

GUERNSEY STATUTORY INSTRUMENT

2022 No. 17

**The Plant Health (Preserved Phytosanitary Conditions
Regulation) (Amendment) (Guernsey) Regulations, 2022**

Made

7 March, 2022

Coming into operation

see Regulation 21

Laid before the States

THE COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE, in exercise of the powers conferred on it by Article 108 of Preserved Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants^a, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

PART I

URGENT PEST MEASURES

Amendment of the Preserved Phytosanitary Conditions Regulation relating to pest measures requiring urgent implementation.

1. The Preserved Phytosanitary Conditions Regulation is amended as follows in this Part in relation to urgent pest measures.

^a PEUL (BoG) (RG) 2016/2031; this enactment has been amended insofar as it applies to Guernsey; see also regulation 8 of G.S.I. No. 153 of 2020 which makes provision in relation to the citation of Preserved EU law

2. In Annex 2, in the table in Part A, under the heading "C. Insects and mites"–

(a) after entry 115, insert "115A. *Scolytus morawitzi* Semenov [SCOLMO]", and

(b) after entry 123, insert "123A. *Thaumetopoea processionea* L. [THAUPR]".

3. In Annex 2A in the table, under the heading "B. Insects and mites", delete entries 2A and 11.

4. In Annex 3 in the table, delete entry 4.

5. In Annex 4, in the table in Part G under the heading "Fungi and oomycetes" -

(a) in the entry relating to *Diaporthe caulivora* (Athow & Caldwell) J.M. Santos, Vrandecic & A.J.L. Phillips [DIAPPC]; *Diaporthe phaseolorum* var. *sojae* Lehman [DIAPPS], in the first column, delete "*Diaporthe caulivora* (Athow & Caldwell) J.M. Santos, Vrandecic & A.J.L. Phillips [DIAPPC];", and

(b) in the third entry relating to *Sclerotinia sclerotiorum* (Libert) de Bary [SCLESC] in the third column, for "seed lot of a the specified size", substitute "seed lot of the specified size".

6. In Annex 5, in the table in Part G, in paragraph 3, delete the entry relating to *Diaporthe caulivora* (*Diaporthe phaseolorum* var. *caulivora*).

7. In Annex 6, in Part B, immediately before PART C after entry 4, insert –

"5. Plants of *Abies* Mill., *Pinus* L., *Picea* Mill., *Larix* Mill., and *Tsuga* Carr., originating from Russia."

8. In Annex 7, in Part A -

(a) in the section headed "Interpretation" –

(i) in the definition of "associated controlled dunnage", after 113, insert "115A, 115B," and

(ii) after the definition of "EPPO PM 9/26", insert ""ISPM4" means International Standard for Phytosanitary Measures No 4 of April 2017 on requirements for the establishment of pest free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations;"

(b) in the table –

(i) in entry 45B, in the second column, delete ", Taiwan",

(ii) after entry 48, insert –

"48A.	Plants for planting, other than fruits and seeds, of <i>Quercus</i> L., of a girth of at least 8cm measured at a	All third countries	The plants must be accompanied by an official statement that:
			(a) they have been grown throughout their life in places of production in

height of 1.2m from the root collar	countries where <i>Thaumetopoea processionea</i> L. is not known to occur,
	<p>(b) 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>Thaumetopoea processionea</i> L., or</p> <p>(c) they have been grown throughout their life in a site of production with complete physical protection against the introduction of <i>Thaumetopoea processionea</i> L. and they have been inspected at appropriate times and found to be free from <i>Thaumetopoea processionea</i> L.</p>

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

(iii) after entry 115, insert –

<p>"115A. Wood of <i>Abies</i> Mill., <i>Pinus</i> L., <i>Picea</i> Mill., <i>Larix</i> Mill., and <i>Tsuga</i> Carr., other than in the form of: – chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or part from these conifers, or – wood packaging material, except associated controlled dunnage,</p> <p>but including wood which has not kept its natural round surface</p>	Russia	<p>The wood must be accompanied by an official statement that:</p> <p>(a) it originates 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>Polygraphus proximus</i> Blandford,</p> <p>(b) it is bark-free,</p>
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- (c) it has undergone kiln-drying to below 20% moisture content expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule,
 - (d) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood,
 - (e) it 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, or
 - (f) it has undergone appropriate ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.

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

Where the phytosanitary certificate includes the official statement referred to in point (c), there must also be evidence of that kiln-drying 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.

Where the phytosanitary certificate includes the official statement referred to in point (d), 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.

For the purposes of the official statement referred to in point (e), the national plant protection organisation of the country of origin must have previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.

