L.N. 100 of 2009

PLANT QUARANTINE ACT
(CAP. 433)

Plant Quarantine (Harmful Organisms) (Amendment) (No. 2) Regulations, 2009

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

Title and scope.

1. (1) The title of these regulations is the Plant Quarantine (Harmful Organisms)(Amendment) (No. 2) Regulations, 2009 and they shall be read and construed as one with the Plant Quarantine (Harmful Organisms) Regulations, 2004, hereinafter referred to as "the principal regulations".

L.N. 97 of 2004.

(2) The scope of these regulations is to transpose Commission Directive 2009/7/EC of 10 February, 2009 amending Directive 2000/29/EC.

Amends Schedule I to the principal regulations.

2. Schedule I to the principal regulations shall be amended as follows:

(a) in Part A, Section I, under heading (a) thereof, shall be amended as follows:

(i) immediately after point 10. there shall be added the new point 10.0 as follows:

"10.0 *Dendrolimus sibiricus* Tschetverikov";

(ii) for the words "10.4 *Diubrotica virgifera* Le Conte", there shall be substituted the words "10.4 *Diabrotica virgifera zeae* Krysan & Smith";

(iii) immediately after point 19 thereof, there shall be added the new point 19.1 as follows:

"19.1. *Rhynchophorus palmarum* (L.)"; and

(b) immediately after heading (a) under Section II, and before point 1., there shall be added the following words:

'0.1. *Diabrotica virgifera virgifera* Le Conte'.

Amends Schedule II to the principal regulations.

3. Schedule II to the principal regulations shall be amended as follows:

(a) in Part A, Section I -

(i) heading (a) thereof shall be amended as follows:

(1) immediately after point 1 there shall be added the following new point 1.1 as follows:

"1.1. *Agrilus planipennis* Fairmaire	Plants intended for planting, other than plants in tissue culture and seeds, wood and bark of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA";

(2) point 24 thereof shall be deleted;

(3) immediately after point 28 thereof, there shall be added the following new point:

"28.1. *Scrobipalpopsis solanivora* Povolny	Tubers of *Solanum tuberosum* L.";

(ii) heading (c) thereof shall be amended as follows:

(a) immediately after point 1.4 there shall be added the following new point:

"14.1. *Stegophora ulmea* (Schweinitz: Fries) Sydow & Sydow	Plants of *Ulmus* L. and *Zelkova* L., intended for planting, other than seeds"; and

(iii) heading (d) thereof shall be amended as follows:

(a) immediately after point 5 thereof, there shall be added the following new point:

"5.1. Chrysanthemum stem necrosis virus	Plants of *Dendranthema* (DC.) Des Moul. and *Lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting, other than seeds"; and

(b) heading (a) of Section II thereof, shall be amended as follows:

(i) immediately after point 6 thereof, there shall be added the following new points:

"6A. *Eutetranychus orientalis* Klein	Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruit and seeds
6B. *Helicoverpa armigera* (Hübner)	Plants of *Dendranthema* (DC.) Des Moul, *Dianthus* L., *Pelargonium* l'Hérit. ex Ait. and of the family *Solanaceae*, intended for planting, other than seeds
6C. *Parasaissetia nigra* (Nietner)	Plants of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruit and seeds"; and

(ii) immediately after point 9 thereof, there shall be added the following new point 10 as follows:

"10. *Paysandisia archon* (Burmeister)	Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.".

4. Part A of Schedule IV to the principal regulations shall be amended as follows:

Amends Schedule IV to the principal regulations.

(a) in Section I thereof -

(i) immediately after point 2.2 thereof, there shall be added the following new points:

"2.3. Whether or not listed among CN codes in Schedule V, Part B, wood of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., other than in the form of — chips, obtained in whole or part from these trees, — wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, actually in use in the transport of objects of all kinds, — wood used to wedge or support non-wood cargo, but including wood which has not kept its natural round surface, originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	Official statement that the wood: (a) originates in an area established by the national plant protection organisation in the country of export as being free from *Agrilus planipennis* Fairmaire in accordance with the relevant International Standards for Phytosanitary Measures; or (b) is squared so as to remove entirely the round surface.
2.4. Whether or not listed among CN codes in Schedule V, Part B, wood in the form of chips obtained in whole or part from *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc. originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	Official statement that the wood: (a) originates in an area established by the national plant protection organisation in the country of export as being free from *Agrilus planipennis* Fairmaire in accordance with the relevant International Standards for Phytosanitary Measures; or (b) has been processed into pieces of not more than 2,5 cm thickness and width.
2.5. Isolated bark of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc. originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	Official statement that the isolated bark: (a) originates in an area established by the national plant protection organisation in the country of export as being free from *Agrilus planipennis* Fairmaire in accordance with the relevant International Standards for Phytosanitary Measures; or (b) has been processed into pieces of not more than 2,5 cm thickness and width."; ";

(ii) immediately after point 11.3 thereof, there shall be added the following new point 11.4:

"11.4. Plants of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., intended for planting, other than seeds and plants in tissue culture originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	Official statement that the plants: (a) have been grown throughout their life in an area free from *Agrilus planipennis* Fairmaire, established by the national plant protection organisation in accordance with relevant International Standards for Phytosanitary Measures; or (b) have, for a period of at least two years prior to export, been grown in a place of production where no signs of *Agrilus planipennis* Fairmaire have been observed during two official inspections per year carried out at appropriate times, including immediately prior to export.";

