

**Statutory Instruments**

**S.I. No. 238 of 2005**

**European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 3) Regulations 2005**

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**S.I. No. 238 of 2005**

**European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 3) Regulations 2005**

I, Mary Coughlan, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving effect to Commission Directive 2005/16/EC of 2 March 2005<sup>1</sup>, Commission Directive 2005/17/EC of 2 March 2005<sup>2</sup> and Commission Directive 2005/18/EC of 2 March 2005<sup>3</sup> hereby make the following Regulations-

1. (1) These Regulations may be cited as the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 3) Regulations 2005 and come into operation on 15 May 2005.

(2) The European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 (S.I. No. 894 of 2004), the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) Regulations 2005 (S.I. No. 110 of 2005), the European Communities (Control of Organisms Harmful to Plants and Plant Products) (Amendment) (No. 2) Regulations 2005 (S.I. No. 135 of 2005) and these Regulations may be cited together and shall be construed together as one.

2. Regulation 2(1) of the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 (S.I. No. 894 of 2004) is amended by substituting for the definition of "Council Directive" the following definition:

" 'Council Directive' means Council Directive No. 2000/29/EC of 8 May 2000 as amended by Commission Directive No. 2001/33/EC of 8 May 2001, Commission Directive No. 2002/28/EC of 19 March 2002, Commission Directive No. 2002/36/EC of 29 April 2002, Council Directive No. 2002/89/EC of 28 November 2002, Commission Directive No. 2003/22/EC of 24 March 2003, Commission Directive No. 2003/47/EC of 4 June 2003, Commission Directive No. 2003/116/EC of 4 December 2003, Commission Directive No. 2004/31/EC of 17 March 2004, Commission Directive No.

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<sup>1</sup> O.J. No. L. 57 3.3.2005, p. 19

<sup>2</sup> O.J. No. L. 57 3.3.2005, p. 23

<sup>3</sup> O.J. No. L. 57 3.3.2005, p. 25

2004/32/EC of 17 March 2004, Commission Directive No. 2004/70/EC of 28 April 2004, Commission Directive No. 2004/103/EC of 7 October 2004, Commission Directive No. 2004/105/EC of 15 October 2004, Commission Directive No. 2004/102/EC of 5 October 2004 and Council Directive 2005/15/EC of 28 February 2005, Commission Directive 2005/16/EC of 2 March 2005, Commission Directive 2005/17/EC of 2 March 2005 and Commission Directive 2005/18/EC of 2 March 2005;”

**GIVEN under my official seal  
this 10<sup>th</sup> day of May 2005**

L.S.

Mary Coughlan  
Minister for Agriculture and Food

#### EXPLANATORY NOTE

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

These Regulations are amended by the following:

Commission Directive 2005/16/EC amends 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;

Commission Directive 2005/17/EC amends certain provisions of Directive 92/105/EEC concerning plant passports;

and

Commission Directive 2005/18/EC amends Directive 2001/32/EC as regards certain protected zones exposed to particular plant health risks in the Community.