



STATUTORY INSTRUMENTS.

S.I. No. 374 of 2024

EUROPEAN UNION (INVASIVE ALIEN SPECIES) REGULATIONS 2024

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EUROPEAN UNION (INVASIVE ALIEN SPECIES) REGULATIONS 2024

I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purposes of giving full effect to Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014¹, hereby make the following regulations:

PART 1
PRELIMINARY AND GENERAL

Citation

1. These Regulations may be cited as the European Union (Invasive Alien Species) Regulations 2024.

Interpretation

2. (1) In these Regulations –

“appeals officer” means a person referred to in Regulation 22 and 23;

“authorised officer” means a person appointed under Regulation 4;

“emergency requirement” means a requirement by the Minister under Regulation 12;

“EU Regulation” means Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014¹ on the prevention and management of the introduction and spread of invasive alien species;

“Minister” means the Minister for Housing, Local Government and Heritage;

“records” means any books, accounts, documents or other recorded information including information recorded electronically or in other non-legible form;

“vector materials” are materials which act as a conduit for the importation or spread of invasive alien species.

(2) A word or expression that is used in these Regulations and is also used in the EU Regulations shall have in these Regulations the same meaning as it has in the EU Regulations unless the contrary intention appears.

(3) A reference in these Regulations to an Article is a reference to an Article of the EU Regulation.

¹ OJ No. L 317, 4.11.2014, p. 35

PART 2

COMPETENT AUTHORITIES AND AUTHORISED OFFICERS

Competent authorities

3. (1) Subject to paragraph (2), the competent authority in the State for the purposes of these Regulations and the EU Regulation is the Minister.

(2) In respect of the activities specified in Article 15, the competent authority in the State is the Minister for Agriculture, Food and the Marine and the Office of the Revenue Commissioners.

Appointment of authorised officers

4. (1) The Minister or the Minister for Agriculture, Food and the Marine may appoint in writing such and so many persons as he or she thinks fit to be authorised officers for the purposes of these Regulations.

(2) The appointment of an authorised officer may be for a specified or an unspecified period or for a specified purpose.

(3) The Minister or the Minister for Agriculture, Food and the Marine, as the case may be, shall provide every authorised officer with a certificate of appointment as such.

(4) An authorised officer shall be furnished with a warrant of his or her appointment and, when exercising any power conferred on him or her under these Regulations, an authorised officer shall, if requested by any person thereby affected, produce the warrant or a copy of it to that person for inspection.

(5) The appointment of an authorised officer made under this Regulation ceases where –

- (a) the Minister or the Minister for Agriculture, Food and the Marine, as the case may be, revokes the appointment, at the time of revocation,
- (b) the person resigns, at the time of resignation,
- (c) the appointment is for a specified period, at the end of that period,
- (d) the appointment is for a specified purpose, on the completion of that purpose, or
- (e) if the person appointed is, when appointed, an officer of the Minister or the Minister for Agriculture, Food and the Marine, when the person ceases to be such an officer.

(6) A person designated as an inspector under Regulation 12 of the European Communities (Licensing and Inspection of Zoos) Regulations 2003 (S.I. No. 440 of 2003) shall stand appointed as an authorised officer for the purposes of these Regulations as if he or she was appointed by the Minister under paragraph (1).

Powers of authorised officers

5. (1) An authorised officer may, for the purposes of ensuring that these Regulations and the EU Regulation are being complied with and for the purposes of monitoring compliance with any permits, authorisations etc. granted under these Regulations –

- (a) subject to Regulation 6, at all reasonable times enter any premises, place or vehicle at which there are reasonable grounds to believe that –
 - (i) an invasive alien species is, may be or has been present,
 - (ii) a record relating to an invasive alien species is, may be or has been present, or
 - (iii) equipment or other thing used in connection with an invasive alien species is, may be or has been present,
- (b) examine and carry out tests on any invasive alien species, record, equipment or thing,
- (c) secure for later inspection any premises, place or vehicle in which such invasive alien species, record, equipment or thing are kept or there are reasonable grounds for believing that such species, record, equipment or thing are kept,
- (d) require any person in charge of or employed in such premises, place or vehicle to produce to the authorised officer such books, documents or records (and in the case of such information in a non-legible form to reproduce it in a permanent legible form) that are in the person's power or control or to give to the authorised officer such information as the authorised officer may reasonably require in relation to any entries in such records,
- (e) inspect and take copies of or extracts from any such books, documents or records (including in the case of information in non-legible form a copy of or extract from such information in a permanent legible form),
- (f) take photographs at the premises or place of any such invasive alien species, record, equipment or thing,
- (g) remove and retain, where the authorised officer has reasonable cause to suspect that there has been a contravention of these Regulations, the invasive alien species, record, equipment or thing for further examination or until the conclusion of any legal proceedings,
- (h) require any person in charge of the premises, place or vehicle, or any person who appears to the authorised officer to be in possession of the invasive alien species, record, equipment or thing to supply without payment, for test, examination or analysis sufficient samples thereof,
- (i) require any person at such place or premises or in such vehicle, to give the authorised officer such information and assistance as

the authorised officer may reasonably require for the purposes of performing his or her functions,

- (j) monitor activities at such place or premises or require that land, premises or objects be left undisturbed for a specified period,
- (k) remove and destroy an invasive alien species, without payment or require the owner or person in charge of an invasive alien species to destroy it in a manner specified by the officer, and
- (l) direct a person to make such alterations to or in a place, premises or vehicle, as the authorised officer considers reasonable, to prevent the release into the environment of an invasive alien species.

