STATUTORY RULES OF NORTHERN IRELAND

2003 No. 458

PLANT HEALTH

Plant Health (Amendment No. 2) Order (Northern Ireland) 2003

Made - - - -	*21st October 2003*
Coming into operation	*12th November 2003*

The Department of Agriculture and Rural Development(**1**), in exercise of the powers conferred on it by sections 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 No. 2) Order (Northern Ireland) 2003 and shall come into operation on 12th November 2003.

Amendment of the Plant Health Order (Northern Ireland) 1993

2. The Plant Health Order (Northern Ireland) 1993(**8**) shall be amended in accordance with Articles 3 to 22.

3. 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 May

(**1**) Formerly the Department of Agriculture for Northern Ireland; *see*S.1 1999/283 (N.I. 1)Art. 3(4)
(**2**) 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)
(**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)

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, and by 2003/47/EC(**14**) of 4th June 2003 amending certain annexes to Council Directive 2000/29/EC;""; and

(b) after the definition of "reforwarding phytosanitary certificate" there shall be inserted –

"relevant International Standards for Phytosanitary Measures (ISPM) means ISPM No. 4 "Requirements for the Establishment of Pest Free Areas" February 1966 and ISPM No. 10 "Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites" October 1999(**15**) prepared by the Secretariat of the International Plant Protection Convention (IPPC) established by the Food and Agriculture Organisation of the United Nations;".

4. In Schedule 1, Part A, Section A (Insects, Mites and Nematodes at all stages of their development) Items 15, 16 and 18 shall be deleted.

5. In Schedule 1, Part A, Section A (Insects, Mites and Nematodes at all stages of their development) after Item 22 there shall be inserted –

"**22.1.** *Naupactus leucoloma* Boheman".

6. In Schedule 1, Part B, Section A (Insects, Mites and Nematodes at all stages of their development) after Item 2 there shall be inserted –

"**3.** *Liriomyza bryoniae* (Kaltenbach)	Ireland, the United Kingdom (Northern Ireland)".

7. In Schedule 1, Part B, Section B (Viruses and Virus-like Organisms) in Item 1, for the words in column (3) there shall be substituted –

"DK, F (Brittany), IRL, P (Azores), FIN, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)".

8. In Schedule 2, Part A, Section A (Insects, Mites and Nematodes at all stages of their development) after Item 23 there shall be inserted –

"**23A.** *Liriomyza huidobrensis* (Blanchard)	Cut flowers, leafy vegetables of *Apium graveolens* L., and plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds
23B. *Liriomyza trifolii* (Burgess)	Cut flowers, leafy vegetables of *Apium graveolens* L., and plants of herbaceous species, intended for planting, other than: — bulbs, — corms,

(**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, 3.5.02, p. 16
(**13**) O.J. No. L78, 25.3.03, p. 10
(**14**) O.J. No. L138, 5.6.2003, p. 47
(**15**) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00100 Rome, Italy and http://www.ippc.int/IPP/En/default.htm

— plants of the family Gramineae,
— rhizomes,
— seeds".

9. In Schedule 2, Part A, Section C (Fungi), after Item 1 there shall be inserted –

"**1A.** *Annisogramma anomala* (Peck) Müller	E.	Plants of *Corylus* L., intended for planting, other than seeds, originating in Canada and the United States of America".

10. In Schedule 2, Part B, Section A (Insects, Mites and Nematodes at all stages of their development) at Item 5 for the words in column (4) there shall be substituted –

"Greece, Portugal (Azores)".(**16**).

11. In Schedule 2, Part B, Section B, (Bacteria) at Item 2 for the words in column (4) there shall be substituted –

"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; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; 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), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)".

12. In Schedule 3, Part B, (Plants and plant products which may not be introduced into or kept within certain protected zones) for the words opposite Item 1 in column (3) there shall be substituted –

"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; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; 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), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FIN, UK (Northern Ireland, Isle of Man and Channel Islands)".

(**16**) *See* O.J. No. L78, 25.3.03, p. 9 as amended by Commission Directive 2003/46/EC, (O.J. No. L138, 5.6.03, p. 45)

13. In Schedule 4, Part A, Section I (Plants, plant products and other objects originating outside the European Community) –

(a) after Item 6 there shall be inserted –

"**6.A.** Plants of *Corylus* L., intended for planting, other than seeds, originating in Canada and the United States of America.	Official statement that the plants have been grown in nurseries and: (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller on official inspections carried out at the place of production or its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration" and declared free from *Anisogramma anomala* (Peck) E. Müller.";

(b) for Items 43, 44, and 45 there shall be substituted –

"**43.** Plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds, — tubers, originating in third countries where *Liriomyza sativae* (Blanchard) and	Without prejudice to the requirements applicable to the plants in Schedule 4, Part A, Section 1, Items 37, 38, 39 and 40, where appropriate, official statement that the plants have been grown in nurseries and: (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa*

	Amauromyza maculosa (Malloch) are known to occur.	(Malloch) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with the relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", and declared free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) on official inspections carried out at least monthly during the three months prior to export, or (c) immediately prior to export, have been subjected to an appropriate treatment against *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) and have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch). Details of the treatment shall be mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC
44.	Cut flowers of *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Gypsophila* L., and *Solidago* L., and leafy vegetables of *Apium graveolens* L., and *Ocimum* L.	Official statement that the cut flowers and the leafy vegetables: — originate in a country free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch), or — immediately prior to their export, have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch)
45.	Plants of herbaceous species, intended for planting, other than:	Without prejudice to the requirements applicable to the plants in Schedule 4,