

**EUROPEAN COMMUNITIES (INTRODUCTION OF ORGANISMS HARMFUL TO
PLANTS OR PLANT PRODUCTS) (PROHIBITION) (AMENDMENT) REGULATIONS
1987**

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 further effect to Council Directive No. 77/93/EEC of 21 December, 1976(1), as amended in the manner specified in the definition of "the Directive" (inserted by Regulation 3 of the following Regulations) 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), hereby make the following Regulations:

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, 1987.
- (2) The European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations, 1980 to 1986, and these Regulations may be cited together as the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations, 1980 to 1987.

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(1) of the Principal Regulations is hereby amended by the substitution for the definition of "the Directive" of the following definition:
"the Directive' means Council Directive No. 77/93/EEC of 21 December, 1976(1), 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(2), Council Directive No. 80/393/EEC of 18 March, 1980(3), Council Directive No. 81/7/EEC of 1 January, 1981(4), Council Directive No. 84/378/EEC of 28 June, 1984(5), Council Directive No. 85/173/EEC of 28 February, 1985(6), Council Directive No. 85/574/EEC of 19 December, 1985(7), First Commission Directive No. 86/545/EEC of 29 October, 1986(8), Second Commission Directive No. 86/546/EEC of 29 October, 1986(9), Third Commission Directive No. 86/547/EEC of 29 October, 1986(10), Council Directive No. 86/651/EEC of 18 December, 1986(11), and Council Directive No. 87/298/EEC of 2 March, 1987(12)."

- (1) O.J. No. L. 26, 31.1.77
- (2) O.J. No. L. 100, 17.4.80
- (3) O.J. No. L. 100, 17.4.80
- (4) O.J. No. L. 14, 16.1.81
- (5) O.J. No. L. 207, 2.8.84
- (6) O.J. No. L. 65, 6.3.85
- (7) O.J. No. L. 372, 31.12.85
- (8) O.J. No. L. 323, 18.11.86
- (9) O.J. No. L. 323, 18.11.86
- (10) O.J. No. L. 323, 18.11.86
- (11) O.J. No. L. 382, 31.12.86
- (12) O.J. No. L. 151, 11.06.87

REG 4

4. The Principal Regulations are hereby amended by the substitution for Regulation 3 of the following Regulation:

"3. (1) Subject to paragraph (2) 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) Whenever the Minister is satisfied that the conditions contained in Article 3(3) (inserted by Council Directive No. 85/574/EEC(7)) of the Directive have been fulfilled, he may direct that the provisions of paragraph (1) of this Regulation or paragraph (1) of Regulation 5 of these Regulations shall not apply as regards slight contamination of plants, other than those intended for planting, by specified harmful organisms listed in Part A of Annex I or in Part A of Annex II."

(7) O.J. No. L. 372, 31.12.85

REG 5

5. The Principal Regulations are hereby amended by the substitution for Regulation 17 (as amended by the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) (Amendment) Regulations. 1980 (S.I. No. 258 of 1980)) of the following Regulation:

"17. (1) Any person who contravenes Regulation 3, 4, 5, 6, 7, 8, 9 or 11(2) of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £600.

(2) A person guilty of an offence under Regulation 13 of these Regulations shall be liable on summary conviction to a fine not exceeding £600.

(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 £200.

(4) Any person who obstructs or interferes with an authorised person in the course of exercising a power conferred on him under Regulation 11(1) or 15 of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

(5) Any person who interferes with or alters in any way a certificate or a phytosanitary certificate referred to in Regulation 10(3) or 11(2) of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £600."

GIVEN under my Official Seal, this 16th day of October, 1987.

MICHAEL O'KENNEDY,
Minister for Agriculture and Food.

EXPLANATORY NOTE

These Regulations implement a number of Directives amending Council Directive 77/93/EEC and the Annexes thereto, on measures to prevent the introduction or spread of plant diseases or pests; amend the controls on trade in plants and plant products to take account of technical developments relating to certain plant diseases and pests and of the accession of Spain and Portugal to the Community, and increase the maximum fines for contravention of the Regulations.