



STATUTORY INSTRUMENTS.

S.I. No. 227 of 2019



EUROPEAN COMMUNITIES (CONTROL OF ORGANISMS HARMFUL
TO PLANTS AND PLANT PRODUCTS) (AMENDMENT) REGULATIONS
2019

S.I. No. 227 of 2019

European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) Regulations 2019

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) 2015/789 of 18 May 2015¹ as amended by Commission Implementing Decision (EU) 2015/2417 of 17 December 2015², Commission Implementing Decision (EU) 2016/764 of 12 May 2016³, Commission Implementing Decision (EU) 2017/2352 of 14 December 2017⁴, Commission Implementing Decision (EU) 2018/927 of 27 June 2018⁵ and Commission Implementing Decision (EU) 2018/1511 of 9 October 2018⁶ 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) Regulations 2019 and may be construed together with the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 to 2017 and may be cited as the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 to 2019.

2. (1) In these Regulations:

“Commission Decision” means Commission Implementing Decision (EU) 2015/789 of 18 May 2015 as amended by Commission Implementing Decision (EU) 2015/2417/EU of 17 December 2015, Commission Implementing Decision (EU) 2016/764 of 12 May 2016, Commission Implementing Decision (EU) 2017/2352 of 14 December 2017, Commission Implementing Decision (EU) 2018/927 of 27 June 2018 and Commission Implementing Decision (EU) 2018/1511 of 9 October 2018;

“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 Decision and is also used in these Regulations has, in these Regulations the same meaning as it has in the Council Directive or Commission Decision.

3. Every reference to “these Regulations” in the Principal Regulations shall be construed as including a reference to Regulations 4 and 5 of these Regulations.

¹ O.J.No.L125 of 21.05.2015, p.36

² O.J.No.L333 of 19.12.2015, p.143

³ O.J.No.L126 of 14.05.2016, p.77

⁴ O.J.No.L336 of 16.12.2017, p.31

⁵ O.J.No.L164 of 29.06.2018, p.49

⁶ O.J.No.L255 of 11.10.2018, p.16

4. A person shall not introduce into the State, or move within the State, host plants cited in the Annex to the Commission Decision or listed on the European Commission Plant Health Database dealing with *Xylella fastidiosa* unless they comply with the conditions (as the case may be) of Article 9, 9A, 16 and 17 of the Commission Decision.

5. A person who intends to introduce host plants from another Member State or a Third Country as set out in the Commission Decision into the State shall –

- (a) satisfy the relevant requirements laid down in Articles 9, 9A, 17 and 18 of the Commission Decision, and
- (b) notify the Department of Agriculture, Food and the Marine in writing at least two days in advance, giving full particulars (including the proposed point and date of entry and the intended use) of each consignment.

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

“17. (1) A person who contravenes these Regulations, the Council Directive or the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 to 2019 is guilty of an offence and liable on conviction to a Class A fine.”.



GIVEN under my Official Seal,
20 May, 2019.

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 *Xylella fastidiosa* (Wells et al) and spread of same within the Union.

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