

GUERNSEY STATUTORY INSTRUMENT

2021 No. 53

**The Plant Health (Brexit) (Amendment) (Guernsey)
Regulations, 2021**

ARRANGEMENT OF REGULATIONS

PART I
AMENDMENT OF PRESERVED EU LAW

1. Amendment of the Preserved PHR.
2. Amendment of the Preserved Phytosanitary Conditions Regulation.
3. Amendment of Preserved Commission Implementing Regulation (EU) 2017/2313 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement within, a protected zone.
4. Amendment of Preserved Commission Implementing Regulation (EU) 2020/1217.
5. Amendment of Preserved Commission Implementing Regulations (EU) 2020/1231.

PART II
AMENDMENT OF LEGISLATION OF DOMESTIC ORIGIN

6. Amendment of the Plant Health (Implementation) (Guernsey) Ordinance, 2020.
7. Amendment of the 2020 Regulations.

PART III
DISAPPLICATION OF PRESERVED EU LAW

8. Disapplication of items of Preserved EU law.

PART IV
GENERAL PROVISIONS

- 9. Interpretation.
- 10. Extent.
- 11. Citation.
- 12. Commencement.

SCHEDULE 1: Amendment of the Preserved PHR.

SCHEDULE 2: Amendment of the Preserved Phytosanitary Conditions Regulation.

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<i>Made</i>	11 th May, 2021
<i>Coming into operation</i>	11 th May, 2021
<i>Laid before the States</i>	, 2021

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by sections 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018^a, and all other powers enabling it in that behalf, and upon receipt of the certificate required under section 5(3) of that Law, hereby makes the following Regulations –

PART I

AMENDMENT OF PRESERVED EU LAW

Amendment of the Preserved PHR.

1. The Preserved PHR is amended, insofar as it applies to Guernsey, as set out in Schedule 1.

^a Order in Council No. I of 2019; as amended by G.S.I. Nos. 6 and 153 of 2020.

Amendment of the Preserved Phytosanitary Conditions Regulation.

2. The Preserved Phytosanitary Conditions Regulation is amended, insofar as it applies to Guernsey, as set out in Schedule 2.

Amendment of Preserved Commission Implementing Regulation (EU) 2017/2313 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement within, a protected zone.

3. (1) Preserved Commission Implementing Regulation (EU) 2017/2313 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement within, a protected zone^b is amended, insofar as it applies to Guernsey, as follows.

(2) In the Annex—

(a) after point 8 insert -

"8A Where applicable, 'GB(NI)'.", and

(b) in Parts A and B, in each model, after "DXX⁷ or 8" insert "EXXX^{8A}".

Amendment of Preserved Commission Implementing Regulation (EU) 2020/1217.

4. (1) Preserved Commission Implementing Regulation (EU) 2020/1217 on a derogation from Implementing Regulation (EU) 2019/2072 concerning the introduction into the Union of naturally or artificially dwarfed plants for planting

^b PEUL (BoG) (IR) 2017/2313; amended, insofar as it applies to Guernsey, by G.S.I. 130 of 2020.

of *Chamaecyparis* Spach, *Juniperus* L. and certain species of *Pinus* L., originating in Japan^c is amended, insofar as it applies to Guernsey, as follows.

- (2) For each reference to "the Union" substitute "Guernsey".
- (3) In Article 2, for "point 1 of Annex VI" substitute "point 1 of Part A of Annex 6".
- (4) In the words following Article 5, omit "This Regulation shall be binding in its entirety and directly applicable in all Member States."
- (5) In the Annex –
 - (a) omit point 2,
 - (b) in point 3, for "the Commission", substitute "the NPPO of Great Britain",
 - (c) in point 4, in item (c)(ix), omit "(non-European populations)",
 - (d) in point 5, in both places where it occurs, for "the Commission", substitute "the NPPO of the UK",
 - (e) in point 8, for "30" substitute "42",

^c PEUL (BoG) (IR) 2020/1217.

(f) in point 9, for "Member States" substitute "The NPPO of the UK", and

(g) for point 12, substitute -

"If any contamination by the pests of concern is confirmed during the post-entry detention period, referred to in point 10, the relevant nursery in Japan shall be disqualified from the official registered nursery status. The NPPO of the UK shall immediately inform Japan thereof."

Amendment of Preserved Commission Implementing Regulations (EU) 2020/1231.

5. (1) Preserved Commission Implementing Regulation (EU) 2020/1231 on the format and instructions for the annual reports on the results of the surveys and on the format of the multiannual survey programmes and the practical arrangements, respectively provided for in Articles 22 and 23 of Preserved Regulation (EU) 2016/2031 of the European Parliament and the Council^d is amended, insofar as it applies to Guernsey, as follows.

(2) For each reference to "Union quarantine" substitute "Guernsey quarantine".

(3) In Article 1, in paragraph 1 for "by the Member States to the Commission" substitute "by the competent authority to the UK National Plant Protection Organisation".

^d PEUL (BoG) (IR) 2020/1231.

(4) In the words following Article 3, omit "This Regulation shall be binding in its entirety and directly applicable in all Member States."

(5) In Annex 1 –

(a) in Part I, omit "Member State",

(b) in Part II -

(i) in the table in paragraph 1.1, in the heading in column 11 entitled "11. Survey details:", in point H), at the end insert ", where appropriate", and

(ii) in paragraph 1.2 (instructions on how to fill in the template), in the instructions for column 6 for "the Member State" substitute "Guernsey".