(2) When performing a function under these Regulations, an authorised officer may, subject to any warrant under Regulation 6, be accompanied by such number of other authorised officers and members of the Garda Síochána, as he or she considers appropriate.

(3) A person who obstructs or interferes with an authorised officer or a member of the Garda Síochána in the course of exercising a power conferred on him or her by these Regulations or by a warrant under Regulation 6 or who impedes the exercise by the officer or member, as the case may be, of such power commits an offence and is liable on summary conviction to a class A fine.

(4) A person who fails or refuses to comply with a requirement of an authorised officer or a member of the Garda Síochána pursuant to subparagraph (d) or (i) of paragraph (1), or in purported compliance with such requirement gives information or makes a declaration to the authorised officer or member that he or she knows to be false or misleading in any material respect commits an offence and is liable on summary conviction to a class A fine.

(5) A statement or admission made by a person pursuant to a requirement under subparagraph (d) or (i) of paragraph (1) shall not be admissible as evidence in proceedings brought against the person for an offence (other than an offence under paragraph (4)).

Search warrant – authorised officer

6. (1) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling unless he or she has obtained a warrant from the District Court under this Regulation.

(2) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for suspecting that invasive alien species, records, equipment or other thing required by an authorised officer under these Regulations is or are held at any place, the judge may issue a warrant authorising an authorised officer, accompanied by such other authorised officers or members of the Garda Síochána as may be necessary, at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter and search the place using reasonable force where necessary, and exercise all or any of the powers conferred on an authorised officer under these Regulations.

Powers of Garda Síochána – roadside

7. (1) For the purposes of enforcing these Regulations and the EU Regulation, a member of the Garda Síochána may direct the driver of a moving vehicle which he or she has reasonable grounds for believing is being used for carriage of invasive alien species or equipment or things used in connection with such species, to stop the vehicle for the purposes of an inspection and search to be carried out the member, accompanied by such authorised officers as may be necessary.

(2) For the purposes of enforcing these Regulations and the EU Regulation, a member of the Garda Síochána may –

- (a) require a vehicle that is stationary to be moved to a specified location within its immediate vicinity, and
- (b) detain a vehicle during such time as is required for the member, accompanied by such number of authorised officers as may be necessary, to exercise his or her or their powers under these Regulations and the EU Regulation.

PART 3
RESTRICTIONS AND PERMITS

Invasive alien species of Union concern – offence to breach restrictions

8. (1) Subject to the permit system specified in Regulation 9, a person who breaches Article 7(1) commits an offence and shall be liable –

- (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or
- (b) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or to both.

Publication of invasive alien species of Union concern

9. (1) The Minister shall, as soon as practicable following the inclusion, pursuant to Article 4, of an invasive alien species on a list of invasive alien species of Union concern, publish notice of the inclusion of the species concerned on the list.

(2) The notice referred to in paragraph (1) shall be published –

- (a) in one daily national newspaper published in the State and in at least one local or regional newspaper, and
- (b) on the website of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage.

Permits

10. (1) A person under the control of an establishment which has received a permit in accordance with this Regulation may carry out an activity referred to in Article 7(1)(a), (b), (c), (d), (f) or (g) for the purposes of allowing the establishment to carry out research on, or ex-situ conservation of, an invasive alien species of Union concern.

(2) An establishment (in this Regulation referred to as “applicant”) that is involved in nature conservation, research or the advancement of human health may apply in writing to the Minister and in such form as may be specified by the Minister, for a permit (in these Regulations known as a “Regulation 10 permit”) to carry out research on, or ex-situ conservation of, an invasive alien species of Union concern.

(3) An application under paragraph (2) shall specify the invasive alien species concerned and shall be accompanied by –

- (a) evidence of what measures the applicant has in place to ensure that the conditions specified in Article 8(2) and (3) are fulfilled,
- (b) a containment plan outlining how the applicant proposes to monitor the invasive alien species,
- (c) a risk management plan, and
- (d) an eradication plan outlining measures to be taken by the applicant in the event of –
 - (i) an escape or spread of the invasive alien species, and
 - (ii) the disposal of the invasive alien species following expiration of the permit.

(4) Where the Minister is of the view that further information is required to decide upon the application, he or she may require the applicant to produce, within such time as may be specified by the Minister, such additional information or clarification as may be reasonably required.

(5) In considering an application, the Minister may consult with –

- (a) another Minister,
- (b) a public authority,
- (c) a competent authority in another Member State,
- (d) the European Commission, or
- (e) any other person the Minister considers appropriate.

(6) In considering whether to grant a Regulation 10 permit, the Minister shall have regard to –

- (a) whether the information provided in the application is complete and any additional information or clarification requested has been provided,
- (b) whether the applicant has the necessary processes and personnel in place to meet the requirements of Article 8(2) and (3), and
- (c) the results of any consultation which the Minister may have carried out under this Regulation.

(7) Having considered an application in accordance with this Regulation, the Minister shall, within 28 days of the receipt of the application, or the receipt of the additional information or clarification that may be required under paragraph (4), whichever is the later –

- (a) grant a permit which sets out the particulars in respect of the matters provided for in Article 8(2),
- (b) grant a permit as specified in paragraph (a) subject to such conditions as the Minister considers appropriate, or
- (c) refuse a permit.

(8) The Minister shall notify the applicant in writing of his or her decision under paragraph (7) and in the case of a decision to grant a permit shall specify a commencement and an expiry date.

