

GUERNSEY STATUTORY INSTRUMENT

2021 No. 177

**The Plant Health (Preserved Phytosanitary Conditions  
Regulation) (Amendment) (Guernsey) (No.3)  
Regulations, 2021**

*Made*

*29<sup>th</sup> November, 2021*

*Coming into operation*

*2<sup>nd</sup> December, 2021*

**THE COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE**, in exercise of the powers conferred on it by Articles 5(3), 30(1), 37(5), 40(3), 41(3), 42(3) and 72(3) of Preserved Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants<sup>a</sup>, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Amendment of the Preserved Phytosanitary Conditions Regulation.**

1. (1) The Preserved Phytosanitary Conditions Regulation is amended, insofar as it applies to Guernsey, as follows.

(2) In Annex 2, in the table in Part A –

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<sup>a</sup> PEUL (BoG) (RG) 2016/2031; amended, insofar as it applies to Guernsey, by G.S.I. No. 130 of 2020; G.S.I. No. 27 of 2021; and G.S.I. No. 53 of 2021; see also regulation 8 of G.S.I. No. 153 of 2020 which makes provision in relation to the citation of Preserved EU law.

- (a) under the heading "B. Fungi and oomycetes", after entry 35, insert "35A. *Thekopsora minima* (Athur) Sydow & P. Sydow [THEKMI]", and
  - (b) under the heading "C. Insects and mites" –
    - (i) after entry 11A, insert "11B. *Agrilus fleischeri* Obenberger [AGRLFL]", and
    - (ii) after entry 99, insert "99A. *Prodiplosis longifila* Gagné [PRDILO]".
- (3) In Annex 2A –
- (a) under the heading "A. Fungi and oomycetes", omit entry 6, and
  - (b) under the heading "B. Insects and mites", omit entries 1 and 8.
- (4) In Annex 4, in Part I –
- (a) under the heading "Bacteria" omit the entry relating to *Pseudomonas savastanoi* pv. *savastanoi* (Smith) Gardan et al. [PSDMSA],
  - (b) under the heading "Insects and mites", omit the entry relating to *Epidiaspis leperii* Signoret [EPIDBE],
  - (c) under the heading "Nematodes", omit the entry relating to *Heterodera fici* Kirjanova [HETDFI], and

(d) under the heading "Viruses, viroids, virus-like diseases and phytoplasmas" -

(i) omit the entry relating to Apricot latent virus [ALV000], and

(ii) omit the entry relating to Aucuba mosaic agent and blackcurrant yellows agent combined.

(5) In Annex 6 –

(a) in Part A in the table, after the final entry insert -

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|  |   |
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| "21. Plants, other than fruit and seeds, of <i>Fraxinus</i> L. | Any third country where <i>Agrilus planipennis</i> Fairmaire is known to occur" |
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(b) in Part B after entry 3 relating to Fruits of *Momordica* L., insert –

"3A. Plants of *Polymnia sonchifolia* Pöppig & Endlicher, originating from any third country."

(6) In Annex 7 in Part A -

(a) in the section headed "Interpretation", in the definition of "associated controlled dunnage", after "136," insert "136A,"

(b) in the table –

(i) after entry 30, insert -

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|       |  |              |   |
|-------|--|--------------|---|
| "30A. | Plants for planting, other than bulbs, corms, rhizomes, seeds and tubers, of <i>Asparagus</i> Tournier ex Linnaeus, <i>Cucurbitaceae</i> , <i>Solanaceae</i> , <i>Cynara scolymus</i> L., <i>Persea americana</i> Miller and <i>Tagetes</i> L. | The Americas | The plants must be accompanied by an official statement that:<br>(a) they originate in a country which, in accordance with the measures specified in ISPM4, is known to be free from <i>Prodiplosis longifila</i> Gagné,<br>(b) they originate in an area* established by the national plant protection organisation in accordance with ISPM4 as an area that is free from <i>Prodiplosis longifila</i> Gagné, or<br>(c) they originate in a site of production**:<br>(i) established by the national plant protection organisation in accordance with ISPM10 as a site of production that is free from <i>Prodiplosis longifila</i> Gagné, and<br>(ii) which provides complete physical protection against the introduction of |
|-------|--|--------------|---|

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*Prodiplosis  
longifila* Gagné.

