

This Statutory Instrument has been made to correct errors in S.I. 2021/136 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 641

PLANT HEALTH

The Phytosanitary Conditions (Amendment) Regulations 2021

Made - - - - at 2.30 p.m. on 27th May 2021

Laid before Parliament at 4.30 p.m. on 27th May 2021

Coming into force - - 22nd June 2021

The Secretary of State, in exercise of the powers conferred by Articles 5(3), 30(1), 40(3), 41(3), 72(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”), makes the following Regulations.

The Scottish Ministers and the Welsh Ministers^(b) have consented to the Secretary of State making these Regulations for the purposes of Article 2a(2) of the Plant Health Regulation.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Phytosanitary Conditions (Amendment) Regulations 2021.

(2) They come into force on 22nd June 2021.

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

Amendments to Commission Implementing Regulation (EU) 2019/2072 relating to matters other than the introduction into Great Britain of *Chamaecyparis Spach.*, *Juniperus L.*, or *Pinus L.*, originating in Korea

2.—(1) 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^(c) is amended as follows.

(2) In Annex 2^(d)—

(a) in the table in Part A, under the heading “**C. Insects and mites**”—

(i) after entry 11, insert “11A. *Agilus bilineatus* (Weber) [AGRLBL]”;

(ii) after entry 79, insert “79A. *Neocerambyx raddei* (Blessig) [MALLRA]”.

(a) EUR 2016/2031 amended by S.I. 2020/1482.

(b) Article 2a(2) of EUR 2016/2031 contains a definition of “the appropriate authority” as regards the making of regulations and consent from Welsh Ministers and Scottish Ministers.

(c) EUR 2019/2072 amended by S.I. 2020/1527, 2021/136 and 426.

(d) Annex 2 of EUR 2019/2072 was substituted by Schedule 1 to S.I. 2020/1527.

(3) In Annex 2A(a), under the heading “**B. Insects and mites**”, omit entries 2 and 6.

(4) In Annex 7(b)—

(a) in Part A—

(i) in the section headed “Interpretation”, in the definition of ‘associated controlled dunnage’, after “128,” insert “128A, 128C,”;

(ii) in the table—

(aa) after entry 45, insert—

| | | | |
|------|--|--|---|
| “45A | Plants, other than plants in tissue culture, pollen or seeds, including cut branches with or without foliage of <i>Castanea</i> Mill. and <i>Quercus</i> L. | Canada, Turkey or the USA | The plants must be accompanied by an official statement that they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Agrilus bilineatus</i> Weber and not within 100 km of a known outbreak of <i>Agrilus bilineatus</i> Weber. |
| | | | *The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”. |
| 45B | Plants, other than scions, cuttings, plants in tissue culture, pollen or seeds of <i>Castanea</i> Mill, <i>Castanopsis</i> (D. Don) Spach and <i>Quercus</i> L., intended for planting | China, Democratic People’s Republic of Korea, Japan, Republic of Korea, Russia, Taiwan and Vietnam | The plants must be accompanied by an official statement: (a) that they have a main stem base of less than 1 cm just above the root collar, (b) that they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from <i>Neocerambyx raddei</i> Blessig, and where appropriate packed in such a manner as to prevent infestation during transport, or (c) that the following conditions are met: (i) they have been grown during a period of at least four years prior to export, or, in the case of plants which are younger than four years, have been grown throughout their life in a place of production established as free from <i>Neocerambyx raddei</i> Blessig, in accordance with ISPM No. 10: (aa) that is registered and supervised by the national plant protection organisation in the country of origin and has been subjected annually to two official inspections for any signs of <i>Neocerambyx raddei</i> Blessig carried out at appropriate times, and (bb) within which they have been grown in a site of production with complete physical protection against the introduction of <i>Neocerambyx raddei</i> Blessig, (ii) immediately prior to export, the plants, |

(a) Annex 2A of EUR 2019/2072 was substituted by Schedule 2 to S.I. 2020/1527 and amended by S.I. 2021/426.

(b) Annex 7 of EUR 2019/2072 was substituted by Schedule 7 to S.I. 2020/1527 and amended by S.I. 2021/136 and 426.

and in particular their stems, have been subjected to a meticulous inspection for the presence of *Neocerambyx raddei* Blessig, which has included destructive sampling, where appropriate, and
 (iii) they have been packed in such a manner as to prevent infestation during transport.

