WELSH STATUTORY INSTRUMENTS

2003 No. 1851 (W.201)

PLANT HEALTH, WALES

The Plant Health (Amendment) (Wales) Order 2003

Made - - - -	*16th July 2003*
Coming into force - -	*31st July 2003*

The National Assembly for Wales, in relation to Wales, in exercise of the powers conferred on the Minister of Agriculture, Fisheries and Food by sections 2, 3(1) to (4) and 4(1) of the Plant Health Act 1967(**1**) as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(**2**) and now vested in the National Assembly for Wales(**3**) hereby makes the following Order:

Title, application and commencement

1. This Order may be cited as the Plant Health (Amendment) (Wales) Order 2003, it applies in relation to Wales, and comes into force on 31st July 2003.

Amendment of the Plant Health (Great Britain) Order 1993

2.—(1) The Plant Health (Great Britain) Order 1993(**4**) shall be amended in accordance with the following paragraphs of this article.

(2) In article 2(1) —

(a) for the definition of "Directive 2000/29/EC" there is substituted the following —

> ""Directive 2000/29/EC" means Council Directive 2000/29/EC(**5**) of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directives 2001/33/EC(**6**) of 8th May

(**1**) 1967 c. 8; sections 2(1) and 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48).
(**2**) 1972 c. 62.
(**3**) Section 1(2)(b) of the Plant Health Act 1967 provides that the competent authority in England and Wales for the purposes of that Act is the Minister of Agriculture, Fisheries and Food. By virtue of the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I.1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as they were exercisable in relation to Wales, transferred to the Secretary of State. These functions of the Secretary of State for Wales were then transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(**4**) S.I. 1993/1320; as amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245, 1999/2641 (W.8), 2001/2500 (W.203), 2001/3761 (W.310) and 2002/1805 (W.175).
(**5**) OJ No. L 169, 10.7.00, p.1.
(**6**) OJ No. L 127, 9.5.01, p.42; and *see* the associated Commission Directive 2001/32/EC, OJ No. L127, 9.5.01, p.38.

2001, 2002/28/EC(**7**) of 19th March 2002, 2002/36/EC(**8**) of 29th April 2002 and by 2003/22/EC(**9**) of 24th March 2003 amending certain annexes to Council Directive 2000/29/EC;"; and

(b) after the definition of "reforwarding phytosanitary certificate" there is inserted the following —

""relevant International Standards for Phytosanitary Measures (ISPM) means ISPM No. 4 "Requirements for the Establishment of Pest Free Areas" February 1996 and ISPM No. 10 "Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites" October 1999(**10**), prepared by the Secretariat of the International Plant Protection Convention (IPPC) established by the Food and Agriculture Organisation of the United Nations;"".

(3) In Schedule 1, Part A, Section 1(a) —

(a) after item 4 there is inserted the following —

"**4.1.** *Anoplophora glabripennis* (Motschulsky)"; and

(b) after item 16 there is inserted the following —

"**16.1.** *Naupactus leucoloma* Boheman".

(4) In Schedule 1, Part A, Section 2(a), items 4, 5 and 6 are deleted.

(5) Schedule 1, Part B(a), after item 2 there is inserted the following —

"**3.** *Liriomyza bryoniae* (Kaltenbach)	IRL and UK (Northern Ireland)".

(6) In Schedule 1, Part B(d), in item 1, for the wording in the second column there is substituted the following —

"DK, F (Brittany), IRL, P (Azores), FI, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)".

(7) In Schedule 2, Part A, Section 1(c), after item 1 there is inserted the following —

"**1.1.** *Anisogramma anomala* (Peck) Müller	E. Plants of *Corylus* L., intended for planting, other than seeds, originating in Canada and the United States of America".

(8) In Schedule 2, Part A, Section 2(a), after item 7 there is inserted the following —

"**8.** *Liriomyza huidobrensis* (Blanchard)	Cut flowers, leafy vegetables of *Apium graveolens* L., and plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds.

(**7**) OJ No. L 77, 20.3.02, p.23; and *see* the associated Commission Directive 2002/29/EC, OJ No. L 77, 20.3.02, p.26.
(**8**) OJ No. L 116, 3.5.02, p.16.
(**9**) OJ No. L78, 25.3.03, p.10.
(**10**) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00100 Rome, Italy and http://www.ippc.int/IPP/En/default.htm.

9. *Liriomyza trifolii* (Burgess)	Cut flowers, leafy vegetables of *Apium graveolens* L., and plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds".

(9) In Schedule 2, Part B(a), in item 5, for the wording in the third column there is substituted the following —

"EL, P (Azores)".

(10) In Schedule 2, Part B(b), in item 2, for the wording in the third column there is substituted the following —

"E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(11) In Schedule 3, Part B, in item 1, for the wording in the second column there is substituted the following —

"E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d' Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative disrict Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(12) In Schedule 4, Part A, Section 1—

(a) after item 11.2 there is inserted the following —

"**11.3.** Plants of *Corylus* L., intended for planting, other than seeds,	Official statement that the plants have been grown in nurseries and

originating in Canada and the United States of America	(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller, in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller on official inspections carried out at the place of production or its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration" and declared free from *Anisogramma anomala* (Peck) E. Müller";

(b) for items 32.1, 32.2 and 32.3 there is substituted the following —

"**32.1.** Plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds, — tubers, originating in third countries where *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) are known to occur	Without prejudice to the requirements Applicable to the plants in Schedule 4, Part A, Section 1 items 27.1, 27.2, 28 and 29, where appropriate, official statement that the plants have been grown in nurseries and: (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being

	free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", and declared free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) on official inspections carried out at least monthly during the three months prior to export, or (c) immediately prior to export, have been subjected to an appropriate treatment against *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) and have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch). Details of the treatment shall be mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC.
32.2. Cut flowers of *Dendranthema* (DC) Des. Moul., *Dianthus* L.,*Gypsophila* L., and *Solidago* L., and leafy vegetables of *Apium graveolens* L., and *Ocimum* L.	Official statement that the cut flowers and the leafy vegetables: — originate in a country and free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch), or — immediately prior to their export, have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch).
32.3. Plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds, — tubers, originating in third countries	Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 1, items 27.1, 27.2, 28, 29 and 32.1, official statement that: (a) the plants originate in an area known to be free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess), or (b) either no signs of *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) have been observed at the place of production, on official inspections carried out at least monthly during the three months prior to harvesting, or (c) immediately prior to export, the plants have been officially inspected and found free from *Liriomyza huidobrensis*