STATUTORY RULES OF NORTHERN IRELAND

2015 No. 128

PLANT HEALTH

The Plant Health (Amendment) Order (Northern Ireland) 2015

Made - - - -	*6th March 2015*
Coming into operation	*27th March 2015*

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

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(**4**), and it appears to the Department that it is expedient for the references to the European Union instruments mentioned in article 3(a) and (e) to be construed as references to those instruments as amended from time to time.

Citation and commencement

1. This Order may be cited as The Plant Health (Amendment) Order (Northern Ireland) 2015 and comes into operation on 27th March 2015.

Amendment of the Plant Health Order (Northern Ireland) 2006

2. The Plant Health Order (Northern Ireland) 2006(**5**) is amended in accordance with articles 3 to 12.

Article 2 (general interpretation)

3. In article 2(1)—

(**1**) The Ministry of Agriculture became known as the Department of Agriculture by virtue of section 7(5) of the Northern Ireland Constitution Act 1973 (c.36) and was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I.1)).

(**2**) 1967 c.68 (N.I.); sections 2(1) and 3(1) were amended by S.R. & O. (N.I.) 1972 No. 351, art. 3 and Sch. 2. Section 2(2) was amended by 1979 c.2, s.177 (1) and Sch.4, Pt II. Sections 2 and 3 were also amended by S.I. 1984/702 (N.I.2), Arts 15(2), 24 and Sch.

(**3**) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) and amended by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(**4**) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(**5**) S.R. 2006 No. 82; relevant amending instruments are S.R. 2006 No. 165, 2006 No. 435, 2007 No. 483, 2008 No. 205, 2008 No. 442, 2008 No. 493, 2009 No. 179, 2010 No. 197, 2011 No. 22, 2013 No. 7, 2013 No. 103.

(a) after the definition of "Decision 2008/840/EC" (**6**)insert—

""Decision 2014/422/EU" means Commission Implementing Decision 2014/422/EU setting out measures in respect of certain citrus fruits originating in South Africa to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa, as amended from time to time;"(**7**);

(b) 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, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material;"(**8**);

(c) after the definition of "Directive 2000/29/EC" insert—

""Directive 2007/33/EC" means Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC;"(**9**);

(d) for the definition of "protected zone" substitute—

""protected zone" means a member State or an area in a member State which is recognised as a protected zone exposed to particular plant health risks for the purposes of Directive 2000/29/EC, as listed in Annex I to Regulation (EC) No 690/2008;"

(e) after the definition of "registered" insert—

""Regulation (EC) No 690/2008" means Commission Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community, as last amended by Commission Regulation (EU) No 707/2014 and as amended from time to time;"(**10**).

Schedule 1 (plant pests which shall not be landed in or spread within Northern Ireland)

4.—(1) In Part A (plant pests not known to occur in any part of the European Community) of Schedule 1(**11**)—

(a) under the heading "Insects, mites and nematodes"—

(i) after item 1, insert—

"1a.	*Agrilus anxius* Gory
1b.	*Agrilus planipennis* Fairmaire";

(ii) after item 5, insert—

"6.	*Anthonomus eugenii* Cano";

(iii) for item 15a substitute—

(**6**) The definition of "Decision 2008/840/EC" was inserted by S.R. 2011 No.22, article 2(2).
(**7**) OJ No L 196, 3.7.2014, p21.
(**8**) OJ No L 169, 10.7.2000, p1, as last amended by OJ No L 189, 27.6.2014, p1.
(**9**) OJ No L 156, 16.6.2007, p12.
(**10**) OJ No L 193, 22.7.2008, p1, as last amended by OJ No L 186, 26.6.2014, p56.
(**11**) Item 6 under the heading "Insects, mites and nematodes" was omitted by S.R. 2008 No. 493, article 2(2)(b) and item 15a was inserted by S.R. 2006 No. 435, article 2(7). There are other amendments to Part A of Schedule 1, but none is relevant.

"15a.	*Diaphorina citri* Kuway";

(b) for item 1 under the heading "Bacteria" substitute—

"1.	*Candidatus* Liberibacter spp., causal agent of Huanglongbing disease of citrus/ citrus greening
2.	*Xylella fastidiosa* (Wells and Raju)";

(c) omit item 9 under the heading "Fungi".

(2) In Part B (plant pests known to occur in the European Community), under the heading "Insects, mites and nematodes"—

(a) after item 1, insert—

"1a.	*Bursaphelenchus xylophilus* (Steiner & Bührer) Nickle *et al.*;
1b.	*Dryocosmus kuriphilus* Yasumatsu";

(b) after item 12, insert—

"13.	*Thaumatopoea processionea* L.
14.	*Trioza erytreae* Del Guercio".

Schedule 2 (relevant material which may not be landed in or moved within Northern Ireland if that material is carrying or infected with plant pests)

5.—(1) In Part A (plant pests not known to occur in the European Community) of Schedule 2(**12**)—

(a) omit items 1a, 8, 10 and 30 under the heading "Insects, mites and nematodes";

(b) omit item 1 under the heading "Bacteria";

(c) under the heading "Fungi"—

(i) omit item 8; and

(ii) in the third column of item 12 for "*Guignardiacitricarpa* Kiely" substitute "*Phyllostictacitricarpa* (McAlpine) Van der Aa";

(d) in the second column of item 15a under the heading "Viruses and virus-like organisms", for "*Lycopersicon lycopersicum* (L.) Karsten ex Farw." substitute "*Solanum lycopersicum* L.".

