

2022 No.

PLANT HEALTH

**The Phytosanitary Conditions (Amendment) (No. 2) Regulations
2022**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State, in exercise of the powers conferred by Article 41(3) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants(a) (“the Plant Health Regulation”), makes the following Regulations.

The Scottish Ministers and the Welsh Ministers(b) have consented to the Secretary of State making these Regulations for the purposes of Article 2a(2) of the Plant Health Regulation.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Phytosanitary Conditions (Amendment) (No. 2) Regulations 2022 and come into force on 29th April 2022.

(2) These Regulations extend to England and Wales, and Scotland.

Amendments to Commission Implementing Regulation 2019/2072

2.—(1) Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants(c) is amended as follows.

(2) In Annex 7, in Part A, in entry 57 of the table—

- (a) in the first column, omit “for planting”;
- (b) in the third column, omit paragraph (c) but not the final “or”.

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Department for Environment, Food and Rural Affairs

(a) EUR 2016/2013, amended by S.I. 2020/1482. There are other amendments, but none is relevant to this instrument.
(b) Article 2a(2) of EUR 2016/2031 contains a definition of “the appropriate authority” for the purposes of making regulations and provides that, in the case of regulations applying in relation to Wales or Scotland, “the appropriate authority” is the Secretary of State if consent is given by the Welsh Ministers or the Scottish Ministers, as the case may be.
(c) EUR 2019/2072, amended by S.I. 2020/1527. There are other amendments, but none is relevant to this instrument.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Commission Implementing Regulation (EU) 2019/2072 (the “Phytosanitary Conditions Regulation”) establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council as regards protective measure against pests of plants (EUR 2016/2031).

Regulation 2 amends the special requirements applicable under the Phytosanitary Conditions Regulation to prevent the introduction of the plant pest *Thaumetopoea pityocampa* (Denis & Schiffermüller) in Great Britain on the introduction of the following plants which are hosts of this pest: *Cedrus* Trew and *Pinus* L, originating from any third country. Specifically, it removes the special requirement that previously applied to plants for planting (other than seeds) for those plants to be accompanied by an official statement that they have been produced in nurseries which have been found free from *Thaumetopoea pityocampa* (Denis & Schiffermüller) on the basis of official inspections and surveys carried out at appropriate times, and alters the remaining special requirements in respect of *Cedrus* Trew and *Pinus* L so that they apply to all plants (other than seeds) originating from any third country, irrespective of whether they are plants for planting.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private of voluntary sector is foreseen.