

S.I. No. 189 of 2000.

European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) (Temporary Provisions) Regulations, 2000.

I, JOE WALSH, Minister for Agriculture, Food and Rural Development, 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 Commission Decision No. 2000/325/EC of 11 May 2000(1), hereby make the following Regulations:

(1) O.J. L 113 of 12.5.2000

1. (1) These Regulations may be cited as the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) (Temporary Provisions) Regulations, 2000.

(2) The collective citation, the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations, 1980 to 2000, shall include these Regulations.

2. (1) In these Regulations, "the Principal Regulations" means the European Communities (Introduction of Organisms Harmful to Plants or Plant Products) (Prohibition) Regulations, 1980 (S.I. 125 of 1980).

(2) A word or expression that is used in these Regulations and is also used in Council Directive No. 77/93/EEC of 21 December 1976, as amended, has, unless the contrary intention appears, the same meaning in these Regulations as it has in that Directive.

3. The provisions of Regulations 15, 16 and 17 of the Principal Regulations shall apply to these Regulations as if:-

in the said Regulations 15, 16 and 17, the references to "these Regulations" (being the Principal Regulations) included a reference to Regulations 4 and 5 of these Regulations.

4. A person shall not introduce into the State, or move within the State, plants of tomato, *Lycopersicon lycopersicum* (L.) Karsten ex Farw., other than seeds, unless they comply with the conditions of Commission Decision 2000/325/EC.

5. Without prejudice to the provisions of Regulation 4 of these Regulations, any person who intends to introduce into the State plants of tomato intended for planting, other than seeds,

(1) shall notify the Department of Agriculture, Food and Rural Development in writing at least two days in advance of the proposed date of introduction, giving full particulars (including the proposed point and date of entry and the intended use) of each consignment, and

(2) shall not move the consignment (or any part thereof) within the State unless the consignment has been certified by an authorised person as having been officially inspected and found free from Pepino mosaic virus.

6. Regulation 4 and Regulation 5 of these Regulations shall cease to have effect on 30 April 2001.

7. Any person who contravenes Regulations 4 or 5 of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £ 1000.

8. An offence under these Regulations may be prosecuted by the Minister for Agriculture, Food and Rural Development.

Given under my official seal

this 23rd day of June 2000.

Joe Walsh,

Minister for Agriculture, Food and Rural Development.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

The Regulations prohibit the introduction into the State of plants of tomato, *Lycopersicon lycopersicum* (L.) Karsten ex Farw., other than seeds, which do not meet the requirements of Commission Decision 2000/325/EC, in relation to Pepino mosaic virus. Prospective importers must give advance notice of consignments to the Department of Agriculture, Food and Rural Development and tomato plants must be officially inspected and found free of Pepino mosaic virus, before being moved within the State.