115B.	Wood of <i>Larix</i> Mill. other than in the form of: – chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or part from these conifers, or – wood packaging material, except associated controlled dunnage, but including wood which has not kept its natural round surface	Russia	The wood must be accompanied by an official statement that: (a) it originates in an area* which is established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from <i>Scolytus morawitzi</i> Semenov, (b) it is bark-free, (c) it has undergone kiln-drying to below 20% moisture content expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule,
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- (d) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood,
 - (e) it 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, or
 - (f) it has undergone appropriate ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.

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

Where the phytosanitary certificate includes the official statement referred to in point (c), there must also be evidence of that kiln-drying 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.

Where the phytosanitary certificate includes the official statement referred to in point (d), 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.
			For the purposes of the official statement referred to in point (e), the national plant protection organisation of the country of origin must have previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.
115C.	Wood of conifer (Pinales) in the form of chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or part from conifers	Russia	<p>The wood must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) it originates in an area* which is established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from <i>Polygraphus proximus</i> Blandford and <i>Scolytus morawitzi</i> Semenov, (b) it has been produced from wood which is bark-free, (c) it has undergone kiln-drying to below 20% moisture content expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, (d) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes

throughout the entire profile
of the wood, or

- (e) it has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m^3) and the exposure time of which are indicated on the phytosanitary certificate.

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

Where the phytosanitary certificate includes the official statement referred to in point (c), there must also be evidence of that kiln-drying 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.

Where the phytosanitary certificate includes the official statement referred to in point (d), 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.

For the purposes of the official statement referred to in point (e), the national plant protection organisation of the country of origin must have previously provided the national plant protection organisation of the United

			Kingdom with written details of fumigation.
115D.	Isolated bark of conifer (Pinales)	Russia	<p>The bark must be accompanied by an official statement that:</p> <p>(a) it originates in an area* which is established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from <i>Polygraphus proximus</i> Blandford and <i>Scolytus morawitzi</i> Semenov,</p> <p>(b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, or</p> <p>(c) it 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.</p> <p>* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration".</p> <p>Where the phytosanitary certificate includes the official statement referred to in point (b), there must also be evidence of that heat treatment by a</p>

mark "HT" put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate.

For the purposes of the official statement referred to in point (c), the national plant protection organisation of the country of origin must have previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.",

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- (iv) in entry 122, in the first column, from "other than" to the end, substitute –

"other than –

– in the form of wood packaging material, (except associated controlled dunnage),

– in the case of *Quercus* L., in the form of casks, barrels, vats, tubs and other coopers' products and parts thereof, including staves, where there is documented evidence that the wood has been produced or manufactured using heat treatment to achieve a minimum temperature of 176°C for 20 minutes",

- (v) in entry 128A, in the first column, from "other than" to the end, substitute –

"other than –

– in the form of chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or in part from these trees,

– in the form of wood packaging material (except associated controlled dunnage),

– in the case of *Quercus L.*, in the form casks, barrels, vats, tubs and other coopers' products and parts thereof, including staves, originating in Canada or the USA, where there is documented evidence that the wood has been produced or manufactured using heat treatment to achieve a minimum temperature of 176°C for 20 minutes,

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

(vi) in entry 128C, in the second column, delete ", Taiwan", and

(vii) in entry 128D, in the second column, delete ", Taiwan".

9. In Annex 8, in the table in Part A, after entry 19, insert –

"20.	Plants for planting, other than fruits and seeds, of <i>Quercus L.</i> , of a girth of at least 8cm measured at a	The plants must be accompanied by an official statement that:
	(a)	they have been grown throughout their life in an area established by

height of 1.2m from the root collar	the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from <i>Thaumetopoea processionea</i> L., or
	(b) they have been grown throughout their life in a site of production with complete physical protection against the introduction of <i>Thaumetopoea processionea</i> L. and the plants have been inspected at appropriate times and found to be free from <i>Thaumetopoea processionea</i> L."

10. In Annex 10 in the table, delete entry 1.

11. In Annex 11, in the table in Part A -

(a) in entry 41, for the entry in the third column, substitute "Canada and the USA", and

(b) after entry 41, insert -

"41ZA.	<i>Quercus</i> L., other than wood packaging material, but including wood which has not kept its natural round surface.	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:	China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, Russia, Turkey and Vietnam"
		-Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:	
		--Non-coniferous: ex 4401 12 00	

-Wood in chips or particles:

--Non-coniferous:

ex 4401 22 00

-Sawdust and wood waste
and scrap, not agglomerated:

--Sawdust:

ex 4401 40 10

--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:

--Of oak (*Quercus* spp.):

4403 91 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:

-Not impregnated:

ex 4406 12 00

-Other (than not
impregnated):

ex 4406 92 00

Wood sawn or chipped lengthwise, sliced or peeled whether or not planed, sanded or end-jointed, of a thickness exceeding 6mm:

-- Of oak (*Quercus* spp.):

ex 4407 91 15

ex 4407 91 31

ex 4407 91 39

ex 4407 91 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 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.