(iii) under the heading "Special requirements" in point 14 thereof, for the words "Official statement that no symptoms of Elm phloem necrosis mycoplasm have been observed at the place of production or its immediate vicinity since the beginning of the last complete cycle of vegetation." there shall be substituted the words "Without prejudice to the provisions applicable to the plants in Schedule IV (A)(I)(11.4), official statement that no symptoms of Elm phlöem necrosis mycoplasm have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.";

(iv) immediately after point 25.4 thereof, there shall be added the following new points:

"25.4.1. Tubers of *Solanum tuberosum* L., other than those intended for planting	Without prejudice to the provisions applicable to tubers listed in Schedule III(A)(12) and Schedule IV(A)(I)(25.1), (25.2) and (25.3), official statement that the tubers originate in areas in which *Pseudomonas solanacearum* (Smith) Smith is not known to occur.
25.4.2. Tubers of *Solanum tuberosum* L.	Without prejudice to the provisions applicable to tubers listed in Schedule III(A)(10), (11) and (12) and Schedule IV(A)(I)(25.1), (25.2), (25.3), (25.4) and (25.4.1), official statement that:

	(a) the tubers originate in a country where *Scrobipalpopsis solanivora* Povolny is not known to occur; or (b) the tubers originate in an area free from *Scrobipalpopsis solanivora* Povolny, established by the national plant protection organisation in accordance with relevant International Standards for Phytosanitary Measures.”;

(v) point 25.8 shall be deleted;

(vi) immediately after point 28 thereof, there shall be added the following new point:

“28.1. Plants of *Dendranthema* (DC.) Des Moul. and *Lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting, other than seeds	Without prejudice to the requirements applicable to the plants listed in Schedule III(A)(13), Schedule IV(A)(I) (25.5), (25.6), (25.7), (27.1), (27.2) and (28), official statement that: (a) the plants have been grown throughout their life in a country free from Chrysanthemum stem necrosis virus; or (b) the plants have been grown throughout their life in an area established by the national plant protection organisation in the country of export as being free from Chrysanthemum stem necrosis virus in accordance with the relevant International Standards for Phytosanitary Measures; or
	(c) the plants have been grown throughout their life in a place of production, established as being free from Chrysanthemum stem necrosis virus and verified through official inspections and, where appropriate, testing.”; and

(vii) immediately after point 37 thereof, there shall be added the following new point 37.1:

"37.1. Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.	Without prejudice to the prohibitions applicable to the plants listed in Schedule III(A)(17) and the requirements listed in Schedule IV(A)(I)(37) official statement that the plants: (a) have been grown throughout their life in a country where *Paysandisia archon* (Burmeister) is not known to occur; or (b) have been grown throughout their life in an area free from *Paysandisia archon* (Burmeister), established by the national plant protection organisation in accordance with relevant International Standards for Phytosanitary Measures; or (c) have, during a period of at least two years prior to export, been grown in a place of production: — which is registered and supervised by the national plant protection organisation in the country of origin, and — where the plants were placed in a site with complete physical protection against the introduction of *Paysandisia archon* (Burmeister) or with application of appropriate preventive treatments, and — where, during three official inspections per year carried out at appropriate times, including immediately prior to export, no signs of *Paysandisia archon* (Burmeister) have been observed."; and

(b) in Section II thereof immediately after point 19 thereof, there shall be added the following new point:

"19.1. Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.	Official statement that the plants: (a) have been grown throughout their life in an area free from *Paysandisia archon* (Burmeister), established by the national plant protection organisation in accordance with relevant International Standards for Phytosanitary Measures; or (b) have, during a period of at least two years prior to movement, been grown in a place of production: — which is registered and supervised by the responsible official body in the Member State of origin, and — where the plants were placed in a site with complete physical protection against the introduction of *Paysandisia archon* (Burmeister) or with application of appropriate preventive treatments, and — where, during three official inspections per year carried out at appropriate times, no signs of *Paysandisia archon* (Burmeister) have been observed.".

Amends Schedule V to the principal regulations.

5. Schedule V to the principal regulations shall be amended as follows:

(a) in Part A item I thereof, immediately after point 2.3 thereof, there shall be added the following new point:

"2.3.1. Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.";

(b) in Part B item I thereof, there shall be added the following new indents:

(i) the following third indent is added to point 5:

'— *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA.' and

(ii) the following sixth indent is added to point 6(a):

'— *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., including wood which has not kept its natural round surface, originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA.'; and

(c) for the words

"ex 4407 99	Non-coniferous wood (other than tropical wood specified in subheading note 1 to Chapter 44 or other tropical wood, oak (*Quercus* spp.) or beech (*Fagus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm"

there shall be substituted the words

"ex 4407 93	Wood of *Acer saccharum* Marsh, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 95	Wood of ash (*Fraxinus* spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
ex 4407 99	Non-coniferous wood (other than tropical wood specified in subheading note 1 to Chapter 44 or other tropical wood, oak (*Quercus* spp.), beech (*Fagus* spp.), maple (*Acer* spp.), cherry (*Prunus* spp.) or ash (*Fraxinus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm".