

STATUTORY INSTRUMENTS

2009 No. 587

The Plant Health (England) (Amendment) Order 2009

Amendments to the Plant Health (England) Order 2005

2.—(1) The Plant Health (England) Order 2005(1) is amended as follows.

(2) In article 2(1), for the definition of “Directive 2000/29/EC” substitute—

““Directive 2000/29/EC” means 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;”(2).

(3) In Part A of Schedule 1, in the section “Insects, mites and nematodes”—

(a) after item 11 insert “11a *Dendrolimus sibiricus* Tschetverikov”;

(b) for item 15 substitute “15 *Diabrotica virgifera zea* Kryan & Smith”; and

(c) after item 26 insert “26a *Rhynchophorus palmarum* (L.)”.

(4) In Part B of Schedule 1, in the section “Insects, mites and nematodes”, after item 1 insert “1a *Diabrotica virgifera virgifera* Le Conte”.

(5) In Part A of Schedule 2, in the section “Insects, mites and nematodes”—

(a) after item 1 insert—

“1a	Plants intended for planting, other than plants in <i>Agrilus</i> tissue culture and seeds, of <i>Fraxinus</i> L., <i>Juglans</i> Fairmaire”; <i>mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch., <i>Ulmus parvifolia</i> Jacq. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	<i>planipennis</i>
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(b) omit item 23; and

(c) after item 26 insert—

“26a	Tubers of <i>Solanum tuberosum</i> L.	<i>Scrobipalopsis solanivora</i> Povolny”.
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(6) In Part A of Schedule 2—

(a) in the section “Bacteria” in the second column in item 4 omit “fruit or”;

(b) in the section “Fungi” after item 15 insert—

“15a	Plants of <i>Ulmus</i> L. and <i>Zelkova</i> L., intended for planting, other than seeds	<i>Stegophora ulmea</i> (Schweinitz: Fries) Sydow & Sydow”; and
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(1) S.I. 2005/2530; relevant amending instruments are S.I. 2006/2307, 2007/2950 and 2008/2411.

(2) OJ No L 169, 10.7.2000, p 1, as last amended by Commission Directive 2009/7/EC, OJ No L 40, 11.2.2009, p 12.

(c) in the section “Viruses and virus-like organisms” after item 5 insert—

“5a	Plants of <i>Dendranthema</i> (DC.) Des Moul. and <i>Chrysanthemum Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., necrosis virus”.	stem
	intended for planting, other than seeds	

(7) In Part B of Schedule 2, in the section “Insects, mites and nematodes”—

(a) after item 7 insert—

“7a	Plants of <i>Citrus</i> L., <i>Fortunella Swingle</i> , <i>Poncirus</i> Raf., <i>Parasaissetia nigra</i> (Nietner); and their hybrids, other than fruit and seeds	and
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(b) after item 11(3) insert—

“12	Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and	<i>Paysandisia archon</i> (Burmeister)”.
	belonging to the following genera: <i>Brahea</i> Mart., <i>Butia</i> Becc., <i>Chamaerops</i> L., <i>Jubaea</i> Kunth, <i>Livistona</i> R. Br., <i>Phoenix</i> L., <i>Sabal</i> Adans., <i>Syagrus</i> Mart., <i>Trachycarpus</i> H. Wendl., <i>Trithrinax</i> Mart., <i>Washingtonia</i> Raf.	

(8) In Part A of Schedule 4—

(a) after item 7 insert—

“7a	Plants of <i>Fraxinus</i> L., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch., <i>Ulmus parvifolia</i> Jacq. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., intended for planting, other than seeds and plants in tissue culture originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	The plants shall be accompanied by an official statement that they: (a) have been grown throughout their life in an area free from <i>Agrilus planipennis</i> Fairmaire, established by the national plant protection organisation in accordance with ISPMNo. 4; or (b) have, for a period of at least two years prior to export, been grown in a place of production where no signs of <i>Agrilus planipennis</i> Fairmaire have been observed during two official inspections per year carried out at appropriate times, including immediately prior to export”;
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(b) in item 11, for “requirements in items 60, 61 and 64” in the right-hand column substitute “provisions applicable to the plants in item 7”;

