

2006 No. 82

PLANT HEALTH

The Plant Health Order (Northern Ireland) 2006

Made - - - - *6th March 2006*

Coming into operation - *31st March 2006*

ARRANGEMENT OF ARTICLES

**PART 1
GENERAL**

1. Citation and Commencement
2. General interpretation

**PART 2
IMPORTS FROM THIRD COUNTRIES**

3. Interpretation of Part 2
4. Application of Part 2
5. Prohibitions and restrictions on landing plant pests and relevant material
6. Advance notification of landing
7. Requirements for certificates
8. Exceptions from certain prohibitions and requirements
9. Presentation and display of documents
10. Prohibition on removal of relevant material from an area of plant health control
11. Exceptions from prohibition on removal of relevant material from area of plant health control
12. Plant health discharge
13. Request to an officer for Revenue and Customs for material to be detained
14. Power of an officer for Revenue and Customs
15. General provisions relating to certificates
16. Requirements to be met by relevant material prior to inspection at its place or country of destination
17. Approved places of inspection
18. Requirement for plant health movement document

**PART 3
INTERNAL COMMUNITY CONTROLS ON MOVEMENT**

19. Prohibitions on landing plant pests and relevant material

20. Prevention of the spread of plant pests
21. Requirements for plant passports
22. Exceptions from certain prohibitions and requirements
23. Validity of plant passports for Northern Ireland
24. General provisions relating to plant passports

PART 4

REGISTRATION OF PLANT TRADERS AND AUTHORITY TO ISSUE PLANT PASSPORTS

25. Register of plant traders
26. Obligation to register
27. Registration requirements
28. Conditions for maintaining registration as a plant trader
29. Authority to issue plant passports

PART 5

SWISS TRADE AND SWISS PLANT PASSPORTS

30. Swiss trade and Swiss plant passports

PART 6

MEASURES TO CONTROL THE LANDING OF RELEVANT MATERIAL AND PREVENT THE SPREAD OF PLANT PESTS

31. Examination, sampling and marking
32. Actions which may be required by an inspector
33. Actions which may be taken by an inspector
34. Miscellaneous provisions as to notices
35. Service of notices
36. Information as to compliance with notices
37. Failure to comply with a notice

PART 7

PLANTING OF, AND CONTROL OF PLANT PESTS ON, CERTAIN SOLANACEOUS SPECIES

38. Miscellaneous provisions for certain solanaceous species

PART 8

LICENCES

39. Licences to carry out activities prohibited by this Order
40. Licences for trial or scientific purposes and for work on varietal selections

PART 9

NOTIFICATIONS, PROVISION AND EXCHANGE OF INFORMATION

41. Notification of the presence or suspected presence of certain plant pests

- 42. Notification of the likely entry into, or presence in, a free zone of plant pests or relevant material
- 43. Information to be given

PART 10
OFFENCES

- 44. Offences
- 45. Penalties

PART 11
THE CUSTOMS ACT AND REVOCATION

- 46. The Customs Act
- 47. Revocation

-
- SCHEDULE 1 — Plant pests which shall not be landed in or spread within Northern Ireland
 - PART A — Plant pests not known to occur in any part of the European Community
 - PART B — Plant pests known to occur in the European Community
 - SCHEDULE 2 — Relevant material which may not be landed in or moved within Northern Ireland if that material is carrying or infected with plant pests
 - PART A — Plant pests not known to occur in the European Community
 - PART B — Plant pests known to occur in the European Community
 - PART C — Plant pests whose introduction into, and spread within, Northern Ireland (as a protected zone) shall be banned if they are present on certain relevant material
 - SCHEDULE 3 — Relevant material which may not be landed in Northern Ireland if that material originates in certain third countries
 - SCHEDULE 4 — Restrictions on the landing in and movement within Northern Ireland of relevant material
 - PART A — Relevant material, from third countries, which may only be landed in Northern Ireland if special requirements are satisfied
 - PART B — Relevant material, from another part of the European Community, which may only be landed in or moved within Northern Ireland if special requirements are satisfied
 - PART C — Relevant material which may only be landed in or moved within Northern Ireland (as a protected zone) if special requirements are satisfied
 - SCHEDULE 5 — Relevant material from a third country for which a phytosanitary certificate may be required
 - PART A — Relevant material which may only be landed in Northern Ireland if accompanied by a phytosanitary certificate
 - PART B — Relevant material which, if destined for certain protected zones, may only be landed in Northern Ireland if accompanied by a phytosanitary certificate
 - SCHEDULE 6 — Prohibitions on the landing in and movement within Northern Ireland of relevant material without a plant passport

- PART A — Relevant material, from Northern Ireland or elsewhere in the European Community, which may only be landed in or moved within Northern Ireland if accompanied by a plant passport
- PART B — Relevant material, from Northern Ireland or elsewhere in the European Community, which may only be landed in or moved within Northern Ireland if accompanied by a plant passport which is valid for Northern Ireland (as a protected zone)
- SCHEDULE 7 — Prohibitions on the consignment of relevant material to another part of the European Community without a plant passport
 - PART A — Relevant material which may only be consigned to another part of the European Community if accompanied by a plant passport
 - PART B — Relevant material which may only be consigned to a protected zone in another part of the European Community if accompanied by a plant passport which is valid for that protected zone
- SCHEDULE 8 — Swiss plant passports
 - PART A — Relevant material originating in Switzerland which may be landed in or moved within Northern Ireland if accompanied by a Swiss plant passport
 - PART B — Relevant material imported into Switzerland from another third country which, if it would normally be permitted to be landed in Northern Ireland if accompanied by a phytosanitary certificate, may be accompanied by a Swiss plant passport or may be landed without phytosanitary documentation
- SCHEDULE 9 — Requirements for plant passports
 - PART A — Requirements for plants passports for any relevant material in Schedule 6 or 7
 - PART B — Requirements for plant passports permitted for certain material in Schedule 6 or 7
- SCHEDULE 10 — Form of phytosanitary certificate and form of phytosanitary certificate for re-export required by Article 15(1)
 - PART A — Form of phytosanitary certificate
 - PART B — Form of phytosanitary certificate for re-export
- SCHEDULE 11 — Form of phytosanitary certificate and form of phytosanitary certificate for re-export permitted by Article 15(1)
 - PART A — Form of a phytosanitary certificate
 - PART B — Form of a phytosanitary certificate for re-export
- SCHEDULE 12 — Notice of landing
- SCHEDULE 13 — Plant health movement document
- SCHEDULE 14 — Special measures for the control of Potato Wart Disease
 - PART A — Special measures for the control of Potato Wart Disease
 - PART B — Wart Disease: Safety Zones
- SCHEDULE 15 — Special measures for the control of Potato Cyst Nematode
- SCHEDULE 16 — Special measures for the control of Potato Ring Rot
- SCHEDULE 17 — *Ralstonia solanacearum*
 - PART A — Special measures for the control of *Ralstonia solanacearum*
 - PART B — Demarcation of zones for the control of *Ralstonia solanacearum*
- SCHEDULE 18 — Notification requirements
- SCHEDULE 19 — Revocation of Orders and Regulations

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred by sections 2(b), 3(c), and 4(1)(d) of the Plant Health Act (Northern Ireland) 1967(e) and of all other powers enabling it in that behalf, hereby makes the following Order:

PART 1 GENERAL

Citation and Commencement

1. This Order may be cited as the Plant Health Order (Northern Ireland) 2006 and shall come into operation on 31st March 2006.

General interpretation

2.—(1) In this Order—

“area of plant health control” is defined in Article 10(2);

“authorised officer” means—

- (a) an authorised representative of the responsible official body of the country in which a plant passport is issued, a public servant acting under the authority of such a representative or a qualified agent employed by the responsible official body, in any case who shall be appropriately qualified;
- (b) a person permitted by Swiss legislation to issue a Swiss plant passport; or
- (c) an authorised representative of the responsible official body or the national plant protection organisation of the country in which a phytosanitary certificate or phytosanitary certificate for re-export or a translation of a phytosanitary certificate or phytosanitary certificate for re-export is issued, or a public officer acting under the authority of such a representative;

“consignment” means a quantity of goods being covered by a single document required for customs formalities or for other formalities under this Order, and may be composed of one or more lots;

“Customs Act” means the Customs and Excise Management Act 1979(f);

“Department” means the Department of Agriculture and Rural Development;

“Directive 93/85/EC” means Council Directive 93/85/EC(g) on the control of Potato Ring Rot;

“Directive 98/57/EC” means Council Directive 98/57/EC(h) on the control of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*;

“Directive 2000/29/EC” means Council Directive 2000/29/EC(i) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directives 2001/33/EC(j), 2002/28/EC(k), 2002/36/EC(l), 2003/22/EC(m),

-
- (a) Formerly the Department of Agriculture for Northern Ireland; *see* S.I. 1999/283 (N.I. 1) Art. 3(4)
 - (b) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c. 2, s. 177 (1) and Sch. 4 Pt. II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
 - (c) Section 3(1) was amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; Section 3B was inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
 - (d) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2 and S.I. 1984/702 (N.I. 2) Art. 15(2)
 - (e) 1967 c.28 (N.I.)
 - (f) 1979 c.2.
 - (g) OJ No. L 259, 18.10.1993, p.1.
 - (h) OJ No. L235, 21.8.1998, p.1.
 - (i) OJ No. L 169, 10.7.2000, p.1.
 - (j) OJ No. L 127, 9.5.2001, p.42; and *see* the associated Commission Directive 2001/32/EC, OJ No. L 127, 9.5.2001, p.38.
 - (k) OJ No. L 77, 20.3.2002, p.23; and *see* the associated Commission Directive 2002/29/EC, OJ No. L 77, 20.3.2002, p.26.
 - (l) OJ No. L 116, 3.5.2002, p.16.
 - (m) OJ No. L 78, 25.3.2003, p.10; and *see* the associated Commission Directive 2003/21/EC, OJ No. L 78, 25.3.2003.

2003/47/EC(a), 2003/116/EC(b), 2004/31/EC(c), 2004/70/EC(d), 2004/102/EC(e), 2005/16/EC(f), Council Directive 2002/89/EC(g) and by Article 20 and Annex II of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(h);

“documentary check” means an examination to determine that the consignment or lot is accompanied by the required certificates, alternative documents or marks, as specified in Article 13(1)(ii) of the Directive;

“early potatoes” means potatoes which are harvested before they are completely mature, marketed immediately after they have been harvested and whose skins can be easily removed without peeling;

“EC transit goods” means any relevant material introduced into Northern Ireland from a third country via another part of the European Community;

“Euro-Mediterranean area” means the geographical area comprising Europe, Algeria, Ceuta, Egypt, Israel, Jordan, Lebanon, Libya, Melilla, Morocco, Syria, Tunisia and the area of Turkey east of the Bosphorus Strait known as Anatolia;

“Europe” includes European Russia, Belarus, Georgia, Ukraine, Turkey (except the area east of the Bosphorus Strait known as Anatolia), Kazakhstan (except the area east of the Ural river) and the Canary Islands;

“European Community” means the territories of the member States including the Isle of Man and the Channel Islands but excluding the Canary Islands, Ceuta, Melilla and the French Overseas Departments;

“fruit” means fruit in the botanical sense but does not include dried, dehydrated, lacquered or deep frozen fruit;

“importer”, in relation to any plant pest or relevant material at any time between their landing from a third country and the time when they are discharged by an inspector under this Order, includes any owner or other person for the time being possessed of or beneficially interested in the plant pest or relevant material;

“inspector” means any person authorised by the Department to be an inspector for the purposes of this Order;

“IPPC” means the International Plant Protection Convention 1951(i);

“ISPM No. 4” means International Standard for Phytosanitary Measures No. 4 of February 1996(j) on Requirements for the establishment of pest free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations;

“ISPM No. 10” means International Standard for Phytosanitary Measures No. 10 of October 1999(k) on Requirements for the establishment of pest free places of production and pest free production sites, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations;

(a) OJ No. L 138, 5.6.2003, p.47; and see the associated Commission Directive 2003/46/EC, OJ No. L 138, 5.6.2003, p.45.

(b) OJ No. L 321, 6.12.2003, p. 36.

(c) OJ No. L 85, 23.3.2004, p.18; and see the associate Commission Directive 2004/32/EC, OJ No. L 85, 23.3.2004.

(d) OJ No. L 127, 29.4.2004, p.97.

(e) OJ No. L 309, 6.10.2004, p.9.

(f) OJ No. L 57, 3.3.2005, p.19; and see the associated Commission Directive 2005/18/EC, OJ No. L 57, 3.3.2005, p.25.

(g) OJ No. L 355, 30.12.2002, p.45.

(h) OJ No. L 236, 23.9.2003, p.33.

(i) Adopted in 1951 (Treaty Series No. 16 (1954), Cmd 9077) and revised in 1979 (Miscellaneous Series No. 1(1981), Cmd 8108).

(j) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00100 Rome, Italy and <http://www.ippc.int/IPP/En/default.htm>.

(k) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00100 Rome, Italy and <http://www.ippc.int/IPP/En/default.htm>.

“landed” means introduced into Northern Ireland by any means and includes imported by post, and “land” and “landing” shall be construed accordingly;

“lot” means a number of units of a single commodity, identifiable by its homogeneity of composition and origin, and forming part of a consignment;

“national plant protection organisation” means the service established by the government of a third country to discharge the functions specified in Article IV(1)(a) of the IPPC, details of which have been notified—

(a) in the case of contracting parties to the IPPC, to the Director of the Food and Agriculture Organisation of the United Nations; and

(b) in all other cases, to the European Commission;

“North America” means the geographical area comprising Canada, Mexico and the USA;

“nursery” means premises wholly or partly used for the cultivation or keeping of plants for the purpose of transplantation or removal to other premises;

“occupier” in relation to any premises means any person in occupation of or in charge of those premises whether he has an estate in them or not;

“official” in relation to any testing or other procedure required by this Order to be carried out in respect of any relevant material means carried out by or under the supervision of the responsible official body or the national plant protection organisation of the country in which the testing or other procedure is carried out and “officially” shall be construed accordingly;

“official body of destination” means the responsible official body in a Member State in charge of the area where the ‘customs office of destination is situated;

“official body of point of entry” means the responsible official body in a Member State in charge of the point of entry;

“official label” means a label that meets the relevant requirements set out in Part A or B of Schedule 9, issued by or with the authority of the responsible official body for the member State in which the official label is issued;

“official statement” means a statement issued by an authorised officer or a statement included in a plant passport;

“phytosanitary certificate” means a certificate which complies with the relevant requirements of Articles 7 and 15;

“phytosanitary certificate for re-export” means a certificate which complies with the relevant requirements of Articles 7 and 15;

“place of production” means any premises, normally worked as a unit, together with any contiguous land in the same ownership or occupation as such premises;

“plant” means a living plant (including a fungus, tree or shrub), or a living part of a plant (including a living part of a fungus, tree or shrub), at any stage of growth; and living parts of a plant shall include—

(a) fruit or seed,

(b) vegetables, other than those preserved by deep freezing,

(c) tubers, corms, bulbs or rhizomes,

(d) cut flowers,

(e) branches with or without foliage,

(f) a plant, tree or shrub that has been cut and which retains any foliage,

(g) leaves or foliage,

(h) a plant, tree or shrub in tissue culture,

(i) live pollen, and

(j) bud wood, cuttings or scions;

“plant health check” means an examination carried out under Article 12(3);

“plant health movement document” means a document which meets the requirements in Schedule 13;

“planting” means any operation for the placing of plants to ensure their subsequent growth, reproduction or propagation;

“plant or shrub in tissue culture” means a plant or shrub growing in a clear liquid or clear solid aseptic culture medium in a closed transparent container;

“plant passport” means a label and, where appropriate, an accompanying document that meets the relevant requirements set out in Part A or B of Schedule 9, issued by or with the authority of the responsible official body for the member State in which the plant passport is issued, and includes a replacement plant passport;

“plant pest” means any pathogen or living organism, other than a vertebrate animal, in any stage of its existence, which is injurious or likely to be injurious to any plant, plant product or tree;

“plant product” means products of plant origin, unprocessed or having undergone simple preparation, in so far as these are not plants;

“plant trader” means—

- (a) an importer of relevant material,
- (b) a producer of relevant material,
- (c) a person in charge of premises used for the storage, aggregation or dispatch of consignments of relevant material, or
- (d) a person who in the course of a trade or business divides up or combines consignments of relevant material;

“potato” means any tuber or true seed or any other plant of *Solanum tuberosum* L. or other tuber-forming species of the genus *Solanum* L.;

“Potato Cyst Nematode” means any cyst-forming nematode of the species *Globodera pallida* Stone Behrens or *Globodera rostochiensis* (Wollenweber) Behrens that infests and multiplies on potatoes and any strains or pathotypes of such nematode;

“Potato Ring Rot” means either the disease of potatoes which is caused by the bacterium *Clavibacter michiganensis* subsp. *Sepedonicus* (Spieckermann and Kotthoff) Davis *et al.* or that bacterium, as the context may require;

“Potato Wart Disease” means either the disease of potatoes which is caused by the fungus *Synchytrium endobioticum* (Schilbersky) Percival or that fungus as the context may require;

“premises” includes any land, building (other than a private dwelling house), vehicle, vessel, aircraft, hovercraft, freight container or railway wagon;

“producer”, in relation to relevant material, means a person who grows or makes the material in the course of a trade or business;

“protected zone” means a zone listed in the third column of Annex IV, Part B of Directive 2000/29/EC opposite the reference to the relevant material to which that zone relates;

“register” means the register of plant traders maintained under Article 25(1);

“registered”, in relation to a plant trader, means a trader whose particulars are listed in the register, and “registration” shall be construed accordingly;

“relevant material” means any plant, plant product, tree, soil or growing medium;

“responsible official body” means either the body described in paragraph (i) or the body described in paragraph (ii) of Article 2(1)(g) of Directive 2000/29/EC;

“seed” means seed in the botanical sense other than seed not intended for planting;

“Seed Potatoes Regulations” means the Seed Potatoes Regulations (Northern Ireland) 2001(a);

(a) S.R. 2001 No. 188;

“South America” means the geographical area comprising Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, French Guyana, Guyana, Paraguay, Peru, Surinam, Uruguay and Venezuela;

“Swiss plant passport” means a label and, where appropriate, an accompanying document, issued in Switzerland in accordance with Swiss legislation, which—

(a) contains information which gives evidence that the legislation in Switzerland relating to plant health standards and special requirements for relevant material moving into and within Switzerland have been complied with; and

(b) relates to relevant material listed in Part A of Schedule 8;

“third country” means a country or territory other than one within the European Community; and

“USA” means the United States of America except the state of Hawaii.

(2) “Transit”, for the purposes of this Order—

(a) where it occurs in Article 12(5) or (6), has the same meaning as in Article 2(1)(r) of Directive 2000/29/EC; and

(b) where it occurs anywhere else in this Order shall bear its ordinary meaning.

(3) Any reference in this Order to a species shall be construed as a reference to that species or to any of its hybrids.

(4) Any reference in this Order to the European Community, to a member State or a third country includes a reference to a state, country, principality, province or region within the European Community, member State, or third country, as the case may be.

(5) Any reference in this Order to a numbered Article or a numbered Schedule with no corresponding reference to a specific instrument shall be construed as a reference to the Article or Schedule so numbered in this Order.

(6) Any reference in this Order to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is consequently capable of being reproduced.

PART 2

IMPORTS FROM THIRD COUNTRIES

Interpretation of Part 2

3. In this Part—

“approved place of inspection” means a place of destination of relevant material approved by the Department under Article 17;

“Customs Code” means Council Regulation (EEC) No 2913/92(a) establishing the Community Customs Code;

“customs document” means a document required by the Commissioners for Her Majesty’s Revenue and Customs for placing relevant material under one of the procedures specified in Article 4(16)(a) and (d) to (g) of the Customs Code;

“electronic communications” has the same meaning as in the Electronic Communications Act (Northern Ireland) 2001(b);

(a) OJ No. L 302, 19.10.1992, p.1.

(b) 2001 c.9; the definition of electronic communication in section 4(1) was amended by the Communications Act 2003 (c.21), Schedule 17, paragraph 170.

“identity check” means an examination of a consignment of relevant material for the purposes of determining whether it corresponds to its description in the documents that accompany it being an examination of that consignment—

- (a) in its entirety; or
- (b) on the basis of one or more representative samples from the consignment or from each lot forming part of the consignment;

“working day”, in relation to the notice requirements in Articles 6(3)(b)(ii) and 16(3) and the period for which material may be detained under Article 14(1), means a period of twenty-four hours which is not a Saturday, Sunday or public holiday; and

“working hour” means a period of one hour during a working day.

Application of Part 2

4.—(1) Subject to paragraph (2), the provisions of this Part shall apply to plant pests and relevant material which are introduced into Northern Ireland from a third country either directly or via another part of the European Community.

(2) The provisions of this Part shall only apply to EC transit goods in respect of which the Department has agreed with the official body of point of entry for those goods, in accordance with Article 12(7), to be responsible for certain matters.

Prohibitions and restrictions on landing plant pests and relevant material

5.—(1) The landing in Northern Ireland of the following plant pests and relevant material is prohibited—

- (a) any plant pest of a description specified in Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 carrying or infected with a plant pest of a description specified in column 3 of that Schedule opposite the reference to that relevant material;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Northern Ireland and which is likely to be injurious to plants in Northern Ireland;
- (d) subject to paragraph (2), any relevant material of a description specified in column 2 of Schedule 3 which originates in a third country specified in column 3 opposite the reference to that relevant material;
- (e) subject to Article 8, any relevant material not prohibited under sub-paragraph (d) which is of a description specified in column 2 of Part A of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with; and
- (f) subject to Article 8 and without prejudice to any requirements specified in column 3 of Part A of Schedule 4 relating to the relevant material, any relevant material which is of a description specified in column 2 of Part C of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with.

(2) The prohibition in paragraph (1)(d) shall not apply to any relevant material which is in the course of its consignment between two third countries under appropriate customs procedures and without any change in customs status and which is transported in such a way as to prevent the accidental escape of plant pests.

Advance notification of landing

6.—(1) Subject to Article 30(3), the landing in Northern Ireland by any person of relevant material to which paragraph (2) refers, is prohibited unless he gives notice in accordance with this Article.

(2) The prohibition on landing relevant material in paragraph (1) applies to the landing in Northern Ireland, where Northern Ireland is the point of entry of the material into the Community, of the following relevant material—

- (a) any relevant material of a description specified in Part A of Schedule 5; or
- (b) any relevant material of a description specified in Part B of Schedule 5 and which is—
 - (i) listed in column 1 of Part C of Schedule 4;
 - (ii) listed in the second column of Annex II, Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone listed in the third column opposite the reference to the relevant material; or
 - (iii) listed in the first column of Annex IV, Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone listed in the third column opposite the reference to the relevant material.

(3) A notice under paragraph (1) shall—

- (a) be in accordance with the requirements of Schedule 12;
- (b) subject to paragraph (5), be given in time to arrive with the Department—
 - (i) in the case of any relevant material brought by air; at least four working hours, and
 - (ii) in any other case; at least three working days,before the relevant material is landed.

(4) The address to which a notice shall be given under paragraph (1) shall be such address as the Department shall specify from time to time, which may include an address for electronic communications.

(5) Where a person who is required by paragraph (1) to give notice of the landing of any relevant material can reasonably show that he was unable to comply with the periods specified in paragraph (3)(b)(i) or (ii) because he was unaware that the material had been consigned, he shall give notice as soon as is reasonably practicable.

Requirements for certificates

7.—(1) Subject to Articles 8 and 30(2) and to paragraph (6), the landing in Northern Ireland of any relevant material referred to in sub-paragraph (a) or (b) of Article 6(2) is prohibited unless that relevant material is accompanied by a phytosanitary certificate issued in the country in which that material originates or in the country from which it was consigned and, where paragraph (2) applies, by a phytosanitary certificate for re-export.

(2) Where relevant material consigned to Northern Ireland via any third country by way of transit has been split up, combined with other consignments or repackaged, that material shall be accompanied by a phytosanitary certificate for re-export issued in the country of transit.

(3) Where relevant material consigned to Northern Ireland via any third country by way of transit has or may have been exposed to infection or contamination by any plant pest, no longer remains the same material specified in the phytosanitary certificate which accompanies it or has been processed so as to change its nature, the phytosanitary certificate required to accompany it shall be issued in the country of transit.

(4) Where relevant material is listed in the first column of Annex IV Part B of Directive 2000/29/EC and the requirement or requirements specified in the second column opposite the reference to that relevant material can only be fulfilled in the country in which the relevant material originates, the phytosanitary certificate required to accompany it shall be issued in that country.

(5) Where a phytosanitary certificate is required by paragraph (2) to be accompanied by a phytosanitary certificate for re-export, it may consist of a copy of the certificate certified as a true copy of the original by an authorised officer but in all other cases shall be the original certificate.

(6) Provided the relevant material is transported in such a way as to prevent the accidental escape of plant pests and does not undergo any change in its customs status, paragraph (1) does not apply to—

- (a) relevant material landed in Northern Ireland which, under appropriate customs procedures, is in the course of its consignment between two third countries; or
- (b) relevant material landed in Northern Ireland which has been consigned to Northern Ireland from another part of the European Community via a third country.

Exceptions from certain prohibitions and requirements

8.—(1) The prohibitions on landing relevant material in Article 5(1)(e) and (f), the requirement for advance notification in Article 6(1) and the requirements of Article 7 for relevant material to be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export shall not apply to relevant material of a description in paragraph (2), not showing any signs of the presence of any plant pest, landed in Northern Ireland in the baggage of a passenger or other traveller and which—

- (a) is not intended for use in the course of a trade or business; and
- (b) is intended for household use.

(2) The relevant material referred to in paragraph (1) is material which is—

- (a) in one of the following categories, not exceeding the stated quantities—
 - (i) fruit and raw vegetables (other than potatoes), together not exceeding 2 kilogrammes in weight;
 - (ii) cut flowers which may include any parts of plants, together forming a single bouquet; or
 - (iii) seeds (other than seeds of potatoes), not exceeding 5 retail packets or packets of a similar size; or
- (b) in one of the following categories, not exceeding the stated quantities, and which has been grown in and consigned to Northern Ireland from the Euro-Mediterranean area—
 - (i) bulbs, corms, tubers (other than potatoes) and rhizomes, together not exceeding 2 kilogrammes in weight;
 - (ii) plants for planting, other than those in sub-paragraph (i), not exceeding 5 in number;
 - (iii) parts of trees including dried cones, leaves and branches, for decoration or which together form a single wreath;
 - (iv) one cut coniferous tree less than 3 metres in height;
 - (v) seeds of *Castanea* (chestnuts), intended for human consumption, not exceeding 2 kilogrammes in weight; or
 - (vi) tree seedlings, except in bonsai form, not exceeding 5 in number.

(3) For the purpose of paragraph 2(a)(ii), a bouquet shall contain a maximum of 50 stems.

(4) For the purpose of paragraph 2(a)(iii), a retail packet in relation to a particular seed is one which is of a type normally sold to the consumer other than for use in the course of a trade or business.

Presentation and display of documents

9.—(1) Except in the case of consignments referred to in paragraph (3), any phytosanitary certificate or phytosanitary certificate for re-export required under Article 7 to accompany relevant material shall be delivered by the importer of that relevant material, within three days of its landing, to an inspector.

(2) Subject to Article 30(4), importers shall include in a customs document relating to each consignment of relevant material referred to in sub-paragraph (a) or (b) of Article 6(2)—

- (a) a statement that “this consignment contains produce of phytosanitary relevance”;

- (b) the reference number of any phytosanitary certificate or phytosanitary certificate for re-export required by Article 7 to accompany the relevant material; and
- (c) the registration number of the importer of the relevant material.

(3) In the case of a consignment imported into Northern Ireland by post, any phytosanitary certificate or phytosanitary certificate for re-export required by Article 7 to accompany that material shall be affixed to the outside of the package comprising the relevant material or, if the consignment of relevant material consists of more than one package, be affixed to the outside of one of the packages and copies of the certificate shall be affixed to the outside of each of the remaining packages.

Prohibition on removal of relevant material from an area of plant health control

10.—(1) Subject to Articles 11 and 30(3), a person shall not remove or cause to be removed from an area of plant health control any relevant material referred to in sub-paragraph (a) or (b) of Article 6(2) unless an inspector has discharged that relevant material or the removal of that relevant material is permitted under Part 6.

(2) An area of plant health control is—

- (a) the point of entry specified in paragraph (3) where relevant material is landed in Northern Ireland for the first time;
- (b) a place close to the point of entry specified in paragraph (3) which has been designated as an area of plant health control by the Department and by the Commissioners for Her Majesty's Revenue and Customs; or
- (c) an approved place of inspection.

(3) The point of entry, for the purposes of paragraph (2), shall be—

- (a) where the relevant material is transported by air, the airport;
- (b) where the relevant material is transported by maritime or fluvial transport, the port; and
- (c) where the relevant material is transported by rail, the rail freight terminal.

(4) Pending its removal from an area of plant health control, other than at an approved place of inspection, the importer of relevant material shall store it under the supervision of an inspector under such conditions as the inspector may direct and the importer shall be liable for the costs of such storage.

Exceptions from prohibition on removal of relevant material from an area of plant health control

11. The prohibition imposed by Article 10(1) on the removal of relevant material from an area of plant health control unless it has been discharged by an inspector shall not apply to—

- (a) any relevant material which is in the course of its consignment between two third countries under appropriate customs procedures and without any change in its customs status and which is transported in such a way as to prevent the accidental escape of plant pests;
- (b) any relevant material excepted by Article 8 from the requirements in Article 7; or
- (c) any relevant material which is consigned to Northern Ireland from another part of the European Community via a third country without any change in its customs status and which is transported in such a way as to prevent the accidental escape of plant pests.

Plant health discharge

12.—(1) An inspector may discharge relevant material pursuant to Article 10(1) if he is satisfied as to the matters referred to in paragraph (2).

(2) Subject to paragraphs (5) and (6), an inspector shall satisfy himself—

- (a) that the relevant material is free from any plant pest of a description specified in Schedule 1;
- (b) if listed in column 2 of Schedule 2, that the relevant material is not carrying or infected with a plant pest of a description specified in column 3 of that Schedule opposite the reference to the relevant material;
- (c) if listed in the second column of Annex II, Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone listed in the third column opposite the reference to the relevant material, that the relevant material is not carrying or infected with a plant pest of a description specified in the first column opposite the reference to the relevant material;
- (d) if listed in column 2 of Part A or C of Schedule 4, that the relevant material complies with the requirements specified in column 3 of Part A or C, respectively, opposite the reference to the relevant material and, where there is one or more alternative requirements, the requirement declared in the phytosanitary certificate or phytosanitary certificate for re-export;
- (e) if listed in the first column in Annex IV, Part B of Directive 2000/29/EC and in the course of its consignment to a protected zone listed in the third column opposite the reference to the relevant material, that the relevant material complies with the requirements specified in the second column opposite the reference to the relevant material and, where there is one or more alternative requirements, the requirement declared in the phytosanitary certificate or phytosanitary certificate for re-export;
- (f) that the relevant material corresponds with the description given to it in the phytosanitary certificate or phytosanitary certificate for re-export; and
- (g) that the relevant material is accompanied by the certificate or certificate required by Article 7 and, where appropriate, by a plant health movement document.

(3) For the purpose of satisfying himself as to any of the matters in paragraph (2)(a) to (e), an inspector may carry out an examination of a consignment or lot of relevant material and its packaging and, where necessary, the vehicle transporting that consignment or lot—

- (a) in its entirety; or
- (b) on the basis of one or more representative samples from the consignment or from each lot forming part of the consignment.

(4) For the purpose of satisfying himself as to the matters in paragraph (2)(f), an inspector may carry out an identity check.

