

GUERNSEY STATUTORY INSTRUMENT

2023 No. 10

**The Plant Health (Preserved Phytosanitary Conditions  
Regulation) (Amendment) (Guernsey) Regulations, 2023**

*Made*

*30<sup>th</sup> January, 2023*

*Coming into operation*

*see Regulation 11*

*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<sup>a</sup>, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

PART I

PEST MEASURES IN RELATION TO *THEKOPSORA MINIMA* (ARTHUR) SYDOW  
& P. SYDOW [THEKMI] ETC.

**Amendment of the Preserved Phytosanitary Conditions Regulation relating to  
change in categorisation of *Thekospsora minima* (Arthur) Sydow & P. Sydow  
[THEKMI] ETC.**

1. The Preserved Phytosanitary Conditions Regulation is amended,

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<sup>a</sup> 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.

insofar as it applies to Guernsey, as follows in this Part in relation to pest measures relating to *Thekopsora minima* (Arthur) Sydow & P. Sydow [THEKMI] and one other miscellaneous amendment.

2. In Annex 2 (List of Guernsey quarantine pests), in the table in Part A (Pests not known to occur in Guernsey), under the heading "**B. Fungi and oomycetes**", delete entry 35A.

3. In Annex 4 (List of Guernsey regulated non-quarantine pests and their respective plants for planting), in the table in Part I (RNQPs concerning fruit propagating material and fruit plants intended for fruit production), under the heading "**Fungi and oomycetes**", after the entry relating to *Sclerophora pallida* Yao & Spooner [SKLPPA], insert -

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" <i>Thekopsora minima</i> (Arthur) Sydow & P. Sydow [THEKMI]	<i>Vaccinium</i> L.	0%".
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4. In Annex 7 (List of plants, etc. originating from third countries and the corresponding special requirements for their introduction into Guernsey), in the table in Part A (Plants, etc. originating in third countries which may only be introduced into Guernsey if special requirements are met), in the third column in entry 71, delete the word "specified" in each place it occurs.

PART II  
OTHER PEST MEASURES

**Amendment of the Preserved Phytosanitary Conditions Regulation relating to other pest measures.**

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

(2) In Annex 2A (List of provisional Guernsey quarantine pests), in the table -

(a) under the heading "**A. Fungi and oomycetes**", after entry 2, insert "2A. *Heterobasidion occidentale* Otrrosina & Garbelotto [HETEOC]",

(b) under the heading "**B. Insects and mites**" -

(i) renumber entry "2ZA" as entry "1A",

(ii) after renumbered entry 1A, insert "1B. *Anisandrus maiche* Stark [ANIDMA]",

(iii) renumber entry "4ZA" as entry "4B",

(iv) after entry 4B, insert the following entries -

"4BA. *Chrysodeixis includens* (Walker) [PSEPIN],

"4BB. *Chrysophtharta bimaculata* (Olivier) [CPTHBI]",

- (v) renumber entry "4ZB" as entry "4C",
- (vi) after renumbered entry 4C, insert the following entries -

"4D. *Endoclita excrescens* Butler [PHAUEX],

4E. *Ennomos subsignarius* [ENNOSU]",

- (vii) after entry 5, insert the following entries -

"5ZA. *Euzophera semifuneralis* (Walker)  
[EUZOSE],

5ZB. *Hyalesthes obsoletus* Signoret [HYAEOB],

5ZC. *Lambdina fiscellaria* [LAMBFI],

5ZD. *Lepidosaphes ussuriensis* Borkhsenius  
[LEPSUS]",

- (viii) after entry 5A, insert the following entries -

"5B. *Lymantria mathura* Fabricius [LYMAMA],

5C. *Malacosoma americanum* Fabricius  
[MALAAM],

5D. *Malacosoma disstria* Hübner [MALADI],

5E. *Naupactus xanthographus* (Germar)  
[NAUPXA],

6A. *Neodiprion abietis* (Harris) [NEODAB],

6B. *Orchidophilus* spp. Buchanan [ORCHSP]",

(ix) after entry 14, insert "14A. *Trirachys sartus* (Solsky) [AELSSA]",

(c) under the heading "**C. Viruses, viroids and phytoplasmas**" -

(i) after entry 1, insert "1ZA. *Candidatus* *Phytoplasma fraxini* Griffiths, Sinclair, Smart & Davis [PHYPPFR]", and

(ii) after entry 3, insert the following entries -

"3A. Groundnut bud necrosis virus [GBNV00],

3B. Groundnut ringspot virus [GRSV00]".

