Amended by
M1 The Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2021, S.I. 2021/53
M2 The Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2022, S.I. 2022/5
M3 The Plant Health (Amendment of Transitional Provision) (Guernsey) Regulations, 2022, S.I. 2022/51
M4 The Plant Health (Amendment of Transitional Provisions) (Guernsey) (No. 2) Regulations, 2022, S.I. 2022/115
M5 The Plant Health (Amendment of Transitional Provision) (Guernsey) Regulations, 2023, S.I. 2023/51
M6 The Plant Health (Amendment of Transitional Provision) (Guernsey) Regulations, 2024, S.I. 2024/31
M7 The Plant Health (Amendment of Transitional Provision and Phytosanitary Conditions)(Guernsey) Regulations, 2024, S.I. 2024/59
M8 The Plant Health (Amendment of Transitional Provision) (Guernsey) Regulations, 2025, S.I. 2025/12
M9 The Plant Health (Amendment of Transitional Provision) (Guernsey) Regulations, 2025, S.I. 2025/76

GUERNSEY STATUTORY INSTRUMENT
2020 No. 130

The Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2020

ARRANGEMENT OF SECTIONS

1. Amendment of the Preserved PHR.
2. Amendment of the Preserved Phytosanitary Conditions Regulation.
3. Amendment of other Preserved EU law.
4. Amendment of the Plant Health (Implementation) (Guernsey) Ordinance.
5. Interpretation.
6. Transitional provision: plants, plant products and other objects from EU Member states.
7. Transitional provision: UK plant passports.
8. Disapplication of items of Preserved EU Law.
9. Savings.
10. Extent.
11. Citation.
12. Commencement.

SCHEDULE 1: Variations from the retained PHR as amended in Great Britain.

SCHEDULE 2: Variations from the retained Phytosanitary Conditions Regulation as amended in Great Britain.

SCHEDULE 3: Further items of Preserved EU law amended as in Great Britain.

SCHEDULE 4: Transitional Provision: EU plants, plant products and other objects.

SCHEDULE 5: Disapplied Preserved EU law.

GUERNSEY STATUTORY INSTRUMENT

2020 No.

The Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2020

Made	*14th December, 2020*
Coming into operation	*See regulation 12*
Laid before the States	*, 2021*

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by sections 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018[a], and all other powers enabling it in that behalf, and upon receipt of the certificate required under section 5(3) of that Law, hereby makes the following Regulations:-

Amendment of the Preserved PHR.

1. (1) The Preserved PHR is amended, insofar as it applies to Guernsey, in the same way as the retained PHR is amended, as set out in Part 3 of the Plant Health (Amendment etc.) (EU Exit) Regulations 2020[b] ("**the GB Plant Health Regulations**"), except for those terms, expressions or provisions set out in the first

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a Order in Council No. 1 of 2019; as amended by G.S.I. No. 6 of 2020.

b S.I. No. 2020/1482.

column of the Table in Schedule 1 which are varied from the retained PHR as set out in the corresponding row in the second column of the Table in Schedule 1.

(2) Any variation provided for in paragraph (1) which applies to each reference to the relevant term or expression in the retained PHR shall also apply to each reference to the same term or expression in any retained Schedule 3 item.

(3) For the avoidance of doubt, any variation provided for in paragraph (1) or (2) which applies to each reference to the relevant term or expression in the retained PHR or any retained Schedule 3 item is subject to any specific variation to a particular Article or other provision of the retained PHR or the retained Schedule 3 item, as the case may be, provided for in paragraph (1) or regulation 3.

Amendment of the Preserved Phytosanitary Conditions Regulation.

2. (1) The Preserved Phytosanitary Conditions Regulation is amended, insofar as it applies to Guernsey, in the same way as the retained Phytosanitary Conditions Regulation, as set out in Part 2 of the Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020 ("**the GB Phytosanitary Conditions Regulations**"), except for those terms, expressions or provisions set out in the first column of the Table in Schedule 2 which are varied from the retained Phytosanitary Conditions Regulation as set out in the corresponding row in the second column of the Table in Schedule 2.

(2) For the avoidance of doubt, any variation provided for in paragraph (1) which applies to each reference to the relevant term or expression in the retained Phytosanitary Conditions Regulation is subject to any specific variation to a particular Article or other provision of the retained Phytosanitary Conditions Regulation provided for in paragraph (1).

Amendment of other Preserved EU law.

3. (1) Each Preserved Schedule 3 item is amended, insofar as the item applies to Guernsey, in the same way as the retained Schedule 3 item of the same title is amended, as set out in Part 3 of the GB Plant Health Regulations, except for –

(a) any terms or expression in a retained Schedule 3 item varied in accordance with regulation 1(2), and

(b) any further variations, from the retained Schedule 3 item set out in respect of that item in Part II of Schedule 3.

Amendment of the Plant Health (Implementation) (Guernsey) Ordinance.

4. (1) The Plant Health (Implementation) (Guernsey) Ordinance, 2020[c] is amended as follows.

(2) For each reference to –

(a) "an EU plant health rule" or "EU plant health rule" substitute "a plant health rule" or "plant health rule" respectively,

(b) "the Union territory" substitute "Guernsey", and

(c) "plant passport" substitute " UK plant passport".

(3) In section 3(1)(c) and 4(c), for "the Union territory" substitute "the Bailiwick".

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[c] Ordinance No. IX of 2020.

(4) In section 7 (introduction) –

(a) in subsection (2)(b), omit "the Union territory or", and

(b) in subsection (2)(c), omit "within the Union territory or".

(5) In sections 9(3) and 24(4) omit "(including representatives of the European Commission)".

(6) Part IV (temporary local measures) is repealed.

(7) In section 14 (applications for authorisation or for the issue of a phytosanitary certificate etc.) –

(a) in subsection (1)(e), for the comma substitute "or" and omit "or a pre-export certificate", and

(b) in subsection (2), in the definition of "relevant activity", omit ", an EU emergency decision".