(5) For the purpose of satisfying himself as to the matters in paragraph 2(g), an inspector may carry out a documentary check.

(6) Where the official body of destination of any relevant material landed in Northern Ireland for the purpose of transit has agreed with the Department that it will be responsible for some or all of the matters referred to in paragraph (2)(a) to (f), an inspector shall only satisfy himself as to the matters referred to in paragraph (2)(g) and any matters referred to in paragraph (2)(a) to (f) not subject to the agreement.

(7) Where the official body of point of entry of any relevant material that has been consigned to Northern Ireland via another part of the European Community by way of transit has agreed with the Department, as the official body of destination, that the Department shall be responsible for some or all of the matters referred to in paragraph (2)(a) to (f), the matters as to which an inspector shall satisfy himself shall be limited accordingly.

(8) Where an inspector is satisfied as to the matters referred to in paragraph (2)(g) he shall—

- (a) stamp the phytosanitary certificate or phytosanitary certificate for re-export with the official stamp of the Department and the date the certificate was delivered in accordance with Article 9(1); and
- (b) where applicable, complete the relevant headings of the plant health movement document.

(9) An inspector may, for the purpose of performing a plant health check, require the occupier or other person in charge of the premises in which the check is to take place to provide—

- (a) where appropriate, suitable areas of inspection;
- (b) adequate lighting; and
- (c) inspection tables.

Request to an officer for Revenue and Customs for material to be detained

13.—(1) Where he has reasonable grounds for suspecting that there is a risk of spread of any plant pest from any relevant material, an inspector may request an officer for Revenue and Customs to exercise the power in Article 14(1) for the purpose of enabling the inspector to enforce any provision of this Order.

(2) A request under this Article—

- (a) may identify the relevant material in any way; and
- (b) shall be made—
 - (i) in writing; or
 - (ii) orally and confirmed in writing.

(3) Where an inspector issues a notice or takes any other action under this Order in respect of relevant material detained by an officer for Revenue and Customs under Article 14(1) he shall advise that officer in writing of that notice or action.

Power of an officer for Revenue and Customs

14.—(1) An officer for Revenue and Customs may, where requested by an inspector in accordance with Article 13(1), detain for not more than two working days any relevant material or any container, package or cargo of any kind which has been or may have been in contact with that material and which is referred to in that request insofar as the material, container, package or cargo is under customs supervision pursuant to Article 37 of the Customs Code and has not been assigned a customs approved treatment or use within the meaning of Article 4(15) of that Code.

(2) The Commissioners for Her Majesty's Revenue and Customs may direct that any relevant material detained under paragraph (1) shall be dealt with during the period of its detention in such manner as they may specify.

(3) The importer of any relevant material detained under paragraph (1) shall be responsible for the costs of storage which arise during the period of its detention.

General provisions relating to certificates

15.—(1) A phytosanitary certificate or phytosanitary certificate for re-export shall be completed by an authorised officer in accordance with the relevant requirements of this Article and—

- (a) until 31st December 2009, shall—
 - (i) where it is issued by a contracting party to the IPPC, be in the form set out in Part A or B, respectively, of either Schedule 10 or Schedule 11; and
 - (ii) in any other case, be in the form set out in Part A or B, respectively, of Schedule 10; and
- (b) on or after 1st January 2010, shall be in the form set out in Part A or B, respectively, of Schedule 11.

(2) A phytosanitary certificate or phytosanitary certificate for re-export shall—

- (a) be issued by the responsible official body or the national plant protection organisation of the country of export or re-export in accordance with the provisions of Article V(1) of the IPPC;
- (b) be issued in one of the official languages of the European Community;

- (c) where it is issued in a language other than English, incorporate or be accompanied by a translation into the English language which, if the translation is a document separate from the certificate, shall be completed and signed by an authorised officer;
- (d) be addressed to the “Plant Protection Organisations of the Member States of the European Community”; and
- (e) be completed in typescript or block capitals.

(3) A phytosanitary certificate or phytosanitary certificate for re-export issued in respect of any relevant material of a description specified in column 2 of Part A or C of Schedule 4 in which one or more alternative requirement is specified in column 3 of Part A or C, respectively, opposite the reference to that relevant material, shall specify under the heading “Additional declaration” the requirement that has been complied with by reference to the relevant position in Annex IV, Part A Section I or Part B, respectively, of Directive 2000/29/EC.

(4) A phytosanitary certificate or a phytosanitary certificate for re-export shall be based on an inspection carried out not more than 14 days before the date of dispatch of the relevant material to which the certificate relates.

(5) A phytosanitary certificate or phytosanitary certificate for re-export shall be completed not more than 14 days before the date of the dispatch of the consignment of relevant material which it is to accompany.

Requirements to be met by relevant material prior to inspection at its place or country of destination

16.—(1) This Article applies to relevant material referred to in sub-paragraph (a) or (b) of Article 6(2) which—

- (a) is the subject of an agreement described in Article 12(6) or (7); or
- (b) whether or not it is subject to an agreement referred to in sub-paragraph (a), is destined for an approved place of inspection,

before it has been discharged by an inspector pursuant to Article 10(1).

(2) Save where the Department has authorised otherwise, relevant material to which this Article applies shall not be moved within Northern Ireland or, where applicable, from Northern Ireland to any other place within the European Community, unless its packaging and the vehicles in which it is transported are sealed in such a way that there is no risk of it causing infestation, infection or contamination or of any change in the identity of the material.

(3) The importer of relevant material to which this Article applies, other than relevant material whose destination is elsewhere in the European Community, shall give to the Department notice of the following particulars five working days before it is landed—

- (a) the name, address and location of the approved place of inspection or other area of plant health control for which the relevant material is destined;
- (b) the scheduled date and time of arrival of the relevant material at the place referred to in paragraph (a);
- (c) if available, the individual serial number of any plant health movement document required by Article 18;
- (d) if available, the date and place at which that plant health movement document was drawn up;
- (e) the name, address and registration number of the importer; and
- (f) the reference number of the phytosanitary certificate or phytosanitary certificate for re-export required to accompany the relevant material,

and shall notify the Department immediately in writing of any changes to such particulars.

(4) The address to which notice shall be given under paragraph (3) shall be such address as the Department shall specify from time to time which may include an address for electronic communications.

Approved places of inspection

17.—(1) In accordance with the provisions of this Article, the Department may approve a place of destination of relevant material referred to in sub-paragraph (a) or (b) of Article 6(2) as an approved place of inspection in relation to that material.

(2) An application for a place of destination of relevant material as an approved place of inspection may be made to the Department by an importer or other person responsible for that place in such form and containing such information as the Department may specify.

(3) An approval may be granted subject to conditions, including conditions relating to the storage of relevant material, and may be withdrawn at any time if the Department no longer considers that the place to which the approval relates is suitable for the purposes for which it was given.

(4) For the purposes of this Article the Department may only approve a place of destination of relevant material that is subject to an agreement described in Article 12(7) if the agreement so provides.

(5) The Department may only approve a place of destination of relevant material as an approved place of inspection where that place has been approved by the Commissioners for Her Majesty's Revenue and Customs for use as a temporary storage facility as referred to in Article 185(1) of Commission Regulation 2454/93/EC(a) laying down provisions for the implementation of the Customs Code.

Requirement for plant health movement document

18. Relevant material which is subject to an agreement in Article 12(6) or (7) and which has not been discharged by an inspector pursuant to Article 10(1) shall not be moved within Northern Ireland or, where applicable, from Northern Ireland to any other place within the European Community unless it is accompanied by a plant health movement document.

PART 3

INTERNAL COMMUNITY CONTROLS ON MOVEMENT

Prohibitions on landing plant pests and relevant material

19.—(1) Subject to paragraph (2), the landing in Northern Ireland of plant pests or relevant material of the following descriptions which are introduced into Northern Ireland from another part of the European Community, whether as country of origin or country of transit, is prohibited—

- (a) any plant pest of a description specified in Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 carrying or infected with a plant pest of a description specified in column 3 of that Schedule opposite the reference to that relevant material;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Northern Ireland and which is likely to be injurious to plants in Northern Ireland;
- (d) any relevant material of a description specified in column 2 of Schedule 3 which originates in a third country specified in column 3 opposite the reference to that relevant material;
- (e) subject to Article 22, any relevant material not prohibited under sub-paragraph (d) which is of a description specified in column 2 of Part A of Schedule 4, unless the requirements

(a) OJ No. L 253, 11.10.1993, p.1.

specified in column 3 of that Part opposite the reference to that relevant material have been complied with.

- (f) subject to Article 22, any relevant material not prohibited under sub-paragraph (d) which is of a description specified in column 2 of Part B of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with; and
- (g) subject to Article 22 and without prejudice to any requirements specified in column 3 of Part A of Schedule 4 relating to the relevant material, any relevant material which is of a description specified in column 2 of Part C of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with.

(2) Paragraph (1) shall not apply to relevant material prohibited from landing in Northern Ireland by Article 5(1)(e) or (f).

Prevention of the spread of plant pests

20.—(1) A person shall not knowingly keep, store, sell, plant, move or otherwise dispose of or knowingly cause or permit to be kept, stored, sold, planted, moved or otherwise disposed of—

- (a) any plant pest of a description specified in Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 carrying or infected with a plant pest of a description specified in column 3 of that Schedule opposite the reference to that relevant material;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Northern Ireland and which is likely to be injurious to plants in Northern Ireland;
- (d) any relevant material landed in contravention of Article 5(1)(d), (e) or (f) or Article 19(1)(d),(e), (f) or (g);
- (e) subject to Article 22, any relevant material of a description specified in column 2 of Part B of Schedule 4 which originates in Northern Ireland, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with;
- (f) subject to Article 22 and without prejudice to any requirements specified in column 3 of Part B of Schedule 4 relating to the relevant material, any relevant material of a description specified in column 2 of Part C of Schedule 4 which originates in Northern Ireland, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with; or
- (g) any relevant material introduced into Northern Ireland from England, Scotland or Wales which, if it had been introduced from a third country or from another part of the European Community, would have contravened Article 5(1)(d), (e) or (f) or Article 19(1)(d), (e), (f) or (g).

(2) Nothing in paragraph (1) shall prohibit the keeping, storing, moving or otherwise disposing of any plant pest or relevant material referred to in that paragraph in compliance with any requirement imposed by an inspector under Part 6 in respect of that plant pest or relevant material.

Requirements for plant passports

21.—(1) Subject to paragraph (7) and Article 22, the landing in or movement within Northern Ireland by any person of any relevant material of a description specified in Part A of Schedule 6 comprising EC transit goods or material originating in Northern Ireland or elsewhere in the European Community is prohibited, unless that relevant material is accompanied by a plant passport and, if originating in Northern Ireland, has been the subject of a satisfactory inspection at the place of production.

(2) Subject to paragraph (7) and Articles 22 and 23, the landing in or movement within Northern Ireland by any person of any relevant material of a description specified in Part B of Schedule 6 comprising EC transit goods or material originating in Northern Ireland or elsewhere in the European Community is prohibited, unless that relevant material is accompanied by a plant passport which is valid for Northern Ireland as a protected zone and, if originating in Northern Ireland, has been the subject of a satisfactory inspection at the place of production.

(3) A person shall not move within Northern Ireland any relevant material, which if comprised of EC transit goods or material consigned to Northern Ireland from another part of the European Community would be subject to paragraph (1), after the phytosanitary certificate accompanying it has been officially stamped in accordance with Article 12(8)(a) unless it is accompanied by a plant passport.

(4) Subject to Article 23, a person shall not move within Northern Ireland any relevant material, which if comprised of EC transit goods or material consigned to Northern Ireland from another part of the European Community would be subject to paragraph (2), after the phytosanitary certificate accompanying it has been officially stamped in accordance with Article 12(8)(a) unless it is accompanied by a plant passport which is valid for Northern Ireland as a protected zone.

(5) Subject to Article 22, a person shall not consign from Northern Ireland to another part of the European Community any relevant material of a description specified in Part A of Schedule 7 unless that relevant material is accompanied by a plant passport.

(6) Subject to Article 22, a person shall not consign from Northern Ireland to a protected zone in another part of the European Community any relevant material of a description specified in Part B of Schedule 7 unless that relevant material is accompanied by a plant passport which is valid for that protected zone.

(7) The prohibitions imposed on landing by paragraphs (1) and (2) shall not apply to relevant material in respect of which the Department has agreed, pursuant to an agreement described in Article 12(7), to carry out a plant health check.

Exceptions from certain prohibitions and requirements

22.—(1) The prohibitions on landing in Article 19(1)(e), (f) and (g) and on movement in Article 20(1)(e) and (f) and the requirements in Article 21(1), (2), (5) and (6) for certain relevant material to be accompanied by a plant passport shall not apply to small quantities of any relevant material, not showing any signs of the presence of any plant pest, which—

- (a) is not intended for use in the course of a trade or business; and
- (b) is intended for household use.

(2) The prohibitions on movement in Article 21(1) and (2) shall not apply to movement of material, which originates in Northern Ireland, made locally by small producers or processors whose entire production and sale of such material is intended for final usage by persons on the local market who are not professionally involved in plant production.

Validity of plant passports for Northern Ireland

23.—(1) Where a person moves relevant material of a description specified in Part B of Schedule 6 through Northern Ireland to a destination outside Northern Ireland, he shall not be required to produce a plant passport which is valid for Northern Ireland as a protected zone, if paragraph (2) or (3) applies.

(2) A plant passport shall not be required in respect of relevant material described in paragraph (1) if that material originates in Great Britain.

(3) A plant passport shall not be required in respect of relevant material described in paragraph (1)—

- (a) which during transit through Northern Ireland is accompanied by a document of a type normally used for trade purposes which certifies that the material originates outside Northern Ireland and is in transit to a final destination outside Northern Ireland; and

- (b) if its packaging and any vehicle used in connection with its transit through Northern Ireland is—
 - (i) free from soil and plant debris;
 - (ii) free from any relevant plant pest in relation to which Northern Ireland is a protected zone;
 - (iii) of such a nature or construction as to ensure that, if any relevant plant pest is present in the relevant material, there is no risk of its spreading from the packaging or the vehicle as the case may be; and
 - (iv) sealed immediately after packaging or where appropriate after loading, and remains sealed during transit through Northern Ireland.

General provisions relating to plant passports

24.—(1) Any alteration or erasure in a plant passport shall automatically invalidate that plant passport unless the alteration or erasure is certified by the authorised officer or the plant trader authorised under Article 29 to issue the plant passport placing his hand written initials next to the alteration or erasure.

(2) A plant passport relating to any relevant material shall be treated as accompanying that relevant material only if the plant passport is affixed to—

- (a) the relevant material,
- (b) the packaging of that material, or
- (c) the vehicle transporting that material,

by an authorised officer, the plant trader authorised to issue it or an inspector.

(3) A plant passport, insofar as it comprises an official label, shall be affixed in such a way that it cannot be re-used.

(4) A person may only issue a replacement plant passport—

- (a) to replace a plant passport issued in respect of a consignment—
 - (i) that has been divided up;
 - (ii) that has been combined, or part of which has been combined, with another consignment; or
 - (iii) whose plant health status has been changed; and
- (b) if he is satisfied that the relevant material to which the replacement plant passport will relate—
 - (i) can be identified; and
 - (ii) is free from any risk of infestation by a plant pest specified in either Schedule 1 or 2.

PART 4

REGISTRATION OF PLANT TRADERS AND AUTHORITY TO ISSUE PLANT PASSPORTS

Register of plant traders

25.—(1) The Department shall maintain a register listing the following particulars with respect to each plant trader who meets the requirements of this Part:

- (a) the name of the plant trader;
- (b) the name of the person responsible for making the application where that person is not the plant trader;

- (c) the trading name of the plant trader where that name is different from that of the plant trader;
- (d) details of those activities to which this Order applies which the plant trader undertakes or intends to undertake;
- (e) the address of the premises at which the plant trader undertakes or intends to undertake the activities referred to in sub-paragraph (d); and
- (f) a registration number unique to the plant trader.

(2) The register maintained under paragraph (1) shall be open to inspection by the European Commission.

Obligation to register

26.—(1) Subject to paragraph (2), a plant trader shall not engage in any activity to which this Order applies unless he is registered in respect of the activity and the premises at which it takes place.

(2) The requirement in paragraph (1) for a plant trader to be registered shall not apply to a producer whose entire production and sale of relevant material is intended for final use by persons on the local market who are not involved in plant production in the course of a trade or business.

(3) Entries on the register kept under Article 16(1) of the Plant Health Order (Northern Ireland) 1993^(a) on the day before the date of the coming into operation of this Order shall, subject to the provisions of this Part, remain in effect for the purposes of this Order as if entered on the register maintained under Article 25(1).

Registration requirements

27.—(1) An application for registration shall be made in writing to the Department and shall be in such form and contain such information as the Department may from time to time reasonably require to enable it to register the plant trader in respect of the activity and premises in relation to which the application is made.

(2) If, after a plant trader has applied to the Department to be registered under paragraph (1) but before registration has taken place, there is any change in his circumstances recorded in the application, he shall notify the Department immediately in writing of any such change.

(3) Every registered plant trader shall notify the Department immediately in writing of any change in the particulars listed in the register with respect to him.

(4) Subject to paragraph (5), the Department shall register a plant trader who meets the requirements of this Article in respect of the activity and premises in relation to which he has applied to be registered and shall notify the plant trader when registration has taken place.

(5) The Department shall only register a plant trader in respect of an activity or premises if it is satisfied that he is able and willing to comply with the conditions specified in Article 28(1).

Conditions for maintaining registration as a plant trader

28.—(1) A registered plant trader shall in relation to the activities and premises to which his registration relates comply with the following conditions:

- (a) he shall keep an accurate plan of the premises;
- (b) he shall keep a record of relevant material purchased by him or brought onto the premises for storage, planting or production on those premises, and of relevant material under production on or dispatched from those premises;

(a) S.R. 1993 No. 256; amended by S.R. 1994 No. 28, S.R. 1995 No. 164, S.R. 1995 No. 250, S.R. 1995 No. 494, S.R. 1996 No. 204, S.R. 1996 No. 249, S.R. 1997 No. 110, S.R. 1997 No. 397, S.R. 1998 No. 16, S.R. 1998 No. 146, S.R. 1998 No. 315, S.R. 1999 No. 24, S.R. 2000 No. 126, S.R. 2001 No. 437, S.R. 2002 No. 273, S.R. 2003 No. 235, S.R. 2003 No. 458, S.R. 2004 No. 415 and S.R. 2005 No. 204.

- (c) he shall keep all documents, created or received by him, relating to the records kept under subparagraph (b), for at least one year from the date he created or received them;
- (d) he shall designate an individual (whether himself or another) who is technically experienced in relation to the activities carried out on the premises and related plant health matters affecting the premises who shall be available to liaise with the Department in relation to matters arising under this Order;
- (e) he shall examine his premises and relevant material at such times and in a manner specified in guidelines issued from time to time by the Department;
- (f) he shall make a declaration at such time and in such form as the Department may from time to time require that he is able and willing to comply with the conditions specified in sub-paragraphs (a) to (e); and
- (g) he shall comply with any other conditions which may be specified by the Department which it considers necessary to enable it to assess the presence of or spread of any plant pest on the premises by reason of the condition of those premises.

(2) The requirements of paragraph (1) shall not apply to any registered plant trader who is engaged solely in the production or importation of:

- (a) tubers of *Solanum tuberosum* L. (excluding seed potatoes);
- (b) fruit of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. and their hybrids.

(3) Where the Department is satisfied that a registered plant trader has failed to comply with any of the conditions specified in paragraph (1) it may suspend his registration until it is satisfied that he is able and willing to comply with those conditions.

Authority to issue plant passports

29.—(1) Where a registered plant trader wishes to issue plant passports in relation to any relevant material to be moved from any premises he shall apply to the Department for the authority to do so.

(2) An application under paragraph (1) shall be in writing, shall give such notice as the Department may reasonably specify to allow it to undertake any necessary examination of the premises to which the application relates and of any relevant material there and shall contain such particulars in relation to the relevant material produced, grown, stored or otherwise present on those premises as the Department may from time to time reasonably require.

(3) The Department shall grant an authority under paragraph (1) only if, having regard to any examination of the premises to which the application relates and of any relevant material there, it is satisfied—

- (a) that the premises and relevant material are free from any relevant organisms; and
- (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.

(4) The Department's authority to issue plant passports shall be given in writing and may be granted subject to such conditions as it considers appropriate to ensure that the relevant requirements of this Order are complied with, including a condition limiting any territories in which such plant passports shall be valid.

(5) The Department may suspend the operation of an authority to issue plant passports entirely or in relation to specified premises or relevant material if, having regard to any examination of any premises of the registered plant trader and any relevant material there, it is not satisfied that—

- (a) the premises or the relevant material are free from any relevant organisms; or
- (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.

(6) The Department may suspend the operation of or vary to the extent it considers necessary an authority to issue plant passports if it is satisfied that the registered plant trader has—

- (a) failed to comply with any of the conditions specified in Article 28(1);

- (b) failed to notify it in accordance with Article 27(3) of any change in the particulars listed in the register with respect to him;
 - (c) failed to comply with a requirement in a notice served on the trader under Article 32; or
 - (d) failed to comply with any conditions in the authority issued by it under paragraph (4).
- (7) For the purposes of this Article “relevant organism” means—
- (a) any plant pest specified in Schedule 1; or
 - (b) in relation to relevant material of a description specified in Schedule 2, any plant pest of a description specified in that Schedule opposite the reference to that relevant material.

PART 5

SWISS TRADE AND SWISS PLANT PASSPORTS

Swiss trade and Swiss plant passports

30.—(1) Where relevant material listed in Part A of Schedule 8 has been consigned directly from Switzerland to Northern Ireland, any requirements in Article 7 for that relevant material to be accompanied by a phytosanitary certificate shall be deemed to be satisfied by its being accompanied by a Swiss plant passport.

(2) Any requirements in Article 7 for relevant material to be accompanied by a phytosanitary certificate shall not apply to relevant material that has been introduced into Northern Ireland from Switzerland where that material is listed in Part B but not in Part A of Schedule 8.

(3) The requirements in Articles 6 and 10 shall not apply to relevant material which is—

- (a) accompanied by a Swiss plant passport pursuant to paragraph (1); or
- (b) of a description referred to in paragraph (2).

(4) Where any relevant material listed in Part A of Schedule 8 is introduced into Northern Ireland from Switzerland via another part of the European Community any requirements in Part 3 for that relevant material to be accompanied by a plant passport shall be deemed to be satisfied by its being accompanied by a Swiss plant passport.

PART 6

MEASURES TO CONTROL THE LANDING OF RELEVANT MATERIAL AND PREVENT THE SPREAD OF PLANT PESTS

Examination, sampling and marking

31.—(1) An inspector shall have a right on producing his authority, if so requested, at all reasonable times to enter any premises for the purpose of enforcing the provisions of this Order and in particular—

- (a) checking compliance with any provision of this Order; or
- (b) carrying out an examination of a plant trader’s premises or of relevant material or documents or records on such premises for any purpose in connection with the granting or suspending of any authority to issue a plant passport under Article 29.

(2) An inspector entering premises by virtue of paragraph (1) may—

- (a) examine, photograph or mark any part of the premises or any object on the premises;
- (b) take samples of or from any plant pest or relevant material or from any container or package, or any material which has been or may have been in contact with such pest or relevant material; and

(c) inspect or make copies of any documents or records (in whatever form they may be held) relating to the production of or trade in any relevant material.

(3) An inspector may, for the purpose of exercising any of his powers under paragraph (2), open, or authorise any person to open on his behalf any container or package or require the owner or any person in charge of any container or package to open it, in such manner as the inspector may specify.

(4) An inspector may, so far as is necessary to enable him to exercise any of the powers conferred by paragraph (2), prohibit entirely or to such extent as he may specify the movement, treatment or destruction of any plant pest or relevant material, container or package, or any material which may have been in contact with such pest or relevant material.

(5) Where any such record or document as is mentioned in paragraph 2(c) is kept by means of a computer, an inspector may—

- (a) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the record or document; and
- (b) require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require.

(6) An inspector may destroy or otherwise dispose of any sample taken under paragraph 2(b) where that sample is no longer required in connection with this Order.

(7) An inspector entering premises by virtue of paragraph (1) may be accompanied by such other persons, including representatives of the European Commission, and such equipment and vehicles as he considers necessary, and any such other persons may, whether or not accompanied by the inspector and on production, if so requested, of their authority given in that behalf by the Department, remain on and from time to time re-enter the premises with any equipment or vehicles that person considers necessary, and carry out such work in such manner as the inspector may direct.

Actions which may be required by an inspector

32.—(1) If an inspector has reasonable grounds for suspecting that any plant pest or relevant material is likely to be or has been landed in Northern Ireland in contravention of this Order he may serve a notice in writing in accordance with paragraphs (2) and (3).

(2) An inspector may serve a notice under paragraph (1) on—

- (a) a plant trader or other person who is in possession of or in any way entitled to the custody or control of the plant pest or relevant material which has been landed; or
- (b) any person in charge of the premises from which any plant pest or relevant material is likely to be or has been landed.

(3) A notice under paragraph (1) may—

- (a) prohibit the landing of any plant pest or relevant material;
- (b) specify the manner in which the landing is to be carried out and the precautions which are to be taken during and subsequent to the landing;
- (c) require any plant pest or relevant material to be treated, re-exported, destroyed or otherwise disposed of in such manner and within such reasonable time as may be specified in the notice;
- (d) prohibit the removal of any plant pest or relevant material from premises specified in the notice for such period as may be so specified and, where appropriate, impose such other prohibitions as appear to the inspector to be necessary to prevent the introduction or spread of any plant pest;
- (e) require the removal of any plant pest or relevant material from premises specified in the notice in such manner and within such reasonable time as may be so specified;

- (f) require the taking of such other steps, specified in the notice, as appear to the inspector to be necessary to prevent the introduction or spread of any plant pest in such a manner and within such reasonable time as may be specified in the notice.

(4) If an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises any plant pest referred to in paragraph (5) or any relevant material referred to in paragraph (6), he may by notice in writing served on the occupier or other person in charge of the premises or such plant pest or relevant material—

- (a) require any plant pest or relevant material to be treated, destroyed or otherwise disposed of in such manner and within such reasonable time as may be specified in the notice;
- (b) prohibit the removal of any plant pest or relevant material from premises specified in the notice for such period as may be so specified and, where appropriate, impose such other prohibitions as appear to the inspector to be necessary to prevent the spread of any plant pest;
- (c) require the removal of any plant pest or relevant material to premises specified in the notice in such manner and within such reasonable time as may be so specified; or
- (d) require the taking of such other steps, specified in the notice, as appear to the inspector to be necessary to prevent the spread of any plant pest in such manner and within such reasonable time as may be specified in the notice.

(5) The plant pests referred to in paragraph (4) are—

- (a) a plant pest of a description specified in Schedule 1 or in column 3 of Schedule 2;
- (b) any plant pest which is not normally present in Northern Ireland and in respect of which there is, in the opinion of the inspector, an imminent danger of its spreading or being spread in Northern Ireland; and
- (c) any plant pest which is not normally present in another part of the European Community and in respect of which there is, in the opinion of the inspector, an imminent danger of its spreading or being spread to another part of the European Community.

(6) The relevant material referred to in paragraph (4) is—

- (a) any relevant material which is carrying or is infected with, or which may be carrying or infected with, a plant pest referred to in paragraph (5); and
- (b) any relevant material the landing of which in Northern Ireland is prohibited under Article 5 or 19 or the movement of which in Northern Ireland is prohibited under Article 20.

(7) If an inspector has reasonable grounds for believing that it is necessary for the purpose of preventing the spread of or ensuring the eradication of any plant pest from the premises mentioned in paragraph (4), he may by notice in writing served on the occupier or other person in charge of any other premises impose such prohibitions and require the taking of such reasonable steps, specified in the notice, as appear to him to be necessary for that purpose, such steps to be taken in such manner and in such reasonable time as may be specified in the notice.

Actions which may be taken by an inspector

33.—(1) Without prejudice to Article 32, if an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises any plant pest referred to in paragraph (2) or any relevant material referred to in paragraph (3), he may, after giving the occupier or other person in charge of the premises reasonable notice of his intention and upon production if so required of his authority, enter such premises and either on those premises or elsewhere take steps—

- (a) to destroy any plant pest referred to in paragraph (2) and to prevent the spread of any such plant pest; or
- (b) to destroy or treat any relevant material referred to in paragraph (3).

(2) The plant pests referred to in paragraph (1) are—

- (a) a plant pest of a description specified in Schedule 1 or column 3 of Schedule 2; and

- (b) any plant pest not normally present in Northern Ireland and in respect of which there is, in the opinion of the inspector, an imminent danger of its spreading or being spread in Northern Ireland.

(3) The relevant material referred to in paragraph (1) is—

- (a) any relevant material which is carrying or is infected with, or which may be carrying or may be infected with, a plant pest referred to in paragraph (2); and
- (b) any relevant material not carrying or infected with a plant pest referred to in paragraph (2), but in respect of which there is, in the opinion of the inspector, an imminent danger of such a plant pest spreading or being spread.

(4) An inspector on entering any premises under paragraph (1) may be accompanied by such persons, including representatives of the European Commission, and such equipment and vehicles as he considers necessary for the purposes of facilitating the exercise of his powers under that paragraph.

(5) Any person who accompanies an inspector on to premises in accordance with paragraph (4) may, whether or not accompanied by an inspector, upon production if so required of his authority given in that behalf by the Department, remain on the premises and from time to time re-enter the premises with any equipment or vehicles that person considers necessary, and carry out such work in such manner as the inspector may direct.

Miscellaneous provisions as to notices

34.—(1) A notice served under paragraph (1) or (2) of Article 32 may specify one or more requirements or alternative requirements.

(2) Any treatment, re-export, destruction or disposal required by a notice served under Article 32 shall be carried out or arranged to be carried out by the person on whom the notice is served to the satisfaction of an inspector from or at a place designated by an inspector and, except with the written authority of an inspector, no plant pest or relevant material to which the notice relates shall be moved otherwise than directly from or to such a place.

(3) An inspector may amend or withdraw a notice served by an inspector under this Order by a further notice served on the person on whom the original notice was served or on the person who is the occupier or in charge of the premises in respect of which the further notice is intended to be served.

(4) A notice under paragraph (3) may be subject to such conditions, if any, as the inspector considers expedient to impose for the purpose of preventing the introduction or spread of any plant pest or re-infection or re-infestation by the plant pest to which the original notice relates.

(5) Any notice served under this Part may define by reference to a map or plan or otherwise the extent of the premises referred to in the notice.

(6) Where a notice is served under paragraph (2) or (4) of Article 32 (“an Article 32 notice”), an inspector may, either in that notice or in a separate notice served on the owner or on such other person as appears to him to be in charge of the premises to which the Article 32 notice relates, require the person on whom the notice is served to inform—

- (a) the Department of any change in the occupation of the premises to which the Article 32 notice relates together with the date of such change and the name of the new occupier; and
- (b) the new occupier of the premises of the contents of the Article 32 notice.

Service of notices

35.—(1) Subject to paragraphs (2), (3) and (4), a notice under this Order may be served on any person—

- (a) by delivering it to him personally;
- (b) by leaving it for him at his last known place of abode or business; or

(c) by sending it through the post addressed to him at his last known place of abode or business.

(2) Where a notice under this Order must be served on the occupier or other person in charge of premises, and the last known place of abode or business of that person cannot be ascertained after reasonable inquiry, the notice shall be taken to be served seven days after it has been addressed to “the occupier” and affixed conspicuously to an object on the premises to which the notice relates.

