

2008 No. 205

PLANT HEALTH

The Plant Health (Amendment) Order (Northern Ireland) 2008

Made - - - - *7th May 2008*

Coming into operation - *30th June 2008*

The Department of Agriculture and Rural Development(a) makes the following Order in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act (Northern Ireland) 1967(b) and paragraph 1A of Schedule 2 to the European Communities Act 1972(c).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department that it is expedient for the references to certain Decisions contained in the Order to be construed as references to those Community instruments as amended from time to time.

Citation and commencement

1. This Order may be cited as the Plant Health (Amendment) Order (Northern Ireland) 2008 and shall come into operation on 30th June 2008.

Amendment of the Plant Health Order (Northern Ireland) 2006

2. The Plant Health Order (Northern Ireland) 2006(d) is amended in accordance with Articles 3 to 7.

Prevention of the introduction into and spread within the European Community of *Rhynchophorus ferrugineus* (Olivier)

3.—(1) In Article 2(1), at the appropriate place insert—

““Decision 2007/365/EC” means Commission Decision 2007/365/EC on emergency measures to prevent the introduction into and the spread within the Community of *Rhynchophorus ferrugineus* (Olivier)(e), as amended from time to time;”.

(2) In Part A of Schedule 1, after item 34 of “Insects, mites and nematodes” add—

“35. *Rhynchophorus ferrugineus* (Olivier)”.

(3) In Part A of Schedule 4, after item 58 insert—

(a) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Art. 3(4).
(b) 1967 c. 28 (N.I.). Sections 2(1) and 3(1) were amended by S.R. & O. (N.I.) 1972 No. 351, Article 3 and Schedule 2, paragraph 1.
(c) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and enables subordinate legislation to provide for references in that legislation to European Community instruments to be construed as references to those instruments as amended from time to time.
(d) S.R. 2006 No. 82; relevant amendments have been made by S.R. 2006 No. 435 and S.R. 2007 No. 483.
(e) O.J. No. L 139, 31.5.2007, p. 24

“58a. Plants, other than fruit or seeds, having a diameter of the stem at the base of over 5cm of the species listed in Article 1(b) of Decision 2007/365/EC originating in any third country

Without prejudice to the requirements in item 58, the plants, including those collected from natural habitats, shall be accompanied by an official statement that the plants meet the requirements of paragraph (a), (b) or (c) of point 1 of Annex I to Decision 2007/365/EC”.

(4) In Part B of Schedule 4, after item 6 insert—

“6a. Plants, other than fruit or seeds, having a diameter of the stem at the base of over 5cm of the species listed in Article 1(b) of Decision 2007/365/EC

The plants shall be accompanied by an official statement that they have been grown in accordance with the specifications in paragraph (a), (b), (c) or (d) of point 2 of Annex I to Decision 2007/365/EC”.

(5) In Part A of Schedule 5, Part A of Schedule 6 and Part A of Schedule 7, after item 1 insert—

“1a. Plants, other than fruit or seeds, having a diameter of the stem at the base of over 5cm of the species listed in Article 1(b) of Decision 2007/365/EC.”.

Prevention of the introduction into and spread within the European Community of *Gibberella circinata* Nirenberg & O’Donnell

4.—(1) In article 2(1), at the appropriate place insert—

““Decision 2007/433/EC” means Commission Decision 2007/433/EC on provisional emergency measures to prevent the introduction into and the spread within the Community of *Gibberella circinata* Nirenberg & O’Donnell(a), as amended from time to time;”.

(2) In Part A of Schedule 1, after item 17 of “Fungi” add—

“18. *Gibberella circinata* Nirenberg & O’Donnell”.

(3) In Part A of Schedule 4, after item 3 insert—

“3a Plants intended for planting, including seeds and cones for propagation purposes, of the genera and species referred to in Article 1(2) of Decision 2007/433/EC, originating in any third country

Without prejudice to the requirements in items 1, 2 and 3, the plants shall be accompanied by an official statement that—

(a) they originate in a place of production which is registered and supervised by the national plant protection organisation in the country of origin; and

(b) they meet the requirements of paragraph (a), (b) or (c) of point I of Annex I to Decision 2007/433/EC”.

(4) In Part B of Schedule 4, after item 1 insert—

“1a Plants intended for planting, including seeds and cones for propagation purposes, of the genera and species referred to in

Without prejudice to the requirements in item 7 of Part A of Schedule 6, the plants shall be accompanied by an official statement that they have been grown in accordance with the specifications in paragraph (a), (b) or (c) of point II of Annex I to Decision 2007/433/EC”.

(a) O.J. No. L 161, 22.6.2007, p. 66

Article 1(2) of Decision
2007/433/EC

(5) In Part A of Schedule 5, after item 1a insert—

“1b. Seeds and cones, intended for propagating, of the genera and species referred to in Article 1(2) of Decision 2007/433/EC.”.

(6) In Part A of Schedule 6 and Part A of Schedule 7, after item 1a insert—

“1b. Plants intended for planting, including seeds and cones intended for propagating, of the genera and species referred to in Article 1(2) of Decision 2007/433/EC.”.

Prevention of the introduction into and spread within the European Community of Potato spindle tuber viroid

5.—(1) In Article 2(1), at the appropriate place insert—

““Decision 2007/410/EC” means Commission Decision 2007/410/EC on measures to prevent the introduction into and spread within the Community of Potato spindle tuber viroid(a), as amended from time to time;”.