(8) In section 15 (authorisations for other purposes)

(a) in subsection (1) –

(i) omit "the carrying out of" and insert those words at the start of paragraphs (a) and (b),

(ii) immediately after paragraph (a), omit "or" and insert the following paragraph -

"(ab) the introduction into Guernsey, the movement within Guernsey, or the holding or multiplication in Guernsey, of a potential quarantine plant pest for official testing, scientific or educational purposes, trials, varietal selection or breeding, or",

(b) for subsection (3), substitute -

"(3) In this section –

"a **plant health derogation**" means a derogation from provisions of the PHR which is set out in Preserved EU law, an enactment implementing the same or regulations made under the PHR or the OCR, and

"**potential quarantine plant pest**" means a plant pest which is not a Guernsey quarantine pest or a provisional Guernsey quarantine pest, but which, in the opinion of the appropriate authority, fulfils the criteria set out in subsection 1 of Section 3 of Annex I to the PHR or may fulfil the criteria in subsection 2 of that Section.".

(9) In section 16 (registrations made or authorisations granted by the Committee), in the words before paragraph (a), for ", the OCR or" substitute "or the OCR or under".

(10) In section 17(2) (fee for issue of phytosanitary certificates etc.) –

(a) immediately after paragraph (a), insert "and", and

(b) immediately after paragraph (b) omit "and", and

(c) omit paragraph (c).

(11) Sections 18 (notification requirements in relation to seed potatoes) and 19 (notifications in relation to citrus fruits) are repealed.

(12) In section 20 (notification requirements in relation to other plants and plant products) –

(a) in subsection (1)

(i) omit "any of the following plants or plant products",

(ii) after "into Guernsey" insert "any solid fuel wood from a third country to which Article 47(1) of the OCR does not apply",

(iii) for "their arrival" substitute "the arrival of the wood", and

(iv) omit paragraphs (a) to (c),

(b) in subsection (2) –

(i) in paragraphs (c) and (d) omit "plants or",

(ii) in paragraph (d), for "have been, or are" substitute "has been, or is",

(iii) omit paragraph (e), and

(iv) for paragraph (f) substitute –

"(f) the address of the consignor, and

(g) details of any phytosanitary treatments applied to the wood.".

(13) In section 21 (powers of entry) –

(a) in subsection (1)(a)(iv), for the words "an EU plant health rule" to the end substitute "a plant health rule comply with that rule",

(b) for subsection (5)(a) substitute –

"(a) be accompanied by such persons as the plant health officer considers necessary, and".

(14) In section 24(4) (failure to comply with a notice: action in default), omit "other".

(15) In section 28 (disclosure of information to other competent authorities), for "Union territory" substitute "British Islands, which is responsible for plant health rules,".

(16) In section 34(1) (general (relating to offences)) –

(a) omit paragraphs (a) and (f), and

(b) in paragraph (b), omit "18(1) or 19(1) or".,

(17) In section 37(2) (provision of false or misleading information), for the words "for export" to the end substitute "for export or a phytosanitary certificate for re-export".

(18) In section 39 (obstruction) –

(a) renumber the current text as subsection (1),

(b) in paragraphs (a) and (c) after "enforcement of" insert "any provision under", and

(c) after subsection (1) insert –

"(2) In subsection (1), a reference to the PHR or the OCR includes Preserved EU law adopted, or regulations made, under the PHR or the OCR and any other Preserved EU law or enactment implementing the same relating to plant health.".

(19) In section 48(1) (interpretation: general) –

(a) omit the definitions of "**another member State**", "**EU emergency decision**", "**Spain**" and "**Union territory**",

(b) in the definition of "**controlled consignment**" –

(i) in paragraph (a)(i) for "protected zone" substitute "Guernsey pest-free area", and

(ii) omit paragraph (a)(ii),

(c) in the definition of "**controlled plant pest**" –

(i) in paragraph (a), for "Annex II, III or IV" substitute "Annex 2, 2A, 3 or 4",

(ii) immediately after paragraph (a), insert "or", and

(iii) omit paragraph (b) and the "or" immediately after it,

(d) after the definition of "**premises**" insert –

""**Preserved EU law**" has the meaning given in section 3(1) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018,", and

(e) in the definition of "**third country**" for "Union territory" substitute "British Islands".

(20) Sections 49 (Interpretation: EU instruments relating to plant health) and 50 (measures adopted under Article 30(1) of the PHR) are repealed.

(21) Schedule 1 (temporary local measures) is repealed.

(22) In the heading to Schedule 2 for "the EU Regulations" substitute "Preserved EU law".

(23) In the table in Part I (the PHR) of Schedule 2 (offences; relevant provisions in the EU Regulations) –

(a) for each reference to "certain protected zones" substitute "Guernsey pest-free areas",

(b) for each reference to "Union quarantine pest" substitute "Guernsey quarantine pest",

(c) for each reference to "protected zone quarantine pest" substitute "PFA quarantine pest",

(d) for each reference to "respective protected zone" substitute "Guernsey pest-free area established in respect of that pest",

(e) for each reference to "pest subject to measures adopted pursuant to Article 30(1)", substitute "provisional Guernsey quarantine pest",

(f) for each reference to "Union regulated non-quarantine pest" substitute "Guernsey regulated non-quarantine pest",

(g) for the entry relating to Article 41(1) substitute –

"Article 41(1) (as read with Articles 47 and 48(1))	Prohibits the introduction into Guernsey of certain plants, plant products or other objects from third countries unless the special requirements in respect of those plants, plant products or other objects are fulfilled.