(3) Subject to paragraph (4), a notice served under this Order may—

- (a) in the case of a body corporate (other than a limited liability partnership), be served on the secretary or clerk of that body at the address of the registered or principal office of that body;
- (b) in the case of a partnership including a Scottish partnership (other than a limited liability partnership), be served on a partner or person having the control or management of the partnership business at the address of the principal office of the partnership; or
- (c) in the case of a limited liability partnership, be served on a member of the partnership at the address of the registered or principal office of that partnership,

and for the purposes of this paragraph the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be its principal office within the United Kingdom.

(4) In the case of a registered plant trader a notice under this Order shall be served on the trader either by delivering it to him personally, or by leaving it for him, or sending it through the post addressed to him, at the address of his premises listed in the register or, if more than one such address is registered, any address specified by the trader as his principal address.

Information as to compliance with notices

36. A person on whom a notice has been served, or is deemed to have been served, under this Order shall, if so required by an inspector, immediately inform the inspector whether the requirements of the notice have been complied with and, if they have been complied with, of the details of the steps taken in order to comply with those requirements.

Failure to comply with a notice

37.—(1) If any person fails to comply with a notice served, or deemed to be served, on him under this Order then, without prejudice to any proceedings consequent upon such failure, an inspector may, on production if so required of his authority, at all reasonable times for the purposes of this Order enter any premises in which any plant pest or relevant material to which the notice relates may be present and take or cause to be taken such steps as appear to him to be necessary either to ensure compliance with the requirements of the notice or to remedy the consequences of the failure to carry them out.

(2) An inspector entering any premises under paragraph (1) may take with him such other persons, including representatives of the European Commission, and such equipment and vehicles as he considers necessary for the purposes of facilitating the exercise of his powers under that paragraph, and such other persons whether or not accompanied by the inspector and on production, if so requested, of their authority given in that behalf by the Department, may remain on the premises and from time to time re-enter the premises with any equipment or vehicles that person considers necessary, and carry out such work and in such manner as the inspector may direct.

(3) Where an inspector takes any steps pursuant to paragraph (1), the Department may recover all reasonable costs of taking such steps as a debt from the person on whom the notice was served.

PART 7

PLANTING OF, AND CONTROL OF PLANT PESTS ON, CERTAIN SOLANACEOUS SPECIES

Miscellaneous provisions for certain solanaceous species

38.—(1) A person shall not knowingly plant or knowingly cause or permit to be planted any potatoes or any potatoes which have been produced from those potatoes, which have been grown in any country outside the European Community other than Switzerland.

(2) Without prejudice to paragraph (1), a person shall not knowingly plant or knowingly cause or permit to be planted any potatoes unless—

- (a) they derive in direct line from potato material which has been obtained under an officially approved programme in the European Community or Switzerland;
- (b) they have been found to be free from *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* in official tests using the methods set out in Annex II to Directive 98/57/EC; and
- (c) they have been found to be free from Potato Ring Rot in official tests using the methods set out in Annex I to Directive 93/85/EC.

(3) A person shall not knowingly plant or knowingly cause or permit to be planted in Northern Ireland potatoes other than—

- (a) potatoes which may be marketed in Northern Ireland under the Seed Potatoes Regulations; or
- (b) one year's direct progeny of the potatoes referred to in sub-paragraph (a), where that direct progeny has been grown by that person.

(4) Without prejudice to Article 28(1)(b), persons involved in the planting of potatoes in the protected region shall retain and make available to an inspector the following documentation—

- (a) an official label together with an invoice or delivery note; or
- (b) where potatoes marketed or marketable under the Seed Potatoes Regulations or their direct progeny were produced by a certificate holder, the certificate of classification.

(5) In this Article “certificate” and “official label” have the same meanings as in the Seed Potatoes Regulations.

(6) Without prejudice to any additional or stricter measures which an inspector considers necessary under Article 32 or 33, the special measures in respect of Potato Wart Disease, Potato Cyst Nematode, Potato Ring Rot and *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* set out in Schedules 14, 15, 16 and Part A of 17, respectively, shall apply to control the spread of those plant pests.

(7) Without prejudice to any additional or stricter measures which an inspector considers necessary under Article 32 or 33 and the special measures in respect of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* in Part A of Schedule 18, upon the confirmation of the presence of that pest in a sample taken pursuant to Articles 2 and 5 of Directive 98/57/EC, an inspector may demarcate a zone as described in Article 5(1)(a)(iv) or 5(1)(c)(iii) of that Directive in accordance with the requirements in Part B of Schedule 17, to prevent the spread of that plant pest.

PART 8

LICENCES

Licences to carry out activities prohibited by this Order

39. Notwithstanding any of the provisions of this Order, any plant pest or relevant material may be landed, kept, stored, sold, planted, moved or otherwise disposed of in Northern Ireland and any other thing prohibited by this Order may be done under the authority of a licence, whether general

or specific, granted by the Department in exercise of any derogation permitted by Directive 2000/29/EC.

Licences for trial or scientific purposes and for work on varietal selections

40.—(1) On receipt of an application for a licence containing the information set out in Article 1(2) of Directive 95/44/EC of 26th July 1995^(a) and on being satisfied that the general conditions set out in Annex I to that Directive are fulfilled, the Department shall by licence authorise the landing, movement and keeping of any plant pest or relevant material for activities for trial or scientific purposes or for work on varietal selections where such landing, movement or keeping would otherwise be prohibited by this Order.

(2) A licence granted under paragraph (1) shall be subject to—

- (a) the conditions laid down in Article 2(2) of Directive 95/44/EC to the extent that they are relevant to any plant pest or relevant material that is the subject of the activities to which the licence relates;
- (b) such conditions specifying quarantine measures under paragraph 2(a) of Annex I to Directive 95/44/EC as the Department may determine; and
- (c) such conditions specifying further quarantine measures under paragraph 2(b) of Annex I to Directive 95/44/EC as the Department may determine.

(3) Where it is established to its satisfaction that the licensee has not fulfilled any condition under sub-paragraph (b) or (c) of paragraph (2) imposed on a licence, the Department shall revoke the licence.

(4) At the conclusion of any activities to which a licence granted under paragraph (1) relates the licensee shall—

- (a) subject to paragraph (5), destroy or sterilise any plant pest or relevant material that was the subject of the activities and any other relevant material which has come into contact with or which may have been contaminated by any such plant pest or relevant material; and
- (b) sterilise, or clean in such other manner as may be specified by the Department, the premises and facilities at which the activities were undertaken.

(5) The Department may authorise the licensee to refrain from destroying any relevant material under paragraph (4)(a) if it is satisfied that it has been subjected to appropriate quarantine measures and that it has been found by testing in such manner as may be specified by the Department to be free from the plant pests listed in this Order and from other plant pests considered by it to pose a risk.

(6) For the purpose of paragraph (2), references to the responsible official body in Article 2(2) of, and Annex I to, Directive 95/44/EC shall be taken to refer to the Department.

(7) In this Article—

- (a) “appropriate quarantine measures” means—
 - (i) in relation to relevant material for which quarantine measures are specified in Part A of Annex III to Directive 95/44/EC, those measures; and
 - (ii) in relation to other relevant material, such quarantine measures as may be specified by the Department; and
- (b) “Directive 95/44/EC” means Commission Directive 95/44/EC^(b) establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V of Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections.

(a) OJ No. L 184, 3.8.1995, p.34.

(b) OJ No. L 184, 3.8.1995, p.34.

PART 9

NOTIFICATIONS, PROVISION AND EXCHANGE OF INFORMATION

Notification of the presence or suspected presence of certain plant pests

41.—(1) The occupier or other person in charge of premises who knows or suspects that any plant pest to which this Article applies is present on the premises, or any other person who, in the course of his duties or business, becomes aware or suspicious of the presence of such plant pest on any premises, shall immediately give notice, either orally or in writing, to the Department or an inspector of the presence or suspected presence of such plant pest. Notification under this paragraph which is given orally shall be confirmed in writing as soon as reasonably practicable.

(2) This Article applies to any plant pest which—

- (a) is of a description specified in Part A of Schedule 1;
- (b) subject to paragraph (3), is of a description specified in Part B of Schedule 1;
- (c) subject to paragraphs (3), is of a description specified in Part A of Schedule 2;
- (d) subject to paragraph (3), is of a description specified in column 3 of Part B of Schedule 2 and which is present on, or appears to an inspector to have been in contact with, relevant material specified in column 2 of that Schedule opposite the reference to that plant pest; or
- (e) although not specified in Schedule 1 or 2, is not normally present in Northern Ireland and which is likely to be injurious to plants in Northern Ireland.

(3) Where any plant pest referred to in paragraph (2)(b), (c) or (d) is specified in Schedule 18, it shall be notifiable under paragraph (1) only where it is a subspecies or strain normally present in Northern Ireland and is found at the premises of a registered plant trader.

Notification of the likely entry into, or presence in, a free zone of plant pests or relevant material

42.—(1) The responsible authority for a free zone who knows or suspects that any of the things to which this Article applies is likely to enter, or is present in, such a free zone, shall immediately give notice, either orally or in writing, of that fact to the Department or an inspector. Notification under this paragraph which is given orally shall be confirmed in writing as soon as is reasonably practicable.

(2) This Article applies to—

- (a) any plant pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
- (b) any plant pest which, although not specified in Schedule 1 or 2, is not normally present in Northern Ireland and which is likely to be injurious to plants in Northern Ireland; and
- (c) any relevant material of a description specified in column 2 of Schedule 3 which originates in a country specified in column 3 of that Schedule opposite the reference to that relevant material,

which has been, or is likely to be, landed in Northern Ireland, and has not been cleared out of charge under the Customs Act.

(3) In this article “the responsible authority” and “free zone” have the same meaning as in the Customs Act(a).

(a) See section 100A of the Customs Act which was inserted by the Finance Act 1984 (c.43), section 8 and Schedule 4, Part 1.

Information to be given

43.—(1) An inspector or any other officer of the Department may by notice in writing require any person referred to in paragraph (2) to give to the inspector or officer within such reasonable time as may be specified in that notice any information referred to in paragraph (3).

(2) A person to which paragraph (1) refers is any person who—

- (a) is the owner or occupier or other person in charge of premises in respect of which a notice has been served under this Order;
- (b) has or has had or is reasonably suspected by an inspector or other officer of the Department to have or have had in his possession or under his charge—
 - (i) any plant pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
 - (ii) any plant pest which, although not specified in Schedule 1 or 2 is not normally present in Northern Ireland and which is likely to be injurious to plants and trees in Northern Ireland;
 - (iii) any relevant material carrying or infected with a plant pest mentioned in sub-paragraph (i) or (ii); or
 - (iv) any relevant material which an inspector or any other officer of the Department knows to have been landed or suspects has been landed in, or exported from, Northern Ireland; or
- (c) as auctioneer, salesman or otherwise, has sold, offered for sale or otherwise disposed of any plant pest or relevant material mentioned in sub-paragraph (b).

(3) The information referred to in paragraph (1) is any information that a person referred to in paragraph (2) may possess—

- (a) as to plants grown or products stored at any time on the premises referred to in paragraph (2)(a);
- (b) as to any plant pest or relevant material referred to in paragraph (2)(b); and
- (c) as to the persons who have had or are likely to have had any plant pest or relevant material referred to in paragraph (2)(b) in their possession or under their charge.

(4) A person who is required to give an inspector or other officer any information under paragraph (1) shall produce for examination by that inspector or other officer any licences, official statements, certificates, plant passports, records, invoices or other documents relating to any plant pest or relevant material to which that information relates.

PART 10 OFFENCES

Offences

44.—(1) A person shall be guilty of an offence if without reasonable excuse, proof of which shall lie with him—

- (a) subject to paragraph (2), he contravenes or fails to comply with—
 - (i) Article 6(1);
 - (ii) Article 9;
 - (iii) Article 10(1) or (4);
 - (iv) Article 16(2) or (3);
 - (v) Article 18;
 - (vi) Article 20(1);
 - (vii) Article 21

- (viii) Article 24(3) or (4);
- (ix) Article 26(1);
- (x) Article 27(2) or (3);
- (xi) Article 28(1);
- (xii) Article 36;
- (xiii) Article 38(1),(2) and (3);
- (xiv) Article 40(4);
- (xv) Article 41(1); and
- (xvi) Article 42(1);

- (b) he contravenes or fails to comply with a provision or condition of a notice served, or deemed to be served, on him or of a licence granted or of any direction given, under this Order; or
- (c) he intentionally obstructs an inspector or any person authorised by an inspector in exercise of his powers given by or under this Order.

(2) Paragraph (1)(a) shall not apply where an article of any description is landed in Northern Ireland in contravention of a prohibition in this Order(a), other than the prohibition in Article 6(1).

(3) A person shall be guilty of an offence if, for the purpose of procuring the issue of a plant passport or a replacement plant passport, a phytosanitary certificate, a phytosanitary certificate for re-export or a licence under this Order, he—

- (a) knowingly or recklessly makes a statement which is false in a material particular, or
- (b) intentionally fails to disclose any material information.

(4) A person shall be guilty of an offence if he—

- (a) dishonestly issues a plant passport; or
- (b) dishonestly alters a plant passport, or re-uses a plant passport.

(5) Where an offence under this Order is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of, a partner, he, as well as the partnership, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(6) Where the commission by any person of an offence under this Order is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings for the offence are taken against the first-mentioned person.

Penalties

45. A person guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

PART 11

THE CUSTOMS ACT AND REVOCATION

The Customs Act

46. The provisions of this Order shall apply without prejudice to the Customs Act.

(a) Sections 49 and 50 of the Customs and Excise Management Act 1979 (c.2) provide respectively for forfeiture of goods improperly imported and penalties for improper importation of goods.

Revocation

47. The Orders and Regulations specified in Schedule 19 are revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 6th
March 2006



David Small

A senior officer of the Department of Agriculture and Rural Development

SCHEDULE 1 Articles 5(1), 12(2), 19(1), 20(1),
24(4), 29(7), 32(5), 33(2), 41(2),
42(2) and 43(2)

Plant pests which shall not be landed in or spread within Northern Ireland

PART A

Plant pests not known to occur in any part of the European Community

Insects, mites and nematodes

1. *Acleris* spp. (non-European)
2. *Amauromyza maculosa* (Malloch)
3. *Anomala orientalis* Waterhouse
4. *Anoplophora chinensis* (Thomson)
5. *Anoplophora glabripennis* (Motschulsky)
6. *Anoplophora malasiaca* (Forster)
7. *Arrhenodes minutus* Drury
8. *Bemisia tabaci* Genn. (non-European populations) vector of viruses such as: Bean golden mosaic virus, Cowpea mild mottle virus, Lettuce infectious yellows virus, Pepper mild tigré virus, Squash leaf curl virus, Euphorbia mosaic virus or Florida tomato virus
9. Cicadellidae (non-European) known to be vectors of Pierce's disease (caused by *Xylella fastidiosa*), such as: *Carneocephala fulgida* Nottingham, *Draeculacephala minerva* Ball or *Graphocephala atropunctata* (Signoret)
10. *Choristoneura* spp. (non-European)
11. *Conotrachelus nenuphar* (Herbst)
12. *Diabrotica barberi* Smith and Lawrence
13. *Diabrotica undecimpunctata howardi* Barber
14. *Diabrotica undecimpunctata undecimpunctata* Mannerheim
15. *Diabrotica virgifera* Le Conte
16. *Heliothis zea* (Boddie)
17. *Hirschmanniella* spp., other than *Hirschmanniella gracilis* (de Man) Luc and Goodey
18. *Liriomyza sativae* Blanchard
19. *Longidorus diadecturus* Eveleigh and Allen
20. *Monochamus* spp. (non-European)
21. *Myndus crudus* Van Duzee
22. *Nacobbus aberrans* (Thorne) Thorne and Allen
23. *Naupactus leucoloma* Boheman
24. *Premnotrypes* spp. (non-European)
25. *Pseudopityophthorus minutissimus* (Zimmermann)
26. *Pseudopityophthorus pruinosis* (Eichhoff)
27. *Scaphoideus luteolus* Van Duzee
28. *Spodoptera eridania* (Cramer)
29. *Spodoptera frugiperda* (Smith)
30. *Spodoptera litura* (Fabricius)
31. *Thrips palmi* Karny
32. Tephritidae (non-European) such as: *Anastrepha fraterculus* (Wiedemann), *Anastrepha ludens* (Loew), *Anastrepha obliqua* Macquart, *Anastrepha suspensa* (Loew), *Dacus ciliatus* Loew, *Dacus cucurbitae* Coquillett, *Dacus dorsalis* Hendel,

- Dacus tryoni* (Froggatt), *Dacus tsuneonis* Miyake, *Dacus zonatus* Saund., *Epochra canadensis* (Loew), *Pardalaspis cyanescens* Bezzi, *Pardalaspis quinaria* Bezzi, *Pterandrus rosa* (Karsch), *Rhacochlaena japonica* Ito, *Rhagoletis cingulata* (Loew), *Rhagoletis completa* Cresson, *Rhagoletis fausta* (Osten-Sacken), *Rhagoletis indifferens* Curran, *Rhagoletis mendax* Curran, *Rhagoletis pomonella* Walsh, *Rhagoletis ribicola* Doane or *Rhagoletis suavis* (Loew)
33. *Xiphinema americanum* Cobb *sensu lato* (non-European populations)
34. *Xiphinema californicum* Lamberti and Bleve-Zacheo

Bacteria

1. *Xylella fastidiosa* (Wells and Raju)

Fungi

1. *Ceratocystis fagacearum* (Bretz) Hunt
2. *Chrysomyxa arctostaphyli* Dietel
3. *Cronartium* spp. (non-European)
4. *Endocronartium* spp. (non-European)
5. *Guignardia laricina* (Saw.) Yamamoto and Ito
6. *Gymnosporangium* spp. (non-European)
7. *Inonotus weirii* (Murril) Kotlaba and Pouzar
8. *Melampsora farlowii* (Arthur) Davis
9. *Monilinia fructicola* (Winter) Honey
10. *Mycosphaerella larici-leptolepsis* Ito *et al.*
11. *Mycosphaerella populorum* G E Thompson
12. *Phoma andina* Turkensteen
13. *Phyllosticta solitaria* Ell. and Ev.
14. *Septoria lycopersici* Speg. var *malagutii* Ciccarone and Boerema
15. *Thecaphora solani* Barrus
16. *Tilletia indica* Mitra
17. *Trechispora brinkmannii* (Bresad.) Rogers

Viruses and virus-like organisms

1. Elm phloem necrosis mycoplasma
2. Potato viruses and virus-like organisms such as: Andean potato latent virus, Andean potato mottle virus, Arracacha virus B oca strain, Potato black ringspot virus, Potato spindle tuber viroid, Potato virus T or non-European isolates of potato viruses A, M, S, V, X and Y (including Y^o, Yⁿ and Y^c) and Potato leaf roll virus
3. Tobacco ringspot virus
4. Tomato ringspot virus
5. Viruses and virus-like organisms of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L., *Rubus* L. or *Vitis* L., such as: Blueberry leaf mottle virus, Cherry rasp leaf virus (American), Peach mosaic virus (American), Peach phony rickettsia, Peach rosette mosaic virus, Peach rosette mycoplasma, Peach X-disease mycoplasma, Peach yellows mycoplasma, Plum line pattern virus (American), Raspberry leaf curl virus (American), Strawberry latent “C” virus, Strawberry vein banding virus, Strawberry witches’ broom mycoplasma or non-European viruses and virus like organism of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L., *Rubus* L. or *Vitis* L.
6. Viruses transmitted by *Bemisia tabaci* Genn., such as: Bean golden mosaic virus, Cowpea mild mottle virus, Lettuce infectious yellow virus, Pepper mild tigré virus, Squash leaf curl virus, Euphorbia mosaic virus or Florida tomato virus

Parasitic plants

1. *Arceuthobium* spp. (non-European)

PART B

Plant pests known to occur in the European Community

Insects, mites and nematodes

1. *Bemisia tabaci* Genn. (European populations)
2. *Globodera pallida* (Stone) Behrens
3. *Globodera rostochiensis* (Wollenweber) Behrens
4. *Heliothis armigera* (Hübner)
5. *Leptinotarsa decemlineata* Say
6. *Liriomyza bryoniae* (Kaltenbach)
7. *Meloidogyne chitwoodi* Golden *et al.* (all populations)
8. *Meloidogyne fallax* Karssen
9. *Opogona sacchari* (Bojer)
10. *Popillia japonica* Newman
11. *Rhizoecus hibisci* Kawai and Takagi
12. *Spodoptera littoralis* (Boisduval)

Bacteria

1. *Clavibacter michiganensis* subsp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.*
2. *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*

Fungi

1. *Melampsora medusae* Thümen
2. *Synchytrium endobioticum* (Schilbersky) Percival

Viruses and virus like organisms

1. Apple proliferation mycoplasma
2. Apricot chlorotic leaf roll mycoplasma
3. Beet necrotic yellow vein virus
4. Pear decline mycoplasma

SCHEDULE 2 Articles 5(1), 12(2), 19(1), 20(1),
24(4), 29(7), 32(5), 33(2), 41(2),
42(2) and 43(2)

Relevant material which may not be landed in or moved within Northern Ireland if that material is carrying or infected with plant pests

PART A

Plant pests not known to occur in the European Community

Insects, mites and nematodes

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Fuchsia</i> L., intended for planting	<i>Aculops fuchsiae</i> Keifer

- | | | |
|-----|---|---|
| 2. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Aleurocanthus</i> spp. |
| 3. | Plants, other than seeds, of <i>Fragaria</i> L., intended for planting | <i>Anthonomus bisignifer</i> (Schenkling) |
| 4. | Plants, other than seeds, of <i>Fragaria</i> L., intended for planting | <i>Anthonomus signatus</i> (Say) |
| 5. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Aonidella citrina</i> Coquillett |
| 6. | Seeds of <i>Oryza</i> spp. | <i>Aphelenchoides besseyi</i> Christie(a) |
| 7. | Plants, other than fruit or seeds, of <i>Juniperus</i> L., originating in any country outside Europe | <i>Aschistonyx eppoi</i> Inouye |
| 8. | Plants, other than fruit or seeds, of <i>Abies</i> Mill., <i>Cedrus</i> Trew, <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr., originating in any country outside Europe | <i>Bursaphelenchus xylophilus</i> (Steiner and Buhrer) Nickle |
| 9. | Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe | <i>Carposina niponensis</i> Walsingham |
| 10. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle <i>Poncirus</i> Raf. or <i>Murraya</i> König | <i>Diaphorina citri</i> Kuway |
| 11. | Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe | <i>Enarmonia packardi</i> (Zeller) |
| 12. | Plants, other than seeds, of <i>Crataegus</i> L., <i>Malus</i> Mill., <i>Photinia</i> Ldl., <i>Prunus</i> L. or <i>Rosa</i> L., intended for planting; or fruit of <i>Malus</i> Mill. and <i>Prunus</i> L., in any case originating in any country outside Europe | <i>Enarmonia prunivora</i> Walsh |
| 13. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Eotetranychus lewisi</i> (McGregor) |
| 14. | Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe | <i>Grapholita inopinata</i> Heinrich |

(a) *Aphelenchoides besseyi* Christie is not present on *Oryza* spp. in the Community.

- | | | |
|-----|---|--|
| 15. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Hishimonus phycitis</i> (Distant) |
| 16. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Leucaspis japonica</i> Ckll. |
| 17. | Seeds of <i>Cruciferae</i> , <i>Gramineae</i> or <i>Trifolium</i> spp., originating in Argentina, Australia, Bolivia, Chile, New Zealand or Uruguay | <i>Listronotus bonariensis</i> (Kuschel) |
| 18. | Plants, other than fruit or seeds, of <i>Vitis</i> L. | <i>Margarodes</i> , non-European species, such as:
(a) <i>Margarodes vitis</i> (Philippi)
(b) <i>Margarodes vredendalensis</i> de Klerk
(c) <i>Margarodes prieskaensis</i> Jakubski |
| 19. | Plants, other than seeds, of <i>Pyrus</i> L., originating in any country outside Europe | <i>Numonia pyrivorella</i> (Matsumura) |
| 20. | Plants, other than fruit or seeds, of <i>Juniperus</i> L., originating in any country outside Europe | <i>Oligonychus perditus</i> Pritchard and Baker |
| 21. | Plants, other than fruit or seeds, of conifers (Coniferales), originating in any country outside Europe | <i>Pissodes</i> spp. (non-European) |
| 22. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.; or plants of <i>Araceae</i> , <i>Marantaceae</i> , <i>Musaceae</i> , <i>Persea</i> spp., or <i>Strelitziaceae</i> , in any case rooted or with growing medium attached or which appear to have been in contact with growing medium | <i>Radopholus citrophilus</i> Huettel Dickson and Kaplan |
| 23. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Saissetia nigra</i> (Nietm.) |
| 24. | Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Scirtothrips aurantii</i> Faure |
| 25. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Scirtothrips dorsalis</i> Hood |
| 26. | Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | <i>Scirtothrips citri</i> (Moultex) |
| 27. | Plants of conifers (<i>Coniferales</i>), other than fruit and seeds, over 3m in height originating in any country outside Europe | <i>Scolyidae</i> spp. (non-European) |

28.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe	<i>Tachypterellus quadrigibbus</i> Say
29.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Toxoptera citricida</i> (Kirk.)
30.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle <i>Poncirus</i> Raf. or <i>Clausena</i> Burm.f.	<i>Trioza erythrae</i> Del Guercio
31.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Unaspis citri</i> Comstock

Bacteria

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus greening bacterium
2.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus variegated chlorosis
3.	Seeds of <i>Zea mais</i> L.	<i>Erwinia stewartii</i> (Smith) Dye
4.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Xanthomonas campestris</i> (all strains pathogenic to Citrus)
5.	Seeds of <i>Oryza</i> spp.	<i>Xanthomonas campestris</i> pv. <i>oryzae</i> (Ishiyama) Dye and pv. <i>oryzicola</i> (Fang. et al.) Dye

Fungi

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill. or <i>Pyrus</i> L., intended for planting, originating in any country outside Europe	<i>Alternaria alternata</i> (Fr.) Keissler (non-European pathogenic isolates)
2.	Plants of <i>Corylus</i> L., other than seeds, intended for planting, originating in Canada or the USA	<i>Anisogramma anomala</i> (Peck) E. Müller
3.	Plants, other than seeds, of <i>Prunus</i> L., intended for planting	<i>Apiosporina morbosa</i> (Schwein.) v. Arx
4.	Plants, other than fruit or seeds, of <i>Pinus</i> L.	<i>Atropellis</i> spp.

5.	Plants, other than fruit or seeds, of <i>Acer saccharum</i> Marsh., originating in the USA or Canada	<i>Ceratocystis virescens</i> (Davidson) Moreau
6.	Plants, other than fruit or seeds, of <i>Pinus</i> L.	<i>Cercoseptoria pini-densiflorae</i> (Hori and Nambu) Deighton
7.	Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Cercospora angolensis</i> Carv. and Mendes
8.	Plants, other than seeds, of <i>Camellia</i> L., intended for planting, originating in any country outside Europe	<i>Ciborinia camelliae</i> Kohn
9.	Plants, other than seeds, of <i>Vaccinium</i> spp., intended for planting	<i>Diaporthe vaccinii</i> Shaer
10.	Plants, other than fruit or seeds, of <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.; or plants, other than fruit or seeds (except fruit of <i>Citrus reticulata</i> Blanco and of <i>Citrus sinensis</i> (L.) Osbeck) of <i>Citrus</i> L., in any case, originating in any country in South America	<i>Elsinoe</i> spp. Bitanc. and Jenk.. Mendes
11.	Plants, other than fruit or seeds, of <i>Phoenix</i> spp.	<i>Fusarium oxysporum</i> f. sp. <i>albedinis</i> (Kilian and Maire) Gordon
12.	Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Guignardia citricarpa</i> Kiely (all strains pathogenic to Citrus)
13.	Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L. or <i>Pyrus</i> L., originating in any country outside Europe	<i>Guignardia piricola</i> (Nosa) Yamamoto
14.	Plants, other than fruit or seeds, of <i>Solanaceae</i>	<i>Puccinia pittieriana</i> Hennings
15.	Plants, other than fruit or seeds, of <i>Pinus</i> L.	<i>Scirrhia acicola</i> (Dearn.) Siggers
16.	Plants, other than seeds, of <i>Pyrus</i> L., intended for planting, originating in any country outside Europe	<i>Venturia nashicola</i> Tanaka and Yamamoto

Viruses and virus-like organisms

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting	Beet curly top virus (non-European isolates)
2.	Plants of <i>Rubus</i> L., intended for planting	Black raspberry latent virus

3.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Blight and blight-like
4.	Plants, other than seeds, of <i>Palmae</i> , intended for planting, originating in any country outside Europe	Cadang-Cadang viroid
5.	Plants of <i>Rubus</i> L., intended for planting	Cherry leaf-roll virus(a)
6.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus mosaic virus
7.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus tristeza virus (non-European isolates)
8.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Leprosis
9.	Plants, other than seeds, of <i>Prunus cerasus</i> L., <i>Prunus avium</i> L., <i>Prunus incisa</i> Thunb., <i>Prunus sargentii</i> Rehd., <i>Prunus serrula</i> Franch., <i>Prunus serrulata</i> Lindl., <i>Prunus speciosa</i> (Koidz.) Ingram, <i>Prunus subhirtella</i> Miq. or <i>Prunus yedoensis</i> Matsum., or their cultivars, intended for planting	Little cherry pathogen (non-European isolates)
10.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Naturally spreading psorosis
11.	Plants, other than seeds, of <i>Palmae</i> , intended for planting, originating in a country outside Europe	Palm lethal yellowing mycoplasma
12.	Plants of <i>Rubus</i> L., intended for planting	Prunus necrotic ringspot virus(b)
13.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Satsuma dwarf virus
14.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Tatter leaf virus
15.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Witches' broom (MLO)

(a) Cherry leaf-roll virus is not present in *Rubus* L. in the Community.

(b) Prunus necrotic ringspot virus is not present in *Rubus* L. in the Community.

