
**EUROPEAN COMMUNITIES (INTRODUCTION OF ORGANISMS HARMFUL TO
PLANTS OR PLANT PRODUCTS) (PROHIBITION) REGULATIONS 1980**

I, RAY MacSHARRY, Minister for Agriculture, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 77/93/EEC of 21 December 1976, as corrected by the Corrigenda published in the Official Journal No. L. 130/32 dated 29 May 1979, and amended by Council Directive No. 80/392/EEC of 18 March 1980 and Council Directive No. 80/393/EEC of 18 March 1980 hereby make the following regulations:

- (1) OJ No. L. 26., 31.1.1977
- (2) OJ No. L. 100., 17.4.1980
- (3) OJ No. L. 100., 17.4.1980

REG 1

- 1. (1) These Regulations may be cited as the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations, 1980.
- (2) These Regulations shall come into force on the 1st day of May, 1980.

REG 2

- 2. (1) In these Regulations—

"Annex I" means Annex I to the Directive;

"Annex II" means Annex II to the Directive;

"Annex III" means Annex III to the Directive;

"Annex IV" means Annex IV to the Directive;

"Annex V" means Annex V to the Directive;

"Annex VI" means Annex VI to the Directive;

"Annex VII" means Annex VII to the Directive;

"Annex VIII" means Annex VIII to the Directive;

"authorised person" means a person appointed in writing by the Minister to be an authorised person for the purposes of these Regulations;

"Member State" means a Member State of the European Communities:

"the Directive" means Council Directive 77/93/EEC of 21 December 1976—as corrected by—the Corrigenda published in the Official Journal No. L. 130/32 dated 29 May 1979, and amended by Council Directive No. 80/392/EEC of 18 March 1980 and Council Directive No. 80/393/EEC of 18 March 1980.

- (1) OJ No. L. 26., 31.1.1977

(2) OJ No. L. 100., 17.4.1980

(3) OJ No. L. 100., 17.4.1980

"the Minister" means the Minister for Agriculture;

(2) (a) These Regulations apply to wood listed in the first column of Part A of Annex IV at reference number 2 or in the first indent of Annex V at reference number 4, whether or not it retains all or part of its natural round surface, with or without bark.

(b) These Regulations apply to wood, other than wood referred to in subparagraph (a) of this paragraph, only in so far as it retains all or part of its natural round surface, with or without bark.

(3) A word or expression that is used in these Regulations and is also used in the Directive has the meaning in these Regulations that it has in the Directive.

REG 3

3. (1) Subject to paragraphs (2) and (3) of this Regulation, a person shall not introduce into the State any organism which is an organism listed in Part A of Annex I.

(2) Paragraph (1) of this Regulation shall not at any time during any period beginning on the 16th day of October and ending on the 30th day of April apply as regards cut flowers which are slightly contaminated by the organism referred to at reference number 1 or 4 of Part A (a) of Annex I.

(3) (i) Paragraph (1) of this Regulation shall not apply as regards fruit which is slightly contaminated by the organism referred to at reference number 3 of Part A (b) of Annex I.

(ii) Notwithstanding subparagraph (i) of this paragraph, paragraph (1) of this Regulation shall apply at any time during any period beginning on the 1st day of May and ending on the 15th day of September as regards fruit which is slightly contaminated by the organism so referred to if such organism is young or mobile (or both).

REG 4

4. A person shall not introduce into the State, save under and in accordance with a permit issued for the purposes of these Regulations by the Minister—

(a) any organism listed in the first column of Part B of Annex I opposite the mention of Ireland in the second column thereof;

(b) any plant or plant product listed in the second column of Part B of Annex II opposite the mention of Ireland in the third column thereof which is contaminated with an organism mentioned in the first column thereof opposite the mention in the said Part B of the plant or plant product.

REG 5

5. (1) A person shall not introduce into the State any plant or plant product which is listed in the second column of Part A of Annex II if it is contaminated by any organism which is an organism listed in the first column of the said Part A opposite the mention in the said second column of the plant or plant product.

(2) A person shall not introduce into the State, save under and in accordance with a permit issued for the purposes of these Regulations by the Minister, any organism listed in the first column of Part A of Annex II if it is either in an isolated state or occurs on any object other than an object listed in the second column of the said Part A.

