



STATUTORY INSTRUMENTS.

**S.I. No. 479 of 2015**



DESTRUCTIVE INSECTS AND PESTS ACTS 1958 AND 1991  
(HYMENOSCYPHUS FRAXINEUS) ORDER 2015

DESTRUCTIVE INSECTS AND PESTS ACTS 1958 AND 1991  
(HYMENOSCYPHUS FRAXINEUS) ORDER 2015

I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by sections 2 and 3 of the Destructive Insects and Pests Acts 1958 and 1991 (as adapted by the Agriculture, Fisheries and Food (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 455 of 2011)), hereby order as follows:

1. This Order may be cited as the Destructive Insects and Pests Acts 1958 and 1991 (*Hymenoscyphus fraxineus*) Order 2015.

2. This Order applies to *Hymenoscyphus fraxineus* and the genus *Fraxinus* L.

3. For the purposes of this Order—

“article” means a plant or wood of the genus *Fraxinus* L.;

“*Hymenoscyphus fraxineus*” means *Hymenoscyphus fraxineus* (teleomorph), including its anamorph *Chalara fraxinea* T. Kowalski;

“Council Directive” means Council Directive 2000/29/EC of 8 May 2000<sup>1</sup>;

“crop” means a plant of the genus *Fraxinus* L.;

“inspector authorised by the Minister” means—

(a) an authorised officer within the meaning of section 11(4) of the Forestry Act 1946 (No. 13 of 1946), or

(b) an authorised officer appointed under Regulation 11 of the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 (S.I. No. 894 of 2004);

“official statement” has the same meaning as in the Council Directive;

“plant” has the meaning assigned to “plants” in Article 2.1(a) of the Council Directive;

“plant passport” has the meaning assigned to it in Article 2.1(f) of the Council Directive;

<sup>1</sup>O.J. No.L169, 10.7.2000, p.1

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 6th November, 2015.*

“plant product” has the meaning assigned to “plant products” of Article 2.1(b) of the Council Directive;

“wood” means round wood, sawn wood, wood chips, dunnage or wood packaging material, with or without bark, and includes wood in the form of particles, shavings, sawdust, wood waste or scrap.

4. (1) A person shall not land into or keep *Hymenoscyphus fraxineus* in the State unless authorised by the Minister.

(2) A person shall not cause *Hymenoscyphus fraxineus* to spread in the State.

(3) A person shall not land a plant of the genus *Fraxinus* L. into the State unless it is accompanied by a plant passport or official statement stating that it originates from an area known to be free from *Hymenoscyphus fraxineus*.

(4) A person shall not land wood of genus *Fraxinus* L. into the State originating in countries where *Hymenoscyphus fraxineus* is known to occur unless—

(a) he or she, not less than 14 days before the date of the landing, gives notice in writing to the Minister with the following information—

(i) a description of the wood, including the quantity (expressed in volume, weight or number of units),

(ii) the country of harvest, and, where applicable, the sub-national region where the wood was harvested,

(iii) the time and place of landing,

(iv) the name and address of the importer, and

(v) the name and address of the person to whom the wood will be supplied, if different, and

(b) where the tree from which the wood derived when measured 1.3 metres from the ground was 10 centimetres or more in diameter, the wood is prepared so as to remove entirely—

(i) any branch or part thereof less than 10 centimetres in diameter, and

(ii) all leaves and foliage (whether living or dead), or

(c) where the tree from which the wood derived when measured 1.3 metres from the ground was less than 10 centimetres in diameter, the wood—

(i) is squared so as to remove entirely the rounded surface, is bark-free, and the water content is less than 20% expressed as a percentage of the dry matter, or

- (ii) if sawn, with or without residual bark attached, has undergone kiln-drying to below 20 % moisture content, expressed as a percentage of dry matter, achieved through an appropriate time and temperature schedule. There shall be evidence thereof by a mark 'Kiln-dried' or 'KD' or another internationally recognised mark, put on the wood or on any wrapping in accordance with current usage.

(5) A person who lands an article in the State in contravention of paragraphs (3) or (4) shall remove or destroy it in accordance with any instructions issued by the Minister and shall be liable for the cost of such removal or destruction.

5. (1) The Minister may direct in writing the removal or destruction of a crop, plant product or wood which is infected with *Hymenoscyphus fraxineus* or which in the opinion of an inspector authorised by the Minister appears—

- (a) to be infected by *Hymenoscyphus fraxineus*, or
- (b) likely to spread *Hymenoscyphus fraxineus*.

(2) The Minister may by notice prohibit the keeping, selling or exposing or offering for sale, or the keeping or the distribution in any manner—

- (a) a crop, plant product or wood which is infected by *Hymenoscyphus fraxineus*, or
- (b) a crop, plant product or wood which in the opinion of an inspector authorised by the Minister appears to be infected by *Hymenoscyphus fraxineus*.

(3) The Minister may by notice, prohibit the distribution in any manner a plant of the genus *Fraxinus* L. unless it is accompanied by a plant passport.

(4) A notice issued under paragraphs (2) and (3) may be issued or published in a manner the Minister considers appropriate.

(5) The Minister may attach conditions, withdraw or suspend a notice issued under paragraphs (2) and (3).

(6) A person who contravenes this Regulation shall be liable for the cost of removal or destruction mentioned in paragraph (1).

6. An inspector authorised by the Minister may carry out any or all the functions in section 3(2) (c) of the Acts for the purposes of preventing the spread of *Hymenoscyphus fraxineus*.

7. The owner or person in charge of land where a crop has been removed or destroyed for the purpose of reducing the spread of *Hymenoscyphus fraxineus* shall notify the Minister in writing before he or she re-sows or re-plants such land with a tree of any species.

8. The Destructive Insects and Pests Acts 1958 and 1991 (*Chalara fraxinea*) Order (No. 2) 2012 (S.I. No. 431 of 2012) is revoked.



GIVEN under my Official Seal,  
3 November 2015.

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.)*

This Order is made under the Destructive Insects and Pests Acts 1958 and 1991 and updates measures in place to prevent the spread of *Hymenoscyphus fraxineus* in the genus *Fraxinus* L.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)  
or through any bookseller.

---

€2.54



Wt. (B31604). 285. 11/15. Essentra. Gr 30-15.