

**EUROPEAN COMMUNITIES (INTRODUCTION OF ORGANISMS HARMFUL TO
PLANTS OR PLANT PRODUCTS) (PROHIBITION) (AMENDMENT) (NO. 2)
REGULATIONS 1994**

I, JOE WALSH, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), for the purposes of giving full effect to Council Directive 77/93/EEC (as amended in the manner specified in Regulation 2 (1) of the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations, 1980 S.I. No. 125 of 1980) and in particular to Council Directive 94/13/EC of 29 March, 1994(1) hereby make the following Regulations:—

(1)O.J. No. L92 of 9.4.1994.

REG 1

1. (1) These Regulations may be cited as the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) (Amendment) (No. 2) Regulations, 1994.

(2) The collective citation "The European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations 1980 to 1994" shall include these Regulations.

(3) These Regulations shall come into operation on the 1st October, 1994.

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 (a) the substitution in paragraph (1) in the definition of "the Directive" for "and Commission Directive 94/3/EC of 21 January, 1994" (inserted by the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) (Amendment) Regulations, 1994 (S.I. No. 47 of 1994)) of "Commission Directive 94/3/EC of 21 January 1994 and Council Directive 94/13/EC of 29 March 1994" and (b) the deletion of paragraph (2).

REG 4

4. Regulation 6 of the Principal Regulations is hereby amended:

- (a) in paragraph (1) by the deletion of the words "subject to paragraph (3) of this Regulation" where they occur and
- (b) by the deletion of paragraph (3).

REG 5

5. Regulation 8 of the Principal Regulations is hereby amended:—

- (a) by the insertion of the following paragraph (3).
- (3) Paragraphs (1) and (2) of this Regulation shall not apply to the introduction into the State or movement within the State of small quantities of plants, plant products, foodstuffs or animal feedingstuffs listed in Annex IV, where they are intended for use by the owner or recipient for non industrial and non commercial purposes or for consumption during transport where the Minister is satisfied that there is no risk of harmful organisms spreading".

REG 6

6. Regulation 10 of the Principal Regulations is hereby amended by the insertion in paragraph (1) of the following subparagraph (d).
"(d) subparagraph (i) shall not apply to the introduction into the State or movement within the State of small quantities of plants, plant products, foodstuffs or animal feedingstuffs where they are intended for use by the owner or recipient for non industrial and non-commercial purposes or for consumption during transport where that the Minister is satisfied that there is no risk of harmful organisms spreading".

REG 7

7. Regulation 10B of the Principal Regulations is hereby amended by the insertion of following subparagraph (c).
"(c) exempt small quantities of plants, plant products foodstuffs and animal feedingstuffs where they are intended for non industrial and non commercial purposes or for consumption during transport, from examination under Regulation 10 (1) (a) of these Regulations".

REG 8

8. Regulation 11 (2) of the Principal Regulations is hereby amended by the deletion of the words "listed at reference number 1 in the first column of Part B of Annex IV or" and "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 or plant product listed at reference number 14 in the said first column", where they occur.

REG 9

9. Regulation 12 of the Principal Regulations is hereby amended — in paragraph (b) by the substitution of "Article 12 (3) (b)" for "Article 14 (i) (a) (iii)".

GIVEN under my Official Seal, this 20th day of September, 1994.

JOE WALSH,
Minister for Agriculture, Food
and Forestry.

EXPLANATORY NOTE.

These Regulations implement the provisions of Council Directive 94/13/EC which extends the scope of the EU controls on plants and plant products to include the Canary Islands and adapts the provisions relating to derogations from these controls to the objectives of the Internal Market. These Regulations also make further amendments to the existing Regulations to take account of amendments to Council Directive 77/93/EEC consequent on the completion of the Internal Market.