REG 6

6. (1) Subject to paragraph (3) of this Regulation, a person shall not introduce into the State any plant or plant product listed in the first column of Part A of Annex III and which originates in any country which is either a country specified in the second column of the said Part A opposite the mention of the plant or plant product or a country which is of a class or description so specified.

(2) A person shall not introduce into the State save under and in accordance with a permit issued for the purposes of these Regulations by the Minister, any plant, plant product or other object listed at the reference numbers in the first column of Part B of Annex III which are opposite a reference in the second column of the said Part B to Ireland.

(3) (a) During the relevant period paragraph (1) of this Regulation shall only apply as regards plants or plant products listed at reference number 8 in the first column of Part A of Annex III.

(b) This Regulation shall not be construed as applying to any plant or plant product which—

(i) in the course of being transported from one place in the State to another place in the State is moved in transit outside the State.

(ii) in the course of being transported from one place outside the State to another place outside the State is moved in transit through the State.

(c) In this paragraph "the relevant period" means the period in any year beginning on the 16th day of April and ending on the 30th day of September.

REG 7

7. A person shall not introduce into the State from another Member State any plant, plant product or other object which is listed in either—

(a) the first column of Part A of Annex III, other than at reference number 6, 9, or 10 thereof, or

(b) at reference number 1, 2, 3, 4 or 5 in the first column of Part A of Annex IV,

unless the plant, plant product or other object is accompanied by a certificate issued officially in such Member State as regards the plant, plant product or other object, as the case may be, and certifying the country of its origin.

REG 8

8. (1) A person shall not introduce into the State any plant, plant product or other object listed in the first column of Part A of Annex IV unless the requirements indicated in the second column of the said Part A opposite the mention in the said first column of the plant, plant product or other object are met.

(2) A person shall not introduce into the State, save under and in accordance with a permit issued for the purposes of these Regulations by the Minister, any plant or plant product listed at the reference numbers in the first column of Part B of Annex IV which are opposite a reference in the third column of the said Part B to Ireland unless the requirements indicated in the second column of the said Part B opposite the mention in the said first column of the plant or plant product are met.

(3) Paragraph (1) of this Regulation shall not apply in relation to wood of *Ulmus* listed in the first column of Part A of Annex IV at reference number 6 where such wood both originates in and is introduced into the State from Northern Ireland.

REG 9

9. (1) Where, in a state or territory which is neither a Member State nor non-European, there are not for the time being in force provisions corresponding to Regulation 8 of these Regulations in so far as it applies to wood of conifers (*Coniferae*), such wood shall not be introduced into the State from that state or territory unless the requirements specified in the second column of Part A of Annex IV at reference number 1 have been complied with.

(2) Where, in a state or territory which is neither a Member State nor a country of a class or description specified in the first column of Part A of Annex IV at reference number 2, there are not for the time being in force provisions corresponding to the requirements specified in the second column of the said Part A at the said reference number 2, wood of *Castanea* or *Quercus* shall not be introduced into the State from that state or territory unless

the said requirements have been complied with.

(3) Where, in a state or territory which is neither a Member State nor a country of a class or description specified in the first column of Part A of Annex IV at reference number 2 or 3, there are for the time being in force provisions corresponding to the requirements specified in the second column of the said Part A at reference number 2 but there are not in force provisions corresponding to the requirements specified in the said second column at reference number 3, wood of *Castanea* or *Quercus* shall not be introduced into the State from such state or territory unless the said requirements set out in the said second column at the said reference number 3 have been complied with.

(4) Where, in a state or territory which is neither a Member State nor a country of a class or description specified in the first column of Part A of Annex IV at reference number 5, there are not for the time being in force provisions corresponding to the requirements specified in the second column of the said Part A at the said reference number 5, wood of *Populus* shall not be introduced into the State from that state or territory unless the said requirements have been complied with.

REG 10

10. (1) (a) A person shall not introduce from the State into another Member State any plant, plant product or other object listed in Annex V without previously notifying the Minister in writing of his intention so to do and thereafter affording to an authorised person, in such manner as the Minister shall direct, an opportunity of examining the plant, plant product or other object together with the packing intended to be used in connection with such introduction.