PART B

Plant pests known to occur in the European Community

Insects, mites and nematodes

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Aphelenchoides besseyi</i> Christie
2.	Plants, other than fruit or seeds, of <i>Vitis</i> L.	<i>Daktulosphaira vitifoliae</i> (Fitch)
3.	Flower bulbs and corms of <i>Crocus</i> L., miniature cultivars of the genus <i>Gladiolus</i> Tourn. ex L. including <i>Gladiolus callianthus</i> Marais, <i>Gladiolus colvillei</i> Sweet, <i>Gladiolus nanus</i> hort., <i>Gladiolus ramosus</i> hort., <i>Gladiolus tubergenii</i> hort., <i>Hyacinthus</i> L., <i>Iris</i> L., <i>Trigridia</i> Juss. or <i>Tulipa</i> L., intended for planting, and potato tubers (<i>Solanum tuberosum</i> L.), intended for planting	<i>Ditylenchus destructor</i> Thorne
4.	Seeds and bulbs of <i>Allium ascalonicum</i> L., <i>Allium cepa</i> L. or <i>Allium schoenoprasum</i> L., intended for planting; plants of <i>Allium porrum</i> L., intended for planting; bulbs and corms of <i>Camassia</i> Lindl., <i>Chionodoxa</i> Boiss., <i>Crocus flavus</i> Weston "Golden Yellow", <i>Galanthus</i> L., <i>Galtonia candicans</i> (Baker) Decne, <i>Hyacinthus</i> L., <i>Ismene</i> Herbert, <i>Muscari</i> Miller, <i>Narcissus</i> L., <i>Ornithogalum</i> L., <i>Puschkinia</i> Adams, <i>Scilla</i> L. or <i>Tulipa</i> L., intended for planting; or seeds of <i>Medicago sativa</i> L.	<i>Ditylenchus dipsaci</i> (Kühn) Filipjev
5.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Circulifer haematoceps</i> (Mulsant and Rey)
6.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Circulifer tenellus</i> (Baker)
7.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Eotetranychus orientalis</i> Klein
8.	Plants of <i>Araceae</i> , <i>Marantaceae</i> , <i>Musaceae</i> , <i>Persea</i> spp., or <i>Strelitziaceae</i> , rooted or with growing medium attached or which appear to	<i>Radopholus similis</i> (Cobb) Thorne

- have been in contact with growing medium
9. Cut flowers, leafy vegetables of *Apium graveolens* L., and plants of herbaceous species, intended for planting, other than:
—bulbs,
—corms,
—plants of the family Gramineae,
—rhizomes, or
—seeds *Liriomyza huidobrensis* (Blanchard)
10. Cut flowers, leafy vegetables of *Apium graveolens* L., and plants of herbaceous species, intended for planting, other than:
—bulbs,
—corms,
—plants of the family Gramineae,
—rhizomes, or
—seeds *Liriomyza trifolii* (Burgess)

Bacteria

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Seeds of <i>Medicago sativa</i> L.	<i>Clavibacter michiganensis</i> subsp. <i>insidiosus</i> (McCulloch) Davis <i>et al.</i>
2.	Plants of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., intended for planting	<i>Clavibacter michiganensis</i> subsp. <i>michiganensis</i> (Smith) Davis <i>et al.</i>
3.	Plants, other than seeds, of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L., or <i>Sorbus</i> L., intended for planting	<i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i>
4.	Plants, other than seeds, of <i>Dianthus</i> L., intended for planting	<i>Erwinia chrysanthemi</i> pv. <i>dianthicola</i> (Hellmers) Dickey
5.	Plants, other than seeds, of <i>Dianthus</i> L., intended for planting	<i>Pseudomonas caryophylli</i> (Burkholder) Starr and Burkholder
6.	Plants, other than seeds, of <i>Prunus persica</i> (L.) Batsch or <i>Prunus persica</i> var. <i>nectarina</i> (Ait.) Maxim, intended for planting	<i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier <i>et al.</i>) Young <i>et al.</i>
7.	Seeds of <i>Phaseolus</i> L.	<i>Xanthomonas campestris</i> pv. <i>phaseoli</i> (Smith) Dye

8.	Plants, other than seeds, of <i>Prunus</i> L., intended for planting	<i>Xanthomonas campestris</i> pv. <i>pruni</i> (Smith) Dye
9.	Plants of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., or <i>Capsicum</i> spp., intended for planting	<i>Xanthomonas campestris</i> pv. <i>vesicatoria</i> (Doidge) Dye
10.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Xanthomonas fragariae</i> Kennedy and King
11.	Plants, other than fruit or seeds, of <i>Vitis</i> L.	<i>Xylophilus ampelinus</i> (Panagopoulos) Willems <i>et al.</i>

Fungi

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Platanus</i> L., intended for planting	<i>Ceratocystis fimbriata</i> f.spp. <i>platani</i> Walter
2.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Colletotrichum acutatum</i> Simmonds
3.	Plants, other than seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L., intended for planting	<i>Cryphonectria parasitica</i> (Murrill) Barr
4.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting	<i>Didymella ligulicola</i> (Baker, Dimock and Davis) v. Arx
5.	Plants, other than seeds, of <i>Dianthus</i> L., intended for planting,	<i>Phialophora cinerescens</i> (Wollenweber) van Beyma
6.	Plants, other than seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Phoma tracheiphila</i> (Petri) Kanchaveli and Gikashvili
7.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	<i>Phytophthora fragariae</i> Hickman var. <i>fragariae</i>
8.	Seeds of <i>Helianthus annuus</i> L.	<i>Plasmopara halstedii</i> (Farlow) Berl. and de Toni
9.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting	<i>Puccinia horiana</i> Hennings
10.	Plants, other than seeds, of <i>Pinus</i> L., intended for planting	<i>Scirrhia pini</i> Funk and Parker
11.	Plants, other than seeds, of <i>Humulus lupulus</i> L., intended for planting	<i>Verticillium albo-atrum</i> Reinke and Berthold
12.	Plants, other than seeds, of <i>Humulus lupulus</i> L., intended for planting	<i>Verticillium dahliae</i> Klebahn

Viruses and virus-like organisms

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Arabis mosaic virus
2.	Plants, other than seeds, of <i>Beta vulgaris</i> L., intended for planting	Beet leaf curl virus
3.	Plants, other than seeds, of <i>Dendranthema</i> (DC.) Des Moul., intended for planting	Chrysanthemum stunt viroid
4.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus tristeza virus (European isolates)
5.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	Citrus vein enation woody gall
6.	Plants, other than fruit or seeds, of <i>Vitis</i> L.	Grapevine flavescence dorée MLO
7.	Plants, other than seeds, of <i>Prunus</i> L., intended for planting	Plum pox virus
8.	Plants, other than seeds, of <i>Solanaceae</i> , intended for planting	Potato stolbur mycoplasma
9.	Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Raspberry ringspot virus
10.	Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf.	<i>Spiroplasma citri</i> Saglio <i>et al.</i>
11.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	Strawberry crinkle virus
12.	Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Strawberry latent ringspot virus
13.	Plants, other than seeds, of <i>Fragaria</i> L., intended for planting	Strawberry mild yellow edge virus
14.	Plants, other than seeds, of <i>Fragaria</i> L. or <i>Rubus</i> L., intended for planting	Tomato black ring virus

- | | | |
|-----|---|-------------------------------|
| 15. | Plants, other than seeds, of <i>Apium graveolens</i> L., <i>Capsicum annuum</i> L., <i>Cucumis melo</i> L., <i>Dendranthema</i> (DC.) Des Moul., all varieties of New Guinea hybrids <i>Impatiens</i> , <i>Lactuca sativa</i> L., <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., <i>Nicotiana tabacum</i> L. of which there shall be evidence that they are intended for sale to professional tobacco production, <i>Solanum melongena</i> L., or <i>Solanum tuberosum</i> L., intended for planting | Tomato spotted wilt virus |
| 16. | Plants, other than seeds, of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., intended for planting | Tomato yellow leaf curl virus |

PART C

Plant pests whose introduction into, and spread within, Northern Ireland (as a protected zone) shall be banned if they are present on certain relevant material

Insects, mites and nematodes

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Larix</i> Mill., intended for planting	<i>Cephalcia lariciphila</i> (Klug)
2.	Plants, other than fruit and seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. and <i>Pseudotsuga</i> Carr., over 3m in height	<i>Dendroctonus micans</i> Kugelán
3.	Plants, other than seeds, of <i>Picea</i> A. Dietr., intended for planting	<i>Gilpinia hercyniae</i> (Hartig)
4.	Plants, other than fruit and seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. and <i>Pinus</i> L., over 3m in height	<i>Ips amitinus</i> Eichhof
5.	Plants, other than fruit and seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. and <i>Pseudotsuga</i> Carr., over 3m in height	<i>Ips cembrae</i> Heer
6.	Plants, other than fruit and seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. and <i>Pinus</i> L., over 3m in height	<i>Ips duplicatus</i> Sahlberg
7.	Plants, other than fruit and seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. and <i>Pinus</i> L., over 3m in height	<i>Ips sexdentatus</i> Börner

8. Plants, other than fruit and seeds, of *Ips typographus* Heer
Abies Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. and *Pseudotsuga* Carr., over 3m in height

Bacteria

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Parts of plants, other than fruit, seeds or plants intended for planting, but including live pollen for pollination of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dcne.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L., and <i>Sorbus</i> L.	<i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i>

Fungi

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Plants, other than seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. and <i>Pseudotsuga</i> Carr., intended for planting	<i>Gremmeniella abiedina</i> (Lag.) Morelet
2.	Plants, other than seeds, of <i>Populus</i> L., intended for planting	<i>Hypoxyton mammatum</i> (Wahl.) J. Miller

SCHEDULE 3

Articles 5(1), 19(1) and 42(2)

Relevant material which may not be landed in Northern Ireland if that material originates in certain third countries

(1) Item	(2) Description of relevant material	(3) Countries of origin
1.	Plants, other than fruit or seeds, of <i>Abies</i> Mill., <i>Cedrus</i> Trew, <i>Chamaecyparis</i> Spach, <i>Juniperus</i> L., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr.	Any country outside Europe
2.	Plants with leaves, other than fruit or seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L.	Any country outside Europe
3.	Plants with leaves, other than fruit or seeds, of <i>Populus</i> L.	Any country in North America

- | | | |
|-----|--|---|
| 4. | Plants, other than dormant plants free from leaves, flowers and fruit of <i>Chaenomeles</i> Lindl., <i>Cydonia</i> Mill., <i>Crataegus</i> L., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L. or <i>Rosa</i> L., intended for planting | Any country outside Europe |
| 5. | Plants, other than dormant plants free from leaves, flowers and fruit, of <i>Photinia</i> Lindl., intended for planting | USA, China, Japan, the Republic of Korea or Democratic People's Republic of Korea |
| 6. | Tubers of <i>Solanum tuberosum</i> L. for planting | Any third country other than Switzerland |
| 7. | Plants of stolon or tuber forming species of <i>Solanum</i> L., intended for planting, other than tubers of <i>Solanum tuberosum</i> L. specified in item 6 | Any third country |
| 8. | Tubers of species of <i>Solanum</i> L., other than those specified in items 6 and 7 | Any third country other than Algeria, Bulgaria, Egypt, Israel, Libya, Morocco, Switzerland, Syria, Tunisia or Turkey |
| 9. | Plants of <i>Solanaceae</i> , intended for planting, other than seeds and relevant material specified in items 6 to 8 | Any third country other than any country in the Euro-Mediterranean area |
| 10. | Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark, other than that composed entirely of peat | Belarus, Moldova, Russia, Turkey, Ukraine, any country outside Europe, other than Egypt, Israel, Libya, Morocco or Tunisia |
| 11. | Plants, other than fruits, of <i>Vitis</i> L. | Any third country other than Switzerland |
| 12. | Plants, other than fruit or seeds, of <i>Citrus</i> L., <i>Fortunella</i> Swingle or <i>Poncirus</i> Raf. | Any third country |
| 13. | Plants, other than fruit or seeds, of <i>Phoenix</i> spp. | Algeria, Morocco |
| 14. | Plants, other than seeds, of <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyrus</i> L. or <i>Fragaria</i> L., intended for planting | Without prejudice to the requirements in item 4, any third country, other than a country in the Euro-Mediterranean area, Australia, New Zealand, Canada and the continental states of the USA |
| 15. | Plants, other than seeds, of the family <i>Graminaceae</i> , other than plants of ornamental perennial grasses of the subfamilies <i>Bambusoideae</i> , <i>Panicoideae</i> and of the genera <i>Buchloe</i> , <i>Bouteloua</i> Lag., <i>Calamagrostis</i> , <i>Cortaderia</i> Stapf., <i>Glyceria</i> R. Br., <i>Hakonechloa</i> Mak. ex Honda, <i>Hystrix</i> , <i>Molinia</i> , <i>Phalaris</i> L., <i>Shibataea</i> , <i>Spartina</i> Schreb., <i>Stipa</i> L. or <i>Uniola</i> L., intended for planting | Any third country, other than a country in the Euro-Mediterranean area |

16. Without prejudice to items 4, 5 and 14, Any third country other than Switzerland
plants and live pollen for pollination,
other than fruit and seeds, of *Amelanchier*
Med., *Chaenomeles* Lindl., *Crataegus* L.,
Cydonia Mill., *Eriobotrya* Lindl., *Malus*
Mill., *Mespilus* L., *Pyracantha* Roem.,
Pyrus L. and *Sorbus* L.
17. Without prejudice to items 4, 5 and 14, Any third country
plants and live pollen for pollination,
other than fruit and seeds, of *Cotoneaster*
Ehrh. and *Photodavidiana* (Dcne.) Cardot

SCHEDULE 4

Articles 5(1), 6(2), 12(2), 15(3),
19(1) and 20(1)

Restrictions on the landing in and movement within Northern Ireland of relevant material

PART A

Relevant material, from third countries, which may only be landed in Northern Ireland
if special requirements are satisfied

(1) Item	(2) Description of relevant material	(3) Requirements of landing
1.	Plants, other than fruit or seeds, of conifers (Coniferales), originating in any country outside Europe	Without prejudice to the requirements in items 2 to 4, 61 and 65, the plants shall be accompanied by an official statement that they have been produced in nurseries and that the place of production is free from <i>Pissodes</i> spp. (non-European)
2.	Plants, other than fruit or seeds, of conifers (Coniferales), over 3m in height, originating in any country outside Europe	Without prejudice to the requirements in items 1, 3, 4, 61 and 65, the plants shall be accompanied by an official statement that they have been produced in nurseries and that the place of production is free from <i>Scolytidae</i> spp. (non-European)
3.	Plants, other than seeds, of <i>Pinus</i> L., intended for planting, originating in any third country	Without prejudice to the requirements in items 1, 2, 4, 61 and 65, the plants shall be accompanied by an official statement that no symptoms of <i>Scirrhia acicola</i> (Dearn.) Siggers or <i>Scirrhia pini</i> Funk and Parker have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation

4. Plants, other than seeds, of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. *Pseudotsuga* Carr. or *Tsuga* Carr., intended for planting, originating in any third country
- Without prejudice to the requirements in items 1 to 3, 61 and 65, the plants shall be accompanied by an official statement that no symptoms of *Melampsora medusae* Thümen have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
5. Plants, other than fruit or seeds, of *Quercus* L., originating in the USA
- Without prejudice to the requirements in items 6, 61, 62 and 65, the plants shall be accompanied by an official statement that they originate in an area or areas known to be free from *Ceratocystis fagacearum* (Bretz) Hunt
6. Plants of *Castanea* Mill. or *Quercus* L., other than fruit or seeds, originating in any country outside Europe
- Without prejudice to the requirements in items 5, 47, 61, 62 and 65, the plants shall be accompanied by an official statement that no signs of *Cronartium* spp. (non-European) have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
7. Plants, other than seeds, of *Castanea* Mill. or *Quercus* L., intended for planting, originating in any third country
- Without prejudice to the requirements in items 5, 6, 61, 62 and 65, the plants shall be accompanied by an official statement that:
- (a) they originate in area or areas known to be free from *Cryphonectria parasitica* (Murrill) Barr; or
 - (b) no symptoms of *Cryphonectria parasitica* (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
8. Plants, other than seeds, of *Corylus* L., intended for planting, originating in Canada or the USA
- Without prejudice to the requirements in item 62, the plants shall be accompanied by an official statement that they have been grown in nurseries and:
- (a) originate in an area or areas, established in the country of export by the national plant protection organisation in that country, as being free from *Anisogramma anomala* (Peck) E. Müller, in accordance with ISPM No. 4, and which is mentioned under the rubric “Additional declaration” on the phytosanitary certificate or phytosanitary certificate for re-export; or
 - (b) originate in a place of production, established in the country of export by the national plant protection organisation in that country, as being free from *Anisogramma anomala* (Peck) E. Müller on official inspections carried out at the place of production or in its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with ISPM No. 10, and which is mentioned under the rubric “Additional declaration” on the phytosanitary certificate or phytosanitary certificate for re-export and declared free from *Anisogramma anomala* (Peck) E. Müller

9. Plants, other than seeds, of *Platanus* L., intended for planting, originating in the USA or Armenia
Without prejudice to the requirements in item 61, 62 and 65, the plants shall be accompanied by an official statement that no symptoms of *Ceratocystis fimbriata* f. sp. *platani* Walter have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
10. Plants, other than seeds, of *Populus* L., intended for planting, originating in any third country
Without prejudice to the requirements in items 11, 61, 62 and 65, the plants shall be accompanied by an official statement that no symptoms of *Melampsora medusae* Thümen have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
11. Plants, other than fruit or seeds, of *Populus* L., originating in any country of the American continent
Without prejudice to the requirements in items 10, 61, 62 and 65, the plants shall be accompanied by an official statement that no symptoms of *Mycosphaerella populorum* G E Thompson have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
12. Plants, other than seeds, of *Ulmus* L., intended for planting, originating in any country in North America
Without prejudice to the requirements in items 61, 62 and 65, the plants shall be accompanied by an official statement that no symptoms of Elm phloem necrosis mycoplasma have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
13. Plants, other than seeds, of *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Prunus* L. or *Pyrus* L., intended for planting, originating in any country outside Europe
Without prejudice to the requirements in items 20, 22 to 24, 28 to 31, 61, 62 and 65 the plants shall be accompanied by an official statement that:
- (a) they originate in a country known to be free from *Monilinia fructicola* (Winter) Honey; or
 - (b) no symptoms of *Monilinia fructicola* (Winter) Honey have been observed at the place of production since the beginning of the last complete cycle of vegetation
14. From 15th February to 30th September, fruits of *Prunus* L., originating in any country outside Europe
The fruits shall be accompanied by an official statement that they:
- (a) originate in a country known to be free from *Monilinia fructicola* (Winter) Honey; or
 - (b) have been subjected to appropriate inspection and treatment procedures either before harvest, before export or before both harvest and export to ensure freedom from *Monilinia* spp.
15. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., originating in any third country
Without prejudice to the requirements in items 16 to 19, the fruits shall be free from peduncles and leaves and the packaging, any label attached to the packaging or any document normally used for trade purposes which accompanies the consignment shall bear an appropriate origin mark (which may be a reference to the name of the country of origin)

16. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., originating in any third country
- Without prejudice to the requirements in items 15 and 17 to 19, the fruits shall be accompanied by an official statement that:
- (a) they originate in a country recognised as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus);
 - (b) they originate in an area recognised as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), and mentioned on the phytosanitary certificate or phytosanitary certificate for re-export; or
 - (c) they comply with the following—
 - (i) in accordance with an official control and examination regime, no symptoms of *Xanthomonas campestris* (all strains pathogenic to Citrus) have been observed in the field of production or in its immediate vicinity since the beginning of the last cycle of vegetation;
 - (ii) none of the fruits harvested in the field of production has shown symptoms of *Xanthomonas campestris* (all strains pathogenic to Citrus);
 - (iii) the fruits have been subjected to treatment such as sodium orthophenylphenate, mentioned on the phytosanitary certificate or phytosanitary certificate for re-export; and
 - (iv) the fruits have been packed at premises or dispatching centres registered for this purpose
17. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., originating in any third country
- Without prejudice to the requirements in items 15, 16, 18 and 19, the fruits shall be accompanied by an official statement that:
- (a) they originate in a country recognised as being free from *Cercospora angolensis* Carv. and Mendes; or
 - (b) no symptoms of *Cercospora angolensis* Carv. and Mendes have been observed in the field of production or in its immediate vicinity since the beginning of the last cycle of vegetation, and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism

18. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., other than fruits of *Citrus aurantium* L., originating in any third country
- Without prejudice to requirements in items 15 to 17 and 19, the fruits shall be accompanied by an official statement that:
- (a) they originate in a country recognised as being free from *Guignardia citricarpa* Kiely (all strains pathogenic to *Citrus*);
 - (b) they originate in an area or areas recognised as being free from *Guignardia citricarpa* Kiely (all strains pathogenic to *Citrus*), and mentioned on the phytosanitary certificate or phytosanitary certificate or re-export;
 - (c) no symptoms of *Guignardia citricarpa* Kiely (all strains pathogenic to *Citrus*), have been observed in the field of production or in its immediate vicinity since the beginning of the last cycle of vegetation, and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism; or
 - (d) the fruits originate in a field of production subjected to appropriate treatments against *Guignardia citricarpa* Kiely (all strains pathogenic to *Citrus*), and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism
19. Fruits of *Citrus* L., *Fortunella* Swingle, or *Poncirus* Raf., originating in any third country where *Tephritidae* (non-European) are known to occur on these fruits
- Without prejudice to the requirements in items 15 to 18, the fruits shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from *Tephritidae* (non-European);
 - (b) no signs of *Tephritidae* (non-European) have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation, on official inspections carried out at least monthly during the three months prior to harvesting, and none of the fruits harvested at the place of production has shown, in appropriate official examination, signs of *Tephritidae* (non-European);
 - (c) they have been shown, in appropriate official examination on representative samples, to be free from *Tephritidae* (non-European) in all stages of their development; or
 - (d) the fruits have been subjected to an appropriate treatment, any acceptable vapour heat treatment, cold treatment, or quick freeze treatment, which has been shown to be efficient against the *Tephritidae* (non-European) without damaging the fruit, or, where not available, chemical treatment as far as it is acceptable under Community legislation

20. Plants, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L., intended for planting, originating in any third country
- Without prejudice to the requirements in items in 13, 22 to 24, 28, 29, 61, 62 and 65, the plants shall be accompanied by an official statement that the plants in the field of production or in its immediate vicinity, which have shown symptoms of *Erwinia amylovora* (Burr.) Winsl. *et al.*, have been removed
21. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., and plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp. or *Strelitziaceae*, rooted or with growing medium attached or which appear to have been in contact with growing medium, originating in any third country
- Without prejudice to the requirements in items 61, 62 and 65, the plants shall be accompanied by an official statement that:
- (a) the plants originate in countries known to be free from *Radopholus citrophilus* Huettel *et al.* and *Radopholus similis* (Cobb) Thorne; or
 - (b) representative samples of soil and roots from the place of production have been subjected, since the beginning of the last complete cycle of vegetation, to official nematological testing for at least *Radopholus citrophilus* Huettel *et al.* and *Radopholus similis* (Cobb) Thorne and have been found to be free from those plant pests
22. Plants, other than seeds, of *Crataegus* L., intended for planting, originating in any third country where *Phyllosticta solitaria* Ell. and Ev. is known to occur
- Without prejudice to the requirements in items 13, 20, 61, 62 and 65, the plants shall be accompanied by an official statement that no symptoms of *Phyllosticta solitaria* Ell. and Ev. have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation

23. Plants, other than seeds, of *Cydonia* Mill., *Fragaria* L., *Malus* Mill., *Prunus* L., *Pyrus* L., *Ribes* L. or *Rubus* L., intended for planting, originating in any third country where the following plant pests are known to occur on the following genera:
- on *Fragaria* L.:
 - Phytophthora fragariae* Hickman, var. *fragariae*,
 - Arabis mosaic virus
 - Raspberry ringspot virus,
 - Strawberry crinkle virus,
 - Strawberry latent ringspot virus,
 - Strawberry mild yellow edge virus,
 - Tomato black ring virus, or
 - Xanthomonas fragariae* Kennedy and King;
 - on *Malus* Mill.:
 - Phyllosticta solitaria* Ell. and Ev.;
 - on *Prunus* L.:
 - Apricot chlorotic leafroll mycoplasma, or
 - Xanthomonas campestris* pv. *pruni* (Smith) Dye;
 - on *Prunus persica* (L.) Batsch:
 - Pseudomonas syringae* pv. *persicae* (Prunier et al.) Young et al.;
 - on *Pyrus* L.:
 - Phyllosticta solitaria* Ell. and Ev.;
- Without prejudice to the requirements in items 13, 20, 25 to 32, 61, 62 and 65, the plants shall be accompanied by an official statement that no symptoms of diseases caused by the plant pests listed in column 2 of this item have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation

- on *Rubus* L.:
 - Arabis mosaic virus,
 - Raspberry ringspot virus,
 - Strawberry latent ringspot virus, or
 - Tomato black ring virus; or
- on all species:
 - non-European viruses and virus-like organisms

24. Plants, other than seeds, of *Cydonia* Mill. or *Pyrus* L., intended for planting, originating in any third country where Pear decline mycoplasma is known to occur
- Without prejudice to the requirements in items 13, 20, 23, 61, 62 and 65, the plants shall be accompanied by an official statement that plants at the place of production or in its immediate vicinity, which have shown symptoms giving rise to the suspicion of contamination by Pear decline mycoplasma, have been rogued out at that place within the last three complete cycles of vegetation
25. Plants, other than seeds, of *Fragaria* L., intended for planting, originating in any third country where the following plant pests are known to occur:
 —Strawberry latent “C” virus,
 —Strawberry vein banding virus, or
 —Strawberry witches’ broom mycoplasma
- Without prejudice to the requirements in items 23, 26, 27 and 29, the plants shall be accompanied by an official statement that:
- (a) the plants, other than those raised from seed, have been:
 - (i) either officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least the plant pests in column 2 of this item using appropriate indicator or equivalent methods and has been found free from those plant pests; or
 - (ii) derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; and
 - (b) no symptoms of diseases caused by the plant pests in column 2 of this item have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last complete cycle of vegetation

26. Plants, other than seeds, of *Fragaria* L., intended for planting, originating in any third country where *Aphelenchoides besseyi* Christie is known to occur
- Without prejudice to the requirements in items 23, 25 and 27, the plants shall be accompanied by an official statement that:
- (a) no symptoms of *Aphelenchoides besseyi* Christie have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation; or
 - (b) in the case of plants in tissue culture, the plants have been derived from plants which complied with paragraph (a) or have been officially tested by appropriate nematological methods and have been found free from *Aphelenchoides besseyi* Christie
27. Plants of *Fragaria* L., other than seeds, intended for planting, originating in any third country
- Without prejudice to the requirements in items 23, 25 and 26, the plants shall be accompanied by an official statement that they originate in an area or areas known to be free from *Anthonomus signatus* Say and *Anthonomus bisignifer* (Schenkling)
28. Plants, other than seeds, of *Malus* Mill., intended for planting, originating in any third country where the following plant pests are known to occur on *Malus* Mill.:
—Cherry rasp leaf virus (American), or
—Tomato ringspot virus
- Without prejudice to the requirements in items 13, 20, 23, 61, 62 and 65, the plants shall be accompanied by an official statement that:
- (a) they have been:
 - (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least the plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; or
 - (ii) derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the plant pests in column 2 of this item using appropriate indicators or equivalent methods and has been found free from those plant pests; or
 - (b) no symptoms of diseases caused by the plant pests in column 2 of this item have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last complete cycle of vegetation

29. Plants, other than seeds, of *Malus* Mill., intended for planting, originating in any third country where apple proliferation mycoplasma is known to occur
- Without prejudice to the requirements in items 13, 20, 23, 25, 61, 62 and 65, the plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from apple proliferation mycoplasma; or
 - (b) other than plants raised from seeds, they have been:
 - (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free from that plant pest; or
 - (ii) derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once within the last six complete cycles of vegetation, to official testing for at least apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free, in these tests, from that plant pest; and
 - (c) no symptoms of diseases caused by apple proliferation mycoplasma have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation

30. Plants, other than seeds, of the following species of *Prunus* L., intended for planting, originating in any third country where Plum pox virus is known to occur:
- Prunus amygdalus* Batsch,
 - Prunus armeniaca* L.,
 - Prunus blireiana* Andre,
 - Prunus brigantina* Vill.,
 - Prunus cerasifera* Ehrh.,
 - Prunus cistena* Hansen,
 - Prunus curdica* Fenzl and Fritsch.,
 - Prunus domestica* spp. *domestica* L.,
 - Prunus domestica* spp. *insititia* (L.) C.K. Schneid.,
 - Prunus domestica* spp. *italica* (Borkh.) Hegi.,
 - Prunus glandulosa* Thunb.,
 - Prunus holosericea* Batal.,
 - Prunus hortulana* Bailey,
 - Prunus japonica* Thunb.,
 - Prunus mandshurica* (Maxim.) Koehne,
 - Prunus maritima* Marsh.,
 - Prunus mume* Sieb and Zucc.,
 - Prunus nigra* Ait.,
 - Prunus persica* (L.) Batsch,
 - Prunus salicina* L.,
 - Prunus sibirica* L.,
 - Prunus simonii* Carr.,
 - Prunus spinosa* L.,
 - Prunus tomentosa* Thunb.,
 - Prunus triloba* Lindl.,
- or
- other species of *Prunus* L. susceptible to Plum pox virus
- Without prejudice to the requirements in items 13, 23, 31, 61, 62 and 65, the plants shall be accompanied by an official statement that:
- (a) other than plants raised from seed, they have been:
 - (i) either officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for, at least, Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest; or
 - (ii) derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for, at least, Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest; and
 - (b) no symptoms of disease caused by Plum pox virus have been observed on plants at the place of production or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation; and
 - (c) plants at the place of production which have shown symptoms of disease caused by other viruses or virus-like pathogens, have been rogued out

31. Plants of *Prunus* L, intended for planting:
- Without prejudice to requirements in items 13, 23, 30, 61, 62 and 65, the plants shall be accompanied by an official statement that:
- (a) originating in any third country where Tomato ringspot virus is known to occur on *Prunus* L.;
 - (b) other than seeds, originating in any third country where the following plant pests are known to occur:
 - Cherry rasp leaf virus, (American),
 - Peach mosaic virus (American),
 - Peach phony rickettsia,
 - Peach rosette mycoplasm,
 - Peach yellows mycoplasm,
 - Plum line pattern virus (American), or
 - Peach X-disease mycoplasm;
 - (c) other than seeds, originating in any country outside Europe where Little cherry pathogen is known to occur
- (a) they have been:
 - (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least the plant pests in (a), (b) or (c) in column 2, as the case may be, using appropriate indicators or equivalent methods and has been found free from those plant pests; or
 - (ii) derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once, within the last three complete cycles of vegetation, to official testing for at least the plant pests in (a), (b) or (c) in column 2, as the case may be, using appropriate indicators or equivalent methods and has been found free from those plant pests; and
 - (b) no symptoms of diseases caused by the plant pests in (a), (b) or (c) in column 2, as the case may be, have been observed on plants at the place of production or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation

32. Plants of *Rubus* L., intended for planting:
- (a) originating in any third country where the following plant pests are known to occur on *Rubus*.:
- Tomato ringspot virus,
 - Black raspberry latent virus,
 - Cherry leaf roll virus, or
 - Prunus necrotic ringspot virus;
- (b) other than seeds, originating in any third country where the following plant pests are known to occur:
- Raspberry leaf curl virus (American), or
 - Cherry rasp leaf virus (American)
- Without prejudice to the requirements in items 23, 61, 62 and 65, the plants shall be free from aphids, including their eggs and shall be accompanied by an official statement that:
- (a) they have been—
- (i) officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least the plant pests in paragraphs (a) or (b) in column 2, as applicable, using appropriate indicators or equivalent methods and has been found free from those plant pests; or
 - (ii) they have been derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once within the last three complete cycles of vegetation, to official testing for at least the plant pests in paragraphs (a) or (b) in column 2, as applicable, using appropriate indicators for equivalent methods and has been found free from those plant pests; and
- (b) no symptoms of diseases caused by the relevant plant pests in paragraphs (a) or (b) in column 2, as applicable, have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation
33. Tubers of *Solanum tuberosum* L., originating in any third country where *Synchytrium endobioticum* (Schilbersky) Percival is known to occur
- Without prejudice to the requirements in items 34 to 37 and 40, the tubers shall be accompanied by an official statement that they originate in an area or areas known to be free from *Synchytrium endobioticum* (Schilbersky) Percival (all races other than Race 1, the common European race), and no symptoms of *Synchytrium endobioticum* (Schilbersky) Percival have been observed either at the place of production or in its immediate vicinity since the beginning of an adequate period
34. Tubers of *Solanum tuberosum* L., originating in any third country
- Without prejudice to the requirements in items 33, 35 to 37 and 40, the tubers shall be accompanied by official statement that they originate in countries known to be free from *Clavibacter michiganensis* subsp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.*

35. Tubers of *Solanum tuberosum* L., other than early potatoes, originating in any third country where Potato spindle tuber viroid is known to occur
- Without prejudice to the requirements in items 33, 34, 36, 37 and 40, the faculty of germination in the tubers shall have been suppressed
36. Tubers of *Solanum tuberosum* L., intended for planting, originating in any third country
- Without prejudice to the requirements in items 33 to 35 and 37, the tubers shall be accompanied by an official statement that they originate from a field known to be free from *Globodera rostochiensis* (Wollenweber) Behrens and *Globodera pallida* (Stone) Behrens, and
- (a) the tubers originate in areas in which *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* is known not to occur; and
 - (b) the tubers originate in areas in which *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen are known not to occur; or
 - (c) in areas where *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen are known to occur, either:
 - (i) the tubers originate from a place of production which has been found free from *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production, or
 - (ii) the tubers after harvest have been randomly sampled and, either checked for the presence of symptoms after an appropriate method to induce symptoms, or laboratory tested, as well as inspected visually both externally and by cutting the tubers, at appropriate times and in all cases at the time of sealing of the packages or containers before marketing according to the provisions on sealing in Council Directive 2002/56/EC on the marketing of seed potatoes^(a), and no symptoms of *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen have been found

(a) OJ No. L 193, 20.7.2002, p.60; to which there are amendments not relevant to this Order.