(6) In Annex II –

(a) in Part I –

(i) in paragraph 1 –

(A) omit "Member State" in the first bullet point, and

(B) in the final bullet point for "Member State", substitute "Competent Authority" and for "the Commission website" substitute "an appropriate website",

- (ii) in paragraph 2(c) omit "Member State" and, at the end, insert "of Guernsey", and
- (b) in Part II in the table in paragraph 1.1, in the heading in column 10 entitled "10. Survey details:" in point H) at the end insert ", where appropriate".

PART II

AMENDMENT OF LEGISLATION OF DOMESTIC ORIGIN

Amendment of the Plant Health (Implementation) (Guernsey) Ordinance, 2020.

6. (1) The Plant Health (Implementation) (Guernsey) Ordinance, 2020^e is amended as follows.

(2) In section 38 (improper use of UK plant passports or certificates)–

(a) in the heading, omit "UK", and

(b) in paragraphs (b) and (c), omit "UK" in both places where it occurs.

(3) In section 48(1) (interpretation: general), after the definition of "plant health officer" insert -

""plant passport" means a passport which is a UK plant passport or other permitted plant passport,".

^e Ordinance No. IX of 2020; amended by G.S.I. No. 130 of 2020.

(4) In the table in Part I of Schedule 2 (offences: relevant provisions in preserved EU law) –

- (a) in the entry relating to Article 79(1), in the first column, for "and 92a" substitute "92a and 95a(2)",
- (b) in the entry relating to Article 80(1), in the first column, for "and 92a" substitute "92a and 95a(2)",
- (c) in the entry relating to Article 93(5), in the second column, for "replacement UK" substitute "certain", and
- (d) after the entry relating to Article 93(5) insert –

"Article 95a(1) Prohibits the introduction of a relevant NI trade unit into Guernsey from Northern Ireland unless it is accompanied by the plant passport which was required for its movement within Northern Ireland."

Amendment of the 2020 Regulations.

7. In regulation 6(1) of the Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2020^f, for "March" substitute "December".

^f G.S.I. No. 130 of 2020.

PART III
DISAPPLICATION OF ITEMS OF PRESERVED EU LAW

Disapplication of items of Preserved EU law.

8. (1) The items of Preserved EU law specified in subsection (2) are disappplied, insofar as they apply to Guernsey, to the extent that equivalent provision is made under the Preserved PHR, other Preserved EU law or the Plant Health (Implementation) (Guernsey) Ordinance, 2020.

(2) The items of Preserved EU law referred to in subsection (1) are -

(a) Preserved Commission Implementing Regulation (EU) 2020/1292 as regards measures to prevent the entry into the Union of *Agrilus planipennis* Fairmaire from Ukraine^g,
and

(b) Preserved Commission Implementing Decision (EU) 2020/1549 repealing Decision 2004/200/EC on measures to prevent the introduction into and the spread within the Community of *Pepino mosaic virus*^h.

^g PEUL (BoG) (IR) 2020/1292.

^h PEUL (BoG) (DC) 2020/1549.

PART IV
GENERAL PROVISIONS

Interpretation.

9. In these Regulations, unless the context requires otherwise –

"the Preserved PHR" means the item of Preserved EU law entitled Preserved Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plantsⁱ, and

"the Preserved Phytosanitary Conditions Regulation" means the item of Preserved EU law entitled Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Preserved Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants^j.

Extent.

10. These Regulations have effect in the islands of Guernsey, Herm and Jethou.

Citation.

11. These Regulations may be cited as the Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2021.

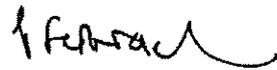
ⁱ PEUL (BoG) (RG) 2016/2031; amended insofar as it applies to Guernsey by G.S.I. No. 130 of 2020.

^j PEUL (BoG) (IR) 2019/2072; amended, insofar as it applies to Guernsey, by G.S.I. No. 130 of 2020 and the Plant Health (Preserved Phytosanitary Conditions Regulation) (Amendment) Regulations, 2021.

Commencement.

12. These Regulations shall come into force on the 11th May 2021.

Dated this 11th day of May, 2021

A handwritten signature in black ink, appearing to read 'P. T. R. Ferbrache', with a stylized flourish at the end.

P. T. R. FERBRACHE

President of the Policy & Resources Committee

For and on behalf of the Committee

AMENDMENT OF THE PRESERVED PHR

1. In Article 2 (definitions) -
 - (a) in point (9)(d) (definition of professional operator) for "the Union territory", substitute "Guernsey", and
 - (b) in point (11), after "issue", in the first place where it occurs, insert "UK".

2. In Article 2b (meaning of third country), after paragraph 2 insert-
 - "3. Any reference in this Regulation (however expressed) to plants, plant products or other objects originating in or from a third country, or dispatched from a third country, does not include:
 - (a) any plants, plant products or other objects in so far as they are part of a relevant NI trade unit; or
 - (b) any wood packaging material in use in the transport of a relevant NI trade unit."

