
STATUTORY INSTRUMENTS

2020 No. 1014

The Official Controls (Plant Health and Genetically Modified Organisms) (England) (Amendment) (No. 2) Regulations 2020

PART 1

Amendment of the Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019

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2.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019⁽¹⁾ are amended as follows.

(2) In regulation 2(1), in paragraph (c) of the definition of “controlled plant pest”, at the end insert “, including a potential quarantine plant pest within the meaning given in regulation 21(3)”.

(3) In regulation 3(1)—

(a) omit the definitions of—

(i) “Commission Implementing Decision (EU) 2017/198”; and

(ii) “Commission Implementing Decision (EU) 2019/1615”;

(b) at the end insert—

““Commission Implementing Regulation (EU) 2020/885” means Commission Implementing Regulation (EU) 2020/885 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto⁽²⁾;

“Commission Implementing Regulation (EU) 2020/1191” means Commission Implementing Regulation (EU) 2020/1191 establishing measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV)⁽³⁾”.

(4) In regulation 13(10), in the definition of “working hour” for “hour” substitute “day”.

(5) In regulation 21—

(a) for paragraph (1) substitute—

“(1) The appropriate authority may grant an authorisation to permit—

(a) the carrying out of any activity specified in a plant health derogation;

(b) the introduction into England, the movement within England, or the holding or multiplication in England, of a potential quarantine plant pest for official testing, scientific or educational purposes, trials, varietal selection or breeding; or

⁽¹⁾ [S.I. 2019/1517](#), amended by [S.I. 2020/381](#).

⁽²⁾ OJ No. L 205, 29.6.2020, p. 9.

⁽³⁾ OJ No. L 262, 12.8.2020, p. 6.

- (c) the carrying out of any other activity which requires the approval of the appropriate authority under the EU Plant Health Regulation, the Official Controls Regulation or these Regulations.”;
- (b) for paragraph (3) substitute—
 - “(3) In paragraph (1)—
 - “plant health derogation” means—
 - (a) a derogation from provisions of the EU Plant Health Regulation which is set out in an implementing or delegated act adopted by the European Commission under the EU Plant Health Regulation or the Official Controls Regulation; or
 - (b) a derogation in any decision within the meaning of Article 288 of the Treaty on the Functioning of the European Union, which continues to apply for the purposes of the EU Plant Health Regulation on or after the commencement date and allows member States to authorise an activity which would otherwise be prohibited by or under the EU Plant Health Regulation;
 - “potential quarantine plant pest” means a plant pest which is not a Union quarantine pest, a protected zone quarantine pest or a plant pest subject to any measures adopted pursuant to Article 30(1) of the EU Plant Health Regulation, but which, in the opinion of the appropriate authority, fulfils the criteria set out in Subsection 1 of Section 3 of Annex 1 to that Regulation or may fulfil the criteria in Subsection 2 of that Section.
- (6) In regulation 22, number the first un-numbered paragraph as paragraph (1).
- (7) In Schedule 2—
 - (a) in Part 2, after paragraph 3(3) insert—
 - “(3A) In sub-paragraphs (1) and (2), “protected region” has the meaning given in regulation 2(1) of the Seed Potatoes (England) Regulations 2015(4).”;
 - (b) in Part 3—
 - (i) re-number paragraph 4(1) as paragraph 4;
 - (ii) re-number paragraph 9(1) as paragraph 9.
- (8) In Schedule 3, in the table in Part 3 at the end insert—

“Commission Delegated Regulation (EU) 2019/2123 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts(5)

Article 2(1)(d), (e), (f), (g)(i) and (h) (as read with Article 2(2) and (3)), Article 5(1) (as read with Article 5(2), Article 6(1) and (4) and Article 8(2))	Requires the operator responsible for a consignment to comply with certain conditions where identity and physical checks on the consignment are to be performed at a control point other than a border control post”.
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- (9) In the table in Schedule 4—
 - (a) omit the entries relating to—
 - (i) Commission Implementing [Decision 2017/198/EU](#); and

(4) [S.I. 2015/1953](#), amended by [S.I. 2019/1517](#); there are other amending instruments but none is relevant.

(5) OJ No. L 321, 12.12.2019, p. 64.

- (ii) Commission Implementing Decision (EU) 2019/1615;
(b) at the end insert—

“Commission Implementing Regulation (EU) 2020/885	Article 2 (prohibition on the introduction of <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto into the Union territory, and its spread within the Union territory) Article 3 (requirements in relation to the introduction into the Union territory of specified plants originating in third countries) Article 7 (requirements in relation to the movement within the Union territory of specified plants that have spent a part of their lives in the Union)
Commission Implementing Regulation (EU) 2020/1191	Article 2 (prohibition on the introduction of Tomato brown rugose fruit virus into the Union territory and its spread within the Union territory) Article 6 (requirements in relation to the movement within the Union territory of specified plants for planting within the Union) Article 7 (requirements in relation to the movement within the Union territory of specified seeds) Article 8 (requirements in relation to the introduction into the Union territory of specified plants for planting originating in third countries) Article 9 (requirements in relation to the introduction into the Union territory of specified seeds originating in third countries)”.