(c) after item 35 insert—

“35a	Tubers of <i>Solanum tuberosum</i> L., other than those intended for planting	Without prejudice to the provisions applicable to tubers listed in items 32 to 34, the plants shall be accompanied by an official statement that the tubers originate in areas in which <i>Pseudomonas</i>
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- solanacearum* (Smith) Smith is not known to occur.
- 35b Tubers of *Solanum tuberosum* L. Without prejudice to the provisions applicable to tubers listed in items 32 to 35a, the plants shall be accompanied by an official statement that:
- (a) the tubers originate in a country where *Scrobipalopsis solanivora* Povolny is not known to occur; or
 - (b) the tubers originate in an area free from *Scrobipalopsis solanivora* Povolny, established by the national plant protection organisation in accordance ISPM No. 4”;
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- (d) omit item 39;
- (e) after item 43 insert—

- “43a Plants of *Dendranthema* (DC.) Des Moul. and *Lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting, other than seeds Without prejudice to the requirements applicable to the plants listed in items 36, 37, 38, 41 to 43, the plants shall be accompanied by an official statement that:
- (a) the plants have been grown throughout their life in a country free from Chrysanthemum stem necrosis virus;
 - (b) the plants have been grown throughout their life in an area established by the national plant protection organisation in the country of export as being free from Chrysanthemum stem necrosis virus in accordance with ISPM No. 4; or
 - (c) the plants have been grown throughout their life in a place of production, established as being free from Chrysanthemum stem necrosis virus and verified through official inspections and, where appropriate, testing”;
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- (f) after item 57a(4) insert—

- “57b Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera:
- Brahea* Mart., *Butia* Becc.,
Chamaerops L., *Jubaea* Kunth,
Livistona R. Br., *Phoenix* L.,
Sabal Adans., *Syagrus* Mart.,
Trachycarpus H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.
- Without prejudice to the provisions applicable to the plants listed in items 57 and 57a, the plants shall be accompanied by an official statement that the plants:
- (a) have been grown throughout their life in a country where *Paysandisia archon* (Burmeister) is not known to occur;
 - (b) have been grown throughout their life in an area free from *Paysandisia archon* (Burmeister), established by the national

(4) Item 57a was inserted by [S.I. 2007/2950](#), art. 3(3).

- plant protection organisation in accordance with ISPM No. 4; or
- (c) have, during a period of at least two years prior to export, been grown in a place of production:
- (i) which is registered and supervised by the national plant protection organisation in the country of origin,
 - (ii) where the plants were placed in a site with complete physical protection against the introduction of *Paysandisia archon* (Burmeister) or with application of appropriate preventive treatments, and
 - (iii) where, during three official inspections per year carried out at appropriate times, including immediately prior to export, no signs of *Paysandisia archon* (Burmeister) have been observed”.

(9) In Part B of Schedule 4, after item 22 insert—

<p>“22a</p>	<p>Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera:</p> <p><i>Brahea</i> Mart., <i>Butia</i> Becc., <i>Chamaerops</i> L., <i>Jubaea</i> Kunth, <i>Livistona</i> R. Br., <i>Phoenix</i> L., <i>Sabal</i> Adans., <i>Syagrus</i> Mart., <i>Trachycarpus</i> H. Wendl., <i>Trithrinax</i> Mart., <i>Washingtonia</i> Raf.</p>	<p>The plants are accompanied by an official statement that the plants:</p> <ol style="list-style-type: none"> (a) have been grown throughout their life in an area free from <i>Paysandisia archon</i> (Burmeister), established by the national plant protection organisation in accordance with ISPM No. 4; or (b) have, during a period of at least two years prior to movement, been grown in a place of production: <ol style="list-style-type: none"> (i) which is registered and supervised by the responsible official body in the Member State of origin, (ii) where the plants were placed in a site with complete physical protection against the introduction of <i>Paysandisia archon</i> (Burmeister) or with application of appropriate preventive treatments, and (iii) where, during three official inspections per year carried out at appropriate times, no signs of <i>Paysandisia archon</i> (Burmeister) have been observed”.
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(10) In Part A of Schedule 6, after paragraph 7(c) insert—

- “(ca) Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc.,

Changes to legislation: There are currently no known outstanding effects for the The Plant Health (England) (Amendment) Order 2009, Section 2. (See end of Document for details)

Chamaerops L., Jubaea Kunth, Livistona R. Br., Phoenix L., Sabal Adans., Syagrus Mart., Trachycarpus H. Wendl., Trithrinax Mart. or Washingtonia Raf.;”.

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There are currently no known outstanding effects for the The Plant Health (England) (Amendment) Order 2009, Section 2.