37. Plants, other than seeds, of *Solanaceae*, intended for planting, originating in any third country where Potato stolbur mycoplasma is known to occur
- Without prejudice to the requirements in items 33 to 36, 38, 39, 61, 63, 65 and 69 to 72, the plants shall be accompanied by an official statement that no symptoms of Potato stolbur mycoplasma have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation
38. Plants of *Solanaceae*, other than tubers of *Solanum tuberosum* L. and seeds of *Lycopersicon lycopersicum* (L.) Karsten ex Farw., originating in any third country where Potato spindle tuber viroid is known to occur
- Without prejudice to the requirements in items 37, 39, 61, 63, 65 and 69 to 72, the plants shall be accompanied by an official statement that no symptoms of Potato spindle tuber viroid have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation
39. Plants, other than seeds, of *Capsicum annuum* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw., *Musa* L., *Nicotiana* L. or *Solanum melongena* L., intended for planting, originating in any third country where *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* is known to occur
- Without prejudice to the requirements in items 37, 38, 69 and 70, the plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas which have been found free from *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*; or
 - (b) that no symptoms of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation
40. Tubers of *Solanum tuberosum* L., other than those intended for planting, originating in any third country
- Without prejudice to the requirements in items 33 to 35, the tubers shall be accompanied by an official statement that they originate in an area or areas in which *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* is not known to occur
41. Plants, other than seeds, of *Humulus lupulus* L., intended for planting, originating in any third country
- Without prejudice to the requirements in items 61 and 65, the plants shall be accompanied by an official statement that no symptoms of *Verticillium albo-atrum* Reinke and Berthold and *Verticillium dahliae* Klebahn have been observed on hops at the place of production since the beginning of the last complete cycle of vegetation
42. Plants, other than seeds, of *Dendranthema* (DC.) Des Moul., *Dianthus* L. or *Pelargonium* L'Hérit. ex Ait., intended for planting, originating in any third country
- Without prejudice to the requirements in items 43 to 45, 47 to 49, 51, 56, 61, 65 and 67, the plants shall be accompanied by an official statement that:
- (a) no signs of *Heliothis armigera* Hübner or *Spodoptera littoralis* (Boisd.) have been observed at the place of production since the beginning of the last complete cycle of vegetation; or
 - (b) the plants have undergone appropriate treatment to protect them from the plant pests in paragraph (a)

43. Plants, other than seeds of *Dendranthema* (DC.) Des Moul., *Dianthus* L. or *Pelargonium* L'Hérit. ex Ait., originating in any third country
- Without prejudice to the requirements in items 42, 44, 45, 47 to 49, 51, 56, 61, 65 and 67, the plants shall be accompanied by official statement that:
- (a) no signs of *Spodoptera eridania* Cramer, *Spodoptera frugiperda* Smith, or *Spodoptera litura* (Fabricius) have been observed at the place of production since the beginning of the last complete cycle of vegetation; or
 - (b) the plants have undergone appropriate treatment to protect them from the plant pests in (a)
44. Plants, other than seeds, of *Dendranthema* (DC.) Des Moul., intended for planting, originating in any third country
- Without prejudice to the requirements in items 42, 43, 49, 51, 56, 61, 65 and 67, the plants shall be accompanied by an official statement that:
- (a) they are no more than third generation stock derived from material which has been found to be free from Chrysanthemum stunt viroid during virological tests, or are directly derived from material of which a representative sample of at least 10% has been found to be free from Chrysanthemum stunt viroid during an official inspection carried out at the time of flowering;
 - (b) the plants or cuttings:
 - (i) have come from premises which have been officially inspected at least monthly, during the three months prior to dispatch and on which no symptoms of *Puccinia horiana* Hennings have been observed during that period, and in the immediate vicinity of which no symptoms of *Puccinia horiana* Hennings have been known to have occurred during the three months prior to export; or
 - (ii) have undergone appropriate treatment against *Puccinia horiana* Hennings; and
 - (c) in the case of unrooted cuttings, no symptoms of *Didymella ligulicola* (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the plants from which the cuttings were derived, or that, in the case of rooted cuttings, no symptoms of *Didymella ligulicola* (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the rooting bed

45. Plants, other than seeds, of *Dianthus* L., intended for planting, originating in any third country
- Without prejudice to the requirements in items 42, 43, 49, 51, 56, 61 and 67, the plants shall be accompanied by an official statement that:
- (a) they have been derived in direct line from mother plants which have been found free from *Erwinia chrysanthemi* pv. *dianthicola* (Hellmers) Dickey, *Pseudomonas caryophylli* (Burkholder) Starr and Burkholder and *Phialophora cinerescens* (Wollenw.) Van Beyma on officially approved tests, carried out at least once within the two previous years; and
 - (b) no symptoms of the plant pests in (a) have been observed on the plants
46. Bulbs of *Tulipa* L. or *Narcissus* L., other than those for which there is evidence from their packaging, or from other means, that they are intended for sale to final consumers not involved in professional cut flower production, originating in any third country
- The bulbs shall be accompanied by an official statement that no symptoms of *Ditylenchus dipsaci* (Kühn) Filipjev have been observed on the plants since the beginning of the last complete cycle of vegetation
47. Plants, other than seeds, of *Pelargonium* L'Hérit. ex Ait., intended for planting, originating in any third country where Tomato ringspot virus is known to occur and where *Xiphinema americanum* Cobb *sensu lato* (non-European populations) or other vectors of Tomato ringspot virus are not known to occur
- Without prejudice to the requirements in items 42, 43 and 56, the plants shall be accompanied by an official statement that:
- (a) they are directly derived from places of production known to be free from Tomato ringspot virus; or
 - (b) they are no more than fourth generation stock, derived from mother plants found to be free from Tomato ringspot virus under an official approved system of virological testing
48. Plants, other than seeds, of *Pelargonium* L'Hérit. ex Ait., intended for planting, originating in any third country where Tomato ringspot virus is known to occur and where *Xiphinema americanum* Cobb *sensu lato* (non-European populations) or other vectors of Tomato ringspot virus are known to occur
- Without prejudice to the requirements in items 42 and 43, the plants shall be accompanied by an official statement that:
- (a) they are directly derived from places of production known to be free from Tomato ringspot virus in the soil or plants; or
 - (b) are of no more than second generation stock, derived from mother plants found to be free from Tomato ringspot virus under an officially approved system of virological testing

49. Plants of herbaceous species, other than:
 —bulbs,
 —corms,
 —plants of the family Gramineae,
 —rhizomes,
 —seeds, or
 —tubers,
 intended for planting, originating in any third country where *Liriomyza sativae* (Blanchard) or *Amauromyza maculosa* (Malloch) are known to occur
- Without prejudice to the requirements in items 42 to 45, 51, 56, 61, 63, 65 to 67, 71 and 72, the plants shall be accompanied by an official statement that they have been grown in nurseries and:
- (a) originate in an area, established in the country of export by the national plant protection organisation in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with ISPM No. 4, and which is mentioned under the rubric “Additional declaration” on the phytosanitary certificate or phytosanitary certificate for re-export;
 - (b) originate in a place of production, established in the country of export by the national plant protection organisation in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with ISPM No. 10, and which is mentioned under the rubric “Additional declaration” on the phytosanitary certificate or phytosanitary certificate for re-export, and declared free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) on official inspections carried out at least monthly during the three months prior to export; or
 - (c) immediately prior to export, have been subjected to an appropriate treatment against *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) and have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch). Details of the treatment shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export
50. Cut flowers of *Dendranthema* (DC.) Des. Moul., *Dianthus* L., *Gypsophila* L., *Solidago* L. or leafy vegetables of *Apium graveolens* L. or *Ocimum* L., originating in any third country
- Without prejudice to the requirements in items 61, 63, 65, 66, 71 and 72, the cut flowers and the leafy vegetables shall be accompanied by an official statement that they:
- (a) originate in a country free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch); or
 - (b) immediately prior to their export, have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch)

51. Plants of herbaceous species, other than:
—bulbs,
—corms,
—plants of the family Gramineae,
—rhizomes,
—seeds, or
—tubers,
intended for planting, originating in any third country
- Without prejudice to the requirements in items 42 to 45, 49, 56, 63, 66 and 67, the plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from *Liriomyza huidobrensis* (Blanchard), and *Liriomyza trifolii* (Burgess);
 - (b) no signs of *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) have been observed at the place production, on official inspections carried out at least monthly during the three months prior to harvesting; or
 - (c) immediately prior to export, the plants have been officially inspected and found free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) and have been subjected to an appropriate treatment against *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess)
52. Plants with roots, planted or intended for planting, grown in the open air, originating in any third country
- Without prejudice to the requirements in items 61 to 66, the plants shall be accompanied by an official statement that the place of production is known to be free from *Clavibacter michiganensis* subsp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.*, *Globodera pallida* (Stone) Behrens, *Globodera rostochiensis* (Wollenweber) Behrens and *Synchytrium endobioticum* (Schilbersky) Percival
53. Soil or growing medium attached to or appears to have been in contact with plants, consisting in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark or consisting in part of any solid inorganic substance, intended to sustain the vitality of the plants, originating in:
- (a) Belarus, Georgia, Moldova, Russia, Turkey or the Ukraine; or
 - (b) any country outside Europe, other than Algeria, Egypt, Israel, Libya Morocco or Tunisia
- Without prejudice to the requirements in items 61 and 64 to 66, the material shall be accompanied by an official statement that:
- (a) at the time of planting it was:
 - (i) free from soil and organic matter;
 - (ii) found to be free from insects and harmful nematodes and subjected to appropriate examination or heat treatment or fumigation to ensure that it was free from other harmful organisms; or
 - (iii) subjected to appropriate heat treatment or fumigation to ensure freedom from harmful organisms; and
 - (b) since planting, either:
 - (i) appropriate measures have been taken to ensure that the growing material has been maintained free from harmful organisms, or
 - (ii) within two weeks prior to dispatch; the plants were shaken free from the material leaving the minimum amount necessary to sustain vitality during transport, and, if replanted, the medium used for that purpose meets the requirements laid down in paragraph (a)

54. Plants, other than seeds, of *Beta vulgaris* L., intended for planting, originating in any third country
- Without prejudice to the requirements in item 55, 71 and 72, the plants shall be accompanied by an official statement that no symptoms of Beet curly top virus (non-European isolates) have been observed at the place of production since the beginning of the last complete cycle of vegetation
55. Plants, other than seeds, of *Beta vulgaris* L., intended for planting, originating in any third country where Beet leaf curl virus is known occur
- Without prejudice to the requirements in item 54, 71 and 72, the plants shall be accompanied by an official statement that:
- (a) Beet leaf curl virus has not been known to occur in the area or areas of production; and
 - (b) no symptoms of Beet leaf curl virus have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
56. Plants, other than:
—bulbs,
—corms,
—rhizomes,
—seeds, or
—tubers,
intended for planting, originating in any third country
- Without prejudice to the requirements in items 42 to 45, 47, 49, 51, 61, 62, 65 and 67, the plants shall be accompanied an official statement that they have been grown in nurseries and:
- (a) originate in an area or areas, established in the country of export by the national plant protection organisation in that country, as being free from *Thrips palmi* Karny in accordance with ISPM No. 4, and which is or are mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “Additional Declaration”;
 - (b) originate in a place of production, established in the country of export by the national plant protection organisation in that country, as being free from *Thrips palmi* Karny in accordance with ISPM No. 10, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “Additional declaration”, and declared free from *Thrips palmi* Karny on official inspections carried out at least monthly during the three months prior to export; or
 - (c) immediately prior to export, have been subjected to an appropriate treatment against *Thrips palmi* Karny and have been officially inspected and found free from *Thrips palmi* Karny. Details of the treatment shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export

57. Cut flowers of Orchidaceae and fruits of *Momordica* L. or *Solanum melongena* L., originating in any third country
- Without prejudice to the requirements in items 61, the cut flowers and fruits shall be accompanied by an official statement that:
- (a) they originate in a country free from *Thrips palmi* Karny; or
 - (b) immediately prior to their export, they have been officially inspected and found free from *Thrips palmi* Karny
58. Plants, other than seeds, of Palmae, intended for planting, originating in any country outside Europe
- Without prejudice to the requirements in items 61 and 65, the plants shall be accompanied by an official statement that:
- (a) they originate in an area known to be free from Palm lethal yellowing mycoplasma and Cadang-Cadang viroid, and no symptoms have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation;
 - (b) no symptoms of Palm lethal yellowing mycoplasma and Cadang-Cadang viroid have been observed on the plants since the beginning of the last complete cycle of vegetation, and plants at the place of production which have shown symptoms giving rise to the suspicion of contamination by the diseases have been rogued out at that place and the plants have undergone appropriate treatment to rid them of *Myndus crudus* Van Duzee; or
 - (c) in the case of plants in tissue culture, the plants were derived from plants which have met the requirements laid down in (a) or (b)
59. Plants of *Camellia* L., other than seeds, intended for planting, originating in any country outside Europe
- Without prejudice to the requirements in items 61, 62 and 65, the plants shall be accompanied by an official statement that:
- (a) they originate in areas known to be free from *Ciborinia camelliae* Kohn; or
 - (b) no symptoms of *Ciborinia camelliae* Kohn have been observed on plants in flower at the place of production since the beginning of the last complete cycle of vegetation
60. Plants, other than seeds, of *Fuchsia* L., intended for planting, originating in the USA or Brazil
- Without prejudice to the requirements in items 61, 62 and 65, the plants shall be accompanied by official statement that no symptoms of *Aculops fuchsiae* Keifer have been observed at the place of production and that immediately prior to export the plants have been inspected and found free from *Aculops fuchsiae* Keifer

61. Trees or shrubs, other than seeds or plants in tissue culture, intended for planting, originating in any third country other than a country in the Euro-Mediterranean area
- Without prejudice to the requirements in items 62 and 65, the trees or shrubs shall be accompanied by an official statement that they:
- (a) are free from plant debris and from flowers and fruits;
 - (b) have been grown in nurseries; and
 - (c) have been inspected at appropriate times and prior to export and found to be free from symptoms of harmful bacteria, viruses and virus-like organisms, and either found free from signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to appropriate treatment to eliminate such organisms
62. Deciduous trees or shrubs, other than seeds or plants in tissue culture, intended for planting, originating in any third country, other than a country in the Euro-Mediterranean area
- Without prejudice to the requirements in items 61 and 65, the trees or shrubs shall be accompanied by an official statement that the plants are dormant and free from leaves
63. Annual and biennial plants, other than Gramineae, other than seeds, intended for planting, originating in any country other than a country in the Euro-Mediterranean area
- Without prejudice to the requirements in items 37, 38, 49 to 52, the plants shall be accompanied by an official statement that they:
- (a) have been grown in nurseries;
 - (b) are free from plant debris and from flowers and fruits; and
 - (c) have been inspected at appropriate times and prior to export, and
 - (i) found free from symptoms of harmful bacteria, viruses and virus-like organisms, and
 - (ii) found free from signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to appropriate treatment to eliminate such organisms

64. Plants of the family Gramineae of ornamental perennial grasses of the subfamilies Bambusoideae, Panicoideae or of the genera *Buchloe*, *Bouteloua* Lag., *Calamagrostis*, *Cortaderia* Stapf., *Glyceria* R. Br., *Hakonechloa* Mak. ex Honda, *Hystrix*, *Molinia*, *Phalaris* L., *Shibataea*, *Spartina* Schreb., *Stipa* L. or *Uniola* L., other than seeds, intended for planting, originating in any country other than a country in the Euro-Mediterranean area
- Without prejudice to requirements in items 52, 53 and 65, the plants shall be accompanied by an official statement that:
- (a) they have been grown in nurseries;
 - (b) they are free from plant debris and from flowers and fruits; and
 - (c) they have been inspected at appropriate times and prior to export, and
 - (i) found free from symptoms of harmful bacteria, viruses and virus-like organisms, and
 - (ii) found free from signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to appropriate treatment to eliminate such organisms

65. Naturally or artificially dwarfed plants, other than seeds, intended for planting, originating in any country outside Europe
- Without prejudice to the requirements in items 61 and 62, the plants shall be accompanied by an official statement that:
- (a) the plants, including those collected directly from natural habitats, shall have been grown, held and trained for at least two consecutive years prior to dispatch in officially registered nurseries, which are subject to an officially supervised control regime; and
 - (b) the plants in the nurseries referred to in paragraph (a) shall at least during the period referred to in (a):
 - (i) be potted, in pots which are placed on shelves at least 50 cm above ground;
 - (ii) have been subjected to appropriate treatments to ensure freedom from non-European rusts (the active ingredient, concentration and date of application of these treatments shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “disinfestation and/or disinfection treatment”);
 - (iii) have been officially inspected at least six times a year at appropriate intervals for the presence of plant pests mentioned in the Schedules to this Order. These inspections, which shall also be carried out on plants in the immediate vicinity of the nurseries referred to in paragraph (a), shall be carried out at least by visual examination of each row in the field or nursery and by visual examination of all parts of the plant above the growing medium, using a random sample of at least 300 plants from a given genus where the number of plants of that genus is not more than 3,000 plants, or 10% of the plants if there are more than 3,000 plants from that genus;
 - (iv) have been found free, in the inspections in paragraph (iii), from the relevant plant pests. Infested plants shall be removed. The remaining plants, where appropriate, shall be effectively treated, and in addition shall be held for an appropriate period and inspected to ensure freedom from such plant pests;
 - (v) have been planted in either an unused artificial growing medium or in a natural growing medium which has been treated by fumigation or by appropriate heat treatment and examined afterwards and found free of any plant pests; and

- (vi) have been kept under conditions which ensure that the growing medium has been maintained free from plant pests and within two weeks prior to dispatch, have been:
 - (aa) shaken and washed with clean water to remove the original growing medium and kept bare rooted; or
 - (bb) shaken and washed with clean water to remove the original growing medium and replanted in growing medium which meets the conditions laid down in paragraph (v); or
 - (cc) subjected to appropriate treatments to ensure that the growing medium is free from plant pests (the active ingredient, concentration and date of application of these treatments shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “disinfestation and/or disinfection treatment”); and
- (c) the plants at the nurseries referred to in paragraph (a) shall be packed in closed containers which have been officially sealed and bear the registration number of the registered nursery, which number shall also be indicated under the rubric “additional declaration” on the phytosanitary certificate or phytosanitary certificate for re-export enabling the consignments to be identified

66. Herbaceous perennial plants, other than seeds, intended for planting, of the families Caryophyllaceae (except *Dianthus* L.), Compositae (except *Dendranthema* (DC.) Des Moul.), Cruciferae, Leguminosae or Rosaceae (except *Fragaria* L.), originating in any third country other than a country in the Euro- Mediterranean area

Without prejudice to the requirements in items 49 to 53, 71 and 72, the plants shall be accompanied by an official statement that they:

- (a) have been grown in nurseries;
- (b) are free from plant debris and from flowers and fruits; and
- (c) have been inspected at appropriate times and prior to export, and
 - (i) found free from symptoms of harmful bacteria, viruses and virus-like organisms, and
 - (ii) either found free from signs or symptoms of harmful nematodes, insects, mites and fungi, or have been subjected to appropriate treatment to eliminate such organisms

67. Plants of herbaceous species and plants of *Ficus* L. or *Hibiscus* L., other than bulbs, corms, rhizomes, seeds or tubers, intended for planting, originating in any country outside Europe
- Without prejudice to the requirements in items 42 to 45, 49, 51, 56, 62, 71 and 72, the plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas established in the country of export by the national plant protection organisation in that country, as being free from *Bemisia tabaci* Genn. (non-European populations) in accordance with ISPM No. 4, and which is or are mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “Additional declaration”;
 - (b) they originate in a place of production, established in the country of export by the national plant protection organisation in that country as being free from *Bemisia tabaci* Genn. (non-European populations) in accordance with the ISPM No. 10, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “Additional declaration”, and declared free from *Bemisia tabaci* Genn. (non-European populations) on official inspections carried out at least once each three weeks during the nine weeks prior to export; or
 - (c) in cases where *Bemisia tabaci* Genn. (non-European populations) has been found at the place of production, are held or produced in this place of production and have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (non-European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (non-European populations) as a consequence of the implementation of appropriate procedures aiming at eradicating *Bemisia tabaci* Genn. (non-European populations), in both official inspections carried out weekly during the nine weeks prior to export and in monitoring procedures throughout that period. Details of the treatment shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export
68. Cut flowers of *Aster* spp., *Eryngium* L., *Gypsophila* L., *Hypericum* L., *Lisianthus* L., *Rosa* L., *Solidago* L., *Trachelium* L., or leafy vegetables of *Ocimum* L., originating in any country outside Europe
- Without prejudice to the requirements in items 71 and 72, the flowers or leafy vegetables shall be accompanied by an official statement that:
- (a) they originate in a country free from *Bemisia tabaci* Genn. (non-European populations); or
 - (b) immediately prior to their export, they have been officially inspected and found free from *Bemisia tabaci* Genn. (non-European populations)

69. Plants of *Lycopersicon lycopersicum* (L.) Karsten ex Farw., other than seeds, intended for planting, originating in any third country where Tomato yellow leaf curl virus is known to occur and where *Bemisia tabaci* Genn. is not known to occur
- Without prejudice to the requirements in items 37 to 39, 71 and 72, the plants shall be accompanied by an official statement that no symptoms of Tomato yellow leaf curl virus have been observed on the plants
70. Plants of *Lycopersicon lycopersicum* (L.) Karsten ex Farw., other than seeds, intended for planting, originating in any third country where Tomato yellow leaf curl virus is known to occur and where *Bemisia tabaci* Genn. is known to occur
- Without prejudice to the requirements in items 37 to 39, 71 and 72, the plants shall be accompanied by an official statement that:
- (a) no symptoms of Tomato yellow leaf curl virus have been observed on the plants; and
 - (i) the plants originate in areas known to be free from *Bemisia tabaci* Genn.; or
 - (ii) the place of production has been found free from *Bemisia tabaci* Genn. on official inspections carried out at least monthly during the three months prior to export; or
 - (b) no symptoms of Tomato yellow leaf curl virus have been observed at the place of production and the place of production has been subjected to an appropriate treatment and monitoring regime to ensure freedom from *Bemisia tabaci* Genn.
71. Plants, other than seeds, bulbs, tubers, corms or rhizomes, intended for planting, originating in any third country where the following relevant plant pests are known to occur:
- Bean golden mosaic virus,
 - Cowpea mild mottle virus,
 - Lettuce infectious yellow virus,
 - Pepper mild tigré virus,
 - Squash leaf curl virus,
- or
- other viruses transmitted by *Bemisia tabaci* Genn., and where *Bemisia tabaci* Genn. (non-European populations) or other vectors of the relevant plant pests are not known to occur
- Without prejudice to the requirements in items 37, 38, 49, 50, 54, 55 and 66 to 70, the plants shall be accompanied by an official statement that no symptoms of the relevant plant pests in column 2 have been observed on the plants during their complete cycle of vegetation

72. Plants, other than seeds, tubers, corms, or rhizomes, intended for planting, originating in any third country where the following relevant plant pests are known to occur:
 —Bean golden mosaic virus,
 —Cowpea mild mottle virus,
 —Lettuce infectious yellow virus,
 —Pepper mild tigré virus,
 —Squash leaf curl virus,
 or
 —other viruses transmitted by *Bemisia tabaci* Genn.,
 and where *Bemisia tabaci* Genn. (non-European populations) or other vectors of the relevant plant pests are known to occur
- Without prejudice to the requirements in items 37, 38, 49, 50, 54, 55 and 66 to 70, the plants shall be accompanied by an official statement that no symptoms of the plant pests have been observed on the plants during an adequate period, and
- (a) the plants originate in areas known to be free from *Bemisia tabaci* Genn. and other vectors of the plant pests;
 - (b) the place of production has been found free from *Bemisia tabaci* Genn. and other vectors of the relevant plant pests on official inspections carried out at appropriate times; or
 - (c) the plants have been subjected to an appropriate treatment aimed at eradicating *Bemisia tabaci* Genn.
73. Seeds of *Helianthus annuus* L., originating in any third country
- The seeds shall be accompanied by an official statement that:
- (a) they originate in area or areas known to be free from *Plasmopara halstedii* (Farlow) Berl. and de Toni; or
 - (b) other than those that have been produced on varieties resistant to all races of *Plasmopara halstedii* (Farlow) Berl. and de Toni present in the area of production, they have been subjected to an appropriate treatment against *Plasmopara halstedii* (Farlow) Berl. and de Toni
74. Seeds of *Lycopersicon lycopersicum* (L.) Karsten ex Farw., originating in any third country
- The seeds shall be accompanied by an official statement that they have been obtained by means of an appropriate acid extraction method and:
- (a) they originate in an area or areas where *Clavibacter michiganensis* ssp. *michiganensis* (Smith) Davis et al. *Xanthomonas campestris* pv. *vesicatoria* (Doidge) Dye and potato spindle tuber viroid are not known to occur;
 - (b) no symptoms of diseases caused by those plant pests have been observed on the plants at the place of production during their complete cycle of vegetation; or
 - (c) they have been subjected to official testing for at least those plant pests, on a representative sample and using appropriate methods, and have been found free from those plant pests

75. Seeds of *Medicago sativa* L., originating in any third country
- Without prejudice to the requirements in item 75, the seeds shall be accompanied by an official statement that:
- (a) no symptoms of *Ditylenchus dipsaci* (Kühn) Filipjev have been observed at the place of production since the beginning of the last complete cycle of vegetation and that no *Ditylenchus dipsaci* (Kühn) Filipjev has been revealed by laboratory tests on a representative sample; or
 - (b) fumigation has taken place prior to export
76. Seeds of *Medicago sativa* L., originating in any third country where *Clavibacter michiganensis* ssp. *insidiosus* Davis *et al* is known to occur
- Without prejudice to the requirements in items 74, the seeds shall be accompanied by an official statement that:
- (a) *Clavibacter michiganensis* subsp. *insidiosus* Davis *et al.* has not been known to occur on the farm or in its immediate vicinity since the beginning of the last 10 years;
 - (b) either:
 - (i) the crop belongs to a variety recognised as being highly resistant to *Clavibacter michiganensis* subsp. *insidiosus* Davis *et al.*;
 - (ii) it had not yet started its fourth complete cycle of vegetation from sowing when the seed was harvested, and there was not more than one preceding seed harvest from the crop; or
 - (iii) the content of inert matter which has been determined in accordance with the rules applicable for the certification of seed marketed in the Community, does not exceed 0.1 % by weight;
 - (c) no symptoms of *Clavibacter michiganensis* subsp. *insidiosus* (McCulloch) Davis *et al.* have been observed at the place of production, or on any *Medicago sativa* L. crop adjacent to it, during the last complete cycle of vegetation or, where appropriate, the last two cycles of vegetation; and
 - (d) the crop has been grown on land on which no previous *Medicago sativa* L. crop has been present during the last three years prior to sowing
77. Seeds of *Oryza sativa* L., originating in any third country
- The seeds shall be accompanied by an official statement that:
- (a) they have been officially tested by appropriate nematological tests and have been found free from *Aphelenchoides besseyi* Christie; or
 - (b) they have been subjected to an appropriate hot water treatment or other appropriate treatment against *Aphelenchoides besseyi* Christie

78. Seeds of *Phaseolus* L., originating in any third country
- The seeds shall be accompanied by an official statement that:
- (a) they originate in a country known to be free from *Xanthomonas campestris* pv. *phaseoli* (Smith) Dye; or
 - (b) a representative sample of the seeds has been tested and found free from *Xanthomonas campestris* pv. *phaseoli* (Smith) Dye
79. Seeds of *Zea mais* L., originating in any third country
- The seeds shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from *Erwinia stewartii* (Smith) Dye; or
 - (b) a representative sample of the seeds has been tested and found free from *Erwinia stewartii* (Smith) Dye
80. Seeds of the genera *Triticum*, *Secale* or *X Triticosecale* from Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa, the USA or Iran where *Tilletia indica* Mitra is known to occur
- The seeds shall be accompanied by an official statement that they originate in an area or areas where *Tilletia indica* Mitra is known not to occur. The name of the area or areas shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export
81. Grain of the genera *Triticum*, *Secale* or *X Triticosecale* from Afghanistan, India, Iraq, Mexico, Nepal, Pakistan, South Africa, the USA or Iran where *Tilletia indica* Mitra is known to occur
- The grain shall be accompanied by an official statement that:
- (a) it originates in an area or areas where *Tilletia indica* Mitra is known not to occur. The name of the area or areas shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “place or origin”; or
 - (b) no symptoms of *Tilletia indica* Mitra have been observed on the plants at the place of production during their last complete cycle of vegetation and representative samples of the grain have been taken both at the time of harvest and before shipment and have been tested and found free from *Tilletia indica* Mitra which shall be evidenced by a statement “tested and found free from *Tilletia indica* Mitra on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “name of produce”
-

PART B

Relevant material, from another part of the European Community, which may only be landed in or moved within Northern Ireland if special requirements are satisfied

(1) Item	(2) Description of relevant material	(3) Requirements of landing
1.	Plants, other than seeds, of <i>Pinus</i> L., intended for planting	Without prejudice to the requirements in item 2, the plants shall be accompanied by an official statement that no symptoms of <i>Scirrhia pini</i> Funk and Parker have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
2.	Plants, other than seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr., intended for planting	Without prejudice to the requirements in item 1, the plants shall be accompanied by an official statement that no symptoms of <i>Melampsora medusae</i> Thümen have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
3.	Plants, other than seeds, of <i>Populus</i> L., intended for planting	The plants shall be accompanied by an official statement that no symptoms of <i>Melampsora medusae</i> Thümen have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
4.	Plants, other than seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L., intended for planting	The plants shall be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in an area or areas known to be free from <i>Cryphonectria parasitica</i> (Murrill) Barr; or (b) no symptoms of <i>Cryphonectria parasitica</i> (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
5.	Plants, other than seeds, of <i>Platanus</i> L., intended for planting	The plants shall be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in an area or areas known to be free from <i>Ceratocystis fimbriata</i> f.sp. <i>platani</i> Walter; or (b) no symptoms of <i>Ceratocystis fimbriata</i> f.sp. <i>platani</i> Walter have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
6.	Plants, other than seeds, of <i>Amelanchier</i> Med., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Ehrh., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Eriobotrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> L., <i>Photinia davidiana</i> (Dene.) Cardot, <i>Pyracantha</i> Roem., <i>Pyrus</i> L. or <i>Sorbus</i> L., intended for planting	Without prejudice to the requirements in items 10 and 12, the plants shall be accompanied by an official statement that: <ul style="list-style-type: none"> (a) they originate in zones recognised as being free from <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i>; or (b) the plants in the field of production or in its immediate vicinity, which have shown symptoms of <i>Erwinia amylovora</i> (Burr.) Winsl. <i>et al.</i>, have been rogued out