3. After Article 2b insert –

*"Article 2c***Meaning of qualifying Northern Ireland goods and other expressions relating to
qualifying Northern Ireland goods**

In this Regulation:

- (a) 'EU Plant Health Regulation' means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, as it applies in Northern Ireland by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;
- (b) 'other permitted plant passport' means a plant passport which has been issued in respect of a relevant NI trade unit before its introduction into Guernsey and by which, pursuant to paragraph 2 of Article 95a, that trade unit is permitted to be accompanied if moved within Guernsey;
- (c) 'qualifying Northern Ireland goods' has the meaning given in the Definition of Qualifying Northern Ireland Goods (EU Exit) Regulations 2020;
- (d) 'relevant NI trade unit' means a trade unit of plants, plant products or other objects listed in Annex 13 or 14 to the Preserved Phytosanitary Conditions Regulation which consists entirely of qualifying Northern Ireland goods, other than any such trade unit in respect of which a UK plant passport has been issued in accordance with Articles 83 to 86, 87, 89 and 90."

4. In Article 41, in paragraph 3A –

- (a) after point (b) insert

"(ba) in the case of a plant, plant product or other object which originates in a third country and is included in Part B of Annex 7 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object continues to pose a pest risk which can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex II, and the plant, plant product or other object and those measures can be included in Part A, instead of in Part B, of Annex 7 to the Preserved Phytosanitary Conditions Regulation;"

(b) in point (d) –

(i) omit "(Annex 8)",

(ii) for "Annex 8." Substitute "Annex 8 to the Preserved Phytosanitary Conditions Regulation;"

(c) after point (d) insert –

"(e) in the case of a plant, plant product or other object which originates in Guernsey or a Relevant British Island and is included in Part B of Annex 8 to the Phytosanitary Conditions Regulation, that the plant, plant product or other object continues to pose a pest risk which

can be reduced to an acceptable level by applying one or more of the measures set out in points (2) and (3) of Section 1 of Annex II, and the plant, plant product or other object and those measures can be included in Part A, instead of in Part B, of Annex 8 to the Phytosanitary Conditions Regulation.”.

5. In Article 65, in paragraph 1, in point (b), after "issue" insert "UK".
6. In Article 66, in paragraph 2, in point (c)(i), after "of" insert "UK".
7. In Article 69 –

(a) for paragraphs 1 and 2 substitute –

"1. A professional operator to whom a regulated trade unit is supplied must keep a record allowing that operator to identify the professional operator who supplied it.

2. A professional operator supplying a regulated trade unit must keep a record allowing that operator to identify the professional operator to whom it was supplied.”,

(b) after paragraph 7 insert –

"8. In this Article 'regulated trade unit' means a trade unit of plants, plant products or other objects that are subject to requirements or conditions pursuant to Article 28(1), 30(1), 37(1), 41, 47(1), 48(1), 49(1), 54(1), 57, 58 or 79(1) or a relevant NI trade unit.”.

8. In Article 70, in paragraph 1, in the first subparagraph, after "objects", in the first place where it occurs, insert "in the trade units".
9. In Article 71 –
 - (a) in paragraph 1, for "third country" substitute "relevant authority",
 - (b) after paragraph 4 insert –
- "5. In paragraph 1, 'relevant authority' means:
 - (a) in the case of plants, plant products and other objects which are introduced into Guernsey from a third country, the national plant protection organisation of that third country;
 - (b) in the case of plants, plant products and other objects which are introduced into Guernsey from Northern Ireland and are not part of a relevant NI trade unit, the Department of Agriculture, Environment and Rural Affairs of the Northern Ireland Executive."
10. In Article 79 –
 - (a) in paragraph 1A, at the end insert "and, in relation to qualifying Northern Ireland goods, to Article 95a(2)",
 - (b) in paragraph 5, after "no" insert "UK".

11. In Article 80 –

(a) in paragraph 1A, at the end insert "and, in relation to qualifying Northern Ireland goods, to Article 95a(2)",

(b) in paragraph 5, after "no" insert "UK".

12. In Article 81, in paragraph 1, after "passport" insert "or other permitted plant passport".

13. In Article 82, after "passport" insert "or other permitted plant passport".

14. In Article 83 -

(a) after paragraph 5 insert –

"5A. Where a replacement UK plant passport is issued in relation to plants, plant products or other objects in a relevant NI trade unit pursuant to paragraph 1 or 2 of Article 93, the UK plant passport must contain the element set out in point (1)(g) of Part A of Annex VII or point (1)(h) of Part B of Annex VII (as the case may be).",

(b) in paragraph 8, in the first subparagraph, after "electronic", in the second place where it occurs, insert "UK".

15. In Article 92 –

(a) in paragraph 1, at the end insert "and, in relation to qualifying Northern Ireland goods, Article 95a",

(b) in paragraphs 2 and 3, for "Article 85 or, where applicable, Article 86 or 86a", in both places where it occurs, substitute "the relevant requirements",

(c) after paragraph 3 insert –

"4. In this Article, 'the relevant requirements' means:

(a) in the case of a relevant NI trade unit, the requirements in Article 85 and, where applicable, Article 86 of the EU Plant Health Regulation;

(b) in the case of any other trade unit, the requirements in Article 85 and, where applicable, Article 86 or 86a of this Regulation."

16. In Article 93 –

(a) in paragraph 1, after "passport", in the first and third places where it occurs, insert "or other permitted plant passport",

(b) in paragraph 2, after "passport", in the first and final places where it occurs, insert "or other permitted plant passport",

(c) in paragraph 5 -

(i) in the first subparagraph, after "passport", in both places where it occurs, insert "or other permitted plant passport",

- (ii) in the second subparagraph, for "or its content" substitute "or other permitted plant passport, or its content," and
- (iii) in the third subparagraph, after "passport" insert "or other permitted plant passport", and
- (d) after paragraph 5 insert -

"6. In paragraph 3(b), 'the requirements referred to in Articles 85 and 86' means:

- (a) in the case of a relevant NI trade unit, the requirements referred to in Articles 85 and 86 of the EU Plant Health Regulation;
- (b) in the case of any other trade unit, the requirements referred to in Articles 85 and 86 of this Regulation."