PART II
OTHER PEST MEASURES

Amendments to Commission Implementing Regulation (EU) 2019/2072 relating to other pest measures.

12. The Preserved Phytosanitary Conditions Regulation is amended as follows in this Part in relation to other pest measures.

13. In Annex 2, in the table under Part A, under the heading "C. Insects and mites" –

- (a) after entry 51, insert "51A. *Eotetranychus sexmaculatus* (Riley) [TETRSM]", and
- (b) after entry 96, insert "96A. *Platypus apicalis* (White) [PLTPAP]".

14. In Annex 2A -

- (a) under the heading "B. Insects and mites" –
 - (i) after entry 2, insert "2ZA. *Agrilus horni* (Kerremans) [AGRLHO]",
 - (ii) after entry 4, insert "4ZA. *Chrysobothris femorata* (Olivier) [CHRBFE]",
 - (iii) delete entry 4A,
 - (iv) renumber entry 4B as "4ZB."
 - (v) after entry 5, insert

"5A. *Lycorma delicatula* (White) [LYCMDE]",
and

(vi) delete entry 7A.

(b) Under the heading "C. Viruses, viroids and
phytoplasmas" –

(i) after entry 1, insert

"1A. Chilli veinal mottle virus [CHIVMV]", and

(ii) at the end, insert –

"D. Bacteria

1. *Diaporthe phaseolorum* var. *sojae* Lehman [DIAPPS]
2. *Pseudomonas avellanae* Janse et al. [PSDMAL]

E. Nematodes

1. *Meloidogyne arenaria* (Neal) Chitwood [MELGAR]
 2. *Meloidogyne enterolobii* Yang & Eisenback [MELGMY]
 3. *Meloidogyne javanica* (Treub) Chitwood [MELGJA]
 4. *Xiphinema index* Thorne & Allen [XIPHIN]".
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15. In Annex 4 -

(a) in Part G in the table, under the heading "Fungi and
oomycetes", delete the entry relating to *Diaporthe
phaseolorum* var. *sojae* Lehman [DIAPPS], and.

(b) in Part I in the table –

- (i) under the heading "Bacteria", delete the entry relating to *Pseudomonas avellanae* Janse *et al.* [PSDMAL],
- (ii) under the heading "Nematodes" –
 - (A) delete the entry relating to *Meloidogyne arenaria* Chitwood [MELGAR],
 - (B) delete the entry relating to *Meloidogyne javanica* Chitwood [MELGJA], and
 - (C) delete the entry relating to *Xiphinema index* Thorne & Allen [XIPHIN].

16. In Annex 5, in the table in paragraph 3 of Part G, delete the entry relating to *Diaporthe* var. *sojae*.

17. In Annex 7, in the table in Part A -

- (a) in entry 11, for the text in the third column, substitute –

"In the case of plants for which there is evidence from their packaging or their flower (or bract) development or by other means that they are intended for direct sale to final consumers not involved in professional plant production, the plants must be accompanied by an official statement that they have been officially inspected and found free from *Bemisia tabaci* (Gennadius) prior to their movement.

In any other case, the plants must be accompanied by—

(a) an official statement that the plants comply with one of the following requirements—

(i) they originate in an area which, in accordance with the measures specified in ISPM4, is known to be free from *Bemisia tabaci* (Gennadius),

(ii) they originate in a place of production where no signs of *Bemisia tabaci* (Gennadius) have been observed during official inspections carried out at least every three weeks during a period of nine weeks prior to export, or

(iii) in cases where *Bemisia tabaci* (Gennadius) has been found at the place of production:

(aa) they have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* (Gennadius), and

(bb) subsequently, official inspections carried out weekly during a period of three weeks prior to export have found the place of

production to be free from *Bemisia tabaci* (Gennadius) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* (Gennadius), and

- (b) an official statement that the cuttings from which those plants originate comply with one of the requirements in point (a).”,
- (b) in entry 13, in the third column –
 - (i) in the text above point (a), delete “they originate”,
 - (ii) in point (a), at the beginning, insert “they originate”,
 - (iii) in point (b) –
 - (A) at the beginning, insert “they originate”, and
 - (B) at the end, insert “or”, and
 - (iv) in point (c), delete “an official statement that”,
- (c) in entry 40, in the third column –

