
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 112

PLANT HEALTH

The Plant Health (Scotland) Amendment Order 2018

Made - - - - 28th March 2018
Laid before the Scottish Parliament - - - - 29th March 2018
Coming into force - - 14th May 2018

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2, 3 and 4(1) of the Plant Health Act 1967(1), section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(2), paragraph 1A of schedule 2 of the European Communities Act 1972(3) and all other powers enabling them to do so.

This Order makes provision for preventing the introduction and spread of pests in Scotland and is, in part, called for by EU obligations in:

- (a) Decision No 1/2015 of the Joint Committee on Agriculture of 19 November 2015 concerning the amendment to Appendices 1, 2 and 4 to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products(4);
- (b) Commission Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa(5);
- (c) Commission Implementing Decision (EU) 2016/764 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.)(6);
- (d) Commission Implementing Regulation (EU) 2016/873 amending Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community(7);

(1) 1967 c.8. Sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c.68), section 4(1) and schedule 4, paragraph 8 and further amended by S.I. 2011/1043. Section 3(4) was substituted by the Criminal Justice Act 1982 (c.48), section 42 and the Statute Law (Repeals) Act 1993 (c.50), section 1(1) and schedule 1, Part XIV. There are other amendments which are not relevant to this Order. The functions of the Secretary of State, so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) 1972 c.62.

(3) 1972 c.68. Paragraph 1A of schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) and amended by the European Union (Amendment) Act 2008 (c.7), section 3(3) and schedule, Part 1.

(4) OJ L 27, 1.2.2017, p.155.

(5) OJ L 125, 13.5.2016, p.16, as last amended by Commission Implementing Decision (EU) 2018/85 (OJ L 16, 20.1.2018, p.11).

(6) OJ L 126, 14.5.2016, p.77.

(7) OJ L 145, 2.6.2016, p.10.

- (e) Commission Implementing Decision (EU) 2016/1359 amending Implementing [Decision 2012/270/EU](#) as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)(**8**);
- (f) Commission Implementing Decision (EU) 2017/198 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto(**9**);
- (g) Commission Implementing Decision (EU) 2017/801 amending Implementing Decision 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa(**10**);
- (h) Commission Implementing Directive (EU) 2017/1279 amending Annexes I to V to Council [Directive 2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(**11**);
- (i) Commission Implementing Directive (EU) 2017/1920 amending Annex IV to Council [Directive 2000/29/EC](#) as regards the movement of seeds of *Solanum tuberosum* L. originating in the Union(**12**);
- (j) Commission Implementing Decision (EU) 2017/2352 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.)(**13**);
- (k) Commission Implementing Decision (EU) 2018/5 amending Implementing [Decision 2012/270/EU](#) as regards the symptoms of *Epitrix cucumeris* (Harris), *Epitrix papa* sp. n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner) and the establishment of relevant demarcated areas(**14**); and
- (l) Commission Implementing Decision (EU) 2018/85 amending Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa(**15**).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for references to Commission Implementing [Decision 2012/270/EU](#) as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix papa* sp. n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)(**16**) and Commission Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa to be construed as references to those instruments as amended from time to time.

(**8**) OJ L 215, 10.8.2016, p.29.

(**9**) OJ L 31, 4.2.2017, p.29.

(**10**) OJ L 120, 11.5.2017, p.26.

(**11**) OJ L 184, 15.7.2017, p.33.

(**12**) OJ L 271, 20.10.2017, p.34.

(**13**) OJ L 336, 16.12.2017, p.31.

(**14**) OJ L 2, 5.1.2018, p.11.

(**15**) OJ L 16, 20.1.2018, p.11.

(**16**) OJ L 132, 23.5.2012, p.18, as last amended by Commission Implementing Decision 2018/5 (OJ L 2, 5.1.2018, p.11). The title of this Commission Implementing Decision was amended by Commission Implementing Decision (EU) 2016/1359 (OJ L 215, 10.8.2016, p.29).

Citation and commencement

1. This Order may be cited as the Plant Health (Scotland) Amendment Order 2018 and comes into force on 14th May 2018.

Amendment of the Plant Health (Scotland) Order 2005

2. The Plant Health (Scotland) Order 2005(17) is amended in accordance with articles 3 to 17.

Amendment of Part 1

3. In article 2(1) (general interpretation)—

(a) after the definition of “authorised officer” insert—

““citrus fruits for processing under Decision (EU) 2016/715” means fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., other than fruits of *Citrus aurantium* L. or *Citrus latifolia* Tanaka, which—

- (a) originate in Argentina, Brazil, South Africa or Uruguay;
- (b) are destined exclusively for industrial processing into juice; and
- (c) are to be introduced into the European Union under the derogation specified in Article 8 of Decision (EU) 2016/715”;

(b) omit the definition of “Decision 2004/416/EC”(18);

(c) omit the definition of “Decision 2006/473/EC”(19);

(d) after the definition of “Decision 2012/138/EU” insert—

““Decision 2012/270/EU” means Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix papa* sp. n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner), as amended from time to time.”;

(e) after the definition of “Decision (EU) 2015/893” insert—

““Decision (EU) 2016/715” means Commission Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa, as amended from time to time.”;

(f) for the definition of “Directive 2000/29/EC” substitute—

““Directive 2000/29/EC” means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(20);”;

(g) for the definition of “ISPMNo. 4(21)” substitute—

““ISPM No. 4” means International Standard for Phytosanitary Measures No. 4 of November 1995 on the requirements for the establishment of pest free areas,

(17) S.S.I. 2005/613, as amended by S.S.I. 2006/474, S.S.I. 2007/415, S.S.I. 2007/498, S.S.I. 2008/300, S.S.I. 2008/350, S.S.I. 2009/153, S.S.I. 2010/206, S.S.I. 2010/342, S.I. 2011/1043, S.S.I. 2012/266, S.S.I. 2012/326, S.S.I. 2013/5, S.S.I. 2013/187, S.S.I. 2013/366, S.S.I. 2014/140, S.S.I. 2015/10 and S.S.I. 2016/83.

(18) This defined term was added by S.S.I. 2007/498. Decision 2004/416/EC is repealed by Commission Implementing Decision (EU) 2016/715.

(19) This defined term was added by S.S.I. 2013/366. The Decision is no longer part of the active *acquis* of the European Union (see C/2017/8791 (OJ C 1, 4.1.2018, p.1)).

(20) OJ L 169, 10.7.2000, p.1, as last amended by Commission Implementing Directive (EU) 2017/1920 (OJ L 271, 20.10.2017, p.34).

(21) The definition of ISPM No. 4 was previously substituted by S.S.I. 2012/326.

prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations, as last published on 29th May 2017⁽²²⁾”;

(h) in the definition of “ISPM No. 10” for “modified in August 2011” substitute “published on 14th January 2016”;

(i) after the definition of “ISPM No. 10” insert—

““ISPM No. 31 means International Standard for Phytosanitary Measures No. 31 of April 2008 on the methodologies for sampling of consignments, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations, as last published on 14th January 2016⁽²³⁾”; and

(j) for the definition of “protected zone”⁽²⁴⁾ substitute—

““protected zone” means a member State or an area in a member State which is recognised as a protected zone exposed to particular plant health risks for the purposes of Directive 2000/29/EC, as listed in Annex I to Commission Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community⁽²⁵⁾”.

Amendment of Part 2

4. In article 6 (advance notification of landing), after paragraph (3) insert—

“(3A) In the case of citrus fruits for processing under Decision (EU) 2016/715, the names, addresses and locations of the premises at which the fruits are to be processed must be included under item 13 of the notice set out in Part B of schedule 12⁽²⁶⁾”.

Amendment of Part 3

5.—(1) In article 19 (prohibitions on landing plant pests and relevant material) after paragraph (2) insert—

“(3) In the case of notifiable citrus fruits, the person who is introducing the fruits into Scotland via a point of entry in another part of the European Union must give written notice to an inspector prior to their arrival at that point of entry, of—

- (a) the expected date of their introduction into the European Union;
- (b) their point of entry into the European Union;
- (c) their volume;
- (d) the identification numbers of their containers;
- (e) the names, addresses and the locations of the premises in Scotland at which they are to be processed.

(4) In this article “notifiable citrus fruits” means citrus fruits for processing under Decision (EU) 2016/715 which are to be introduced into the European Union via a point of entry other than Scotland and which are to be industrially processed into juice in Scotland.”.

(2) In article 22(3)(a) (exceptions from certain prohibitions and requirements)⁽²⁷⁾ for “Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the

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

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

(24) The definition of “protected zone” was previously substituted by S.S.I. 2015/10.

(25) OJ L 193, 22.7.2008, p.1, as last amended by Commission Implementing Regulation (EU) 2016/873. The prohibitions and controls which apply in respect of protected zones are set out in Council Directive 2000/29/EC.

(26) Schedule 12 is amended by regulation 17.

(27) Paragraph 3(a) was inserted by S.S.I. 2015/10 and subsequently amended by S.S.I. 2016/83.

introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrixsimilaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)” substitute “[Decision 2012/270/EU](#)”.

Amendment of Part 4

6. In article 28A (duties of professional operators in relation to *Xylella fastidiosa* (Wells et al.))(28) for paragraph (1) substitute—

“(1) Paragraphs (2) and (3) apply to—

- (a) any plants specified in relation to *Xylella fastidiosa* (Wells et al.) which have been grown for at least part of their lives in an area demarcated under a legislative or administrative procedure in an EU member State in accordance with Article 4 of Decision (EU) 2015/789; and
- (b) any plants intended for planting of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L. and *Prunus dulcis* (Mill) D.A. Webb which have never been grown within such a demarcated area.”.

Amendment of Part 7

7. In article 39(12) (miscellaneous provisions for certain solanaceous species)(29) for “Commission Implementing [Decision 2012/270/EU](#) as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)” substitute “[Decision 2012/270/EU](#)”.

Amendment of Part 9

8. After article 42 (notification of the presence or suspected presence of certain plant pests) insert —

“Additional requirements on professional operators in respect of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto.

42A. In addition to the requirements which may be imposed on a professional operator by article 42(1), a professional operator who knows of, or suspects, the presence of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto in any plants, plant products or other objects which are under that operator’s control must immediately take precautionary measures to prevent the establishment and spread of that organism.”.

