

2023 No. 1131

PLANT HEALTH

TRADE

**The Official Controls (Plant Health) (Prior Notification) and
Phytosanitary Conditions (Amendment) Regulations 2023**

Made - - - - *24th October 2023*

Laid before Parliament *26th October 2023*

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by—

- (a) Articles 5(3), 30(1) and (1A) and (5), 40(3), 41(3) and 105(6) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants^(a) (“the Plant Health Regulation”),
- (b) Article 144(6) of, and paragraph 3(2) of Annex 6 to, Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products^(b) (“the Official Controls Regulation”).

In accordance with Article 2a(2) of the Plant Health Regulation and Article 3(2B) of the Official Controls Regulation, the Secretary of State makes these Regulations with the consent of the Welsh Ministers and the Scottish Ministers.

Risk assessments have been made in accordance with Articles 5(3), 30(1)(a), 40(3) and 41(3) of the Plant Health Regulation, and the Secretary of State—

- (a) is satisfied that the results of the assessments show, in respect of Great Britain, that a pest which is not included in Annex 2 to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures

(a) EUR 2016/2031. Article 2a contains a definition of “the appropriate authority”. Articles 5, 30, 40 and 41 were amended, and Article 105 substituted, by S.I. 2020/1482. Article 41 was also amended by S.I. 2021/79.

(b) EUR 2017/625. Article 3(2A) and (2B) contains a definition of “the appropriate authority”. Article 144 was substituted, and Annex 6 inserted, by S.I. 2020/1481. Annex 6 was amended by S.I. 2021/429, 809, 2022/621 and 1315. It was also amended in relation to England and Wales by S.I. 2021/1096, 1443 and in relation to Scotland by S.S.I. 2021/342, 493 and 2022/90. Article 4 of 2021/493 amended Article 56A (inserted by paragraph 13 of Annex 6 for the purpose of the application of the Official Controls Regulation to the entry into Great Britain of relevant goods from a relevant third country during the transitional staging period).

- against pests of plants(a) (“the Phytosanitary Conditions Regulation”) fulfils the conditions listed in Article 3 of the Plant Health Regulation, or that a pest which is included in that list no longer fulfils one or more of those conditions,
- (b) is satisfied that the results of the assessment show, in respect of Great Britain, that a pest which is not included in Annex 2A to the Phytosanitary Conditions Regulation(b) fulfils the criteria set out in Subsection 2 of Section 3 of Annex 1 to the Plant Health Regulation, or that a pest which is included in Annex 2A no longer fulfils those criteria or fulfils the criteria in Article 3 of the Plant Health Regulations,
 - (c) considers that it is appropriate, within the meaning of Article 40(3A) and (3B) of the Plant Health Regulation to amend Part A of Annex 6 to the Phytosanitary Conditions Regulation(c) in light of the assessments, and
 - (d) considers that it is appropriate, within the meaning of Article 41(3A) and (3B) of the Plant Health Regulation, to amend Annex 7 to the Phytosanitary Conditions Regulations(d) in light of the assessments.

In accordance with Article 144(7) of the Official Controls Regulation, before making these Regulations, the Secretary of State has consulted such bodies and persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as the Secretary of State considers appropriate.

PART 1

Introduction

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Official Controls (Plant Health) (Prior Notification) and Phytosanitary Conditions (Amendment) Regulations 2023.

(2) These Regulations come into force—

- (a) as regards this regulation and Part 3 on 17th November 2023;
- (b) as regards Chapter 2 of Part 2 and regulation 2, so far as it relates to regulations in Chapter 2 of Part 2, on 24th November 2023;
- (c) as regards Chapter 3 of Part 2, and regulation 2, so far as it relates to regulations in Chapter 3 of Part 2, on 2nd May 2024.

(3) They extend to England and Wales, and Scotland.

(4) In these Regulations, “the Phytosanitary Conditions Regulation” means Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants.

(a) EUR 2019/2072; relevant amending instruments are S.I. 2020/1527, 2021/136, 426, 641, 1171, 1229, 2022/114, 484, 1090, 1120, 2023/959. Annex 2 was substituted by S.I. 2020/1527 (as amended by S.I. 2020/1631), and amended by S.I. 2021/641, 1171, 2022/114, 1120.

(b) Annex 2A was inserted by S.I. 2020/1527 (as amended by S.I. 2020/1631), and amended by S.I. 2021/426, 641, 1171, 2022/114, 1120.

(c) Annex 6 was substituted by S.I. 2020/1527 (as amended by S.I. 2020/1631), and amended by S.I. 2021/426, 641, 1171, 2022/114.

(d) Annex 7 was substituted by S.I. 2020/1527 (as amended by S.I. 2020/1631), and amended by S.I. 2021/136, 426, 641, 1171, 1229, 2022/114, 484, 1090, 1120, 2023/959.

