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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 415**

**PLANT HEALTH**

**Plant Health (Amendment) Order (Northern Ireland) 2004**

*Made - - - - 30th September 2004*

*Coming into operation 22nd October 2004*

The Department of Agriculture and Rural Development<sup>(1)</sup>, in exercise of the powers conferred on it by sections 2(1) and (2)<sup>(2)</sup>, 3(1)<sup>(3)</sup>, 3A<sup>(4)</sup>, 3B<sup>(5)</sup> and 4(1)<sup>(6)</sup> of the Plant Health Act (Northern Ireland) 1967<sup>(7)</sup> 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) Order (Northern Ireland) 2004 and shall come into operation on 22nd October 2004.

**Amendment of the Plant Health Order (Northern Ireland) 1993**

2.—(1) The Plant Health Order (Northern Ireland) 1993<sup>(8)</sup> shall be amended in accordance with the following paragraphs of this Article.

(2) 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<sup>(9)</sup> 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<sup>(10)</sup> of 8th

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- (1) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I. 1), Article 3(4)
- (2) 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)
- (3) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
- (4) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
- (5) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
- (6) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
- (7) 1967 c. 28 (N.I.)
- (8) 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
- (9) O.J. No. L169, 10.7.00, p. 1
- (10) 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)

May 2001, [2002/28/EC\(11\)](#) of 19th March 2002, [2002/36/EC\(12\)](#) of 29th April 2002, [2003/22/EC\(13\)](#) of 24th March 2003, [2003/47/EC\(14\)](#) of 4th June 2003 and by [2003/116/EC\(15\)](#) of 4th December 2003, [2004/31/EC\(16\)](#) of 17th March and [2004/70/EC\(17\)](#) of 29th April 2004 amending certain annexes to Council Directive [2000/29/EC](#);”;

(b) for the definition of “the Euro-Mediterranean area” there shall be substituted the following:

““the Euro-Mediterranean area” means the geographical area comprising Europe, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia and Turkey;”;

(c) for the definition of “Europe” there shall be substituted the following:

““Europe” includes the Canary Islands and Belarus, Moldova, the Ukraine and Russia (excluding the Regions of Buryat, Yakut and Tuva, the Altai, Khabarovsk, Drasnoyarsk and Maritime Krai and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts) but does not include Turkey;”;

(d) “plant passport” means either:

- (i) a label and, where appropriate, an accompanying document containing the relevant information in Schedule 9 which gives evidence that the provisions of this Order relating to plant health standards and special requirements for plants and plant products moving within the European Community have been complied with, or
- (ii) a Swiss plant passport, as defined in Article 7A(2);”.

(3) In Article 4 in the first sentence of paragraph (1) for the word “There” there shall be substituted:

“Subject to Article 7A, there”.

(4) In Article 5 in the first sentence of paragraph (1) for the phrase “Subject to paragraph (5)” there shall be substituted:

“Subject to Article 7A and paragraph (5)”.

(5) In Article 7 (1)(e) there shall be substituted:

“Subject to Article 7A, a person shall not introduce into a protected zone which is listed in column (4) of Part B of Schedule 4, any plant, plant product or other object specified opposite thereto in column (2) of that Part unless it fulfils the conditions specified in column (3) opposite that reference.”.

(6) In Article 7 in the first sentence for the phrase “Subject to the provisions of this Order” there shall be substituted:

“Subject to Article 7A and the other provisions of this Order”.

(7) After Article 6 there shall be inserted the following:

**“European Community trade arrangements with Switzerland**

**7A.**—(1) This Article applies only in relation to plants, plant products and other objects which:

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(11) 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)  
 (12) O.J. No. L116, 3.5.03 p. 16  
 (13) O.J. No. L78, 25.3.03, p. 10  
 (14) O.J. No. L138, 5.6.03 p. 47  
 (15) O.J. No. L321, 6.12.03 p. 36  
 (16) O.J. No. L85, 23.03.04 p. 18  
 (17) O.J. No. L127, 29.04.04 p. 97

