
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 293

The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020

PART 1

Introduction

Interpretation: general

2.—(1) The Interpretation Act (Northern Ireland) 1954⁽¹⁾ applies to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

“controlled consignment” means a consignment containing any plant, plant product or other object—

- (a) which may not be brought into the Union territory without a phytosanitary certificate for export or a phytosanitary certificate for re-export pursuant to—
 - (i) Article 72 or 74 of the EU Plant Health Regulation;
 - (ii) an EU emergency decision; or
 - (iii) any other EU plant health rule, other than Article 73 of the EU Plant Health Regulation; or
- (b) which was exported from the Union territory to a third country and is returning to the Union territory following the refusal by that third country to allow its entry into the country;

“controlled plant pest” means—

- (a) a plant pest of a description specified in Annexes 2, 3 or 4 to the Phytosanitary Conditions Regulation;
- (b) a plant pest of a description specified in an EU emergency decision; or
- (c) a plant pest subject to any other EU plant health rule, including a potential quarantine plant pest within the meaning given in regulation 21(3);

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“[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⁽²⁾;

“EU emergency decision” means an instrument referred to in regulation 3(1);

⁽¹⁾ 1954 c. 33 (N.I.).

⁽²⁾ O.J. No. L 169, 10.7.2000, p. 1, as last amended by Commission Implementing Directive (EU) 2019/523 (O.J. No. L 86, 28.3.2019, p. 41).

“EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives [69/464/EEC](#), [74/647/EEC](#), [93/85/EEC](#), [98/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC](#)(3);

“EU plant health rule” means a rule within the meaning given in Article 1(2)(g) of the Official Controls Regulation;

“ISPM 15” means International Standard for Phytosanitary Measures No. 15 of March 2002 on Guidelines for regulating wood packaging material in international trade, prepared by the Secretariat of the International Plant Protection Convention established by the Food and Agriculture Organisation of the United Nations, as last revised by the Commission on Phytosanitary Measures in April 2013(4)

“Official Controls Regulation” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429, and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives [98/58/EC](#), [1999/74/EC](#), [2007/43/EC](#), [2008/119/EC](#) and [2008/120/EC](#), and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives [89/608/EEC](#), [89/662/EEC](#), [90/425/EEC](#), [91/496/EEC](#), [96/23/EC](#), [96/93/EC](#) and [97/78/EC](#) and Council Decision [92/438/EEC](#) insofar as it applies to EU plant health rules(5);

“Phytosanitary Conditions Regulation” means Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and of the Council, as regards protective measures against pests of plants and repealing [Commission Regulation \(EC\) No 690/2008](#) and amending Commission Implementing Regulation (EU) 2018/2019(6);

“plant health inspector” means an official plant health officer appointed by the Department;

“plant pest” means a pest within the meaning given in Article 1(1) and (2) of the EU Plant Health Regulation;

“regulated item” means—

- (a) any plant, plant product or other object to which an EU plant health rule applies, other than any plant, plant product or other object which is part of a controlled consignment; or
- (b) a controlled plant pest.

(3) Unless the context otherwise requires, words and expressions which are not defined in these Regulations but appear in both these Regulations and in the EU Plant Health Regulation or the Official Controls Regulation have the same meaning in these Regulations as they have in the EU Plant Health Regulation or, as the case may be, in the Official Controls Regulation.

(3) O.J. No. L 317, 23.11.2016, p. 4, amended by Regulation (EU) 2017/625 of the European Parliament and of the Council (O.J. No. L 95, 7.4.2017, p. 1).

(4) Available from the Secretariat of the International Plant Protection Convention, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/int>.

(5) O.J. No. L 95, 7.4.2017, p. 1, as amended by Commission Delegated Regulation (EU) 2019/478 (O.J. No. L 82, 25.3.2019, p. 4).

(6) O.J. No. L 319, 10.12.2019, p. 1.