(2) In Part A of Schedule 4, after item 38 insert—

“38a	Plants, intended for planting, including seeds, of the genera and species referred to in Article 1 of Decision 2007/410/EC, originating in any third country	The plants shall be accompanied by an official statement that— (a) they originate in and have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation in the country of origin; and (b) they meet the requirements of paragraph (a), (b), (c) or (d) of point 1 of the Annex to Decision 2007/410/EC”.
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(3) In Part B of Schedule 4, after item 20 insert—

“20a	Plants, intended for planting, including seeds, of the genera and species referred to in Article 1 of Decision 2007/410/EC	The plants shall be accompanied by an official statement that they have been grown throughout their life or since their introduction into the European Community in a place of production which meets the requirements of paragraphs (a) (b) (c) or (d) of point 2 of the Annex to Decision 2007/410/EC”.
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(4) In Part A of Schedule 6 and Part A of Schedule 7—

(a) after item 3 insert—

“3a. Plants, intended for planting, including seeds, other than those in item 3, of the genera and species referred to in Article 1 of Decision 2007/410/EC.”; and

(b) for item 7(b) substitute—

“(b) plants of *Solanaceae*, other than seeds and other than those in items 3 and 3a, intended for planting;”.

(a) O.J.No. L 155, 15.6.2007 p. 71

Measures in respect of certain citrus fruits

6.—(1) In Article 2(1), at the appropriate place insert—

““Decision 2004/416/EC” means Commission Decision 2004/416/EC on temporary emergency measures in respect of certain citrus fruits originating in Argentina or Brazil^(a), as amended from time to time;”

(2) In Part A of Schedule 4—

(a) in second column of items 16 and 18, after third country add “, other than Brazil”;

(b) after item 16 add—

“16a. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., originating in Brazil Without prejudice to the requirements in items 15, 17 18a and 19, the fruits shall be accompanied by an official statement that they meet the requirements of paragraph (a) or (b) of point 1 and of point 3 of the Annex to Decision 2004/416/EC”.

(c) in the third column of item 17, for “16, 18” substitute “16, 16a, 18, 18a”;

(d) after item 18 add—

“18a. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., other than fruits of *Citrus aurantium* L., originating in Brazil Without prejudice to the requirements in items 15, 16a, 17 and 19, the fruits shall be accompanied by an official statement that they meet the requirements of paragraph (a) or (b) of point 2 and of point 3 of the Annex to Decision 2004/416/EC”; and

(e) in the third column of item 19, for “18” substitute “18a”.

Miscellaneous amendments

7. In—

(a) Article 2(1), for the definition of “Directive 2000/29/EC” substitute—

“Directive 2000/29/EC” means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community^(b)”; and

(b) Part B of Schedule 7, in item 3 for “or *Sorbus* L.” substitute “, *Sorbus* L. or *Vitis* L.”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 7th May 2008.

L.S.

John Speers
A senior officer of the Department of Agriculture and Rural Development

(a) O.J. No. L151, 30.4.2004, p. 76, amended by Commission Decision 2007/347/EC, O.J. No. L 130, 22.5.2007, p. 46.

(b) O.J. No. L 169, 10.7.2000, p. 1, as last amended by Commission Directive 2007/41/EC, O.J. No. L 169, 29.6.2007, p. 51.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order amends the Plant Health Order (Northern Ireland) 2006 (S.I. 2006/82) (“the principal Order”) so as to implement the instruments below—

- (c) Commission Decision 2007/365/EC on emergency measures to prevent the introduction into and the spread within the Community of *Rhynchophorus ferrugineus* (Olivier) (OJ No. L 139, 31.5.2007, p. 24);
- (d) Commission Decision 2007/433/EC on provisional emergency measures to prevent the introduction into and the spread within the Community of *Gibberella circinata* Nirenberg & O’Donnell (OJ No. L 161, 22.6.2007, p. 66);
- (e) Commission Decision 2007/410/EC on measures to prevent the introduction into and spread within the Community of Potato spindle tuber viroid (OJ No. L 155, 15.6.2007, p. 71);
- (f) Commission Decision 2004/416/EC on temporary emergency measures in respect of certain citrus fruits originating in Argentina or Brazil (OJ No. L 151, 30.4.2004, p. 76), as amended by Commission Decision 2007/347/EC (OJ No. L 130, 22.5.2007, p. 46); and
- (g) Commission Directive 2007/41/EC amending certain Annexes to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No. L 169, 29.6.2007, p. 51).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 (c. 68) and references to the Decisions listed in (a), (b) (c) and (d) are to be construed as references to those instruments as amended from time to time.

Articles 3, 4 and 5 make various amendments to Schedules 1, 4, 5, 6 and 7 to the principal Order so as to apply the restrictions on the landing in and movement within Northern Ireland of certain plant material (described in each article) from third countries and other parts of the European Community and the requirements for phytosanitary certificates and plant passports to the plant material listed in order to prevent the introduction into and spread within Northern Ireland of, respectively, the following plant pests: *Rhynchophorus ferrugineus* (Olivier), *Gibberella circinata* Nirenberg & O’Donnell, Potato spindle tuber viroid.

Article 6 amends Schedule 4 to the principal Order so as to apply special requirements in respect of certain citrus fruits originating in Brazil.

Article 7 amends the definition of “Directive 2000/29/EC” so as to incorporate within it Commission Directive 2007/41/EC and adds *Vitis* L. to the list of plants in Part B of Schedule 7 to the principal Order requiring a plant passport if they are to be consigned to a protected zone in another part of the European Community.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. A Transposition Note is available and can be obtained from DARD, Farm Policy Branch, Room 910, Dundonald House Belfast, BT4 3SB.