PART 2
Amendment to the Phytosanitary Conditions Regulation
CHAPTER 1
Introduction

Amendment to the Phytosanitary Conditions Regulation

2.—(1) The Phytosanitary Conditions Regulation is amended in accordance with regulations 3 to 8.

(2) In regulations 3 to 8, any reference to an Annex is to an Annex to that Regulation.

CHAPTER 2

Regulations coming into force on 24th November 2023

Amendments to Annex 2

3.—(1) In Annex 2 (list of GB quarantine pests)(a), the table in Part A (pests not known to occur in Great Britain) is amended as follows.

(2) Under the heading “C. Insects and mites”, omit entry 62.

(3) Under the heading “F. Viruses, viroids and phytoplasmas”—

(a) after entry 10, insert—

“10A.	Citrus exocortis viroid [CEVD00]”;
-------	------------------------------------

(b) omit entries 11 and 12;

(c) after entry 11 (omitted by paragraph (b)), insert—

“11A.	Columnnea latent viroid [CLVD00]”;
-------	------------------------------------

(d) after entry 17, insert—

“17A.	Pepper chat fruit viroid [PCFVD0]”;
-------	-------------------------------------

(e) after entry 30, insert—

“30A.	Tomato planta macho viroid [TPMVD0]”.
-------	---------------------------------------

Amendments to Annex 2A

4.—(1) The table in Annex 2A (list of provisional GB quarantine pests)(b) is amended as follows.

(2) Under the heading “A. Fungi and oomycetes”, after entry 1B, insert—

“1BA.	<i>Coleosporium paederiae</i> Dietal ex Hirats. f. [COLSPA]”.
-------	---

(3) Under the heading “B. Insect and mites”—

(a) after entry 4BB, insert—

“4BC.	<i>Crisicoccus pini</i> (Kuwana) [DACLPI]”;
-------	---

(b) after entry 4C, insert—

“4CA.	<i>Dendrolimus superans</i> Butler [DENDSU]”;
-------	---

(c) after entry 10, insert—

“10A.	<i>Sirex nitobei</i> Mats. [SIRXNI]”;
-------	---------------------------------------

(d) after entry 15, insert—

(a) Annex 2 was substituted by S.I. 2020/1527 and amended by S.I. 2021/641, 1171, 2022/114, 1120.

(b) Annex 2A was inserted by S.I. 2020/1527 and amended by S.I. 2021/426, 641, 1171, 2022/114, 1120.

“15A.	<i>Urocerus japonicus</i> (F. Sm.) [URCEJA]”.
-------	---

(4) Under the heading “C. Viruses, viroids and phytoplasmas”, omit entries 2, 3, 4 and 7.

Amendments to Annex 6

5.—(1) In Annex 6, the table in Part A (list of plants, plant products and other objects from third countries, other than high-risk plants, plant products and other objects, which may not be introduced into Great Britain)(a) is amended as follows.

(2) In entry 1, in column 1 (description of plants, etc.), after “Korea”, insert “, and other than naturally or artificially dwarfed plants of *Chamaecyparis* Spach., *Juniperus* L., or *Pinus* L., either entirely of the species *Pinus thunbergia* Parl. or of *Pinus thunbergia* Parl. grafted on a rootstock of a *Pinus* species other than *Pinus thunbergia* Parl., originating in Japan”.

Amendments to Annex 7

6.—(1) Annex 7 (list of plants, plant products and other objects originating from third countries and the corresponding special requirements for their introduction into Great Britain) is amended as follows.

(2) In Part A (plants, plant products and other objects originating in third countries which may only be introduced into Great Britain if special requirements are met)(b)—

(a) in the section entitled “Interpretation”, after the definition of “ISPM4”, insert—

““ISPM10” means International Standard for Phytosanitary Measures No 10 of December 2015 on requirements for the establishment of pest-free places of production and pest-free production sites, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(c);

“ISPM14” means International Standard for Phytosanitary Measures No 14 of April 2019 on the use of integrated measures in a systems approach for pest risk management, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(d);

“ISPM31” means International Standard for Phytosanitary Measures No 31 of December 2015 on methodologies for sampling of consignments, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(e);”;

(b) in the table—

(i) in entry 8, in column 2 (origin), omit “Cowpea mild mottle virus”;

(ii) after entry 33, insert—

“33A.	Plants for planting, other than seeds, of <i>Capsicum</i> spp.	Any third country	The plants must be accompanied by: (a) an official statement that the plants have been derived from seed complying with the requirements set out in entry 105B, and (b) an official statement that: (i) the plants originate in an area
-------	--	-------------------	--

(a) The table in Part A of Annex 6 was substituted by S.I. 2020/1527 and amended by S.I. 2021/641 and 1171.

(b) Annex 7 was substituted by S.I. 2020/1527 and amended by S.I. 2021/136, 426, 641, 1171, 1229, 2022/114, 484, 1090, 1120, 2023/959.

