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DRAFT STATUTORY INSTRUMENTS

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**2020 No. 000**

**EXITING THE EUROPEAN UNION  
PLANT HEALTH**

The Plant Health (Amendment etc.) (EU Exit) Regulations 2020

*Made - - - - - \*\*\*  
Coming into force in accordance with  
regulation 1(2)*

**THE PLANT HEALTH (AMENDMENT  
ETC.) (EU EXIT) REGULATIONS 2020**

PART 1

Introductory

1. Citation and commencement

PART 2

Amendment of primary and secondary legislation

2. The Plant Health Act 1967
3. The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015
4. The Plant Health etc. (Fees) (England) Regulations 2018
5. The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019
6. Part 1
7. Part 2
8. Part 3
9. Part 4
10. Part 5
11. Part 6
12. Part 8
13. Part 9
14. Part 11
15. Schedule 1
16. Schedule 2
17. Part 1

- 18. Part 2
- 19. Part 4
- 20. Part 5
- 21. Part 6
- 22. Part 7
- 23. Schedule 3
- 24. Schedule 4

### PART 3

#### Amendment of retained direct EU legislation

- 25. Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants
  - 26. Chapter 1
  - 27. Chapter 2
  - 28. Chapter 3
  - 29. Chapter 4
  - 30. Chapter 5
  - 31. Chapter 6
  - 32. Chapter 7
  - 33. Chapter 8
  - 34. Annex 1
  - 35. (1) In the heading to Annex 1, for “THE UNION...
  - 36. Annex 2
  - 37. (1) In Section 1— (a) in the heading—
  - 38. Annex 3
  - 39. Annex 4
  - 40. Annex 5
  - 41. Annex 6
  - 42. Annex 7
- 43. Commission Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov
- 44. Commission Decision 2005/51/EC authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes
- 45. Commission Implementing Regulation (EU) 2018/2018 laying down specific rules concerning the procedure to be followed in order to carry out the risk assessment of high risk plants, plant products and other objects within the meaning of Article 42(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council
- 46. Commission Delegated Regulation (EU) 2019/827 on criteria to be fulfilled by the professional operators in order to comply with the conditions set out in Article 89(1) point (a) of Regulation (EU) 2016/2031 of the European Parliament and of the Council and procedures to ensure that those criteria are met
- 47. Commission Delegated Regulation (EU) 2019/829 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, authorising Member States to provide for temporary derogations in view of official testing, scientific or educational purposes, trials, varietal selections, or breeding

48. Commission Delegated Regulation (EU) 2019/1702 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by establishing the list of priority pests
49. Commission Implementing Regulation (EU) 2017/2313 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement within, a protected zone
50. Commission Implementing Regulation (EU) 2020/918 establishing a derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for the introduction into the Union of ash wood originating or processed in Canada
51. Commission Implementing Regulation (EU) 2020/1002 establishing a derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for introduction into the Union of ash wood originating or processed in the United States

#### PART 4

##### Miscellaneous

52. Transitional provision: plants, plant products and other objects from EU Member States
53. Transitional provision: UK plant passports
54. Revocations
55. Savings  
Signature

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#### SCHEDULE 1 — New Annex to Commission Implementing Regulation (EU) 2019/1702

##### SCHEDULE 2 — Transitional provision: EU plants, plant products and other objects

1. Machinery and vehicles which have been operated for agricultural or...
2. Plants for planting, other than seeds.
3. Tubers of *Solanum tuberosum* L. intended for planting (seed potatoes)....
4. Tubers of *Solanum tuberosum* L. (ware potatoes).
5. Seeds of— (a) *Allium cepa* L., (b) *Allium porrum* L.,...
6. Vegetable seeds of *Pisum sativum* L. and *Vicia faba* L....
7. Seeds of oil and fibre plants of—
8. Isolated bark of— (a) *Castanea* Mill., (b) Conifers (Pinales),
9. Wood of *Platanus* L., including wood which has not kept...
10. Wood of *Castanea* Mill., excluding wood which is bark-free.
11. Wood of Conifers (Pinales), including wood which has not kept...
12. Wood of *Prunus* L. including wood which has not kept...
13. Wood, including wood which has not kept its natural round...
14. Wood of *Juglans* L. and *Pterocarya* Kunth.

