

2003 No. 458

PLANT HEALTH

**Plant Health (Amendment No. 2) Order
(Northern Ireland) 2003**

Made - - - - - *21st October 2003*

Coming into operation *12th November 2003*

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred on it by sections 2(b), 3(1)(c), 3A(d), 3B(e) and 4(1)(f) of the Plant Health Act (Northern Ireland) 1967(g) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Plant Health (Amendment No. 2) Order (Northern Ireland) 2003 and shall come into operation on 12th November 2003.

Amendment of the Plant Health Order (Northern Ireland) 1993

2. The Plant Health Order (Northern Ireland) 1993(h) shall be amended in accordance with Articles 3 to 22.

3. In Article 3(1) –

(a) for the definition of “Directive 2000/29/EC” there shall be substituted –

“Directive 2000/29/EC” means Council Directive 2000/29/EC(i) 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 Directives 2001/33/EC(j) of 8th May 2001, 2002/28/EC(k) of 19th March 2002, 2002/36/EC(l) of 29th April 2002, 2003/22/EC(m) of 24th March 2003, and by 2003/47/EC(n) of 4th June 2003 amending certain annexes to Council Directive 2000/29/EC;” and

(a) Formerly the Department of Agriculture for Northern Ireland; *see* S.I. 1999/283 (N.I. 1) Art. 3(4)
(b) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c. 2, s. 177(1) and Sch. 4 Pt. II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
(c) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(d) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(e) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(f) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(g) 1967 c. 28 (N.I.)
(h) S.R. 1993 No. 256 as amended by S.R. 1994 No. 28, S.R. 1995 No. 164, No. 250 and No. 494, S.R. 1996 No. 204 and No. 249, S.R. 1997 No. 110 and 397, S.R. 1998 No. 16, No. 146 and No. 315, S.R. 1999 No. 24, S.R. 2000 No. 126, S.R. 2001 No. 188 and No. 437, S.R. 2002 No. 273, S.R. 2003 No. 235
(i) O.J. No. L169, 10.7.00, p. 1
(j) O.J. No. L127, 9.5.01, p. 42; and *see* the associated Commission Directive 2001/32/EC, (O.J. No. L127, 9.5.01, p. 38), and amending Directive 2003/21/EC, (O.J. No. L78, 25.3.2003, p. 8) and Directive 2003/46/EC, (O.J. No. L138, 5.6.2003, p. 45)
(k) O.J. No. L77, 20.3.02, p. 23; and *see* the associated Commission Directive 2002/29/EC, (O.J. No. L77, 20.3.02, p. 26)
(l) O.J. No. L116, 3.5.02, p. 16
(m) O.J. No. L78, 25.3.03, p. 10
(n) O.J. No. L138, 5.6.2003, p. 47

(b) after the definition of “reforwarding phytosanitary certificate” there shall be inserted –
“relevant International Standards for Phytosanitary Measures (ISPM) means ISPM No. 4 “Requirements for the Establishment of Pest Free Areas” February 1966 and ISPM No. 10 “Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites” October 1999(a) prepared by the Secretariat of the International Plant Protection Convention (IPPC) established by the Food and Agriculture Organisation of the United Nations;”.

4. In Schedule 1, Part A, Section A (Insects, Mites and Nematodes at all stages of their development) Items 15, 16 and 18 shall be deleted.

5. In Schedule 1, Part A, Section A (Insects, Mites and Nematodes at all stages of their development) after Item 22 there shall be inserted –

“22.1 *Naupactus leucoloma* Boheman”.

6. In Schedule 1, Part B, Section A (Insects, Mites and Nematodes at all stages of their development) after Item 2 there shall be inserted –

“3. *Liriomyza bryoniae* Ireland, the United Kingdom
(Kaltenbach) (Northern Ireland)”.

7. In Schedule 1, Part B, Section B (Viruses and Virus-like Organisms) in Item 1, for the words in column (3) there shall be substituted –

“DK, F (Brittany), IRL, P (Azores), FIN, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”.

8. In Schedule 2, Part A, Section A (Insects, Mites and Nematodes at all stages of their development) after Item 23 there shall be inserted –

“23A. *Liriomyza huidobrensis* Cut flowers, leafy vegetables of *Apium*
(Blanchard) *graveolens* L., and plants of herbaceous
species, intended for planting, other than:
– bulbs,
– corms,
– plants of the family Gramineae,
– rhizomes,
– seeds

23B. *Liriomyza trifolii* Cut flowers, leafy vegetables of *Apium*
(Burgess) *graveolens* L., and plants of herbaceous
species, intended for planting, other than:
– bulbs,
– corms,
– plants of the family Gramineae,
– rhizomes,
– seeds”.