7. Plants, other than fruit or seeds, of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf.
- The plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from *Spiroplasma citri* Saglio *et al.*, *Phoma tracheiphila* (Petri) Kanchaveli and Gikashvili, Citrus vein enation woody gall and *Citrus tristeza* virus (European strains);
 - (b) they derive from a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official individual testing for, at least, Citrus tristeza virus (European strains) and Citrus vein enation woody gall, and have been growing permanently in an insect proof glasshouse or in an isolated cage on which no symptoms of *Spiroplasma citri* Saglio *et al.*, *Phoma tracheiphila* (Petri) Kanchaveli and Gikashvili, Citrus tristeza virus (European strains) and Citrus vein enation woody gall have been observed; or
 - (c) they:
 - (i) have been derived from a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and has been subjected to official individual testing for, at least, Citrus vein enation woody gall and Citrus tristeza virus (European strains), and has been found free from Citrus tristeza virus (European strains), and certified free from, at least, Citrus tristeza virus (European strains) in official individual tests, and
 - (ii) have been inspected and no symptoms of *Spiroplasma citri* Saglio *et al.*, *Phoma tracheiphila* (Petri) Kanchaveli and Gikashvili, Citrus vein enation woody gall or Citrus tristeza virus have been observed since the beginning of the last complete cycle of vegetation
8. Plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp. or *Strelitziaceae*, rooted or with growing medium attached or which appear to have been in contact with growing medium
- The plants shall be accompanied by an official statement that:
- (a) no contamination by *Radopholus similis* (Cobb) Thorne has been observed at the place of production, since the beginning of the last complete cycle of vegetation; or
 - (b) soil and roots from suspected plants have been subjected since the beginning of the last complete cycle of vegetation to official nematological testing for at least *Radopholus similis* (Cobb) Thorne and have been found free from that plant pest

9. Plants, other than seeds, of *Fragaria* L., *Prunus* L. or *Rubus* L., intended for planting
- Without prejudice to the requirements in items 11 and 13, the plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from the following plant pests—
 - (i) on *Fragaria* L.:
 - Phytophthora fragariae* Hickman var. *fragariae*,
 - Arabis mosaic virus,
 - Raspberry ringspot virus,
 - Strawberry crinkle virus,
 - Strawberry latent ringspot virus,
 - Strawberry mild yellow edge virus,
 - Tomato black ring virus,
 - Xanthomonas fragariae* Kennedy and King;
 - (ii) on *Prunus* L.:
 - Apricot chlorotic leaf roll mycoplasma,
 - Xanthomonas campestris* pv. *pruni* (Smith) Dye;
 - (iii) on *Prunus persica* (L.) Batsch:
 - Pseudomonas syringae* pv. *persicae* (Prunier et al.) Young et al.; and
 - (iv) on *Rubus* L.:
 - Arabis mosaic virus,
 - Raspberry ringspot virus,
 - Strawberry latent ringspot virus,
 - Tomato black ring virus; or
 - (b) no symptoms of diseases caused by the plant pests in sub-paragraph (a) have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation
10. Plants, other than seeds, of *Cydonia* Mill. or *Pyrus* L., intended for planting
- Without prejudice to the requirements in items 6, the plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from Pear decline mycoplasma; or
 - (b) the plants at the place of production and its immediate vicinity, which have shown symptoms giving rise to the suspicion of contamination by Pear decline mycoplasma, have been rogued out at that place within the last three complete cycles of vegetation

11. Plants, other than seeds, of *Fragaria* L., intended for planting
- Without prejudice to the requirements in item 9, the plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from *Aphelenchoides besseyi* Christie;
 - (b) no symptoms of *Aphelenchoides besseyi* Christie have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation; or
 - (c) in the case of plants in tissue culture, the plants have been derived from plants complying with subparagraph (b) or have been officially tested by appropriate nematological methods and have been found free from *Aphelenchoides besseyi* Christie
12. Plants, other than seeds, of *Malus* Mill., intended for planting
- Without prejudice to the requirements in item 6, the plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from Apple proliferation mycoplasma; or
 - (b) other than those raised from seed, the plants:
 - (i) have been officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for at least Apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free from that plant pest; or
 - (ii) have been derived in direct line from material which is maintained under appropriate conditions and has been subjected, at least once, within the last six complete cycles of vegetation, to official testing for, at least, Apple proliferation mycoplasma using appropriate indicators or equivalent methods and has been found free from that plant pest; and
 - (c) no symptoms of diseases caused by Apple proliferation mycoplasma have been observed on plants at the place of production, or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation

13. Plants, other than seeds, of the following species of *Prunus* L., intended for planting:
 —*Prunus amygdalus* Batsch,
 —*Prunus armeniaca* L.,
 —*Prunus blireiana* Andre,
 —*Prunus brigantina* Vill.,
 —*Prunus cerasifera* Ehrh.,
 —*Prunus cistena* Hansen,
 —*Prunus curdica* Fenzl and Fritsch.,
 —*Prunus domestica* ssp *domestica* L.,
 —*Prunus domestica* ssp *insititia* (L.) C K Schneid.,
 —*Prunus domestica* ssp *italica* (Borkh.) Hegi.,
 —*Prunus glandulosa* Thunb.,
 —*Prunus holosericea* Batal.,
 —*Prunus hortulana* Bailey,
 —*Prunus japonica* Thunb.,
 —*Prunus mandshurica* (Maxim) Koehne,
 —*Prunus maritima* Marsh.,
 —*Prunus mume* Sieb. and Zucc.,
 —*Prunus nigra* Ait.,
 —*Prunus persica* (L.) Batsch,
 —*Prunus salicina* L.,
 —*Prunus sibirica* L.,
 —*Prunus simonii* Carr.,
 —*Prunus spinosa* L.,
 —*Prunus tomentosa* Thunb.,
 —*Prunus triloba* Lindl., or
- Without prejudice to the requirements in item 9, the plants shall be accompanied by an official statement that
- (a) they originate in an area or areas known to be free from Plum pox virus, or
 - (b) other than those raised from seed, the plants:
 - (i) have been officially certified under a certification scheme requiring them to be derived in direct line from material which has been maintained under appropriate conditions and subjected to official testing for, at least, Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest; or
 - (ii) have been derived in direct line from material which is maintained under appropriate conditions and has been subjected, within the last three complete cycles of vegetation, at least once, to official testing for at least Plum pox virus using appropriate indicators or equivalent methods and has been found free from that plant pest;
 - (c) no symptoms of disease caused by Plum pox virus have been observed on plants at the place of production or on susceptible plants in its immediate vicinity, since the beginning of the last three complete cycles of vegetation; and
 - (d) plants at the place of production which have shown symptoms of disease caused by other viruses or virus-like pathogens, have been rogued out

—other species of
Prunus L.
susceptible to Plum
pox virus

14. Plants, other than fruit or seeds, of *Vitis* L.
The plants shall be accompanied by an official statement that no symptoms of Grapevine flavescence dorée MLO or *Xylophilus ampelinus* (Panagopoulos) Willems *et al.* have been observed on the mother-stock plants at the place of production since the beginning of the last two complete cycles of vegetation

15. Tubers of *Solanum tuberosum* L., intended for planting
- Without prejudice to the requirements in item 16, the tubers shall be accompanied by an official statement that:
- (a) the Community provisions to combat *Synchytrium endobioticum* (Schilbersky) Percival have been complied with;
 - (b) they originate in an area or areas known to be free from *Clavibacter michiganensis* subsp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.* or the Community provisions to combat *Clavibacter michiganensis* subsp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.* have been complied with;
 - (c) they originate from a field known to be free from *Globodera rostochiensis* (Wollenweber) Behrens and *Globodera pallida* (Stone) Behrens;
 - (d) they originate in an area or areas in which *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*:
 - (i) is known not to occur; or
 - (ii) is known to occur, and the tubers originate from a place of production found free from *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* or considered to be free of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* as a consequence of the implementation of an appropriate procedure aimed at eradicating *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*; and
 - (e) they originate in an area or areas in which *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen are known not to occur, or in an area or areas where *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen are known to occur and:
 - (i) they originate from a place of production which has been found free from *Meloidogyne chitwoodi* Golden *et al.* (all populations) and *Meloidogyne fallax* Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production; or
 - (ii) the tubers after harvest have been randomly sampled, and either checked for the presence of symptoms after an appropriate method to induce symptoms or laboratory tested, as well as inspected visually both externally and by cutting the tubers, at appropriate times and in all cases at the time of sealing of the packages or containers before marketing according to the provisions on sealing in Council Directive 2002/56/EC on the marketing of seed potatoes(a), and no symptoms of *Meloidogyne chitwoodi* Golden *et al.* (all populations) or *Meloidogyne fallax* Karssen have been found

(a) OJ No. L 193, 20.7.2002, p.60, to which there are amendments not relevant to this Order.

16. Tubers of *Solanum tuberosum* L, intended for planting, other than tubers of those varieties accepted in one or more member States pursuant to Council Directive 2002/53/EC on the common catalogue of varieties of agricultural plant species^(a)
- Without prejudice to the requirements in item 15, the tubers shall be accompanied by an official statement that they:
- (a) belong to advanced selections such a statement being indicated in an appropriate way on the document accompanying the relevant tubers;
 - (b) have been produced within the Community; and
 - (c) have been derived in direct line from material which has been maintained under appropriate conditions and has been subjected within the Community to official quarantine testing in accordance with appropriate methods and has been found, in these tests, free from harmful organisms

(a) OJ No. L 193, 20.7.2002, p.1; amended by the Act concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, OJ No. L 236, 23.9.2003, p 820, 828 and 910; there are other amending instruments but not is relevant.

17. Plants of stolon- or tuber-forming species of *Solanum* L., intended for planting, other than those tubers of *Solanum tuberosum* L specified in column 2 of items 15 and 16, and other than culture maintenance material being stored in gene banks or genetic stock collections in item 18
- Without prejudice to the requirements in item 20:
- (a) the plants shall have been held under quarantine conditions and shall have been found free of any plant pests in quarantine testing which shall:
 - (i) be supervised by the responsible official body of the member State concerned and executed by scientifically trained staff of that organisation or of any officially approved body;
 - (ii) be executed at a site provided with appropriate facilities sufficient to contain plant pests and maintain the material including indicator plants in such a way as to eliminate any risk of spreading plant pests;
 - (iii) be executed on each unit of the material:
 - (aa) by visual examination at regular intervals during the full length of at least one vegetative cycle, having regard to the type of material and its stage of development during the testing programme, for symptoms caused by any plant pests; and
 - (bb) by testing:
 - in the case of all potato material at least for:
 - Andean potato latent virus,
 - Arracacha virus B. oca strain,
 - Potato black ringspot virus,
 - Potato spindle tuber viroid,
 - Potato virus T,
 - Andean potato mottle virus,
 - common potato viruses A, M, S, V, X and Y (including Y^o, Yⁿ and Y^c) and Potato leaf roll virus,
 - Clavibacter michiganensis* subsp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.*,
 - Ralstonia solanacearum* (Smith) Yabuuchi *et al.*;
 - in the case of true seed of potato at least for the viruses and viroid listed above; and
 - (iv) by appropriate testing on any other symptom observed in the visual examination in order to identify the plant pests having caused such symptoms;
 - (b) material, if any, which has not been found free, under the testing referred to in sub-paragraph (a) from plant pests specified in that sub-paragraph shall be immediately destroyed or subjected to procedures which eliminate the plant pest or pests; and
 - (c) each organisation or research body holding this material shall inform their official Member State Plant Protection Organisation of the material held

18. Plants of stolon, or tuber-forming species of *Solanum* L., intended for planting, being stored in gene banks or genetic stock collections
- Each organisation or research body holding such material shall inform their official Member State Plant Protection Organisation of the material held
19. Tubers of *Solanum tuberosum* L., other than those mentioned in column 2 of items 15 to 18
- There shall be evidence by a registration number put on the packaging, or in the case of loose loaded potatoes transported in bulk, on the vehicle transporting the potatoes, that the potatoes have been grown by an officially registered producer, or originate from officially registered collective storage or dispatching centres located in the area of production, indicating that the tubers are free from *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* and that:
- (a) the Community provisions to combat *Synchytrium endobioticum* (Schilbersky) Percival; and
 - (b) where appropriate, the Community provisions to combat *Clavibacter michiganensis* subsp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.* are complied with
20. Plants, other than seeds, of *Solanaceae*, intended for planting, other than plants mentioned in column 2 of items 18 or 19
- Without prejudice to the requirements in items 15 to 17, 21 and 31, the plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from Potato stolbur mycoplasma; or
 - (b) no symptoms of Potato stolbur mycoplasma have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation
21. Plants, other than seeds, of *Capsicum annuum* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw., *Musa* L., *Nicotiana* L. or *Solanum melongena* L., intended for planting
- Without prejudice to the requirements in item 20, the plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas which have been found free from *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*; or
 - (b) no symptoms of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation
22. Plants, other than seeds, of *Humulus lupulus* L. intended for planting
- The plants shall be accompanied by an official statement that no symptoms of *Verticillium albo-atrum* Reinke and Berthold or *Verticillium dahliae* Klebahn have been observed on hops at the place of production since the beginning of the last complete cycle of vegetation

23. Plants, other than seeds, of *Dendranthema* (DC) Des Moul., *Dianthus* L. or *Pelargonium* l'Hérit ex Ait., intended for planting
- Without prejudice to the requirements in items 24, 25 and 27, the plants shall be accompanied by an official statement that:
- (a) no signs of *Heliothis armigera* Hubner, or *Spodoptera littoralis* (Boisd.) have been observed at the place of production since the beginning of the last complete cycle of vegetation; or
 - (b) they have undergone appropriate treatment to protect them from these pests
24. Plants, other than seeds, of *Dendranthema* (DC) Des Moul., intended for planting
- Without prejudice to the requirements in items 23 and 27, the plants shall be accompanied by an official statement that:
- (a) they are no more than third generation stock derived from material which has been found to be free from Chrysanthemum stunt viroid during virological tests, or are directly derived from material of which a representative sample of at least 10% has been found to be free from Chrysanthemum stunt viroid during an official inspection carried out at the time of flowering;
 - (b) they or cuttings have come from premises:
 - (i) which have been officially inspected at least monthly, during the three months prior to dispatch and on which no symptoms of *Puccinia horiana* Hennings have been observed during that period, and in the immediate vicinity of which no symptoms of *Puccinia horiana* Hennings have been known to have occurred during the three months prior to marketing; or
 - (ii) the consignment has undergone appropriate treatment against *Puccinia horiana* Hennings; and
 - (c) in the case of unrooted cuttings no symptoms of *Didymella ligulicola* (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or on the plants from which the cuttings were derived, or that, in the case of rooted cuttings, no symptoms of *Didymella ligulicola* (Baker, Dimock and Davis) v. Arx were observed either on the cuttings or the rooting bed
25. Plants, other than seeds, of *Dianthus* L., intended for planting
- Without prejudice to the requirements in items 23 and 27, the plants shall be accompanied by an official statement that:
- (a) they have been derived in direct line from mother plants which have been found free from *Erwinia chrysanthemi* pv. *dianthicola* (Hellmers) Dickey, *Pseudomonas caryophylli* (Burkholder) Starr and Burkholder and *Phialophora cinerescens* (Wollenw.) van Beyma on officially approved tests carried out at least once within the two previous years; and
 - (b) no symptoms of these plants pests have been observed on the plants

26. Bulbs of *Tulipa* L. or *Narcissus* L., other than those for which there is evidence from their packaging, or from other means, that they are intended for sale to final consumers not involved in professional cut flower production
- The bulbs shall be accompanied by an official statement that no symptoms of *Ditylenchus dipsaci* (Kühn) Filipjev have been observed on the plants since the beginning of the last complete cycle of vegetation
27. Plants of herbaceous species intended for planting, other than:
—bulbs,
—corms,
—plants of the family Gramineae
—rhizomes,
—seeds, or
—tubers
- Without prejudice to the requirements in items 23 to 25 and 31, the plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess);
 - (b) no signs of *Liriomyza huidobrensis* (Blanchard) or *Liriomyza trifolii* (Burgess) have been observed at the place of production, on official inspections carried out at least monthly during the three months prior to harvesting; or
 - (c) immediately prior to marketing, the plants have been officially inspected and found free from *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess) and have been subjected to an appropriate treatment against *Liriomyza huidobrensis* (Blanchard) and *Liriomyza trifolii* (Burgess)
28. Plants with roots, planted or intended for planting, grown in the open air
- There shall be evidence that the place of production is known to be free from *Clavibacter michiganensis* subsp. *sepedonicus* (Spieckermann and Kotthoff) Davis *et al.*, *Globodera pallida* (Stone) Behrens, *Globodera rostochiensis* (Wollenweber) Behrens and *Synchytrium endobioticum* (Schilbersky) Percival
29. Plants, other than seeds, of *Beta vulgaris* L., intended for planting
- The plants shall be accompanied by an official statement that:
- (a) they originate in area or areas known to be free from Beet leaf curl virus; or
 - (b) Beet leaf curl virus has not been known to occur in the area of production and no symptoms of Beet leaf curl virus have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation
30. Seeds of *Helianthus annuus* L.
- The seeds shall be accompanied by an official statement that:
- (a) they originate in areas known to be free from *Plasmopara halstedii* (Farlow) Berl. and de Toni; or
 - (b) other than those seeds that have been produced on varieties resistant to all races of *Plasmopara halstedii* (Farlow) Berl. and de Toni present in the area of production, they have been subjected to an appropriate treatment against *Plasmopara halstedii* (Farlow) Berl. and de Toni

31. Plants, other than seeds, of *Lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting
- Without prejudice to the requirements in items 20 and 27, the plants shall be accompanied by an official statement that:
- (a) they originate in areas known to be free from Tomato yellow leaf curl virus;
 - (b) no symptoms of Tomato yellow leaf curl virus have been observed on the plants, and:
 - (i) the plants originate in an area or areas known to be free from *Bemisia tabaci* Genn; or
 - (ii) the place of production has been found free from *Bemisia tabaci* Genn. on official inspections carried out at least monthly during the three months prior to export; or
 - (c) no symptoms of Tomato yellow leaf curl virus have been observed at the place of production and the place of production has been subjected to an appropriate treatment and monitoring regime to ensure freedom from *Bemisia tabaci* Genn.
32. Seeds of *Lycopersicon lycopersicum* (L.) Karsten ex Farw.
- The seeds shall be accompanied by an official statement that they have been obtained by means of an appropriate acid extraction method, and:
- (a) the seeds originate in an area or areas where *Clavibacter michiganensis* subsp. *michiganensis* (Smith) Davis *et al.* or *Xanthomonas campestris* pv. *vesicatoria* (Doidge) Dye are not known to occur;
 - (b) no symptoms of diseases caused by those plant pests have been observed on the plants at the place of production during their last complete cycle of vegetation; or
 - (c) the seeds have been subjected to official testing for at least those plant pests, on a representative sample and using appropriate methods, and have been found to be free from those plant pests
33. Seeds of *Medicago sativa* L.
- Without prejudice to the requirements in item 34, the seeds shall be accompanied by an official statement that:
- (a) no symptoms of *Ditylenchus dipsaci* (Kühn) Filipjev have been observed at the place of production since the beginning of the last complete cycle of vegetation and that no *Ditylenchus dipsaci* (Kühn) Filipjev has been revealed by laboratory tests on a representative sample; or
 - (b) fumigation has taken place prior to marketing

34. Seeds of *Medicago sativa* L. Without prejudice to the requirements in item 33, the seeds shall be accompanied by an official statement:
- (a) that they originate in an area or areas known to be free from *Clavibacter michiganensis* subsp. *insidiosus* (McCulloch) Davis *et al.*; or
 - (b) that:
 - (i) *Clavibacter michiganensis* subsp. *insidiosus* (McCulloch) Davis *et al.* has not been known to occur on the farm or in the immediate vicinity since the beginning of the past 10 years, and
 - (aa) the crop belongs to a variety recognised as being highly resistant to *Clavibacter michiganensis* subsp. *insidiosus* (McCulloch) Davis *et al.*,
 - (bb) it had not yet started its fourth complete cycle of vegetation from sowing when the seed was harvested, and there was not more than one preceding seed harvest from the crop; or
 - (cc) the content of inert matter which has been determined in accordance with the rules applicable for certification of seed marketed in the Community, does not exceed 0.1 % by weight ;
 - (ii) no symptoms of *Clavibacter michiganensis* subsp. *insidiosus* (McCulloch) Davis *et al.* have been observed at the place of production or on any *Medicago sativa* L. crop adjacent to it, during the last complete cycle of vegetation or, where appropriate, the last two cycles of vegetation; and
 - (iii) the crop has been grown on land on which no previous *Medicago sativa* L. crop has been present during the last three years prior to sowing
35. Seeds of *Phaseolus* L. The seeds shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from *Xanthomonas campestris* pv. *phaseoli* (Smith) Dye; or
 - (b) a representative sample of the seeds has been tested and found free from *Xanthomonas campestris* pv. *phaseoli* (Smith) Dye
36. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. The packaging, any label attached to the packaging or any document normally used for trade purposes which accompanies the consignment shall bear an appropriate origin mark (which may be a reference to the name of the country of origin)
-

PART C

Relevant material which may only be landed in or moved within Northern Ireland (as a protected zone) if special requirements are satisfied

(1) Item	(2) Description of relevant material	(3) Requirements of landing
1.	Plants, other than fruit and seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. and <i>Pseudotsuga</i> Carr., over 3m in height	The plants shall be accompanied by an official statement that the place of production is free from <i>Dendroctonus micans</i> Kugelan
2.	Plants, other than fruit and seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. and <i>Pinus</i> L., over 3m in height	The plants shall be accompanied by an official statement that the place of production is free from <i>Ips duplicatus</i> Sahlberg
3.	Plants, other than fruit and seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. and <i>Pseudotsuga</i> Carr., over 3m in height	The plants shall be accompanied by an official statement that the place of production is free from <i>Ips typographus</i> Heer
4.	Plants, other than fruit and seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., and <i>Pinus</i> L., over 3m in height	The plants shall be accompanied by an official statement that the place of production is free from <i>Ips amitinus</i> Eichhof
5.	Plants, other than fruit and seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. and <i>Pseudotsuga</i> Carr., over 3m in height	The plants shall be accompanied by an official statement that the place of production is free from <i>Ips cembrae</i> Heer
6.	Plants, other than fruit and seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. and <i>Pseudotsuga</i> Carr., over 3m in height	The plants shall be accompanied by an official statement that the place of production is free from <i>Ips sexdentatus</i> Börner
7.	Plants of <i>Larix</i> Mill. intended for planting, other than seeds	The plants shall be accompanied by an official statement that they have been produced in nurseries and that the place of production is free from <i>Cephalcia lariciphila</i> (Klug.)
8.	Plants intended for planting, other than seeds, of <i>Pinus</i> L., <i>Picea</i> A. Dietr., <i>Larix</i> Mill., <i>Abies</i> Mill. and <i>Pseudotsuga</i> Carr.	The plants shall be accompanied by an official statement that they have been produced in nurseries and that the place of production is free from <i>Gremmeniella abiedina</i> (Lag.) Morelet
9	Plants intended for planting, other than seeds, of <i>Picea</i> A. Dietr.	The plants shall be accompanied by an official statement that they have been produced in nurseries and that the place of production is free from <i>Gilpinia hercyniae</i> (Hartig)

-
10. Tubers of *Solanum tuberosum* L., intended for planting
- The tubers shall be accompanied by an official statement that they:
- (a) were grown in an area where Beet necrotic yellow vein virus (BNYVV) is known not to occur;
 - (b) were grown on land, or in growing media consisting of soil that is known to be free from BNYVV, or officially tested by appropriate methods and found free from BNYVV; or
 - (c) have been washed free from soil
-
11. Tubers of *Solanum tuberosum* L., other than those mentioned in item 10
- The consignment or lot shall not contain more than 1% by weight of soil, or the tubers are intended for processing at premises with officially approved waste disposal facilities which ensures that there is no risk of spreading BNYVV

-
12. Plants, other than fruit and seeds, and live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dene.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.
- The plants shall be accompanied by an official statement that:
- (a) the plants originate in third countries recognised as being free from *Erwinia amylovora* (Burr.) Winsl. *et al.*; or
 - (b) the plants originate in pest free areas in third countries which have been established in relation to *Erwinia amylovora* (Burr.) Winsl. *et al.* in accordance with the relevant International Standard for Phytosanitary Measures; or
 - (c) the plants originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Ticino, Vaud, Valais; or
 - (d) the plants have been produced, or, if moved into a “buffer zone”, kept and maintained for a period of at least 7 months including the period 1 April to 31 October of the last complete cycle of vegetation, on a field:
 - (aa) located at least 1km inside the border of an officially designated “buffer zone” of at least 50km² where host plants are subject to an officially approved and supervised control regime established at the latest before the beginning of a complete cycle of vegetation preceding the last complete cycle of vegetation, with the object of minimising the risk of *Erwinia amylovora* (Burr.) Winsl. *et al.* being spread from the plants grown there. Details of the description of this “buffer zone” shall be kept available to the Commission and to other member States. Once the “buffer zone” is established, official inspections shall be carried out in the zone not comprising the field and its surrounding zone of 500m width, at least once since the beginning of the last complete cycle of vegetation at the most appropriate time, and all host plants showing symptoms of *Erwinia amylovora* (Burr.) Winsl. *et al.* should be removed immediately. The results of these inspections shall be supplied by 1 May each year to the Commission and to other member States, and
 - (bb) which has been officially approved, as well as the “buffer zone”, before the beginning of the complete cycle of vegetation preceding the last complete cycle of vegetation, for the cultivation of plants under the requirements laid down in this point, and

-
- (cc) which, as well as the surrounding zone of a width of at least 500m, has been found free from *Erwinia amylovora* (Burr.) Winsl. *et al.* since the beginning of the last complete cycle of vegetation, at official inspection carried out at least twice in the field at the most appropriate time, i.e. once during June and August and once during August to November; and once in the said surrounding zone at the most appropriate time, i.e. during August to November, and
 - (dd) from which plants were officially tested for latent infections in accordance with an appropriate laboratory method on samples officially drawn at the most appropriate period.
-

13. From 15 March to 30 June, beehives
- There shall be documented evidence that the beehives:
- (a) originate in third countries recognised as being free from *Erwinia amylovora* (Burr.) Winsl. *et al.*; or
 - (b) originate in one of the following Cantons of Switzerland: Berne (with the exceptions of the districts of Signau and Trachselwald), Fribourg, Grisons, Ticino, Vaud, Valais; or
 - (c) have undergone an appropriate quarantine measure before being moved.
-

14. Plants of *Allium porrum* L., *Apium* L., *Beta* L., other than those mentioned in (item 25 of the Annex) and those intended for animal fodder, *Brassica rapa* L., *Daucus* L., other than plants intended for planting
- The consignment or lot shall not contain more than 1% by weight of soil, or the plants are intended for processing at premises with officially approved waste disposal facilities which ensures that there is no risk of spreading BNYVV

-
15. Plants intended for planting, other than seeds, of *Beta vulgaris* L.
- The plants shall be accompanied by a statement that they:
- (a) have been officially individually tested and found free from BNYVV; or
 - (b) have been grown from seeds complying with the requirements in items (items 27.1 and 27.2 – annex), and grown in areas where BNYVV is not known to occur, or grown on land, or in growing media, officially tested by appropriate methods and found free from BNYVV, and sampled, and the sample tested and found free from BNYVV
- The organisation or research body holding the material shall inform their official member State plant protection service of the material held.
-

16. Unrooted cuttings of *Euphorbia pulcherrima* Willd., intended for planting
- The cuttings shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from *Bemisia tabaci* Genn. (European populations);
 - (b) no signs of *Bemisia tabaci* Genn. (European populations) have been observed on the cuttings or on the plants from which the cuttings are derived and which are held or produced at the place of production on official inspections carried out at least each three weeks during the whole production period of these plants at the place of production; or
 - (c) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production the cuttings and the plants from which the cuttings are derived and which are held or produced in this place of production have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout this period. The last inspection of the above weekly inspections shall be carried out immediately prior to movement

17. Plants of *Euphorbia pulcherrima* Willd., intended planting, other than:
—seeds,
—those for which there is evidence from their packing or their flower (or bract) development or from other means that they are intended for sale to final customers not involved in professional plant production, or
—those specified in item 16

The plants shall be accompanied by an official statement that:

- (a) they originate in an area or areas known to be free from *Bemisia tabaci* Genn. (European populations);
- (b) no signs of *Bemisia tabaci* Genn. (European populations) have been observed on plants at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing; or
- (c) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the plants, held or produced in this place of production have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout this period. The last inspection of the above weekly inspections shall be carried out immediately prior to movement; and
- (d) evidence is available that they have been produced from cuttings which:
 - (i) originate in an area or areas known to be free from *Bemisia tabaci* Genn. (European populations);
 - (ii) have been grown at a place of production where no signs of *Bemisia tabaci* Genn. (European populations) have been observed on official inspections carried out at least once each three weeks during the whole production period of these plants; or
 - (iii) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, have been grown on plants held or produced in this place of production having undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and on monitoring procedures throughout this period. The last inspection of the above weekly inspections shall be carried out immediately prior to movement

18. Plants, other than seeds, tubers or corms, of *Begonia* L., intended for planting; or *Ficus* L, or *Hibiscus* L., intended for planting, other than seeds, other than those for which there is evidence from their packing or their flower development or from other means that they are intended for sale to final consumers not involved in professional plant production
- The plants shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from *Bemisia tabaci* Genn. (European populations);
 - (b) no signs of *Bemisia tabaci* Genn. (European populations) have been by observed on plants at the place of production on official inspections carried out at least once each three weeks during the nine weeks prior to marketing; or
 - (c) in cases where *Bemisia tabaci* Genn. (European populations) has been found at the place of production, the plants held or produced in this place of production have undergone an appropriate treatment to ensure freedom from *Bemisia tabaci* Genn. (European populations) and subsequently this place of production shall have been found free from *Bemisia tabaci* Genn. (European populations) as a consequence of the implementation of appropriate procedures aimed at eradicating *Bemisia tabaci* Genn. (European populations), in both official inspections carried out weekly during the three weeks prior to the movement from this place of production and in monitoring procedures throughout this period. The last inspection of the above weekly inspections shall be carried out immediately prior to movement
19. Plants of *Beta vulgaris* L., intended for industrial processing
- The plants shall be accompanied by an official statement that:
- (a) they are transported in such a manner as to ensure that there is no risk of spreading BNYVV, and are intended to be delivered to a processing plant with officially approved waste disposal facilities, which ensures that there is no risk of spreading BNYVV; or
 - (b) the plants have been grown in an area where BNYVV is known not to occur
20. Soil from beet and unsterilised waste from beet (*Beta vulgaris* L.)
- The soil or waste shall be accompanied by an official statement that:
- (a) it has been treated to eliminate contamination with BNYVV; or
 - (b) it is intended to be transported for disposal in an officially approved manner; or
 - (c) it comes from *Beta vulgaris* plants grown in an area where BNYVV is known not to occur

- | | | |
|-----|---|---|
| 21. | Seeds and fodder beet seed of the species <i>Beta vulgaris</i> L. | <p>The seeds shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) the seed of the categories “basic seed” and “certified seed” satisfies the conditions laid down in Directive 66/400/EEC; or (b) in the case of “seed not finally certified”, the seed: <ul style="list-style-type: none"> - satisfies the conditions laid down in Directive 66/400/EEC, and - is intended for processing that will satisfy the conditions laid down in Directive 66/400/EEC and delivered to a processing enterprise with officially approved controlled waste disposal, to prevent the spread of BNYVV; (c) the seed has been grown in an area where BNYVV is known not to occur |
| 22. | Vegetable seed of the species <i>Beta vulgaris</i> L. | <p>The seed shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) the processed seed contains no more than 0.5% by weight of inert matter, in the case of pelleted seed this standard shall be met prior to pelleting; or (b) in the case of non-processed seed, the seed shall be officially packed in such a manner as to ensure that there is no risk of spread of BNYVV, and is intended for processing that will satisfy the conditions laid down in (a) and delivered to a processing enterprise with officially approved controlled waste disposal, to prevent the spread of BNYVV; or (c) the seed has been produced from a crop grown in an area where BNYVV is known not to occur |
| 23. | Used agricultural machinery | <p>The machinery shall be cleaned and free from soil and plant debris when brought in on places of production where beets are grown, or it shall come from an area where BNYVV is known not to occur</p> |
-

SCHEDULE 5

Article 6(2)

Relevant material from a third country for which a phytosanitary certificate may be required

PART A

Relevant material which may only be landed in Northern Ireland if accompanied by a phytosanitary certificate

1. Plants, other than seeds, intended for planting, but including seeds of—

- (a) *Cruciferae*, *Gramineae* or *Trifolium* spp., originating in Argentina, Australia, Bolivia, Chile, New Zealand or Uruguay;
 - (b) the genera *Triticum*, *Secale* or X *Triticosecale* from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA;
 - (c) *Capsicum* spp. *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw., *Medicago sativa* L., *Prunus* L., *Rubus* L., *Oryza* spp., *Zea mais* L., *Allium ascalonicum* L., *Allium cepa* L., *Allium porrum* L., *Allium schoenoprasum* L. or *Phaseolus* L.
2. Parts of plants, other than fruit or seeds, of—
- (a) *Castanea* Mill., *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Gypsophilia* L., *Pelargonium* L'Hérit. Ex Ait, *Phoenix* spp., *Populus* L., *Quercus* L., *Solidago* L. or cut flowers of *Orchidaceae*;
 - (b) Conifers (*Coniferales*);
 - (c) *Acer saccharum* Marsh., originating in the USA or Canada;
 - (d) *Prunus* L., originating in any country outside Europe;
 - (e) cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. or *Trachelium* L., originating in any country outside Europe; or
 - (f) leafy vegetables of *Apium graveolens* L. or *Ocimum* L.
3. Fruits of—
- (a) *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., *Momordica* L. or *Solanum melongena* L.; or
 - (b) *Annona* L., *Cydonia* Mill., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn. or *Vaccinium* L., originating in any country outside Europe.
4. Tubers of *Solanum tuberosum* L.
5. Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants or humus, including peat or bark, other than those composed entirely of peat.
6. Soil or growing medium attached to or appears to have been in contact with plants, consisting in whole or in part of material specified in paragraph 5 or consisting in whole or in part of peat or of any solid inorganic substances, intended to sustain the vitality of plants, originating in—
- (a) Belarus, Georgia, Moldova, Russia, Turkey or the Ukraine; or
 - (b) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia.
7. Grain of the genera *Triticum*, *Secale* or X *Triticosecale* originating in Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA.