(c) Available from the IPPC Secretariat AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int>.

(d) Available from the IPPC Secretariat AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int>.

(e) Available from the IPPC Secretariat AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int>.

			<p>established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from Pepper chat fruit viroid, or</p> <p>(ii) the plants have been produced in a site of production where, since the beginning of the last cycle of vegetation, no symptoms of disease caused by Pepper chat fruit viroid have been observed and where the following actions have been taken:</p> <p>(aa) staff and items such as tools, machinery, vehicles, vessels and packaging material from other sites producing solanaceous plants and other host plants of Pepper chat fruit viroid have been prevented from coming into contact with the site, or</p> <p>(bb) other appropriate hygiene measures have been taken to prevent infection by staff working, or items used, at other sites producing solanaceous plants and other host plants of Pepper chat fruit viroid.</p>
33B.	Plants for planting, other than seed, of <i>Solanum lycopersicum</i> L. and its hybrids	Any third country	<p>The plants must be accompanied by:</p> <p>(a) an official statement that the plants have been derived from seed complying with the requirements set out in entry 105C, and</p> <p>(b) an official statement that:</p> <p>(i) the plants originate in an area established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from Citrus exocortis viroid, Columnea latent viroid, Pepper chat fruit viroid and Tomato planta macho viroid, or</p> <p>(ii) the plants have been produced in a site of production where, since the beginning of the last cycle of vegetation, no symptoms of disease caused by Citrus exocortis viroid, Columnea latent viroid, Pepper chat fruit viroid or Tomato planta macho viroid have been observed and where the following actions have been taken:</p> <p>(aa) staff and items such as tools, machinery, vehicles, vessels and packaging material from other sites producing solanaceous plants and other host plants of Citrus exocortis viroid, Columnea latent viroid, Pepper chat fruit viroid or Tomato planta macho viroid have been prevented from</p>

coming into contact with the site, or
 (bb) other appropriate hygiene
 measures have been taken to prevent
 infection by staff working, or items
 used, at other sites producing
 solanaceous plants and other host plants
 of Citrus exocortis viroid, Columnnea
 latent viroid, Pepper chat fruit viroid or
 Tomato planta macho viroid.”;

(iii) after entry 42A(a) insert—

“42B.	<p>Naturally or artificially dwarfed plants of <i>Chamaecyparis</i> Spach., <i>Juniperus</i> L., or <i>Pinus</i> L., but in the case of <i>Pinus</i> L., either entirely of the species <i>Pinus parviflora</i> Sieb. & Zucc. (<i>Pinus pentaphylla</i> Mayr) or <i>Pinus thunbergii</i> Parl., or of—</p> <p>(a) <i>Pinus parviflora</i> Sieb. & Zucc. grafted on a rootstock of a <i>Pinus</i> species other than <i>Pinus parviflora</i> Sieb. & Zucc., or</p> <p>(b) <i>Pinus thunbergii</i> Parl., grafted on a rootstock of a <i>Pinus</i> L. species other than <i>Pinus thunbergii</i> Parl.</p>	Japan	<p>The plants must be accompanied by an official statement that:</p> <p>(a) they are naturally or artificially dwarfed plants:</p> <p>(i) of <i>Chamaecyparis</i> Spach.,</p> <p>(ii) of <i>Juniperus</i> L., or</p> <p>(iii) of <i>Pinus</i> L.,</p> <p>but in the case of <i>Pinus</i> L., they are one of the following:</p> <p>(aa) entirely of the species <i>Pinus parviflora</i> Sieb. & Zucc. (<i>Pinus pentaphylla</i> Mayr),</p> <p>(bb) entirely of the species <i>Pinus thunbergii</i> Parl.,</p> <p>(cc) of <i>Pinus parviflora</i> Sieb. & Zucc. grafted on a rootstock of a <i>Pinus</i> L. species other than <i>Pinus parviflora</i> Sieb. & Zucc. which has borne no shoots and originated in Japan, or</p> <p>(dd) of <i>Pinus thunbergii</i> Parl., grafted on a rootstock of a <i>Pinus</i> L. species other than <i>Pinus thunbergii</i> Parl. which has borne no shoots and originated in Japan,</p> <p>(b) prior to export they have been grown, held and trained for at least two consecutive years in officially registered nurseries which are subject to an officially supervised control regime,</p> <p>(c) in the case of <i>Juniperus</i> L. plants:</p> <p>(i) the plants of <i>Juniperus</i> L. and any plants of <i>Chaenomeles</i> Lindl., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Photinia</i> Ldl. and <i>Pyrus</i> L. grown in the two years prior to export in the plant nurseries mentioned in point (b) for naturally or artificially dwarfed plants, and</p> <p>(ii) the immediate vicinity of the plants referred to in sub-paragraph (i), have been officially inspected at least</p>
-------	--	-------	---