Article 41(1A) (as read with Article 48(1))	Prohibits the introduction into Guernsey of certain plants, plant products or other objects from a Relevant British Island unless the special requirements in respect of those plants, plant products or other objects are fulfilled.
Article 41(1B) (as read with Article 48(1))	Prohibits the movement within Guernsey of certain plants, plant products or other objects unless the special requirements in respect of those plants, plant products or other objects are fulfilled.",

(h) in the entry relating to Article 53(1), in item (b), for "within the Union territory into certain protected zones" substitute "in Guernsey or a Relevant British Island into Guernsey pest-free areas",

(i) in the entry relating to Article 54(1), for each reference to "those protected zones" substitute "those Guernsey pest-free areas",

(j) in the entry relating to Article 59 –

(i) for each reference to "the protected zones" and "protected zones" substitute "Guernsey pest-free areas", and

(ii) in item (b), omit "respective" and at the end of the item add "relating to those areas",

(k) In the entry relating to Article 79(1) –

(i) in the first column, for "and 83" substitute ", 83, and 92a", and

(ii) in the second column, for "without a plant passport" substitute "or the introduction of certain plants, plant products and other objects into Guernsey from a Relevant British Island without a UK plant passport",

(l) in the entry relating to Article 80(1), in the first column, for "and 83" substitute ", 83, and 92a", and

(m) in the entry relating to Article 86(1), for "protected zone" substitute "Guernsey pest-free area" and after that entry insert -

"Article 86a	Prohibits authorised professional operators from issuing UK plant passports for plants, plant products or other objects to be introduced into a Relevant British Island unless the specified requirements are fulfilled in respect of those plants, plant products or other objects.".

(24) In the table in Part II (the OCR) of Schedule 2 in the entries relating to Articles 47(5) and 56(4), for each reference to "the Union" substitute "Guernsey".

(25) Schedule 3 (offences relating to EU Emergency Decisions) is repealed.

Interpretation.

5. In these Regulations, unless the context requires otherwise –

"**the GB Plant Health Regulations**": see regulation 1(1),

"**the GB Phytosanitary Conditions Regulations**": see regulation 2(1),

"**the Preserved PHR**" means the item of Preserved EU law entitled Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants[d],

"**the Preserved Phytosanitary Conditions Regulation**" means the item of Preserved EU law entitled 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[e],

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d PEUL (BoG) (RG) 2016/2031.

e PEUL (BoG) (IR) 2019/2072.

"**Preserved Schedule 3 item**" means an item of Preserved EU law listed in Part I of Schedule 3,

"**the retained PHR**" means the item of retained EU law entitled Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants[f],

"**the retained Phytosanitary Conditions Regulation**" means the item of retained EU law entitled Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and of the Council, as regards protective measures against pests of plants[g],

"**retained Schedule 3 item**" means an item of retained EU law of the same title as an item of Preserved EU law listed in Part I of Schedule 3,

"**retained EU law**" has the meaning in section 6(7) of the European Union (Withdrawal) Act 2018[h],

"**variation**" means a substitution, omission, construction or other variation,

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f EUR 2016/2031.

g EUR 2019/2072.

h An Act of Parliament (2018 c 16); as amended by An Act of Parliament (2020 c. 1).

and other terms or expressions, unless the context requires otherwise, shall have the same meaning as in the Preserved PHR.

Transitional provision: plants, plant products and other objects from EU Member states.

6. (1) >M6 This regulation applies to plants, plant products and other objects, which

(a) originate in, or are dispatched from, an EU Member state, Liechtenstein or Switzerland <
and

>M9 (b) are introduced into Guernsey during the period commencing on 4th March, 2024 and ending on 31st January 2027. <

(c) In relation to plants, plant products and other objects to which this regulation applies –

(a) >M6 Article 72(1) of the Preserved PHR does not apply in relation to plants which –

(i) are of a kind not listed in Schedule 4,

and

(ii) meet the conditions specified in paragraph (2A) or (2B) and <

(b) Article 73(1) of the Preserved PHR does not apply.

>M6 (2A) The conditions specified in this paragraph are that the plants –

(a) are introduced into Guernsey as part of a traveller's personal luggage, and
(b) are not to be used for professional or commercial purposes.

(2B) The condition specified in this paragraph is that the plants are of a category specified in column 1, and of a description specified in the corresponding entry in column 2, of the table in Schedule 4A.

(2C) Article 72(1) does not apply in relation to plants, plant products or other objects of a kind other than those listed in Schedule 4 which are dispatched from an EU Member State, Liechtenstein or Switzerland before 4th March 2024.', <

S.I. 2020/1454.

(3) >M6 -------- <

Transitional provision: UK plant passports.

7. (1) An authorisation to issue plant passports which has been granted and has effect immediately before exit day continues to apply after exit day as if it were an authorisation to issue UK plant passports.

(2) In the case of any plant passport that has been issued in respect of any plant, plant product or other object before exit day for the purposes of the movement of that plant, plant product or other object which takes place in part before and in part after exit day, the plant passport is after exit day to be treated as if it were a UK plant passport and references to a UK plant passport are to be construed accordingly.

(3) In this regulation –

"**plant passport**' has the meaning given in Article 78 of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants as it has effect, as from time to time amended, in EU law[j], and

"**UK plant passport**' has the meaning given in Article 78 of the Preserved PHR.

Disapplication of items of Preserved EU Law.

8. The items of Preserved EU law listed in Schedule 5 are disapplied, insofar as they apply to Guernsey –

OJ L 317, 23.11.2016, p. 4.

(a) to the extent that equivalent provision is made under the Preserved PHR, other Preserved EU law or the Plant Health (Implementation) (Guernsey) Ordinance, 2020 ("**Implementation Ordinance**"), and

(b) from the date that the equivalent provision under the Preserved PHR, other Preserved EU law or the Implementation Ordinance comes into force.

Savings.

9. (1) The disapplication of the items of Preserved EU law listed in Schedule 5 and the amendments to the Preserved PHR have no effect on the validity of any notice issued or any licence, authorisation or other approval given under or for the purposes of -

(a) any EU instrument, of the same title as any item of Preserved EU law listed in Schedule 5, as that EU instrument had effect in Guernsey before exit day, or

(b) Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants[k] as it had effect in Guernsey before exit day.