17. In Article 95 –

- (a) in paragraph A1, for the words from "requirements" to the end substitute "relevant requirements",
- (b) in paragraph 1, after "passport" insert "or other permitted plant passport",
- (c) in paragraph 2, after "passport" insert "or other permitted plant passport",

- (d) in paragraph 3, after "passport", in both places where it occurs, insert "or other permitted plant passport",
- (e) in paragraph 4, after "apply", insert "in relation to a UK plant passport", and
- (f) at the end insert -

"6. In paragraph A1, 'relevant requirements' means:

- (a) in the case of a relevant NI trade unit, the requirements in Articles 83 to 87, 89, 90, 93 or 94 of the EU Plant Health Regulation;
- (b) in the case of any other trade unit, the requirements in Articles 83 to 86, 87, 89, 90, 92a, 93 or 94 of this Regulation."

18. After Article 95 insert –

"Article 95a

Introduction of qualifying Northern Ireland goods into Guernsey and their movement within Guernsey

1. A relevant NI trade unit which is introduced directly into Guernsey from Northern Ireland must be accompanied, on its introduction into Guernsey, by the plant passport which was required for its movement within Northern Ireland in accordance with the EU Plant Health Regulation.
2. A relevant NI trade unit which has been introduced into Guernsey from Northern Ireland in accordance with paragraph 1 may be moved within

Guernsey if it is accompanied by the plant passport referred to in paragraph 1.”.

19. In Annex VII –

(a) in Part A, in point (1) –

(i) in point (d), for “plant passport”, in both places where it occurs, substitute “UK plant passport”,

(ii) in point (f), for the full stop at the end substitute a semi-colon,

(iii) after point (f), insert –

“(g) the letter ‘E’, where applicable followed by ‘GB(NI)’.”, and

(b) in Part B, in point (1) –

(i) in point (e), for “plant passport”, in both places where it occurs, substitute “UK plant passport”,

(ii) in point (g)(ii) -

(A) for “the plant passport” substitute “a UK plant passport”,

(B) after “initial”, in both places where it occurs, insert “UK”,

(C) for the full stop at the end substitute a semi-colon, and

(iii) after point (g), insert -

"(h) the letter 'E', where applicable followed by 'GB(NI)'".

AMENDMENT OF THE PRESERVED PHYTOSANITARY CONDITIONS
REGULATION

1. In Annex 2A –
 - (a) for the heading "**B. Insect and mites**" substitute "**B. Insects and mites**", and –
 - (i) after entry 2, insert "2A *Aonidiella orientalis* (Newstead) [AONDOR]",
 - (ii) after entry 4, insert "4A *Eotetranychus sexmaculatus* (Riley) [TETRSM]",
 - (iii) after entry 7, insert "7A *Platypus apicalis* (White) [PLTPAP]",
 - (b) under the heading "**C. Viruses, viroids and phytoplasmas**" omit entries 9 and 10.
2. In Annex 4, in the table in Part E, under "**Fungi and oomycetes**", omit the entry relating to "*Candidatus Liberibacter*".
3. In Annex 5 –
 - (a) in the table in Part C, under "**Viruses, viroids, virus-like diseases and phytoplasmas**", in the second entry

relating to "Tomato ringspot virus [TORSV0]", in the third column –

(i) for paragraph (a) substitute -

"(a) the plants originate in areas known to be free from Tomato ringspot virus, or",

(ii) in paragraph (b), at the beginning, insert the text contained in the existing paragraph (a),

(b) in the table in Part E, under "**Bacteria**" –

(i) in the second entry relating to "*Xanthomonas euvesicatoria* Jones *et al.* [XANTEU]", in the third column –

(A) in paragraph (a), after "extraction" insert "method",

(B) at the end of paragraph (a), for "and", substitute "or",

(C) in paragraph (b) at the beginning insert "the seeds have been obtained by an appropriate acid extraction method, and",

- (ii) in the second entry relating to "*Xanthomonas gardneri* (ex Šutič) Jones *et al.* [XANTGA]", in the third column –
 - (A) in paragraph (a) after "extraction" insert "method",
 - (B) at the end of paragraph (a), for "and" substitute "or",
 - (C) in paragraph (b) immediately before "either" insert "the seeds have been obtained by an appropriate acid extraction method, and",

- (iii) in the second entry relating to "*Xanthomonas perforans* Jones *et al.* [XANTPF]" in the third column –
 - (A) in paragraph (a) after "extraction" insert "method",
 - (B) in paragraph (b) at the beginning insert "the seeds have been obtained by an appropriate acid extraction method, and",

- (iv) in the second entry relating to "*Xanthomonas vesicatoria* (ex Doidge) Vauterin *et al.* [XANTVE]" in the third column –

(A) in paragraph (a) after "extraction"
insert "method",

(B) at the end of paragraph (a), insert "or",

(C) for paragraph (b) substitute –

“(b) the seeds have been obtained by an appropriate
acid extraction method, and

(i) no symptoms of disease caused by
Xanthomonas vesicatoria (ex Doidge)
Vauterin *et al.* have been observed on
visual inspections at appropriate times
during the complete cycle of
vegetation of the plants at the site of
production, or

(ii) the seeds have been subjected to
official testing for *Xanthomonas*
vesicatoria (ex Doidge) Vauterin *et al.*
on a representative sample using
appropriate methods (whether or not
following an appropriate treatment)
and have been found in those tests to
be free from that pest.”.