(a) Entry 42A was inserted by S.I. 2021/641.

six times a year at appropriate intervals and found to be free from the following: *Aschistonyx eppoi* Inouye, *Gymnosporangium asiaticum* Miyabe ex Yamada and *G. yamadae* Miyabe ex Yamada, *Oligonychus perditus* Pritchard et Baker, *Popillia japonica* Newman, and any other GB quarantine pest or provisional GB quarantine pest, (d) in the case of *Chamaecyparis* Spach. plants:

(i) the plants of *Chamaecyparis* Spach. and of *Pinus* L. grown in the nurseries mentioned in point (b) for naturally or artificially dwarfed plants, and (ii) the immediate vicinity of the plants referred to in sub-paragraph (i), have been officially inspected at least six times a year at appropriate intervals and found to be free from *Popillia japonica* Newman and any other GB quarantine pest or provisional GB quarantine pest,

(e) in the case of *Pinus parviflora* Sieb. & Zucc. plants:

(i) the plants of *Pinus* L. and of *Chamaecyparis* Spach. grown in the nurseries mentioned in point (b) for naturally or artificially dwarfed plants, and

(ii) the immediate vicinity of the plants referred to in sub-paragraph (i), have been officially inspected, at least six times a year at appropriate intervals and found to be free from the following: *Bursaphelenchus xylophilus* (Steiner and Bühner) Nickle et al., *Coleosporium paederiae* Dietel ex Hirats. f., *Crisicoccus pini* (Kuwana), *Cronartium kurilense* (Dietel) Y. Ono, *Cronartium quercuum* (Berk.) Miyabe ex Shirai, *Dendrolimus sibiricus* Chetverikov, *Dendrolimus spectabilis* (Butler), *Dendrolimus superans* Butler, *Monochamus* spp., *Pissodes nitidus* Roelofs, *Popillia japonica* Newman, *Pseudocercospora pini-densiflorae* (Hori & Nambu) Deighton, *Thecodiplosis japonensis* Uchida & Inouye, and any other GB quarantine pest or provisional GB quarantine pest, (f) in the case of *Pinus thunbergii* Parl plants:

(i) the plants of *Pinus* L. and of *Chamaecyparis* Spach. grown in the nurseries mentioned in point (b) for

naturally or artificially dwarfed plants, and

(ii) the immediate vicinity of the plants referred to in sub-paragraph (i), have been officially inspected at least six times a year at appropriate intervals and found to be free from the following: *Bursaphelenchus xylophilus* (Steiner and Bühner) Nickle et al., *Coleosporium asterum* (Dietel) Sydow & P. Sydow, *Coleosporium phellodendri* Komarov, *Crisicoccus pini* (Kuwana), *Cronartium orientale* Kaneko, *Dendrolimus sibiricus* Chetverikov, *Dendrolimus spectabilis* (Butler), *Dendrolimus superans* Butler, *Dothistroma septosporum* (Dorogin) Morelet, *Fusarium circinatum* Nirenberg & O'Donnell, *Monochamus* spp. (non-European populations), *Pissodes nitidus* Roelofs, *Popillia japonica* Newman, *Pseudocercospora pini-densiflorae* (Hori & Nambu) Deighton, *Sirex nitobei* Mats., *Thecodiplosis japonensis* Uchida & Inouye, *Urocerus japonicus* (F. Sm), and any other GB quarantine pest or provisional GB quarantine pest,

(g) the plants intended for Great Britain have at least during the period referred to in point (b):

(i) been potted in pots which are placed either on shelves at least 50cm above ground or on concrete flooring which is well maintained and free from debris,

(ii) been found to be free, in the inspections referred to in point (c) to (f), from the pests specified in point (c) to (f),

(iii) in the case of plants of *Pinus parviflora* Sieb. & Zucc. or *Pinus thunbergii* Parl. grafted on a rootstock of another *Pinus* L. species, been grafted on a rootstock derived from sources officially approved as healthy material, and

(iv) been made recognisable with a marking or a traceability code, exclusive for each individual plant and notified to the national plant protection organisation of Japan, enabling the identification of the officially registered nursery and the year of potting, and

(h) the plants have been traceable from the time of their removal from the nursery until the time of loading for export, the tracing assured by sealing of

transport vehicles or appropriate alternatives.

The following additional requirements must be complied with.

(1) The annual lists of the registered nurseries must be made available to the national plant protection organisation of the United Kingdom by 1st March each year. Those lists must include the number of plants grown in each of these nurseries which are deemed suitable for dispatch to Great Britain under the conditions laid down.

(2) The total number of plants dispatched to Great Britain must not exceed the quantities which have been approved by the national plant protection organisation of the United Kingdom in advance, having regard to the availability of quarantine facilities.

(3) In the case of plants of *Juniperus L.*, the plants may only be imported into Great Britain during the period beginning on 1st November each year and ending on 31st March the following year.