(9) The Minister may revoke or suspend a permit if –

- (a) unforeseen events with an adverse impact on biodiversity or related ecosystem services occur,
- (b) the establishment fails to act in accordance with the plans submitted as part of its application for the permit,
- (c) the establishment breaches any terms, conditions or restrictions included in the permit, or
- (d) the establishment commits an offence under these Regulations.

(10) Where the Minister takes an action under paragraph (9), he or she shall notify the applicant in writing and specify his or her reasons.

(11) On application in writing by the establishment concerned, not less than 3 months prior to the expiry of the permit, the Minister may, if he or she thinks fit, on one occasion, extend the period of validity of the permit and such period of extension shall be no longer in duration than that specified in the original grant.

(12) The application referred to in paragraph (11) shall set out the reasons for which the establishment concerned seeks an extension.

(13) In considering whether to grant an extension, the Minister may request such further information, clarification or documentation as the Minister considers necessary.

(14) Where an establishment wishes to make changes or adjustments to any of the plans submitted to the Minister, the establishment shall seek the approval of the Minister before making such changes.

(15) Where an unexpected event has occurred which has an impact or which may have an impact on the invasive alien species or on the manner in which it is managed in accordance with the permission granted, the establishment shall immediately inform the Minister.

(16) Where an escape or spread of an invasive alien species of Union concern occurs, an establishment to which this Regulation applies shall –

- (a) immediately carry out the relevant measures contained in its eradication plan, and

- (b) without delay notify the Minister of the escape or spread and the measures that the establishment has taken.
- (17) Where the Minister grants a permit or grants an extension to a permit, he or she shall, with due regard to the extrication of any commercially sensitive information, publish notice of that fact on the website of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage along with –
- (a) any conditions attached to the permit,
 - (b) the document specified in Article 8(6), and
 - (c) the information specified in Article 8(7).
- (18) A person who fails to comply with –
- (a) the provisions of a permit including any condition of the permit, or
 - (b) paragraph (14), (15), or subparagraph (a) or (b) of paragraph (16), commits an offence and shall be liable –
- (i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or
 - (ii) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or to both.

Authorisations and authorisation permits

11. (1) An establishment or group of establishments (in this Regulation referred to as “applicant”), for reasons of compelling public interest, including those of a social or economic nature, may apply in writing to the Minister and in such form as may be specified by the Minister for an authorisation by the European Commission to carry out activities other than those specified in Article 8(1).

- (2) An application under paragraph (1) shall include the following:
- (a) details as to what the applicant considers are the reasons of compelling public interest concerned;
 - (b) evidence of what measures the applicant has in place to ensure that the conditions specified in Article 8(2) and (3) are fulfilled;
 - (c) the matters specified in Article 9(4).
- (3) The Minister may require the applicant to produce such additional information or clarification as may reasonably be required by the Minister.
- (4) In considering an application, the Minister may consult with –
- (a) another Minister,
 - (b) a public authority,
 - (c) a competent authority in another Member State, or

- (d) any other person the Minister considers appropriate.
- (5) Where the Minister is satisfied that –
 - (a) there are reasons of compelling public interest involved, and
 - (b) the applicant has provided all the details required under this Regulation, including any additional information,he or she may, having considered the results of any consultations under paragraph (4), make an application to the European Commission on behalf of the applicant for an authorisation to carry out the activities concerned.
- (6) Where the European Commission grants an authorisation, the Minister may issue an authorisation permit to the applicant and the authorisation permit shall include all of the provisions and conditions specified by the Commission in the authorisation.
- (7) The Minister may revoke or suspend an authorisation permit if –
 - (a) unforeseen events with an adverse impact on biodiversity or related ecosystem services occur,
 - (b) the establishment breaches any conditions or provisions of the authorisation permit, or
 - (c) the establishment commits an offence under these Regulations.
- (8) Where an establishment wishes to make changes or adjustments to any of the plans submitted to the Minister under paragraph (2), the establishment shall seek the approval of the Minister before making such changes.
- (9) Where an unexpected event has occurred which has an impact or which may have an impact on the invasive alien species or on the manner in which it is managed in accordance with the authorisation, the establishment shall immediately inform the Minister.
- (10) Where the Minister grants an authorisation permit, he or she shall, with due regard being had to the extrication of any commercially sensitive information, publish notice on the website of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage of that fact along with –
 - (a) any conditions attached to the authorisation permit,
 - (b) the document specified in Article 8(6), and
 - (c) the information specified in Article 8(7).
- (11) Where an escape or spread of an invasive alien species of Union concern occurs, an establishment to which this Regulation applies shall –
 - (a) immediately carry out the relevant measures contained in its eradication plan, and
 - (b) without delay notify the Minister of the escape or spread and the measures that the establishment has taken.
- (12) A person who fails to comply with –

- (a) the provisions of an authorisation permit including any condition of the permit, or
- (b) paragraph (8), (9) or subparagraph (a) or (b) of paragraph (11), commits and offence and shall be liable –
 - (i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or
 - (ii) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or to both.

Emergency measures

12. (1) Where the Minister has reason to believe, on the basis of preliminary scientific evidence, that an invasive alien species which is not one of Union concern –

- (a) is present in the State or is at imminent risk of being introduced into the State, and
- (b) is likely to meet the criteria set out in Article 4(3),

the Minister may direct that any or all of the restrictions set out in Article 7(1) shall immediately apply to the invasive alien species concerned.

(2) Prior to issuing a direction under paragraph (1), the Minister may consult with any other Minister or public body as the Minister sees fit.