Amendment of schedule 1

9.—(1) In schedule 1 (plant pests which shall not be landed in or spread within Scotland), in Part A (plant pests not known to occur in any part of the European Union)—

(a) under the heading “**Insects, mites and nematodes**”—

(i) after item 7 insert—

“**7a.** *Bactericera cockerelli* (Sulc.)”;

(ii) after item 17 insert—

(28) Article 28A was inserted by [S.S.I. 2016/83](#).

(29) Article 39(12) was inserted by [S.S.I. 2012/266](#).

- “**17a.** *Keiferia lycopersicella* (Walsingham)”;
- (iii) after item 26a(30) insert—
- “**26b.** *Saperda candida* Fabricius”; and
- (iv) after item 32 insert—
- “**32a.** *Thaumatotibia leucotreta* (Meyrick)”;
- (b) under the heading “**Bacteria**” after item 1(31) insert—
- “**2.** *Xanthomonas citri* pv. *aurantifolii*
- 3.** *Xanthomonas citri* pv. *citri*”;
- (c) under the heading “**Fungi**”—
- (i) after item 12 insert—
- “**12a.** *Phyllosticta citricarpa* (McAlpine) Van der Aa”; and
- (ii) for item 13 substitute—
- “**13.** *Phyllosticta solitaria* Ellis & Everhart”; and
- (d) under the heading “**Viruses and virus-like organisms**”—
- (i) omit item 1; and
- (ii) in item 2, omit “Potato spindle tuber viroid”.
- (2) In schedule 1, in Part B (plant pests known to occur in the European Union)—
- (a) under the heading “**Insects, mites and nematodes**”, for item 1c(32) substitute—
- “**1c.** *Epitrix papa* sp. n.”; and
- (b) under the heading “**Viruses and virus-like organisms**” after item 2 insert—
- “**2a.** *Candidatus Phytoplasma ulmi*”.

Amendment of schedule 2

10.—(1) In schedule 2 (relevant material which may not be landed in or moved within Scotland if that material is carrying or infected with plant pests), in Part A (plant pests not known to occur in the European Union)—

- (a) under the heading “**Insects, mites and nematodes**”, for column 3 of item 5 substitute “*Aonidiella citrina* Coquillett”;
- (b) under the heading “**Bacteria**” omit item 4; and
- (c) under the heading “**Fungi**” omit item 12(33).
- (2) In schedule 2, in Part B (plant pests known to occur in the European Union)—
- (a) under the heading “**Insects, mites and nematodes**” after item 12 insert—

“13.	Plants of <i>Palmae</i> , intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following taxa: <i>Areca catechu</i> L., <i>Arenga pinnata</i> (Wurmb) Merr., <i>Bismarckia</i> Hildebr. & H. Wendl., <i>Borassus</i>	<i>Rhynchophorus ferrugineus</i> (Olivier)
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(30) Item 26a was inserted by [S.S.I. 2009/153](#).

(31) Item 1 was substituted by [S.S.I. 2015/10](#).

(32) Item 1c. was inserted by [S.S.I. 2012/266](#).

(33) Item 12 was amended to update the scientific name of the fungus by S.S.I 2015/10. *Phyllosticta citricarpa* (McAlpine) Van der Aa was previously referred to as *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus).

	<i>flabellifer</i> L., <i>Brahea armata</i> S. Watson, <i>Brahea edulis</i> H. Wendl., <i>Butia capitata</i> (Mart.) Becc., <i>Calamus merrillii</i> Becc., <i>Caryota maxima</i> Blume, <i>Caryota cumingii</i> Lodd. ex Mart., <i>Chamaerops humilis</i> L., <i>Cocos nucifera</i> L., <i>Copernicia</i> Mart., <i>Corypha utan</i> Lam., <i>Elaeis guineensis</i> Jacq., <i>Howea forsteriana</i> Becc., <i>Jubaea chilensis</i> (Molina) Baill., <i>Livistona australis</i> C. Martius, <i>Livistona decora</i> (W. Bull) Dowe, <i>Livistonia rotundifolia</i> (Lam.) Mart., <i>Metroxylon sagu</i> Rottb., <i>Phoenix canariensis</i> Chabaud, <i>Phoenix dactylifera</i> L., <i>Phoenix reclinata</i> Jacq., <i>Phoenix roebelenii</i> O'Brien, <i>Phoenix sylvestris</i> (L.) Roxb., <i>Phoenix theophrasti</i> Greuter, <i>Pritchardia</i> Seem. & H. Wendl., <i>Ravenea rivularis</i> Jum. & H. Perrier, <i>Roystonea regia</i> (Kunth) O.F. Cook, <i>Sabal palmetto</i> (Walter) Lodd. ex Schult. & Schult. f., <i>Syagrus roman zoffiana</i> (Cham.) Glassman, <i>Trachycarpus fortunei</i> (Hook.) H. Wendl. or <i>Washingtonia</i> Raf.	
14.	Plants, other than fruit or seeds, of <i>Pinus</i> L., intended for planting	<i>Thaumetopoea pityocampa</i> Denis & Schiffermüller”;

(b) under the heading “**Bacteria**”, for column 3 of item 8 substitute “*Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al*”; and

(c) under the heading “**Viruses and virus-like organisms**”—

(i) after item 2 insert—

“2a.	Plants, other than seeds, of <i>Ulmus</i> L., intended for planting	<i>Candidatus Phytoplasma ulmi</i> ”;
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and

(ii) after item 7 insert—

“7a.	Plants intended for planting (including seeds) of <i>Solanum lycopersicum</i> L., <i>Capsicum annuum</i> L., <i>Capsicum frutescens</i> L. and plants of <i>Solanum tuberosum</i> L.	Potato spindle tuber viroid”.
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Amendment of schedule 3

11. In schedule 3 (relevant material which may not be landed in Scotland if that material originates in certain third countries), omit item 17(34).

Amendment of schedule 4

12.—(1) In schedule 4 (restrictions on the landing in and movement within Scotland of relevant material), in Part A (relevant material, from third countries, which may only be landed in Scotland if special requirements are satisfied)—

(a) for item 11 substitute—

(34) Item 17 was inserted by S.S.I. 2016/83. The prohibition on the import of these plants by Commission Implementing Decision 2014/237/EU (OJ L 125 26.4.2014, p.93), as amended by Commission Implementing Decision (EU) 2015/2434 (OJ L 334, 22.12.2015, p.61) has now expired.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“11.	Plants, other than seeds of <i>Ulmus</i> L., intended for planting, originating in any country in North America	Without prejudice to the requirements of item 7c, the plants shall be accompanied by an official statement that no symptoms of ‘ <i>Candidatus Phytoplasma ulmi</i> ’ have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
11a.	Plants, other than scions, cuttings, plants in tissue culture, pollen and seeds, of <i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyracantha</i> M. Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., intended for planting, originating in Canada and the USA.	<p>Without prejudice to the requirements of items 4 and 14 of schedule 3 and in items 19, 21 to 23 and 27 to 30 of this Part of this schedule, the plants shall be accompanied by an official statement that they have been grown:</p> <ul style="list-style-type: none"> (a) throughout their life in an area established as free from <i>Saperda candida</i> Fabricius, by the national plant protection organisation in the country of origin, in accordance with ISPM No. 4, the name of the area to be included under the rubric ‘Additional declaration’; or (b) during a period of at least two years prior to export, or in the case of plants which are younger than two years, throughout their life, in a place of production established as free from <i>Saperda candida</i> Fabricius by the national plant protection organisation in the country of origin, in accordance with ISPM No. 10, and that— <ul style="list-style-type: none"> (i) the place of production is registered and supervised by the national plant protection organisation in the country of origin; (ii) the place of production has been subjected annually to two official inspections for any signs of <i>Saperda candida</i> Fabricius carried out at appropriate times; (iii) the plants have been grown in a site with complete physical protection against the introduction of <i>Saperda candida</i> Fabricius, or with the application of appropriate preventive treatments and surrounded by a buffer zone with a width of at least 500 metres in which buffer zone the absence of <i>Saperda candida</i> Fabricius was confirmed by official surveys carried out annually at appropriate times; and (iv) immediately prior to export the plants have been subjected to a meticulous inspection for the presence of <i>Saperdacandida</i> Fabricius, in particular in the stems of the plant, including, where appropriate, destructive sampling.”;

(b) for items 15, 16, 17, 17a and 17b substitute—

<p>“15.</p>	<p>Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., <i>Microcitrus</i> Swingle, <i>Naringi</i> Adans. or <i>Swinglea</i> Merr., originating in any third country</p>	<p>Without prejudice to the requirements of items 14, 16, 17, 18, and 18a the fruits shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) the fruits originate in a country recognised as being free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i> in accordance with ISPM No. 4, provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; (b) the fruits originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, in accordance with ISPM No. 4, (the name of the area to be included under the rubric ‘Additional declaration’), provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; (c) the fruits originate in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i> in accordance with ISPM No. 10, the name of the place of production to be included under the rubric ‘Additional declaration’; (d) the fruits— <ul style="list-style-type: none"> (i) originate in a site of production in which that site and the immediate vicinity of that site are subject to appropriate treatments and cultural practices against <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, (information on the traceability of the fruits to be included on the phytosanitary certificate or phytosanitary certificate for re-export); (ii) have been subjected to a treatment with sodium orthophenylphenate, or another effective treatment (the name of which is to be included on the phytosanitary certificate or phytosanitary certificate for re-export), provided that the treatment method has been communicated in advance in writing by the national plant
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		<p>protection organisation of the third country concerned to the European Commission; and</p> <p>(iii) have been subject to official inspections carried out at appropriate times prior to export which have shown that the fruits are free from symptoms of <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>; or</p> <p>(e) the site of production and the immediate vicinity are subject to appropriate treatments and cultural practices against <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i> (information on the traceability of such fruits to be included on the phytosanitary certificate or phytosanitary certificate for re-export); and</p> <p>(f) in the case of fruits destined for industrial processing, official inspections prior to export have shown that the fruits are free from symptoms of <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>.</p>
16.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., originating in any third country	<p>Without prejudice to the requirements of items 14, 15, 17, 18 and 18a, the fruits shall be accompanied by an official statement that:</p> <p>(a) the fruits originate in a country recognised as being free from <i>Cercospora angolensis</i> Carv. et Mendes in accordance with ISPM No. 4, provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission;</p> <p>(b) the fruits originate in an area recognised as being free from <i>Cercospora angolensis</i> Carv. et Mendes, in accordance with ISPM No. 4, (the name of the area is to be included under the rubric ‘Additional declaration’), provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; or</p> <p>(c) no symptoms of <i>Cercospora angolensis</i> Carv. et Mendes have been observed in the site of production and in its immediate vicinity since the beginning of the last cycle of vegetation, and none of the fruits harvested in the site of production has shown, in appropriate official examination, symptoms of this organism.</p>

