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**EUROPEAN COMMUNITIES (INTRODUCTION OF ORGANISMS HARMFUL TO  
PLANTS OR PLANT PRODUCTS) (PROHIBITION) (AMENDMENT) REGULATIONS  
1990**

I, MICHAEL O'KENNEDY, 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 No. 89/439/EEC of 26 June, 1989, (1) Commission Decision No. 90/52/EEC of 17 January 1990(2), and Commission Decision No. 90/53/EEC of 17 January 1990(3), hereby make the following Regulations:

- (1) O.J. No. L.212, 22.7.89.
- (2) O.J. No. L. 36, 8.2.90.

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, 1990.
- (2) The European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations, 1980 to 1989, and these Regulations may be cited together as the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations, 1980 to 1990.

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 (inserted by Regulation 3 of the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) (Amendment) Regulations, 1989 (S.I. No. 92 of 1989)) of "the Directive" for "and Council Directive No. 88/572/EEC of 14 November, 1988 (13) " of "Council Directive No. 88/572/EEC of 14 November, 1988 (13) and Council Directive No. 89/439/EEC of 26 June, 1989.".
- (13) O.J. No. L. 313, 19.11.88.

REG 4

- 4. Regulation 11 of the Principal Regulations is hereby amended by—
  - ( a ) the substitution for paragraph (1) of the following paragraph:  
"(1) A person in possession of a plant, plant product or other

object to which these Regulations relate shall, in the event of its introduction into the State, afford to an authorised person an opportunity of examining it (and any packaging in which it is contained or any vehicle in which it is being transported) for the purposes of these Regulations and the Directive at such time as the authorised person may determine.", and

( b ) the substitution for paragraph (2A) (inserted by Regulation 2 of the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) (Amendment) Regulations, 1988 (S.I. No. 160 of 1988)) of the following paragraph:

"(2A) (a) A person shall not introduce into the State potato tubers originating in Denmark or the Federal Republic of Germany unless—  
(i) in the case of potato tubers originating in Denmark, they comply with the conditions of paragraph 2 of Article 1 of Commission Decision 90/52/EEC, and  
(ii) in the case of potato tubers originating in the Federal Republic of Germany, they comply with the conditions of paragraph 2 of Article 1 of Commission Decision 90/53/EEC.

( b ) The requirements of this paragraph are in addition to and not in substitution for the requirements of paragraphs (1) and (2) of this Regulation.

( c ) This paragraph shall cease to have effect on the 30th day of June, 1991."

GIVEN under my Official Seal, this 14th day of May, 1990.

MICHAEL O'KENNEDY,  
Minister for Agriculture and Food.

#### EXPLANATORY NOTE.

These Regulations implement the following Council Directive and Commission Decisions viz:—

( a ) Council Directive 89/439/EEC, amending, with respect to inspection and certification of plants, Directive 77/93/EEC on measures to prevent the introduction or spread of plant diseases or pests, and

( b ) Commission Decisions Nos. 90/52/EEC and 90/53/EEC setting out revised conditions relating to the importation of potato tubers from, respectively, Denmark and the Federal Republic of Germany.