

Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC

CHAPTER II

**Quarantine pests**

Section 2

**[<sup>F1</sup>GB] quarantine pests**

Article 28

**[<sup>F1</sup>GB] measures for specific [<sup>F1</sup>GB] quarantine pests**

1 [<sup>F2</sup>The appropriate authority may by regulations set out measures against specific GB quarantine pests. The provision that may be made in those regulations may include, in relation to a specific GB quarantine pest, provision:]

- a [<sup>F3</sup>... concerning [<sup>F4</sup>the] measures to be taken in the event of suspicion and official confirmation by competent authorities of the presence of that [<sup>F5</sup>GB] quarantine pest;
- b [<sup>F6</sup>... concerning [<sup>F7</sup>the] measures to be taken immediately by professional operators;
- c [<sup>F8</sup>... concerning [<sup>F9</sup>the] measures to be taken by persons other than professional operators;
- [<sup>F10</sup>d concerning the eradication of that GB quarantine pest;]
- [<sup>F11</sup>da) concerning the containment of that GB quarantine pest;]
- e [<sup>F12</sup>... concerning [<sup>F13</sup>the] establishment of demarcated areas;
- f [<sup>F14</sup>... concerning surveys and modifications of demarcated areas and lifting of restrictions;
- [<sup>F15</sup>g concerning surveys of that GB quarantine pest;]
- [<sup>F16</sup>ga) concerning prevention measures in areas outside demarcated areas where necessary to prevent the establishment of that GB quarantine pest in those areas;]
- [<sup>F17</sup>h in the case of a GB quarantine pest which is a priority pest:
  - i) concerning surveys for that priority pest, as regards the number of visual examinations, samples and tests for the priority pest;
  - ii) concerning contingency plans for that priority pest;
  - iii) concerning simulation exercises for that priority pest;
  - iv) concerning action plans for that priority pest.]

[<sup>F18</sup>1 .....]

[<sup>F18</sup>j .....]

[<sup>F18</sup>k .....]

[<sup>F19</sup> ...]

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Article 28. (See end of Document for details)*

[<sup>F20</sup>2 Regulations under paragraph 1 may only make provision under point (da) of that paragraph if the appropriate authority has concluded, on the basis of surveys or other evidence, that the eradication of the GB quarantine pest in a demarcated area is not possible.]

<sup>F21</sup>3 .....

[<sup>F22</sup>4 Regulations made under paragraph 1 may include any of the measures specified in Annex 2, taking into account the specific risks of the GB quarantine pest to which the regulations relate and any specific eco-climatic conditions and risks as regards any part of Great Britain.]

<sup>F23</sup>5 .....

<sup>F23</sup>6 .....

<sup>F23</sup>7 .....

### Textual Amendments

- F1** Word in Art. 28 heading substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(a\)](#) (with regs. 53, 55)
- F2** Words in Art. 28(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(i\)](#) (with regs. 53, 55)
- F3** Words in Art. 28(1)(a) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(ii\)\(aa\)](#) (with regs. 53, 55)
- F4** Word in Art. 28(1)(a) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(ii\)\(bb\)](#) (with regs. 53, 55)
- F5** Word in Art. 28(1)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(ii\)\(cc\)](#) (with regs. 53, 55)
- F6** Words in Art. 28(1)(b) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(iii\)\(aa\)](#) (with regs. 53, 55)
- F7** Word in Art. 28(1)(b) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(iii\)\(bb\)](#) (with regs. 53, 55)
- F8** Words in Art. 28(1)(c) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(iv\)\(aa\)](#) (with regs. 53, 55)
- F9** Word in Art. 28(1)(c) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(iv\)\(bb\)](#) (with regs. 53, 55)
- F10** Art. 28(1)(d) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(v\)](#) (with regs. 53, 55)
- F11** Art. 28(1)(da) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(vi\)](#) (with regs. 53, 55)
- F12** Words in Art. 28(1)(e) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(vii\)\(aa\)](#) (with regs. 53, 55)
- F13** Word in Art. 28(1)(e) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(vii\)\(bb\)](#) (with regs. 53, 55)
- F14** Words in Art. 28(1)(f) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(viii\)](#) (with regs. 53, 55)
- F15** Art. 28(1)(g) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(ix\)](#) (with regs. 53, 55)
- F16** Art. 28(1)(ga) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(x\)](#) (with regs. 53, 55)
- F17** Art. 28(1)(h) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(xi\)](#) (with regs. 53, 55)
- F18** Art. 28(1)(i)-(k) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), [27\(27\)\(b\)\(xii\)](#) (with regs. 53, 55)

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Article 28. (See end of Document for details)

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- F19** Words in Art. 28 omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(b)(xiii)** (with regs. 53, 55)
- F20** Art. 28(2) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(c)** (with regs. 53, 55)
- F21** Art. 28(3) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(d)** (with regs. 53, 55)
- F22** Art. 28(4) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(e)** (with regs. 53, 55)
- F23** Art. 28(5)-(7) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **27(27)(f)** (with regs. 53, 55)

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) 2016/2031 of the European Parliament of the Council, Article 28.