17.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., other than fruits of <i>Citrus aurantium</i> L. and <i>Citrus latifolia</i> Tanaka, originating in any third country, other than Argentina, Brazil, South Africa or Uruguay	<p>Without prejudice to the requirements of items 14 to 16, 18 and 18a, the fruits shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) the fruits originate in a country recognised as free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa, in accordance with ISPM No. 4, provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; (b) the fruits originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa in accordance with ISPM No. 4, (the name of the area to be included under the rubric ‘Additional declaration’), provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; (c) the fruits originate in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa in accordance with ISPM No. 10 (the name of the place of production to be included under the rubric ‘Additional declaration’) and the fruits are found free of symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa by official inspection of a representative sample, defined in accordance ISPM No. 31; (d) the fruits originate in a site of production subjected to appropriate treatments and cultural measures against <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa (information on the traceability of such fruits to be included on the phytosanitary certificate or phytosanitary certificate for re-export) and— <ul style="list-style-type: none"> (i) official inspections have been carried out at that site of production during the growing season since the beginning of the last cycle of vegetation, and no symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa have been detected in the fruits; and (ii) the harvested fruits from that site of production are found free of symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa during
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		<p>an official inspection prior to export, of a representative sample, defined in accordance with international standards; or</p> <p>(e) in the case of fruits destined for industrial processing, the fruits have been found free of symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa prior to the export during an official inspection of a representative sample, defined in accordance with international standards, and—</p> <p>(i) that the fruits originate in a site of production subjected to appropriate treatments against <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa carried out at the appropriate time, such information to be included under the rubric ‘Additional declaration’, together with information on the traceability of such fruits; and</p> <p>(ii) the fruits have been transported in individual packages bearing a label, which contains a traceability code and the indication that the fruits are destined for industrial processing.</p>
17a.	<p>Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. (other than fruits of <i>Citrus aurantium</i> L. or <i>Citrus latifolia</i> Tanaka), which originate in Argentina, Brazil, South Africa or Uruguay and which are not destined exclusively for industrial processing into juice</p>	<p>Without prejudice to the requirements of items 14, 15, 16, 18 and 18a, the fruits must be accompanied by an official statement that:</p> <p>(a) they originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa in accordance with ISPM No. 4 (the name of the area to be included under the rubric ‘Additional declaration’), provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; or</p> <p>(b) in the case of fruits originating in—</p> <p>(i) Argentina, they meet the requirements specified in Articles 5a and 7 of Decision (EU) 2016/715 (such information to be included under the rubric ‘Additional declaration’);</p> <p>(ii) Brazil, they meet the requirements specified in Articles 4 and 7 of Decision (EU) 2016/715 (such information to be included under the rubric ‘Additional declaration’); or</p> <p>(iii) South Africa or Uruguay, they meet the requirements specified in Articles 5 and 7 of Decision (EU) 2016/715 (such information</p>

		to be included under the rubric ‘Additional declaration’).
17b.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. (other than fruits of <i>Citrus aurantium</i> L. or <i>Citrus latifolia</i> Tanaka) which originate in Argentina, Brazil, South Africa or Uruguay and which are destined exclusively for industrial processing into juice	Without prejudice to the requirements of items 14, 15, 16, 18 and 18a, the fruits: <ul style="list-style-type: none"> (a) must be accompanied by an official statement that— <ul style="list-style-type: none"> (i) they originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa in accordance with ISPM No. 4 (the name of the area to be included under the rubric ‘Additional declaration’), provided that this freedom status has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission; or (ii) they— <ul style="list-style-type: none"> (aa) originate in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa in accordance with ISPM No. 10, (such information to be included under the rubric ‘Additional declaration’); and (bb) have been found free of symptoms of <i>Phyllosticta citricarpa</i> (McAlpine) Van der Aa by official inspection of a representative sample defined in accordance with ISPM No. 31; (b) in the case of fruits for processing under Decision (EU) 2016/715, must be— <ul style="list-style-type: none"> (i) accompanied by a phytosanitary certificate which includes an official statement under the rubric ‘Additional declaration’ in accordance with Articles 9(1) and 10 of Decision (EU) 2016/715 and the information specified in Article 9(2) of that Decision; (ii) packaged and labelled in accordance with Article 17 of that Decision; and (iii) subject to a licence granted under article 40(1) of this Order authorising their movement within Scotland and, where applicable, their processing and storage in Scotland.”;

(c) in column 3 of item 18 for “17a” substitute “17b”;

(d) after item 18, insert—

<p>“18a.</p>	<p>Fruits of <i>Capsicum</i> (L.), <i>Citrus</i> L., other than <i>Citrus limon</i> (L.) Osbeck. and <i>Citrus aurantiifolia</i> (Christm.) Swingle, <i>Prunus persica</i> (L.) Batsch and <i>Punica granatum</i> L. originating in countries of the African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius and Israel</p>	<p>Without prejudice to requirements of items 15 to 18 and 56a(35), the fruits shall be accompanied by an official statement that the fruits:</p> <ul style="list-style-type: none"> (a) originate in a country recognised as being free of <i>Thaumatotibia leucotreta</i> (Meyrick) in accordance with ISPM No. 4; (b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Thaumatotibia leucotreta</i> (Meyrick), in accordance with ISPM No. 4, (the name of the area to be included under the rubric ‘Additional declaration’; (c) originate in a place of production established by the national plant protection organisation in the country of origin as being free from <i>Thaumatotibia leucotreta</i> (Meyrick) in accordance with ISPM No. 10, in which place of production, official inspections have been carried out at appropriate times during the growing season, including a visual examination on representative samples of fruit, and they have shown to be free from <i>Thaumatotibia leucotreta</i> (Meyrick) (information on the traceability of fruits originating in such a place of production to be included on the phytosanitary certificate or phytosanitary certificate for re-export); or (d) have been subjected to an effective cold treatment to ensure freedom from <i>Thaumatotibia leucotreta</i> (Meyrick) or another effective treatment to ensure freedom from <i>Thaumatotibia leucotreta</i> (Meyrick) (such treatment data to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export), provided that the treatment method has been communicated in advance in writing by the national plant protection organisation of the third country concerned to the European Commission.”;
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(e) in item 22, in column 2, in the list of plant pests known to occur on *Prunus* L., for “*Xanthomonas campestris* pv. *pruni* (Smith) Dye” substitute “*Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al.*,”;

(f) in item 32a(36)—

(35) Item 56a was inserted by S.S.I. 2015/10.

(36) Item 32a was inserted by S.S.I. 2012/266.

- (i) for each occurrence of “*Epitrix similaris* (Gentner)” in columns 2 and 3 substitute “*Epitrix papa* sp. n.”; and
- (ii) in column 3, in paragraph (b) for “any of their symptoms” substitute “the signs of infestation by those organisms on the tubers”;
- (g) after item 38 insert—

“38a.	Plants of <i>Solanum lycopersicum</i> L. and <i>Solanum melongena</i> L., other than fruits and seed originating in any third country	<p>Without prejudice to the provisions applicable to the plants in item 9 of schedule 3 and to the requirements of items 36, 37, 38, 43a, and 68, the plants shall be accompanied by an official statement that the plants:</p> <p>(a) originate in a country recognised as being free of <i>Keiferia lycopersicella</i> (Walsingham) in accordance with ISPM No. 4; or</p> <p>(b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Keiferia lycopersicella</i> (Walsingham) in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric ‘Additional declaration’.</p>
38b.	Fruits of <i>Solanum lycopersicum</i> L. and <i>Solanum melongena</i> L. originating in any third country	<p>The fruits shall be accompanied by an official statement that the fruits:</p> <p>(a) originate in a country recognised as being free of <i>Keiferia lycopersicella</i> (Walsingham) in accordance with ISPM No. 4;</p> <p>(b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Keiferia lycopersicella</i> (Walsingham) in accordance with ISPM No. 4 and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric ‘Additional declaration’; or</p> <p>(c) originate in a place of production, established by the national plant protection organisation in the country of origin as being free from <i>Keiferia lycopersicella</i> (Walsingham), on the basis of official inspections and surveys carried out during the last three months prior to export and which is mentioned</p>

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	on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric ‘Additional declaration’.’;
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(h) for items 83(37) and 84(38) substitute—

“83.	Live pollen and plants intended for planting, other than seeds, of <i>Actinidia</i> Lindl., originating in any third country.	<p>The plants must be accompanied by an official statement (the information to be contained under the rubric ‘Additional declaration’ on the phytosanitary certificate or phytosanitary certificate for re-export) that they have:</p> <ul style="list-style-type: none"> (a) been grown throughout their life in a country in which the specified organism is known not to occur; (b) been grown throughout their life in a pest free area, established as regards the specified organism by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 (the name of the area to be included on the phytosanitary certificate under the rubric ‘Place of Origin’); (c) been produced in a pest free place of production or a pest free site of production, established as regards the specified organism by the national plant protection organisation in the country of origin in accordance with ISPM No. 10 and where— <ul style="list-style-type: none"> (i) the plants have been— <ul style="list-style-type: none"> (aa) grown in a structure with a degree of isolation and protection from the outside environment that effectively excludes the specified organism; and (bb) officially inspected twice at that place or site of production at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and have been found to be free from the specified organism; and (ii) the place of production or site of production is surrounded by a zone with a radius of 100 metres in which—
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(37) Item 83 was inserted by S.S.I. 2013/187.

(38) Item 84 was inserted by S.S.I. 2015/10.