6. In Annex 7 -

(a) in the table in Part A -

(i) in entries 6, 34, 36, 37, 39, 41, 43, 60, 62, 83, 93, 95, 97, 98, 99, 101, 102, 103 and 104, in the second column, delete the words "other than EU Member States, Liechtenstein and Switzerland",

(ii) in entry 50, in the third column -

- (A) in the first paragraph, after "area" in the first place where it occurs, insert "\*",
  - (B) after the first paragraph, insert "The name(s) of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration".",
- (iii) entry 85A is deleted,
- (b) in the table in Part B -
- (i) in entry 2, in the third column, in the paragraph following paragraph (d), after "referred to in (a)", insert "or (b)",
  - (ii) in entry 4 in the third column -
    - (A) in paragraph (b)(i), after "production" insert "\*",
    - (B) in paragraph (d)(i), after "site", delete "\*\*", and after "production" insert "\*",
    - (C) at the end, insert " The name(s) of the place(s) or site(s) of production, as the case may be, must be included in the phytosanitary certificate under the heading "Additional declaration".",

- (iii) in entry 5, in the third column -
  - (A) in paragraph (b)(i), after "production", insert "\*",
  - (B) in paragraph (c)(i), after "site" delete "\*\*", and after "production" insert "\*",
  - (C) at the end, insert "\*The name(s) of the place(s) or site(s) of production, as the case may be, must be included in the phytosanitary certificate under the heading "Additional declaration".".

7. In Annex 11, in the table in Part A in the first column -

- (a) in entry 13, for "*Dendranthema* (DC) Des Moul." substitute "*Chrysanthemum* L.",
- (b) in entry 26 -
  - (i) for "and", substitute ",", and
  - (ii) at the end, insert ", *Pinus* L and *Pseudotsuga menziesii* (Mirbel) Franco".

PART III  
GENERAL PROVISIONS

**Interpretation.**

8. 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>.

**Extent.**

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

**Citation.**

10. These Regulations may be cited as the Plant Health (Preserved Phytosanitary Conditions Regulation) (Amendment) (Guernsey) Regulations, 2023.

**Commencement.**

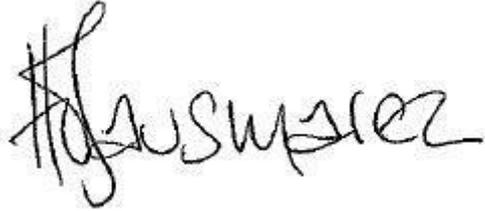
11. (1) Parts I and III of these Regulations shall come into force on the 30<sup>th</sup> January, 2023.

(2) Part II of these Regulations shall come into force on the 3<sup>rd</sup> May 2023.

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<sup>b</sup> 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.

Dated this 30<sup>th</sup> day of January, 2023

A handwritten signature in black ink, appearing to read "H. L. De Saumarez". The signature is stylized and somewhat cursive, with a large initial "H" and "L" that are connected to the rest of the name.

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 Annexes to the Preserved Phytosanitary Conditions Regulation (PPCR) 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 Annex 2 to remove entry 35A (*Thekospsora minima* (Arthur) Sydow & P. Sydow [THEKMI]) from the list of Guernsey quarantine pests (regulation 2); that pest is added instead to Annex 4 (list of Guernsey regulated non-quarantine pests) (see regulation 3). The opportunity has also been taken in regulation 4 to make a minor amendment to Annex 7 consistent with a previous amendment made in Great Britain. It is considered that these measures require prompt implementation and are therefore subject to an earlier commencement date of 30<sup>th</sup> January, 2023.

Part II of the Regulations adds several pests to the list of provisional Guernsey quarantine pests in Annex 2A of the PPCR (see regulation 5).

It also amends Annex 7 to the PPCR (which relates to special requirements applying on import of plants etc. into Guernsey). Those amendments include extending requirements for certain plants etc., to those originating from EU Member states, Liechtenstein and Switzerland, amending certain requirements to ensure that the pest free area is named on the phytosanitary certificates in relation to *Agrilus planipennis* Fairmaire ("emerald ash borer") and clarifying that the pest free area or place/site of

production (as appropriate) must be named on the phytosanitary certificates in relation to *Xylella* (see regulation 6).

Amendments are also made to Annex 11, Part A of the PPCR (list of plants etc. and respective third countries of origin or dispatch, which may not be introduced into Guernsey unless accompanied by a phytosanitary certificate); those amendments correct the name of the genus *Chrysanthemum* L. on phytosanitary certificates) and add *Pinus* L and *Pseudotsuga menziesii*, which are host plants of the pathogen *Fusarium circinatum* ("pitch pine canker"), to the Annex.

Parts I and III of these Regulations shall come into force on 30<sup>th</sup> January, 2023, and Part II on 3<sup>rd</sup> May, 2023.