- (a) are listed in Schedule 5A, Part A and which are accompanied by a Swiss plant passport, or
  - (b) are listed in Schedule 5A, Part B.
- (2) For the purposes of this Order, a Swiss plant passport means a label and, where appropriate, an accompanying document, validly issued in Switzerland which:
- (i) contains information that gives evidence that the legislation in Switzerland relating to plant health standards and special requirements for plants and plant products moving into and within Switzerland have been complied with; and
  - (ii) relates to a plant, plant product or other listed in Schedule 5A, Part A.
- (3) The following shall in relation to any plants, plant products and other objects for which a Swiss plant passport has been issued, be deemed to have been met by that issue:
- (a) in Article 4, paragraph (1), sub-paragraph (e), the requirements that any plant, plant product or other object which is of a description specified in the first column of Section 1 of Part A of Schedule 4 satisfies the special requirements specified in the second column of that section opposite the reference to that description of plant, plant product or other object;
  - (b) in Article 4, paragraph (1), sub-paragraph (f), the requirement that any plant, plant product or other object which is of a description specified in Section 1 of Part B of Schedule 5 has been the subject of a satisfactory plant health inspection by an authorised officer in the country of origin or the consignor country and is accompanied by a valid phytosanitary certificate;
  - (c) in Article 5, paragraph (1), sub-paragraph (d), the requirement that any plant, plant product or other object is of a description specified in the first column of Section 2 of Part A of Schedule 4 satisfies the special requirements specified in the second column of that section opposite the reference to that description of plant, plant product or other object;
  - (d) in Article 5, paragraph (1), sub-paragraph (e), the requirement that any plant, plant product or other object which is of a description specified in Section 1 of Part A of Schedule 5 and which requires a plant passport has been subject of a satisfactory plant health inspection at the place of production;
  - (e) in Article 6, paragraph (1)(e), the requirement that any plant, plant product or other object of a description specified in the first column of Part B of Schedule 4 has complied with the conditions specified in the second column of that Part in relation to that plant, plant product or other object; and
  - (f) in Article 7, paragraph (d), the requirement that any plant, plant product or other object of a description specified in the first column of Part B of Schedule 4 has complied with the relevant conditions specified in the second column of that Part.”.
- (8) In Schedule 1, Part B, Section A (Insects, Mites and Nematodes, at all stages of their development) –
- (a) for Item 1A there shall be substituted the following:

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“1a	<i>Daltulosphaia vitifollae</i> (Fitch)	CY
1b	<i>Globodera pallida</i> (Stone) Behrens	FI, LV, SI, SK”;

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- (b) in Item 2 for the wording in the second column there shall be substituted the following:

“E (Ibiza and Menorca), IRL, P (Azores and Maderia), FI (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Usimaa), S (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), UK, CY, M”;

(9) In Schedule 1, Part B, Section B (Virus and Virus-Like Organisms) in Item 1 for the wording in the second column there shall be substituted the following:

“DK, F (Brittany), FIN, IRL, LT, P (Azores), UK (Northern Ireland)”.

(10) In Schedule 2, Part A, Section A (Insects, Mites and Nematodes, at all stages of their development) Item 20 shall be deleted.

(11) In Schedule 2, Part A, Section A (Insects, Mites and Nematodes, at all stages of their development) after Item 12 there shall be inserted the following:

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“12a.	<i>Eotetranychus Orientalis</i> Klein	Plants of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf. and their hybrids, other than fruit and seeds”.
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(12) In Schedule 2, Part A, Section B (Bacteria) in Item 5 for the wording in the second column there shall be substituted the following:

“Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds”.

(13) In Schedule 2, Part B(a) (Insects, Mites and Nematodes, at all stages of their development) in Item 5 for the wording in the third column there shall be substituted the following:

“EL, P (Azores)”.

(14) In Schedule 2, Part B Section B (Bacteria) for Item 2 there shall be substituted the following:

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“2. <i>Erwinia amylovora</i> (Burr.) Winsl. et al.	Parts of plants, other than fruit, seeds and plants intended for planting, but including live pollen for pollination of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L.	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; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Cenese, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano,
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Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, 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), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)”.

(15) In Schedule 2, Part B, Section D (Viruses and Virus-Like Organisms) for the wording in the third column there shall be substituted the following:

“EL, F (Corsica), I, M, P”.

(16) In Schedule 3, Part A (Plants, plant products and other objects which may not be landed if they originate in certain countries) –

(a) in Item 7 the words “Cyprus,” and “Malta,” in the second column shall be deleted;

(b) in Item 9 the words “Estonia, Latvia, Lithuania,” and “Cyprus,” and “Malta,” shall be deleted;

(c) in Item 10 for the wording in the second column there shall be substituted the following:

“Third countries other than Switzerland”.

(17) In Schedule 3, Part B (Plants, plant products and other objects which may not be introduced into or kept within certain protected zones), for Item 1 there shall be substituted the following:

“1. Without prejudice to the prohibitions applicable to the plants listed in Schedule 3A(4), (4A) and (13), where appropriate, plants and live pollen for pollination of: *Amelanchier* Med., *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., other than fruit and seeds, originating in third countries other than Switzerland and other than those recognised as being free from *Erwinia amylovora* (Burr.) Winsl. et al. in accordance with the relevant International Standards for Phytosanitary Measures.

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; Trentino-Alto Adige: autonomous province of Trento; Tuscany; 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, Lusia, 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), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FIN, UK (Northern Ireland, Isle of Man and Channel Islands).