- (aa) official inspections have been carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and any plants of *Actinidia* Lindl. showing symptoms of infection which were found during those inspections were immediately destroyed;
- (bb) any plants of *Actinidia* Lindl. have been immediately destroyed; or
- (cc) each plant of *Actinidia* Lindl. has been regularly tested at the most appropriate times and has been found free from the specified organism; or
- (d) the plants have been produced in a pest free place of production established as regards the specified organism by the national plant protection organisation in the country of origin in accordance with ISPM No. 10 and where—
 - (i) the plants have been officially inspected, sampled and tested twice at that place of production at the most appropriate times during the last complete cycle of vegetation prior to the export and have been found free from the specified organism; and
 - (ii) the place of production is surrounded by a zone with a radius of 4500 metres in which—
 - (aa) official inspections, sampling and testing have been carried out throughout that zone twice at the most appropriate times during the last complete cycle of vegetation prior to the export and the specified organism has not been found;
 - (bb) any plants of *Actinidia* Lindl. within a radius of 500 metres from the place of production have been immediately destroyed; or
 - (cc) each plant of *Actinidia* Lindl. within a radius of 500 metres from the place of production has been regularly tested at the most appropriate times and has been found free from the specified organism; and
- (dd) in the case of sub-paragraphs (bb) or (cc), any plants of *Actinidia* Lindl.

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		<p>within the zone which are at a distance of between 500 metres and 4500 metres from the place of production have been destroyed or tested according to a sampling scheme which is able to confirm with 99 per cent reliability that the level of the presence of the specified organism in those plants is below 0.1 per cent; and</p> <p>(e) in those cases where the official statement includes the information given at point (c) or (d), that—</p> <p>(i) the plants have been directly derived from mother plants grown under conditions compliant with point (a), (b) or (c);</p> <p>(ii) the plants have been directly derived from mother plants, which were subject to prior individual testing confirming their freedom from the specified organism; or</p> <p>(iii) the plants have been tested according to a sampling scheme which is able to confirm with 99 per cent reliability that the level of presence of the specified organism in the plants is below 0.1 per cent.</p> <p>Interpretation</p> <p>In this item entry:</p> <p>“specified organism” means <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto.</p>
<p>84.</p>	<p>Plants of <i>Casimiroa</i> La Llave, <i>Choisya</i> Kunth <i>Clausena</i> Burm. f., <i>Murraya</i> J.Koenig ex L., <i>Vepris</i> Comm, <i>Zanthoxylum</i> L., other than fruits and seeds, originating in any third country.</p>	<p>Without prejudice to the provisions applicable to the plants in items 85 and 85a, the plants shall be accompanied by an official statement that they:</p> <p>(a) originate in a country in which <i>Trioza erytrae</i> Del Guercio is known not to occur;</p> <p>(b) originate in an area free from <i>Trioza erytrae</i> Del Guercio, established by the national plant protection organisation in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric ‘Additional declaration’; or</p>

		<p>(c) have been grown in a place of production, which is registered and supervised by the national plant protection organisation in the country of origin and where—</p> <p>(i) the plants are placed in a site with complete physical protection against the introduction of <i>Trioza erythrae</i> Del Guercio; and</p> <p>(ii) during the last complete cycle of vegetation prior to the movement, two official inspections were carried out at appropriate times and no signs of <i>Trioza erythrae</i> Del Guercio have been observed in the site of production, and in the surrounding area with a width of at least 200 metres.”;</p>
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(i) in item 85a(39), in column 3, for “Without the prejudice” substitute “Without prejudice”;

(j) after item 85a insert—

“85b.	Plants of <i>Microcitrus</i> Swingle, <i>Naringi</i> Adans. and <i>Swinglea</i> Merr., other than fruits and seeds, originating in third countries	<p>Without prejudice to the provisions applicable to the plants in items 84. 85 and 85a, the plants shall be accompanied by an official statement that they:</p> <p>(a) originate in a country recognised as being free of <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i> in accordance with ISPM No. 4, provided that this freedom status has been communicated in writing by the national plant protection organisation of the third country concerned to the European Commission; or</p> <p>(b) originate in an area established by the national plant protection organisation in the country of origin as being free from <i>Xanthomonas citri</i> pv. <i>citri</i> and <i>Xanthomonas citri</i> pv. <i>aurantifolii</i>, in accordance with ISPM No. 4, and which is mentioned on phytosanitary certificate or phytosanitary certificate for re-export under the rubric ‘Additional declaration’, provided that this freedom status has been communicated in writing by the national plant protection organisation of the third country concerned to the European Commission.”;</p>
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(k) for item 86(40) substitute—

“86.	Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.), originating in any third country where the national plant protection organisation of that country has confirmed in writing to the European Commission that <i>Xylella fastidiosa</i> (Wells et al.) is not present in that country	The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which contains, under the rubric “Additional declaration”, an official statement that: <ul style="list-style-type: none"> (a) the plants originate in a country known to be free from <i>Xylella fastidiosa</i> (Wells et al.); and (b) in the case of plants intended for planting, other than seeds, of <i>Coffea</i>, <i>Lavandula dentata</i> L., <i>Nerium oleander</i> L., <i>Olea europaea</i> L., <i>Polygala myrtifolia</i> L. and <i>Prunus dulcis</i> (Mill) D.A.Webb,, they comply with the requirements of the second subparagraph of Article 16 of Decision (EU) 2015/789.”;
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(l) in item 87(41), for column 2, substitute “Plants specified in relation to *Xylella fastidiosa* (Wells et al.), other than plants which have been grown for the entire production cycle *in vitro*, originating in any area where *Xylella fastidiosa* (Wells et al.) is known to be present”; and

(m) after item 87 insert—

“87a.	Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.) which have been grown for the entire production cycle <i>in vitro</i> and which originate in an area where <i>Xylella fastidiosa</i> (Wells et al.) is known to be present	The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes:— <ul style="list-style-type: none"> (a) an official statement, under the rubric ‘Additional declaration’, that the plants and the site in which they were produced meet the requirements of Article 17(3a) and (4a) of Decision (EU) 2015/789; and (b) under the rubric ‘place of origin’ the name of the site from which they originate.”.
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(2) In schedule 4, in Part B (relevant material, from another part of the European Union, which may only be landed in or moved within Scotland if special requirements are satisfied)—

(a) after item 5(42) insert—

“5a.	Plants, other than seeds, of <i>Ulmus</i> L., intended for planting	The plants must be accompanied by an official statement that no symptoms of <i>Candidatus Phytoplasma ulmi</i> have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.”;
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(40) Item 86 was inserted by S.S.I. 2016/83.

(41) Item 87 was inserted by S.S.I. 2016/83.

(42) Item 5 was substituted by S.S.I. 2015/10.

(b) for item 7a(43) substitute—

“7a.	Plants, other than fruits and seeds, of <i>Citrus</i> L., <i>Choisya</i> Kunth, <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., <i>Casimiroa</i> La Llave, <i>Clausena</i> Burm f., <i>Murraya</i> J. Koenig ex L., <i>Vepris</i> Comm., or <i>Zanthoxylum</i> L.	The plants must be accompanied by an official statement that they: <ul style="list-style-type: none"> (a) originate in an area free from <i>Trioza erytreae</i> Del Guercio, established by the national plant protection organisation in accordance with ISPM No. 4; or (b) have been grown in a place of production— <ul style="list-style-type: none"> (i) which is registered and supervised by the competent authorities in the member State of origin; (ii) where the plants are placed in a site with complete physical protection against the introduction of <i>Trioza erytreae</i> Del Guercio; and (iii) where, during the last complete cycle of vegetation prior to the movement, two official inspections were carried out at appropriate times and no signs of <i>Trioza erytreae</i> Del Guercio have been observed in that site and in the surrounding area with a width of at least 200 metres.
7b.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf., other than fruits of <i>Citrus aurantium</i> L. or <i>Citrus latifolia</i> Tanaka, which: <p>—originate in Argentina Brazil, South Africa or Uruguay;</p> <p>—are destined exclusively for industrial processing into juice; and</p> <p>—have been introduced into another part of the European Union in accordance with Articles 9 to 13 of Decision (EU) 2016/715</p>	The fruits must be:— <ul style="list-style-type: none"> (a) packaged and labelled in accordance with Article 17 of Decision (EU) 2016/715; and (b) subject to a licence granted under article 40(a) of this Order authorising their introduction into, and their movement within, Scotland and, where applicable, their processing and storage in Scotland.”;

(c) in item 9, in paragraph (a)(ii) of column 3 for “*Xanthomonas campestris* pv. *pruni* (Smith) Dye” substitute “*Xanthomonas arboricola* pv. *pruni* (Smith) Vauterin *et al.*”;

(d) in item 17—

(i) in column 2, for “items 15 and 16” substitute “items 15, 15a and 16 and those seeds of *Solanum tuberosum* L. specified in item 17a”; and

(ii) in column 3, in point (bb) for “true seed of potato” substitute “seeds of *Solanum tuberosum* L., other than those specified in item 17a”.

(e) after item 17, insert—

“17a.	Seeds of <i>Solanum tuberosum</i> L., other than those specified in item 18.	<p>The seeds must be accompanied by an official statement that they derive from plants which comply with the requirements, so far as applicable, set out in items 15, 15a, 16 and 17 and:</p> <p>(a) that they originate in areas known to be free from <i>Synchytrium endobioticum</i> (Schilbersky) Percival, <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i>, <i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i> and Potato spindle tuber viroid; or</p> <p>(b) that they comply with all of the following requirements—</p> <p>(i) they have been produced in a site where, since the beginning of the last cycle of vegetation, no symptoms of disease caused by the harmful organisms referred to in point (a) have been observed; and</p> <p>(ii) they have been produced at a site where —</p> <p>(aa) there is separation of the site from other solanaceous plants and other host plants of Potato spindle tuber viroid;</p> <p>(bb) there is prevention of contact with staff and items, such as tools, machinery, vehicles, vessels and packaging material, from other sites producing solanaceous plants and other host plants of Potato spindle tuber viroid, or appropriate hygiene measures concerning staff or items from other sites producing solanaceous plants and other host plants of Potato spindle tuber viroid to prevent infection; and</p> <p>(cc) only water free from all harmful organisms referred to in this item is used”;</p>
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(f) in item 19a(44)—

(i) in column 3, in point (d) for “Commission Implementing [Decision 2012/270/EU](#) as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)” substitute “[Decision 2012/270/EU](#)”; and

(ii) for all occurrences of “*Epitrix similaris* (Gentner)” in columns 2 and 3 (other than the occurrence mentioned in head (i)) substitute “*Epitrix papa* sp. n.”;

(44) Item 19a was originally inserted by [S.S.I. 2012/266](#) and was later substituted by [S.S.I. 2015/10](#) and amended by [S.S.I. 2016/83](#).