(b) A person shall not introduce from the State any organism listed in the first column of Part B of Annex I into any other Member State which is listed in the second column of the said Part B opposite the mention therein of the organism and which has, as regards the genus of which the organism is a species, exercised the power contained in Article 3.6 (a) of the Directive.

(c) A person shall not introduce from the State any plant or plant product listed in the second column of Part B of Annex II which is contaminated with any organism listed in the first column of the said Part B opposite the mention therein of the plant or plant product into any other Member State which is listed in the third column of the said Part B opposite the mention therein of the plant or plant product and which has, as regards the genus of which the organism is a species, exercised the power contained in Article 3.6 (b) of the Directive.

(2) Where in pursuance of paragraph (1) (a) of this Regulation an authorised person is afforded an opportunity of examining a plant, plant product or other object, or its packaging, the person may do in relation thereto anything which is necessary or expedient to—

(a) ascertain whether or not the plant, plant product or other

object is contaminated by any organism listed in Part A of Annex I,

(b) in case the object is a plant or plant product listed in the second column of Part A of Annex II, ascertain whether or not it is contaminated by any organism listed in the first column of the said Part A,

(c) in case the object is a plant, plant product or other object listed in the first column of Part A of Annex IV, ascertain whether or not the requirements indicated in the second column of the said Part A opposite its mention in the said first column are met by it,

(d) in case the object is a plant or plant product listed in the first column of Part B of Annex IV and is being introduced from the State into another Member State listed in the third column of the said Part B opposite the mention therein of such plant or plant product and that other Member State has, as regards the genus of which the plant or plant product is a species, exercised the power contained in Article 5.2 (b) of the Directive, ascertain whether or not the requirements indicated in the second column of the said Part B opposite the mention therein of such plant or plant product are met,

and in addition to the foregoing such authorised person may for the purposes aforesaid, if necessary, examine any vehicle used to transport such plant, plant product or other object.

(3) (a) (i) A plant, plant product or other object listed in Annex V shall not be introduced from the State into another Member State by a person unless it is accompanied by either a phytosanitary certificate issued by the Minister and referred to in Article 7.1 of the Directive and made out not more than 14 days before the date on which the plant, plant product or other object leaves the State, or a phytosanitary certificate issued by the Minister and referred to in Article 8.2 of the Directive and so made out.

(ii) Unless plants, plant products or other objects have been split up or stored in the State or their packaging has been changed in the State, the foregoing provisions of this subparagraph shall not apply in relation to plants, plant products or other objects which have been introduced into the State from another Member State and which are accompanied by a phytosanitary certificate referred to in Article 7.1 of the Directive.

(b) The requirements of this paragraph are in addition to and not in substitution for the requirements of paragraph (1) of this Regulation.

(4) Paragraphs (1) (a) and (3) of this regulation shall not apply in relation to any of the following, namely:

(i) any plant or plant product listed in subparagraph (a) or (b) of paragraph 2 of Annex V where such plant or plant product is both produced in the State and introduced from the State into Great Britain, Northern Ireland, the Isle of Man or the Channel Islands,

(ii) wood of *Castanea*, or *Quercus* which both originates in the State and is so introduced into Great Britain, Northern Ireland, the

Isle of Man or the Channel Islands,
(iii) wood of *Ulmus* which both originates in the State and is so introduced into Northern Ireland.

REG 11

11. (1) A person shall not introduce into the State any plant, plant product or other object to which these Regulations relate without, at the time of the introduction, affording to an authorised person an opportunity of examining, for the purpose of ascertaining whether the provisions of these Regulations are complied with, the plant, plant product or other object together with its packaging and the vehicle in which it is transported.

(2) A person shall neither introduce at any time into the State any plant, plant product, wood or other object listed at reference number 1 in the first column of Part B of Annex IV or listed in Annex V—nor at any time during the period beginning on the 1st day of April and ending on the 14th day of October in any year introduce into the State any plant product listed at reference number 14 in the said first column unless—

(a) it is accompanied by a certificate or certificates described in Article 4, 5, 7, 8 or 9 of the Directive, and

(b) any phytosanitary certificate by which it is accompanied is not made out more than fourteen days before the date on which the plant, plant product or other object left the consignor country.