2. Without prejudice to the prohibitions applicable to the plants listed in Schedule 3A(4), (4A) and (13), where appropriate, plants and live pollen for pollination of: *Cotoneaster* Ehrh. and *Photinia davidiana* (Dcne.) Cardot, other than fruit and seeds, originating in third countries other than those recognised as being free from *Erwinia amylovora* (Burr.) Winsl. et al. in accordance with the relevant International Standards for Phytosanitary Measures.

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; Trentino-Alto Adige: autonomous province of Trento; Tuscany; 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, Lusia, 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), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)”.’

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(18) In Schedule 4, Part A, Section 1 (Plants, plant products and other objects originating outside the European Community) –

(a) for Item 17 there shall be substituted the following:

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“17. Plants of *Amelanchier* Med., Without prejudice to the provisions applicable to the plants listed in Schedule 3 *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* (Part A) Items (4), (4A) and (13), Schedule 3

- Lindl., *Malus* Mill., *Mespilus* L., (Part B) Item (1) or Schedule 4 (Part A) *Photinia davidiana* (Dcne.) Cardot, (Section 1) Items (1) and (15).  
*Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds
- (a) that the plants originate in countries recognised as being free from *Erwinia amylovora* (Burr.) Winsl. et al., or
  - (b) that the plants originate in pest free areas which have been established in relation to *Erwinia amylovora* (Burr.) Winsl. et al. in accordance with the relevant International Standards for Phytosanitary Measures, or
  - (c) that the plants in the field of production and in its immediate vicinity, which have shown symptoms of *Erwinia amylovora* (Burr.) Winsl. et al., have been removed.”;

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- (b) for Item 47 for the wording in the left-hand column there shall be substituted the following:

“Soil and growing medium attached to or associated with plants, consisting in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark or any solid inorganic substance, intended to sustain the vitality of the plants, originating in:

- Turkey
- Belarus, Georgia, Moldavia, Russia, Ukraine
- non-European countries other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia”;

- (c) for Item 67A for the wording in the left-hand column there shall be substituted the following:

“Seeds of the genera *Triticum*, *Secale* and *X Triticosecale* from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA where *Tilletia indica* Mitra is known to occur”

- (d) for Item 67B for the wording in the left-hand column there shall be substituted the following:

“Grain of the genera *Triticum*, *Secale* and *X Triticosecale* from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA where *Tilletia indica* Mitra is known to occur”;

- (19) In Schedule 4, Part A, Section II (Plants, plant products, and other objects originating in the European Community) in Item 6 for the wording in the first column there shall be substituted the following:

“Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds”.

- (20) In Schedule 4, Part B, Conditions to be met before plants, plant products and other objects may be introduced into or moved within certain protect zones –

- (a) in Item 12 for the wording in the third column there shall be substituted the following:

“EL, P (Azores)”;

- (b) in Items 13, 14, 16, 17, 20, 21, 22, 22A and 25 for the wording in the third column there shall be substituted in respect of each Item the following:

“DK, F (Brittany), FIN, IRL, LT, P (Azores), UK (Northern Ireland)”;

(c) in Item 14A, for the wording in the third column there shall be substituted the following:

“FIN, LV, SI, SK”;

(d) for Item 15 there shall be substituted the following:

<p>“15. Plants and live pollen for pollination of: <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., other than fruit and seeds</p>	<p>Without prejudice to the prohibitions applicable to the plants listed in Schedule 3 (Part A) Items (4) and (13) and Schedule 3 (Part B) Item (1), where appropriate, official statement that:</p> <p>(a) the plants originate in third countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al., or</p> <p>(b) the plants originate in pest free areas in third countries which have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with the relevant International Standards for Phytosanitary Measures, or</p> <p>(c) the plants originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Ticino, Vaud, Valais, or</p> <p>(d) the plants originate in the protected zones listed in the third column in relation to this Item, or</p> <p>(e) the plants have been produced, or, if moved into a buffer zone have been kept and maintained for a period of at least 7 months including the period</p>	<p>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; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FIN, UK (Northern</p>
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- from 1st April to 31st October of the last complete cycle of vegetation, on a field:
- Ireland, Isle of Man and Channel Islands).
- (i) located at least 1 km inside the border of an officially designated buffer zone of at least 50 km<sup>2</sup> where host plants are subject to an officially approved and supervised control regime established at the latest before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, with the object of minimising the risk of *Erwinia amylovora* (Burr.) Winkl. et al. being spread from the plants grown there,
  - (ii) which has been officially approved, as well as the buffer zone, before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, for the cultivation of plants under the requirements laid down in this Item, and
  - (iii) which, as well as the surrounding zone of a width of at least 500 m, has been found

free from *Erwinia amylovora* (Burr.) Winsl. et al. since the beginning of the last complete cycle of vegetation, at official inspections carried out at least twice in the field at the most appropriate time, and

- (iv) from which plants were officially tested for latent infections in accordance with an appropriate laboratory method on samples officially drawn during one of the periods described in subparagraph (iii).