4. In Annex 6, in Part B –

(a) in paragraph 1 –

- (i) for the entry "*Acer* L." substitute "*Acer* L., other than: one to three-year old bare-rooted, dormant, free-of-leaves, grafted or budded plants for planting of *Acer japonicum* Thunberg, *Acer palmatum* Thunberg, and *Acer shirasawanum* Koidzumi, originating in New Zealand",
- (ii) for the entry "*Albizia* Durazz" substitute "*Albizia* Durazz, other than: bare-rooted, dormant grafted plants for planting of *Albizia julibrissin* Durazzini originating in Israel, with a maximum diameter of 2.5cm.",
- (iii) for the entry "*Malus* Mill" substitute "*Malus* Mill., other than: one- to two-year old bare-rooted, dormant, grafted plants for planting of *Malus domestica* (Borkhausen) originating in Serbia",
- (iv) for the entry "*Robinia* L." substitute "*Robinia* L. other than: bare-rooted, dormant grafted plants for planting of *Robinia pseudoacacia* L. originating in Israel, with a maximum diameter of 2.5cm", and

(b) Omit paragraph 4.

5. In Annex 7, in Part A –

- (a) in the section headed "Interpretation", in the definition of 'associated controlled dunnage', for "109, 111, 112, 113, 120, 123, 125, 130, 132, 135, 136, 138 or 140" substitute "109, 111, 112, 113, 116, 117, 120, 122, 123, 125, 128, 130, 132, 135, 136, 138, 140 or 142",
- (b) in the table –
- (i) in entry 9, in column 1, after "Solanaceae", insert
", other than tubers of *Solanum tuberosum*",
- (ii) at entry 20, for paragraph (e) in column 3, substitute –
- "(e) they originate in a site of production where the procedures to combat *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens set out in EPPO PM 9/26 have been implemented.",
- (iii) in entry 22, in column 3, for paragraphs (b) to (d) substitute –
- "(b) they originate in a place of production which:
- (i) has been found to be free from *Synchytrium endobioticum* (Schilbersky) Percival, or
- (ii) is considered to be free from *Synchytrium endobioticum* (Schilbersky) Percival as a

consequence of the implementation of the procedures set out in EPPO PM 9/5,

- (c) they originate in a place of production which:
 - (i) has been found to be free from *Clavibacter sepedonicus* (Spieckermann & Kotthoff) Li *et al.*, or
 - (ii) is considered to be free from *Clavibacter sepedonicus* (Spieckermann & Kotthoff) Li *et al.* as a consequence of the implementation of the procedures set out in EPPO PM9/2(2), and
- (d) they originate in a site of production where the procedures to combat *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens set out in EPPO PM 9/26 have been implemented.”
- (iv) in entry 24, in column 3, after "tubers must" insert "be",
- (v) in entry 27
 - (A) in column 2, after "country" insert "other than EU Member States, Liechtenstein and Switzerland",

(B) in column 3, for entries (a) and (b), substitute –

"(a) that they originate in:

- (i) a country which, in accordance with the measures specified in ISPM4, is known to be free from *Clavibacter sepedonicus* (Spieckermann & Kotthoff) Li *et al.*,
- (ii) a place of production established by the national plant protection organisation in accordance with ISPM10 as a place of production that is free from *Clavibacter sepedonicus* (Spieckermann & Kotthoff) Li *et al.*, or
- (iii) a place of production which is considered to be free from *Clavibacter sepedonicus* (Spieckermann & Kotthoff) Li *et al.* as a consequence of the implementation of the procedures set out in EPPO PM 9/2,

(b) that they originate in:

- (i) an area which, in accordance with the measures specified in ISPM4, is known to be free from *Synchytrium endobioticum* (Schilbersky) Percival (all races other than Race 1, the common European race), and

no symptoms of *Synchytrium endobioticum* (Schilbersky) Percival have been observed at the place of production or in its immediate vicinity for an adequate period,

- (ii) a place of production established by the national plant protection organisation in accordance with ISPM10 as a place of production that is free from *Synchytrium endobioticum* (Schilbersky) Percival, or
- (iii) a place of production which is considered to be free from *Synchytrium endobioticum* (Schilbersky) Percival as a consequence of the implementation of the procedures set out in EPPO PM 9/5, and",
- (vi) in entry 31, in column 3, for the words from "originate" to the end substitute "originate in a site of production where the procedures to combat *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens set out in EPPO PM 9/26 have been implemented",
- (vii) in entry 32, in column 3, for the words from "originate" to the end substitute "originate in a site of production where the procedures to combat *Globodera pallida* (Stone) Behrens and

Globodera rostochiensis (Wollenweber) Behrens set out in EPPO PM 9/26 have been implemented",

- (viii) in entry 33, in column 3, for the words from "originate" to the end substitute "originate in a site of production where the procedures to combat *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens set out in EPPO PM 9/26 have been implemented",
- (ix) in entry 56, in column 2, omit "where *Fusarium circinatum* Nirenberg & O'Donnell is known to occur",
- (x) after entry 68, insert -