(2) In Part B (plant pests known to occur in the European Community) of Schedule 2—

(a) in the second column of items 2 and 9 under the heading "Bacteria", for "*Lycopersiconlycopersicum* (L.) Karsten ex Farw." substitute "*Solanumlycopersicum* L.";

(b) for the entry in the third column of item 1 under the heading "Fungi", substitute "*Ceratocystisplatani* (J.M. Walter) Engelbr. & T.C. Harr.";

(c) under the heading "Viruses and virus-like organisms"—

(i) omit item 5;

(**12**) Item 1a under the heading "Insects, mites and nematodes" was inserted by S.R. 2009 No. 179, article 2(5). Item 15a under the heading "Viruses and virus-like organisms" was inserted by S.R. 2009 No. 179, article 2(6). There are other amendments to Part A of Schedule 2 but none is relevant.

(ii) in the second column of items 15 and 16, for "*Lycopersiconlycopersicum* (L.) Karsten ex Farw." substitute "*Solanumlycopersicum* L."(**13**).

Schedule 4 (restrictions on the landing in and movement within Northern Ireland of relevant material)

6.—(1) In Part A (relevant material, from third countries, which may only be landed in Northern Ireland if special requirements are satisfied) of Schedule 4—

(a) for items 7 and 7a substitute(**14**)—

"7.	Plants, other than seeds, of *Castanea* Mill. or *Quercus* L., intended for planting, originating in any third country	Without prejudice to the requirements in items 5, 6, 61, 62 and 65, the plants shall be accompanied by an official statement that: (a) they originate in an area or areas known to be free from *Cryphonectriaparasitica* (Murrill) Barr; or (b) no symptoms of *Cryphonectriaparasitica* (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation"

(b) for item 8a(**15**) substitute—

"8a.	Plants of *Fraxinus* L., *Juglansailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold & Zucc., other than fruit and seeds, but including cut branches with or without foliage, originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	Without prejudice to the requirements in item 8b, the plants shall be accompanied by an official statement that they originate in an area recognised as being free from *Agrilus planipennis* Fairmaire, in accordance with the procedure referred to in Article 18(2) of Directive 2000/29/EC. The name of the area shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export";

(c) for item 9 substitute—

"9.	Plants, other than seeds, of *Platanus* L. intended for planting, originating in Armenia, Switzerland or the USA	The plants shall be accompanied by an official statement that no symptoms of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation";

(**13**) Item 15 was amended by S.R. 2006 No. 435, article 2(8).
(**14**) Item 7a was inserted by S.R. 2006 No. 435, article 2(10).
(**15**) Item 8a was inserted by S.R. 2009 No. 179, article 2(8).

(d) for item 13 substitute(**16**)—

"13.	Plants of *Betula* L., other than fruit or seeds, but including cut branches of *Betula* L., with or without foliage, originating in any third country	The plants shall be accompanied by an official statement that they originate in a country known to be free of *Agrilus anxius* Gory";

(e) omit item 14;

(f) in item 18(**17**)—

(i) in the second column for "other than Brazil", substitute "other than Brazil or South Africa";

(ii) in the third column for "*Guignardiacitricarpa* Kiely"(**18**) where it appears, substitute "*Phyllostictacitricarpa* (McAlpine) Van der Aa";

(g) after item 18a(**19**), insert—

"18b.	Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., other than fruits of *Citrus aurantium* L. or *Citrus latifolia* Tanaka, originating in South Africa	Without prejudice to the requirements in items 15 to 17 and 19, and by way of derogation from paragraphs (c) and (d) in the third column of item 18, the fruits shall be accompanied by a phytosanitary certificate which includes an official statement in accordance with point 1 of the Annex to Decision 2014/422/EU";

(h) in the third column of item 36, after "35" insert ", 36b";

(i) for items 36a and 36b(**20**) substitute—

"36a.	Tubers of *Solanum tuberosum* L., other than those intended for planting, originating in any third country	Without prejudice to the provisions applicable to tubers listed in items 33 to 35 and 36b, the tubers shall be accompanied by an official statement that they originate in an area or areas in which *Ralstonia solanacearum* (Smith) Yabuuchi *et al*. is not known to occur
36b.	Tubers of *Solanum tuberosum* L. originating in any third country	Without prejudice to the provisions applicable to tubers listed in items 33 to 36a, the tubers shall be accompanied by an official statement that the tubers originate: (a) in a country where *Scrobipalpopsis solanivora* Povolny is not known to occur; or (b) in an area free from *Scrobipalpopsis solanivora* Povolny, established by the national plant protection organisation in accordance with ISPMNo. 4";

(**16**) Item 13 was amended by S.R. 2006 No. 435, article 2(10).
(**17**) Item 18 was amended by S.R. 2006 No. 435, article 2(10) and S.R. 2008 No. 205, article 6(2).
(**18**) The name of the pest "*Guignardia citricarpa* Kiely" referred to in Decision 20006/473/EC was changed to "*Phyllostictacitricarpa* (McAlpine) Van der Aa" by Decision 2014/422/EU.
(**19**) Item 18a was inserted by S.R. 2008 No. 205, article 6(2).
(**20**) Items 36a and 36b were inserted by S.R 2009 No. 179, article 2(8).