(3) Paragraph (2) of this Regulation shall not apply in relation to any of the following, namely—

(i) any plant or plant product listed at reference number 14 in the first column of Part B of Annex IV or listed in subparagraph (a) or (b) of paragraph 2 of Annex V where such plant or plant product is both produced in and introduced into the State from Great Britain, Northern Ireland, the Isle of Man or the Channel Islands,

(ii) wood of *Castanea*, *Conifers* or *Quercus* which both originates in and is so introduced from Great Britain, Northern Ireland, the Isle of Man or the Channel Islands,

(iii) wood of *Ulmus* which both originates in and is so introduced from Northern Ireland.

REG 12

12. If the Minister is satisfied that in a particular case there is no risk of harmful organisms spreading, on receipt of an application in writing he may—

(a) direct that for so long as the direction is in force

Regulation 6 (3) of these Regulations shall be construed and have effect as regards plants or plant products introduced into the State by the applicant as if for the definition of the relevant period in that Regulation there were substituted such shorter period as is specified in the direction,

(b) if he is satisfied that any of the circumstances specified

in Article 14 (1) (a) (iv) of the Directive apply as regards any plant, plant product or other object, he may direct that any one or more of the following Regulations, namely, Regulation 7, 8, 9, 10 or 11 of these Regulations, as may be appropriate shall not apply in relation thereto,

(c) direct that Regulation 3 of these Regulations, in so far as it applies to any organism listed at reference number 1 or 4 of Part A (a) of Annex I, shall not apply as regards any slightly contaminated cut flowers introduced into the State by the applicant at any time during the period beginning on the 1st day of May and ending on the 15th day of October in any year,

(d) direct that Regulation 3 of these Regulations in so far as it applies to any organism listed at reference number 2 of Part A (a) of Annex I, shall not apply as regards any slightly contaminated fruit introduced into the State by the applicant at any time during the period beginning on the 1st day of November in any year and ending on the 31st day of March in the next following year,

(e) exempt any fruit introduced into the State by the applicant from the application of Regulation 3 (3) of these Regulations, in so far as it applies to organisms referred to at reference number 3 of Part A (b) of Annex I,

(f) direct that Regulation 3 (3) (i) of these Regulations shall have effect as regards fruit introduced into the State by the applicant as if the proviso thereto were deleted,

(g) if he is satisfied that an organism listed in the first column of Part A of Annex II exists within the State or another Member State and that a plant or plant product to which the application relates is but slightly contaminated by such organism, direct that the plant or plant product be exempt from Regulation 5 of these Regulations,

(h) if he is satisfied that an organism listed in Part A of Annex I, a plant, plant product or object to which Regulation 5, 6 or 8 of these Regulations applies, a plant listed at reference number 8 of Part A of Annex III is to be used for trials, work on varietal selection or other scientific purposes, direct that, subject to such terms and conditions (if any) as the Minister shall specify for the purpose of obviating the risk of harmful organisms spreading, such organism, plant, plant product or object shall be exempt from any one or more of the following Regulations, namely, Regulation 3, 5, 6, 7 or 8 of these Regulations, as may be appropriate,

(i) as regards any wood which is wood described at reference numbers 1 or 5 in the first column of Part A of Annex IV, direct that Regulation 8 (1) of these Regulations shall not apply as regards its introduction into the State by the applicant,

(j) as regards any seed potatoes originating in—

(i) North, South or Central America,

(ii) any country in which potato spindle tuber virus has occurred, being a country which is neither a Member State nor in North, South or Central America, if, but only if, the application is

accompanied by an official certificate relating to the seed potatoes to which the application relates, issued in the country of their origin and stating that in the region in which such seed potatoes originated there have not been recorded since the beginning of the last complete cycle of vegetation symptoms of contamination with regard to any of the viruses or mycoplasmas listed at reference number 2 in Part A(e) of Annex I, direct that Regulation 8(1) of these Regulations shall not apply as regards the introduction into the State of such seed potatoes, and in the case the Minister gives a direction under this Regulation the provisions of these Regulations specified in the direction shall be construed and have effect subject to the direction.

REG 13

13. (1) Whenever any plant, plant product or other thing is introduced into the State in contravention of these Regulations, the plant, plant product or other thing shall, unless its disposal in some other manner is authorised by a permit issued for the purposes of this Regulation by the Minister, be destroyed forthwith either by and at the expense of the importer or, if the Minister so directs, by some other person specified by the Minister.