68A	Bare-rooted, dormant, free-of-leaves, grafted or budded, one- to three-year old plants for planting of <i>Acer japonicum</i> Thunberg, <i>Acer palmatum</i> Thunberg and <i>Acer shirasawanum</i> Koidzumi	New Zealand	The plants must be accompanied by an official statement: <ul style="list-style-type: none">(a) that they are free from <i>Eotetranychus sexmaculatus</i> (Riley),(b) that they have been grown throughout their life in a place of production, which, together with the sites of production* that form part of it, is registered and supervised by the national
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- plant protection organisation of the country of origin,
- (c) that the site of production has been found free from *Eotetranychus sexmaculatus* (Riley) during official inspections carried out at appropriate times since the beginning of the complete production cycle; in the case of suspicion of the presence of *Eotetranychus sexmaculatus* (Riley) at the site of production, appropriate treatments have been carried out to ensure the absence of the pest; a surrounding zone of 100m has been established, which is subject to specific surveys at appropriate times to detect *Eotetranychus sexmaculatus* (Riley); and where the pest has been found on any host plants, those plants have been rogued out and destroyed immediately,
- (d) that a system has been put in place to ensure that tools and
-

machinery have been cleaned to be free from soil and plant debris and disinfected to be free from *Eotetranychus sexmaculatus* (Riley), before they have been introduced into each site of production,

- (e) that at harvest they have been cleaned and trimmed and have undergone an official phytosanitary inspection, consisting at least of a detailed visual examination, in particular of stems and branches of the plants to confirm the absence of *Eotetranychus sexmaculatus* (Riley); and
- (f) immediately prior to export, the consignments have been subjected to an official inspection** for the presence of *Eotetranychus sexmaculatus* (Riley), in particular of stems and branches of the plants.

*The name of the site of production(s) must be included in the phytosanitary certificate under

			the heading "Additional declaration."
			**The size of the sample for inspection has been such as to enable at least the detection of a 1% level of infestation with a level of confidence of 99%.
66B	Bare-rooted, dormant, free-of-leaves, grafted or budded one- to three- year old plants for planting of <i>Acer japonicum</i> Thunberg, <i>Acer palmatum</i> Thunberg and <i>Acer shirasawanum</i> Koidzumi	New Zealand	<p>The plants must be accompanied by an official statement:</p> <ul style="list-style-type: none"> (a) that they are free from <i>Oemona hirta</i> (Fabricius) and <i>Platypus apicalis</i> (White), (b) that they have been grown throughout their life in a place of production, which, together with the sites of production* that form part of it is registered and supervised by the national plant protection organisation of the country of origin, (c) that the site of production has been found free from <i>Oemona hirta</i> (Fabricius) and <i>Platypus apicalis</i> (White) during official inspections carried out at appropriate times since the beginning of the complete

production cycle; and in the case of suspicion of the presence of *Oeomona hirta* (Fabricius) and *Platypus apicalis* (White) at the site of production, appropriate treatments have been carried out to ensure the absence of the pests,

- (d) that at harvest, they have been cleaned and have undergone an official inspection to confirm the absence of *Oeomona hirta* (Fabricius) and *Platypus apicalis* (White), and
- (e) that immediately before export consignments have been subjected to an official inspection** for the presence of *Oeomona hirta* (Fabricius) and *Platypus apicalis* (White).

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

**The size of the sample for inspection has been such as to

enable at least the detection of a 1% level of infestation with a level of confidence of 99%."

(xi) in entry 71, in column 1, omit ", ("the specified plants"),

(xii) in entry 74, in column 3 –

(A) in paragraph (a), at the end, omit "or",

(B) in subparagraph (b)(ii), at the end, for "and" substitute "or", and

(C) for subparagraph (b)(iii), substitute –

"(iii) no symptoms of diseases caused by Candidatus Phytoplasma 'mali' Seemüller & Schneider have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation.",

(xiii) in entry 76, in column 3 –

(A) after the opening words insert –

"(za) that they originate in an area* which, in accordance with the measures specified in

ISPM4, is known to be free from *Candidatus* Phytoplasma 'pruni' (16SrIII-A) Davis, Zhao, Dally, Lee, Jomantiene & Douglas,"

- (B) in subparagraph (a)(ii) at the end for "and" substitute "or",
- (C) in subparagraph (b), omit "in either case,"
- (D) at the end, insert "The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration".",

(xiv) after entry 83, insert –

83A	Plants for planting of <i>Fragaria</i> L. other than seeds	Third countries other than Member States, Liechtenstein and Switzerland	Official statement that the plants originate in an area known to be free from <i>Anthonomus signatus</i> Say."
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(xv) after entry 93, insert—

93A	Bare-rooted, dormant grafted plants for planting of <i>Albizia julibrissin</i> Durazzini, with a maximum diameter of 2.5 cm;	Israel	<p>The plants must be accompanied by an official statement:</p> <ul style="list-style-type: none"> (a) that they are free from <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i>, (b) that they have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation of the country of origin, and that registration has included the respective production sites* within the place of production, (c) that they fulfil one of the following requirements: <ul style="list-style-type: none"> (i) the plants have a diameter of less than 2 cm at the base of the stem, (ii) the plants have been grown in a site with complete physical protection against the introduction of <i>Euwallacea fornicatus sensu lato</i> at least during the period of six months before export, which is subject to official inspections at appropriate
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times and has been found free from the pest, confirmed as a minimum with traps which are checked at least every four weeks, including immediately before export, or

