
STATUTORY INSTRUMENTS

2022 No. 1367

**The Plant Health and Trade in Animals and
Related Products (Amendment) Regulations 2022**

PART 2

Amendment of legislation relating to plant health

Amendment of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants

2.—(1) Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants⁽¹⁾ (“the Plant Health Regulation”) is amended as follows.

(2) In Articles 11(2), 12(1), 14(3), 15(1), 16 and 17(2), in each place where it occurs, after “GB quarantine pest” insert “or provisional GB quarantine pest”.

(3) After Article 18(4)⁽³⁾ insert—

“**4A.** Where, in accordance with paragraph 2 or 3, the competent authority determines that a demarcated area should extend to or be established in another territory of Great Britain, it must immediately inform the competent authority in relation to that other territory of the extent of the proposed demarcated area.

4B. Where, in accordance with paragraph 4A, the competent authority in relation to that other territory is informed that a demarcated area should extend to or be established in the territory for which it is responsible, it may, in accordance with paragraphs 2 to 4, establish an appropriate demarcated area in the territory for which it is responsible.”.

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

3.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019⁽⁴⁾ are amended as follows.

(2) In regulation 17—

(a) in paragraph (1), for “This regulation” substitute “Paragraph (2)”;

(b) after paragraph (2) insert—

“(2A) Paragraph (2B) applies where the competent authority in relation to another territory of Great Britain—

(a) has officially confirmed the presence in its territory of a plant pest to which Article 18 of the Plant Health Regulation applies; and

(1) EUR 2016/2031, which was amended by [S.I. 2020/1482](#) and [2021/79](#) and [426](#).

(2) Articles 11(2), 12(1) and 14 to 17 were amended by [S.I. 2020/1482](#).

(3) Article 18 was amended by [S.I. 2020/1482](#).

(4) [S.I. 2019/1517](#).

- (b) has notified the competent authority in relation to England, in accordance with Article 18(4A) of the Plant Health Regulation, that a demarcated area should extend to or be established in England.
- (2B) The competent authority may by notice—
 - (a) demarcate an area for the purpose of eradicating or containing the plant pest, or for the purpose of preventing the establishment of the pest in England; or
 - (b) confirm the proposed demarcation of an area in England previously notified to the competent authority by another competent authority in accordance with Article 18(4A) of the Plant Health Regulation.
- (2C) A notice under paragraph (2B) may specify the prohibitions or restrictions which are to apply to the demarcated area for any of the purposes specified in that paragraph.”;
- (c) in paragraph (3), after “paragraph (2)” insert “or (2B)”;
- (d) at the end insert—
 - “(4) In this regulation, “competent authority” has the meaning given by Article 2(6) of the Plant Health Regulation.”.

Amendment of the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019

4.—(1) The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(5) are amended as follows.

- (2) In regulation 17—
 - (a) in paragraph (1), for “This regulation” substitute “Paragraph (2)”;
 - (b) after paragraph (2) insert—
 - “(2A) Paragraph (2B) applies where the competent authority in relation to another territory of Great Britain—
 - (a) has officially confirmed the presence in its territory of a plant pest to which Article 18 of the Plant Health Regulation applies; and
 - (b) has notified the competent authority in relation to Scotland, in accordance with Article 18(4A) of the Plant Health Regulation, that a demarcated area should extend to or be established in Scotland.
 - (2B) The competent authority may by notice—
 - (a) demarcate an area for the purpose of eradicating or containing the plant pest, or for the purpose of preventing the establishment of the pest in Scotland; or
 - (b) confirm the proposed demarcation of an area in Scotland previously notified to the competent authority by another competent authority in accordance with Article 18(4A) of the Plant Health Regulation.
 - (2C) A notice under paragraph (2B) may specify the prohibitions or restrictions which are to apply to the demarcated area for any of the purposes specified in that paragraph.”;
 - (c) in paragraph (3), after “paragraph (2)” insert “or (2B)”;
 - (d) at the end insert—
 - “(4) In this regulation, “competent authority” has the meaning given by Article 2(6) of the Plant Health Regulation.”.

Amendment of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020: text in English

5.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020(6) are amended as follows.

