

**EUROPEAN COMMUNITIES (INTRODUCTION OF ORGANISMS HARMFUL TO
PLANTS OR PLANT PRODUCTS) (PROHIBITION) (AMENDMENT) REGULATIONS
1998**

I, JOE WALSH, Minister for Agriculture and Food, 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 97/3/EC of 20 January 1997(1), hereby make the following Regulations:

(1)O.J. L. 27 of 30.1.1997.

REG 1

1. (1) These Regulations may be cited as the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) (Amendment) Regulations, 1998.

(2) The European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations 1980 to 1997 and these Regulations may be cited together as the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations 1980 to 1998.

REG 2

2. In these Regulations "the Principal Regulations" means the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations, 1980 (S.I. No. 125 of 1980).

REG 3

3. Regulation 2 of the Principal Regulations is hereby amended by the substitution in paragraph (1) in the definition of "the Directive" for "and Commission Directive 97/14/EC of 21 March 1997" (inserted by the European Communities (Introduction of Organisms Harmful to Plants of Plant Products) (Prohibition) (Amendment) (No. 2) Regulations, 1997 (S.I. No. 289 of 1997)) of ", Commission Directive 97/14/EC of 21 March 1997 and Council Directive 97/3/EC of 20 January 1997".

REG 4

4. Regulation 13 of the Principal Regulations is hereby amended:—
(a) in paragraphs (1) and (3), by the insertion after "introduced into the State", in each place where it occurs, of "or moved within the State", and,
(b) in paragraphs (1), (2) and (3), by the insertion after "importer", in each place where it occurs, of "or owner as the case may be".

REG 5

5. The Principal Regulations are hereby amended by the insertion of the following Regulation after Regulation 19:—

"20 (1) Any allocation of a financial contribution by the European Community pursuant to Articles 19b and 19c of the Directive shall be without prejudice to any cause of action relevant to such contribution which may accrue to the State or to any other party against any other party, including a Member State.

(2) Rights and entitlements arising from a cause of action as specified in paragraph (1) of this Regulation shall vest in the European Community from the date of payment of the financial contribution referred to in paragraph (1) in so far as such contribution is directly related to such rights and entitlements.

(3) Rights and entitlements referred to in paragraph (2) of this Regulation shall cease to be vested in the European Community in the event that the financial contribution referred to in this Regulation falls to be repaid to the European Community, in so far as such repayment is directly related to such rights and entitlements."

GIVEN under my Official Seal, this 23rd day of March, 1998.

JOE WALSH,

Minister for Agriculture and Food.

EXPLANATORY NOTE.

These Regulations implement the provisions of Council Directive 97/3/EC which establishes a system of Community financial contributions and provides for powers of destruction of material moving within the State in contravention of the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations, 1980.