

2009 No. 179

PLANT HEALTH

The Plant Health (Amendment) Order (Northern Ireland) 2009

Made - - - - 30th April 2009

Coming into operation - 1st June 2009

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred by sections 2(b) and 3(c) of the Plant Health Act (Northern Ireland) 1967(d), makes the following Regulations:

Citation and commencement

1. This Order may be cited as The Plant Health (Amendment) Order (Northern Ireland) 2009 and shall come into operation on 1st June 2009.

Amendments to the Plant Health Order (Northern Ireland) 2006

2.—(1) The Plant Health Order (Northern Ireland) 2006(e) is amended as follows.

(2) In 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;”(f).

(3) In Part A of Schedule 1, in the section “Insects, mites and nematodes”—

(a) after item 11 insert “11a *Dendrolimus sibiricus* Tschetverikov”;

(b) for item 15 substitute “15 *Diabrotica virgifera zea* Krysan & Smith”; and

(c) after item 26 insert “26a *Rhynchophorus palmarum* (L.)”.

(4) In Part B of Schedule 1, in the section “Insects, mites and nematodes”, after item 1 insert “1a *Diabrotica virgifera virgifera* Le Conte”.

(5) In Part A of Schedule 2, in the section “Insects, mites and nematodes”—

(a) after item 1 insert—

“1a	Plants intended for planting, other than plants in tissue culture and seeds, of <i>Fraxinus</i> L., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch.,	<i>Agrilus planipennis</i> Fairmaire”;
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(a) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 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) Section 3(1) was amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; Section 3B was inserted by S.I. 1984/702 (N.I. 2) Art 15(2)
(d) 1967 c.28 (N.I.)
(e) S.R. 2006 No.82 as amended by S.R. 2006 No.165; S.R. 2006 No.435; S.R. 2007 No.333; S.R. 2007 No.483; S.R. 2008 No.205; S.R. 2008 No.442 and S.R. 2008 No.493.
(f) OJ No L 169, 10.7.2000, p 1, as last amended by Commission Directive 2009/7/EC, OJ No L 40, 11.2.2009, p 12.

Ulmus parvifolia Jacq. and *Pterocarya rhoifolia*
Siebold & Zucc., originating in Canada, China,
Japan, Mongolia, Republic of Korea, Russia,
Taiwan and USA

(b) omit item 23; and

(c) after item 26 insert—

“26a Tubers of *Solanum tuberosum* L. *Scrobipalopsis solanivora*
Povolny”.

(6) In Part A of Schedule 2—

(a) in the section “Bacteria” in the second column in item 4 omit “fruit or”;

(b) in the section “Fungi” after item 15 insert—

“15a Plants of *Ulmus* L. and *Zelkova* L., intended for *Stegophora ulmea*
planting, other than seeds (Schweinitz: Fries) Sydow
& Sydow”; and

(c) in the section “Viruses and virus-like organisms” after item 15 insert—

“15a Plants of *Dendranthema* (DC.) Des Moul. and *Chrysanthemum stem*
Lycopersicon lycopersicum (L.) Karsten ex Farw., necrosis virus”.
intended for planting, other than seeds

(7) In Part B of Schedule 2, in the section “Insects, mites and nematodes”—

(a) after item 7 insert—

“7a Plants of *Citrus* L., *Fortunella Swingle*, *Poncirus* *Parasaissetia nigra*
Raf., and their hybrids, other than fruit and seeds (Nietner)”; and

(b) after item 11(a) insert—

“11a Plants of Palmae, intended for planting, having a *Paysandisia archon*
diameter of the stem at the base of over 5 cm and (Burmeister)”.
belonging to the following genera: *Brahea* Mart.,
Butia Becc., *Chamaerops* L., *Jubaea* Kunth,
Livistona R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus*
Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart.,
Washingtonia Raf.