(3) The Minister may modify or revoke a direction under paragraph (1) as he or she sees fit.

(4) A person who fails to comply with a direction under paragraph (1) commits an offence and shall be liable –

- (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or
- (b) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or to both.

PART 4
ERADICATION AND MANAGEMENT

Rapid eradication at early stage

13. (1) Where, through the State's surveillance system established in accordance with Article 14 and the results of controls carried out in accordance with Article 15, the Minister is of the view that an early detection has occurred of an invasive alien species of Union concern –

- (a) whose presence was previously unknown in the State, or

(b) whose presence has previously been reported as eradicated, then paragraphs (2) and (3) apply.

(2) The Minister shall, without delay, give notice of the particulars of the detection on the website of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage and in such other manner as he or she sees fit.

(3) The Minister may give notice on the website of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage and in such other manner as he or she sees fit of –

- (a) where the Minister has taken eradication measures in accordance with Article 17(1), the particulars of such measures, or
- (b) where the Minister has decided, in accordance with Article 18, to derogate from the obligation of rapid eradication, the reasons for the derogation.

(4) In fulfilment of any eradication measures the Minister considers appropriate under Article 17(1), the Minister may issue a direction that invasive alien species of Union concern be destroyed.

(5) A person who fails to comply with a direction under paragraph (1) commits an offence and shall be liable –

- (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or
- (b) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or to both.

Management measures

14. (1) In order to ensure effective management measures in accordance with Article 19, the Minister shall, in relation to an invasive alien species included on the Union list –

- (a) cause to be undertaken any necessary analysis, study or surveys of the species concerned and its prevalence in the State,
- (b) collect and compile information for that purpose, and
- (c) publish a report on the website of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage of the results of any such activities carried out under paragraphs (a) and (b).

(2) In carrying out any analysis, study or surveys under paragraph (1), the Minister may request any person or body, who in the opinion of the Minister has information that is relevant to such analysis, study or survey, to provide such information, record or thing to the Minister.

(3) Before adopting any management measures or any review of such measures, the Minister shall consult the public in accordance with Regulation 20.

(4) Once adopted, the Minister shall publish the management measures on the website of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage and give such other notice as he or she sees fit.

(5) The Minister shall carry out a review of the management measures not more than 3 years from –

- (a) in the case of the first review, the date of the adoption of the measures, and
- (b) in the case of each subsequent review, the date of the previous review.

Restoration

15. (1) In carrying out restoration measures in accordance with Article 20 and any review of such measures, the Minister may consult with any other person, including members of the public, as the Minister sees fit.

(2) The Minister shall publish restoration measures taken in accordance with Article 20 on the website of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage and give such other notice as he or she sees fit.

(3) The Minister shall carry out a review of the restoration measures not more than 3 years from –

- (a) in the case of the first review, the date of the adoption of the measures, and
- (b) in the case of each subsequent review, the date of the previous review.

PART 5

INVASIVE ALIEN SPECIES OF NATIONAL CONCERN

List of invasive alien species of national concern

16. (1) The invasive alien species specified in column 1 of the First Schedule are invasive alien species of national concern, the geographical application of which is specified in column 3 opposite the mention of the species concerned.

(2) The materials specified in column 1 of the Second Schedule are vector materials, the species in relation to which that vector may spread being specified in column 2 opposite the mention of the vector concerned and the geographical application of which is specified in column 3.

Invasive alien species of national concern – offences

17. (1) Subject to paragraph (3) and Regulation 18, a person shall not –

- (a) introduce into the State,
- (b) keep, including in contained holding,
- (c) breed, including in contained holding,
- (d) import into, export from or transport within the State, except for the transportation of species to facilities in the context of eradication,
- (e) place on the market,
- (f) use, exchange or offer for exchange,
- (g) permit to reproduce, grow or cultivate, including in contained holding, or
- (h) release into the environment,

an invasive alien species of national concern.

(2) A person shall not –

- (a) import or otherwise introduce into the State,
- (b) place on the market,
- (c) use, exchange or offer for exchange, or
- (d) release into the environment,

a vector material.

(3) It shall not be an offence under paragraph (1) to keep or breed an animal referred to in paragraph (4) or to transport that animal –

- (a) from one place of enclosure to another for the purposes of farming the animal, or
- (b) for sale or for slaughter for commercial meat production.

(4) The animal referred to in paragraph (3) is a species of –

- (a) fallow deer (scientific name: *Dama dama*), or
- (b) sika deer (scientific name: *Cervus Nippon*).

(5) A person who breaches paragraph (1) or (2) commits an offence and shall be liable –

- (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or
- (b) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or to both.

Permits – invasive alien species of national concern

18. (1) Subject to paragraph (2), an establishment that is involved in nature conservation (in this Regulation referred to as ‘the applicant’), research or the advancement of human health may apply in writing to the Minister and in such form as may be specified by the Minister, for a permit (in these Regulations known as a “Regulation 18 permit”) derogating from one or more than one of

the prohibitions referred to in paragraph (a), (b), (c), (d), (f) or (g) of Regulation 17.

(2) The purpose of an application under paragraph (1) shall be for research on, or ex-situ conservation of, an invasive alien species of national concern.

(3) An application under paragraph (2) shall specify the invasive alien species concerned and shall be accompanied by –

- (a) evidence of what measures the applicant has in place to ensure that the conditions specified in Article 8(2) and (3) are fulfilled,
- (b) a surveillance plan outlining how the applicant proposes to monitor the invasive alien species,
- (c) a risk management plan, and
- (d) an eradication plan outlining measures to be taken by the applicant in the event of –
 - (i) an escape or spread of the invasive alien species, and
 - (ii) the disposal of the invasive alien species following expiration of the permit.