Between 1st April 2004 and 1st April 2005, these provisions shall not apply to plants moved into and within the protected zones listed in the third column in relation to this Item which have been produced and maintained on fields located in officially designated buffer zones in accordance with the relevant requirements applicable before 1st April 2004.

<b>15.1</b>	From 15th March to 30th June, beehives	There shall be documented evidence that the beehives:	
		(a) originate in third countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al., or	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;
		(b) originate in one of the following Cantons of Switzerland: Berne (with the exceptions of	Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige; autonomous province of

- the districts of Signau and Trachselwald), Fribourg, Grisons, Ticino, Vaud, Valais, or
- (c) originate in the protected zones listed in the third column in relation to this Item, or
- (d) have undergone an appropriate quarantine measure before being moved.
- For the purposes of these provisions:
- (i) “beehive” means a beehive which contains one or more bees of a species known to be susceptible to spreading *Erwinia amylovora* (Burr.) Winsl. et al.; and
- (ii) “documented evidence” means a certificate duly completed either in the form set out in Schedule 16 or the equivalent written in a language other than English.
- Trento; Tuscany; 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, Castalguglielmo, 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), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)

**15.2** Plants of *Vitis* L., other than fruit and seeds

- Without prejudice to the prohibitions applicable to the plants listed in Schedule 3 (Part A) Item (10), official statement that the plants:
- (a) originate in an area known to be free from *Daktulosphaira vitifoliae* (Fitch), or
- (b) have been grown at a place of production which has been found free from *Daktulosphaira vitifoliae* (Fitch) on

CY

- official inspections carried out during the last two complete cycles of vegetation, or
- (c) have been subject to fumigation or other appropriate treatment against *Daktulosphaira vitifoliae* (Fitch).

15.3 Fruits of Vitis L. (1) The fruits shall be free from leaves, and

(2) official statement that the fruits:

- (a) originate in an area known to be free from *Daktulosphaira vitifoliae* (Fitch), or
- (b) have been grown at a place of production which has been found free from *Daktulosphaira vitifoliae* (Fitch) on official inspections carried out during the last two complete cycles of vegetation, or
- (c) have been subject to fumigation or other appropriate treatment against *Daktulosphaira vitifoliae* (Fitch).

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(e) for Item 26 there shall be substituted the following:

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“26. Fruits of *Citrus* L, *Fortunella* Swingle, *Poncirus* Raf and their hybrids originating in E, F (except Corsica) and CY Without prejudice to the requirements applicable to the fruit in Schedule 4AII (34):

(a) the fruits shall be free from leaves and peduncles, or

(b) in the case of fruits with leaves or peduncles, official statement that the fruits are packed in closed containers

EL, F (Corsica), I, M, P”.

which have been  
officially sealed and  
shall remain sealed  
during their transport  
through a protected  
zone, recognised for  
these fruits, and shall  
bear a distinguishing  
mark to be reported on  
the passport.

(21) In Schedule 5, Part A, Plants, Plant Products and Other Objects Originating in the European Community –

(a) under Section I, for Item 1(a) there shall be substituted the following:

(a) Plants, intended for planting, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Prunus* L., other than *Prunus laurocerasus* L. and *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.”;

(b) under Section II, for Items 1 (c) and 1 (d) there shall be substituted the following:

(c) Plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Eucalyptus* L'Herit., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.

(d) Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.”;

(c) under Section II, in Item 1 (i) after the words “unginned cotton” there shall be inserted the following:

“, fruits of *Vitis* L.”.

(22) In Schedule 5, Part B (Plants, Plant Products and Other Objects which are potential carriers of pests of relevance for the entire European Community) –

(a) under Section I, for Item 1 after the word “India,” there shall be inserted the word “Iran”;

(b) under Section I, for Item 2 there shall be substituted the following:

“Parts of plants, other than fruits and seeds of:

(a) *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,

(b) conifers (*Coniferales*),

(c) *Acer saccharum* Marsh., originating in North American countries,

(d) *Prunus* L., originating in non-European countries,

(e) cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. and *Trachelium* L., originating in non-European countries,

(f) leafy vegetables of *Apium graveolens* L. and *Ocimum* L.”;

(c) under Section I, for Item 5(b) there shall be substituted the following:

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

- Turkey
- Belarus, Georgia, Moldavia, Russia, Ukraine
- non-European countries other than Algeria, Egypt, Israel, Libya, Morocco, Tunisia”;

(d) under Section I, for Item 6 after the word “India,” there shall be inserted the word “Iran”;

(e) under Section II, for Items 3 and 4 there shall be substituted the following:

“3. Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.

4. Parts of plants, other than fruit and seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.”;

(f) under Section II, after Item 6 there shall be inserted the following:

“6a. Fruits of *Vitis* L.”.