PART B

Relevant material which, if destined for certain protected zones, may only be landed in Northern Ireland if accompanied by a phytosanitary certificate

1. Plants of *Beta vulgaris* L. intended for industrial processing.
2. Without prejudice to paragraphs 5 and 6 of Part A, soil from beet or unsterilised waste from beet (*Beta vulgaris* L.).
3. Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.

4. Parts of plants, other than fruit or seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.

5. Seeds of *Dolichos* Jacq., *Magnifera* spp., *Beta vulgaris* L. or *Phaseolus vulgaris* L.

6. Seeds or fruits (bolls) of *Gossypium* spp. or unginned cotton.

7. Fruits of *Vitis* L.

8. Parts of plants of *Eucalyptus* L'Hérit.

SCHEDULE 6

Articles 21(1), (2) and 23(1)

Prohibitions on the landing in and movement within Northern Ireland of relevant material without a plant passport

PART A

Relevant material, from Northern Ireland or elsewhere in the European Community, which may only be landed in or moved within Northern Ireland if accompanied by a plant passport

1. Plants, intended for planting, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Prunus* L. other than *Prunus laurocerasus* L. or *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.

2. Plants, other than seeds, of *Beta vulgaris* L. or *Humulus lupulus* L., intended for planting.

3. Plants of stolon or tuber forming species of *Solanum* L., intended for planting.

4. Plants, other than fruit or seeds, of *Fortunella* Swingle, *Poncirus* Raf. or *Vitis* L.

5. Plants, other than fruit or seeds, of *Citrus* L..

6. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., with leaves and peduncles.

7. Plants in paragraphs (a) to (e) which are produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than plants which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official body of the consignor country, that the production thereof is separate from that of other products—

(a) plants, intended for planting, other than seeds, of the genera *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC) Des Moul., *Dianthus* L., *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophilia* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* L'Hérit, ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Verbena* L. or other plants of herbaceous species, other than plants of the family Gramineae, intended for planting, other than bulbs, corms, rhizomes, seeds or tubers;

(b) plants, of *Solanaceae*, other than seeds and other than those in item 3, intended for planting;

(c) plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp. or *Strelitziaceae*, rooted or with growing medium attached or which appear to have been in contact with growing medium;

- (d) seeds or bulbs or *Allium ascalonicum* L., *Allium cepa* L. or *Allium schenoprasum* L., intended for planting; plants of *Allium porrum* L. intended for planting; seeds of *Medicago sativa* L.; certified seeds of *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw. or *Phaseolus* L.; or
- (e) bulbs or corms, of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston “Golden Yellow”, *Galanthus* L., *Galtonia candicans* (Baker) Decne., miniature cultivars of the genus *Gladiolus* Tourn. ex L., (such as *Gladiolus callianthus* Marais, *Gladiolus colvellei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort., and *Gladiolus tubergenii* hort.) *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Muscari* Miller, *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. or *Tulipa* L., intended for planting.

PART B

Relevant material, from Northern Ireland or elsewhere in the European Community, which may only be landed in or moved within Northern Ireland if accompanied by a plant passport which is valid for Northern Ireland (as a protected zone)

1. Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. and *Pseudotsuga* Carr.
2. Plants intended for planting, other than seeds, of *Populus* L. and *Beta vulgaris* L.
3. Plants, other than fruit and seeds, and live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.
4. Tubers of *Solanum tuberosum* L., intended for planting.
5. Plants of *Beta vulgaris* L., intended for industrial processing.
6. Soil from beef and unsterilised waste from beet (*Beta vulgaris* L.).
7. Seeds of *Beta vulgaris* L.
8. Plants in paragraphs (a) and (b) which are produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than those plants which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official body of the consignor country, that the production thereof is separate from that of other products—
 - (a) plants, other than corms, seeds or tubers, of *Begonia* L., intended for planting; or
 - (b) plants, other than seeds, of *Euphorbia pulcherrima* Willd., *Ficus* L. or *Hibiscus* L., intended for planting.

SCHEDULE 7

Article 21(5) and (6)

Prohibitions on the consignment of relevant material to another part of the European Community without a plant passport

PART A

Relevant material which may only be consigned to another part of the European Community if accompanied by a plant passport

1. Plants, intended for planting, other than seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L.,

Photinia davidiana (Dcne.) Cardot, *Prunus* L. other than *Prunus laurocerasus* L. or *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.

2. Plants, other than seeds, of *Beta vulgaris* L. or *Humulus lupulus* L., intended for planting.
3. Plants of stolon or tuber forming species of *Solanum* L., intended for planting.
4. Plants, other than fruit or seeds, of *Fortunella* Swingle, *Poncirus* Raf. or *Vitis* L.
5. Plants, other than fruit or seeds, of *Citrus* L..
6. Fruits of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf., with leaves and peduncles.

7. Plants in paragraphs (a) to (e) which are produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than plants which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official body of the consignor country, that the production thereof is separate from that of other products—

- (a) plants, intended for planting, other than seeds, of the genera *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC) Des Moul., *Dianthus* L., *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophilia* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* L'Hérit, ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Verbena* L. or other plants of herbaceous species, other than plants of the family Gramineae, intended for planting, other than bulbs, corms, rhizomes, seeds or tubers;
- (b) plants, of *Solanaceae*, other than seeds and other than those in item 3, intended for planting;
- (c) plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp. or *Strelitziaceae*, rooted or with growing medium attached or which appear to have been in contact with growing medium;
- (d) seeds or bulbs or *Allium ascalonicum* L., *Allium cepa* L. or *Allium schenoprasum* L., intended for planting; plants of *Allium porrum* L. intended for planting; seeds of *Medicago sativa* L.; certified seeds of *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw. or *Phaseolus* L.; or
- (e) bulbs or corms, of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston “Golden Yellow”, *Galanthus* L., *Galtonia candicans* (Baker) Decne., miniature cultivars of the genus *Gladiolus* Tourn. ex L., (such as *Gladiolus callianthus* Marais, *Gladiolus colvellei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort., and *Gladiolus tubergenii* hort.) *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Muscari* Miller, *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss or *Tulipa* L., intended for planting.

PART B

Relevant material which may only be consigned to a protected zone in another part of the European Community if accompanied by a plant passport which is valid for that protected zone

1. Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. or *Pseudotsuga* Carr.
2. Plants, other than seeds, of *Populus* L. or *Beta vulgaris* L., intended for planting.
3. Plants, other than fruit or seeds, of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Eucalyptus* L'Herit., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.

4. Live pollen for pollination of *Amelanchier* Med., *Chaenomeles* Lindl., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Photinia davidiana* (Dcne.) Cardot, *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L.

5. Tubers of *Solanum tuberosum* L., intended for planting.

6. Plants of *Beta vulgaris* L., intended for industrial processing.

7. Soil from beet or unsterilised waste from beet (*Beta vulgaris* L.)

8. Seeds of *Beta vulgaris* L., *Dolichos* Jacq., *Gossypium* spp. or *Phaseolus vulgaris* L.

9. Fruits (bolls) of *Gossypium* spp. or unginned cotton or fruits of *Vitis* L.

10. The plants in paragraphs (a) and (b) which are produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than those plants which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official body of the consignor country, that the production thereof is separate from that of other products—

(a) plants, other than corms, seeds or tubers, of *Begonia* L., intended for planting; or

(b) plants, other than seeds, of *Euphorbia pulcherrima* Willd., *Ficus* L. or *Hibiscus* L., intended for planting.

SCHEDULE 8

Article 2(1) and 30

Swiss plant passports

PART A

Relevant material originating in Switzerland which may be landed in or moved within Northern Ireland if accompanied by a Swiss plant passport

1. Plants, other than seeds, of *Beta vulgaris* L., *Humulus lupulus* L. or *Prunus* L. other than *Prunus laurocerasus* L. or *Prunus lusitanica* L., intended for planting.

2. Plants, other than fruit or seeds, but including live pollen for pollination, of *Amelanchier* Med., *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Pyracantha* Roem., *Pyrus* L. or *Sorbus* L. other than *Sorbus intermedia* (Ehrh.) Pers.

3. Plants of stoloniferous and tuberous species intended for planting of *Solanum* L..

4. Plants, other than fruit, of *Vitis* L.

5. Plants in sub-paragraphs (a) to (f), produced by producers authorised to produce for sale to persons engaged in plant production in the course of a trade or business, other than those plants which are prepared and ready for sale to the final customer, and for which it is guaranteed by a person authorised by Swiss legislation to give such guarantee, that the production thereof is clearly separate from that of other products—

(a) plants, intended for planting, other than seeds, of *Abies* Mill., *Apium graveolens* L., *Argyranthemum* spp., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC) Des Moul., *Dianthus* L., *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., all varieties of New Guinea hybrids of *Impatiens* L., *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* l'Hérit. ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Verbena* L. or other plants of herbaceous species other than plants of the family *Gramineae* and other than bulbs, corms, rhizomes or tubers;

- (b) plants of *Solanaceae*, other than those referred to in paragraph 3, intended for planting, other than seeds;
- (c) plants of *Araceae*, *Marantaceae*, *Musaceae*, *Persea* spp. or *Strelitzaceae*, rooted or with cultivation medium attached or which appear to have been in contact with cultivation medium;
- (d) seeds or bulbs of *Allium ascalonicum* L., *Allium cepa* L. or *Allium schoenoprasum* L., intended for planting;
- (e) plants of *Allium porrum* L. intended for planting; or
- (f) bulbs and bulbous rhizomes of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston cv. “Golden Yellow”, *Galanthus* L., *Galtonia candicans* (Baker) Decne, miniature cultivars of the genus *Gladiolus* Tourn. Ex L. such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort. or *Gladiolus tubergenii* hort., *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Muscari* Mill., *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. or *Tulipa* L., intended for planting.

PART B

Relevant material imported into Switzerland from another third country which, if it would normally be permitted to be landed in Northern Ireland if accompanied by a phytosanitary certificate, may be accompanied by a Swiss plant passport(a) or may be landed without phytosanitary documentation(b)

1. Plants, other than seeds, intended for planting other than *Clausena* Burm. f, *Murraya* Koenig ex L. and *Palmae*, not including *Phoenix* spp. originating in Algeria or Morocco.
2. Seeds of *Cruciferae*, *Gramineae* other than *Oryza* spp. or *Trifolium* spp., originating in Argentina, Australia, Bolivia, Chile, New Zealand or Uruguay.
3. Seeds of *Allium ascalonicum* L., *Allium cepa* L., *Allium porrum* L., *Allium schoenoprasum* L., *Capsicum* spp., *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karst. ex Farw., *Medicago sativa* L., *Phaseolus* L., *Prunus* L., *Rubus* L. or *Zea mais* L.
4. Seeds of *Triticum*, *Secale* and X *Triticosecale* originating in Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA.
5. Parts of plants, other than fruit or seeds, of—
 - (a) leafy vegetables of *Apium graveolens* L. or *Ocimum* L.;
 - (b) cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. or *Trachelium* L., originating in any country outside Europe; cut flowers of *Orchidaceae*; or
 - (c) *Acer saccharum* Marsh. originating in the USA or Canada, *Camellia* sp., conifers (Coniferales), *Dendranthema* (DC) Des Moul., *Dianthus* L., *Gypsophilia* L., *Pelargonium* L’Hérit. ex Ait., *Populus* L., *Prunus* L. originating in any country outside Europe, *Quercus* L. or *Solidago* L.
6. Fruit of—
 - (a) *Momordica* L. or *Solanum melongena* L.; or
 - (b) *Annona* L., *Cydonia* L., *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L., *Syzygium* Gaertn. or *Vaccinium*, originating in any country outside Europe.
7. Tubers of *Solanum tuberosum* L. other than for planting.

(a) If it is listed in part A as well as in Part B.
 (b) If it is listed in Part B but not in Part A.

8. Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants or humus, including peat or bark, other than that composed entirely of peat.

9. Soil or growing medium attached to or appears to have been in contact with plants, consisting in whole or in part of material specified in paragraph 8 or consisting in part of any solid inorganic substance, intended to sustain the vitality of the plants, originating in—

- (a) Belarus, Georgia, Moldova, Russia, Turkey or the Ukraine; or
- (b) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia.

10. Grains of the genera *Triticum*, *Secale* or *X Triticosecale* originating in Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA.

SCHEDULE 9

Article 2 (1)

Requirements for plant passports

PART A

Requirements for plants passports for any relevant material in Schedule 6 or 7

1. A plant passport may only be issued in respect of relevant material that has been the subject of a satisfactory inspection at its place of production.

2. Subject to Part B, a plant passport shall comprise either an official label or an official label together with a document of a kind normally used for trade purposes, containing the information specified in paragraph 5 or (as the case may be) 6.

3. The references in paragraph 1 above to an official label are references to a label which—

- (a) has not been previously used and is made of a material suitable for its purpose, and
- (b) in the case of an adhesive label, is in a form approved for use as an official label by the Department, for plant passports issued in Northern Ireland, or by the authority with responsibility for such authorisation for plant passports in other member States.

4.—(1) The information contained in a plant passport shall be—

- (a) given in at least one of the official languages of the European Community, and
- (b) printed, except where it would not reasonably be practicable to do so.

(2) Where the information is printed, it shall be printed in block capitals.

(3) Where the information is not printed, it shall be given in typescript or written in block capitals.

5. Where a plant passport comprises only an official label, it shall contain the information specified in paragraph 7.

6. Where the plant passport comprises an official label and an additional document—

- (a) the official label shall contain at least the information specified in sub-paragraphs (a)–(e) of paragraph 7, and
- (b) the additional document shall contain all the information specified in paragraph 7, and may also contain, clearly separate from that information, any other information relevant for the purpose of labelling the material to which the plant passport relates and which is set out in Article 2(1) of Commission Directive 1999/66/EC setting out requirements as the label or other document made out by the supplier pursuant to Council Directive

98/56/EC(a), Article 8(1) of Commission Directive 1993/48/EEC setting out the schedule indicating the conditions to be met by fruit plant propagating material and fruit plants intended for fruit production pursuant to Council Directive 92/34/EEC(b) or Article 6(1) of Commission Directive 1993/61/EEC setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seeds, pursuant to Council Directive 92/33/EEC(c).

7. The information referred to in paragraph 5 and 6 above shall be—

- (a) the title “EC-plant passport”;
- (b) the code for the member State in which the plant passport was issued;
- (c) the name or code for the responsible official body of the member State in which the plant passport was issued;
- (d) the registration number of the producer, importer or other person who is authorised to issue the plant passport;
- (e) the week number of the date of production or when the plant passport is attached to the material, or a serial or batch number identifying that material;
- (f) the botanical name in Latin of the material to which the plant passport relates;
- (g) the quantity of the material to which the plant passport relates (number of plants, plant products, volume or weight);
- (h) where the relevant material fulfils the requirements for a protected zone, the marking “ZP” and the code for the protected zone;
- (i) in the case of a replacement plant passport, the marking “RP” and where appropriate a code for the producer or importer who was authorised to issue the original plant passport; and
- (j) in the case of material originating in a third country, the name of the country of origin of the material or (if appropriate) the country from which the material was consigned to Northern Ireland.

PART B

Requirements for plant passports permitted for certain material in Schedule 6 or 7

1. A plant passport in respect of any relevant material referred to in paragraph 2, 3, 4 or 5 may comprise an official label which complies with the requirements specified in the paragraph in which the reference is made.

2. The official label in paragraph 1 in respect of tubers of *Solanum tuberosum* L., intended for planting, shall—

- (a) comply with the requirements in Article 13(1)(a) of Council Directive 2002/56/EC on the marketing of seed potatoes(d);
- (b) contain the title “EC plant passport”; and
- (c) where the tubers are intended to be consigned to another part of the European Community, provides evidence that they have been officially examined to ensure that they comply with the requirements in item 18.1 of Section II of Part A of Annex IV to Directive 2000/29/EC.

3. The official label in paragraph 1 in respect of seeds of *Helianthus annuus* L., shall—

(a) OJ No. L 164, 30.6.1999, p.76.

(b) OJ No. L 250, 7.10.1993, p.1.

(c) OJ No. L 250, 7.10.1993, p.19.

(d) OJ No. L 193, 20.7.2002, p.60, to which there are amendments not relevant to this Order.

- (a) comply with the requirements in Article 12(1)(a) of Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants(a);
- (b) contain the title “EC plant passport”; and
- (c) where the seeds are intended to be consigned to another part of the European Community, provides evidence that they have been officially examined to ensure that they comply with the requirements in item 26 of Section II of Part A of Annex IV to Directive 2000/29/EC.

4. The official label in paragraph 1 in respect of seeds of *Lycopersicon lycopersicum* (L.) Karsten ex Farw. or *Phaseolus* L., shall—

- (a) comply with the requirements in Article 28(1)(a) of Council Directive 2002/55/EC on the marketing of vegetable seed(b);
- (b) contain the title “EC plant passport”; and
- (c) where the seeds are intended to be consigned to another part of the European Community, provides evidence that they have been officially examined to ensure that they comply with the requirements in item 27 or 29 as the case may be of Section II of Part A of Annex IV to Directive 2000/29/EC.

5. The official label in paragraph 1 in respect of seeds of *Medicago sativa* L., shall—

- (a) comply with the requirements in Article 10(1)(a) of Council Directive 66/401/EEC on the marketing of fodder plant seed(c);
- (b) contain the title “EC-plant passport”; and
- (c) where the seeds are intended to be consigned to another part of the EC, provides evidence that they have been officially examined to ensure that they comply with the requirements in items 28.1 and 28.1 of Section II of Part A of Annex IV to Directive 2000/29/EC.

(a) OJ No. L193, 20.7.2002, p.74; amended by Council Directives OJ No. L 195, 24.7.2002, p. 32. OJ No. L 138, 5.6.2003, p. 40 and OJ No. L 14, 18.1.2005, p.18, there is another amending Directive which is not relevant.

(b) OJ No. L193, 20.7.2002, p.33; amended by the Act concerning the Conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, OJ No. L 236, 23.9.2003, p 820, 828 and 910 and Council Directive OJ No. L 14, 18.1.2005, p.18; there are other amending Directives but none is relevant.

(c) OJ No. P125, 11.7.1966, p.2298; as last amended by Commission Directive 2004/55/EC OJ No. L 114, 21.4.2004, p.18.

SCHEDULE 10

Article 15(1)

Form of phytosanitary certificate and form of phytosanitary certificate for re-export required by Article 15(1)

PART A

Form of phytosanitary certificate

PHYTOSANITARY CERTIFICATE

Plant protection organisation of: No
To plant protection organisation(s) of:

Description of consignment

Name and address of exporter:
Declared name and address of consignee:
Number and description of packages:
Distinguishing marks:
Place of origin:
Declared means of conveyance:
Declared point of entry:
Name of produce and quantity declared:
Botanical name of plants:

This is to certify that the plants or plant products described above have been inspected according to appropriate procedures and are considered to be free from quarantine pests, and practically free from other injurious pests; and that they are considered to conform with the current phytosanitary regulations of the importing country.

Disinfestation and/or disinfection treatment

Date: Treatment: Chemical (active ingredient):
Duration and temperature: Concentration:
Additional information:
Additional declaration:

(Stamp of organisation)

Place of issue:
Name of authorised officer:
Date.....

(signature)

No financial liability with respect to this certificate shall attach to
(name of plant protection organisation) or to any of its officers or representatives (*).

(*) Optional clause.

PART B

Form of phytosanitary certificate for re-export

PHYTOSANITARY CERTIFICATE FOR RE-EXPORT

Plant protection organisation of: No
To plant protection organisation(s) of:(country of re-export)
..... (country(ies) of import)

Description of consignment

Name and address of exporter:
Declared name and address of consignee:
Number and description of packages:
Distinguishing marks:
Place of origin:
Declared means of conveyance:
Declared point of entry:
Name of produce and quantity declared:
Botanical name of plants:

This is to certify that the plants or plant products described above were imported into (country of re-export) from (country of origin) covered by phytosanitary certificate No (*) original certified true copy of which is attached to this certificate; that they are packed repacked in original (*) new containers, that based on the original phytosanitary certificate and additional inspection , they are considered to conform with the current phytosanitary regulations of the importing country, and that during storage in (country of re-export), the consignment has not been subjected to the risk of infestation or infection.

Disinfestation and/or disinfection treatment

Date: Treatment: Chemical (active ingredient):
Duration and temperature: Concentration:
Additional information:
.....
Additional declaration:

(Stamp of organisation)

Place of issue:
Name of authorised officer:
Date.....

(signature)

No financial liability with respect to this certificate shall attach to
(name of plant protection organisation) or to any of its officers or representatives (**).

(*) Insert tick in appropriate boxes

(**) Optional clause.

Form of phytosanitary certificate and form of phytosanitary certificate for re-export permitted by Article 15(1)

PART A

Form of phytosanitary certificate

PHYTOSANITARY CERTIFICATE

Plant protection organisation of: No
 To plant protection organisation(s) of:

I. Description of consignment

Name and address of exporter:
 Declared name and address of consignee:
 Number and description of packages:
 Distinguishing marks:
 Place of origin:
 Declared means of conveyance:
 Declared point of entry:
 Name of produce and quantity declared:
 Botanical name of plants:

This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.

They are deemed to be practically free from other pests (*).

II. Additional declaration

III. Disinfestation and/or disinfection treatment

Date: Treatment: Chemical (active ingredient):
 Duration and temperature:
 Concentration:
 Additional information:

(Stamp of organisation)

Place of issue:
 Name of authorised officer:
 Date:

(signature)

No financial liability with respect to this certificate shall attach to
 (name of plant protection organisation) or to any of its officers or representatives (*).

(* Optional clause

PART B

Form of phytosanitary certificate for re-export

PHYTOSANITARY CERTIFICATE FOR RE-EXPORT

Plant protection organisation of: No(country of re-export)
To plant protection organisation(s) of: (country(ies) of import)

I. Description of consignment

Name and address of exporter:
Declared name and address of consignee:
Number and description of packages:
Distinguishing marks:
Place of origin:
Declared means of conveyance:
Declared point of entry:
Name of produce and quantity declared:
Botanical name of plants:

This is to certify that the plants, plant products or other regulated articles described above were imported into (contracting party of re-export) from (contracting party of origin) covered by phytosanitary certificate No.
(*) original certified true copy of which is attached to this certificate; that they are packed repacked in original (*) new containers, that based on the original phytosanitary certificate and additional inspection , they are considered to conform with the current phytosanitary requirements of the importing contracting party, and that during storage in (contracting party of re-export), the consignment has not been subjected to the risk of infestation or infection.

II. Additional declaration

III. Disinfestation and/or disinfection treatment

Date: Treatment: Chemical (active ingredient):
Duration and temperature:
Concentration:
Additional information:

(Stamp of organisation)

Place of issue:

Name of authorised officer:

Date.....

(signature)

No financial liability with respect to this certificate shall attach to (name of plant protection organisation) or to any of its officers or representatives (**).

(*) Insert tick in appropriate boxes

(**) Optional clause

SCHEDULE 12

Article 6(3)

Notice of landing

PART A

- 1. The notice of landing required under Article 6(1) shall be in the form set out in Part B or in a document containing at least the information referred to in that form.
- 2. The information contained in the notice in paragraph (1) shall be—
 - (a) in English, and
 - (b) in typescript or block capitals.

PART B

Notice of landing of relevant material required by Article 6(1) of the Plant Health Order (Northern Ireland) 2006

- 1. Details of relevant material.....
 - 2. Quantity of relevant material.....
 - 3. Consignor country.....
 - 4. Country where consigned.....
 - 5. Consignor.....
 - 6. Importer.....
 - 7. Country of destination.....
 - 8. Intended point of entry in Northern Ireland.....
 - 9. Air: Flight No:
 - 10. Land: Vehicle registration number:.....
 - 11. Sea: Vessel name and container number or numbers:.....
 - 12. Expected date and time of arrival.....
- Signature of importer or airport or harbour authority
- Date.....

Plant health movement document

PART A

1. The plant health movement document required under Article 18 shall be in the form set out in Part B.
2. The information contained in the notice in paragraph (1) shall be given in at least one of the official languages of the European Community and—
 - (a) shall be completed in typescript or written in block capitals; or
 - (b) in agreement with the Department and the official body of destination or entry shall be completed by electronic means

Special measures for the control of Potato Wart Disease

PART A

Special measures for the control of Potato Wart Disease

1. In this Schedule —

“safety zone” means the areas defined in Part B to this Schedule or any premises in respect of which a notice is served under Article 32.

2. If, as a result of an official test, *Synchytrium endobioticum* (Schilb.) Perc., the pathogenic agent of Potato Wart Disease, is recorded, an inspector shall demarcate the contaminated plot and a safety zone around that plot which is large enough to ensure the protection of surrounding areas.

3. A plot shall be regarded as being contaminated for the purposes of paragraph 1 when symptoms of Potato Wart Disease have been found on at least one plant from the plot.

4. A notice under Article 32 may require any potato tubers or haulms which are present on a contaminated plot or which have come from such a plot to be treated in such a way that any Potato Wart Disease present on them is destroyed.

5. Where an inspector is satisfied that any potato tubers or haulms are contaminated with Potato Wart Disease and he cannot determine whether those tubers or haulms have been present on a contaminated plot, he may serve a notice under Article 32 which requires the whole batch containing the affected tubers or haulms to be treated in such a way that there is no risk of the spread of Potato Wart Disease.

6. Where a contaminated plot is demarcated under paragraph 1—

(a) no potatoes shall be grown on it; and

(b) no plants intended for transplanting shall be grown, stored or moved on it.

7. Where a safety zone is demarcated under paragraph 1 no potatoes shall be grown on it unless an inspector is satisfied they are of a variety which is resistant to the races of *Synchytrium endobioticum* found on the contaminated plot to which that safety zone relates.

8. A potato variety shall be considered to be resistant to a particular race of *Synchytrium endobioticum* for the purposes of paragraph 6 where that variety reacts to contamination by the pathogenic agent of that race in such a way that there is no danger of secondary infection.

9. Where an inspector is satisfied that *Synchytrium endobioticum* is no longer present on a plot demarcated under paragraph 1 or on its associated safety zone, he shall revoke that demarcation.

PART B

Wart Disease: Safety Zones

DISTRICT No. 1 (COUNTY DOWN)

A district comprising the townlands of (and all towns and villages included therein):

(a) All Ards Peninsula (south of main road from Greyabbey to Ballywalter)

Ballyboghilbo (that portion lying south of the main road from Greyabbey to Ballywalter), Ballybryan, Blackabbey (that portion lying south of the main road from Greyabbey to Ballywalter), Bootown (E.D. Greyabbey), Killyvolgan, Rosemount, all County Down;

Ardgeehan, Ardkeen, Ardminnan, Ardquin, Balliggan, Ballyadam, Ballyatwood (that portion lying south of the main road from Greyabbey to Ballywalter), Ballyblack, Ballybranigan, Ballycam, Ballycran Beg, Ballycran More, Ballyedock or Carrstown, Ballyesborough, Ballyfinragh, Ballyfounder, Ballyfrench, Ballygalget, Ballygarvan, Ballygarvigan, Ballygelagh, Ballygraffan, Ballyhalbert, Ballyhemlin, Ballyhenry, Ballyherly, Ballylimp, Ballymacnamee, Ballymarter, Ballyminnish, Ballymurphy, Ballynichol, Ballyobegan, Ballyphilip, Ballyquintin, Ballyridley, Ballyrusley, Ballyspurge, Ballytrustan, Ballywaddan, Ballywallon, Ballywalter, Ballyward, Ballywhite, Ballywhollart, Ballywierd, Broom Quarter, Castleboy, Cloghy, Cookstown, Corrog, Craigarodan, Demesne, Derry, Dooley, Drumardan, Drumardan Quarter, Dunevly, Echlinville, Fish Quarter, Glastry, Granagh, Gransha, Inishargy, Kearney, Keentagh, Killydressy, Kircubbin, Kirkistown, Knockinelder, Lisbane, Loughdoo, Marlfield, Newcastle, Nunsquarter, Parson Hall, Portavogie, Priest Town, Ratallagh, Roddens, Rowreagh, Slanes, Springvale, Tara, Thomastown, Tievehilly, Tullyboard, Tullycarnan, Tullycross, Tullymally, Tullynacrew, Tullytramon, all County Down.

(b) Killough, Downpatrick, Dundrum and Seaforde Area

Ballydargan, Ballykinler Upper, Ballynagallagh, Ballyplunt, Ballyvaston, Clanmaghery, Clanmaghery Commons, Glebe, Glovet, Rathmullan Lower, Rathmullan Upper, Tyrella North, Tyrella South, all County Down.

(c) Annalong-Kilkeel Area

Greencastle, County Down.

