

S.I. No. 408/1993 - European Communities (Introduction of Organisms Harmful To Plants Or Plant Products) (Prohibition) (Amendment) Regulations, 1993.

S.I. No. 408 of 1993.

EUROPEAN COMMUNITIES (INTRODUCTION OF ORGANISMS HARMFUL TO PLANTS OR PLANT PRODUCTS) (PROHIBITION) (AMENDMENT) REGULATIONS, 1993.

I, JOE WALSH, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by [section 3](#) of the [European Communities Act, 1972](#) (No. 27 of 1972), as adapted by the Agriculture and Food (Alteration of Name of Department and Title of Minister) Order, 1993 ([S.I. No. 11 of 1993](#)), and for the purpose of giving effect to Council Directive No. 91/683/EEC of 19 December 1991,¹ Commission Directive No. 92/70/EEC of 30 July 1992,² Commission Directive No. 92/76/EEC of 6 October 1992,³ Commission Directive No. 92/90/EEC of 3 November 1992,⁴ Council Directive No. 92/98/EEC of 16 November 1992,⁵ Commission Directive No. 92/103/EEC of 1 December 1992,⁶ Commission Directive No. 92/105/EEC of 3 December 1992,⁷ Council Directive No. 93/19/EEC of 19 April 1993,⁸ Commission Directive No. 93/50/EEC of 24 June 1993,⁹ and Commission Directive No. 93/51/EEC of 24 June 1993,⁹ hereby make the following Regulations:

1. (1) These Regulations may be cited as the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) (Amendment) Regulations, 1993.

(2) The European Communities (Introduction of Organisms Harmful to Plants or Plant Products (Prohibition) Regulations, 1980 to 1992, and these Regulations may be cited together as the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibitions) Regulations, 1980 to 1993.

¹O.J. No. L376 of 31.12.1991.

²O.J. No. L250 of 29.8.1992.

³O.J. No. L305 of 21.10.1992.

⁴O.J. No. L344 of 26.11.1992.

⁵O.J. No. L352 of 2.12.1992.

⁶O.J. No. L363 of 11.12.1992.

⁷O.J. No. L4 of 8.1.1993.

⁸O.J. No. L96 of 22.4.1993.

⁹O.J. No. L205 of 17.8.1993.

(3) These Regulations shall come into operation on the 1st day of January, 1994.

2. In these Regulations "the Principal Regulations" means the European Communities (Introduction of Organisms Harmful to Plants or Plant Products (Prohibition) Regulations, 1980 (S.I. No. 125 of 1980).

3. Regulation 2 of the Principal Regulations is hereby amended by the substitution in paragraph (1) in the definition of "the Directive" for "and Commission Directive No. 92/10/EEC of 19 February, 1992" (inserted by the European Communities (Introduction of Organisms Harmful to Plants or Plant Products (Prohibition) (Amendment) Regulations, 1992 (S.I. No. 214 of 1992)) of "Commission Directive No. 92/10/EEC of 19 February 1992¹⁰ Council Directive No. 91/683/EEC of 19 December 1991, Commission Directive No. 92/70/EEC of 30 July 1992, Commission Directive No. 92/76/EEC of 6 October 1992, Commission Directive No. 92/90/EEC of 3 November 1992, Council Directive No. 92/98/EEC of 16 November 1992, Council Directive No. 92/103/EEC of 1 December 1992, Commission Directive No. 92/105/EEC of 3 December 1992, Council Directive No. 93/19/EEC of 19 April 1993, Commission Directive No. 93/50/EEC of 24 June 1993 and Commission Directive No. 93/51/EEC of 24 June 1993."

4. Regulations 3 (1) and 5 (1) of the Principal Regulations are hereby amended by the insertion after "introduce into the State", in each place where it occurs, of "or move within the State".

5. The following Regulation is hereby substituted for Regulation 4 of the Principal Regulations:

"4. A person shall not introduce into the State or move within the State:

(a) any organism listed in the first column of part B of Annex I in respect of which the State is a protected zone, or

(b) any plant or plant product listed in the second column of part B of Annex II which is contaminated by an organism which is listed in the first column thereof and in respect of which the State is a protected zone."

¹⁰O.J. No. L70 of 17.3.1992.

6. Regulation 6 of the Principal Regulations is hereby amended—

(a) in paragraph (1), by the insertion after "so specified" of "other than a Member State", and

(*b*) by the substitution of the following paragraph for paragraph (2):

"(2) A person shall not introduce into the State or move within the State any plant, plant product or other object listed in the first column of part B of Annex III opposite the mention of the State in the second column of that part."

7. Regulation 8 of the Principal Regulations is hereby amended—

(*a*) in paragraph (1), by the insertion after "introduce into the State" of "or move within the State", and

(*b*) by the substitution of the following paragraph for paragraph (2):

"(2) A person shall not introduce into the State or move within the State any plant, plant product or other object listed in the first column of part B of Annex IV opposite the mention of the State in the third column of that Part unless the relevant special requirements specified in the second column of that part are complied with."

8. Regulation 10 of the Principal Regulations is hereby amended—

(*a*) in paragraph (1), by the substitution of the following subparagraph for subparagraph (a):

"(a) (i) A person shall not move within the State or introduce from the State into another Member State any plant, plant product or other object listed in part A of Annex V without affording an authorised officer, in such manner as the Minister shall direct, an opportunity of examining the plant, plant product or other object together with the packing intended to be used in connection with such movement or introduction.

(ii) An examination under this Article shall be carried out in accordance with the provisions specified in the second subparagraph of paragraph 4 (inserted by 'Council' Directive No. 91/683/EEC of 19 December 1991), of Article 6 of the Directive."

(*b*) in paragraph (2), by the substitution, in subparagraphs (a), (b) and (c), for "Part A", in each place where it occurs, of "Part A.II", and

(*c*) in paragraph (3), by the substitution of the following subparagraph for subparagraph (a):

"(a) (i) A person shall not introduce into the State from another Member State, or introduce from the State into another Member State, or move within the State a plant, plant product or other object listed in part A.I. of Annex V unless it is accompanied by a plant passport valid for such introduction or movement and issued in accordance with the Directive.

(ii) A person shall not introduce into the State, or move within the State, a plant, plant product or other object listed in part A.II of Annex V which is a potential carrier of harmful organisms in respect of which the State is a protected zone unless it is accompanied by a plant passport valid for such introduction or movement and issued in accordance with the Directive or it has a final destination outside the State.

(iii) Persons engaged in the production of plants, plant products or other objects listed in part A of Annex V and commercial purchasers of such plants, plant products or other objects shall retain the related plant passports for a period of not less than one year from the date of issue and shall make references to them in their business records."

9. The Principal Regulations are hereby amended by the insertion of the following Regulations after Regulation 10:

"10A The Minister shall cause to be registered under an identifying registration number in a register established and maintained by the Minister—

(a) persons who move within the State or introduce from the State into another Member State any plant, plant product or other object listed in part A of Annex V, and

(b) importers of plants, plant products or other objects listed in part B of Annex V. whether or not they are the producers thereof, and

(c) producers, collective warehouses or dispatching centres in the production zone of plants, plant products or other objects not listed in part A of Annex V but listed in the Annex to Commission Directive No. 93/50/EEC of 24 June 1993.

10B The Minister may, in so far as no spreading of harmful organisms is to be feared—