



STATUTORY INSTRUMENTS

S.I. No. 777 of 2007

EUROPEAN COMMUNITIES (CONTROL OF ORGANISMS HARMFUL
TO PLANTS AND PLANT PRODUCTS) (AMENDMENT) (No. 3)
REGULATIONS 2007

(Prn. A7/2149)

EUROPEAN COMMUNITIES (CONTROL OF ORGANISMS HARMFUL
TO PLANTS AND PLANT PRODUCTS) (AMENDMENT) (No. 3)
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I, MARY COUGHLAN, Minister for Agriculture Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Commission Directive 2005/16/EC of 2 March 2005¹, and Commission Directive 2007/41/EC of 28 June 2007², Commission Directive 2001/32/EC of 8 May 2001³ (as amended by Commission Directive 2002/29/EC of 19 March 2002⁴, Commission Directive 2003/21/EC of 24 March 2003⁵, Commission Directive 2003/46/EC of 4 June 2003⁶, Commission Directive 2004/32/EC of 17 March 2004⁷, Commission Decision 2004/522/EC of 28 April 2004⁸, Commission Directive 2005/18/EC of 2 March 2005⁹, Commission Directive 2006/36/EC of 24 March 2006¹⁰, Commission Decision 2007/212/EC of 2 April 2007¹¹ and Commission Directive 2007/40/EC of 28 June 2007¹²), and of giving full effect to Commission Decision 2006/133/EC of 13 February 2006¹³, Commission Decision 2007/365/EC of 25 May 2007¹⁴, Commission Decision 2007/410/EC of 12 June 2007¹⁵ and Commission Decision 2007/433/EC of 18 June 2007¹⁶, hereby make the following regulations—

1. These Regulations may be cited as the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 3) Regulations 2007.

2. The European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 (S.I. No. 894 of 2004), are amended—

(a) in Regulation 2(1),

(i) by the substitution for the definition of “Council Directive”, of—

¹O.J. No. L 57 of 03.03.2005, p.19

²O.J. No. L169 of 29.06.2007, p.51

³O.J. No. L127 of 09.05.2001, p.38

⁴O.J. No. L77 of 20.03.2002, p.26

⁵O.J. No. L78 of 25.03.2003, p.8

⁶O.J. No. L138 of 05.06.2003, p.45

⁷O.J. No. L85 of 23.03.2004, p.24

⁸O.J. No. L228 of 29.06.2004, p.18

⁹O.J. No. L57 of 03.03.2005, p.25.

¹⁰O.J. No. L88 of 25.03.2006, p.13

¹¹O.J. No. L94 of 04.04.2007, p.52

¹²O.J. No. L169 of 29.06.07, p.49

¹³O.J. No. L52 of 23.02.2006, p.34

¹⁴O.J. No. L139 of 31.05.2007, p.24

¹⁵O.J. No. L155 of 15.06.2007, p.71

¹⁶O.J. No. L161 of 22.06.2007, p.66

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 30th November, 2007.*

“ ‘Council Directive’ means Council Directive No. 2000/29/EC of 8 May 2000¹⁷, as amended by Commission Directive No. 2001/33/EC of 8 May 2001¹⁸, Commission Directive No. 2002/28/EC of 19 March 2002¹⁹, Commission Directive 2002/36/EC of 29 April 2002²⁰, Council Directive 2002/89/EC of 28 November 2002²¹, Commission Directive No. 2003/22/EC of 24 March 2003²², Commission Directive No. 2003/47/EC of 4 June 2003²³, Commission Directive 2003/116/EC of 4 December 2003²⁴, Commission Directive 2004/31/EC of 17 March 2004²⁵, Commission Directive 2004/70/EC of 28 April 2004²⁶, Commission Directive 2004/102/EC of 5 October 2004²⁷, Commission Directive 2004/103/EC of 7 October 2004²⁸, Commission Directive 2004/105/EC of 15 October 2004²⁹, Commission Directive 2005/77/EC of 11 November 2005³⁰, Commission Directive 2006/35/EC of 24 March 2006³¹, Commission Directive 2006/14/EC of 6 February 2006³², Commission Directive 2005/16/EC of 2 March 2005, and Commission Directive 2007/41/EC of 28 June 2007;”;