(23) After Schedule 5, there shall be inserted the following:

“SCHEDULE 5A

Articles 3(1) and 7A

## EUROPEAN COMMUNITY TRADE ARRANGEMENTS WITH SWITZERLAND

### PART A

PLANTS, PLANT PRODUCTS AND OTHER OBJECTS FOR WHICH THE  
COMMUNITY AND SWITZERLAND HAVE SIMILAR LEGISLATION LEADING  
TO EQUIVALENT RESULTS AND WHICH RECOGNISE THE PLANT PASSPORT

#### SECTION I

***Plants, plant products and other objects, originating in either the  
Community or Switzerland, for which both parties have similar legislation  
leading to equivalent results and which recognise the plant passport***

1. Plants and plant products

1.1 Plants intended for planting, not including seeds

*Beta vulgaris* L.

*Humulus lupulus* L.

*Prunus* L., other than *Prunus laurocerasus* L. and *Prunus lusitanica* L.

1.2 Plants not including fruit or seeds, but including live pollen for pollination

*Chaenomeles* Lindl.

*Crataegus* L.

*Cydonia* Mill.

*Eriobotrya* Lindl.

*Malus* Mill.

*Mespilus* L.

*Pyracantha* Roem.

*Pyrus* L.

*Sorbus* L. other than *Sorbus intermedia* (Ehrh) Pers.

1.3 Plants of stoloniferous and tuberous species intended for planting

*Solanum* L. and hybrids thereof

1.4 Plants not including fruit

*Vitis* L.

2. Plants, plant products and other objects produced by producers whose production and sale is authorised to persons professionally engaged in plant production, other than those plants, plant products and other objects which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official bodies of the Member States and Switzerland, that the production thereof is clearly separate from that of other products

2.1 Plants intended for planting, other than seeds

*Abies* Mill.

*Apium graveolens* L.

*Argyranthemum* L.

*Aster* spp.

*Brassica* L.

*Castanea* Mill.

*Cucumis* spp.

*Dendranthema* (DC) Des Moul.

*Dianthus* L. and hybrids

*Exacum* L.

*Fragaria* L.

*Gerbera* Cass.

*Gypsophila* L.

all varieties of New Guinea hybrids of *Impatiens* L.

*Lactuca* L.

*Larix* Mill.

*Leucanthemum* L.

*Lupinus* L.

*Pelargonium* l'Herit ex Ait.

*Picea* A Dietr.

*Pinus* L.

*Platanus* L.

*Populus* L.

*Prunus laurocerasus* L.

*Prunus lusitanica* L.

*Pseudotsuga* Carr.

*Quercus* L.

*Rubus* L.

*Spinacia* L.

*Tanacetum* L.

*Tsuga* Carr.

*Verbena* L.

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

2.2 Plants of *Solanaceae*, other than those referred to in Item 1.3, intended for planting, other than seeds.

2.3 Plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp and *Strelitziaceae*, rooted or with growing medium attached or associated.

2.4 Seeds and bulbs of *Allium ascalonicum* L, *Allium cepa* L and *Allium schoenoprasum* L intended for planting and plants of *Allium porrum* L intended for planting.

2.5 Bulbs and bulbous rhizomes intended for planting

*Camassia* Lindl.

*Chionodoxa* Boiss.

*Crocus flavus* Weston “Golden Yellow”

*Galanthus* L.

*Galtonia candicans* (Baker) Decne

miniature cultivars and their hybrids of the genus *Gladiolus* Tourn ex L., such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* Hort, *Gladiolus ramosus* Hort and *Gladiolus tubergenii* Hort.

*Hyacinthus* L.

*Iris* L.

*Ismene* Herbert

*Muscari* Mill.

*Narcissus* L.

*Ornithogalum* L.

*Puschkinia* Adams

*Scilla* L.

*Tigridia* Juss.

*Tulipa* L.

SECTION II



***Plants, plant products and other objects originating in third countries other than Switzerland for which the plant health provisions of both parties relating to imports lead to equivalent results and which may be traded between them with a plant passport***

1. Plants, not including seeds

All plants for planting, not including seeds, listed under Part A(I) of this Schedule.

2. Seeds

*Allium ascalonicum* L.,

*Allium cepa* L.,

*Allium schoenoprasum* L.

3. Parts of plants, not including fruit or seeds

*Dendranthema* (DC) Des Moul.

*Dianthus* L.

*Gypsophila* L.

*Pelargonium* L'Hérit. ex Ait.

*Populus* L.

*Prunus* L., originating in non-European countries

*Quercus* L.

## PART B

PLANTS, PLANT PRODUCTS AND OTHER OBJECTS FOR WHICH THE COMMUNITY AND SWITZERLAND HAVE SIMILAR LEGISLATION LEADING TO EQUIVALENT RESULTS AND WHICH MAY BE TRADED WITHOUT A PLANT PASSPORT

### SECTION I

***Plants, plant products and other objects originating in third countries other than Switzerland for which the plant health provisions of both parties relating to imports lead to equivalent results and which may be traded between them freely***

1. Plants

All plants intended for planting, not including seeds, other than those listed in Part A of this Schedule and:

*Clausena* Burm. f.,

*Murraya* Koenig ex L.