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

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

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- (ii) in entry 42A in the third column, in the third unnumbered paragraph after paragraph (g), for the words from "The total number" to "quarantine facilities", substitute –

"The total number of plants dispatched to Guernsey must not exceed quantities which have been approved by the competent authority in advance, having regard to the availability of quarantine facilities. In the case of plants of *Juniperus* L., the plants may only be imported into Guernsey during the period beginning on 1<sup>st</sup> November each year and ending on 31<sup>st</sup> March the following year",

- (iii) in entry 50 –

(A) for the entry in the second column, substitute "Any third country", and

(B) in the third column in the first paragraph, for "plants originate" substitute "plants have been grown during a period of at least two years prior to export, or in the case of plants which are younger than two years, have been grown throughout their life",

(iv) after entry 63, insert –

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|  |   |  |
|--|---|--|
| "63A. Plants, including cut branches with or without foliage, other than plants in tissue culture, pollen or seeds, of <i>Populus</i> L. and <i>Salix</i> L. | China, the Democratic People's Republic of Korea, Japan, Kazakhstan, Mongolia, the Republic of Korea and Russia | The plants must be accompanied by an official statement that they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from <i>Agrilus fleischeri</i> Obenberger, and not within 100 km of a known outbreak of <i>Agrilus fleischeri</i> Obenberger.<br><br>* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration". |
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(v) after entry 85, insert –

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|---|-------------------|---|
| "85A. Plants for planting, other than plants in tissue culture of seeds, of <i>Vaccinium</i> L. | Any third country | <p>The plants must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> <li>(a) they originate in a country free from <i>Thekopsora minima</i> (Arthur) Sydow &amp; P. Sydow,</li> <li>(b) they originate in an area* established by the national plant protection organisation in accordance with the measures specified in ISPM4 as being free from the <i>Thekopsora minima</i> (Arthur) Sydow &amp; P. Sydow, or</li> <li>(c) they originate in a place of production established by the national plant protection organisation in accordance with the measures specified in ISPM10 as being free from <i>Thekopsora minima</i> (Arthur) Sydow &amp; P. Sydow.</li> </ul> <p>* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration".</p> |
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(vi) after entry 102, insert –

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|---|--------------|---|
| "102A. Fruits of <i>Cucurbitaceae</i> and <i>Solanaceae</i> | The Americas | <p>The fruits must be accompanied by an official statement that they originate in:</p> <ul style="list-style-type: none"> <li>(a) a country which in accordance with the measures specified in ISPM4 is known to be free from <i>Prodiplosis longifila</i> Gagné,</li> <li>(b) an area* established by the national plant protection</li> </ul> |
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organisation in accordance with the measures specified in ISPM4 as an area that is free from *Prodiplosis longifila* Gagné,

- (c) a place of production (identified in the official statement for traceability purposes) where official inspections and surveys for the presence of *Prodiplosis longifila* Gagné carried out at the place of production and its immediate vicinity during a period of two months prior to export, including a visual inspection of a representative sample of fruits, have shown the fruits to be free of that pest, provided that, in the case of the fruits of *Solanum lycopersicum* L., all green parts have been removed, or
- (d) an insect-proof site of production (identified in the official statement for traceability purposes) established by the national plant protection organisation in the country of origin as being free from *Prodiplosis longifila* Gagné, on the basis of official inspections and surveys carried out during a period of two months prior to export.

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

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(vii) after entry 105, insert –

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|   |              |   |
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| "105A. Plants, other than plants for planting, of <i>Asparagus Tournier ex Linnaeus</i> | The Americas | The plants must be accompanied by an official statement that:<br>(a) they originate in a country which in accordance with the measures specified in ISPM4 is known to be free from <i>Prodiplosis longifila</i> Gagné,<br>(b) they originate in an area* established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from <i>Prodiplosis longifila</i> Gagné, or<br>(c) immediately prior to their export, they have been officially inspected and found free from <i>Prodiplosis longifila</i> Gagné. |
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\* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration".