(4) Any detection of the pests specified in points (c) to (f) in the inspections carried out pursuant to those points must be officially recorded, and the records must be kept available to the national plant protection organisation of the United Kingdom, upon its request.

(5) The detection of any pests which are specified in points (c) to (f) disqualifies the nursery from the status of officially registered nursery and from exporting the plants specified in column 1 to Great Britain. The national plant protection organisation of the United Kingdom must be informed immediately of such detection. In such case, the registration can be renewed only in the following year.

(6) Following their import into Great Britain, the plants must be subject, before their release, to official post-entry detention in a confinement facility or quarantine station of not less than three months of active growth in the

case of *Pinus* L. and *Chamaecyparis* Spach. plants, and for a period including the active growth season from 1st April until 30th June in the case of *Juniperus* L. plants, and must have been found to be free, during this post-entry detention, from any pests listed in points (c) to (f). Particular attention must be given by the competent authority or the professional operators to preserve for each plant the marking or traceability code referred to in point (g)(iv).

(7) Any lot in which plants have not been found to be free, during the post-entry detention, from the pests of concern must be immediately destroyed under official supervision.

(8) If any contamination by the pests of concern is confirmed during the post-entry detention period, the relevant nursery in Japan must be treated as disqualified from its status as an officially registered nursery. The national plant protection organisation of the United Kingdom must immediately inform the national plant protection organisation of Japan of the contamination and the disqualification.

(9) The phytosanitary certificate under the heading “Additional declaration” must indicate:

- the name or names of the officially registered nursery or nurseries;
- the markings or traceability codes referred to in point (g)(iv), as far as they enable identification of the registered nursery and the year of potting;
- the specification of the last treatment applied, prior to dispatch.”;

(iv) omit entry 92;

(v) in entry 94, in column 3 (special requirements), in the first unnumbered paragraph—

- (aa) in point (c)(i), after “production”, in the first place where it occurs, insert “*”;
- (bb) in point (c)(ii), for the words from “, which” to the end substitute “and prior to export, including a visual examination with an intensity to enable at least the detection of a 2% level of infestation, with a level of confidence of 95% in accordance with the measures specified in ISPM31 and including destructive sampling in case of symptoms”;

- (cc) for “and” after point (c)(ii), substitute “or”;
- (dd) omit point (c)(iii) and the “or” after it;
- (ee) for point (d) substitute—

“(d) an official statement:
 (i) that they have been produced in a site(s) of production* approved by the national plant protection organisation of the country of origin,
 (ii) that they have been subjected to an effective systems approach** in accordance with the measures specified in ISPM14 or an effective stand-alone post-harvest treatment** to ensure freedom from *Thaumatotibia leucotreta* (Meyrick), and
 (iii) that, prior to export, they have been subjected to official inspections for the presence of *Thaumatotibia leucotreta* (Meyrick), with an intensity to enable at least the detection of a 2% level of infestation, with a level of confidence of 95% in accordance with the measures specified in ISPM31 and including destructive sampling in case of symptoms.”;

- (vi) in entry 94, in column 3, in the second unnumbered paragraph preceded by an asterisk, after “area(s)”, insert “, place(s) of production or site(s) of production”;
- (vii) in entry 94, in column 3, in the fourth unnumbered paragraph—
 - (aa) after the second indented sub-paragraph insert—

“-the official

statement referred to in point (c) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the place(s) of production.”;

- (bb) in the last indented sub-paragraph, for “treatment or approach” substitute “site(s) of production and the systems approach or post-harvest treatment”;
- (viii) in entry 100, in column 3, in the first unnumbered paragraph—
 - (aa) in the words before point (c)(i), after “statement”, insert “, which includes information on traceability.”;
 - (bb) in point (c)(i), for the words from “its immediate” to the end substitute “its immediate vicinity, and they have been subjected to effective treatments to ensure freedom from the pest and an inspection of a representative sample of fruits prior to export which has shown the fruits to be free of that pest”;
- (ix) in entry 102A, in column 3, at the end insert—

“A phytosanitary certificate may not include the official statement referred to in point (b) unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the area or areas.”
;

(x) after entry 105A insert—

“105B. Seeds of <i>Capsicum</i> spp.	Any third country	The seeds must be accompanied by an official statement that they: (a) originate in an area* established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from Pepper chat fruit viroid, (b) are derived from plants grown throughout their life in a place of production** established by the
--------------------------------------	-------------------	---

national plant protection organisation in accordance with ISPM10 as a place of production that is free from Pepper chat fruit viroid and verified through official inspections and, where appropriate, testing, or (c) have been subjected to official testing for Pepper chat fruit viroid on a statistically based sample in accordance with ISPM31 and using an appropriate method and have been found, in this test, to be free from this pest.

* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.

** The name(s) of the place(s) of production must be included in the phytosanitary certificate under the heading “Additional declaration”.