(4) Where the Minister is of the view that further information is required to decide upon the application, he or she may require the applicant to produce, within such time as may be specified by the Minister, such additional information or clarification as may be reasonably required.

(5) In considering an application, the Minister may consult with –

- (a) another Minister,
- (b) a public authority,
- (c) a competent authority in another Member State,
- (d) the European Commission, or
- (e) any other person the Minister considers appropriate.

(6) In considering whether to grant a Regulation 18 permit, the Minister shall have regard to –

- (a) whether the information provided in the application is complete and any additional information or clarification requested has been provided,
- (b) whether the applicant has the necessary processes and personnel in place to meet the requirements of Article 8(2) and (3), and
- (c) the results of any consultation which the Minister may have carried out under this Regulation.

(7) Having considered an application in accordance with this Regulation, the Minister shall within 28 days of the receipt of the application, or the receipt of any information or clarification under paragraph (4), whichever is the later –

- (a) grant a permit which sets out the particulars in respect of the matters provided for in Article 8(2),

- (b) grant a permit as specified in paragraph (a) subject to such conditions as the Minister considers appropriate, or
- (c) refuse a permit.

(8) The Minister shall notify the applicant in writing of his or her decision under paragraph (7) and in the case of a decision to grant a permit shall specify a commencement and an expiry date.

(9) The Minister may revoke or suspend a permit if –

- (a) unforeseen events with an adverse impact on biodiversity or related ecosystem services occur,
- (b) the establishment fails to act in accordance with the plans submitted as part of its application for the permit,
- (c) the establishment breaches any terms, conditions or restrictions included in the permit, or
- (d) the establishment commits an offence under these Regulations.

(10) Where the Minister takes an action under paragraph (9), he or she shall notify the applicant in writing and specify his or her reasons.

(11) On application in writing by the establishment concerned, not less than 3 months prior to the expiry of the permit, the Minister may, if he or she thinks fit, on one occasion, extend the period of validity of the permit and such period of extension shall be no longer in duration than that specified in the original grant.

(12) The application referred to in paragraph (11) shall set out the reasons for which the establishment concerned seeks an extension.

(13) In considering whether to grant an extension, the Minister may request such further information, clarification or documentation as the Minister considers necessary.

(14) Where an establishment wishes to make changes or adjustments to any of the plans submitted to the Minister, the establishment shall seek the approval of the Minister before making such changes.

(15) Where an unexpected event has occurred which has an impact or which may have an impact on the invasive alien species or on the manner in which it is managed in accordance with the permission granted, the establishment shall immediately inform the Minister.

(16) Where an escape or spread of an invasive alien species of national concern occurs, an establishment to which this Regulation applies shall –

- (a) immediately carry out the relevant measures contained in its eradication plan, and
- (b) without delay notify the Minister of the escape or spread and the measures that the establishment has taken.

(17) Where the Minister grants a permit or grants an extension to a permit, he or she shall, with due regard to the extrication of any commercially sensitive information, publish notice on the website of the National Parks and Wildlife

Service of the Department of Housing, Local Government and Heritage of that fact along with –

- (a) any conditions attached to the permit,
- (b) the document which serves as evidence for the permit issued, and
- (c) the scientific and common names of the invasive alien species of Member State concern for which the permit has been issued as well as the number or volume of specimens concerned.

(18) A person who fails to comply with –

- (a) the provisions of a permit including any condition of the permit, or
- (b) paragraph (14), (15), or subparagraph (a) or (b) of paragraph (16), commits an offence and shall be liable –
 - (i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or
 - (ii) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or to both.

PART 6

PUBLIC PARTICIPATION AND ACCESS TO JUSTICE

Activities which may have significant effect on environment

19. (1) Before granting a Regulation 10 permit or a Regulation 18 permit the Minister shall determine whether the grant of such a permit may have a significant effect on the environment.

(2) For the purposes of determining whether the grant of a permit referred to in paragraph (1) may have a significant effect on the environment the Minister shall have regard to the following:

- (a) the purpose, being purposes referred to in Article 8(1) of the EU Regulation, to which the grant of the permit would relate,
- (b) the scope of the purpose,
- (c) the degree to which the conditions specified in Article 8(2) and (3) are likely to be adhered to,
- (d) the type of invasive alien species concerned,
- (e) the location to which the proposed permit relates, in particular its proximity to any area designated or proposed to be designated as a natural heritage area under the Wildlife Acts 1976 to 2018 or any area specified or proposed to be specified as a special area of protection or any area designated or proposed to be designated as a special area of conservation under the European Communities

(Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), and

- (f) the likely impact on the environment of the grant of the permit.
- (3) Before –
 - (a) establishing an action plan under Article 13(2),
 - (b) adopting management measures under Regulation 14, or
 - (c) taking restoration measures under Regulation 15,

the Minister shall determine whether an action under paragraph (a), (b) or (c) may have a significant effect on the environment.

