
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 184

The Plant Health Order (Northern Ireland) 2018

PART 2

Imports from third countries

Plant health discharge

12.—(1) An inspector may discharge notifiable relevant material from its area of plant health control if the inspector is satisfied—

- (a) that the relevant material is free from any plant pest of a description specified in Part A or B of Schedule 1;
- (b) in the case of relevant material in the course of its consignment to a protected zone, that the relevant material is free from any plant pest listed in respect of that protected zone in the first column of Annex I to Regulation (EC) No. 690/2008;
- (c) in the case of relevant material of a description specified in column 2 of Schedule 2, that the relevant material is not carrying or infected with a plant pest of a description specified in any entry in respect of that description of relevant material in column 3 of Schedule 2;
- (d) in the case of relevant material which is listed in the second column of Annex II Part B and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pests listed in respect of that relevant material in the first column of Annex II Part B, that the relevant material is not carrying or infected with the plant pests;
- (e) in the case of relevant material listed in Annex III Part B to Directive 2000/29/EC, that the relevant material is not in the course of being consigned to a protected zone for *Erwinia > amylovora* (Burr) Winsl et al.;
- (f) in the case of relevant material of a description specified in column 2 of Part A or C of Schedule 4, that the relevant material complies with the requirements specified in the entries in respect of that description of relevant material in column 3 of Part A or C of Schedule 4 and, where there is one or more alternative requirement in any such entry, the requirement declared in the phytosanitary certificate or phytosanitary certificate for re-export;
- (g) in the case of relevant material which is listed in the first column of Annex IV Part B and in the course of its consignment to a protected zone that is recognised as a protected zone for the plant pests specified in the entries in respect of that relevant material in the second column of Annex IV Part B, that the relevant material complies with the requirements listed in respect of those entries and, where there is one or more alternative requirement in any such entry, the requirement declared in the phytosanitary certificate or phytosanitary certificate for re-export;
- (h) that the relevant material corresponds with the description given to it in the phytosanitary certificate or phytosanitary certificate for re-export; and

- (i) that the relevant material is accompanied by the phytosanitary certificate or phytosanitary certificate for re-export required under article 7 and, where appropriate, by a plant health movement document.
- (2) An inspector may, for the purpose of being satisfied as to the matters referred to in paragraph (1)(a) to (g), carry out an examination of a consignment of relevant material and its packaging and, where necessary, the vehicle transporting the consignment.
- (3) An inspector may, for the purpose of being satisfied as to the matters referred to in paragraph (1)(h), carry out an examination of a consignment of relevant material to determine whether it corresponds to its description in the documents that accompany it.
- (4) In the case of notifiable relevant material which is in the course of its consignment to another part of the European Union and is subject to an agreement between the Department and the official body of destination in relation to its consignment to its final place of destination, the inspector need only be satisfied as to the matters referred to in paragraph (1)(i) and any other matters referred to in paragraph (1)(a) to (h) which are the Department's responsibility under the agreement.
- (5) In the case of EU transit goods which are subject to an agreement between the Department and the official body of entry for those goods, the inspector need only be satisfied as to those matters referred to in paragraph (1)(a) to (h) which are the Department's responsibility under the agreement.
- (6) Where the inspector is satisfied that the relevant material may be discharged from its area of plant health control, the inspector must—
 - (a) stamp the phytosanitary certificate or phytosanitary certificate for re-export relating to the relevant material with the official stamp of the Department and the date on which the certificate was delivered in accordance with article 9(1); and
 - (b) where applicable, complete the relevant headings of the plant health movement document.
- (7) An inspector may, for the purpose of performing a plant health check, require the occupier or other person in charge of the premises in which the check is to take place to provide—
 - (a) where appropriate, suitable areas of inspection;
 - (b) adequate lighting; and
 - (c) inspection tables.
- (8) In this article—
 - (a) “examination”, in relation to a consignment of relevant material, means an examination of the consignment in its entirety or on the basis of one or more representative samples from the consignment or from each lot forming part of the consignment;
 - (b) “lot” has the same meaning as in Article 2(1)(o) of [Directive 2000/29/EC](#).