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

(bb) after entry 128, insert—

| | | | |
|-------|--|---------------------------|---|
| “128A | Wood of <i>Castanea</i> Mill, and <i>Quercus</i> L. other than in the form of: - chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or in part from these trees, - wood packaging material (except associated controlled dunnage), | Canada, Turkey or the USA | The wood must be accompanied by an official statement that: (a) it originates in an area* which, in accordance with ISPM No. 4 is known to be free from <i>Agrilus bilineatus</i> Weber and not within 100 km of a known outbreak of <i>Agrilus bilineatus</i> Weber, (b) it is bark-free, and has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, or (c) it has undergone appropriate ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood. |
| | but including wood which has not kept its natural round surface | | Where the phytosanitary certificate includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate. *The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”. |
| 128B | Wood in the form of chips particles, sawdust, shavings, wood waste and scrap, obtained in whole or in part from <i>Castanea</i> Mill and <i>Quercus</i> L. | Canada, Turkey or the USA | The wood must be accompanied by an official statement that it originates in an area* which, in accordance with ISPM No. 4, is known to be free from <i>Agrilus bilineatus</i> Weber and is not within 100 km of a known outbreak of <i>Agrilus bilineatus</i> Weber. *The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”. |
| 128C | Wood of <i>Castanea</i> Mill, | China, | The wood must be accompanied by an |

Castanopsis (D. Don) Spach and *Quercus* L. other than in the form of:
 - chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or in part from these trees,
 - wood packaging material, except associated controlled dunnage,

but including wood which has not kept its natural round surface

Democratic People's Republic of Korea, Japan, Republic of Korea, Russia, Taiwan and Vietnam

official statement that:
 (a) it originates in an area* which, in accordance with ISPM No. 4, is known to be free from *Neocerambyx raddei* Blessig,
 (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, or
 (c) it has undergone appropriate ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.

Where the phytosanitary certificate includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark "HT" put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate.

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

128D Wood in the form of chips, particles, sawdust, wood waste or scrap obtained in whole or part from *Castanea* Mill, *Castanopsis* (D. Don) Spach and *Quercus* L.

China, Democratic People's Republic of Korea, Japan, Republic of Korea, Russia, Taiwan and Vietnam

The wood must be accompanied by an official statement, that:
 (a) it originates in an area* which, in accordance with ISPM No. 4, is known to be free from *Neocerambyx raddei* Blessig,
 (b) it has been processed into pieces of not more than 2.5 cm thickness and width, or
 (c) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the chips, particles, wood waste or scrap.

Where the phytosanitary certificate includes the official statement referred to in paragraph (c), there must also be evidence of that heat treatment by a mark "HT" on the phytosanitary certificate.

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

(cc) after entry 131, insert—

"131A Isolated bark and objects made of bark of *Quercus* L.

Turkey

The isolated bark must be accompanied by an official statement that it originates in an area* which, in accordance with ISPM No. 4, is known to be free from *Agrilus*

bilineatus Weber and is not within 100 km of a known outbreak of *Agrilus bilineatus* Weber.

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

(b) in Part B, in the table, in entry 5, in the first column, omit “and plants grown for their entire production cycle in vitro,”;

(5) In Annex 11(a), in Part A, in the table—

(a) in entry 41, in the third column, for “The USA”, substitute “Canada, China, the Democratic Republic of Korea, Japan, the Republic of Korea, Russia, Taiwan, Turkey, Vietnam and the USA”;

(b) after entry 52, insert—

| | | | |
|-----|-----------------------------------|---|---|
| “53 | <i>Castanopsis</i> (D. Don) Spach | Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms, wood in chips or particles, sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms: -Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms: --Non-coniferous: ex 4401 12 00 -Wood in chips or particles: --Non-coniferous: ex 4401 22 00 -Sawdust and wood waste and scrap, not agglomerated: --Wood waste and scrap (other than sawdust): ex 4401 40 90 Wood in the rough, not stripped of bark or sapwood, or roughly squared: -Treated with paint, stains, creosote or other preservatives: --Non coniferous ex 4403 12 00 Non-coniferous wood (other than tropical wood specified in subheading note 1 to Chapter 44 of Council Regulation (EEC) No.2658/87 or other tropical wood, oak, (<i>Quercus</i> spp.) or beech (<i>Fagus</i> spp.)), in the rough, whether or not stripped of bark or sapwood, or roughly squared other than treated with paint, stains, creosote or other preservatives: ex 4403 99 00 | China, Democratic People’s Republic of Korea, Japan, Republic of Korea, Russia, Taiwan and Vietnam.”. |
|-----|-----------------------------------|---|---|

(a) Annex 11 of EUR 2019/2072 was substituted by Schedule 10 to S.I. 2020/1527 and amended by S.I. 2021/426.

Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:

-Non-coniferous:

ex 4404 20 00

Railway or tramway sleepers (cross-ties):

-Not impregnated:

--Non-coniferous:

4406 12 00

-Other (than not impregnated):

--Non-coniferous:

4406 92 00

Non-coniferous wood (other than tropical wood, oak (*Quercus* spp.), beech (*Fagus* spp.), maple (*Acer* spp.), cherry (*Prunus* spp.), ash (*Fraxinus* spp.), birch (*Betula* spp.) or poplar and aspen (*Populus* spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm:

ex 4407 99 27

ex 4407 99 40

ex 4407 99 90

Packing cases, boxes, crates, drums and similar packings of wood, cable-drums of wood, pallets, box pallets and other load boards of wood, pallet collars of wood:

-Cases, boxes, crates, drums and similar packings, cable-drums:

4415 10 10

4415 10 90

-Pallets, box pallets and other load boards, pallet collars:

4415 20 20

4415 20 90

Prefabricated buildings of wood:

9406 10 00.

Amendments to Commission Implementing Regulation (EU) 2019/2072 relating to the introduction into Great Britain of *Chamaecyparis* Spach., *Juniperus* L., or *Pinus* L., originating in Korea

3.—(1) EUR 2019/2072 is amended as follows.

(2) In Annex 2A—

(a) under the heading “**A. Fungi and oomycetes**”, after entry 1, insert—

“1A. *Coleosporium asterum* (Dietel) Sydow & P.Sydow [COLSAS]

1B. *Coleosporium eupatorii* Arthur [COLSEU]

1C. *Coleosporium phellodendri* Komarov [COLSPH]”;

(b) under the heading “**B. Insects and mites**”—

- (i) after entry 4, insert “4A. *Dendrolimus spectabilis* (Butler) [DENDSC]”;
- (ii) after entry 13, insert “13A. *Thecodiplosis japonensis* Uchida and Inouye [THEOJA]”.

(3) In Annex 6(a), in Part A, in the table, in entry 1, in the column entitled “(1) *Description of plants, plant products or other objects*”, at the end insert—

“(and other than naturally or artificially dwarfed plants of *Chamaecyparis* Spach., *Juniperus* L., or *Pinus* L., either entirely of the species *Pinus parviflora* Sieb. & Zucc. (*Pinus pentaphylla* Mayr), or of *Pinus parviflora* Sieb & Zucc. grafted on a rootstock of a *Pinus* species other than *Pinus parviflora* Sieb. & Zucc., originating in the Republic of Korea)”.

(4) In Annex 7, in Part A, in the table, after entry 42, insert—

| | | | |
|------|--|-------------------|--|
| “42A | Naturally or artificially dwarfed plants of <i>Chamaecyparis</i> Spach., <i>Juniperus</i> L., or <i>Pinus</i> L., either entirely of the species <i>Pinus parviflora</i> Sieb. & Zucc. (<i>Pinus pentaphylla</i> Mayr), or of <i>Pinus parviflora</i> Sieb. & Zucc. grafted on a rootstock of a <i>Pinus</i> species other than <i>Pinus parviflora</i> Sieb. & Zucc. | Republic of Korea | <p>The plants must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) they are naturally or artificially dwarfed plants: <ul style="list-style-type: none"> (i) of <i>Chamaecyparis</i> Spach, (ii) of <i>Juniperus</i> L., or (iii) in the case of <i>Pinus</i> L., either: <ul style="list-style-type: none"> (aa) entirely of the species <i>Pinus parviflora</i> Sieb. & Zucc. (<i>Pinus pentaphylla</i> Mayr), or (bb) 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, (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, (c) in the case of <i>Juniperus</i> L. plants, <ul style="list-style-type: none"> (i) the plants of <i>Juniperus</i> L. and the 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 abovementioned naturally or artificially dwarfed plant nurseries, 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 free** from the following: <i>Aschistonyx eppoi</i> Inouye, <i>Gymnosporangium asiaticum</i> Miyabe ex Yamada and <i>G. yamadae</i> Miyabe ex Yamada, <i>Oligonychus perditus</i> Pritchard et Baker, <i>Popillia japonica</i> Newman, and any other harmful organism which is not known to occur in GB, (d) in the case of <i>Chamaecyparis</i> Spach plants, <ul style="list-style-type: none"> (i) the plants of <i>Chamaecyparis</i> Spach, and of <i>Pinus</i> L. grown in the abovementioned naturally or artificially dwarfed plant nurseries, and |
|------|--|-------------------|--|

(a) Annex 6 of EUR 2019/2072 was substituted by Schedule 6 to S.I. 2020/1527 and amended by S.I. 2021/426.