- (g) in item 19b(45) for “*Epitrixcucumeris* (Harris), *Epitrixsimilaris* (Gentner), *Epitrixsubcrinita* (Lec.) and *Epitrixtuberis* (Gentner)” in column 3 substitute “*Epitrixcucumeris* (Harris), *Epitrix papa* sp. n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)”;
- (h) for item 39(46) substitute—

“39.	Live pollen and plants intended for planting, other than seeds, of <i>Actinidia</i> Lindl.	<p>The plants must be accompanied by an official statement that they have:</p> <ul style="list-style-type: none"> (a) been grown throughout their life in a member State in which the specified organism is not known to occur; (b) been grown throughout their life in a protected zone recognised as regards the specified organism in accordance with Article 2(1)(h) of Directive 2000/29/EC; (c) been grown throughout their life in a pest free area, established as regards the specified organism by the responsible official body of a member State in accordance with ISPM No. 4; (d) been produced in a pest free place of production or a pest free site of production, established as regards the specified organism by the responsible official body of the member State of origin in accordance with ISPM No. 10 and where— <ul style="list-style-type: none"> (i) the plants have been— <ul style="list-style-type: none"> (aa) grown in a structure with a degree of isolation and protection from the outside environment that effectively excludes the specified organism; and (bb) officially inspected twice at that place or site of production at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement and have been found free from the specified organism; and (ii) the place of production or site of production is surrounded by a zone with a radius of at least 100 metres in which— <ul style="list-style-type: none"> (aa) official inspections have been carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation
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(45) Item 19b was inserted by S.S.I. 2013/5 and substituted by S,S.I. 2016/83.

(46) Item 39 was inserted by S.S.I. 2013/187.

- prior to the movement and any plants of *Actinidia* Lindl. showing symptoms of infection which were found during those inspections were immediately destroyed;
 - (bb) all plants of *Actinidia* Lindl. were immediately destroyed; or
 - (cc) each plant of *Actinidia* Lindl. has been regularly tested at the most appropriate times and has been found free from the specified organism; or
 - (e) been produced in a pest free place of production established as regards the specified organism by the responsible official body of the member State of origin in accordance with ISPM No. 10 and where—
 - (i) the plants have been officially inspected, sampled and tested twice at the most appropriate times during the last complete cycle of vegetation prior to the movement and have been found free from the specified organism;
 - (ii) the place of production is surrounded by a zone with a radius of 500 metres in which—
 - (aa) official inspections, sampling and testing have been carried out throughout that zone twice at the most appropriate times during the last complete cycle of vegetation prior to the movement and the specified organism has not been found;
 - (bb) all plants of *Actinidia* Lindl. have been immediately destroyed; or
 - (cc) each plant of *Actinidia* Lindl. within the zone has been regularly tested at the most appropriate times and has been found free from the specified organism; and
 - (iii) the zone described at point (ii) is encircled by a zone with a width of 4 kilometres in which—
 - (aa) following official inspections, sampling and testing that have been carried out throughout that zone twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement, eradication measures (consisting of the immediate

		<p>destruction of infected plants) were taken in all cases where the specified organism has been found on plants of <i>Actinidia</i> Lindl.;</p> <p>(bb) all plants of <i>Actinidia</i> Lindl. have been destroyed; or</p> <p>(cc) all plants of <i>Actinidia</i> Lindl. within the zone have been tested according to a sampling scheme which is able to confirm with 99 per cent reliability that the level of presence of the specified organism in the plants is below 0.1 per cent; and</p> <p>(f) where the requirements set out in point (d) or (e) are met, that the plants—</p> <p>(i) have been directly derived from mother plants grown under conditions compliant with point (a), (b), (c) or (d);</p> <p>(ii) have been directly derived from mother plants which were subject to prior individual testing confirming their freedom from the specified organism; or</p> <p>(iii) have been tested according to a sampling scheme able to confirm with 99 per cent reliability that the level of presence of the specified organism in the plants is below 0.1 per cent.</p> <p>Interpretation</p> <p>In this item entry:</p> <p>“specified organism” means <i>Pseudomonas syringae</i> pv. <i>actinidiae</i> Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto.”;</p>
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- (i) in item 40(47) in column 2, after “Decision (EU) 2015/789” insert “other than plants which have been grown for the entire production cycle *in vitro* and other than plants belonging to varieties of plants specified in Annex III of that Decision”; and
- (j) after item 40 insert—

“40a.	Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.) which have been grown for the entire production cycle <i>in vitro</i> and for at least part of their life in an area demarcated under a legislative or administrative procedure in a member State	The plants must be accompanied by an official statement that they have been grown:
		<ul style="list-style-type: none"> (a) in a site which meet the requirements of Article 9a(2) of Decision (EU) 2015/789; and (b) in a manner which meets the requirements of Article 9a(3) of that Decision.

	in accordance with Article 4 of Decision (EU) 2015/789	
40b.	Host plants of <i>Xylella fastidiosa</i> (Wells et al.) (within the meaning of Article 1(b) of Decision (EU) 2015/789) which have never been grown in an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 4 of Decision (EU) 2015/789	The plants must be accompanied by an official statement: <ul style="list-style-type: none"> (a) that they have been grown in a site that is subject to annual official inspection and, in the case of symptoms of <i>Xylella fastidiosa</i> (Wells et al.), subject to sampling which takes into account technical guidelines for the survey of <i>Xylella fastidiosa</i> (Wells et al.), as published on the European Commission website, and testing which is in line with international standards for the presence of <i>Xylella fastidiosa</i> (Wells et al.); or (b) in the case of plants intended for planting of <i>Coffea</i>, <i>Lavandula dentata</i> L., <i>Nerium oleander</i> L., <i>Olea europaea</i> L., <i>Polygala myrtifolia</i> L. and <i>Prunus dulcis</i> (Mill) D.A. Webb, that they comply with the requirements of the second sub-paragraph of Article 9(8) of Decision (EU) 2015/789.
40c.	Pre-basic mother plants or pre-basic material belonging to any of the following species: <ul style="list-style-type: none"> — <i>Juglans regia</i> L. — <i>Olea europaea</i> L. — <i>Prunus amygdalus</i> Batsch — <i>P. amygdalus</i> × — <i>P. persica</i> — <i>P. armeniaca</i> L. — <i>P. avium</i> (L.) L. — <i>P. cerasus</i> L. — <i>P. domestica</i> L. — <i>P. domestica</i> × — <i>P. salicina</i> 	Without prejudice to the requirements in item 40b, the pre-basic mother plants or pre-basic material must be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they are, or (in the case of pre-basic material) it is, subject to an authorisation provided under Article 1 of Commission Implementing Decision (EU) 2017/925 of 29 May 2017 temporarily authorising certain Member States to certify pre-basic material of certain species of fruit plants, produced in the field under non-insect proof conditions, and repealing Implementing Decision (EU) 2017/167(48); and

	<p>— <i>P. dulcis</i> (Mill.) D.A. Webb</p> <p>— <i>P. persica</i> (L.) Batsch</p> <p>— <i>P. salicina</i> Lindley</p> <p>which have been, or (in the case of pre-basic material) has been, grown outside an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 4 of Decision (EU) 2015/789 and which have, or has, spent at least part of their, or its, life outside insect- proof facilities.</p>	<p>(b) within the shortest possible time prior to their or its movement, the pre-basic mother plants or pre-basic material were, or was, subjected to visual inspection, sampling and molecular testing for the presence of <i>Xylella fastidiosa</i> (Wells et al.), carried out in accordance with international standards.</p> <p>In this item—</p> <p>“pre-basic material” has the meaning given to it by Article 2(5) of Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production⁽⁴⁹⁾; and</p> <p>“pre-basic mother plants” has the meaning given to it by Article 1(3) of Commission Implementing Directive 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections⁽⁵⁰⁾.”</p>
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(3) In schedule 4, Part C (relevant material which may only be landed in or moved within Scotland (as a protected zone) if special requirements are satisfied)—

(a) for item 3 substitute—

<p>“3.</p>	<p>Plants intended for planting, other than seeds, tubers or corms of <i>Begonia</i> L., and plants intended for planting, other than seeds of <i>Dipladenia</i> A.DC., <i>Ficus</i> L., <i>Hibiscus</i> L., <i>Mandevilla</i> Lindl. and <i>Nerium oleander</i> L.</p>	<p>Without prejudice to the requirements, so far as applicable, in item 66 of Part A of this schedule, the plants must be accompanied by an official statement that:</p> <p>(a) they originate in an area known to be free from <i>Bemisia tabaci</i> Genn. (European populations);</p> <p>(b) no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed on plants at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing;</p> <p>(c) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, the plants, held or produced in this place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and that subsequently this place of production has been found free from <i>Bemisia tabaci</i> Genn.</p>
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⁽⁴⁹⁾ OJ L 267, 8.10.2008, p.8, as last amended by Regulation (EU) No 652/2014 (OJ L 189, 27.6.2014, p.1).

⁽⁵⁰⁾ OJ L 298, 16.10.2014, p.22.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

		<p>(European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating <i>Bemisia tabaci</i> Genn. (European populations), both from official inspections carried out weekly during the three weeks prior to the movement from this place of production and from monitoring procedures carried out throughout that period; or</p> <p>(d) for those plants for which there is evidence by their packing or their flower development or by other means that they are intended for direct sale to final consumers not involved in professional plant production, the plants have been officially inspected and found free from <i>Bemisia tabaci</i> Genn. (European populations) immediately prior to their movement.”;</p>
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and

(b) after item 6(51) insert—

<p>“7.</p>	<p>Plants of <i>Pinus</i> L., other than fruits and seeds, intended for planting</p>	<p>The plants must be accompanied by an official statement that they have been:</p> <p>(a) grown throughout their life in places of production in countries where <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller is not known to occur;</p> <p>(b) grown throughout their life in an area free from <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller established by the national plant protection organisation in accordance with ISPM No. 4;</p> <p>(c) produced in nurseries which, including their vicinity, have been found free from <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller on the basis of official inspections and official surveys carried out at appropriate times; or</p> <p>(d) grown throughout their life in a site with complete physical protection against the introduction of <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller and have been inspected at appropriate times and found to be free from <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller.</p>
<p>8.</p>	<p>Plants of <i>Prunus</i> L. , other than seeds, intended for planting</p>	<p>The plants must be accompanied by an official statement that they:</p>

(51) Item 6 was inserted by S.S.I. 2015/10.