9. In Schedule 2, Part A, Section C (Fungi), after Item 1 there shall be inserted –

“1A. *Annisogramma anomala* Plants of *Corylus* L., intended for planting,
(Peck) E. Müller other than seeds, originating in Canada and
the United States of America”.

10. In Schedule 2, Part B, Section A (Insects, Mites and Nematodes at all stages of their development) at Item 5 for the words in column (4) there shall be substituted –

(a) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00100 Rome, Italy and <http://www.ippc.int/IPP/En/default.htm>

“Greece, Portugal (Azores)”.(a).

11. In Schedule 2, Part B, Section B, (Bacteria) at Item 2 for the words in column (4) 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, Fiesso Umbertino, 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 Palù, Roverchiara, Legnago, Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)”.

12. In Schedule 3, Part B, (Plants and plant products which may not be introduced into or kept within certain protected zones) for the words opposite Item 1 in column (3) 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, Fiesso Umbertino, 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 Palù, Roverchiara, Legnago, Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)”.

13. In Schedule 4, Part A, Section I (Plants, plant products and other objects originating outside the European Community) –

(a) after Item 6 there shall be inserted –

“6.A Plants of *Corylus* L., intended for planting, other than seeds, originating in Canada and the United States of America.

Official statement that the plants have been grown in nurseries and:
(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional declaration”,

(a) See O.J. No. L78, 25.3.03, p. 9 as amended by Commission Directive 2003/46/EC, (O.J. No. L138, 5.6.03, p. 45)

or

- (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller on official inspections carried out at the place of production or its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional declaration” and declared free from *Anisogramma anomala* (Peck) E. Müller.”;

(b) for Items 43, 44, and 45 there shall be substituted –

“43. Plants of herbaceous species, intended for planting, other than:
– bulbs,
– corms,
– plants of the family Gramineae,
– rhizomes,
– seeds,
– tubers,
originating in third countries where *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) are known to occur.

- Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 1, Items 37, 38, 39 and 40, where appropriate, official statement that the plants have been grown in nurseries and:
- (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional declaration”, or
- (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional declaration”, and declared free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) on official inspections carried out at least monthly during the three months prior to export, or
- (c) immediately prior to export, have been subjected to an appropriate

treatment against *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) and have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch). Details of the treatment shall be mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC

44. Cut flowers of *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Gypsophila* L., and *Solidago* L., and leafy vegetables of *Apium graveolens* L., and *Ocimum* L.

Official statement that the cut flowers and the leafy vegetables:
– originate in a country free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch), or
– immediately prior to their export, have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch)

45. Plants of herbaceous species, intended for planting, other than:
– bulbs,
– corms,
– plants of the family Gramineae,
– rhizomes,
– seeds,
– tubers,
originating in third countries.

Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 1, Items 37, 38, 39, 40 and 45, official statement that:
(a) the plants originate in an area known to be free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess), or
(b) either no signs of *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) have been observed at the place of production, on official inspections carried out at least monthly during the three months prior to harvesting, or
(c) immediately prior to export, the plants have been officially inspected and found free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) and have been subjected to an appropriate treatment against *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess).”;

(c) for Items 50 and 50A there shall be substituted –

- “50. Plants, intended for planting, other than:
– bulbs,
– corms,
– rhizomes,
– seeds,
– tubers,
originating in third countries.

Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 1, Items 37, 38, 39, 40, 42, 43 and 45, official statement that the plants have been grown in nurseries and:
(a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Thrips palmi* Karny in accordance with relevant International

Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional Declaration”, or

- (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Thrips palmi* Karny in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional declaration”, and declared free from *Thrips palmi* Karny on official inspections carried out at least monthly during the three months prior to export, or
- (c) immediately prior to export, have been subjected to an appropriate treatment against *Thrips palmi* Karny and have been officially inspected and found free from *Thrips palmi* Karny. Details of the treatment shall be mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC.

50A. Cut flowers of Orchidaceae and fruits of *Momordica* L., and *Solanum melongena* L. originating in third Countries.

