

DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

LICENCE UNDER SECTION 16 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981 FOR THE RELEASE OF *HETERORHABDITIS BACTERIOPHORA* IN COMBINATION WITH *STEINERNEMA CARPOCAPSAE* AND *STEINERNEMA FELTIAE* AS THE PRODUCT "SUPERNEMOS2"

NN-BCA\11\12 S SUPPLIER'S LICENCE (Revised)

The Secretary of State, in exercise of the powers conferred on her by section 16(4)(C) and section 16(5) of the Wildlife and Countryside Act 1981 ("the 1981 Act") and of all other powers enabling her in that behalf, hereby grants the following licence –

1. This licence applies in respect of the animal species known as *Heterorhabditis bacteriophora* (Phylum: Nemata; Order: Rhabditida; Family: Heterorhabditidae) in this licence referred to as "*H. bacteriophora*", when placed on the market in combination with the nematodes *Steinernema carpocapsae* and *Steinernema feltiae* only, as the product 'SuperNemos', in this licence referred to as "SuperNemos2".
2. Subject to the conditions in paragraph 3 below, section 14(1) of the 1981 Act does not apply to Nemos Horticulture Ltd whose office is at 37 Woodlands Rise, Arklow, County Wicklow, Ireland ("the Company"), accidentally releasing SuperNemos2 or allowing SuperNemos2 to escape into the wild in consequence of –
 - a) the research and development by the Company with SuperNemos2 or
 - b) the supply of SuperNemos2 by the Company for the purpose of applying SuperNemos2 to control vine weevil (*Otiorhynchus sulcatus*), wireworms (*Agriotes lineatus*), strawberry root weevil (*Otiorhynchus ovatus*), carrot fly maggots (*Psila rosae*), chafer grubs (*Melolontha melolontha*), cutworms (larvae of the turnip moth, *Agrotis segetum*), leatherjackets (*Tipula paludosa*), cabbage worm (larvae of *Pieris rapae*), larvae of the family Sciaridae ("the pests") on soft fruit, vegetable crops and turf in commercial nurseries and private gardens.
3. This licence is granted subject to the following conditions –
 - a) this licence only applies in respect of disease-free SuperNemos2;
 - b) *H. bacteriophora* and *S. carpocapsae* used in the product known as SuperNemos2 must be sourced from a company that holds a licence for the release of *H. bacteriophora* and *S. carpocapsae* in England, issued under Section 16 of the Wildlife and Countryside Act 1981. The Company will provide the Secretary of State with a copy of this licence before any release of SuperNemos2 takes place. If the Company acquires *H. bacteriophora* and/or *S. carpocapsae* from a new source, the Company will immediately notify the Secretary of State in writing and will provide a copy of the new Supplier's licence for the release of *H. bacteriophora* and *S. carpocapsae* in England, as above;
 - c) if there is evidence that SuperNemos2 has become established in the environment in the vicinity of any premises used for research and development with SuperNemos2, the Secretary of State shall be notified immediately (and any notification not in writing shall be confirmed in writing);

- d) the total number of individual nematodes of the species *H. bacteriophora* (licensed as described in point (3b) above) released for control of the pests in an individual crop shall not exceed a total of 500,000 nematodes per square metre per year.
- e) at the time when the Company supplies SuperNemos2 the Company shall also supply a copy of the current Grower's Licence and its current instructions for the application of SuperNemos2 for the control of the pests in soft fruit, vegetable crops and turf and those instructions shall specify the rate of application of SuperNemos2;
- f) at the time when the Company supplies SuperNemos2 the Company shall also supply a copy of its grower's guidelines and monitoring protocols designed to minimise the escape of SuperNemos2 to the wild;
- g) if there is evidence that SuperNemos2 has caused damage to crops in soft fruit, vegetable crops and/or turf the Secretary of State shall be notified immediately (and any notification not in writing shall be confirmed in writing);
- h) before any releases take place, the Company shall also supply the Secretary of State with written confirmation that a representative sample of SuperNemos2 has been deposited in a recognised nematode taxonomic collection.
- i) The Company shall supply the Secretary of State with a written report containing detailed information on the releases and monitoring of SuperNemos2 by 31st December 2012:
 - i. confirmation that the Licensee's cultures of SuperNemos2 were disease and parasite free;
 - ii. details of where releases of SuperNemos2 have taken place annually and the numbers of units released at each site;
 - iii. an assessment of the impact of SuperNemos2 on target and non-target organisms at each release site, and the basis for this assessment;
 - iv. the extent of any movement of SuperNemos2 from the sites of release.

3. This licence shall be valid until 31st December 2012 subject to prior modification or revocation at any time.

Signed *Sarah Hugo*

SARAH HUGO

(Authorised by the Secretary of State for Environment, Food and Rural Affairs to sign in that behalf)

Date *15th February 2012*

Licence Application Reference Number NN-BCA\11\12 S