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(viii) in entry 125, for the entry in the second column, substitute "Any third country",

(ix) in entry 126, for the entry in the second column, substitute "Any third country",

(x) in entry 127, for the entry in the second column, substitute "Any third country",

(xi) after entry 136, insert –

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|        |  |   |   |
|--------|--|---|---|
| "136A. | Wood of <i>Populus</i> L. and <i>Salix</i> L. other than in the form of:<br>– chips, particles, sawdust, shavings, wood waste and scrap, or<br>– wood packaging material, except associated controlled dunnage,<br><br>but including wood which has not kept its natural round surface | China, the Democratic People's Republic of Korea, Japan, Kazakhstan, Mongolia, the Republic of Korea and Russia | The wood must be accompanied by an official statement that:<br>(a) it originates in an area* which in accordance with the measures specified in ISPM No. 4 is known to be free from <i>Agrilus fleischeri</i> Obenberger, and not within 100 km of a known outbreak of <i>Agrilus fleischeri</i> Obenberger,<br>(b) it is bark-free, and has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, or<br>(c) it has undergone appropriate ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood. |
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Where the phytosanitary certificate includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark "HT" put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate.

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

(xii) after entry 137, insert --

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|        |  |   |  |
|--------|--|---|--|
| "137A. | Wood in the form of chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or part from <i>Populus</i> L. and <i>Salix</i> L. | China, the Democratic People's Republic of Korea, Japan, Kazakhstan, Mongolia, the Republic of Korea and Russia | The wood must be accompanied by an official statement that it originates in an area* which in accordance with the measures specified in ISPM4 is known to be free from <i>Agrilus fleischeri</i> Obenberger, and not within 100 km of a known outbreak of <i>Agrilus fleischeri</i> Obenberger.<br><br>* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration".                                    |
| 137B.  | Isolated bark and objects made of bark of <i>Populus</i> L. and <i>Salix</i> L.  | China, the Democratic People's Republic of Korea, Japan, Kazakhstan, Mongolia, the Republic of Korea and Russia | The isolated bark and objects made of bark must be accompanied by an official statement that they originate in an area* which in accordance with the measures specified in ISPM4 is known to be free from <i>Agrilus fleischeri</i> Obenberger, and not within 100 km of a known outbreak of <i>Agrilus fleischeri</i> Obenberger.<br><br>* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration". |

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(7) In Annex 11, in the table in Part A –

(a) in entry 17, for the entry in the third column, substitute "Any third country",

(b) after entry 18, insert –

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|       |   |  |                |
|-------|---|--|----------------|
| "18A. | Asparagus<br><i>Tournier ex</i><br>Linnaeus | Other vegetables,<br>fresh or chilled:<br>0709 20 00 | The Americas", |
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(c) after entry 20, insert –

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|       |                      |  |                |
|-------|----------------------|--|----------------|
| "20A. | <i>Cucurbitaceae</i> | Cucumbers and<br>gherkins, fresh or<br>chilled:<br><br>0707 00 05<br><br>0707 00 90<br><br>Melons (including<br>watermelons):<br><br>0807 11 00<br><br>0807 19 00<br><br>Pumpkins, squash<br>and gourds<br>( <i>Cucurbita</i> spp.):<br><br>0709 93 10<br><br>0709 93 90<br><br>Other fruit, fresh or<br>chilled:<br><br>ex 0810 90 75 | The Americas", |
|-------|----------------------|--|----------------|

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- (d) in entry 37, for the entry in the third column, substitute  
"Any third country",
- (e) after entry 40, insert –

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|                       |  |   |
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| "40A. <i>Salix</i> L. | Vegetable products of bark not elsewhere specified or included:<br><br>ex 1404 90 00<br><br>Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles, sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:<br><br>– Sawdust and wood waste and scrap, not agglomerated:<br><br>– Wood waste and scrap (other than sawdust):<br><br>ex 4401 40 90 | China, the Democratic People's Republic of Korea, Japan, Kazakhstan, Mongolia, the Republic of Korea and Russia", |
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- (f) in entry 43, for the entry in the third column substitute  
"The Americas, China, the Democratic People's Republic of Korea, Japan, Kazakhstan, Mongolia, the Republic of Korea and Russia",

- (g) in entry 46, for the entry in the third column substitute "Any third country", and
- (h) after entry 53, insert –