(4) For the purposes of determining whether an action under paragraph (3) may have a significant effect on the environment the Minister shall have regard to the following:

- (a) in the case of an action plan under Article 13(2) –
 - (i) the analysis carried out under paragraph (1) of that Article and the pathways identified thereunder,
 - (ii) the measures included in the proposed action plan, and
 - (iii) the likely impact of the proposed action plan on the environment;
- (b) in the case of management measures under Regulation 14 –
 - (i) the species to which the management measures relate,
 - (ii) the content of the report referred to in subparagraph (c) of paragraph (1) of that Regulation,
 - (iii) the management measures which are proposed, and
 - (iv) the likely impact of the management measures on the environment;
- (c) in the case of restoration measures under Regulation 15, the measures proposed and the likely impact such measures would have on the environment.

Public participation

20. (1) Where the Minister determines under Regulation 19(1) that the grant or extension of a permit may have a significant effect on the environment but is nevertheless minded to grant or extend the permit, the Minister shall, in advance of making a decision to grant or extend the permit, give public notice in accordance with this Regulation and shall consider submissions in accordance with paragraph (4).

- (2) Where the Minister determines under Regulation 19(3) that –
 - (a) the establishment of an action plan under Article 13(2),
 - (b) the adoption of management measures under Regulation 14, or
 - (c) the taking of restoration measures under Regulation 15,

may have a significant effect on the environment, the Minister shall, in advance of adopting the plan or measures concerned, give public notice in accordance with this Regulation and shall consider submissions in accordance with paragraph (4).

(3) The Minister shall, for the purposes of paragraphs (1) and (2) –

- (a) deposit in the offices of the Department of Housing, Local Government and Heritage,
- (b) publish on the website of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage, a notice describing the nature of the proposed permit, action plan, restoration plan or management measures, as the case may be, and stating that –
 - (i) the Minister proposes to grant or extend the permit or adopt the measures or plan concerned,
 - (ii) the information relevant to the proposed permit, measures or plan may be viewed on the website of the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage, and
 - (iii) the public may send written comments, information, analyses and opinions that meet the requirements of paragraph (4) to the Minister at an address or by means specified in the notice.

(4) The Minister shall consider any comments, information, analyses and opinions that –

- (a) are in writing and have been delivered to the address specified in the notice under paragraph (2) within 21 days after the date of publication of the notice, and
- (b) are relevant to the proposed permit, action plan, restoration plan, or management measures, as the case may be.

(5) In this Regulation “relevant information” includes –

- (a) in relation to a proposed permit referred to in Regulation 19(1) –
 - (i) a copy of the application in relation to the permit,
 - (ii) a description of the physical and technical characteristics of the proposed activity to which the application relates,
 - (iii) a description of the significant effects of the activity on the environment,
 - (iv) a description of the measures envisaged to prevent or reduce the effects on the environment,
 - (v) any other relevant information on which the proposed decision by the Minister to grant the permit is based, and
 - (vi) a non-technical summary of the information referred to in subparagraphs (i) to (v), and

- (b) in relation to –
 - (i) an action plan under Article 13 –
 - (I) the analyses carried out in accordance with Article 13(1),
 - (II) the pathways identified under Article 13(1),
 - (III) the proposed action plan under Article 13(2),
 - (ii) management measures under Regulation 14 –
 - (I) the species to which the management measures relate,
 - (II) the report referred to in Regulation 14(1)(c),
 - (III) the proposed management measures, and
 - (iii) a restoration plan under Regulation 15, the proposed restoration measures.

(5) Notwithstanding this Regulation, the Minister may, taking into account the public interest served by disclosure, refuse to disclose any information if the disclosure would adversely affect –

- (a) the confidentiality of the proceedings of public authorities where such confidentiality is provided for under any enactment,
- (b) international relations, national defence or public security,
- (c) the administration of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or a disciplinary nature,
- (d) the confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest,
- (e) intellectual property rights,
- (f) the confidentiality of personal data or files relating to an individual where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided under any enactment,
- (g) the interests of a third party that has supplied the information requested without that party being under or capable of being put under a legal obligation to do so, and where that party does not consent to the release of the material, or
- (h) the environment to which the information relates, such as the breeding sites of rare species.

Outcome of public participation

21. Where public participation has taken place in accordance with Regulation 20 the Minister shall –

- (a) take due account of the outcome of the public participation in his or her decision to grant or extend a permit referred to in

Regulation 19(1) or to establish an action plan under Article 13(2), adopt management measures under Regulation 14 or take restoration measures under Regulation 15, as the case may be,

- (b) in the case of –
 - (i) an action plan or management measures, include in the published plan or measures, as the case may be, information on the procedure for seeking to have the plan, judicially reviewed, and
 - (ii) in the case of the grant of a permit or the extension of a permit, include the in the information published under Regulation 10(17) or Regulation 18(17), as the case may be information on the procedure for seeking to have the permit or the extension of the permit, as the case may be, judicially reviewed.

Appeals - permits

22. (1) A person who has been granted a permit under Regulation 10(7)(b) or 18(7)(b) or who has been refused a permit under Regulation 10(7)(c) or 18(7)(c) may, not later than 28 days from the date of the grant or the refusal, as the case may be, appeal to the Minister.

- (2) An appeal shall be –
 - (a) in writing setting out the grounds of the appeal and furnishing such supporting documentation as the applicant deems necessary, and
 - (b) sent to the Minister by way of prepaid registered post.
- (3) An appeal shall be considered by an appeals officer acting under the authority of the Minister.
- (4) An appeals officer shall either confirm the decision of the Minister, vary it or allow the appeal.

Appeals – authorised officers

23. (1) A person aggrieved by a requirement of an authorised officer under Regulation 5(1)(k) to destroy species or a direction of an authorised officer under Regulation 5(1)(l) may within 14 days of receipt of the requirement or direction make representations in respect of it.