*Palmae*, not including *Phoenix* spp. originating in Algeria or Morocco

2. Seeds

2.1 Seeds originating in Argentina, Australia, Bolivia, Chile, New Zealand and Uruguay

*Cruciferae*

*Gramineae*, other than *Oryza* spp.

*Trifolium* spp.

2.2 Seeds originating in third countries other than Switzerland

*Allium porrum* L.

*Capsicum* spp.

*Helianthus annuus* L.

*Lycopersicon lycopersicum* (L.) Karsten ex Farw

*Medicago sativa* L.

*Phaseolus* L.

*Prunus* L.

*Rubus* L.

*Zea mays* L.

### 2.3 Seeds originating in Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa and the United States

*Triticum*

*Secale*

*X Triticosecale*

### 3. Parts of plants, not including fruit or seeds

*Acer saccharum* Marsh, originating in North American countries

leafy vegetables of *Apium graveolens* L.

cut flowers of *Aster* spp.

cut flowers of *Eryngium* L., originating in non-European countries

cut flowers of *Hypericum* L., originating in non-European countries

cut flowers of *Lisianthus* L., originating in non-European countries

leafy vegetables of *Ocimum* L.

cut flowers of *Orchidaceae*

cut flowers of *Rosa* L., originating in non-European countries

*Solidago* L.

cut flowers of *Trachelium* L., originating in non-European countries

### 4. Fruit

*Annona* L., originating in non-European countries

*Cydonia* Mill., originating in non-European countries

*Diospyros* L., originating in non-European countries

*Malus* Mill., originating in non-European countries

*Mangifera* L., originating in non-European countries

*Momordica* L.

*Passiflora* L., originating in non-European countries

*Prunus* L., originating in non-European countries

*Psidium* L., originating in non-European countries

*Pyrus* L., originating in non-European countries

*Ribes* L., originating in non-European countries

*Solanum melongena* L.

*Syzygium* Gaertn., originating in non-European countries

*Vaccinium* L., originating in non-European countries

## 5. Tubers other than for planting

*Solanum tuberosum* L.

## 6. Soil and growing medium

- (a) Soil and growing medium as such, which consists in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark, other than that composed entirely of peat.
- (b) Soil and growing medium, attached to or associated with plants, consisting in whole or in part of material specified in (a) or consisting in whole or in part of peat or of any solid inorganic substance intended to sustain the vitality of the plants, originating in
- Turkey,
  - Belarus, Moldova, Russia, Ukraine, Georgia
  - non-European countries other than Algeria, Egypt, Israel, Libya, Morocco and Tunisia.

## 7. Cereals

Grain of the genera *Triticum*, *Secale* and *X Triticosecale* originating in Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA”.

- (24) In Schedule 8, Part A, (Insects, Mites and Nematodes, at all stages of their development) –
- (a) after Item 3 there shall be inserted the following:

“3a	<i>Daktulosphaira vitifoliae</i> (Fitch).	CY”
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- (b) in Item 5a, for the wording in the second column there shall be substituted the following:  
“Finland, Latvia, Slovenia, Slovakia”;
- (c) in Item 6, for the wording in the second column there shall be substituted the following:  
“Greece, Portugal (Azores)”;
- (d) in Item 12, for the wording in the second column there shall be substituted the following:  
“Spain (Ibiza and Menorca), Ireland, Portugal (Azores and Madeira), Finland (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), Sweden (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), United Kingdom, Cyprus, Malta”.

- (25) In Schedule 8, Part B (Bacteria) in Item 2 for the wording in the second column there shall be substituted the following:

“Spain, France (Corsica), Ireland, Italy (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; 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, Castalguglielmo, 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 Austria (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria,

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Vienna), Portugal, Finland, United Kingdom (Northern Ireland, Isle of Man and Channel Islands), Latvia, Lithuania, Slovakia, Slovenia”.

(26) In Schedule 8, Part D, (Virus and Virus-Like Organisms) –

(a) in Item 1 for the wording in the second column there shall be substituted the following:

“Denmark, France (Brittany), Ireland, Lithuania, Portugal (Azores), Finland, United Kingdom (Northern Ireland)”;

(b) in Item 4 after the word “Portugal,” there shall be inserted the word “Malta”.