105C. Seeds of *Solanum lycopersicum* L. and its hybrids Any third country

The seeds must be accompanied by an official statement that they:
 (a) originate in an area* established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from Citrus exocortis viroid, Columnea latent viroid, Pepper chat fruit viroid and Tomato planta macho viroid,
 (b) are derived from plants grown throughout their life in a place of production** established by the national plant protection organisation in accordance with ISPM10 as a place of production that is free from Citrus exocortis viroid, Columnea latent viroid, Pepper chat fruit viroid and Tomato planta macho viroid and verified through official inspections and, where appropriate, testing, or
 (c) have been subjected to official testing for Citrus exocortis viroid, Columnea latent viroid, Pepper chat fruit viroid and Tomato planta macho viroid on a statistically based sample in accordance with ISPM31 and using an appropriate method and have been found, in these tests, to be free from these pests.

* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.

** The name(s) of the place(s) of production must be included in the phytosanitary certificate under the heading “Additional declaration”.”;

(xi) in entry 125, in column 2, after “country” insert “other than Canada and the USA”;

(xii) after entry 125 insert—

“ 125A.	Wood of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than in the form of:	Canada and the USA	The wood must be accompanied by an official statement that it: (a) originates in an area* established by the national plant protection organisation in accordance with ISPM4 as an area that is free from <i>Agrilus planipennis</i> Fairmaire and that no part of the area lies within 100 km of a known outbreak of <i>Agrilus planipennis</i> Fairmaire, (b) has undergone ionizing irradiation to achieve a minimum absorbed dose of 1kGy throughout the wood, or (c) has been— (i) debarked, all sawn wood being produced from such debarked wood**, (ii) heated through its profile to at least 71°C for 1200 minutes in a heat chamber approved by the relevant national plant protection organisation’s inspection service***, and (iii) dried following industrial drying schedules of a duration of at least two weeks, recognised by the relevant national plant protection organisation’s inspection service*** and the final moisture content of the wood must not exceed 10% expressed as a percentage of dry matter. * The names(s) of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”. A phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the area or areas. ** The maximum tolerance level for residual pieces of bark is 50 cm ² in area. *** The inspection services as officially approved by the national plant protection organisation in the
	<ul style="list-style-type: none"> — chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or part from these trees, — wood packaging material, except associated controlled dunnage, 		
	but including wood which has not kept its natural round surface, and furniture and other objects made of untreated wood		

country of origin or the country of processing, namely Canada or the USA.

In the case of wood declared to comply with the requirements listed in point (c):

(1) the wood must be produced, handled or stored in a facility**** which fulfils all the following requirements:

(i) it is officially approved by the relevant national plant protection organisation's inspection service pursuant to its certification programme for the pest *Agrilus planipennis* Fairmaire,

(ii) it is registered in a database published by the relevant inspection service,

(iii) it is audited *****at least once per month by the relevant national plant protection organisation's inspection service, or an agency approved by that inspection service, which concludes in each audit that the facility has treated wood as per the requirements listed in point (c),

(iv) it uses equipment for the treatment of the wood which has been calibrated consistently with the equipment's manual of operation,

(v) it keeps records of its procedures for verification by the relevant national plant protection organisation's inspection service, or an agency approved by that inspection service, including the duration of treatment, temperatures during treatment and, for each specific bundle to be exported, the compliance check and final moisture content.

****The name of the facility or facilities must be included in the phytosanitary certificate under the heading "Additional declaration".

*****Where these audits are performed by an agency approved by the relevant national plant protection organisation's inspection service, the relevant national plant protection organisation's inspection service must carry out six-monthly audits of this work. The six-monthly audits must include the verification of the procedures and documentation of the

agency and audits at approved facilities.

(2) Each bundle of wood must visibly display both the unique bundle number and a label with the words “HTKD” or “Heat Treated-Kiln Dried”. That label must be issued by, or under the supervision of, a designated officer of the approved facility after verifying that the processing requirements set out in point (c) and the requirements for facilities set out in point (1) have been complied with. The bundle number(s) corresponding to each specific bundle being exported must be included in the phytosanitary certificate under the heading “Additional declaration”.

(3) The wood must have been inspected before export by the relevant national plant protection organisation’s inspection service, or an agency approved by that inspection service, to ensure that the requirements laid down in point (c) and point (2) are met.”

CHAPTER 3

Regulations coming into force on 2nd May 2024

Amendments to Annex 2A

7.—(1) The table in Annex 2A (list of provisional GB quarantine pests) is amended as follows.

