) of that Decision”;
-------	--	--

(c) in Part C—

(i) in item 2, in the entry in the second column, after “seeds, of” insert “*Cedrus* Trew or”;

(ii) after item 8 insert—

“8A.	Plants of <i>Euphorbia pulcherrima</i> Willd., intended for planting,	The plants must be accompanied by an official statement that they have
------	---	--

	<p>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:</p> <ul style="list-style-type: none"> — seeds, or — uprooted cuttings 	<p>been officially inspected and found free from <i>Bemisia tabaci</i> Genn. (European populations) immediately prior to their movement”;</p>
--	---	---

(iii) in item 9—

- (aa) in the entry in the second column, after “seeds, of” insert “*Ajuga* L., *Crossandra* Salisb.”;
- (bb) in the entry in the third column, in paragraph (c), after “production”, in the last place where it occurs, insert “(the last of which must have been carried out immediately prior to their movement)”;

Schedule 5

8. In Schedule 5, in Part A—

(a) in paragraph 3—

(i) for sub-paragraph (i) substitute—

“(i) cut branches of *Fraxinus* L., *Juglans* L., *Ulmus davidiana* Planch. or *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 (i) insert—

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

(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) after paragraph 8 insert—

“8A. Machinery or any vehicle, imported from any third country, 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 to [Directive 2000/29/EC](#).”;

(f) omit paragraph 11;

- (g) omit paragraph 14 and insert (as a subsequent entry)—
 - “14A. Specified plants within the meaning of Article 1(b) of Decision (EU) 2018/638.”
- (h) after paragraph 15 insert—
 - “15A. Plants, other than seeds, of *Rosa* sp., originating in Canada, India, Mexico or the USA.”.

Schedule 6

- 9. In Schedule 6—
 - (a) in Part A—
 - (i) in paragraph 7(a)—
 - (aa) after “*Impatiens* L.,” insert “*Juglans* L.”;
 - (bb) after “*Pseudotsuga* Carr.,” insert “*Pterocarya* L.”;
 - (ii) omit paragraph 10;
 - (iii) after paragraph 18 insert—
 - “18A. Specified plants within the meaning of Article 1(b) of Decision (EU) 2018/1503 which—
 - (a) originate in a third country where *Aromia bungii* (Faldermann) is known to be present; or
 - (b) originate in, or have been introduced into, a place of production in an area established in accordance with Article 5 of Decision (EU) 2018/1503.”;
 - (b) in Part B, in paragraph 20, after “seeds, of” insert “*Cedrus* Trew.”.

Schedule 7

- 10. In Schedule 7—
 - (a) in Part A—
 - (i) in paragraph 7(a)—
 - (aa) after “*Impatiens* L.,” insert “*Juglans* L.”;
 - (bb) after “*Pseudotsuga* Carr.,” insert “*Pterocarya* L.”;
 - (ii) omit paragraph 10;
 - (iii) after paragraph 18 insert—
 - “18A. Specified plants within the meaning of Article 1(b) of Decision (EU) 2018/1503 which—
 - (a) originate in a third country where *Aromia bungii* (Faldermann) is known to be present; or
 - (b) originate in, or have been introduced into, a place of production in an area established in accordance with Article 5 of Decision (EU) 2018/1503.”;
 - (b) in Part B, in paragraph 21, after “*Beta vulgaris* L.,” insert “*Cedrus* Trew.”.

24 September 2019

Lesley Griffiths
Minister for Environment, Energy and Rural
Affairs, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Wales) Order 2018 (S.I. 2018/1064 (W. 223)) (“the 2018 Order”) to implement—

- (a) Commission Implementing Decision (EU) 2018/638 establishing emergency measures to prevent the introduction into and the spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith) (OJ No. L 105, 25.4.2018, p. 31);
- (b) Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann) (OJ No. L 254, 10.10.2018, p. 9);
- (c) Commission Implementing Decision (EU) 2019/449 amending Commission Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ No. L 77, 20.3.2019, p. 76); and
- (d) Commission Implementing Directive (EU) 2019/523 amending Annexes I to V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No. L 86, 28.3.2019, p. 41).

This Order amends the 2018 Order to ensure that the following EU instruments are correctly implemented—

- (a) Commission Decision 98/109/EC authorising Member States temporarily to take emergency measures against the dissemination of *Thrips palmi* Karny as regards Thailand (OJ No. L 27, 3.2.1998, p. 47);
- (b) Commission Decision 2004/200/EC on measures to prevent the introduction into and the spread within the Community of Pepino mosaic virus (OJ No. L 64, 2.3.2004, p. 43).

This Order also introduces emergency measures to prevent the introduction of Rose rosette virus and its vector *Phyllocoptes fructiphilus* (Keifer 1940), and removes provisions in the 2018 Order which implement various EU instruments which are no longer in force.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.