		<ul style="list-style-type: none"> (a) have been grown throughout their life in places of production in countries where <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> is not known to occur; (b) have been grown throughout their life in an area free from <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> established by the national plant protection organisation in accordance with ISPM No. 4; (c) have been derived in direct line from mother plants which have shown no symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> during the last complete cycle of vegetation, and no symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation; or (d) in the case of plants of <i>Prunus laurocerasus</i> L. and <i>Prunus lusitanica</i> L. for which there is evidence by their packing or by other means that they are intended for sale to final consumers not involved in professional plant production, no symptoms of <i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin <i>et al.</i> have been observed on plants at the place of production since the beginning of the last complete growing season.
9.	Plants of <i>Palmae</i> , intended for planting, having a diameter of the stem at the base of over 5 centimetres and belonging to the following genera: <i>Brahea</i> Mart., <i>Butia</i> Becc., <i>Chamaerops</i> L., <i>Jubaea</i> Kunth, <i>Livistona</i> R. Br., <i>Phoenix</i> L., <i>Sabal</i> Adans., <i>Syagrus</i> Mart., <i>Trachycarpus</i> H. Wendl., <i>Trithrinax</i> Mart. or <i>Washingtonia</i> Raf.	<p>The plants must be accompanied by an official statement that they have:</p> <ul style="list-style-type: none"> (a) been grown throughout their life in places of production in countries where <i>Paysandisia archon</i> (Burmeister) is known not to occur; (b) been grown throughout their life in an area free from <i>Paysandisia archon</i> (Burmeister) established by the national plant protection organisation in accordance with ISPM No. 4; or (c) during a period of at least two years prior to export or movement, been grown in a place of production— <ul style="list-style-type: none"> (i) which is registered and supervised by the national plant protection organisation in the country of origin; (ii) where the plants were placed in a site with complete physical protection against the introduction of <i>Paysandisia archon</i> (Burmeister); and (iii) where, during 3 official inspections per year carried out at appropriate times, including

		immediately prior to movement from the place of production, no signs of <i>Paysandisia archon</i> (Burmeister) have been observed.
10.	Plants of <i>Palmae</i> , intended for planting, having a diameter of the stem at the base of over 5 centimetres and belonging to the following taxa: <i>Areca catechu</i> L., <i>Arenga pinnata</i> (Wurmb) Merr., <i>Bismarckia Hildebr. & H. Wendl.</i> , <i>Borassus flabellifer</i> L., <i>Brahea armata</i> S. Watson, <i>Brahea edulis</i> H. Wendl., <i>Butia capitata</i> (Mart.) Becc., <i>Calamus merrillii</i> Becc., <i>Caryota maxima</i> Blume, <i>Caryota cumingii</i> Lodd. ex Mart., <i>Chamaerops humilis</i> L., <i>Cocos nucifera</i> L., <i>Copernicia</i> Mart., <i>Corypha utan</i> Lam., <i>Elaeis guineensis</i> Jacq., <i>Howea forsteriana</i> Becc., <i>Jubea chilensis</i> (Molina) Baill., <i>Livistona australis</i> C. Martius, <i>Livistona decora</i> (W. Bull) Dowe, <i>Livistona rotundifolia</i> (Lam.) Mart., <i>Metroxylon sagu</i> Rottb., <i>Phoenix canariensis</i> Chabaud, <i>Phoenix dactylifera</i> L., <i>Phoenix reclinata</i> Jacq., <i>Phoenix roebelenii</i> O'Brien, <i>Phoenix sylvestris</i> (L.) Roxb., <i>Phoenix theophrasti</i> Greuter, <i>Pritchardia</i> Seem. & H. Wendl., <i>Ravenea rivularis</i> Jum. & H. Perrier, <i>Roystonea regia</i> (Kunth) O. F. Cook, <i>Sabal palmetto</i> (Walter) Lodd. ex Schult. & Schult. f., <i>Syagrus romanzoffiana</i> (Cham.) Glassman, <i>Trachycarpus fortunei</i> (Hook.) H. Wendl. or <i>Washingtonia</i> Raf.	<p>The plants must be accompanied by an official statement that they have:</p> <ul style="list-style-type: none"> (a) been grown throughout their life in places of production in countries where <i>Rhynchophorus ferrugineus</i> (Olivier) is known not to occur; (b) been grown throughout their life in an area free from <i>Rhynchophorus ferrugineus</i> (Olivier) established by the national plant protection organisation in accordance with ISPM No. 4; or (c) during a period of at least two years prior to export or movement, been grown in a place of production— <ul style="list-style-type: none"> (i) which is registered and supervised by the national plant protection organisation in the country of origin; (ii) where the plants were placed in a site with complete physical protection against the introduction of <i>Rhynchophorus ferrugineus</i> (Olivier); and (iii) where, during 3 official inspections per year carried out at appropriate times, including immediately prior to movement from the place of production, no signs of <i>Rhynchophorus ferrugineus</i> (Olivier) have been observed.”.

Amendment of schedule 5

13. In schedule 5 (relevant material from a third country for which a phytosanitary certificate may be required), in Part A (relevant material which may only be landed in Scotland if accompanied by a phytosanitary certificate)—

- (a) in paragraph 1(c)(52) for “*mais*” substitute “*mays*”; and
- (b) for paragraph 3 substitute—

“3. Fruits of—

- (a) *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Microcitrus* Swingle, *Naringi* Adans., *Swinglea* Merr., *Momordica* L., *Solanum lycopersicum* L. or *Solanum melongena* L.;
- (b) *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn. or *Vaccinium* L., originating in any country outside Europe;
- (c) *Capsicum* L.; or
- (d) *Punica granatum* L., originating in any country of the African continent, Cape Verde, Saint Helena, Madagascar, La Reunion, Mauritius or Israel.”

Amendment of schedule 6

14.—(1) In schedule 6 (prohibitions on the landing in and movement within Scotland of relevant material without a plant passport), in Part A (relevant material, from Scotland or elsewhere in the European Union, which may only be landed in or moved within Scotland if accompanied by a plant passport)—

- (a) in paragraph 1 omit “*Castanea* Mill.”(53);
- (b) in paragraph 3b(54) for both occurrences of “*Epitrix similis* (Gentner)” substitute “*Epitrix papa* sp. n.”;
- (c) for paragraph 4 substitute—

“4. Plants, other than fruits or seeds, of *Choisya* Kunth, *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm. f., *Murraya* J. Koenig ex L., *Vepris* Comm., *Zanthoxylum* L. or *Vitis* L.”;

- (d) for paragraph 7(a), substitute—

“(a) plants intended for planting, other than seeds, of the genera *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Asparagus officinalis* L., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC.) Des Moul., *Dianthus* L. and hybrids, *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* l’Hérit. ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Ulmus* L., *Verbena* L. and other plants of herbaceous species, other than plants of the family *Gramineae*, intended for planting, and other than bulbs, corms, rhizomes, seeds and tubers;”;

(52) Paragraph 1(c) was amended by [S.S.I. 2012/326](#) and [S.S.I. 2015/10](#).

(53) The reference to *Castanea* Mill. was inserted by [S.S.I. 2006/474](#) to implement Commission [Decision 2006/464/EC](#) on provisional emergency measures to prevent the introduction into and the spread within the Community of *Dryocosmus kuriphilus* Yasumatsu (OJ L 183, 5.7.06, p.29), which has been repealed.

(54) Paragraph 3b was inserted by [S.S.I. 2012/266](#) and substituted by [S.S.I. 2013/187](#).

(e) in paragraph 12(55)—

(i) at the end of sub-paragraph (1)(a) omit “and”;

(ii) in sub-paragraph (1)(b) for “demarcated area.” substitute “demarcated area; and”;

(iii) after sub-paragraph (1)(b) insert—

“(c) pre-basic mother plants or pre-basic material which belong to the species *Juglans regia* L., *Olea europaea* L., *Prunus amygdalus* Batsch, *P. amygdalus* × *P. persica*, *P. armeniaca* L., *P. avium* (L.) L., *P. cerasus* L., *P. domestica* L., *P. domestica* × *P. salicina*, *P. dulcis* (Mill.) D.A. Webb, *P. persica* (L.) Batsch, or *P. salicina* Lindley which have been grown outside such a demarcated area and spent at least part of their life outside insect proof facilities.”; and

(iv) for sub-paragraph (3) substitute—

“(3) In this paragraph—

“host plants” has the meaning given to it by Article 1(b) of Decision (EU) 2015/789;

“pre-basic material” has the meaning given to it by Article 2(5) of Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production(56); and

“pre-basic mother plants” has the meaning given to it by Article 1(3) of Commission Implementing Directive 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections(57).”.

(2) In schedule 6, for Part B (relevant material, from Scotland or elsewhere in the European Union, which may only be landed in or moved within Scotland if accompanied by a plant passport which is valid for Scotland (as a protected zone)) substitute—

“PART B

Relevant material, from Scotland or elsewhere in the European Union, which may only be landed in or moved within Scotland if accompanied by a plant passport which is valid for Scotland (as a protected zone)

1. Plants, other than fruit, of *Castanea* Mill.
2. Seeds of *Castanea* Mill.
3. Plants, other than seeds, of *Platanus* L., *Prunus* L., *Quercus* spp., other than *Quercus suber* or *Ulmus* L., intended for planting.
4. Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 centimetres and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendl., *Borassus flabellifer* L., *Brahea* Mart., *Butia* Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. ex Mart., *Chamaerops* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha utan* Lam., *Elaeis guineensis* Jacq., *Howea forsteriana* Becc., *Jubae* Kunth, *Livistona* R. Br., *Metroxylon sagu*

(55) Paragraph 12 was substituted by S.S.I. 2016/83.

(56) OJ L 267, 8.10.2008, p.8, as last amended by Regulation (EU) No 652/2014 (OJ L 189, 27.6.2014, p.1).

(57) OJ L 298, 16.10.2014, p.22.

Rottb., *Phoenix* L., *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.