- (iii) that they have been grown in a site of production which has been found free from *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae* since the beginning of the last complete cycle of vegetation, and confirmed free from *Euwallacea fornicatus sensu lato*, (pest freedom confirmed as a minimum with traps) during official inspections carried out at least every four weeks and in the case of suspicion of the presence of either of the two pests at the site of production, appropriate treatments against the pests have been carried out to ensure the absence of the pests, a surrounding zone of 1 km has been established, which is
-

monitored at appropriate times for *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae* and where either of these two pests are found on any host plants, those plants have been immediately rogued out and destroyed, and

- (d) that immediately before export, consignments of plants with a diameter of 2 cm or wider at the base of the stem have been subjected to an official inspection** for the presence of the pest, in particular in stems and branches of the plants, including destructive sampling.

The phytosanitary certificate must specify which requirement of point (c) above in this entry has been fulfilled.

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

**The size of the sample for inspection must be such as to enable at least the

			detection of a 1% level of infestation with a level of confidence of 99%.
93B	Bare-rooted, dormant grafted plants for planting with a maximum diameter of 2.5 cm of <i>Albizia julibrissin</i> Durazzini;	Israel	<p>The plants must be accompanied by an official statement:</p> <p>(a) that they are free from <i>Aonidiella orientalis</i>,</p> <p>(b) that they have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation of the country of origin; that registration has included the respective production sites* within the place of production; and that place of production has also fulfilled one of the following requirements:</p> <p>(i) for a period of at least six months before export, the plants have been grown in a site with complete physical protection against the introduction of <i>Aonidiella orientalis</i> which is subject to official inspections every three weeks and has been found free from the pest,</p>

including immediately
before export, or

(ii) the site of production has been found free from *Aonidiella orientalis* since the beginning of the last complete cycle of vegetation during official inspections carried out every three weeks; in the case of suspicion of the presence of the pest at the site of production, appropriate treatments against the pest have been carried out to ensure the absence of the pest; a surrounding zone of 100m has been established, which is monitored at appropriate times for *Aonidiella orientalis*, and where the pest is found on any plant, those plants have been immediately rogued out and destroyed, and

(c) that immediately before export, consignments of the plants have been subjected to an official inspection** for the presence of

			<p><i>Aonidiella orientalis</i>, in particular in stems and branches of the plants.</p> <p>The phytosanitary certificate must specify which requirement of point (b) above in this entry has been fulfilled.</p> <p>*The name of the site of production(s) must be included in the phytosanitary certificate under the heading "Additional declaration".</p> <p>**The size of the sample for inspection must be such as to enable at least the detection of a 1% level of infestation with a level of confidence of 99%.</p>
93C	Bare-rooted, dormant grafted plants for planting of <i>Robinia pseudoacacia</i> L. with a maximum diameter of 2.5 cm;	Israel	<p>The plants must be accompanied by an official statement:</p> <p>(a) that they are free from <i>Euwallacea fornicatus sensu lato</i> and <i>Fusarium euwallaceae</i>,</p> <p>(b) that they have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation of the country of origin, and that registration has included the respective production sites* within the place of production,</p>

(c) that they fulfil one of the following requirements:

(i) the plants have a diameter of less than 2 cm at the base of the stem,

(ii) the plants have been grown in a site with complete physical protection against the introduction of *Euwallacea fornicatus sensu lato* for at least during six months before export, which is subject to official inspections at appropriate times and has been found free from the pest, with pest freedom at the site confirmed as a minimum with traps which are checked at least every four weeks, including immediately before export, or

(iii) that they have been grown in a site of production which has been found free from *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae* since the beginning of the last complete cycle of vegetation, and found free from *Euwallacea fornicatus sensu lato*, with pest freedom confirmed as a minimum with traps, during

official inspections carried out at least every four weeks; in the case of suspicion of the presence of either of the two pests at the site of production, appropriate treatments against the pests have been carried out to ensure the absence of the pests; a surrounding zone of 1 km has been established, which is monitored at appropriate times for *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae* and where either of the two pests are found on any host plants, those plants have been immediately rogued out and destroyed, and

- (d) that immediately before export, consignments of plants with a diameter of 2 cm or wider at the base of the stem have been subjected to an official inspection** for the presence of the pest, in particular in stems and branches of the plants, including destructive sampling.
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The phytosanitary certificate must specify which requirement of point (c) above in this entry has been fulfilled.

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

**The size of the sample for inspection must be such as to enable at least the detection of a 1% level of infestation with a level of confidence of 99%."

(xvi) in entry 114, in column 2, omit "Albania" in the first place where it occurs and omit the words "Kazakhstan," "Russia," and "Turkey,"

(xvii) in entry 115, in column 3 –

(A) after the opening words, insert -

"(za) that the bark has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure time of which are indicated on the phytosanitary certificate*,"

(B) in paragraph (a), after "appropriate heat treatment" insert "***", and

(C) for the words "There must also" to
"phytosanitary certificate." substitute -

"*A phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.