Official statement that the cut flowers and the fruits:

- originate in a country free from *Thrips palmi* Karny, or
- immediately prior to their export, have been officially inspected and found free from *Thrips palmi* Karny.”;

- (d) in Item 55, for the words in column (3) there shall be substituted –

“Without prejudice to the provisions applicable to the plants listed in Schedule 3, Part A, at Items 2, 3, 4, 10, 11, 12 and 13; and Schedule 3, Part B, at Item 1; and Schedule 4, Part A, Section 1 at Items 5, 6, 6A, 7, 8, 9, 10, 11, 17, 18, 19, 20, 21, 25, 26, 27, 28, 29, 46, 50, 52, 53, 54 and 60A, where appropriate, official statement that the plants are dormant and free from leaves.”;

- (e) at Item 60A there shall be substituted –

“60A. Plants of herbaceous species and plants of *Ficus* L. and *Hibiscus* L., intended for planting, other than bulbs, corms, rhizomes, seeds and tubers, originating in non-European countries.

Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 1, Items 37, 38, 39, 40, 42, 43, and 45, official statement that the plants:

- (a) originate in an area established in the country of export by the national plant protection service in that country, as being free from *Bemisia tabaci* Genn. (non-European populations) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric

- “Additional declaration”, or
- (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Bemisia tabaci* Genn. (non-European populations) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric “Additional declaration”, and declared free from *Bemisia tabaci* Genn. (non-European populations) on official inspections carried out at least once each three weeks during the nine weeks prior to export, or
- (c) in cases where *Bemisia tabaci* Genn. (non-European populations) has been found at the place of production, are held or produced in this place of production and have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (non-European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (non-European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating *Bemisia tabaci* Genn. (non-European populations), in both official inspections carried out weekly during the nine weeks prior to export and in monitoring procedures throughout the said period. Details of the treatment shall be mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC.
- (f) after Item 60A there shall be inserted –
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| <p>“60B. Cut flowers of <i>Aster</i> spp., <i>Eryngium</i> L., <i>Gypsophila</i> L., <i>Hypericum</i> L., <i>Lisianthus</i> L., <i>Rosa</i> L., <i>Solidago</i> L., <i>Trachelium</i> L., and leafy vegetables of <i>Ocimum</i> L., originating in non-European countries.</p> | <p>Official statement that the cut flowers and leafy vegetables:</p> <p>– originate in a country free from <i>Bemisia tabaci</i> Genn. (non-European populations), or,</p> <p>– immediately prior to their export, have been officially inspected and found free from <i>Bemisia tabaci</i> Genn. (non-European populations).</p> |
| <p>60C. Plants of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw. Intended for planting, other than seeds, originating in countries where Tomato yellow leaf curl virus is known to occur:</p> <p>(a) Where <i>Bemisia tabaci</i> Genn. is not known to occur.</p> <p>(b) Where <i>Bemisia tabaci</i> Genn. is known to occur.</p> | <p>Without prejudice to the requirements applicable to plants listed in Schedule 3, Part A, Item 8, and Schedule 4, Part A, Section 1, Items 34, 35 and 35A where appropriate.</p> <p>Official statement that no symptoms of Tomato yellow leaf curl virus have been observed on the plants.</p> <p>Official statement that:</p> <p>(a) no symptoms of Tomato yellow leaf</p> |

- curl virus have been observed on the plants, and
- (aa) the plants originate in areas known to be free from *Bemisia tabaci* Genn., or
 - (bb) the place of production has been found free from *Bemisia tabaci* Genn., on official inspections carried out at least monthly during the three months prior to export, or
 - (b) no symptoms of Tomato yellow leaf curl virus have been observed at the place of production and the place of production has been subjected to an appropriate treatment and monitoring regime to ensure freedom from *Bemisia tabaci* Genn.”;
- (g) in Item 61, in column (3) the words “60 and 60A” shall be replaced with “60A, 60B and 60C”; and
- (h) in Items 67A and 67B, in column (2) there shall be inserted “, South Africa” after the word “Pakistan”.