(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 free** from the following: *Popillia japonica* Newman, and any other harmful organism which is not known to occur in GB,

(e) in the case of *Pinus* L. plants,

(i) the plants of *Pinus* L. and of *Chamaecyparis* Spach grown in the abovementioned naturally or artificially dwarfed plant nurseries, 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 free** from the following: *Bursaphelenchus xylophilus* (Steiner & Buehrer) Nickle et al., *Pseudocercospora pini-densiflorae* (Hori & Nambu) Deighton, *Coleosporium phellodendri* Komarov, *Coleosporium asterum* (Dietel) Sydow & P.Sydow, *Coleosporium eupatorii* Arthur, *Cronartium quercuum* (Berk.) Miyabe ex Shirai, *Dendrolimus spectabilis* (Butler), *Monochamus* spp., *Popillia japonica* Newman, *Thecodiplosis japonensis* Uchida & Inouye, and any other harmful organism which is not known to occur in GB,

(f) the plants intended for GB have at least during the period referred to in paragraph (b), (i) been potted, in pots which are placed either on shelves at least 50 cm above ground or onto flooring which is impenetrable for nematodes and which is well maintained and free from debris,

(ii) been found free, in the inspections referred to in paragraph (c) to (e), from the harmful organisms of concern specified in paragraph (c) to (e),

(iii) in the case of plants of *Pinus parviflora* Sieb & Zucc. that have been grafted on to a rootstock of a *Pinus* L. species other than *Pinus parviflora* Sieb. & Zucc., have been grafted onto a rootstock which is derived from sources officially approved as healthy material, and (iv) been made recognisable with a marking, exclusive for each individual plant and notified to the NPPO of the Republic of Korea, enabling the identification of the registered nursery and the year of potting, and

(g) the NPPO of the Republic of Korea has ensured the identifiability of the plants from the time of their removal from the nursery until the time of loading for export, through sealing of transport vehicles or appropriate alternatives.

*The name of the nursery must be included in

the phytosanitary certificate under the heading “Additional declaration”.

**Any infested plants must have been removed and the remaining plants effectively treated.

The annual lists of the registered nurseries must be made available to the NPPO of the UK at the latest by 1st March each year. They must include the number of plants grown in each of these nurseries, which are deemed suitable for dispatch to GB, under the conditions laid down. The total number of plants dispatched to GB must not exceed quantities which have been approved by the UK NPPO in advance, having regard to available of quarantine facilities.

Any detection of harmful organisms of concern specified in paragraphs (c) to (e) in the inspections carried out pursuant to those paragraphs must be officially recorded, and the records must be kept available to the NPPO of the UK, upon its request. The detection of any of the harmful organisms which are specified in paragraphs (c) to (e) disqualifies the nursery from exporting the plants specified in column 1 to GB. The NPPO of the UK must be informed immediately thereof. In such case, the registration can be renewed only in the following year.

Following their import into GB, the plants must be subject, before their release, to official post-entry quarantine for a period 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 free, during this quarantine period, from any harmful organisms of concern. Particular attention must be given to preserve for each plant the marking referred to in paragraph (f)(iv).

The post-entry quarantine must:

(a) be supervised by the NPPO of the UK and executed by officially approved and trained staff,

(b) be performed at an officially approved site provided with appropriate facilities sufficient to contain harmful organisms and maintain the material in such a way as to eliminate any risk of spreading harmful organisms.

During post-entry quarantine each individual plant must be subject to:

(a) visual inspection upon arrival and at regular intervals thereafter, having regard to the type of material and its state of development during the quarantine period, for harmful organisms or symptoms caused by any harmful organism,

(b) appropriate testing of any symptoms observed in the visual inspection in order to identify the harmful organisms having caused such symptoms.

Any lot in which plants have not been found free, during the post-entry quarantine, from harmful organisms of concern must be immediately destroyed under official supervision.”.

Benyon of Englefield

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

At 2.30 p.m. on 27th May 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Commission Implementing Regulation (EU) 2019/2072 (“EUR 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.

Regulation 2 amends EUR 2019/2072 to include additional measures to prevent the establishment or spread of certain pests in Great Britain, *Agrilus bilineatus* Weber and *Neocerambyx raddei* Blessig.

Regulation 3 amends EUR 2019/2072 to provide for the permitted import of *Chamaecyparis* Spach., *Juniperus* L., or *Pinus* L., from the Republic of Korea into Great Britain, subject to certain conditions.

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

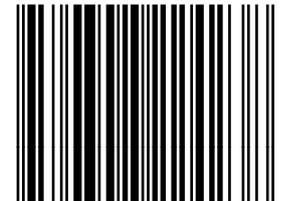
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