** There must also be evidence of that heat treatment by a mark "HT" on the phytosanitary certificate.",

(xviii) in entry 116 –

(A) for the entry in column 1, substitute -

"Wood of *Pinus* and *Pseudotsuga menziesii* (Mirbel) Franco, other than,

- in the form of chips, particles, sawdust, shavings, wood waste and scrap, and isolated bark,
- wood packaging material (except associated controlled dunnage),

but including wood which has not kept its natural round surface.", and

(B) for the entry in column 2 substitute "Any third country, other than European countries where *Fusarium circinatum*

Nirenberg & O'Donnell is known not to occur",

(xix) in entry 117 –

(A) in column 1 after "(Pinales)", insert ", other than wood packaging material, (except associated controlled dunnage)", and

(B) in column 3, for paragraph (c) substitute -

"(c) be accompanied by an official statement that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule and have evidence by a mark "kiln-dried" or "KD" or another internationally recognised mark, put on the wood or on any wrapping in accordance with current usage.",

(xx) in entry 118, in column 3 –

(A) in paragraph (a) for "fumigation" substitute "fumigation*",

(B) in paragraph (b) for "area*" substitute "area**",

(C) after paragraph (b) insert -

"" A phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.", and

(D) for ""The name" substitute ""The name",

(xxi) in entry 119 -

(A) for the entry in column 1 substitute "Wood of conifers (Pinales) in the form of chips, particles, sawdust, shavings, wood waste and scrap, and isolated bark",

(B) for the entry in column 2 substitute "Any third country, other than European countries where *Fusarium circinatum* Nirenberg & O'Donnell is known not to occur",

(xxii) in entry 122, in column 1, at the end insert ", other than wood packaging material, (except associated controlled dunnage)",

(xxiii) in entry 128, in column 1, at the end insert ",
other than wood packaging material, (except
associated controlled dunnage)",

(xxiv) in entry 130, in column 3 –

(A) after the opening words, insert -

"(za) an official statement that the wood originates in
an area* established by the national plant
protection organisation in accordance with
ISPM4 as an area that is free from *Bretziella
fagacearum* Z.W. de Beer, Marincowitz, T.A.
Duong & M.J. Wingfield," and

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

(xxv) in entry 131, in column 3 –

(A) after the opening words, insert -

"(za) an official statement that the wood originates
in an area* established by the national plant
protection organisation in accordance with
ISPM4 as an area that is free from *Bretziella
fagacearum* Z.W. de Beer, Marincowitz, T.A.
Duong & M.J. Wingfield," and

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

(xxvi) in entry 142 –

(A) in column 1, after "other than wood packaging material", insert "(except associated controlled dunnage)", and

(B) in column 3, in paragraph (a), in the opening words, after "wood waste" insert ", sawdust".

6. In Annex 11 –

(a) In Part A –

(i) in entry 36, in column 3, at the end insert "other than EU Member States, Liechtenstein and Switzerland",

(ii) in entry 41, in column 3, for "The USA" substitute "Canada and the USA",

(iii) after entry 41, insert -

"41A *Castanea Mill.* Fuel wood, in logs, in billets, in twigs, Any third country"
in faggots or in similar forms; wood in

whether or not planed, sanded or end-jointed, of a thickness exceeding 6mm:

ex 4407 99 27

ex 4407 99 40

ex 4407 99 90

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

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

4415 10 10

4415 10 90

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

4415 20 20

4415 20 90

Prefabricated buildings of wood:

9406 10 00

(b) in Part C, in the table, omit entry 10,

7. In Annex 13, in paragraph 10, at the end, insert -

"(c) Juglans L.,

(d) *Pterocarya* L..”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 and make provision which is necessary or expedient as a result of the withdrawal of the United Kingdom from the EU.

The Regulations make further amendments to Preserved EU law in Guernsey in the field of plant health including in particular to the Plant Health Regulation (PHR) relating to protective measures against plant pests and to the Phytosanitary Conditions Regulation made under the PHR.

The amendments are made primarily to align with amendments made in Great Britain as, from the end of 2020, Guernsey has been part of a Great Britain and Crown Dependency market in plants and plant products.

The amendments to the PHR are mainly to make special provision in relation to plants and plant products from Northern Ireland as has been provided for in Great Britain. This is needed because of the special position of Northern Ireland under the Protocol on Northern Ireland in the EU withdrawal agreement. In particular, amendments are made to amend provisions in relation to plant passports required to accompany movements of certain plants and plant products originating from Northern Ireland (see regulation 1 and Schedule 1). Consequential amendments in relation to plant passports are also made to the Plant Health (Implementation) (Guernsey) Ordinance, 2020 which provides for administrative, enforcement and appeal provisions in

relation to the PHR and to Preserved Commission Implementing Regulation 2017/2313 (see regulations 3 and 6). A minor amendment is also made to a transitional provision in the Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2020, applying to certain plants etc. originating from the European Union to extend that provision to December, 2021 to align with the same change made in Great Britain (see regulation 7).

Amendments are made to the Phytosanitary Conditions Regulation to align with changes made in Great Britain in particular to Annexes 2A, 5, 6, 7 and 11 of that Regulation relating to lists of plant pests and required technical measures to be taken to prevent the spread or presence of such pests. The most extensive changes are to Annex 7 relating to plants and plant products from outside the Crown Dependencies and Great Britain and the requirements to be met on their import into Guernsey (see regulation 2 and Schedule 2).

Amendments are also made to other items of Preserved EU law to operate effectively post the withdrawal of the UK from the EU (see regulations 4 and 5). Certain Preserved EU law is disapplied as measures can be taken under the PHR and other Preserved EU law (see regulation 8).

These Regulations came into force on the 11th May 2021.