14. In Schedule 4, Part A, Section II (Plants, plant products and other objects originating in the European Community) for Item 26 there shall be substituted –

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| <p>“26. Plants of herbaceous species intended for planting, other than:</p> <ul style="list-style-type: none"> – bulbs, – corms, – plants of the family Gramineae, – rhizomes, – seeds, – tubers | <p>Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section II, Items 22, 23, or 24, official statement that:</p> <ul style="list-style-type: none"> (a) the plants originate in an area known to be free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifoli</i> (Burgess), or (b) either no signs of <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifoli</i> (Burgess) have been observed at the place of production, on official inspections carried out at least monthly during the three months prior to harvesting, or (c) immediately prior to marketing, the plants have been officially inspected and found free from <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifoli</i> (Burgess) and have been subjected to an appropriate treatment against <i>Liriomyza huidobrensis</i> (Blanchard) and <i>Liriomyza trifoli</i> (Burgess)”. |
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15. In Schedule 4, Part B (Conditions to be met before plants, plant products and other objects may be introduced into or moved within certain protected zones) –

- (a) in Item 12, for the words in column (4) there shall be substituted –
“Greece, Portugal (Azores)”^(a);
- (b) in Items 13, 17, 22 and 22A for the words in column (4) there shall be substituted –
“DK, F (Brittany), IRL, P (Azores), FIN, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”;
- (c) for Item 14 there shall be substituted –

^(a) See O.J. No. L138, 5.5.2003, p. 48

- “14. Tubers of *Solanum tuberosum* L., other than those mentioned in Item 13
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| (a) the consignment or lot shall not contain more than 1% by weight of soil, or | DK, F (Brittany), IRL, P (Azores), FIN, |
| (b) the tubers are intended for processing at premises with officially approved waste disposal facilities which ensures that there is no risk of spreading BNYVV | S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”; |
- (d) in Item 15, for the words in column (4) opposite paragraph (a) 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, 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, Barbana, Piacenza d’Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)”.
- (e) for Item 16 there shall be substituted –
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| “16. Plants of <i>Allium porrum</i> L., <i>Apium</i> L., <i>Beta</i> L., other than those mentioned in Annex IV (B)(25) and those intended for animal fodder, <i>Brassica napus</i> L., <i>Brassica rapa</i> L., <i>Daucus</i> L., other than plants intended for planting | (a) the consignment or lot shall not contain more than 1% by weight of soil, or
(b) the plants are intended for processing at premises with officially approved waste disposal facilities which ensures that there is not risk of spreading BNYVV | DK, F (Brittany), IRL, P (Azores), FIN, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”; |
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- (f) for Item 18 there shall be substituted –
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| “18. Unrooted cuttings of <i>Euphorbia pucherima</i> Willd., intended for planting | Without prejudice to the requirements applicable to the plants listed in Schedule 4, Part A, Section 1, Item 60A where appropriate, official statement that:
(a) the unrooted cuttings | IRL, P (Alentejo, Azores, Beira Interior, Beira Litoral, |
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	originate in an area known to be free from <i>Bemisia tabaci</i> Genn. (European populations), or	Entre Douro e Minho, Madeira, Ribatejo e Oeste and Tras-os-Montes), FIN, S, UK
	(b) no signs of <i>Bemisia tabaci</i> Genn. (European populations) have been observed either on the cuttings or on the plants from which the cuttings are derived and held or produced at the place of production on official inspections carried out at least each three weeks during the whole production period of these plants on this place of production, or	
	(c) in cases where <i>Bemisia tabaci</i> Genn. (European populations) has been found at the place of production, the cuttings and the plants from which the cuttings are derived and held or produced in this place of production have undergone an appropriate treatment to ensure freedom from <i>Bemisia tabaci</i> Genn. (European populations) and subsequently this place of production shall have been found free from <i>Bemisia tabaci</i> Genn. (European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating <i>Bemisia tabaci</i> Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement	
18.A. Plants of <i>Euphorbia pulcherrina</i> Willd., intended for planting, other than: – seeds, – those for which there shall be evidence by their packing of their flower (or bract) development	Without prejudice to the requirements applicable to the plants listed in Schedule 4, Part A, Section 1, Item 60A where appropriate, official statement that: (a) the plants originate in an area known to be free from <i>Bemisia tabaci</i> Genn. (European populations), or	IRL, P (Alentejo, Azores, Beira Interior, Beira Litoral, Entre Douro e Minho,

or by other means that they are intended for sale to final customers not involved in professional plant production, – those specified in 18.1

- (b) no sign of *Bemisia tabaci* Genn. (European populations) have been observed on plants at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing, or Madeira, Ribatejo e Oeste and Trás-os-Montes), FIN, S, UK
- (c) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the plants, held or produced in this place of production have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement, and
- (d) evidence is available that the plants have been produced from cuttings which:
- (da) originate in an area known to be free from *Bemisia tabaci* Genn. (European populations), or
- (db) have been grown at a place of production where no signs of *Bemisia tabaci* Genn. (European populations) have been observed on official inspections carried out at least once each three weeks during the whole production period of these plants, or