(2) Under the heading “A. Fungi and oomycetes”, after entry 5, insert—

“5A.	<i>Raffaelea lauricola</i> Harrington, Fraedrich & Aghayeva [RAFFLA]
------	--

5B.	<i>Raffaelea quercivora</i> Kubono & Ito [RAFFQU]”.
-----	---

(3) Under the heading “B. Insects and mites”, after entry 7(a), insert—

“7B.	<i>Platypus quercivorus</i> (Murayama) [PLTPQU]”.
------	---

Amendments to Annex 7

8.—(1) Annex 7 (list of plants, plant products and other objects originating from third countries and the corresponding special requirements for their introduction into Great Britain) is amended as follows.

(2) In the table in Part A (plants, plant products and other objects originating in third countries which may only be introduced into Great Britain if special requirements are met)—

(a) Entry 7A was inserted by S.I. 2021/426 and omitted by S.I. 2022/114.

- (a) in entry 20—
 - (i) for the words in column 1 (description of plants, etc.), substitute “Plants for planting, other than seeds, of *Solanum tuberosum* L.”;
 - (ii) in column 3 (special requirements)—
 - (aa) for “tubers”, in the first and second place where it occurs, substitute “plants”;
 - (bb) in point (d)(ii), after “appropriate times and”, insert “, in the case of tubers,”;
 - (cc) in point (d)(iii), at the beginning, insert “in the case of tubers,”;
- (b) in entry 21—
 - (i) in column 1, for “Tubers of *Solanum tuberosum* L., for planting” substitute “Plants for planting, other than seeds, of *Solanum tuberosum* L.”;
 - (ii) in column 3—
 - (aa) for “tubers” substitute “plants”;
 - (bb) after “EU Member State”, in both places where it occurs, insert “, Liechtenstein”;
- (c) in entry 22, in column 1, after “entry 20” insert “or 21”;
- (d) in entry 29, in column 3, after “entry 20” insert “or 21”;
- (e) in entry 83A, for the words in column 2 (origin) substitute “Any third country”.

(3) In the table in Part B (plants, plant products and other objects originating in third countries which are subject to emergency measures and may only be introduced into Great Britain if special requirements are met)(a), in entry 6, in column 3 (special requirements)—

- (a) in the first unnumbered paragraph—
 - (i) omit the “or” after point (a);
 - (ii) at the end of point (b)(ii), insert—
 - “; or
- (c) in the case of any seeds which were harvested before 15th August 2020, an official statement stating that “The seeds were harvested before 15th August 2020 and the seeds have undergone official sampling and testing for Tomato brown rugose fruit virus and have been found, according to those tests, to be free from that pest.”;
- (b) in the third unnumbered paragraph, for “point (b)(ii)” substitute “points (b)(ii) and (c)”.

PART 3

Official Controls: Amendment of the transitional staging period

Interpretation

9. In this Part, “the Official Controls Regulation” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

(a) Part B of Annex 7 was substituted by S.I. 2020/1527 (as amended by S.I. 2020/1631), and amended by S.I. 2021/136, 641, 2022/1120.

Amendment to exemptions from the requirement for prior notification of entry into Great Britain of relevant goods from a relevant third country during the transitional staging period

10.—(1) Part 2 of Annex 6 to the Official Controls Regulation(a) (derogations and modifications: relevant goods entering Great Britain from a relevant third country) is amended as follows.

(2) In paragraph 13—

(a) in the inserted Article 56A (prior notification of entry to Great Britain: transitional arrangements), as it applies in relation to England and Wales, after paragraph 4B, insert—

“4C. In relation to goods entering Great Britain on or after 17th November 2023, the requirement to give prior notification in accordance with paragraph 4(b) does not apply where the goods are plants of a category specified in column 1, and of a description specified in the corresponding entry in column 2, in the table in Annex 7.”;

(b) in the inserted Article 56A (prior notification of entry to Great Britain: transitional arrangements), as it applies in relation to Scotland, after paragraph 6, insert—

“6A. In relation to goods entering Great Britain on or after 17th November 2023, the requirement to give prior notification in accordance with paragraph 4(b) does not apply where the goods are plants of a category specified in column 1, and of a description specified in the corresponding entry in column 2, in the table in Annex 7.”.

(3) After paragraph 14, insert—

“15. After Annex 6, insert the following Annex—

ANNEX 7

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Category of plants</i>	<i>Description of plants</i>	<i>Corresponding entry number in the table in Part A of Annex 11 to the Phytosanitary Conditions Regulation⁽¹⁾ to the category of plants in Column 1 to this table</i>
Root and tubercle vegetables	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled. Other root and tubercle vegetables, fresh or chilled. Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, not frozen or dried, not sliced or in the form of pellets. Ginger, saffron, turmeric (curcuma), and other spices, in the form of root or tubercle plant parts, fresh or	5

(a) EUR 2017/625. Paragraph 13 was amended in relation to England and Wales by S.I. 2021/1096, 1443, 2022/1315 and in relation to Scotland by S.S.I. 2021/342, 493 and 2022/90.

