

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2002 No. (W.)**PLANT HEALTH, WALES****The Plant Health (Amendment)
(Wales) Order 2002****EXPLANATORY NOTE***(This note is not part of the Order)*

This Order amends the Plant Health (Great Britain) Order 1993 (“the principal Order) so as to implement certain elements of Commission Directives 2002/29/EC (OJ No. L 77, 20.3.02, p. 26) and 2002/28/EC (OJ No. L 77, 20.3.02, p. 23) in Wales which are not implemented in other legislation. Directive 2002/29/EC amends the protected zones established under Council Directive 2000/29/EC (OJ No. L169, 10.7.2000, p.1) (“the principal Plant Health Directive”) and scheduled in the Annex to Commission Directive 2001/32/EC (OJ No. L127, 9.5.2001, p, 38). Directive 2002/28/EC provides for consequential amendments to certain Annexes of the principal Plant Health Directive.

The amendments in this Order implementing Directive 2002/28/EC are at article 2(3) to 2(6) inclusive. Directive 2002/29/EC is implemented by article 2(7), which amends Schedule 8 to the principal Order. The principal changes to the protected zones are removal of Great Britain from the protected zone in respect of *Beet necrotic yellow vein virus* (known as rhizomania) (article 2(3), (6)(a) and (c) and (7)(b)(i)), and re-definition of the Italian and Austrian protected zones in respect of the bacterium *Erwinia amylovora* (Burr.) Winsl. et al (known as fireblight) (article 2(4), (5), (6)(b) and (7)(a)). An amendment is made to the description of *Citrus tristeza virus* in Schedule 8 (article 2(7)(b)(ii)).

An additional amendment is made to the definition of Council Directive 2000/29/EC in article 2(1) of the principal Order so as to incorporate amendments made to it by Commission Directive 2002/28/EC (article 2(2)).

A regulatory appraisal in respect of the changes to the protected zone in respect of *Beet necrotic yellow vein virus* is available from Plant Health Branch, National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.

2002 No. (W.)**PLANT HEALTH, WALES****The Plant Health (Wales)
(Amendment) Order 2002***Made* 2002*Coming into force* 6 August 2002

The National Assembly for Wales, in relation to Wales, in exercise of the powers conferred on it by sections 2, 3(1) to (4) and 4(1) of the Plant Health Act 1967(1) as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(2) and now vested in the National Assembly for Wales(3) hereby makes the following Order:

Title, application and commencement

1. This Order may be cited as the Plant Health (Wales) (Amendment) Order 2002, it applies to Wales, and comes into force on 6 August 2002.

Amendment of the Plant Health (Great Britain) Order 1993

2.—(1) The Plant Health (Great Britain) Order 1993(4) shall be amended in accordance with paragraphs (2) to (7) below.

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- (1) 1967 c.8; sections 2(1) and 3(1) and (2) were amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c.48);
- (2) 1972 c.62.
- (3) Section 1(2)(b) of the Plant Health Act 1967 provides that the competent authority in England and Wales for the purposes of that Act is the Minister of Agriculture Fisheries and Food. By virtue of the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State for Wales. These functions of the Secretary of State for Wales were then transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
- (4) S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245, 1999/2641 (W.8), 2001/2500 (W.203) and 2001/3761 (W.310).

(2) In article 2(1) for the definition of “Directive 2000/29/EC” there shall be substituted the following text:

“ ‘Directive 2000/29/EC’ means Council Directive 2000/29/EC(5) of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directive 2001/33/EC(6) of 8th May 2001 amending certain annexes to Council Directive 2000/29/EC and by Commission Directive 2002/28/EC(7) of 19th March 2002 amending certain annexes to Council Directive 2000/29/EC;”.

(3) In Schedule 1, Part B (d) (Virus and Virus-Like Organisms) at item 1 in the second column, after “UK” shall be added “(Northern Ireland)”.

(4) In Schedule 2, Part B (b) (Bacteria), at item 2 for the text in the third column there shall be substituted the following:

“E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto: except, in the province of Rovigo, the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova, the communes Castelbaldo, Barbona, Piacenza d’Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona, the communes of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK

(5) OJ No. L169, 10.7.00, p.1.

(6) OJ No. L127, 9.5.01, p.42; and *see* the associated Commission Directive 2001/32/EC, OJ No. L127, 9.5.01, p.38.

(7) OJ No. L77, 20.3.02, p. 23 and *see* the associated Commission Directive 2002/29/EC, OJ No. L 77, 20.3.02, p. 26.

(Northern Ireland, Isle of Man and Channel Islands)”.

(5) In Schedule 3, Part B, at item 1 for the text in the second column there shall be substituted:

“E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto: except, in the province of Rovigo, the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesse Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova, the communes Castelbaldo, Barbona, Piacenza d’Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona, the communes of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)”.

(6) In Schedule 4, Part B the following amendments shall be made:

- (a) in items 20.1 and 20.2 after “UK” shall be added “(Northern Ireland)”;
- (b) in item 21 –
 - (i) for the text in the second column after “(a) the plants originate in the protected zones” and in the third column respectively there shall be substituted the following text:

“E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily;

Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except, in the province of Rovigo, the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova, the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona, the communes of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)"; and

(ii) in item 21 in the second column, after the text at paragraph (a) and before paragraph (b) shall be added the word "or"; and

(c) in items 22, 23, 25.1, 25.2, 26, 27.1, 27.2 and 30 after "UK" shall be added "(Northern Ireland)".

(7) In Schedule 8 –

(a) under paragraph (b) (Bacteria), item 2 (*Erwinia amylovora* (Burr.) Winsl. et

al), for the text in the second column there shall be substituted the following:

“Spain, France (Corsica), Ireland, Italy (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto: except, in the province of Rovigo, the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Sienta, Gaiba, Salara, and in the province of Padova, the communes Castelbaldo, Barbona, Piacenza d’Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona, the communes of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), Austria (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), Portugal, Finland, United Kingdom (Northern Ireland, Isle of Man and Channel Islands)”; and

- (b) under paragraph (d) (Viruses and Virus-like Organisms) –
 - (i) at item 1 (Beet necrotic yellow vein virus), in the second column after “United Kingdom” shall be added “(Northern Ireland)”; and
 - (ii) at item 4 (Citrus tristeza virus (European isolates)), the words “harmful to fruit of *Citrus* L.,

Fortunella Swingle, Poncirus Raf.
and their hybrids, with leaves and
peduncles” shall be deleted.

Signed on behalf of the National Assembly for Wales
under section 66(1) of the Government of Wales Act
1998(8).

Date

The Presiding Officer of the National Assembly