(3) Any such notice, licence, authorisation or other approval remains in force and continues to have effect on or after exit day in so far as it applies to anything done, or omitted to be done, before or after exit day.

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k OJ L 317, 23.11.2016, p. 4.

(4) Paragraph (1) is subject to regulation 7.

Extent.

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

Citation.

11. These Regulations may be cited as the Plant Health (Brexit) (Amendment) (Guernsey) Regulations, 2020.

Commencement.

12. These Regulations shall come into force on exit day.

Dated this 14th day of December, 2020

P. T. R. FERBRACHE

President of the States Policy & Resources Committee

For and on behalf of the Committee

SCHEDULE 1

Regulation 1

VARIATIONS FROM THE RETAINED PHR AS AMENDED IN GREAT BRITAIN

TABLE

Term, expression or provision in the retained PHR as amended by the GB Plant Health Regulations	**Amendment, substitution, omission or other variation in the Preserved PHR in Guernsey**
CD authority	For each reference substitute "Relevant British Island authority"
CD pest-free area	For each reference substitute "Relevant British Island pest-free area"
CD quarantine pest	For each reference substitute "Relevant British Island quarantine pest"
"CD territory" or "CD territories"	For each reference substitute "Relevant British Island" or "Relevant British Islands" respectively
GB pest-free area	For each reference substitute "Guernsey pest-free area"

GB quarantine pest	For each reference substitute "Guernsey quarantine pest"
GB regulated non-quarantine pest	For each reference substitute "Guernsey regulated non-quarantine pest"
Great Britain	For each reference substitute "Guernsey"
may by regulations modify	For each reference substitute "may by regulations amend or modify"
provisional GB quarantine pest	For each reference substitute "provisional Guernsey quarantine pest"
relevant CD legislation	For each reference substitute "Relevant British Islands legislation"
References to "its territory", "the relevant territory", "the territory in question" or related expressions in relation to the functions of a competent authority (in each case, however worded)	Each reference is to be construed as if the territory referred to is Guernsey unless the context requires otherwise
Article 2(2), second subparagraph	For "retained EU law" substitute "Preserved EU law within the meaning of section 3(1) of the European Union (Brexit)

	(Bailiwick of Guernsey) Law, 2018 or any enactment implementing the same"
Article 2(6)-definition of "competent authority"	To be substituted for – ""competent authority" means the Committee for the Environment & Infrastructure and any reference to "a competent authority", "competent authorities", "each competent authority" or "any of the competent authorities" is to be construed, unless the context requires otherwise, as a reference to that Committee;"
Article 2(25)-definition of "appropriate computerised information management system"	Article 2(25) is omitted.
Article 2(26)-definition of "CD authority"	To be substituted for – ""Relevant British Island authority" in relation to a country or territory forming part of a Relevant British Island, means the authority that is officially responsible in that country or territory for the implementation of rules in relation to protective measures against pests of plants;"
Article 2(27)-definition of "CD pest-free area"	To be substituted for – ""Relevant British Island pest-free area" means an area forming the whole or part of a Relevant British Island which has been

	established as a pest-free area in accordance with ISPM4 in respect of a Relevant British Island quarantine pest:"
Article 2(28)-definition of "CD quarantine pest"	To be substituted for – ""Relevant British Island quarantine pest" means a pest which: (a) is present in Guernsey, but not in an area forming the whole or part of a Relevant British Island which is recognised as free from that pest in accordance with ISPM 4; and (b) may not, under the relevant legislation applying in the area in question of the Relevant British Island, be introduced into that area;"
Article 2(29)-definition of "CD territory"	To be substituted for – ""Relevant British Island" means a country or territory within the British Islands except for Guernsey and Northern Ireland;"
Article 2(31)-definition of "GB pest free area"	For "an area in" substitute "an area forming the whole of part of"
Article 2(41)-definition of "relevant CD legislation"	To be substituted for – ""Relevant British Islands legislation" in relation to a country or territory in a Relevant British Island, means legislation on

	protective measures against pests of plants that is in force in that country or territory;"
Article 2(42) (definition of "relevant legislation on the marketing of seeds and other propagating material")	Article 2(42) is omitted
Article 2a-Meaning of appropriate authority	To be substituted for – "In this Regulation, "the appropriate authority" means the Committee for the Environment & Infrastructure."
Article 11	Article 11 is omitted
Article 12	In Article 12(1) for "Article 11(2)" substitute "paragraph 2" and after paragraph 1 insert - "2. The situations are: (a) the presence in Guernsey of a Guernsey quarantine pest not known to be present there; (b) the presence of a Guernsey quarantine pest in a part of Guernsey where it was previously not present; (c) the presence of a Guernsey quarantine pest in a consignment of plant, plant products or other objects

	introduced into, intended to be introduced into, or moved within, Guernsey."
Articles 13, 17(1) and 18(1)	For "Article 11(2)" substitute "Article 12(2)"
Article 17(1), second subparagraph	For "retained direct EU legislation" substitute "Preserved EU law within the meaning of section 3(1) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018"
Article 25(4)	For "IP completion day" substitute "exit day within the meaning of section 12(1) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018"
Article 27(1), first subparagraph	The words "for the territory in which it has been found to be present" are omitted
Article 28	In the heading, for "GB measures" substitute "Guernsey measures"
Article 29(2)	The words "must notify the other competent authorities of the measures that it has taken pursuant to paragraph 1 and the competent authorities" are omitted
Article 30(1)(a)	For "modify" substitute "amend or modify"
Article 32(1)(a)	To be substituted for – "(a) is present in –