	chilled.	
	Sugar beet, not ground, fresh or chilled.	
	Chicory roots, fresh or chilled.	
	Other root and tubercle vegetables, fresh or chilled.	
	Swedes, mangolds, fodder roots, similar forage products, not in the form of pellets, fresh or chilled.	
	Parts of plants, other than fruit and seeds of:	
<i>Zea mays</i> L.	Other vegetables, fresh or chilled: Sweetcorn	8
Leafy vegetables of <i>Apium graveolens</i> L., <i>Eryngium Tournier</i> ex Linnaeus, <i>Limnophila</i> R.Br. and <i>Ocimum</i> L.	Other vegetables, fresh or chilled. Parts of plants (other than fruit and seeds), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh, chilled, crushed or powdered. Vegetable products not elsewhere specified or included, fresh or chilled.	10
Leaves of <i>Manihot esculenta</i> Crantz	Leaves of cassava (<i>Manihot esculenta</i>), fresh or chilled. Vegetable products of cassava (<i>Manihot esculenta</i>), not elsewhere specified or included, fresh or chilled.	11
	Fruits of:	
<i>Momordica</i> L. and Solanaceae Juss.	Tomatoes, fresh or chilled. Other vegetables, of Solanaceae, fresh or chilled. Other fruit, fresh or chilled.	19
<i>Carica papaya</i> L., <i>Cydonia</i> Mill., <i>Fragaria</i> L., <i>Malus</i> Mill., <i>Persea americana</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L., <i>Ribes</i> L., <i>Rubus</i> L., <i>Syzygium</i> Gaertn., <i>Vaccinium</i> L. and <i>Vitis</i> L.	Avocados, fresh or chilled. Grapes, fresh or chilled. Papaws (papayas) fresh or chilled. Apples, pears and quinces, fresh or chilled. Apricots, cherries, peaches (including nectarines), plums and sloes, fresh or chilled. Strawberries, fresh or chilled. Raspberries, blackberries and loganberries, fresh or chilled. Black, white or red currants	20

and gooseberries, fresh or chilled.
Cranberries, bilberries, and other fruit of the genus *Vaccinium*, fresh or chilled.
Other, fresh or chilled.

⁽¹⁾ “Annex 11 to the Phytosanitary Conditions Regulation” means Annex 11 to Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants.”.

24th October 2023

Benyon
Minister of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council as regards protective measures against pests of plants (EUR 2019/2072, the “Phytosanitary Conditions Regulation”), in accordance with the outcome of risk assessments of pests of plants.

These Regulations also make changes to the arrangements for the transitional staging period (“the TSP”) referred to in Annex 6 to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (EUR 2017/625, “the Official Controls Regulation”).

Part 2 amends the Phytosanitary Conditions Regulations.

Chapter 2 comes into force on 24th November 2023—

- (a) regulation 3 removes certain pests from Annex 2 and regulation 6 removes corresponding conditions for imports from Annex 7;
- (b) regulation 3 also adds the following provisional GB quarantine pests to the list of GB quarantine pests: Citrus exocortis viroid, Columnea latent viroid, Pepper chat fruit viroid and Tomato planta macho viroid; regulation 4 removes these pests from the list of provisional GB quarantine pests in Annex 2A and regulation 6 adds corresponding import requirements to Annex 7;
- (c) regulation 4 also adds the following new pests to the provisional GB quarantine pest list: *Coleosporium paederiae* Dietal ex Hirats. f., *Crisicoccus pini* (Kuwana), *Dendrolimus superans* Butler, *Platypus quercivorus* (Murayama), *Sirex nitobei* Mats., and *Urocerus japonicus* (F. Sm);
- (d) regulations 5 and 6 provide for the permitted import of *Chamaecyparis* Spach., *Juniperus* L., or *Pinus* L., from Japan, subject to certain conditions;
- (e) regulation 6 also amends Annex 7 to amend import requirements for fruits of *Capsicum*, Solanaceae and Cucurbitaceae and to provide import requirements for ash wood from Canada and the USA.

Chapter 3 comes into force on 2nd May 2024—

- (a) regulation 7 adds the following pests to the list of provisional GB quarantine pests: *Raffaelea lauricola*, *Raffaelea quercivora* and *Platypus quercivorus*;
- (b) regulation 8 makes updates to import requirements for Tomato brown rugose fruit virus and extends the requirements for tubers of potatoes to plants of potatoes.

Part 3, which comes into force on 17th November 2023, amends the TSP arrangements so as to create an exception to the requirement for prior notification in respect of certain plants entering Great Britain from EU Member States, Liechtenstein or Switzerland.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

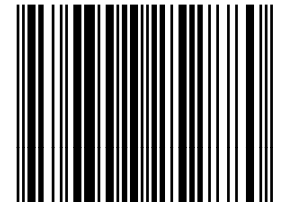
© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£8.14

<http://www.legislation.gov.uk/id/uksi/2023/1131>

ISBN 978-0-34-825288-0



9 780348 252880