(ii) by the insertion after the definition of “Minister”, of—

“ ‘protected zone Directive’ means Commission Directive 2001/32/EC of 8 May 2001, as amended by Commission Directive 2002/29/EC of 19 March 2002, Commission Directive 2003/21/EC of 24 March 2003, Commission Directive 2003/46/EC of 4 June 2003, Commission Directive 2004/32/EC of 17 March 2004, Commission Decision 2004/522/EC of 28 April 2004, Commission Directive 2005/18/EC of 2 March 2005, of 2 April 2007 and Commission Directive 2007/40/EC of 28 June 2007;”;

(b) by the substitution, for Regulation 2(2) and (3), of—

“(2) A word or expression that is used in these Regulations in the Council Directive, the protected zones Directive or a Commission Decision cited in paragraph (3) has, in these Regulations the same

¹⁷O.J. No. L 169 of 10.07.2000, p.1

¹⁸O.J. No. L 127 of 09.05. 2001, p.42

¹⁹O.J. No. L 77 of 20.03.2002, p.23

²⁰O.J. No. L116 of 03.05.2002, p.16

²¹O.J. No. L 355 of 30.12.2002, p.45

²²O.J. No. L78 of 25.03.2003, p.10

²³O.J. No. L138 of 05.06.2003, p.47

²⁴O.J. No. L321 of 06.12.2003, p.36

²⁵O.J. No. L85 of 23.03.2003, p.18

²⁶O.J. No. L127 of 29.04.2004, p.97

²⁷O.J. No. L309 of 06.10.2004, p.9

²⁸O.J. No. L313 of 12.10.2004, p.16

²⁹O.J. No. L319 of 20.10.2004, p.9

³⁰O.J. No. L296 of 12.11.2005, p.17

³¹O.J. No. L88 of 25.03.2006, p.9

³²O.J. No. L34 of 07.02.2006, p.24

meaning as in the Directive or Decision in which the word or expression occurs.

(3) In these Regulations—

- (a) a reference to Part B of Annex III or a reference to Part B of Annex IV to the council Directive includes a reference to the annex to the protected zones Directive,
- (b) a reference to an organism is construed and has effect as if the reference includes a reference to—
 - (i) The pine wood nematode within the meaning of Commission Decision No. 2006/133/EC of 13 February 2006,
 - (ii) the specified organism within the meaning of Commission Decision No. 2007/365/EC of 25 May 2007,
 - (iii) the potato spindle tuber viroid within the meaning of Commission Decision No. 2007/410/EC of 12 June 2007, and
 - (iv) the specified organism within the meaning of Commission Decision No. 2007/433/EC of 18 June 2007.”,

(c) by the substitution, for Regulation 17(1), of—

“17(1) A person who contravenes—

- (a) Regulation 3(1), (3), 4, 5, 6, 7, 13(2), 14 or 15,
- (b) Article 2, 3, or 4 of Commission Decision No. 2007/365/EC of 25 May 2007,
- (c) Article 1 or 2 of Commission Decision No. 2007/410/EC of 12 June 2007, or
- (d) Article 2, 3 or 4 of Commission Decision No. 2007/433/EC of 18 June 2007,

commits an offence and is liable, on summary conviction, to a fine not exceeding €5,000 or to a term of imprisonment not exceeding 6 months or to both.”.

3. The following are revoked—

- (a) the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) Regulations 2005, (S.I. No. 110 of 2005),

- (b) the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 2) Regulations 2005, (S.I. No. 135 of 2005),
- (c) the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 3) Regulations 2005, (S.I. No. 238 of 2005),
- (d) the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) Regulations 2006, (S.I. No. 86 of 2006),
- (e) the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 2) Regulations 2006, (S.I. No. 277 of 2006),
- (f) the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) Regulations 2007, (S.I. No. 668 of 2007), and
- (g) the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 2) Regulations 2007, (S.I. No. 674 of 2007).



GIVEN under my Official Seal,
22 November 2007

MARY COUGHLAN.
Minister for Agriculture Fisheries and Food.

EXPLANATORY NOTE

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

These regulations provide measures to protect against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

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