(2) In regulation 17—

- (a) in paragraph (1), for “This regulation” substitute “Paragraph (2)”;
- (b) after paragraph (2) insert—

“(2A) Paragraph (2B) applies where the competent authority in relation to another territory of Great Britain—

- (a) has officially confirmed the presence in its territory of a plant pest to which Article 18 of the Plant Health Regulation applies; and
- (b) has notified the competent authority in relation to Wales, in accordance with Article 18(4A) of the Plant Health Regulation, that a demarcated area should extend to or be established in Wales.

(2B) The competent authority may by notice—

- (a) demarcate an area for the purpose of eradicating or containing the plant pest, or for the purpose of preventing the establishment of the pest in Wales; or
- (b) confirm the proposed demarcation of an area in Wales previously notified to the competent authority by another competent authority in accordance with Article 18(4A) of the Plant Health Regulation.

(2C) A notice under paragraph (2B) may specify the prohibitions or restrictions which are to apply to the demarcated area for any of the purposes specified in that paragraph.”;

- (c) in paragraph (3), after “paragraph (2)” insert “or (2B)”;
- (d) at the end insert—

“(4) In this regulation, “competent authority” has the meaning given by Article 2(6) of the Plant Health Regulation.”.

Amendment of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020: text in Welsh

6.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020(7) are amended in the Welsh text as follows.

(2) In regulation 17—

- (a) in paragraph (1), for “Mae’r rheoliad hwn” substitute “Mae paragraff (2)”;
- (b) after paragraph (2) insert—

“(2A) Mae paragraff (2B) yn gymwys pan fo’r awdurdod cymwys mewn perthynas ag un arall o diriogaethau Prydain Fawr—

- (a) wedi cadarnhau’n swyddogol fod pla planhigion y mae Erthygl 18 o’r Rheoliad Iechyd Planhigion yn gymwys iddo yn bresennol yn ei diriogaeth; a
- (b) wedi hysbysu’r awdurdod cymwys mewn perthynas â Chymru, yn unol ag Erthygl 18(4A) o’r Rheoliad Iechyd Planhigion”, y dylai ardal ddarnodedig ymestyn i Gymru neu gael ei sefydlu yng Nghymru.

(2B) Caiff yr awdurdod cymwys drwy hysbysiad—

(6) S.I. 2020/206 (W. 48).

(7) S.I. 2020/206 (W. 48).

- (a) darnodi ardal er mwyn dileu neu gyfyngu'r pla planhigion, neu er mwyn atal y pla rhag ymsefydlu yng Nghymru; neu
- (b) cadarnhau'r bwriad i ddarnodi ardal yng Nghymru a hysbyswyd yn flaenorol i'r awdurdod cymwys gan awdurdod cymwys arall yn unol ag Erthygl 18(4A) o'r Rheoliad Iechyd Planhigion.

(2C) Caiff hysbysiad o dan baragraff (2B) bennu'r gwaharddiadau neu'r cyfyngiadau sydd i fod yn gymwys i'r ardal ddarnodedig at unrhyw un neu ragor o'r dibenion a bennir yn y paragraff hwnnw.”;

- (c) in paragraph (3), after “baragraff (2)” insert “neu (2B)”;
- (d) at the end insert—

“(4) Yn y rheoliad hwn, mae i “awdurdod cymwys” yr ystyr a roddir i “competent authority” gan Erthygl 2(6) o'r Rheoliad Iechyd Planhigion.”.

Amendment of Commission Implementing Decision (EU) 2019/1614 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon

7.—(1) Commission Implementing Decision (EU) 2019/1614(8) authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon is amended as follows.

(2) In Article 4—

- (a) in paragraph 3, after “EPPO PM 7/59” insert a new subparagraph as follows—

“While those tests are carried out, all lots of the consignment concerned, and all other consignments which contain a lot originating in the same pest-free area and which are under the control of the responsible official body concerned, must remain under official control, and must not be moved or used.”;

- (b) in paragraph 6, after “this Article” insert “and in Article 5”.

(3) In Article 5—

- (a) in paragraph 1, for the words from “the rapid screening test” to the end substitute “a test carried out in accordance with EPPO PM 7/59.”;
- (b) in paragraph 2, for the words from “in accordance” to the end substitute “by a test carried out in accordance with EPPO PM 7/59.”.

(4) In Article 6(1), after “a label” insert “which must be in English”.

(8) EUDN 2019/1614, which was amended by S.I. 2022/1090.