



STATUTORY INSTRUMENTS.

**S.I. No. 297 of 2012**



EUROPEAN COMMUNITIES (CONTROL OF ORGANISMS HARMFUL  
TO PLANTS AND PLANT PRODUCTS) (AMENDMENT) (NO. 2)  
REGULATIONS 2012

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I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving full effect to Commission Implementing Decision 2012/270/EU of 16 May 2012<sup>1</sup>, 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. 2) Regulations 2012 and may be construed together with the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 to 2012 and may be cited as the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 to 2012.

2. (1) In these Regulations “Principal Regulations” means the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 (S.I. No. 894 of 2004).

(2) A word or expression that is used in Council Directive 2000/29/EC of 8 May 2000 and is also used in these Regulations has, in these Regulations the same meaning as it has in the Council Directive.

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

4. A person shall not introduce into the State, or move within the State, tubers of *Solanum tuberosum L.*, unless they comply with the conditions of Commission Implementing Decision 2012/270/EU of 16 May 2012.

5. A person who intends to introduce tubers of *Solanum tuberosum L.*, into the State shall—

(a) satisfy the requirements laid down in Articles 2 or 3 of Commission Implementing Decision 2012/270/EU of 16 May 2012, and

(b) notify the Department of Agriculture, Food and the Marine in writing at least two days in advance of the proposed date of introduction if the tubers originate in a country other than a Member State, giving

<sup>1</sup>O.J. No.L132 of 23.05.2012, p.18

full particulars (including the proposed point and date of entry and the intended use) of each consignment.

6. Regulation 17(1) of the Principal Regulations is amended by substituting for the following—

“17. (1) A person who contravenes these Regulations, the Council Directive, the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) Regulations 2012 or European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 2) Regulations 2012 is guilty of an offence and liable on conviction to a Class A fine.”.



Given under my Official Seal,  
19 July 2012.

SIMON COVENEY,  
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

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

These Regulations provide updated measures to protect against the introduction into the Community of *Epitrix cucumeris* (Harris) *Epitrix similaris* (Gentner), *Epitrix subcrinta* (Lec.) and *Epitrix tuberis* (Gentner) and against its spread within the Community.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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