- (2) Representations shall be made in writing to the Minister by way of registered pre-paid post and shall include such supporting documentation as the applicant deems necessary.
- (3) Representations shall be considered by an appeals officer acting under the authority of the Minister.
- (4) An appeals officer shall –
 - (a) confirm the requirement or direction,

- (b) modify the requirement or direction, or
- (c) withdraw the requirement or direction.

Appeals – High Court

24. (1) A person aggrieved by a direction of the Minister under Regulation 12(1) or 13(4) may, within fourteen days of the issue of the direction, appeal against the direction to the High Court.

(2) A person aggrieved by a decision of an appeals officer under Regulation 22 or 23 may, within fourteen days of the decision, appeal against the decision to the High Court.

PART 7
MISCELLANEOUS

Prosecution of offences

25. Summary proceedings for offences under these Regulations may be brought by –

- (a) the Minister,
- (b) a competent authority in the State,
- (c) a member of the Garda Síochána.

Recovery of costs

26. Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the prosecuting authority, the costs and expenses, measured by the court, incurred by the prosecuting authority in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of authorised officers, consultants and advisors engaged by the prosecuting authority.

Offences – body corporate

27. (1) Where an offence under these Regulations is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person shall, as well as the body corporate, be guilty of an offence and may be proceeded against and punished as if he or she was guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she was a director or manager of the body corporate.

PART 8

REVOCATIONS AND TRANSITIONAL PROVISIONS

Transitional provisions for non-commercial owners

28. (1) Where, prior to its inclusion on the Union list, a person is the owner of a companion animal which is not kept for commercial purposes, the person may, within 56 days of the notice under Regulation 9 of its inclusion, make an application to the Minister in accordance with paragraph (2).

(2) An application shall be in such form and manner as may be specified by the Minister and shall include evidence that –

- (a) the animal was kept by the owner prior to the inclusion of the animal on the Union list,
- (b) the animal was not kept for commercial purposes, and
- (c) the requirements of Article 31(1)(b) are satisfied.

(3) Where the Minister is satisfied that the requirements provided for in paragraph (2) are met, he or she shall grant a permit to the owner in respect of the companion animal, to be valid for the life of the animal.

(4) It shall be a consideration of such a permit that the requirements of paragraph (2) continue to be met and the Minister may revoke a permit if the requirements are no longer met.

(5) A person who can no longer meet the requirements of paragraph (2) shall inform the Minister as soon as practicable and the provisions of paragraph (6) shall apply.

(6) Where a person is refused a permit, fails to apply for a permit or can no longer meet the requirements of the permit, the person shall make arrangements for a companion animal to which this Regulation applies to be moved, in a contained holding, to a facility referred to in Article 8 or alternatively to arrange for the animal to be destroyed having due regard for animal welfare.

(7) Measures under paragraph (6) shall be taken within 56 days of the date of notice under Regulation 9.

(8) Where a person has not made an application under paragraph (2), it shall be an offence, from the date 56 days after the date that it was added to the Union list, to hold, without a permit, a companion animal to which paragraph (1) applies.

(9) Where a person has made an application under paragraph (2) and has been refused a permit or has been granted a permit which is subsequently revoked, then it shall be an offence, from the date of such refusal or revocation,

as the case may be, to hold the companion animal which was the subject of the application.

(10) A person who commits an offence under paragraph (8) or (9) shall be liable –

- (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or
- (b) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or to both.

Revocations

29. The European Union (Invasive Alien species) (Freshwater Crayfish) Regulations 2018 (S.I. No. 354 of 2018) are revoked.

First Schedule*Regulation 16(1)*

Part 1 Plants

(1) Common name	(2) Scientific name	(3) Geographical application
American skunk-cabbage	<i>Lysichiton americanus</i>	Throughout the State
A red alga	<i>Grateloupia doryphora</i>	Throughout the State
Brazilian giant-rhubarb	<i>Gunnera manicata</i>	Throughout the State
Broad-leaved rush	<i>Juncus planifolius</i>	Throughout the State
Cape pondweed	<i>Aponogeton distachyos</i>	Throughout the State
Cord-grasses	<i>Spartina</i> (all species and hybrids)	Throughout the State
Curly waterweed	<i>Lagarosiphon major</i>	Throughout the State
Dwarf eel-grass	<i>Zostera japonica</i>	Throughout the State
Fanwort	<i>Cabomba caroliniana</i>	Throughout the State
Floating pennywort	<i>Hydrocotyle ranunculoides</i>	Throughout the State
Fringed water-lily	<i>Nymphoides peltata</i>	Throughout the State
Giant hogweed	<i>Heracleum mantegazzianum</i>	Throughout the State
Giant knotweed	<i>Reynoutria sachalinensis</i>	Throughout the State
Giant-rhubarb	<i>Gunnera tinctoria</i>	Throughout the State
Giant salvinia	<i>Salvinia molesta</i>	Throughout the State
Himalayan balsam	<i>Impatiens glandulifera</i>	Throughout the State
Himalayan knotweed	<i>Koenigia polystachya</i>	Throughout the State
Hottentot-fig	<i>Carpobrotus edulis</i>	Throughout the State
Japanese knotweed	<i>Reynoutria japonica</i>	Throughout the State