5. Plants of *Pinus* L.

6. The plants mentioned in sub-paragraphs (a) and (b) which are produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than those plants which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official body of the consignor country, that the production thereof is separate from that of other products—

- (a) plants, other than corms, seeds or tubers, of *Begonia* L., intended for planting; or
- (b) plants, other than seeds, of *Dipladenia* A.DC., *Euphorbia pulcherrima* Willd., *Ficus* L., *Hibiscus* L., *Mandevilla* Lindl. or *Nerium oleander* L., intended for planting.”

Amendment of schedule 7

15.—(1) In schedule 7 (prohibitions on the consignment of relevant material to another part of the European Union without a plant passport), in Part A (relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport)—

- (a) in paragraph 1 omit “*Castanea* Mill.,”(58);
- (b) in paragraph 3b(59) for both occurrences of “*Epitrix similaris* (Gentner)” substitute “*Epitrix papa* sp. n.”;
- (c) for paragraph 4(60) substitute—

“4. Plants, other than fruits or seeds, of *Choisya* Kunth, *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm. f., *Murraya* J. Koenig ex L., *Vepris* Comm., *Zanthoxylum* L. or *Vitis* L.”;

- (d) for paragraph 7(a), substitute—
 - “(a) plants intended for planting, other than seeds, of the genera *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Asparagus officinalis* L., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC.) Des Moul., *Dianthus* L. and hybrids, *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* l’Hérit. ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Ulmus* L., *Verbena* L. and other plants of herbaceous species, other than plants of the family *Gramineae*, intended for planting, and other than bulbs, corms, rhizomes, seeds and tubers”; and
- (e) in paragraph 12(61)—
 - (i) at the end of sub-paragraph (1)(a) omit “and”;
 - (ii) in sub-paragraph (1)(b) for “demarcated area.” substitute “demarcated area; and”;
 - (iii) after sub-paragraph (1)(b) insert—

(58) The reference to *Castanea* Mill was inserted by S.S.I. 2006/474 to implement Commission Decision 2006/464/EC on provisional emergency measures to prevent the introduction into and the spread within the Community of *Dryocosmus kuriphilus* Yasumatsu (OJ L 183, 5.7.06, p.29), which has now been repealed.

(59) Paragraph 3b was inserted by S.S.I. 2012/266 and was substituted by S.S.I. 2013/187.

(60) Paragraph 4 was substituted by S.S.I. 2015/10.

(61) Paragraph 12 was substituted by S.S.I 2016/83.

“(c) pre-basic mother plants or pre-basic material which belong to the species *Juglans regia* L., *Olea europaea* L., *Prunus amygdalus* Batsch, *P. amygdalus* × *P. persica*, *P. armeniaca* L., *P. avium* (L.) L., *P. cerasus* L., *P. domestica* L., *P. domestica* × *P. salicina*, *P. dulcis* (Mill.) D.A. Webb, *P. persica* (L.) Batsch, or *P. salicina* Lindley which have been grown outside such a demarcated area and spent at least part of their life outside insect proof facilities.”; and

(iv) for sub-paragraph (3) substitute—

“(3) In this paragraph—

“host plants” has the meaning given to it by Article 1(b) of Decision (EU) 2015/789;

“pre-basic material” has the meaning given to it by Article 2(5) of Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production; and

“pre-basic mother plants” has the meaning given to it by Article 1(3) of Commission Implementing Directive 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections.”.

(2) In schedule 7, in Part B (relevant material which may only be consigned to a protected zone in another part of the European Union if accompanied by a plant passport which is valid for that protected zone)—

(a) for paragraph 2(62) substitute—

“2. Plants, other than seeds, of *Beta vulgaris* L., *Platanus* L., *Populus* L., *Prunus* L., *Quercus* spp., other than *Quercus suber*, or *Ulmus* L., intended for planting.”;

(b) after paragraph 3 insert—

“3A. Plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 centimetres and belonging to the following taxa: *Areca catechu* L., *Arenga pinnata* (Wurmb) Merr., *Bismarckia* Hildebr. & H. Wendl., *Borassus flabellifer* L., *Brahea* Mart., *Butia* Becc., *Calamus merrillii* Becc., *Caryota maxima* Blume, *Caryota cumingii* Lodd. ex Mart., *Chamaerops* L., *Cocos nucifera* L., *Copernicia* Mart., *Corypha utan* Lam., *Elaeis guineensis* Jacq., *Howea forsteriana* Becc., *Jubae* Kunth, *Livistona* R. Br., *Metroxylon sagu* Rottb., *Phoenix* L., *Pritchardia* Seem. & H. Wendl., *Ravenea rivularis* Jum. & H. Perrier, *Roystonea regia* (Kunth) O.F. Cook, *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.”; and

(c) for paragraph 10(b) substitute—

“(b) plants, other than seeds, of *Dipladenia* A.DC., *Euphorbia pulcherrima* Willd., *Ficus* L., *Hibiscus* L., *Mandevilla* Lindl. or *Nerium oleander* L., intended for planting.”.

Amendment of schedule 8

16.—(1) In schedule 8 (Swiss plant passports) in Part A (relevant material originating in Switzerland which may be landed in or moved within Scotland if accompanied by a Swiss passport)

- (a) for paragraph 1(63) substitute—

“1. Plants, other than seeds, of *Amelanchier* Med., *Beta vulgaris* L., *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Humulus lupulus* L., *Malus* Mill., *Mespilus* L., *Prunus* L., other than *Prunus laurocerasus* L. or *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L., intended for planting.”;

- (b) omit paragraph 2;

- (c) for paragraph 4 substitute—

“4. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Casimiroa* La Llave, *Clausena* Burm.f., *Vepris* Comm., *Zanthoxylum* L. or *Vitis* L.

4A. Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., with leaves and peduncles.”; and

- (d) in paragraph 5—

- (i) for subparagraph (a) substitute—

“(a) plants, intended for planting, other than seeds, of the genera *Abies* Mill. and *Apium graveolens* L., *Argyranthemum* spp., *Asparagus officinalis* L., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC.) Des Moul., *Dianthus* L. and hybrids, *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., *Impatiens* L. (all varieties of New Guinea hybrids), *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* l’Hérit. ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Verbena* L. or other plants of herbaceous species intended for planting, other than plants of the family Gramineae and other than bulbs, corms, rhizomes, seeds and tubers.”;

- (ii) for sub-paragraph (ea)(64) substitute—

“(ea) plants of *Palmae*, intended for planting, having a diameter of the stem at the base of over 5 centimetres and belonging to the following genera or species: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth., *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syragrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart. or *Washingtonia* Raf.; or”;

- (iii) in sub-paragraph (f)—

(aa) for “bulbous rhizomes” substitute “corms, tubers and rhizomes”;

(bb) for “*Crocus flavus* Weston cv. “Golden Yellow”” substitute “*Crocus flavus* Weston ‘Golden Yellow’, *Dahlia* spp.”; and

(cc) after “*Ismene* Herbert,” insert “*Lilium* spp.”.

(2) In schedule 8, in Part B (relevant material imported into Switzerland from another third country which, if it would normally be permitted to be landed in Scotland if accompanied by a phytosanitary certificate, may be accompanied by a Swiss passport)—

- (a) in paragraph 1(65) omit “, other than *Clausena* Burm. f. and *Murraya* Koenig ex. L.”;

- (b) in paragraph 2 omit “other than *Oryza* spp.”;

- (c) in paragraph 3, after “*Rubus* L.” insert “, *Oryza* spp.”;

(63) Paragraph 1 was substituted by S.S.I. 2012/266.

(64) Sub-paragraph (ea) was inserted by S.S.I. 2012/266.

(65) Paragraph 1 was substituted by S.S.I. 2012/266.

(d) after paragraph 3, insert—

“3A. Seeds of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf.”;

(e) in paragraph 5—

(i) in sub-paragraph (a), after “*Apium graveolens* L.” insert “, *Eryngium* L., *Limnophila* L.”;

(ii) after sub-paragraph (b) omit “or”

(iii) for sub-paragraph (c) substitute—

“(c) *Acer saccharum* Marsh, originating in Canada or the USA;

(d) Conifers (*coniferales*);

(e) *Castanea* Mill., *Dendranthema* (DC.) Des Moul., *Dianthus* L., *Gypsophila* L., *Pelargonium* l’Herit. ex Ait, *Phoenix* spp., *Populus* L., *Quercus* L. or *Solidago* L.;

(f) *Prunus* L. originating in any country outside Europe;

(g) leaves of *Manihot esculenta* Crantz;

(h) cut branches of *Betula* L., with or without foliage;

(i) cut branches of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., with or without foliage, originating in Canada, China, the Democratic People’s Republic of Korea, Japan, Mongolia, the Republic of Korea, Russia, Taiwan or the USA; or

(j) *Amyris* P. Browne, *Casimiroa* La Llave, *Citropsis* Swingle & Kellerman, *Eremocitrus* Swingle, *Esenbeckia* Kunth., *Glycosmis* Corrêa, *Merrillia* Swingle, *Naringi* Adans., *Tetradium* Lour., *Toddalia* Juss. or *Zanthoxylum* L.”;

(f) after paragraph 5 insert—

“5A. Parts of plants, other than fruit but including seeds, of *Aegle* Corrêa, *Aeglopsis* Swingle, *Afraegle* Engl., *Atalantia* Corrêa, *Balsamocitrus* Stapf., *Burkillanthus* Swingle, *Calodendrum* Thunb., *Choisya* Kunth, *Clausena* Burm. f., *Limonia* L., *Microcitrus* Swingle, *Murraya* J. Koenig ex L., *Pamburus* Swingle, *Severinia* Ten., *Swinglea* Merr., *Triphasia* Lour. or *Vepris* Comm.”;

(g) for paragraph 6 substitute—

“6. Fruit of —

(a) *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Momordica* L. or *Solanum melongena* L.;

(b) *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn., or *Vaccinium* L., originating in any country outside Europe; or

(c) *Capsicum* L.”; and

(h) in paragraph 7 omit “other than for planting”.

Amendment of schedule 12

17. In schedule 12 (notice of landing), in Part B (notice of landing of relevant material required by article 6(1) of the Plant Health (Scotland) Order 2005), in Part B of the notice prescribed therein—

(a) items 5 to 13 are re-numbered as 4 to 12;

(b) after item 12 insert—

“13. Additional information.....”