- (i) in point (c), at the end, delete "or",
 - (ii) in point (d), at the end, insert "or", and
 - (iii) after point (d), insert -
- "(e) in the case of plants for which there is evidence from their packaging, their flower development, or from other means that they are intended for direct sale to final consumers not involved in professional plant production, an official statement that they have been officially inspected immediately prior to export and found free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burges).",
- (d) in entry 45, in the second column, after "country", insert "where *Cronartium* spp., with the exception of *Cronartium gentianeum* Thümen, *Cronartium pini* (Willdenow) Jørstad and *Cronartium ribicola* Fischer, is known to occur",
 - (e) delete entry 93B,
 - (f) in entry 95, in the third column –
 - (i) in point (b), at the end, delete "or",
 - (ii) in point (c) –

(A) at the end of paragraph (ii), delete "and",
and

(B) after paragraph (iii), insert –

"(iv) the production site is
identified in the official
statement for traceability
purposes, and

(v) the production site is
provided with complete
physical protection against
the introduction of *Spodoptera
frugiperda* (Smith)", and

(iii) after point (c), insert

"(d) an official statement that the plants
originate in areas other than those
referred to in points (a) and (b),
comply with point (c)(i)–(iv) and have
been subjected to an effective
treatment to ensure freedom from
Spodoptera frugiperda (Smith), or

(e) an official statement that they
originate in areas other than those
referred to in points (a) and (b), they
have been subjected to an effective
post-harvest treatment to ensure

freedom from *Spodoptera frugiperda* (Smith) and the treatment is indicated in the official statement.

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

PART III

GENERAL PROVISIONS

Interpretation.

18. 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^b.

Extent.

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

Citation.

20. These Regulations may be cited as the Plant Health (Preserved Phytosanitary Conditions Regulation) (Amendment) (Guernsey) Regulations, 2022.

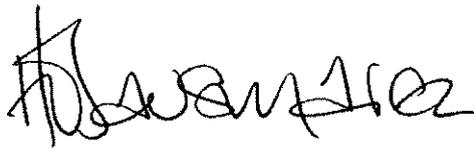
^b PEUL (BoG) (IR) 2019/2072; this enactment has been amended, insofar as it applies to Guernsey; see also regulation 8 of G.S.I. No. 153 of 2020 which makes provision in relation to the citation of Preserved EU law.

Commencement.

21. (1) Parts I and III of these Regulations shall come into force on the 7th March, 2022.

(2) Part II of these Regulations shall come into force on the 8th August, 2022.

Dated this 7th day of March, 2022

A handwritten signature in black ink, appearing to read 'H. L. De Saumarez', written in a cursive style.

H. L. DE SAUSMAREZ

President of the States Committee for the Environment & Infrastructure

For and on behalf of the Committee

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.

The amendments are made 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.

Part I of the Regulations amends the Preserved Phytosanitary Conditions Regulation to include pest measures which require urgent implementation and are therefore subject to an earlier commencement date of 7th March 2022. The Part includes measures to prevent the introduction of the plant pests *Polygraphus proximus* and *Scolytus morawitzi* in Guernsey, including a prohibition, pending a risk assessment, on the introduction of the hosts of these pests: *Abies*, *Pinus*, *Picea*, *Larix* and *Tsuga*, originating from Russia.

Thaumetopoea processionea (oak processionary moth) is removed as a Pest Free Area (PFA) quarantine pest in respect of Guernsey to reflect amendments made in Great Britain. Oak processionary moth is instead included in Annex 2 of the Phytosanitary Conditions Regulation as a Guernsey quarantine pest which is not known to occur in Guernsey. In Great Britain it is also included in the equivalent to Annex 2 but as a pest which is known to occur following outbreaks in England. The following pests which no longer pose a risk to biosecurity in Guernsey are also deregulated: *Aonidiella orientalis* and *Diaporthe caulivora*.

Part II of the Regulations amend the Phytosanitary Conditions Regulation to include additional pest measures which do not require urgent implementation and are subject

to a later commencement date of 8th August 2022. These include adding the following provisional Guernsey quarantine pests to the Guernsey quarantine pest list: *Eotetranychus sexmaculatus* and *Platypus apicalis*. The following pests are added to the provisional GB quarantine pest list for the first time: *Agrilus horni*, *Chrysobothris femorata*, *Lycorma delicatula*, *Diaporthe phaseolorum* var. *sojae*, *Pseudomonas avellanae*, *Meloidogyne arenaria*, *Meloidogyne enterolobii*, *Meloidogyne javanica*, *Xiphinema index* and *Chilli veinal mottle virus*. Updates are also made to the import requirements for *Bemisia tabaci*, *Liriomyza huidobrensis* and *Liriomyza tifolii*, *Cronartium* spp. and *Spodoptera frugiperda*.

Parts I and III of these Regulations shall come into force on 7th March, 2022 and Part II on 8th August, 2022.