(2) Whenever any plant, plant product or other thing is required by paragraph (1) of this Regulation to be destroyed forthwith by the importer and it is not so destroyed, the importer shall be guilty of an offence.

(3) Whenever any plant, plant product or other thing is introduced into the State in contravention of these Regulations and a permit has been issued for the purposes of this Regulation by the Minister, it shall not be lawful to dispose of the plant, plant product or other thing otherwise than in accordance with the permit, and if the plant, plant product or other thing is disposed of otherwise than in accordance with the permit, the importer shall be guilty of an offence.

REG 14

14. (1) Subject to paragraph (2) of this Regulation, the Minister may issue permits for the purposes of these Regulations, attach conditions to and withdraw any such permit.

(2) Nothing in this Regulation shall be construed as enabling the Minister to issue a permit for the purposes of these Regulations as regards any plant, plant product, organism or object the introduction of which into the State is prohibited by Regulation 3(1), 5(1), 6(1) or 8(1) of these Regulations.

REG 15

15. (1) An authorised person may at all reasonable times—
- (a) enter and inspect any premises, railway wagon, vehicle, ship, vessel, or aircraft,
 - (b) inspect the contents of any container, in which he has reasonable grounds for believing there is any organism, plant, plant product or other thing which has been introduced into the State in contravention of these Regulations and take samples of any organism, plant, plant product or other thing which he finds in the course of his inspection.
- (2) The Minister shall furnish an authorised person with a certificate of his appointment and, when exercising any power conferred by this Regulation, the officer shall if requested by any person affected, produce the certificate to that person.

REG 16

16. An officer of customs and excise may detain and seize any plant, plant product or other object either introduced from the State into another Member State or introduced into the State in contravention of these Regulations, or being attempted to be so introduced, and may for that purpose open any package containing or suspected by him to contain such plant, plant product or other object, and the provisions of the Customs Consolidation Act, 1876, relating to the condemnation and disposal of goods seized under that Act shall apply and have effect in relation to all articles seized under this Regulation as if the articles had been seized under that Act.

REG 17

17. (1) Any person who contravenes Regulation 3, 4, 5, 6, 7, 8 or 9 of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £300.
- (2) A person guilty of an offence under Regulation 13 of these Regulations shall be liable on summary conviction to a fine not exceeding £300.
- (3) Any person who contravenes Regulation 10 of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.
- (4) Any person who obstructs or interferes with an authorised person in the course of exercising a power conferred on him under Regulation 14 of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

REG 18

18. An offence under these Regulations may be prosecuted by the Minister.

REG 19

19. (1) The Northern Ireland Potatoes Importation Order, 1930, and the Importation of Unbarked Coniferous Timber (Prohibition) Order, 1962 (S.I. No. 5 of 1962) are hereby revoked.

(2) (i) Each of the orders mentioned in subparagraph (ii) of this paragraph shall cease to have effect as regards organisms, plants, plant products, objects or wood referred to in Regulation 3(1), 4, 5, 7, 8 or 10 of these Regulations or in paragraph (1) or (2) of Regulation 6 of these Regulations and originating in a Member State.

(ii) The orders referred to in subparagraph (i) of this paragraph are the Potatoes Importation (Ireland) Order, 1920, the Destructive Insects and Pests (Ireland) Order, 1922, the Destructive Insects and Pests (Chrysanthemum Midge) (No. 2) Order, 1939, the Colorado Beetle Order, 1945 (S.R. and O., No. 228 of 1945), the Importation of Strawberry Plants and Black Currant and Gooseberry Bushes Order, 1946, (S.R. and O., No. 358 of 1946), the Importation of Forest Trees (Prohibition) Order, 1949 (S.I. No. 292 of 1949), and the Stem and Bulb Eelworm Order, 1966 (S.I. No. 2 of 1966).

GIVEN under my Official Seal this 30th day of April 1980.

RAY MacSHARRY,

Minister for Agriculture.

EXPLANATORY NOTE

The Regulations prescribe import and export controls on plants and plant products to comply with the provisions of Council Directive 77/93/EEC and amending Directives on Community measures to prevent the introduction or spread of plant diseases and pests.