(27) After Schedule 15, there shall be inserted the following:

“SCHEDULE 16

Schedule 4, Part B, point 15

EUROPEAN COMMUNITY HEALTH CERTIFICATE FOR MOVEMENT OF BEES (BEEHIVES) INTO PROTECTED ZONES FOR *ERWINIA AMYLOVORA* (BURR.) WINSL. ET AL

**EUROPEAN COMMUNITY HEALTH CERTIFICATE FOR MOVEMENT OF BEES  
(BEEHIVES) INTO PROTECTED ZONES FOR *ERWINIA AMYLOVORA* (BURR.)  
WINSL. ET AL**

1. Member State of origin and competent authority	2.1 Health certificate No.	Original <input type="checkbox"/>
	2.2 CITES certificate No. (where applicable)	Copy <input type="checkbox"/>

**A. ORIGIN OF THE COLONIES OF BEES (BEEHIVES)**

3. Name and address of the holding of origin	4. Name and address of the consignor
5. Place of loading	6. Means of transport

**B. DESTINATION OF THE COLONIES OF BEES (BEEHIVES)**

7. Member State of destination	8. Name and address of the holding of destination
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9. Name and address of the consignee

**C. IDENTITY OF THE COLONIES OF BEES (BEEHIVES)**

	Number of hives	11. Species	12. Batch identification
10.1			
10.2			
10.3			

**D. INFORMATION IN CONNECTION WITH THE MOVEMENT OF BEEHIVES INTO FIREBLIGHT PROTECTED ZONES OF THE EUROPEAN COMMUNITY**

13. I the undersigned certify that for the purposes of movement into or within a protected zone as defined by Schedule 8(b)(2) of the Plant Health Order 1993 the beehives contained in this consignment:

- (i) originate in one of the:  
 third countries (please specify \_\_\_\_\_),  
 Cantons of Switzerland (please specify \_\_\_\_\_), or  
 protected zones (please specify \_\_\_\_\_),  
 listed in Schedule 4, Part B, point 21.3 of that Order;

or

- (ii) have undergone an appropriate quarantine measure as required by Schedule 4, Part B, point 21.3 of that Order.

Please indicate as appropriate.

**E. VALIDITY**

Date and Place	Name and qualification of the undersigned (approved veterinarian/approved official)	Signature of the approved veterinarian/ approved official and stamp".
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Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th September 2004.

L.S.

*David Small*  
A senior officer of the  
Department of Agriculture and Rural  
Development

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

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

(1) Commission Directive [2003/116/EC](#) (O.J. No. L321, 6.12.2003, p. 36) which amends certain Annexes to Council Directive [2000/29/EC](#) (O.J. No. L169, 10.7.2000, p. 1) as regards the harmful organism *Erwinia amylovora* (Burr.) Winsl. et al.;

(2) Commission Directive [2004/31/EC](#) (O.J. No. L85, 23.3.2004, p. 18) which amends certain Annexes to Council Directive [2000/29/EC](#) (O.J. No. L169, 10.7.2000, p. 1) as regards the harmful organism *Erwinia amylovora* (Burr.) Winsl. et al. and in other respects;

(3) Commission Directive [2004/32/EC](#) (O.J. No. L85, 23.3.2004, p. 24) which amends certain protected zones exposed to particular plant health risks in the Community in Commission Directive [2001/32/EC](#) (O.J. No. L127, 9.5.2001, p. 38);

(4) Commission Directive [2004/70/EC](#) (O.J. No. L127, 29.4.2004, p. 97) which amends certain Annexes to Council Directive [2000/29/EC](#) (O.J. No. L169, 10.7.2000, p. 1);

(5) The Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (O.J. No. L236, 23.11.2003, p. 17) and the Act concerning the conditions of accession and the adjustments to the Treaties on which the European Union is founded (O.J. No. L236, 23.11.2003, p. 33) insofar as they relate to matters covered by the Plant Health (Northern Ireland) Order 1993; and

(6) Commission Decision [2004/278/EC](#) (O.J. No. L87, 25.3.2004, p. 31) on the Community position on the amendment of the Appendices to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade and agricultural products.

The principal changes to the Plant Health Order (Northern Ireland) Order 1993 introduced by this Order are as follows –

- (a) amendment of the definition of “Directive [2000/29/EC](#)” so as to incorporate amendments made to it by Directives [2003/116/EC](#), [2004/31/EC](#) and [2004/70/EC](#) (Article 2(2));
- (b) amendment of the definition of “the Euro-Mediterranean area” and “Europe” to remove the references to Cyprus, Malta, Estonia, Latvia and Lithuania as non-member States (Article 2(2));
- (c) amendment of the definition of “plant passport” to include plant passports issued in Switzerland in accordance with Swiss legislation in relation to the plant, plant products and other objects specified in Schedule 5A (Article 2(2));
- (d) amendment of Articles 3, 4, 5(4) and 6 to subject them to the European Community trade arrangements in relation to Switzerland in Article 7A (Articles 2(3), (4), (5) and (6));
- (e) insertion of a new Article 7A and a new Schedule 5A which exempt plant, plant products and other objects listed in Schedule 5A, Part A and accompanied by a valid plant passport issued in Switzerland and plant, plant products and other objects listed in Schedule 5A, Part B from various requirements under the Order, namely:
  - (i) Article 3, paragraph (1), sub-paragraphs (c), (d) and (e);

