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PLANT QUARANTINE ACT, 2001
(ACT NO. XVIII OF 2001)

Recognition Of Protected Zones (Surveys) Regulations, 2004

IN exercise of the powers conferred by article 32 of the Plant Quarantine Act 2001, the Minister for Rural Affairs and the Environment has made the following regulations:-

Title and Commencement.

1. The title of these regulations is The Recognition of Protected Zones (Surveys) Regulations, 2004. These regulations shall come into force on the 1st April, 2004.

Scope.

2. The scope of these regulations is to lay down the conditions to be met when requesting the recognition of a protected zone as referred to in article 32 (1) (s) of the Plant Quarantine Act, 2001.

Interpretation.

3. In these regulations, unless the context otherwise requires:

"the Act" means the Plant Quarantine Act, 2001;

"the Commission" means the Commission of the European Community;

"the Department" means the Plant Health Department;

"harmful organism" means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products;

"Member State" means a member State of the European Community;

"protected zone" means a zone in which one or more harmful organisms are not endemic or established despite favourable conditions for them to establish themselves there, and in which there is a danger that certain harmful organisms

will establish, given propitious ecological conditions, for particular crops. For the purposes of this definition, a harmful organism shall be considered to be established in an area if it is known to occur there and if either no official measures have been taken there with a view to its eradication, or such measures have proved for a period of at least two successive years to be ineffective.

Conditions to request for a protected zone.

4. (1) The following conditions shall be met when requesting the recognition of a protected zone:

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(a) an official action programme shall be established to seek confirmation that one or more of the harmful organisms referred to in the Plant Quarantine (Harmful Organisms) Regulations, 2004, in respect of which the zone is to be recognized as a protected zone, are not endemic or established there;

(b) the programme referred to in paragraph (a) of this regulation shall be monitored by persons entitled to act for the Department.

(2) The programme referred to in sub regulation (1) of this regulation shall comprise:

(a) a survey based on an understanding of the biology of any harmful organism of concern and of the agronomy and environment of the relevant zone using appropriate methods of analysis including growing medium and crop inspection and, if necessary, laboratory testing,

(b) a permanent regime providing regular and systematic surveys, at appropriate times, at least once a year, on the presence of any harmful organism in respect of which the zone is to be recognized as a protected zone,

(c) a system of keeping records of the results of the surveys.

(3) The surveys referred to in sub regulation (1) of this regulation shall be carried out by persons entitled to act for the Department.

(4) The survey methodology and conduct shall be notified to the Commission. The Commission shall forward this information to the other Member States.

Carrying out surveys.

5. (1) In carrying out the surveys referred to in regulation 4 of these regulations, the Department, in respect of harmful organisms of the animal kingdom, other than nematodes, relevant to forestry plants or plant products, which attack crops normally grown in the open air, take account of the following guidelines:

(a) the survey shall be carried out in the relevant zone;

(b) the survey methodology shall be based on a recording-plot method, comprising the following elements: a network of observation points shall be established following a systematic grid covering the entire relevant zone; the following parameters of each point shall be registered: number, actual latitude and longitude coordinates, topography, and, where appropriate, a site description shall be made. Where appropriate, additional information may be collected; the observation points may be marked; maps for representation of observation points may be produced;

(c) the following criteria shall be used to decide the suitability of an observation point:

(i) the area surrounding the point must be sufficiently large to allow selection of the point,

(ii) in general the point shall be located in the abovementioned area to allow the appropriate assessment operations,

(iii) in special cases, where appropriate, other points shall be selected, such as on sites where the risk of potential introduction of any harmful organism of concern in an area is high;

(d) where appropriate, meteorological, especially precipitation and temperature, and edaphic data shall be recorded, preferably on the site of the observation point, but may also be obtained from a nearby station where these variables are regularly measured. Extreme events, such as drought, heavy rain, and other similar extreme meteorological occurrences, which are likely to influence the observations shall also be recorded;

(e) the survey, at each observation point, shall be at least:

(i) concentrated on a representative number of units of plants or plant products,

(ii) concentrated on one or more of the main host plants or plant products of any harmful organism of concern; where appropriate, other hosts shall also be included,

(iii) comprising visual inspections to determine the presence of symptoms or signs of any harmful organism of concern, carried out at a time when such symptoms or signs would be expected to be at their maximum,

(iv) in cases of doubt, laboratory testing of samples;

(f) where appropriate, at the observation points, traps which attract the relevant organisms shall be used; the type and number of traps to be used as well as the method of trapping shall take into account the biology of the pest.

(2) Any further measure, which is appropriate to ensure that the conditions laid down in regulation 4 to these regulations are met, may be taken.

(3) The Director may issue guidelines in respect of harmful organisms other than those referred to therein, once the necessary technical information is available.

Miscellaneous.

6. (1) For the purposes of the foregoing provisions of these regulations the Director shall have access to any premises where an activity regulated by these regulations and the Plant Quarantine (Harmful Organisms) Regulations, 2004 is being carried out and shall have access to all relevant information and records. He may also collect samples of plants, plant products and other objects and carry out any relevant checks thereon.

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(2) The Director may, where he deems appropriate, issue guidelines, measures or operative procedures for the implementation of these regulations.

(3) Without prejudice to the generality of sub regulation (1) of this regulation, the Director may by notice published in the Gazette lay down the minimum measures to be taken to be able to carry out surveys for purposes of the recognition of protected zones.

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