	(i) a Relevant British Island but is not present in Guernsey and the whole island is recognised as free of that plant pest in accordance with ISPM4; or (ii) Guernsey but not present in a part of it and that part is recognised as free of that pest in accordance with ISPM4; and"
Article 37(5C)	The words "and are to apply in addition" to the end are omitted
Article 37(7)	For "the relevant legislation on the marketing of seeds and other propagating material" substitute "Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC"
Article 42	At the end of the Article insert – "7. A risk assessment referred to in paragraph 4 is one which: (a) is carried out by the UK NPPO and conforms with the procedures for risk assessment laid down in Commission Implementing Regulation (EU) 2018/2018 laying down specific rules concerning the procedure to be followed to carry out the risk assessment of high risk plants, plant products and other objects within the meaning of Article 42(1) of the PHR, as it has effect in Great Britain, or

	(b) is otherwise carried out in accordance with regulations made under paragraph 6."
Omission of Article 65(3)(a)	Article 65(3)(a) is not omitted and is substituted as follows - "(a) it supplies exclusively and directly to final users small quantities of plants, plant products and other objects by means other than sales through distance contracts;"
Omission of second subparagraph of Article 65(3)	The second subparagraph of Article 65(3) is not omitted and is substituted as follows – "The competent authority may decide not to apply the exemption referred to in point (a) of the first subparagraph to all or certain growers or other professional operators if so justified by the pest risk presented by the plants that they grow or if it is concerned by any other of their activities."
Omission of Article 65(4)(c)	Article 65(4)(c) is not omitted and is substituted as follows – "(c) supplement this Regulation by setting out the maximum figures for small quantities of particular plants, plant products or other objects as referred to in point (a) of the first subparagraph of paragraph 3. The figures shall be established as appropriate for the plants, plant products and other objects concerned and the respective pest risks."

Articles 76(5), 100(5) and 101(6)	For "through, or in electronic exchange with, the appropriate computerised information management system" substitute "in a form and manner approved by the competent authority in writing"
Articles 83(5) and 87(5)	For "relevant legislation on the marketing of seeds and other propagating material" substitute "Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC and 2008/90/EC"
Article 83(5)	For "produced in accordance with the respective provisions of the relevant retained EU law" substitute "which must be produced in accordance with the respective provisions of those Directives"
Article 87(4)	For "in accordance with relevant legislation on the marketing of seeds and other propagating material" substitute "as respectively referred to in Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC"
Article 92a(1)(a)	For "that territory" substitute "that country or territory"
Article 100(3) and 101(4) and (5)	Articles 100(3) and 101(4) and (5) are omitted.
Article 105	Article 105 is omitted

Annex I, Section 1, paragraph (4)(n)	The words "within the meaning of the Conservation of Habitats and Species Regulations 2017" are omitted
Annex I, Section 2, subparagraph (c)(i)	For "protected by retained EU law relating to the conservation of natural habitats and wild fauna and flora" substitute "listed under Council Directives 92/43/EEC and Directive 2009/147/EC of the European Parliament and of the Council"
Annex VII, Part D, paragraph (1)	For "in the relevant legislation on the marketing of seeds and other propagating material" substitute "respectively in, Article 10(1) of Directive 66/401/EEC, Article 10(1) of Directive 66/402/EEC, Article 10(1) of Directive 68/193/EEC, Article 12 of Directive 2002/54/EC, Article 28(1) of Directive 2002/56/EC and Article 12(1) of Directive 2002/57/EC"
Annex VIII	Annex VIII is omitted

SCHEDULE 2

Regulation 2

VARIATIONS FROM THE RETAINED PHYTOSANITARY CONDITIONS REGULATION AS AMENDED IN GREAT BRITAIN

TABLE

Term, expression or provision in the retained Phytosanitary Conditions Regulation as amended by the GB Phytosanitary Conditions Regulations	**Substitution, omission or other variation in the Preserved Phytosanitary Conditions Regulation in Guernsey**
"CD territory" or "CD territories"	For each reference substitute "Relevant British Island"
GB pest-free area	For each reference substitute "Guernsey pest-free area"
GB quarantine pest	For each reference substitute "Guernsey quarantine pest"
GB regulated non-quarantine pest	For each reference substitute "Guernsey regulated non-quarantine pest"
retained EU law	For each reference substitute "any Preserved EU law, within the meaning of section 3(1) of the European Union (Brexit)

	(Bailiwick of Guernsey) Law, 2018 or any enactment implementing the same"
"Great Britain" except in paragraphs 4, 5, 6, 9, 11, 14 and 16 of the Table in Part A of Annex 8	For each reference substitute "Guernsey"
provisional GB quarantine pest	For each reference substitute "provisional Guernsey quarantine pest"
Article 6(2), words before subparagraph (a)	For "the requirements" substitute "any requirements"
Article 6(3), words before subparagraph (a)	For "the exceptions from the requirements" substitute "any exceptions from any requirements"
Annex 1	In the unnumbered paragraph at the beginning, the words "retained EU law transposing the" are omitted
Annex 3, the Table	Entries 1 to 3 are omitted and for all the text in column (2) of entry 4 substitute "Guernsey"
Annex 8, references to "a CD territory" in paragraphs 7, 10, 12, 15 and 17 of the Table in Part A of Annex 8	For each reference substitute "the Bailiwick, the Bailiwick of Jersey or the Isle of Man"

Annex 10, the Table	For all the text in column (3) of entry 1 substitute "Guernsey"

SCHEDULE 3

Regulations 1(2) and 3

PART I

FURTHER ITEMS OF PRESERVED EU LAW AMENDED AS IN GREAT BRITAIN

1. Commission Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophora ramorum* Werres, De Cock & Mann in 't Veld sp. nov[l].

2. Commission Decision 2005/51/EC authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes ("**Commission Decision 2005/51/EC**")[m].

3. Commission Implementing Regulation (EU) 2017/2313 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and

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l PEUL (BoG) (DC) 2002/757.

m PEUL (BoG) (DC) 2005/51.

movement within, a protected zone ("**Commission Delegated Regulation (EU) 2017/2313**")[n].

4. Commission Delegated Regulation (EU) 2019/827 on criteria to be fulfilled by the professional operators in order to comply with the conditions set out in Article 89(1) point (a) of the PHR and procedures to ensure that those criteria are met[o].