Revocations

18. The following articles are revoked:

- (a) article 6(1) and (2)(c) to (e) of the Plant Health (Scotland) Amendment (No. 2) Order 2007(**66**)
- (b) article 9(2) of the Plant Health (Scotland) Amendment (No. 2) Order 2013(**67**);
- (c) article 3(a) of the Plant Health (Scotland) Amendment (No. 3) Order(**68**); and
- (d) article 3(b) of the Plant Health (Scotland) Amendment Order 2015(**69**).

St Andrew’s House,Edinburgh
28th March 2018

FERGUS EWING
A member of the Scottish Government

(66) S.S.I. 2007/498. Article 6(2)(a) and (b) were revoked by S.S.I. 2013/187.
(67) S.S.I. 2013/187.
(68) S.S.I. 2013/366.
(69) S.S.I. 2015/10.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Scotland) Order 2005 ([S.S.I. 2005/613](#)) (“the principal Order”). It implements the following EU instruments:

Decision No 1/2015 of the Joint Committee on Agriculture of 19th November 2015 concerning the amendment to Appendices 1, 2 and 4 to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 27, 1.2.2017, p.155)

Article 16 of the Order implements this decision by amendment of schedule 8 of the principal Order (Swiss plant passports).

Commission Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ L 125, 13.5.2016, p.16) and **Commission Implementing Decision (EU) 2017/801** amending Implementing Decision 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ L 120, 11.5.2017, p.26) and **Commission Implementing Decision (EU) 2018/85** amending Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ L 16, 20.1.2018, p.11).

The Order implements Commission Implementing Decision (EU) 2016/715, as amended. Article 4 amends article 6 of the principal Order (advance notification of landing) to require that when certain citrus fruits originating in Argentina, Brazil, South Africa or Uruguay are due to be industrially processed into juice in Scotland, information is given as to the premises at which such processing is to take place. Article 5 amends article 19 of the principal Order (prohibitions on landing plant pests and relevant material) to require that inspectors receive written notice, in advance, of the landing of such citrus fruits where they have entered the European Union via a point of entry outside Scotland. Article 12(1)(b) amends Part A of schedule 4 of the principal Order to insert new items 17a and 17b which implement the restrictions on landing contained in Commission Implementing Decision (EU) 2016/715 for the citrus fruit concerned. Article 12(2)(b) inserts a new item 7b into Part B of schedule 4 to require that such citrus fruits intended for industrially processing into juice in Scotland may only be landed in or moved within Scotland in accordance with Commission Implementing Decision (EU) 2016/715 and with a licence granted by the Scottish Ministers under article 40(1) of the principal Order.

Commission Implementing Decision (EU) 2016/764 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (OJ L 126, 14.5.2016) and **Commission Implementing Decision (EU) 2017/2352** amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (OJ L 336, 16.12.2017, p. 31) (together “the amending Decisions”).

Commission Implementing Decision (EU) 2015/789 (the “principal *Xylella* decision”) was implemented by [S.S.I. 2016/13](#), which introduced, into article 2(1) of the principal Order, the defined term “Decision (EU) 2015/789”. The definition of this term contained an ambulatory reference to the principal *Xylella* decision. The term “Decision (EU) 2015/789” (and thus the ambulatory reference)

is also incorporated into the definition of “plants specified in relation to *Xylella fastidiosa* (Wells et al.)” in article 2(1) of the principal Order with the effect that the amendments made by the amending Decisions are already partially implemented. To the extent not implemented by the ambulatory reference or by administrative measures, the amending Decisions are implemented by article 6 of the Order which amends article 28A of the principal Order (duties of professional operators in relation to *Xylella fastidiosa* (Wells et al.)) to introduce new record-keeping responsibilities on professional operators in relation to certain host plants of *Xylella fastidiosa* (Wells et al.). The amending Decisions are also implemented by article 12(1)(k) which substitutes item 86 in schedule 4 (restrictions on the landing in and movement within Scotland or relevant material) Part A (relevant material, from third countries, which may only be landed in Scotland if special requirements are satisfied) of the principal Order to impose restrictions on the introduction of certain plants originating in any third country where *Xylella fastidiosa* (Wells et al.) is known to be present and also by article 12(1)(l) which amends item 87 in the same Part, to except those plants which have been grown *in vitro* from the general requirements imposed by that item entry and by article 12(1)(m) which introduces new item 87a into that Part, to impose specific requirements in relation to plants grown *in vitro*. The amending Decisions are further implemented by article 12(2)(i) which amends item 40 in schedule 4, Part B (relevant material, from another part of the European Union, which may only be landed in or moved within Scotland if special requirements are satisfied) of the principal Order to except plants grown *in vitro* and host plants listed in Annex III of the principal *Xylella* decision, from the general requirements of that item entry and also by article 12(2)(j) which introduces new items 40a, 40b and 40c into that Part. These new items impose movement requirements in relation to: plants grown *in vitro* and which have been grown for part of their lives within a demarcated area (item 40a); host plants of *Xylella fastidiosa* (Wells et al.) which have never been grown in a demarcated area (item 40b); and certain pre-basic mother plants and pre-basic material which have been grown outside a demarcated area and outside insect-proof facilities (item 40c). The amending Decisions are also implemented by article 14(1)(e) which amends schedule 6 (prohibitions on the landing in and movement within Scotland of relevant material without a plant passport), Part A (relevant material, from Scotland or elsewhere in the European Union, which may only be landed in or moved within Scotland if accompanied by a plant passport) to require that certain pre-basic mother plants and pre-basic material may only be landed in Scotland with a plant passport. The amending Decisions are also implemented by article 15(1)(e) which amends schedule 7 (prohibitions on the consignment of relevant material to another part of the European Union without a plant passport), Part A (relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport) to provide that certain pre-basic mother plants and pre-basic material may only be moved to another part of the European Union with a plant passport.

Commission Implementing Regulation (EU) 2016/873 amending Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community (OJ L 145, 2.6.2016, p.10).

Commission Implementing Decision (EU) 2016/873 updates the list of protected zones in Regulation (EC) No 690/2008. This is implemented by article 3(j), which amends article 2(1) of the principal Order by substituting the definition of “protected zone”.

Commission Implementing Decision (EU) 2016/1359 amending Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner) (OJ L 215, 10.8.2016, p.29) and **Commission Implementing Decision (EU) 2018/5** amending Implementing Decision 2012/270/EU as regards the symptoms of *Epitrix cucumeris* (Harris), *Epitrix papa* sp. n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner) and the establishment of relevant demarcated areas

Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner) (OJ L 132, 23.5.2012) (the “principal “*Epitrix*

decision”) applied *inter alia* to *Epitrix similaris* (Gentner) on the understanding that this organism had been detected on Union territory. Following further research the Commission understands that the detected organism should have been identified as *Epitrix papa* sp. n. and that *Epitrix similaris* (Gentner) has yet to be detected in Union territory. Accordingly Commission Implementing Decision (EU) 2016/1359 amends the principal *Epitrix* decision to replace references to *Epitrix similaris* (Gentner) with references to *Epitrix papa* sp. n. (including in the title of the principal *Epitrix* decision. Article 3(d) of the Order inserts the defined term “[Decision 2012/270/EU](#)” into article 2(1) of the principal Order to refer to the principal *Epitrix* decision. The defined term captures the correct reference to *Epitrix papa* sp. n. and includes an ambulatory reference to the principal *Epitrix* decision. Article 5(2) substitutes the defined term into the cross references to the principal *Epitrix* decision in articles 22(3)(a) (exceptions from certain prohibitions and requirements) and article 39(12) (miscellaneous provisions for certain solanaceous species) of the principal Order. References to *Epitrix similaris* (Gentner) in schedule 1 (plant pests which shall not be landed in or spread within Scotland), Part B (plant pests known to occur in the European Union) and in item 32a of part A of schedule 4 and in items 19a and 19b of Part B of schedule 4 and in paragraph 3b of Part A of schedule 6 and Part A of schedule 7 of the principal Order, are changed to references to *Epitrix papa* sp. n. by articles 9(2)(a), 12(1)(f)(i), 12(2)(f) and (g), article 14(1)(b) and 15(1)(b) respectively. Commission Implementing Decision (EU) 2018/5 is further implemented by the substitution of text in column 3 of item 32a of Part A of schedule 4 by article 12(1)(f)(ii).

Commission Implementing Decision (EU) 2017/198 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ L 31, 4.2.2017, p.29).

Commission Implementing [Decision 2012/756/EU](#) as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ L 31, 4.2.2017, p.29) expired on 31st March 2016. Commission Implementing Decision (EU) 2017/198 largely replicates the previous Implementing Decision, with some changes (relating to the permissible measures which may be taken to prevent the spread of the pest and to the permissible width of the regulated zone surrounding a pest free place or site of production). To the extent that the provision remains the same as that in Commission Implementing [Decision 2012/756/EU](#), the relevant articles are already implemented by amendments made in [S.S.I. 2013/187](#). Article 8 implements Commission Implementing Decision (EU) 2017/198 by introducing a new article 42A into the principal Order to create an obligation on professional operators to take precautionary measures where that operator suspects the presence of the pest. Article 12(1)(h) substitutes item 83 in Part A of schedule 4 of the Principal Order to prescribe the information which must accompany plants of *Actinidia* Lindl. which are entering Scotland from a third country. Article 12(2)(h) substitutes article 39 in Part B of schedule 4 to the principal Order to prescribe the information which must accompany plants of *Actinidia* Lindl. entering Scotland from a different part of the European Union.

Commission Implementing Directive (EU) 2017/1279 amending Annexes I to V to Council [Directive 2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 184, 15.7.2017, p.33)

Commission Implementing Directive (EU) 2017/1279 makes a number of amendments to the Annexes of Council [Directive 2000/29/EC](#). This Order transposes those amendments. A transposition note has been published with this Order.

Commission Implementing Directive (EU) 2017/1920 amending Annex IV to Council [Directive 2000/29/EC](#) as regards the movement of seeds of *Solanum tuberosum* L. originating in the Union

Commission Implementing Directive (EU) 2017/1920 amends Annex IV of Council [Directive 2000/29/EC](#). It is transposed by article 12(2)(d) of the Order which amends item 17 of Part B of schedule 4 of the principal Order to remove seed of *Solanum tuberosum* L. from its scope and by

article 12(2)(e) which inserts item 17a into the Part to reflect the movement requirements imposed on this seed by the Implementing Directive.

No business and regulatory impact assessment has been prepared for this Order as no impact upon business, charities or voluntary bodies is foreseen.