L.N. 478 of 2004

PLANT QUARANTINE ACT, 2001
(ACT NO.XVIII OF 2001)
Harmful organism *Erwinia amylovora* Regulations, 2004

IN exercise of the powers conferred by article 32 of the Plant Quarantine Act, 2001, the Minister for Rural Affairs and the Environment has made the following regulations:

Title and scope

1. (1) The title of these regulations is the Harmful Organism *Erwinia Amylovora* Regulations, 2004.

(2) The scope of these Regulations is to implement the rules found under European Union Council Directive 2003/116/EEC amending Annexes II, III, IV and V to Council Directive 2000/29/EEC concerning the harmful organism *Erwinia Amylovora* (Burr.) Winsl et al :

Provided that the amendments made to Annexes II, III, IV and V of EU Council Directive 2000/29 are provided in the Schedule to these regulations.

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SCHEDULE

Annexes II, III, IV and V to Directive 2000/29/EC are amended as follows:
1. Annex II is amended as follows:

(a) In Part A, Section II, under heading (b), in point 3, the text in the right-hand column is replaced by the following:

'Plants 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., intended for planting, other than seeds';

(b) In Part B, under heading (b), in point 2, the entry in the second column is replaced by the following:

'Parts of plants, other than fruit, seeds and plants intended for planting, but including 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.'

2. In Part B of Annex III, in point 1, the entry in the first column is replaced by the following:

'Without prejudice to the prohibitions applicable to the plants listed in Annex IIIA (9), (9.1), (18), where appropriate, plants 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., other than fruit and seeds, originating in third countries other than those recognised as being free from *Erwinia amylovora* (Burr.) Winsl. *et al*. in accordance with the procedure laid down in Article 18(2), or in which pest free areas have been established in relation to *Erwinia amylovora* (Burr.) Winsl. *et al*. in accordance with the relevant International Standard for Phytosanitary Measures and recognised as such in accordance with the procedure laid down in Article 18(2)'.

3. Annex IV is amended as follows:

(a) Part A is amended as follows:

(i) In Section I, point 17 is replaced by the following:

'17. Plants 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., intended for planting, other than seeds.	Without prejudice to the provisions applicable to the plants listed in Annex III(A)(9), (9.1), (18), Annex III(B) or Annex IV) (A)(1)(15), where appropriate, official statement: (a) that the plants originate in countries recognized as being free from *Erwinia amylovora* (Burr) Winsl *et al.* in accordance with the procedure laid down in Article 18(2),

	or (b) that the plants originate in pest free areas which have been astablished in relation to *Erwinia amylovora* (Burr.) Winsl *et.al* in accordance with the relevant International Standard for Phytosanitary Measures and recognized as such in accordance with the procedure laid down in Article 18 (2) or (c) that the plants in the field of production and in tis immediate vicinity, which have shown symptoms of *Erwinia amylovora* (Burr.) Winsl *et al*, have been removed.'

(ii) In Section II, in point 9, the text in the left-hand column is replaced by the following:

'Plants 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. intended for planting, other than seeds';

b) In Part B, point 21 is replaced by the following:

'21 . Plants and live pollen for pollination of: *Amelanchier* Med, *Chaenomels* Lindl, *Cotoneaster* Ehrh, *Crataegus* L., Cydonia Mill, Eriobotrya Lindl, Malus Mill., Mespilus L., Photinia davidiana (Dene.) Cardot, Pyracantha Roem, Pyrus L and Sorbus L., other than fruits and seeds.	Without prejudice to the prohibitions applicable to the plants listed in Annex IIIA (9), (9.1) (1 8) and IIIB(1), where appropriate, official statement that: (a) the plants originate in third countries recognized as being free from *Erwinia amylavora* (Burr.) Winsl *et al* in accordance with the procedure laid down in Article 18 (2), 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 and recognized as such in accordance with the	E,F (Corsica), IRL, I (Abruzzi; Apulia, Basilicata; Calabria; Campania; Emilia- Romagna; provinces of Forli- Cesena, Parma, Piacenza and Rimini, Friuli-Venezia- Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto-Adige; autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Barruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Galba, Salara, and in the province of Padova thecommunes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano. Boara Pisani, Masi, and in the

	procedure laid down in Article 18 (2). or (c) the plants originate in the protected zones listed in the right-hand column 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 1 km inside the border of an officially designated "buffer zone" of at least 50 km^2 where host plants are subject to an officially approved and supervised control regime established at the latest before the beginning of the complete cycle of vegetation, with the object of minimizing the the risk of *Eriwinia 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 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	province of Verona the communes of Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrrazzo, Isola Rizza, Angiari) A (Burgenalnd, Carinthia, Lower Austria, Tirol (administrative district Lienz, Styria, Vienna,) P.FIN, UK (Northern Ireland, Isle of Man and Channel Islands)

	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. These 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 , an official inspection carried out at least: - twice in the field at the most appropriate time i.e once during June to 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	

	inspections in accordance with an appropriate laboratory method on samples officially drawn at the most appropriate period. Between 1 April 2004 and 1 April 2005, these provisions shall not apply to plants moved into and within the protected zones listed in the right-hand column which have been produced and maintained on fields located in officially designated "buffer zones", according to the relevant requirements applicable before 1 April 2004.	
21.1 From 15 March to 30 June, beehives	There shall be documented evidence that the beehives: (a) originate in third countries recognized as being free from *Erwinia amylovora* (Burr) Winsl *et al* in accordance with the procedure laid down in Aritcle 18 (2), or (b) originate in the protected zones listed in the right-hand column, or (c) have undergone an appropriate quarantine measure before being moved.	E,F (Corsica), IRL, I (Abruzzi; Apulia, Basilicata; Calabria; Campania; Emilia- Romagna; provinces of Forli- Cesena, Parma, Piacenza and Rimini, Friuli-Venezia- Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto-Adige; autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Barruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Galba, Salara, and in the province of Padova thecommunes Castelbaldo, Barbona, Piacenza

		d'Adige, Vescovana, S. Urbano. Boara Pisani, Masi, and in the province of Verona the communes of Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrrazzo, Isola Rizza, Angiari) A (Burgenalnd, Carinthia, Lower Austria, Tirol (administrative district Lienz, Styria, Vienna,) P.FIN, UK (Northern Ireland, Isle of Man and Channel Islands)

4. Annex V is amended as follows:
(a) Part A is amended as follows:
(i) Under heading I, point 1.1 is replaced by the following:
'1.1 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. and *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L.';

(ii) Under heading II, points 1.3 and 1.4 are replaced by the following:
'1.3 Plants, other than fruit and 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. and *Sorbus* L.;

1.4 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. and *Sorbus* L.';

(b) Under heading II of Part B, points 3 and 4 are replaced by the following:
'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. and *Sorbus* L.;

4. Parts of plants, other than fruit and 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. and *Sorbus* L.'

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