Large-flowered waterweed	<i>Egeria densa</i>	Throughout the State
Mile-a-minute weed	<i>Polygonum perfoliatum</i>	Throughout the State
New Zealand pigmyweed	<i>Crassula helmsii</i>	Throughout the State
Parrot's feather	<i>Myriophyllum aquaticum</i>	Throughout the State
Rhododendron	<i>Rhododendron ponticum</i> (including <i>R. x superponticum</i>)	Throughout the State
Salmonberry	<i>Rubus spectabilis</i>	Throughout the State
Sea-buckthorn	<i>Hippophae rhamnoides</i>	Throughout the State
Spanish bluebell	<i>Hyacinthoides hispanica</i>	Throughout the State
Three-cornered leek	<i>Allium triquetrum</i>	Throughout the State
Wakame	<i>Undaria pinnatifida</i>	Throughout the State
Water chestnut	<i>Trapa natans</i>	Throughout the State
Water fern	<i>Azolla filiculoides</i>	Throughout the State
Water-primrose	<i>Ludwigia</i> (all species)	Throughout the State
Waterweeds	<i>Elodea</i> (all species except <i>Elodea Canadensis</i>)	Throughout the State
Wireweed	<i>Sargassum muticum</i>	Throughout the State

Part 2 Animals

(1)	(2)	(3)
Common name	Scientific name	Geographical application
A colonial sea squirt	<i>Didemnum spp.</i>	Throughout the State
A colonial sea squirt	<i>Perophora japonica</i>	Throughout the State
All freshwater crayfish species except the white-clawed crayfish	All freshwater crayfish except <i>Austropotamobius pallipes</i>	Throughout the State
American bullfrog	<i>Rana catesbeiana</i>	Throughout the State
American mink	<i>Neogale vison</i>	Throughout the State
American oyster drill	<i>Urosalpinx cinerea</i>	Throughout the State
Asian oyster drill	<i>Ceratostoma inornatum</i>	Throughout the State
Asian rapa whelk	<i>Rapana venosa</i>	Throughout the State
Asian river clam	<i>Corbicula fluminea</i>	Throughout the State
Bay barnacle	<i>Balanus improvisus</i>	Throughout the State
Black rat	<i>Rattus rattus</i>	Offshore islands only
Brown hare	<i>Lepus europaeus</i>	Throughout the State
Brown rat	<i>Rattus norvegicus</i>	Offshore islands only
Canada goose	<i>Branta canadensis</i>	Throughout the State
Carp except Koi Carp	<i>Cyprinus carpio</i> (except Koi varieties)	Throughout the State
Chinese mitten crab	<i>Eriocheir sinensis</i>	Throughout the State
Chinese water deer	<i>Hydropotes inermis</i>	Throughout the State
Chub	<i>Leuciscus cephalus</i>	Throughout the State
Common toad	<i>Bufo bufo</i>	Throughout the State
Coypu	<i>Myocastor coypus</i>	Throughout the State
Dace	<i>Leuciscus leuciscus</i>	Throughout the State

Fallow deer	<i>Dama dama</i>	Throughout the State
Fox	<i>Vulpes vulpes</i>	Offshore islands only
Freshwater Shrimp	<i>Dikerogammarus villosus</i>	Offshore islands only
Grey squirrel	<i>Sciurus carolinensis</i>	Throughout the State
Greylag goose	<i>Anser anser</i>	Throughout the State
Harlequin Ladybird	<i>Harmonia axyridis</i>	Throughout the State
Hedgehog	<i>Erinaceus europaeus</i>	Offshore islands only
Irish stoat	<i>Mustela erminea hibernicus</i>	Offshore islands only
Japanese skeleton shrimp	<i>Caprella mutica</i>	Throughout the State
Muntjac deer	<i>Muntiacus reevesi</i>	Throughout the State
Muskrat	<i>Ondatra zibethicus</i>	Throughout the State
Quagga Mussel	<i>Dreissena rostriformis</i>	Throughout the State
Roach	<i>Rutilus rutilus</i>	Throughout the State
Roe deer	<i>Capreolus capreolus</i>	Throughout the State
Ruddy duck	<i>Oxyura jamaicensis</i>	Throughout the State
Siberian chipmunk	<i>Tamias sibiricus</i>	Throughout the State
Sika deer	<i>Cervus nippon</i>	Throughout the State
Slipper limpet	<i>Crepidula fornicata</i>	Throughout the State
Stalked sea squirt	<i>Styela clava</i>	Throughout the State
Tawny owl	<i>Strix aluco</i>	Throughout the State
Wild boar	<i>Sus scrofa</i>	Throughout the State
Zebra mussel	<i>Dreissena polymorpha</i>	Throughout the State

Second Schedule*Regulation 16(2)***Vectors**

Vector Material	Species referred to	Geographical application
(1)	(2)	(3)
Blue mussel (<i>Mytilus edulis</i>) seed for aquaculture taken from places (including places outside the State) where there are established populations of the slipper limpet (<i>Crepidula fornicata</i>) or from places within 50 km. of such places	Mussel (<i>Mytilus edulis</i>) Slipper Limpet (<i>Crepidula fornicata</i>)	Throughout the State
Soil or spoil taken from places infested with Japanese knotweed (<i>Reynoutria japonica</i>), giant knotweed (<i>Reynoutria sachalinensis</i>) or their hybrid Bohemian knotweed (<i>Reynoutria x bohemica</i>)	Japanese knotweed (<i>Reynoutria japonica</i>), Giant knotweed (<i>Fallopia sachalinensis</i>) Bohemian knotweed (<i>Reynoutria x bohemica</i>)	Throughout the State



GIVEN under my Official Seal,
24 July, 2024.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
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