DISTRICT No. 2 (MID-ULSTER)

A district comprising the townlands of (and all towns and villages included therein):

Aghagaskin, Annagh and Moneysterlin, Auhtrim, Ballinderry (E.D. Tobermore), Ballybriest, Ballycomlary, Ballyheifer, Ballymacpeake Upper, Ballymacpherson, Ballymaguigan, Ballymulderg Beg, Ballymulderg More, Ballymully, Ballynagarve, Ballynagowan, Ballynahone More (that part south of the Moyola River), Ballynease-Helton, Ballynease-Macpeake, Ballynease-Strain, Ballynocker, Ballyronan More, Boveagh, Brackagh (E.D. Bancran), Brackagh (E.D. Lissan Upper), Brackaghlislea, Brackagh Slieve Gallion, Calmore, Caneese, Carmean, Carncose, Carndaisy, Carraloan (Glebe), Carrydarragh, Cavanreagh, Clagan, Clooney, Cloughfin (E.D. Bancran), Coltrim, Coolsaragh, Coolshinny, Corick, Cranny, Creagh – The (Etre and Otre) (also Intakes adjoining), Crossnarea, Cullion, Curr, Curran, Derrycrummy, Derryganarrd, Derrygarve, Dirnan, Dromore, Drumard (E.D. Iniscarn), Drumard (E.D. Lissan Upper), Drummenagh, Drumlamph, Drummeen, Drumrainey, Drumsamney, Dunamoney, Dunarnon, Dunman, Dunnabraggy, Duntibryan, Durnascallon, Feenan Beg, Feenan More, Glebe (E.D. Lissan Upper), Glebe (E.D. Magherafelt), Glengomna, Glenmaquill, Glenone (that portion south of the main road from Gulladuff to Portglenone), Glenviggan, Gortahurk, Gortamney, Gortanewry, Gortnaskey, Grange, Granny, Iniscarn, Keenaght, Killybasky, Killyberry, Killyberry Boyd, Killyboggin, Killyfaddy, Killyneese, Killynumber, Killytoney, Knockadoo, Knocknagin, Labby, Larrycormick, Leckagh, Lecumpher, Letteran, Lisalbanagh, Lisnamorrow, Longfield, Luney, Magherascullion, Megargy, Mobuy, Moneyconey, Moneymore (E.D. Moneymore), Moneyneany,

Moneyshanere, Moneystaghan Ellis (that portion south of the main road from Gulladuff to Portglenone), Mormeal, Motalee, Moyard, Moyeset, Moymucklemurphy, Muff, Mullaghboy (E.D. Aghagaskin), Mullaghboy (E.D. Bellaghy), Old Town Deer Park, Old Town Downing, Owenreagh, Polepatrick, Quilly, Rosgarran, Roshure, Rossmore, Stanagard, Straw Mountain, Tamlaghtduff, Tamlaghtmore, Tamnadeese, Tamnadoey, Tamnarian, Tamnyaskey, Tintagh, Tirgan, Toberhead, Tobermore (that portion south of the Moyola River), Town Parks of Magherafelt, Tullybrick, Tullylinkisay, Tullynagee, Tullyroan, Turnaface, all County Londonderry;

Claggan (E.D. Lissan Lower), Drumgrass, Dunmore, all County Tyrone;

That portion of the Townland of Brecart which lies between the old and new courses of the River Bann, County Antrim.

DISTRICT No. 3 (COOKSTOWN)

A district comprising the townlands of (and all towns and villages included therein):

Cloghog, Killybearn, all County Londonderry;

Ballymaguire, Claggan (E.D. Ballyclog), Derrygonigan, Doorless, Drumbulgan, Dufless, Edernagh, Glebe (E.D. Coagh), Liscausy, Lisnahall, Tievenagh, Tullyhurken, Tullyraw, Tullyveagh, Tullyweery, all County Tyrone.

DISTRICT No. 4 (BALLYCASTLE)

A district comprising the townlands of (and all towns and villages included therein):

Ballyberidagh North, Ballyberidagh South, Ballydurnian,, Ballyveely, Brackney, Broombeg, Broom-more, Broughmore, Carey Mill, Churchfield, Coolaveely, Drumahaman, Drumahitt, Drumaridly, Drumavoley, Drumawillin, Drumeeny, Drummans, Eglis, Farranmacarter, Glebe (E.D. Ballycastle), Gortamaddy or White Hall, Kilcreg, Losset, Magherindonnelly, Mullarts, Town Parks, all County Antrim.

DISTRICT No. 5 (GLENARIFF)

A district comprising the townlands of (and all towns and villages included therein):

Baraghilly, Bay (E.D. Ardclinis), Callisnagh (E.D. Ardclinis), Carrivemurphy, Clonreagh, Craignagat, Diskirt, Doory, Drumnacur (E.D. Ardclinis), Falrusklin, Foriff, Glasmullen, Greenaghan, Kilmore, Red Bay, Tamlagh, Toberwine, Warren, all County Antrim.

SCHEDULE 15

Article 38(7)

Special measures for the control of Potato Cyst Nematode

1. If, as a result of an official test, Potato Cyst Nematode is recorded, an inspector shall demarcate the contaminated plot.

2. Subject to paragraph 5, a person shall not distribute as seed potatoes any seed potatoes which an inspector is satisfied are contaminated with or likely to be contaminated with Potato Cyst Nematode, unless they have been treated in such a way that, to the satisfaction of an inspector, they are no longer contaminated.

3. Subject to paragraph 5, where contaminated land is demarcated under paragraph 1—

- (a) no potatoes shall be grown on it; and
- (b) no plants intended for transplanting shall be grown, stored or moved on it.

4. Where an inspector is satisfied that Potato Cyst Nematode is no longer present on a plot which is demarcated under paragraph 1, he shall revoke that demarcation.

5. A potato variety shall be regarded as being resistant to a particular pathotype of Potato Cyst Nematode for the purposes of paragraph 5(a) if, when that variety is grown, a natural and annual decrease in the population of that pathotype is found to occur.

SCHEDULE 16

Article 38(7)

Special measures for the control of Potato Ring Rot

1. In this Schedule—

“specified plant material” means tubers or plants of *Solanum tuberosum* L; and

“certified seed potatoes” means seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations.

2. Where specified plant material is designated by an inspector to be contaminated with Potato Ring Rot for the purposes of Article 5(1)(a) of Directive 93/85/EC—

- (a) without prejudice to Article 20, a person shall not knowingly plant that material or knowingly cause or permit it to be planted; and
- (b) a notice under Article 32 may require that material to be disposed of in accordance with paragraph 3.

3. The methods by which material can be required to be disposed of are—

- (a) by destruction;
- (b) by industrial processing at a plant to which the specified plant material is to be delivered direct within such time as may be specified in the notice and in respect of which an inspector is satisfied that—
 - (i) appropriate waste disposal facilities are present such that there is no identifiable risk of Potato Ring Rot spreading; and
 - (ii) there is an appropriate system of disinfection of storage areas and departing vehicles; or
- (c) by any method other than those referred to in paragraphs (a) and (b) and in respect of which an inspector is satisfied that there is no identifiable risk of Potato Ring Rot spreading.

4. Where specified plant material is determined by an inspector to be possibly contaminated for the purposes of Article 5(1)(b) of Directive 93/85/EC—

- (a) without prejudice to Article 20, a person shall not knowingly plant that material or knowingly cause or permit it to be planted; and
- (b) a notice under Article 32 may require the material to be used or disposed of in accordance with paragraph 5.

5. The methods by which material can be required to be used or disposed of are—

- (a) use as ware potatoes which are intended for consumption, and which are packed and are intended and ready for direct delivery and use without re-packing;
- (b) use as ware potatoes which are intended for industrial processing, by processing at a plant to which the potatoes are delivered direct within such time as may be specified in the notice and in respect of which the inspector is satisfied the appropriate waste disposal and disinfection facilities are present such that there is no identifiable risk of Potato Ring Rot spreading; or
- (c) by any method other than those referred to in paragraphs (a) and (b) and in respect of which an inspector is satisfied that there is no identifiable risk of Potato Ring Rot spreading.

6. A notice under Article 32 may require that any machinery, vehicle, vessel, store or any part of such machinery, vehicle, vessel or store or any other object including packaging material designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EC or determined by him to be possibly contaminated for the purposes of Article 5(1)(b) of the Directive shall either—

- (a) be disposed of by destruction; or
- (b) be cleansed and disinfected, such that there is no identifiable risk of Potato Ring Rot spreading.

7. Anything cleansed and disinfected in accordance with paragraph 6(b) shall no longer be treated as contaminated for the purposes of Directive 93/85/EC.

8. Without prejudice to paragraph 6, a notice under Article 32 may require any of the measures referred to in paragraphs 9 to 16 as appropriate to be implemented.

9. Subject to paragraph 13, where a place of production is designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EC, the notice referred to in paragraph 8 may require that, with regard to any field at that place, which has also been so designated, the measures referred to in paragraph 10 or 11 shall apply.

10. The measures referred to in paragraph 9 are—

- (a) from the date of the receipt of the notice and for at least three growing years from the start of the next growing year—
 - (i) such measures as may be required to eliminate volunteer potato plants and other naturally found host plants of Potato Ring Rot; and
 - (ii) that the following shall not be planted—
 - (aa) tubers, plants or true seeds or potato;
 - (bb) naturally found host plants of Potato Ring Rot; and
 - (cc) crops for which there is a risk of Potato Ring Rot surviving or spreading;
- (b) in the first potato cropping season following the period referred to in paragraph (a), that certified seed potatoes may be planted, for ware production only, provided that the field has been free from volunteer potato plants for at least the two consecutive growing years prior to planting; and
- (c) in the potato cropping season which follows that referred to in paragraph (b) and following an appropriate rotation cycle, that only certified seed potatoes may be planted, and only for seed or ware production.

11. The measures referred to in paragraph 9 are—

- (a) from the date of receipt of the notice and for four growing years from the start of the next growing year—
 - (i) such measures as may be required to eliminate volunteer potato plants and other naturally found host plants of Potato Ring Rot; and

- (ii) that the field shall be maintained in bare fallow, permanent pasture with frequent close cutting or intensive grazing; and
- (b) in the first potato cropping season following the period referred to in paragraph (a), that certified seed potatoes may be planted, for seed or ware production only.

12. Where an inspector is satisfied that a place of production is contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EC, the notice referred to in paragraph 8 may require that with regard to any fields at that place other than those referred to in paragraph 9—

- (a) from the date of receipt of the notice and for one growing year from the start of the next growing year—
 - (i) the following shall not be planted—
 - (aa) tubers, plants or true seed of potato;
 - (bb) naturally found host plants of Potato Ring Rot; or
 - (ii) certified seed potatoes may be planted, for ware production only, where an inspector is satisfied that the risk of volunteer potato plants and other naturally found host plants of Potato Ring Rot have been eliminated;
- (b) for at least two growing years following the period referred to in (a), that certified seed potatoes may be planted, for seed or ware production only; and
- (c) from the date of receipt of the notice for the growing years referred to in (a) and (b), measures shall be taken to eliminate volunteer potato plants and naturally found host plants of Potato Ring Rot.

13. Where an inspector is satisfied that a place of production is contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EC and a unit of protected crop production at that place has also been so designated and complete replacement of the growing medium is possible in that unit—

- (a) a person shall not plant in the unit any potato tubers, plants or true seeds without the written authority of an inspector; and
- (b) an authorisation under paragraph (a) shall not be granted unless the measures specified in the notice referred to in paragraph 8, which shall include at least those specified in paragraph 14, have been complied with.

14. The measures referred to in paragraph 13(b) are—

- (a) a complete change of growing medium in the unit; and
- (b) cleansing and disinfection of the unit and all equipment which is used on it,

for the purpose of eliminating Potato Ring Rot and removing all host plant material.

15. The authorisation referred to in paragraph 13(a) may require that where an authorisation is granted for potato production, production shall be from certified seed potatoes or from mini-tubers or micro-plants derived from officially tested sources.

16. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EC, the notice referred to in paragraph 8 may require that upon receipt of the notice and throughout the subsequent growing years up to and including the first potato cropping season permitted by paragraph 10(b) or 11(b), all machinery and storage facilities at the place of production which are used for potato production shall be cleansed and disinfected as appropriate in accordance with paragraph 6(b).

Ralstonia solanacearum

PART A

Special measures for the control of *Ralstonia solanacearum*

1. In this Schedule—

“agricultural land” means land used or capable of use for the purposes of a trade or business in connection with agriculture;

“certified seed potatoes” means certified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations;

“specified plant material” means plants (including tubers), other than true seed, of *Solanacearum tuberosum* L., and plants, other than fruit or seeds, of *Lycopersicon lycopersicum* (L) Karsten ex Farw.; and

“*R. solanacearum*” means *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*, the cause of Potato brown rot.

2. Where specified plant material is designated by an inspector to be contaminated with *R. solanacearum* for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC—

- (a) without prejudice to Article 20, a person shall not knowingly plant that material or knowingly cause or permit it to be planted; and
- (b) a notice under Article 32 may require that material to be used or disposed of in accordance with paragraph 3.

3. The methods by which material can be required to be used or disposed of in paragraph 2 are—

- (a) by incineration;
- (b) as animal feed after heat treatment such that there is no risk of *R. solanacearum* surviving;
- (c) by deep burial at a disposal site at which there is no risk of seepage to agricultural land or contact with water sources which are or could be used for irrigation of agricultural land;
- (d) by industrial processing at a plant to which the specified plant material is to be delivered direct within such time as may be specified in the notice and in respect of which the inspector is satisfied that the waste disposal facilities conform to the provisions laid down in Annex VII to Directive 98/57/EC; or
- (e) in any way not referred to in paragraphs (a) to (d) in regard to which it has been established to the satisfaction of the inspector that there is no identifiable risk of *R. solanacearum* spreading.

4. Where specified plant material is determined by an inspector to be possibly contaminated for the purposes of Article 5(1)(a)(iii) and Article 5(1)(c)(iii) of Directive 98/57/EC—

- (a) without prejudice to Article 20, a person shall not knowingly plant that material or knowingly cause or permit it to be planted; and
- (b) a notice under Article 32 may require that material to be used or disposed of in accordance with paragraph 5.

5. The methods by which material can be required to be used or disposed of in are—

- (a) in the case of potato tubers, by use as ware potatoes which are intended for consumption and which are, packed at sites which the inspector is satisfied have appropriate waste

disposal facilities such that there is no identifiable risk of *R. solanacearum* spreading and are intended and ready for direct delivery and use without re-packing;

- (b) in the case of potato tubers, by use as ware potatoes which are intended for industrial processing and which are, processed at a plant to which the potatoes are delivered direct within such time as may be specified in the notice and in respect of which the inspector is satisfied the appropriate waste disposal facilities are present such that there is no identifiable risk of *R. solanacearum* spreading;
- (c) in the case of potato tubers, by use or disposal, other than destruction, and in respect of which the inspector is satisfied that there is no identifiable risk of *R. solanacearum* spreading; or
- (d) in the case of plants, other than potato tubers, including stem and foliage debris, by—
 - (i) disposal by destruction; or
 - (ii) use or disposal, other than destruction, and in respect of which the inspector is satisfied that there is no identifiable risk of *R. solanacearum* spreading.

6. A notice under Article 32 may require that any machinery, vehicle, vessel, store, or any part of such machinery, vehicle, vessel or store and any other object including packaging material designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC or determined by him to be possibly contaminated for the purposes of Article 5(1)(a)(iii) and Article 5(1)(c)(iii) of that Directive shall either—

- (a) be disposed of by destruction; or
- (b) be cleansed and, where appropriate, disinfected, such that there is no identifiable risk of *R. solanacearum* spreading.

7. Anything cleansed and, where appropriate disinfected in accordance with paragraph 6(b) shall no longer be treated as contaminated for the purposes of Directive 98/57/EC.

8. Without prejudice to paragraph 6, a notice under Article 32 may require the measures referred to in paragraphs 9 to 16 as appropriate to be implemented in a zone demarcated by an inspector under Article 39(7).

9. Subject to paragraph 12, where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC, the notice referred to in paragraph 8 may require that, with regard to any field or any unit of protected crop production at that place, which has also been so designated, the measures referred to in paragraph 10 or 11 shall apply.

10. The measures referred to in paragraph 9 are—

- (a) from the date of the receipt of the notice and for at least four growing years from the start of the next growing year:
 - (i) such measures as may be required to eliminate volunteer potato and tomato plants as well as other host plants of *R. solanacearum* including solanaceous weeds as appropriate; and
 - (ii) that the following shall not be planted—
 - (aa) potato tubers and plants;
 - (bb) tomato plants and seeds;
 - (cc) taking into account the biology of *R. solanacearum*, other host plants and plants of species of *Brassica* for which there is a risk of *R. solanacearum* surviving; or
 - (dd) crops for which there is a risk of *R. solanacearum* spreading;
- (b) in the first potato cropping season following the period referred to in paragraph (a), if potatoes are to be planted, only certified seed potatoes may be planted, for ware production only, provided that the field or unit of production has been free from volunteer

potato and tomato plants and other host plants including solanaceous weeds for at least the two consecutive growing years prior to planting; and

- (c) in the potato or tomato cropping season which follows that referred to in paragraph (b) and following an appropriate rotation cycle, if potatoes are to be planted, that only certified seed potatoes may be planted, and only for seed or ware production.

11. The measures referred to in paragraph 9 are—

- (a) from the date of receipt of the notice and for five growing years from the start of the next growing year—
 - (i) such measures as may be required to eliminate volunteer potato and tomato plants as well as other host plants of *R. solanacearum* including solanaceous weeds as appropriate; and
 - (ii) that the field or unit of production shall be maintained during the first three growing years—
 - (aa) in bare fallow;
 - (bb) in cereals if the inspector is satisfied that there is no identifiable risk of *R. solanacearum* spreading;
 - (cc) in permanent pasture with frequent close cutting or intensive grazing; or
 - (dd) as grass for seed production;followed by planting in the succeeding two growing years with non-host plants of *R. solanacearum* for which there is no identified risk of that organism surviving or spreading; and
- (b) in the first potato or tomato cropping season which follows the period referred to in paragraph (a), if potatoes are to be planted, that only certified seed potatoes may be planted, and only for seed or ware production.

12. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC and a unit of protected crop production at that place has also been so designated and complete replacement of the growing medium is possible in that unit—

- (a) a person shall not plant in the unit any potato tubers or potato plants or other host plants of *R. solanacearum* including tomato plants and seeds without the written authorisation of an inspector; and
- (b) an authorisation under paragraph (a) shall not be granted unless the measures specified in the notice referred to in paragraph 8, which shall include at least those specified in paragraph 13, have been complied with.

13. The measures referred to in paragraph 12(b) are—

- (a) a complete change of growing medium in the unit; and
- (b) cleansing and, where appropriate, disinfection of the unit and all equipment which is used in it,
for the purpose of eliminating *R. solanacearum* and removing all host plant material.

14. The authorisation referred to in paragraph 12(a) may require that—

- (a) where the authorisation is granted for potato production, production shall be from certified seed potatoes or from mini-tubers or micro-plants derived from officially tested sources; and
- (b) controls on irrigation and spraying programmes, which may include a prohibition on such programmes, shall be introduced as appropriate to prevent the spread of *R. solanacearum*.

15. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC, the notice referred to in paragraph 8 may require that with regard to any fields at that place other than those referred to in paragraph 9—

- (a) from the date of receipt of the notice and for one growing year following the start of the next growing year no potato tubers or potato plants or other host plants of *R. solanacearum* shall be planted, save that if an inspector is satisfied that any risk of the occurrence of volunteer potato plants and tomato plants and other host plants of *R. solanacearum* including solanaceous weeds has been eliminated certified seed potatoes may be planted for ware production only;
- (b) if potatoes are to be planted, in the first growing year following that specified in paragraph (a), only certified seed potatoes may be planted, and only for seed or ware production;
- (c) if potatoes are to be planted, in the second growing year following that specified in paragraph (a) and, where appropriate, in any subsequent growing year which may be specified in the notice, only certified seed potatoes may be planted, and only for seed or ware production; and
- (d) from the date of the receipt of the notice and in each of the growing years referred to in this paragraph, measures shall be taken to eliminate volunteer potatoes and tomato plants and other host plants of *R. solanacearum* including solanaceous weeds as appropriate.

16. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC, the notice referred to in paragraph 8 may require that upon receipt of the notice and throughout the subsequent growing years up to and including the first potato or tomato cropping season permitted by paragraph 10(b) or 11(b)—

- (a) all machinery and storage facilities at the place of production which are used for potato or tomato production shall be cleansed and, where appropriate, disinfected in accordance with paragraph 6(b); and
- (b) such controls on irrigation and spraying programmes, which may include a prohibition on such programmes, shall be introduced as the inspector considers appropriate for the prevention of the spread of *R. solanacearum*.

PART B

Demarcation of zones for the control of *Ralstonia solanacearum*

1. The Department shall make notice available to the public, by such measures as it considers appropriate, of the demarcation under Article 38(8) of any zone and such notice shall—

- (a) subject to paragraph (b), include a declaration that the provisions of paragraph 6 shall apply in the demarcated zone with effect from the date which is specified in the notice; and
- (b) where appropriate, specify those areas of surface water within the zone to which the prohibition on irrigation and spraying in paragraph 6 shall apply.

2. The zone shall remain demarcated for the purposes of this Order until such date as may be specified in the notice referred to in paragraph 1 or in any further notice relating to the demarcated zone which an inspector may issue varying the controls in the demarcated zone or its extent or ending it.

3. For the purposes of this Order, a notice made available to the public in accordance with paragraph (1) shall be deemed to have been served on—

- (a) any occupier or other person in charge of any premises within the demarcated zone;
- (b) any person—
 - (i) with a right to use any surface water; or
 - (ii) who has on premises in his occupation or of which he has charge any surface water, designated as contaminated pursuant to paragraph 6(b); and

- (c) any person who operates machinery or carries out any other activity in relation to the production of potatoes or tomatoes within the demarcated zone.
4. Any premises which are partly inside and partly outside a demarcated zone shall be deemed to be wholly inside that zone for the purposes of this Schedule.
5. Paragraph 4 shall not apply in respect of any part of any premises which are situated outside Northern Ireland.
6. When a declaration has been made pursuant to paragraph 1 that the provisions of this paragraph shall apply—
- (a) where the zone has been demarcated for the purposes of Article 5(1)(a)(iv) of Directive 98/57/EC—
 - (i) machinery and stores at premises within the zone which are used for growing, storing or handling potato tubers or tomatoes within the zone and premises within the zone from which machinery for potato and tomato production is operated under contract, shall be cleansed and, where appropriate, disinfected in accordance with paragraph 6(b) of Part A;
 - (ii) with regard to potato crops in the zone, only certified seed potatoes may be planted; and
 - (iii) potatoes intended for planting shall be handled separately from all other potatoes at all premises within the zone;
 - (b) where surface water has been designated by an inspector as contaminated for the purposes of Article 5(1)(c)(ii) of Directive 98/57/EC—
 - (i) the use of water designated as contaminated for the irrigation and spraying of specified plant material and where appropriate, other host plants, shall be prohibited without the written authorisation of an inspector, in order to prevent the spread of *R. solanacearum*; and
 - (ii) if liquid waste discharges have been contaminated, the disposal of waste from industrial processing or packaging premises which handle specified plant material shall be carried out under the supervision of an inspector.

SCHEDULE 18

Article 41(3)

Notification requirements

Live organisms of the animal kingdom

1. *Ditylenchus dipsaci* (Kühn) Filipjev – Stem nematode
2. *Globodera rostochiensis* (Wollenweber) Behrens and *Globodera pallida* Stone Behrens – Potato cyst nematodes

Bacteria

1. *Clavibacter michiganensis* subspecies *insidiosus* (McCulloch) Davis *et al.* (syn. *Corynebacterium insidiosum* (McCulloch) Jensen) – Bacterial wilt of Lucerne
2. *Clavibacter michiganensis* subsp. *michiganensis* (Smith) Davis *et al.* (syn. *Corynebacterium michiganse* (Smith) Jensen pv *michiganse* Dye and Kemp) – Bacterial canker of tomato
3. *Erwinia amylovora* (Burr.) Winslow *et al.*, the cause of Fire blight of Roseaceae, in areas designated as fire blight free buffer zones
4. *Erwinia chrysanthemi* pv *dianthicola* (Hellmers) Dickey – Slow wilt of carnation

5. *Xanthomonas campestris* pv *vesicatoria* (Diodge) Dye – Tomato bacterial spot

Cryptograms

1. *Didymella ligulicola* (Baker, Dimock and Davis) V. Arx (syn. *Mycosphaerella ligulicola* Baker *et al.*) – Chrysanthemum ray blight

2. *Phialophora cinerescens* (Wollenweber) Van Beyma – a carnation wilt

3. *Puccinia horiana* P. Henn – Chrysanthemum white rust

4. *Verticillium albo-atrum* Reinke and Berth. – Verticillium wilt disease

5. *Verticillium dahliae* Klebahn – Verticillium wilt of hops

Viruses and virus-like pathogens

1. Arabis mosaic virus

2. Chrysanthemum stunt viroid

3. Plum pox virus

4. Raspberry ringspot virus

5. Strawberry crinkle virus

6. Strawberry latent ringspot virus

7. Strawberry mild yellow edge virus

8. Tomato black ring virus

9. Tomato spotted wilt virus

SCHEDULE 19

Article 47

Revocation of Orders and Regulations

<i>Order</i>	<i>Reference</i>
The Plant Health Order (Northern Ireland) 1993	S.R. 1993 No. 256
The Plant Health (Amendment) (Potatoes) Order (Northern Ireland) 1994	S.R. 1994 No. 28
The Plant Health (Amendment) (Potatoes) Order (Northern Ireland) 1995	S.R. 1995 No. 164
The Plant Health (Amendment) Order (Northern Ireland) 1995	S.R. 1995 No. 250
The Plant Health (Amendment No. 2) Order (Northern Ireland) 1995	S.R. 1995 No. 494
The Plant Health (Amendment) Order (Northern Ireland) 1996	S.R. 1996 No. 204
The Plant Health (Amendment No. 2) Order (Northern Ireland) 1996	S.R. 1996 No. 249
The Plant Health (Amendment) Order (Northern Ireland) 1997	S.R. 1997 No. 110
The Plant Health (Amendment No. 2) Order (Northern Ireland) 1997	S.R. 1997 No. 397
The Plant Health (Amendment) Order (Northern Ireland) 1998	S.R. 1998 No. 16
The Plant Health (Amendment No. 2) Order (Northern Ireland) 1998	S.R. 1998 No. 146
The Plant Health (Amendment No. 3) Order (Northern Ireland) 1998	S.R. 1998 No. 315
The Plant Health (Amendment) Order (Northern Ireland) 1999	S.R. 1999 No. 24
The Plant Health (Amendment No. 2) Order (Northern Ireland) 2000	S.R. 2000 No. 126
The Plant Health (Amendment) Order (Northern Ireland) 2001	S.R. 2001 No. 437

The Plant Health (Amendment) Order (Northern Ireland) 2002	S.R. 2002 No. 273
The Plant Health (Amendment) Order (Northern Ireland) 2003	S.R. 2003 No. 235
The Plant Health (Amendment No. 2) Order (Northern Ireland) 2003	S.R. 2003 No. 458
The Plant Health (Amendment) Order (Northern Ireland) 2004	S.R. 2004 No. 415
The Plant Health (Amendment) Order (Northern Ireland) 2005	S.R. 2005 No. 204
<i>Article</i>	
Article 22 of Seed Potatoes Regulations (Northern Ireland) 2001	S.R. 2001 No. 188

EXPLANATORY NOTE

(This note is not part of the Order)

The Plant Health Order (Northern Ireland) 2006 ('this Order'), which applies to Northern Ireland, revokes and consolidates with amendments the Plant Health Order (Northern Ireland) 1993 (SR 1993 No. 256). This Order also implements—

- (a) Council Directive 2002/89/EC (OJ No. L355, 30.12.2002, p.45) amending Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;
- (b) Commission Directive 2004/103/EC (OJ No. L313, 12.10.2004, p.16) on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks;
- (c) Commission Directive 2004/105/EC (OJ No. L319, 20.10.2004, p.9) determining the models of phytosanitary certificates or phytosanitary certificates for re-export accompanying plants, plant products or other objects from third countries and listed in Council Directive 2000/29/EC;
- (d) Commission Directive 2005/16/EC (OJ No. L57, 3.3.2005, p.19) amending Annexes I to V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;
- (e) Commission Directive 2005/17/EC (OJ No. L57, 3.3.2005, p.23) amending certain provisions of Directive 92/105/EEC concerning plant passports;
- (f) Commission Decision 2005/260/EC (OJ No. L78, 24.3.2005, p.50) which comprises Decision No 2/2005 of the Joint Committee on Agriculture set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products concerning the amendments to the Appendices to Annex 4; and
- (g) Commission Decision 2005/870/EC (OJ No. L319, 7.12.2005, p.9) recognising Bulgaria as being free from *Clavibacter michiganensis* (Smith) Davis *et al.* spp. *sepedonicus* (Spieckerman and Kotthoff) Davis *et al.*

This Order comes into operation on 31st March 2006.

Part 2 of this Order imposes restrictions and requirements on relevant material imported into Northern Ireland from third countries, including material coming via another country in the European Community where the Department of Agriculture and Rural Development ("the Department") has agreed to inspect that material in Northern Ireland. "Relevant material" is defined in Article 2.

The principal controls are in Article 5, which contains general prohibitions and restrictions on relevant material being landed in Northern Ireland, Article 6, which requires importers to provide the Department with advance notice of landing of relevant material and Article 7, which imposes requirements for relevant material to be accompanied by a phytosanitary certificate. Article 8 exempts certain relevant material which is brought into Northern Ireland in a person's baggage from these prohibitions and requirements.

Article 9 imposes requirements relating to the contents, display and presentation of documents required to accompany relevant material.

Articles 10 to 12 provide that certain relevant material shall not be removed from an area of plant health control (defined in Article 10(2)) until, having satisfied himself as to the matters specified in Article 12, an inspector has discharged that material.

Articles 13 and 14 provide for an officer for Revenue and Customs to be able to detain relevant material from which an inspector considers a plant pest may spread.

Article 15 contains general requirements to be met by phytosanitary documentation.

Articles 16 to 18 introduce provisions to allow relevant material to be inspected at its place of destination provided that place is approved by the relevant authorities and the material is accompanied by a plant health movement document.

Part 3 of this Order contains the prohibitions and restrictions that apply to relevant material coming to Northern Ireland from another part of the European Community (which includes other parts of the United Kingdom) and on the movement of that material within Northern Ireland. The requirements for such material to be accompanied by a plant passport are imposed by Article 21.

Part 4 of this Order imposes a requirement on plant traders to be registered in respect of their activities (Articles 25 to 28) and provides for the Department to be able to authorise them to issue plant passports (Article 29).

Part 5 contains special arrangements governing trade in relevant material between Northern Ireland and Switzerland.

Part 6 contains general enforcement powers given to plant health inspectors.

Part 7 imposes additional requirements in respect of certain solanaceous species (potatoes and tomatoes).

Part 8 provides for the Department to be able to license activities that would otherwise be prohibited by this Order.

Part 9 imposes requirements to notify the presence of certain pests to the Department.

Part 10 contains offences for non-compliance with this Order or with requirements imposed under it (Article 44(1)); in relation to making statements or failing to disclose information for the purpose of procuring a plant health document (Article 44(3)) and for dishonestly issuing, altering or re-using a plant passport (Article 44(4)). (Contravention of any prohibition on landing imposed by this Order is an offence under the Customs and Excise Management Act 1979 (c. 2) and not under this Order.)

A person found guilty of an offence under this Order is liable on summary conviction to a fine of up to level 5 on the standard scale (Article 45).

A regulatory impact assessment has not been produced for this Order as it has no impact on the costs for business.