STATUTORY RULES OF NORTHERN IRELAND

2004 No. 415

PLANT HEALTH

Plant Health (Amendment) Order (Northern Ireland) 2004

Made - - - -	*30th September 2004*
Coming into operation	*22nd October 2004*

The Department of Agriculture and Rural Development(**1**), in exercise of the powers conferred on it by sections 2(1) and (2)(**2**), 3(1)(**3**), 3A(**4**), 3B(**5**) and 4(1)(**6**) of the Plant Health Act (Northern Ireland) 1967(**7**) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Plant Health (Amendment) Order (Northern Ireland) 2004 and shall come into operation on 22nd October 2004.

Amendment of the Plant Health Order (Northern Ireland) 1993

2.—(1) The Plant Health Order (Northern Ireland) 1993(**8**) shall be amended in accordance with the following paragraphs of this Article.

(2) In Article 3 (1) –

(a) for the definition of "Directive 2000/29/EC" there shall be substituted –

> ""Directive 2000/29/EC" means Council Directive 2000/29/EC(**9**) of 8th May 2000 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 amended by Commission Directives 2001/33/EC(**10**) of 8th

(**1**) Formerly the Department of Agriculture for Northern Ireland; *see*S.I.1999/283 (N.I. 1), Article 3(4)
(**2**) As amended by S.R. & O. (N.I.) 1972 No. 351Art. 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)
(**3**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(**4**) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(**5**) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**6**) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**7**) 1967 c. 28 (N.I.)
(**8**) S.R. 1993 No. 256 as amended by S.R. 1994 No. 28, S.R. 1995 No. 164, No. 250 and No. 494, S.R.1996 No. 204 and No. 249, S.R. 1997 No. 110 and 397, S.R. 1998 No. 16, No. 146 and No. 315, S.R. 1999 No. 24, S.R. 2000 No. 126, S.R. 2001 No. 188 and No. 437, S.R. 2002 No. 273, S.R. 2003 No. 235
(**9**) O.J. No. L169, 10.7.00, p. 1
(**10**) O.J. No. L127, 9.5.01, p. 42; and *see* the associated Commission Directive 2001/32/EC, (O.J. No. L127, 9.5.01, p. 38), and amending Directive 2003/21/EC, (O.J. No. L78, 25.3.2003, p. 8) and Directive 2003/46/EC, (O.J. No. L138, 5.6.2003, p. 45)

May 2001, 2002/28/EC(**11**) of 19th March 2002, 2002/36/EC(**12**) of 29th April 2002, 2003/22/EC(**13**) of 24th March 2003, 2003/47/EC(**14**) of 4th June 2003 and by 2003/116/EC(**15**) of 4th December 2003, 2004/31/EC(**16**) of 17th March and 2004/70/EC(**17**) of 29th April 2004 amending certain annexes to Council Directive 2000/29/EC;"; and

(b) for the definition of "the Euro-Mediterranean area" there shall be substituted the following:

""the Euro-Mediterranean area" means the geographical area comprising Europe, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia and Turkey;";

(c) for the definition of "Europe" there shall be substituted the following:

""Europe" includes the Canary Islands and Belarus, Moldova, the Ukraine and Russia (excluding the Regions of Buryat, Yakut and Tuva, the Altai, Khabarovsk, Drasnoyarsk and Maritime Krais and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts) but does not include Turkey;";

(d) "plant passport" means either:

(i) a label and, where appropriate, an accompanying document containing the relevant information in Schedule 9 which gives evidence that the provisions of this Order relating to plant health standards and special requirements for plants and plant products moving within the European Community have been complied with, or

(ii) a Swiss plant passport, as defined in Article 7A(2);".

(3) In Article 4 in the first sentence of paragraph (1) for the word "There" there shall be substituted:

"Subject to Article 7A, there".

(4) In Article 5 in the first sentence of paragraph (1) for the phrase "Subject to paragraph (5)" there shall be substituted:

"Subject to Article 7A and paragraph (5)".

(5) In Article 7 (1)(e) there shall be substituted:

"Subject to Article 7A, a person shall not introduce into a protected zone which is listed in column (4) of Part B of Schedule 4, any plant, plant product or other object specified opposite thereto in column (2) of that Part unless it fulfils the conditions specified in column (3) opposite that reference.".

(6) In Article 7 in the first sentence for the phrase "Subject to the provisions of this Order" there shall be substituted:

"Subject to Article 7A and the other provisions of this Order".

(7) After Article 6 there shall be inserted the following:

"**European Community trade arrangements with Switzerland**

7A.—(1) This Article applies only in relation to plants, plant products and other objects which:

(**11**) O.J. No. L77, 20.3.02 p.23; and *see* the associated Commission Directive 2002/29/EC, (O.J. No. L77, 20.3.02, p. 26)
(**12**) O.J. No. L116, 3.5.03 p. 16
(**13**) O.J. No. L78, 25.3.03, p. 10
(**14**) O.J. No. L138, 5.6.03 p. 47
(**15**) O.J. No. L321, 6.12.03 p. 36
(**16**) O.J. No. L85, 23.03.04 p. 18
(**17**) O.J. No. L127, 29.04.04 p. 97

(a) are listed in Schedule 5A, Part A and which are accompanied by a Swiss plant passport, or

(b) are listed in Schedule 5A, Part B.

