



STATUTORY INSTRUMENTS.

S.I. No. 318 of 2017



EUROPEAN COMMUNITIES (CONTROL OF ORGANISMS HARMFUL
TO PLANTS AND PLANT PRODUCTS) (AMENDMENT) (NO.2)
REGULATIONS 2017

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TO PLANTS AND PLANT PRODUCTS) (AMENDMENT) (NO.2)
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I, MICHAEL CREED, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by Section 3 of the European Communities Act 1972 (No.27 of 1972), for the purpose of giving full effect to Commission Implementing Decision (EU) 2016/715 of 11 May 2016¹ as amended by Commission Implementing Decision (EU) 2017/801 of 8 May 2017² hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 2) Regulations 2017 and may be construed together with the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 to 2012 and may be cited as the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 to 2017.

2. (1) In these Regulations—

“Commission Implementing Decision” means Commission Implementing Decision (EU) 2016/715 of 11 May 2016 as amended by Commission Implementing Decision (EU) 2017/801 of 8 May 2017;

“Principal Regulations” means the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 (S.I. No. 894 of 2004).

(2) A word or expression that is used in Council Directive 2000/29/EC of 8 May 2000 or the Commission Implementing Decision and is also used in these Regulations has, in these Regulations, the same meaning as it has in the Council Directive or the Commission Implementing Decision.

3. Every reference to “these Regulations” in the Principal Regulations shall be construed as including a reference to Regulations 4 to 6 of these Regulations.

4. A person shall not introduce into the State, or move within the State specified fruits originating from Argentina, Brazil, South Africa or Uruguay, unless they are in compliance with the conditions of the Commission Implementing Decision.

¹OJ L 125, 13.5.2016, p. 16

²OJ L 120, 11.5.2017, p. 26

5. A person who intends to introduce specified fruits originating in Argentina, Brazil, South Africa or Uruguay for purposes other than industrial processing into juice shall—

- (a) Satisfy the requirements laid down in chapter II of the Commission Implementing Decision, and
- (b) notify the Department of Agriculture, Food and the Marine in writing at least two days in advance of the proposed date of introduction of the specified fruit, giving full particulars (including the proposed point and date of entry and the intended use) of each consignment.

6. A person who intends to introduce and move specified fruit originating in Argentina, Brazil, South Africa or Uruguay that are destined exclusively for industrial processing into juice shall—

- (a) Satisfy the requirements laid down in chapter III of the Commission Implementing Decision, and
- (b) notify the Department of Agriculture, Food and the Marine in writing at least two days in advance of the proposed date of introduction of the specified fruit, giving full particulars (including the proposed point and date of entry and the intended use) of each consignment.

7. The Principal Regulations are amended by substituting for Regulation 17(1) the following—

“17. (1) A person who contravenes these Regulations, the Council Directive, the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) Regulations 2012, the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 2) Regulations 2012 or the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 2) Regulations 2017 is guilty of an offence and liable on conviction to a Class A fine.”.



Given under my Official Seal,
12 July 2017.

MICHAEL CREED,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

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

These Regulations provide for the introduction of controls intended to minimise the risks associated with the introduction of *Phyllosticta citricarpa* (McAlpine) Van der Aa and spread of same within the Union.

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