(dc) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, have been grown on plants held or produced in this place of production having undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement

18.B. Plants of *Begonia* L., intended for planting, other than seeds, tubers and corms, and plants of *Ficus* L., and *Hibiscus* L., intended for planting, other than seeds, other than those for which there shall be evidence by their packing or their flower development or by other means that they are intended for sale to final consumers not involved in professional plant production

Without prejudice to the requirements applicable to the plants listed in Schedule 4, Part A, Section 1 where appropriate, official statement that:

- (a) the plants originate in an area known to be free from *Bemisia tabaci* Genn. (European populations), or
- (b) no signs of *Bemisia tabaci* Genn. (European populations) have been observed on plants at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing,

IRL, P (Alentejo, Azores, Beira Interior, Beira Litoral, Entre Douro e Minho, Madeira, Ribatejo e Oeste and Tras-os-Montes), FIN, S, UK

or

(c) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the plants held or produced in this place of production have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European population) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout the said period. The last inspection of the above weekly inspections shall be carried out immediately prior to the above movement”;

(g) Items 19 and 20 shall be deleted;

(h) for Item 20 there shall be inserted –

“20. Plants of *Beta vulgaris* L., intended for industrial processing

Official statement that:

(a) the plants are transported in such a manner as to ensure that there is no risk of spreading BNYVV, and are intended to be delivered to a processing plant with officially approved waste disposal facilities, which ensures that there is no risk of spreading BNYVV, or

(b) the plants have been grown in an area where BNYVV is known not to occur

DK, F (Brittany), IRL, P (Azores), FIN, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”;

(i) for Item 21 there shall be substituted –

“21. Soil from beet and unsterilised waste from beet (*Beta vulgaris* L.)

Official statement that soil or waste:

(a) has been treated to eliminate contamination with BNYVV, or

(b) is intended to be transported for disposal in an officially approved manner, or

DK, F (Brittany), IRL, P (Azores), FIN, S (with the exception of the District Council areas of Bromölla,

(c) comes from *Beta vulgaris* plants grown in an area where BNYVV is known not to occur. Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland.)”; and

(j) in Item 25, for the words in columns (2) and (3) there shall be substituted –

“(a) the machinery shall be cleaned and free from soil and plant debris when brought in on places of production where beets are grown, or
 (b) the machinery shall come from an area where BNYVV is known not to occur”. DK, F (Brittany), IRL, P (Azores), FIN, S (with the exception of the District Council areas of Bromölla Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland.)”.

16. In Schedule 5, Part A, Section I (Plants, plant products and other objects which are potential carriers of pests of relevance for the entire European Community and which must be accompanied by a plant passport) in Item 2(a), after the words “*Verbena* L.” there shall be inserted –

“and other plants of herbaceous species, other than plants of the family Gramineae, intended for planting, and other than bulbs, corms, rhizomes, seeds and tubers”.

17. In Schedule 5, Part A, Section II (Plants, plant products and other objects which are potential carriers of pests of relevance for certain protected zones and which must be accompanied by a plant passport valid for the appropriate zone when introduced into or moved within that zone) –

(a) for Item 1.(f) there shall be substituted –

“1.(f) Plants of *Beta vulgaris* L., intended for industrial processing”;

(b) for Item 1.(g) there shall be substituted –

“1.(g) Soil from beet and unsterilised waste from beet (*Beta vulgaris* L.)”; and

(c) for Item 2.(a) there shall be substituted –

“2.(a) Plants of *Begonia* L., intended for planting, other than corms, seeds, tubers, and plants of *Euphorbia pulcherrima* Willd., *Ficus* L., and *Hibiscus* L., intended for planting other than seeds”.

18. In Schedule 5, Part B, Section I (Plants, plant products and other objects which are potential carriers of pests of relevance for the entire European Community) –

(a) in Items 1 and 6 there shall be inserted “, South Africa” after the word “Pakistan”;

(b) in Item 2, in place of parts (a), (b), (c) and (d), there shall be substituted –

“2. – *Castanea* Mill., *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Gypsophila* L., *Pelargonium* l’Herit, ex Ait, *Phoenix* spp., *Populus* L., *Quercus* L., *Solidago* L. and cut flowers of Orchidaceae,
 – conifers (Coniferales),
 – *Acer saccharum* Marsh., originating in North American countries,
 – *Prunus* L., originating in non-European countries,
 – cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L., and *Trachelium* L., originating in non-European countries,

– leafy vegetables of *Apium graveolens* L. and *Ocimum* L.”;

(c) in Item 3(a), after “*Poncirus* Raf.,” there shall be inserted “*Momordica* L. and *Solanum melongena* L.”; and

(d) for Item 5(b) there shall be substituted –

“Soil and growing medium, attached to or associated with plants, consisting in whole or in part of material specified in (a) or consisting in part of any solid inorganic substance, intended to sustain vitality of the plants originating in:

- Turkey,
- Belarus, Estonia, Georgia, Latvia, Lithuania, Moldova, Russia, Ukraine,
- non-European countries, other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia”.

19. In Schedule 5, Part B, Section II (Plants, plant products and other objects which are potential carriers of pests of relevance for certain protected zones) –

(a) for paragraph 1 there shall be substituted –

“1. Plants of *Beta vulgaris* L., intended for industrial processing”; and

(b) for paragraph 2 there shall be substituted –

“2. Soil from beet and unsterilised waste from beet (*Beta vulgaris* L.)”.

20. In Schedule 8, Part A (Insects, mites and nematodes at all stages of their development) –

(a) in Item 6, for the words in column (3) there shall be substituted –

“Greece, Portugal (Azores)”; and

(b) after Item 12 there shall be inserted –

“12A. *Liriomyza bryoniae* Ireland, United Kingdom
(Northern Ireland)”.

21. In Schedule 8, Part B (Bacteria), in Item 2 for the words in column (3) 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, Fiesso Umbertino, 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 Palù, Roverchiara, Legnago, Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)”.

22. In Schedule 8, Part D (Virus and virus-like organisms), in Item 1 for the words in column (3) there shall be substituted –

“DK, F (Brittany), IRL, P (Azores), FIN, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 21st October 2003.

(L.S.)

David Small

A Senior Officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order.)

1. This Order amends the Plant Health Order (Northern Ireland) 1993 so as to implement:

Commission Directives 2002/36/EC (O.J. No. L116, 3.5.02, p. 16), and 2003/22/EC (O.J. No. L78, 25.3.03, p. 10) which amend various Annexes to Council Directive 2000/29/EC (O.J. No. L169, 10.7.00, p. 1) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community; and

Commission Directive 2003/21/EC (O.J. No. L78, 25.3.03, p. 8) which amends some protective zones exposed to particular plant health risks in the Community in Commission Directive 2001/32/EC (O.J. No. L127, 9.5.01, p. 38).

2. The Order also takes into account amendments required by Directives 2003/46/EC and 2003/47/EC (O.J. No. L138, 5.6.03, p. 45 and 47), which correct clerical errors in Directives 2002/36/EC and 2003/21/EC.

3. The principal changes introduced by this Order are:

- (a) addition of *Naupactus leucoloma* (Article 5) and *Anisogramma anomala* (Article 9) to the list of quarantine plant pests. It introduces specific measures for the import of *Corylus* from Canada and the United States (Article 13(a));
- (b) restriction of the quarantine provisions on *Liriomyza bryoniae* to the Protected Zones of the Republic of Ireland and Northern Ireland (Articles 4, 6, and 20(b));
- (c) restriction of the quarantine provisions on *Liriomyza huidobrensis* and *Liriomyza trifolii* to a list of host plants (Articles 4 and 8);
- (d) extension of plant passport and phytosanitary certificate requirements for certain plants or plant products in respect of *Bemisia tabaci*, *Liriomyza sativae*, *Amauromyza maculosa*, *Liriomyza huidobrensis*, *Liriomyza trifolii* and *Thrips palmi* (Articles 13(b) to (g), 14, 15(f), 16, 17(c), 18(b), (c) and (d));
- (e) amendment of the provisions against Beet necrotic yellow vein virus (Articles 15(c), (e), and (g) to (j), 17(a) and (b), and 19(a) and (b));
- (f) addition of South Africa to the list of countries where *Tilletia indica* is known to occur (Articles 13(h) and 18(a));
- (g) removal of areas in Sweden from the Protected Zones for *Beet necrotic yellow vein virus* (Articles 7, 15(c), (e), and (g) to (j), and 22) and removal of areas in Italy from the Protected Zone for *Erwinia amylovora* (Articles 11, 12 and 15(d) and 21);
- (h) restriction of the Protected Zone for *Gonipterus scutellatus* to Greece and Portugal (Azores) (Articles 10, 15(a) and 20(a)); and
- (i) inclusion of the definition of relevant international Standards for Phytosanitary Measures and details of their availability (Article 3(b)).

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