(2) For the purposes of this Order, a Swiss plant passport means a label and, where appropriate, an accompanying document, validly issued in Switzerland which:

(i) contains information that gives evidence that the legislation in Switzerland relating to plant health standards and special requirements for plants and plant products moving into and within Switzerland have been complied with; and

(ii) relates to a plant, plant product or other listed in Schedule 5A, Part A.

(3) The following shall in relation to any plants, plant products and other objects for which a Swiss plant passport has been issued, be deemed to have been met by that issue:

(a) in Article 4, paragraph (1), sub-paragraph (e), the requirements that any plant, plant product or other object which is of a description specified in the first column of Section 1 of Part A of Schedule 4 satisfies the special requirements specified in the second column of that section opposite the reference to that description of plant, plant product or other object;

(b) in Article 4, paragraph (1), sub-paragraph (f), the requirement that any plant, plant product or other object which is of a description specified in Section 1 of Part B of Schedule 5 has been the subject of a satisfactory plant health inspection by an authorised officer in the country of origin or the consignor country and is accompanied by a valid phytosanitary certificate;

(c) in Article 5, paragraph (1), sub-paragraph (d), the requirement that any plant, plant product or other object is of a description specified in the first column of Section 2 of Part A of Schedule 4 satisfies the special requirements specified in the second column of that section opposite the reference to that description of plant, plant product or other object;

(d) in Article 5, paragraph (1), sub-paragraph (e), the requirement that any plant, plant product or other object which is of a description specified in Section 1 of Part A of Schedule 5 and which requires a plant passport has been subject of a satisfactory plant health inspection at the place of production;

(e) in Article 6, paragraph (1)(e), the requirement that any plant, plant product or other object of a description specified in the first column of Part B of Schedule 4 has complied with the conditions specified in the second column of that Part in relation to that plant, plant product or other object; and

(f) in Article 7, paragraph (d), the requirement that any plant, plant product or other object of a description specified in the first column of Part B of Schedule 4 has complied with the relevant conditions specified in the second column of that Part.".

(8) In Schedule 1, Part B, Section A (Insects, Mites and Nematodes, at all stages of their development) –

(a) for Item 1A there shall be substituted the following:

"1a	*Daltulosphaia vitifollae* (Fitch)	CY
1b	*Globodera pallida* (Stone) Behrens	FI, LV, SI, SK";

(b) in Item 2 for the wording in the second column there shall be substituted the following:

"E (Ibiza and Menorca), IRL, P (Azores and Maderia), FI (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Usimaa), S (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), UK, CY, M";

(9) In Schedule 1, Part B, Section B (Virus and Virus-Like Organisms) in Item 1 for the wording in the second column there shall be substituted the following:

"DK, F (Brittany), FIN, IRL, LT, P (Azores), UK (Northern Ireland)".

(10) In Schedule 2, Part A, Section A (Insects, Mites and Nematodes, at all stages of their development) Item 20 shall be deleted.

(11) In Schedule 2, Part A, Section A (Insects, Mites and Nematodes, at all stages of their development) after Item 12 there shall be inserted the following:

"12a.	*Eotetranychus Orientalis* Klein	Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf. and their hybrids, other than fruit and seeds".

(12) In Schedule 2, Part A, Section B (Bacteria) in Item 5 for the wording in the second column there shall be substituted the following:

"Plants of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eribotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds".

(13) In Schedule 2, Part B(a) (Insects, Mites and Nematodes, at all stages of their development) in Item 5 for the wording in the third column there shall be substituted the following:

"EL, P (Azores)".

(14) In Schedule 2, Part B Section B (Bacteria) for Item 2 there shall be substituted the following:

"**2.** *Erwinia amylovora* (Burr.) Winsl. et al.	Parts of plants, other than fruit, seeds and plants intended for planting, but including live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.	E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano,

	Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), LV, LT, A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, SI, SK, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)".

(15) In Schedule 2, Part B, Section D (Viruses and Virus-Like Organisms) for the wording in the third column there shall be substituted the following:

"EL, F (Corsica), I, M, P".

(16) In Schedule 3, Part A (Plants, plant products and other objects which may not be landed if they originate in certain countries) –

(a) in Item 7 the words "Cyprus," and "Malta," in the second column shall be deleted;

(b) in Item 9 the words "Estonia, Latvia, Lithuania," and "Cyprus," and "Malta," shall be deleted;

(c) in Item 10 for the wording in the second column there shall be substituted the following:

"Third countries other than Switzerland".

(17) In Schedule 3, Part B (Plants, plant products and other objects which may not be introduced into or kept within certain protected zones), for Item 1 there shall be substituted the following:

"**1.** Without prejudice to the prohibitions applicable to the plants listed in Schedule 3A(4), (4A) and (13), where appropriate, plants and live pollen for pollination of: *Amelanchier* Med., *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., other than fruit and seeds, originating in third countries other than Switzerland and other than those recognised as being free from *Erwinia amylovora* (Burr.) Winsl. et al. in accordance with the relevant International Standards for Phytosanitary Measures.	E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí- Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Trentino-Alto Adige: autonomous province of Trento; Tuscany; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo,