



STATUTORY INSTRUMENTS.

S.I. No. 238 of 2014



EUROPEAN UNION (PHYTOSANITARY MEASURES)
REGULATIONS 2014

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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 effect to Commission Implementing Decision 2014/237/EU of 24 April 2014¹, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Phytosanitary Measures) Regulations 2014.

2. (1) In these Regulations—

“authorised officer” means—

- (a) an authorised officer within the meaning of the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 (S.I. No. 894 of 2004),
- (b) a member of the Garda Síochána, or
- (c) an officer of the Revenue Commissioners;

“harmful organism” means plants other than seeds and roots of *Colocasia Schott* and plants other than seeds of *Mangifera L.*, *Momordica L.*, *Solanum melongena L.* and *Trichosanthes L.*, originating in India;

“Minister” means Minister for Agriculture, Food and the Marine.

3. (1) A person shall not introduce or cause or permit another person to introduce a harmful organism into the State.

(2) A person shall not have in his or her possession or under his or her control or move within the State a harmful organism that has been introduced into the State in contravention of paragraph (1).

4. Regulations 11, 12, 13, 14 and 15 of the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 apply to these Regulations.

5. (1) A person who fails to comply with Regulation 3 commits an offence and is liable on summary conviction to a class A fine.

¹O.J. No. L125, 26.04.2014, p.93

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th June, 2014.*

(2) An offence under these Regulations may be prosecuted by the Minister.

(3) Where an offence under these Regulations has been committed by a body corporate and it is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if guilty of the first-mentioned offence.

(4) Where the affairs of a body corporate are managed by its members, paragraph (3) shall apply in relation to the acts and defaults of a member in connection with the functions of management as if such a member were a director or manager of the body corporate.



Given under my Official Seal,
28 May 2014.

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)

Commission Implementing Decision 2014/237/EU introduces restrictions on the movement of the listed materials into the European Union from India.

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