5. Commission Delegated Regulation (EU) 2019/829 supplementing the PHR, authorising Member States to provide for temporary derogations in view of official testing, scientific or educational purposes, trials, varietal selections, or breeding ("**Commission Delegated Regulation (EU) 2019/829**")[p].

6. Commission Delegated Regulation (EU) 2019/1702 supplementing the PHR by establishing a list of priority pests[q].

7. Commission Implementing Regulation (EU) 2020/918 establishing a derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for the introduction into the Union of ash wood

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n PEUL (BoG) (IR) 2017/2313.

o PEUL (BoG) (DR) 2019/827.

p PEUL (BoG) (DR) 2019/829.

q PEUL (BoG) (DR) 2019/1702.

originating or processed in Canada ("**Commission Implementing Regulation (EU) 2020/918**")[r].

8. Commission Implementing Regulation (EU) 2020/1002 establishing a derogation from Implementing Regulation (EU) 2019/2072 as regards the requirements for introduction into the Union of ash wood originating or processed in the United States ("**Commission Implementing Regulation (EU) 2020/1002**")[s].

PART II

FURTHER VARIATIONS FROM RETAINED SCHEDULE 3 ITEM AMENDED AS IN GREAT BRITAIN

9. In Commission Decision 2005/51/EC, as defined in paragraph 2

(a) in Article A1, the definition of "dedicated hazardous waste incinerator" is omitted,

(b) in Article 1(2), for "and is destined for treatment in dedicated hazardous waste incinerators" substitute "for treatment by means of an operation licensed under the Environmental Pollution (Guernsey) Law, 2004", and

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r PEUL (BoG) (IR) 2020/918.

s PEUL (BoG) (IR) 2020/1002.

(c) in the Annex –

(i) in paragraph 2(a), after "shipments of waste" insert ", as it has effect in Guernsey in accordance with the Transfrontier Shipment of Waste (Guernsey) Ordinance, 2018,",

(ii) in paragraph 2(b), omit "dedicated hazardous waste incinerator", and

(iii) in paragraph 2(e), for all the words from "dedicated hazardous waste incinerator" to the end substitute "site where it is to be treated in accordance with the relevant licence under the Environmental Pollution (Guernsey) Law, 2004".

10. In Commission Delegated Regulation (EU) 2017/2313, as defined in paragraph 3 –

(a) in Article 4, omit "legislation transposing", and

(b) in point 10 of the Annex for "in the relevant legislation on the marketing of seeds and other propagating material" substitute "respectively in Article 10(1) of Council Directive 66/401/EEC, Article 10(1) of Council Directive 66/402/EEC, Article 10(1) of Council Directive 68/193/EEC, Article 12 of Council Directive 2002/54/EC, Article 28(1) of Council Directive 2002/55/EC, Article 13(1) of Council Directive 2002/56/EC, Article 12(1) of Council Directive 2002/57/EC, or the label for pre-basic,

basic or certified material as referred to in point (b) of Article 9(1) of Council Directive 2008/90/EC".

11. In Commission Delegated Regulation (EU) 2019/829, as defined in paragraph 5–

(a) in Article 3(3), for all the words from "the appropriate computerised information management system" to the end substitute "a form and manner approved by the competent authority", and

(b) in the Model Letter of Authority in Annex II, in paragraph 14 of the first column, for "Appropriate computerised information management system reference" substitute "Reference in any information management system approved by the competent authority".

12. In Commission Implementing Regulation (EU) 2020/918, as defined in paragraph 7 –

(a) in Article 2(2)(a), for "GB requirements" substitute "Guernsey requirements", and

(b) in Part B of the Annex, in the second indent of entry no. 1 in the Table, for "GB" substitute "Guernsey".

13. In Commission Implementing Regulation (EU) 2020/1002, as defined in paragraph 8 –

(a) in Article 2(2)(a), for "GB requirements" substitute "Guernsey requirements",

(b) in Part B of the Annex, in the second indent of entry no. 1 in the Table, for "GB" substitute "Guernsey".

SCHEDULE 4

Regulation 6(2)(a)

TRANSITIONAL PROVISION: EU PLANTS, PLANT PRODUCTS AND OTHER OBJECTS

1. Machinery and vehicles which have been operated for agricultural or forestry purposes.

2. Plants for planting, other than seeds.

3. Tubers of *Solanum tuberosum* L. intended for planting (seed potatoes).

4. Tubers of *Solanum tuberosum* L. (ware potatoes).

5. Seeds of –

   (a) *Allium cepa* L.,

   (b) *Allium porrum* L.,

   (c) *Castanea* Mill.,

   (d) *Capiscum* spp. L.,

   (e) *Helianthus annuus* L.,

   (f) *Medicago sativa* L.,

   (g) *Phaseolus cocineus.*,

(h) *Phaseolus vulgaris* L.,

(i) *Solanum lycoperiscum* L., and

(j) *Solanum tuberosum* L. (True potato seed).

6. Vegetable seeds of *Pisum sativum* L. and *Vicia faba* L.

7. Seed of oil and fibre plants of –

(a) *Brassica napus* L.,

(b) *Brassica rapa* L.,

(c) *Sinapis alba* L.,

(d) *Glycine max* (L.) Merill, and

(e) *Linum usitattissimum* L.

8. Isolated bark of –

(a) *Castanea* Mill.,

(b) Conifers (Pinales),

(c) *Juglans* L., and

(d) *Pterocarya* Kunth,

9. Wood of *Platanus* L., including wood which has not kept its natural round surface.

10. Wood of *Castanea* Mill., excluding wood which is bark-free.

11. Wood of Conifers (Pinales), including wood which has not kept its natural round surface.

12. Wood of *Prunus* L. including wood which has not kept its natural round surface, other than wood of *Prunus Laurocerasus* L.,

13. Wood, including wood which has not kept its natural round surface of–

    (a) *Acer* L.,

    (b) *Aesculus* L.,

    (c) *Alnus* L.,

    (d) *Butula* L.,

    (e) *Carpinus* L.,

    (f) *Cercidiphyllum* Siebold & Zucc.,

    (g) *Corylus* L.,

    (h) *Fagus* L.,

    (i) *Fraxinus* L.,

    (j) *Koelreuteria* Medikus.,

(k) *Platanus* L.,

(l) *Populus* L.,

(m) *Salix* L.,

(n) *Tilia* L., and

(o) *Ulmus* L.

14. Wood of *Juglans* L. and *Pterocarya* Kunth.

v M6

SCHEDULE 4A

TRANSITIONAL PROVISION: PLANTS TO WHICH ARTICLE 72(1) DOES NOT APPLY

Regulation 6(2B)

	Column 1 *Category of plants*	*Column 2* *Description of plants*	*Column 3* *Entry number in the table in Part A of Annex 11 to the Preserved Phytosanitary Conditions Regulation corresponding to the category of plants in Column 1 of this table*
M8	~~Root and tubercle vegetables~~	~~Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled.~~ ~~Other root and tubercle vegetables, fresh or chilled.~~ ~~Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, not frozen or dried, not sliced or in the form of pellets. Ginger, saffron, turmeric (curcuma), and other spices, in the form of root~~	~~5~~

		~~or tubercle plant parts, fresh or chilled.~~ ~~Sugar beet, not ground, fresh or chilled.~~ ~~Chicory roots, fresh or chilled.~~ ~~Other root and tubercle vegetables, fresh or chilled.~~ ~~Swedes, mangolds, fodder roots, similar forage products, not in the form of pellets, fresh or chilled.~~		
	Parts of plants, other than fruit and seeds of:			
>M7	Solanaceae Juss. and *Ipomoea L*	Vegetable products not elsewhere specified or included, fresh	7	<
	Zea mays L.	Other vegetables, fresh or chilled: Sweetcorn	8	
	Leafy vegetables of *Apium graveolens* L., *Eryngium* Tournier ex Linnaeus, *Limnophila* R.Br. **>M7** *Ocimum* L. and *Spinacia oeracea* L., and <	**>M7** Spinach and **<** other vegetables, fresh or chilled. Parts of plants (other than fruit and seeds), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh, chilled, crushed or powdered. Vegetable products not elsewhere specified or included, fresh or chilled.	10	
	Leaves of *Manihot esculenta* Crantz	Leaves of cassava (Manihot esculenta), fresh or chilled.	11	

		Vegetable products of cassava (*Manihot esculenta*), not elsewhere specified or included, fresh or chilled.	
M8	Plants of Asparagus officinalis L., other than stems covered during their entire life by soil	Other vegetables, fresh or chilled; Asparagus	18B
	Fruits of: *Momordica* L. and Solanaceae Juss.	Tomatoes, fresh or chilled.	19
		Other vegetables, of Solanaceae, fresh or chilled.	
vM7, 8	~~*Fragaria* L., *Malus* Mill., *Persea americana* Mill., *Pyrus* L., *Rubus* L., *Vaccinium* L. and *Vitis* L.~~	~~Other fruit, fresh or chilled.~~	~~20~~
		~~Avocados, fresh or chilled.~~	
		~~Grapes, fresh or chilled.~~	
		~~Apples and pears, fresh or chilled.~~	
		~~Strawberries, fresh or chilled.~~	
		~~Raspberries, blackberries and loganberries, fresh or chilled.~~	

Cranberries, bilberries, and other fruit of the genus Vaccinium, fresh or chilled.

Other, fresh or chilled.

SCHEDULE 5

Regulation 8

DISAPPLIED PRESERVED EU LAW

1. Commission Decision 91/261/EEC recognising Australia as being free from *Erwinia amylovora* (Burr.) Winsl. *et al.*

2. Commission Decision 93/360/EEC authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of wood of *Thuia* L., originating in Canada.

3. Commission Decision 93/365/EEC authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of heat-treated coniferous wood, originating in Canada, and establishing the details of the indicator system to be applied to the heat-treated wood.

4. Commission Decision 93/422/EEC authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of kiln dried coniferous wood, originating in Canada, and establishing the details of the indicator system to be applied to the kiln dried wood.

5. Commission Decision 93/423/EEC authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of kiln dried coniferous wood, originating in the United States of America, and establishing the details of the indicator system to be applied to the kiln dried wood.

6. Commission Decision 98/109/EC authorising Member States temporarily to take emergency measures against the dissemination of *Thrips palmi* Karny as regards Thailand.

7. Commission Regulation (EC) No 1040/2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for plant-health control and repealing Regulation (EC) No 2051/97.

8. Commission Decision 2004/200/EC on measures to prevent the introduction into and the spread within the Community of Pepino mosaic virus.

9. Commission Decision 2005/359/EC providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards oak (*Quercus* L.) logs with bark attached, originating in the United States of America.

10. Commission Decision 2006/750/EC amending Decision 2005/359/EC as regards the ports of unloading of oak (*Quercus* L.) logs with bark attached, originating in the United States.

11. Commission Decision 2010/723/EU extending the period of validity of Decision 2005/359/EC providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards oak (*Quercus* L.) logs with bark attached, originating in the United States of America.

12. Commission Implementing Decision 2011/787/EU authorising Member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt.

13. Commission Implementing Decision 2012/138/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis*.

14. Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix papa* sp.n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner).

15. Commission Implementing Decision 2012/535/EU on emergency measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. (the pine wood nematode).

16. Commission Implementing Decision 2012/697/EU as regards measures to prevent the introduction into and the spread within the Union of the genus *Pomacea* (Perry).

17. Commission Implementing Decision 2013/780/EU providing for a derogation from Article 13(1)(ii) of Council Directive 2000/29/EC in respect of bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America.

