

L.N. 477 of 2004

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

**Protective Measures against the Introduction into European
Community of Organisms Harmful to Plants and
Plant products 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:

1. (1) The title of these regulations is the Protective measures against Introduction into the European Community of Organisms Harmful to Plants and Plant Products Regulations, 2004.

(2) The scope of these regulations is to implement the rules found under European Union Council Directive 2004/31/EEC amending Annexes I, II, III, IV and V to 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:

Provided that the amendment made to Annexes I, II, III, IV and V to European Union Council Directive 2000/29/EEC are provided in the Schedule to these regulations.

SCHEDULE

Annexes I, II, III, IV and V to European Union Council Directive 2000/29/EC are amended as follows:

1. in Part B of Annex I, under heading (b), point 1 is replaced by the following:

Beet necrotic yellow vein virus	DK, F (Brittany), FI, IRL, P (Azores), UK (Northern Ireland)'
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2. in Part B of Annex II, under heading (b), point 2 is replaced by the following:

'2. <i>Erwinia amylovora</i> (Burr.) Winsl. et al.	Parts of plants, other than fruit, seeds and plants intended for planting, but including live pollen for pollination of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl. <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L.L. and <i>Sorbus</i> L.	E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-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, Villanovadel Ghebbo, Fiesso Umbertino, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, 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),(Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)'
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3. Annex III is amended as follows:

(a) in the right-hand column of point 15 of Part A, the text is replaced by the following;
‘Third countries other than Switzerland’;

(b) in Part B, point 1 is replaced by the following:

<p>‘1. Without prejudice to the prohibitions applicable to the plants listed in Annex IIIA (9), (9.1), (18), where appropriate, plants and live pollen for pollination of: <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Pyracantha</i> Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., other than fruit and seeds, originating in third countries other than Switzerland and other than those recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with the procedure laid down in Article 18(2), or in which pest-free areas have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with the relevant International Standard for Phytosanitary Measures and recognised as such in accordance with the procedure laid down in Article 18(2)</p>	<p>E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-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 Umbertino, 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), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)</p>
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<p>2. Without prejudice to the prohibitions applicable to the plants listed in Annex IIIA (9), (9.1), (18), where appropriate, plants and live pollen for pollination of: <i>Cotoneaster</i> Ehrh. and <i>Photinia davidiana</i> (Dcne.) Cardot, other than fruit and seeds, originating in third countries other than those recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with the procedure laid down in Article 18(2), or in which pest-free areas have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with the relevant International Standard for Phytosanitary Measures and recognised as such in accordance with the procedure laid down in Article 18(2)</p>	<p>E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-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, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbana, 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), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)</p>
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4. Annex IV is amended as follows:

(a) Section I of Part A is amended as follows:

- (i) in the left-hand column of point 53, the text 'Iran' is inserted;
- (ii) in the left-hand column of point 54, the text 'Iran' is inserted;

(b) Part B is amended as follows:

- (i) in the right hand column of point 20.1, the text is replaced by the following: 'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)';
- (ii) in the right hand column of point 20.2, the text is replaced by the following: 'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland);
- (iii) point 21 is replaced by the following:

<p>'21. Plants and live pollen for pollination of: <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. and <i>Sorbus</i> L., other than fruit and seeds</p>	<p>Without prejudice to the prohibitions applicable to the plants listed in Annex IIIA(9), (9.1), (18) and IIIB(1), (2) where appropriate, official statement that: (a) the plants originate in third countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. et al. in accordance with</p>	
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	<p>the procedure laid down in Article 18(2), or</p> <p>(b) the plants originate in pest-free areas in third countries which have been established in relation to <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> in accordance with the relevant International Standard for Phytosanitary Measures and recognised as such in accordance with the procedure laid down in Article 18(2), or</p> <p>(c) the plants originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Tici Vaud, Valais,</p> <p>(d) the plants originate in the protected zones listed in the right-hand column, or</p> <p>(e) the plants have been produced, or, if moved into a “buffer zone”, kept and maintained for a period of at least 7 months including the period 1 April to 31 October of the last complete cycle of vegetation, on a field:</p> <p>(aa) located at least 1 km inside the border of an officially designated ‘buffer zone’ of at least 50 km² where host plants are subject to an officially approved and supervised control regime established at the latest before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, with the object of minimising the risk of <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> being spread from the plants grown there. Details of the description of this ‘buffer zone’ shall be kept available to the Commission Once the ‘buffer zone’ is established, official</p>	
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	<p>inspections shall be carried out in the zone not comprising the field and its surrounding zone of 500 m width, at least once since the beginning of the last complete cycle of vegetation at the most appropriate time, and all host plants showing symptoms of <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> should be removed immediately. The results of these inspections shall be supplied by 1 May each year to the Commission and to other Member States, and</p> <p>(bb) which has been officially approved, as well as the 'buffer zone', before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, for the cultivation of plants under the requirements laid down in this point, and</p> <p>(cc) which, as well as the surrounding zone of a width of at least 500 m, has been found free from <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> since the beginning of the last complete cycle of vegetation, at official inspection carried out at least:</p> <ul style="list-style-type: none">— twice in the field at the most appropriate time, i.e. once during June to August and once during August to November; and— once in the said surrounding zone at the most appropriate time, i.e. during August to November, and <p>(dd) from which plants were officially tested for latent infections in accordance with an appropriate laboratory method on samples officially drawn at the most appropriate period.</p> <p>Between 1 April, 2004 and 1 April, 2005, these provisions shall not apply to plants moved into and within the protected zones listed in the right-hand</p>	
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	column which have been produced and maintained on fields located in officially designated “buffer zones”, according to the relevant requirements applicable before 1 April, 2004.	
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(iv) point 21.1 is deleted;

(v) a new point 21.3 is inserted before point 22:

<p>*21.3. From 15 March to 30 June, beehives</p>	<p>There shall be documented evidence that the beehives:</p> <p>(a) originate in third countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> in accordance with the procedure laid down in Article 18(2),</p> <p>or</p> <p>(b) originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Ticino, Vaud, Valais,</p> <p>or</p> <p>(c) originate in the protected zones listed in the right-hand column,</p> <p>or</p> <p>(d) have undergone an appropriate quarantine measure before being moved</p> <p>There shall be documented evidence that the beehives:</p> <p>(a) originate in third countries recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i> in accordance with the procedure laid down in Article 18(2),</p>	<p>E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-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, Lusina, 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), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK</p>
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	<p>or</p> <p>(b) originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Ticino, Vaud, Valais,</p> <p>or</p> <p>(c) originate in the protected zones listed in the right-hand column,</p> <p>or</p> <p>(d) have undergone an appropriate quarantine measure before being moved.</p>	<p>(Northern Ireland, Isle of Man and Channel Islands)'</p>
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(vi) in the right hand column of point 22, the text is replaced by the following:
 'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)';

(vii) in the right hand column of point 23, the text is replaced by the following:
 'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)';

(viii) in the right hand column of point 25, the text is replaced by the following:
 'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)';

(ix) in the right hand column of point 26, the text is replaced by the following:
 'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)';

(x) in the right hand column of point 27.1, the text is replaced by the following:
 DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)';

(xi) in the right hand column of point 27.2, the text is replaced by the following:
 'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)';

(xii) in the right hand column of point 30, the text is replaced by the following:
 'DK, F (Britanny), FI, IRL, P (Azores), UK (Northern Ireland)'.

5. In point 1 and 8, under heading I of Part B of Annex V, the text ' , Iran' is inserted after 'India'.