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|                      |  |   |
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| "54. <i>Salix</i> L. | Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms:<br><br>– Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:<br><br>— Non-coniferous:<br><br>ex 4401 12 00<br><br>– Wood in chips or particles:<br><br>— Non-coniferous:<br><br>ex 4401 22 00<br><br>– Sawdust and wood waste and scrap, not agglomerated:<br><br>— Sawdust:<br><br>ex 4401 40 10 | China, the Democratic People's Republic of Korea, Japan, Kazakhstan, Mongolia, the Republic of Korea and Russia". |
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— Wood waste and  
scrap (other than  
sawdust):

ex 4401 40 90

Wood in the rough, not  
stripped of bark or  
sapwood, or roughly  
squared:

– Treated with paint,  
stains, creosote or other  
preservatives:

— Non-coniferous:

ex 4403 12 00

Wood in the rough,  
whether or not stripped  
of bark or sapwood, or  
roughly squared:

– Other than treated  
with paint, stains,  
creosote or other  
preservatives:

ex 4403 99 00

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

– Non-coniferous:

ex 4404 20 00

Non-coniferous railway  
or tramway sleepers  
(cross-ties) of wood:

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-- Not impregnated:

ex 4406 12 00

-- Other (than not  
impregnated):

ex 4406 92 00

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

ex 4407 99 27

ex 4407 99 40

ex 4407 99 90

Sheets for veneering  
(including those  
obtained by slicing  
laminated wood), for  
plywood or for similar  
laminated wood and  
other wood, sawn  
lengthwise, sliced or  
peeled, whether or not  
planed, sanded, spliced

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

ex 4408 90 15

ex 4408 90 35

ex 4408 90 85

ex 4408 90 95

Casks, barrels, vats,  
tubs and other coopers'  
products and parts  
thereof, of wood,  
including staves:

ex 4416 00 00

Prefabricated buildings  
of wood:

ex 9406 10 00

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**Interpretation.**

2. In these Regulations, "the Preserved Phytosanitary Conditions Regulation" means the item of Preserved EU law entitled Preserved 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<sup>b</sup>.

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<sup>b</sup> PEUL (BoG) (IR) 2019/2072; amended, insofar as it applies to Guernsey, by G.S.I. No. 130 of 2020; Nos. 27, 53 and 89 of 2021; see also regulation 8 of G.S.I. No. 153 of 2020 which makes provision in relation to the citation of Preserved EU law.

**Extent.**

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

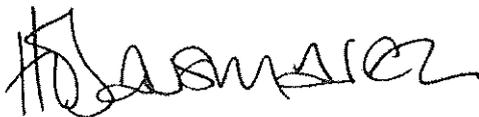
**Citation.**

4. These Regulations may be cited as the Plant Health (Preserved Phytosanitary Conditions Regulation) (Amendment) (Guernsey) (No. 3) Regulations, 2021.

**Commencement.**

5. These Regulations shall come into force on the 2<sup>nd</sup> December, 2021.

Dated this 29<sup>th</sup> day of November, 2021

A handwritten signature in black ink, appearing to read 'H. L. De Saumarez', with a stylized initial 'H'.

H. L. DE SAUSMAREZ

President of the States Committee for the Environment & Infrastructure

For and on behalf of the Committee

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make further amendments to the Preserved Phytosanitary Conditions Regulation which has effect in Guernsey as preserved EU Law. These are consistent with amendments made in Great Britain in equivalent plant health legislation.

Regulation 1 amends the Preserved Phytosanitary Conditions Regulation to include additional measures to prevent the introduction of plant pests *Prodiplosis longifila*, *Agrilus fleischeri*, *Thekopsora minima* and *Agrilus planipennis* in Guernsey.

Regulation 1 also deregulates the following pests which do not pose a risk to biosecurity in Guernsey: *Pseudomonas savastanoi pv. Savastanoi*, *Epidiaspis leperü*, *Herterodera fici*, Apricot latent virus, Aucuba mosaic agent and blackcurrant yellows agent combined. It also introduces a prohibition, pending a risk assessment, on the introduction of *Polymnia sonchifolia*, which risks introducing a Guernsey quarantine pest of potatoes.

These Regulations will come into force on 2<sup>nd</sup> December, 2021.

