



STATUTORY INSTRUMENTS.

S.I. No. 80 of 2017



DESTRUCTIVE INSECTS AND PESTS ACTS 1958 AND 1991 (EPITRIX)
ORDER 2017

DESTRUCTIVE INSECTS AND PESTS ACTS 1958 AND 1991 (EPITRIX)
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I, MICHAEL CREED, 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 (Epiteix) Order 2017.

2. This Order applies to any tubers of *Solanum tuberosum* L..

3. For the purposes of this Order-

“Epiteix” means *Epiteix cucumeris* (Harris), *Epiteix papa* sp. n, *Epiteix subcrinita* (Lec.), and *Epiteix tuberis* (Gentner);

“demarcated area” means an area established in accordance with Commission Implementing Decision 2012/270/EU of 16 May 2012¹ as amended by Commission Implementing Decision 2014/679/EU of 25 September 2014² and Commission Implementing Decision 2016/1359/EU of 8 August 2016³;

“inspector authorised by the Minister” means—

(a) 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), or

(b) an authorised officer appointed under Regulation 13 of the European Union (Seed Potatoes) Regulations 2016 (S.I. No. 641 of 2015).

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

(2) A person shall not cause Epiteix to spread in the State.

¹OJ L 132, 23.5.2012, p. 18

²OJ L 283, 27.9.2014, p. 61

³OJ L 215, 10.8.2016, p. 29

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 14th March, 2017.*

(3) A person shall not land tubers of *Solanum tuberosum* L. into the State originating in an area (other than a demarcated area) of a country where *Epitrix* is known to occur without notifying the Minister in writing at least two days in advance, giving full particulars (including the proposed point and date of entry and the intended use) of each consignment.

(4) A person intending to land tubers of *Solanum tuberosum* L. into the State originating in an area (other than a demarcated area) of a Member State where *Epitrix* is known to occur shall, unless the Minister directs otherwise, wash the tubers so that there is no more than 0.1% of soil present.

(5) A person who lands tubers of *Solanum tuberosum* L. in the State in contravention of paragraphs (3) or (4) shall remove or destroy the tubers in accordance with directions of the Minister.

(6) The Minister shall not be liable for the cost of any removal or destruction under paragraph (5).

5. (1) The Minister may give a direction in writing for the removal or destruction of a crop or plant product which is infected with *Epitrix* or which in the opinion of an inspector authorised by the Minister appears—

(a) to be infected by *Epitrix*, or

(b) likely to spread *Epitrix*.

(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 or plant product which is infected by *Epitrix*, or

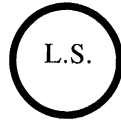
(b) a crop or plant product which in the opinion of an inspector authorised by the Minister appears to be infected by *Epitrix*.

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

(4) The Minister may amend withdraw or suspend a notice issued under paragraph (2).

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 *Epitrix*.

7. This Order is in addition to, and not in substitution for, the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 to 2012.



GIVEN under my Official Seal,
9 March 2017.

MICHAEL CREED,
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 provides for measures to be put in place to prevent the introduction of Epitrix, an organism harmful to tubers of *Solanum tuberosum* L into the Country.

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