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- (ii) Article 4, paragraph (1), sub-paragraphs (c), (d) and (e);
- (iii) Article 5, paragraph (4); and
- (iv) Article 6, paragraphs (c) and (d) (Articles 2(7) and (23));
- (f) amendment of the Protected Zone for *Globodera pallida* (Stone) Behrens to include Latvia, Slovakia and Slovenia (Article 2(8)(a), (20)(c) and (24)(b));
- (g) establishment of a new Protected Zone for *Daktulosphaira vitifoliae* (Fitch) in Cyprus and corresponding amendments to the plant passport arrangements in respect of *Vitis* L. (Article 2(8)(a), (20)(d) and (24)(a));
- (h) amendment of the Protected Zone for *Leptinotarsa decemlineata* Say to include Cyprus and Malta (Article 2(8)(b) and (24)(d));
- (i) amendment of the Protected Zone for beet necrotic yellow vein virus to include Lithuania and to exclude Sweden (Article 2(9), (20)(b) and (26)(a));
- (j) removal of *Eotetranychus orientalis* Klein from the list of plant pests not known to occur in the Community and relevant for the entire Community and placement in the list of plant pests known to occur in the Community and relevant for the entire Community (Article 2(10) and 2(11));
- (k) amendment of the Protected Zone for *Gonipterus scutellatus* Gyll to include Greece and to limit the application in relation to Portugal to the Azores only (Article 2(13), (20)(a) and (24)(c));
- (l) amendment of the Protected Zone for *Erwinia amylovora* (Burr.) Winsl. et al. to include Lithuania, Latvia, Slovenia and Slovakia (Article 2(14), (17), (20)(d) and (25));
- (m) amendment of the Protected Zone for Citrus tristeza virus to include Malta (Article 2(15), (20)(e) and (26)(b));
- (n) removal of Switzerland from the list of third countries from which the introduction into England of plants of *Vitis* L. other than fruit is prohibited (Article 2(16)(c));
- (o) removal of Cyprus, Malta, Estonia, Latvia and Lithuania and Algeria and the addition of Georgia to the list of countries that are subject to soil and growing medium requirements (Article 2(18) and (22)(c));
- (p) amendment of Schedule 5, Part B, heading I, point 2 to include the relevant plant products of the species referred to in that point (Article 2(22)(b));
- (q) various amendments in respect of *Erwinia amylovora* (Burr.) Winsl. et al., as follows:
  - (i) an amendment to the list of host plants capable of spreading *Erwinia amylovora* (Burr.) Winsl. et al. to include *Amelanchier* Med., *Photinia davidiana* (Dcne.) Cardot and all species of *Sorbus* L. (Article 2(12), (14), (17), (18), (19), (20)(d), (21)(a), (b) and (22)(e));
  - (ii) amendments to the provisions on “buffer zones” (Article 2(20)(d));
  - (iii) restrictions on the movement of beehives (Article 2(20)(d) and (27));
  - (iv) removal of Switzerland from the list of third countries prohibited from introducing plants and live pollen for pollination of plants capable of spreading *Erwinia amylovora* (Burr.) Winsl. et al., except in relation to *Cotoneaster* Ehrh. and *Photinia davidiana* (Dcne.) Cardot (Article 2(16)(c), (17) and (20)(d));
- (r) removal of references to Cyprus, Estonia, Latvia, Lithuania and Malta as third countries (Article 2(16)(a) and (b), (18) and (22)(c));
- (s) addition of Iran to the list of countries where *Tilletia indica* Mitra is known to occur and for which special requirements must be met for the introduction and movement into and



within Great Britain of seeds and grain of the genera *Triticum*, *Secale* and *X Triticosecale* (Article 2(18), (22)(a) and (d)).

The principal changes to the Plant Health (*Phytophthora ramorum*) Order (Northern Ireland) 2003 are as follows –

- (a) amendment of the definition of “plant passport” to include plant passports issued in Switzerland in accordance with Swiss legislation in relation to *Rhododendron* spp. L., other than *Rhododendron simsii* Planch., or *Viburnum* spp. L. originating in any country (Article 3(2));
- (b) amendment of the provisions on imports of susceptible material from the USA and the movement of susceptible material originating in third countries to permit such imports and such movements of *Rhododendron* spp. L., other than *Rhododendron simsii* Planch., or *Viburnum* spp. L. if the material concerned is accompanied by a plant passport issued in Switzerland (Article 3(3) and (4));
- (c) various consequential amendments to apply the arrangements for recognition of Swiss plant passports for *Rhododendron* spp. L., other than *Rhododendron simsii* Planch., or *Viburnum* spp. L. (Articles 3(5), (6), (7), (8) and (9)).