18. Commission Implementing Decision 2014/356/EU amending Implementing Decision 2012/138/EU as regards the conditions of introduction into and movement within the Union of specified plants to prevent the introduction and the spread of *Anoplophora chinensis* (Forster).

19. Commission Implementing Decision 2014/679/EU amending Implementing Decision 2012/270/EU as regards its period of application and as regards the movement to packing facilities of potato tubers originating in areas demarcated in order to prevent the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner).

20. Commission Implementing Decision (EU) 2015/179 authorising Member States to provide for a derogation from certain provisions of Council Directive 2000/29/EC in respect of wood packaging material of conifers (Coniferales) in the form of ammunition boxes originating in the United States of America under the control of the United States Department of Defence.

21. Commission Implementing Decision (EU) 2015/226 amending Implementing Decision 2012/535/EU as regards the definition of susceptible wood and measures to be taken in demarcated areas.

22. Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulksy).

23. Commission Implementing Decision (EU) 2015/1199 recognising Bosnia and Herzegovina as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al.

24. Commission Implementing Decision (EU) 2016/1359 amending Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner).

25. Commission Implementing Decision (EU) 2016/2004 amending Implementing Decision 2013/780/EU providing for a derogation from Article 13(1)(ii) of Council Directive 2000/29/EC in respect of bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America.

26. Commission Implementing Decision (EU) 2017/427 amending Implementing Decision 2012/535/EU as regards measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. (the pine wood nematode).

27. Commission Implementing Decision (EU) 2017/2187 extending the period of validity of Implementing Decision (EU) 2015/179 authorising Member States to

provide for a derogation from certain provisions of Council Directive 2000/29/EC in respect of wood packaging material of conifers (Coniferales) in the form of ammunition boxes originating in the United States of America under the control of the United States Department of Defence.

28. Commission Implementing Decision (EU) 2018/5 amending Implementing Decision 2012/270/EU as regards the symptoms of *Epitrix cucumeris* (Harris), *Epitrix papa* sp. n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner) and the establishment of relevant demarcated areas.

29. Commission Implementing Decision (EU) 2018/618 amending Implementing Decision 2012/535/EU as regards measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. (the pine wood nematode).

30. Commission Implementing Decision (EU) 2018/638 establishing emergency measures to prevent the introduction into and spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith).

31. Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann).

32. Commission Implementing Regulation (EU) 2018/2018 laying down specific rules concerning the procedure to be followed to carry out the risk assessment of high risk plants, plant products and other objects within the meaning of Article 42(1) of the PHR.

33. Commission Implementing Regulation (EU) 2018/2019 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation.

34. Commission Implementing Decision (EU) 2019/1598 amending Implementing Decision (EU) 2018/638 establishing emergency measures to prevent the introduction into and the spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith).

35. Commission Implementing Decision (EU) 2019/1739 establishing emergency measures to prevent the introduction into and the spread within the Union of Rose Rosette Virus.

36. Commission Implementing Decision (EU) 2019/2032 establishing measures to prevent the introduction into and the spread within the Union of *Fusarium circinatum* Nirenberg & O'Donnell (formerly *Gibberella circinata*) and repealing Decision 2007/433/EC.

37. Commission Implementing Regulation (EU) 2020/885 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto.

38. Commission Implementing Regulation (EU) 2020/1191 establishing measures to prevent the introduction into and the spread within the Union of Tomato brown rugose fruit virus (ToBRFV).

39. Commission Implementing Regulation (EU) 2020/1164 providing for a temporary derogation from certain provisions of Implementing Regulation (EU) 2019/2072 in respect of measures to prevent the introduction into and the spread within the Union of the pest *Agrilus planipennis* Fairmaire from Canada and the United States.

40. Commission Implementing Regulation (EU) 2020/1199 of 13 August 2020 amending Annex VI to Implementing Regulation (EU) 2019/2072 to temporarily prohibit the introduction into the Union of certain fruits originating in Argentina to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa.

41. Commission Implementing Regulation (EU) 2020/1201 of 14 August 2020 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 and make provision which is necessary or expedient as a result of the withdrawal of the United Kingdom from the EU.

The Regulations make amendments to EU provisions which have effect in Guernsey in the field of plant health including in particular to the Plant Health Regulation relating to protective measures against plant pests (PHR), and the Phytosanitary Conditions Regulation, made under the PHR (see Regulations 1 and 2). The Regulations also make consequential amendments to the Plant Health (Implementation) (Guernsey) Ordinance, 2020 which provides for administrative, enforcement and appeal provisions in Guernsey in relation to the PHR (see Regulation 4).

The amendments are primarily made to reflect that from the end of 2020 Guernsey will cease to be subject to EU law in relation to trade in plants and plant products and will be part of a Great Britain and Crown Dependency market in such products.

Amendments include replacement of the previous plant passports, required to accompany movements of certain plants within the EU, by UK plant passports for movements within Great Britain and the Crown Dependencies. Previous functions of the European Commission under the PHR to make delegated legislation on points of technical detail are conferred on the Committee *for the* Environment & Infrastructure including powers to amend by Regulations lists of plant pests, plants and plant

products vulnerable to those pests, requirements to be met in relation to movements of such vulnerable plants and plant products and of pest-free areas. Amendments are also made to replace those technical lists, previously set at EU level, for Guernsey lists.

The amendments are made to align with proposed amendments in Great Britain to plant health legislation of EU origin to ensure equivalent plant health rules operate in the new market. Transitional and savings provisions are also included to ensure a smooth transition to the amended requirements (see Regulations 6, 7 and 9). These include provision for reduced requirements to apply to plants and plant products originating or dispatched from the EU up until the end of March, 2021 and to allow plant passports issued under the EU provisions to be treated as UK plant passports. Certain current EU legislation is disapplied; most relate to specific measures against pests from certain third countries in relation to which measures can be taken under the PHR as amended (see Regulation 8).

These Regulations come into force on exit day within the meaning of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018.