(8) In Part A of Schedule 4—

(a) after item 8 insert—

“8a Plants of *Fraxinus* L., *Juglans* *The plants shall be accompanied by an*
mandshurica Maxim., *Ulmus* *official statement that they:*
 davidiana Planch., *Ulmus* *(a) have been grown throughout their life in*
 parvifolia Jacq. and *Pterocarya* *an area free from *Agrilus planipennis**
 rhoifolia Siebold & Zucc., *Fairmaire, established by the national plant*
intended for planting, other than *protection organisation in accordance with*
seeds and plants in tissue culture *ISPM No. 4; or*
originating in Canada, China, *(b) have, for a period of at least two years*
Japan, Mongolia, Republic of *prior to export, been grown in a place of*
Korea, Russia, Taiwan and USA *production where no signs of *Agrilus**
 planipennis Fairmaire have been observed
during two official inspections per year
carried out at appropriate times, including

(a) Item 11 was inserted by S.R. 2008 No.442

immediately prior to export”;

(b) in item 12, for “requirements in items 61, 62 and 65” in the right-hand column substitute “provisions applicable to the plants in item 8”;

(c) after item 36 insert—

“36a Tubers of *Solanum tuberosum* L., other than those intended for planting

Without prejudice to the provisions applicable to tubers listed in items 33 to 35, the plants shall be accompanied by an official statement that the tubers originate in areas in which *Pseudomonas solanacearum* (Smith) Smith is not known to occur.

36b Tubers of *Solanum tuberosum* L.

Without prejudice to the provisions applicable to tubers listed in items 33 to 36a, the plants shall be accompanied by an official statement that:

(a) the tubers originate in a country where *Scrobipalopsis solanivora* Povolny is not known to occur; or

(b) the tubers originate in an area free from *Scrobipalopsis solanivora* Povolny, established by the national plant protection organisation in accordance ISPM No. 4”;

(d) omit item 40;

(e) after item 42 insert—

“42a Plants of *Dendranthema* (DC.) Des Moul. and *Lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting, other than seeds

Without prejudice to the requirements applicable to the plants listed in items 37, 38, 38a, 39, 42 to 44, the plants shall be accompanied by an official statement that:

(a) the plants have been grown throughout their life in a country free from

Chrysanthemum stem necrosis virus; or

(b) the plants have been grown throughout their life in an area established by the national plant protection organisation in the country of export as being free from Chrysanthemum stem necrosis virus in accordance with ISPM No. 4; or

(c) the plants have been grown throughout their life in a place of production, established as being free from Chrysanthemum stem necrosis virus and verified through official inspections and, where appropriate, testing”;

and

(f) after item 58a(a) insert—

“58b Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart.,

Without prejudice to the provisions applicable to the plants listed in items 58 and 58a, the plants shall be accompanied by an official statement that the plants:

(a) have been grown throughout their life in a country where *Paysandisia archon* (Burmeister) is not known to occur; or

(b) have been grown throughout their life in

(a) Item 58a was inserted by S.R. 2008 No.205

Trachycarpus H. Wendl.,
Trithrinax Mart., *Washingtonia*
Raf.

an area free from *Paysandisia archon* (Burmeister), established by the national plant protection organisation in accordance with ISPM No. 4; or

(c) have, during a period of at least two years prior to export, been grown in a place of production:

— which is registered and supervised by the national plant protection organisation in the country of origin, and

— where the plants were placed in a site with complete physical protection against the introduction of *Paysandisia archon* (Burmeister) or with application of appropriate preventive treatments, and

— where, during three official inspections per year carried out at appropriate times, including immediately prior to export, no signs of *Paysandisia archon* (Burmeister) have been observed”.

(9) In Part B of Schedule 4, after item 22 insert—

“22a Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.

The plants are accompanied by an official statement that the plants:

(a) have been grown throughout their life in an area free from *Paysandisia archon* (Burmeister), established by the national plant protection organisation in accordance with ISPM No. 4; or

(b) have, during a period of at least two years prior to movement, been grown in a place of production:

— which is registered and supervised by the responsible official body in the Member State of origin, and

— where the plants were placed in a site with complete physical protection against the introduction of *Paysandisia archon* (Burmeister) or with application of appropriate preventive treatments, and

— where, during three official inspections per year carried out at appropriate times, no signs of *Paysandisia archon* (Burmeister) have been observed”.

(10) In Part A of Schedule 6, after paragraph 7(c) insert—

“(ca) Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th April 2009.



John Speers

A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health Order (Northern Ireland) 2006 (S.R. 2006 No.82) (“the principal Order”) so as to implement Commission Directive 2009/7/EC amending Annexes I, II, IV and V 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 40, 11.2.2009, p 12). The Order makes various amendments to Schedules 1, 2, 4 and 6 to the principal Order so as to apply new restrictions on the introduction into Northern Ireland of certain plants and plant pests.

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 the Department of Agriculture and Rural Development.

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