##### SCHEDULE 3 — Revocation of retained direct EU legislation

1. Commission Decision 91/261/EEC recognising Australia as being free from *Erwinia*...
2. Commission Decision 93/360/EEC authorising the Member States to provide for...

3. Commission Decision 93/365/EEC authorising the Member States to provide for...
4. Commission Decision 93/422/EEC authorising the Member States to provide for...
5. Commission Decision 93/423/EEC authorising the Member States to provide for...
6. Commission Decision 98/109/EC authorising Member States temporarily to take emergency...
7. Commission Regulation (EC) No 1040/2002 establishing detailed rules for the...
8. Commission Decision 2004/200/EC on measures to prevent the introduction into...
9. Commission Decision 2005/359/EC providing for a derogation from certain provisions...
10. Commission Decision 2006/750/EC amending Decision 2005/359/EC as regards the ports...
11. Commission Decision 2010/723/EU extending the period of validity of Decision...
12. Commission Implementing Decision 2011/787/EU authorising Member States temporarily to take...
13. Commission Implementing Decision 2012/138/EU as regards emergency measures to prevent...
14. Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent...
15. Commission Implementing Decision 2012/535/EU on emergency measures to prevent the...
16. Commission Implementing Decision 2012/697/EU as regards measures to prevent the...
17. Commission Implementing Decision 2013/780/EU providing for a derogation from Article...
18. Commission Implementing Decision 2014/356/EU amending Implementing Decision 2012/138/EU as regards...
19. Commission Implementing Decision 2014/679/EU amending Implementing Decision 2012/270/EU as regards...
20. Commission Implementing Decision (EU) 2015/179 authorising Member States to provide...
21. Commission Implementing Decision (EU) 2015/226 amending Implementing Decision 2012/535/EU as...
22. Commission Implementing Decision (EU) 2015/893 as regards measures to prevent...
23. Commission Implementing Decision (EU) 2015/1199 recognising Bosnia and Herzegovina as...
24. Commission Implementing Decision (EU) 2016/1359 amending Implementing Decision 2012/270/EU as...
25. Commission Implementing Decision (EU) 2016/2004 amending Implementing Decision 2013/780/EU providing...
26. Commission Implementing Decision (EU) 2017/427 amending Implementing Decision 2012/535/EU as...
27. Commission Implementing Decision (EU) 2017/2187 extending the period of validity...
28. Commission Implementing Decision (EU) 2018/5 amending Implementing Decision 2012/270/EU as...

29. Commission Implementing Decision (EU) 2018/618 amending Implementing Decision 2012/535/EU as...
30. Commission Implementing Decision (EU) 2018/638 establishing emergency measures to prevent...
31. Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the...
32. Commission Implementing Regulation (EU) 2018/2019 establishing a provisional list of...
33. Commission Implementing Decision (EU) 2019/1598 amending Implementing Decision (EU) 2018/638...
34. Commission Implementing Decision (EU) 2019/1739 establishing emergency measures to prevent...
35. Commission Implementing Decision (EU) 2019/2032 establishing measures to prevent the...
36. Commission Implementing Regulation (EU) 2020/885 as regards measures to prevent...
37. Commission Implementing Regulation (EU) 2020/1191 establishing measures to prevent the...
38. Commission Implementing Regulation (EU) 2020/1164 providing for a temporary derogation...
39. Commission Implementing Regulation (EU) 2020/1199 of 13 August 2020 amending...
40. Commission Implementing Regulation (EU) 2020/1201 of 14 August 2020 as...

Explanatory Note