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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 159**

**The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019**

**PART 6**

**PERMITS**

**Permits for activities relating to invasive alien species**

**28.**—(1) The Department may issue to an establishment a permit which authorises it to carry out any prohibited action in relation to a specimen where it is carried out in the course of one or more of the following activities—

- (a) research on, or ex-situ conservation of, an invasive alien species;
- (b) scientific production, and subsequent medicinal use, where the use of products derived from an invasive alien species is necessary for the advancement of human health; or
- (c) in exceptional circumstances, such other activities as are justified by reasons of compelling public interest, including those of a social or economic nature, in accordance with Article 9 (authorisations) of the Principal Regulation.

(2) A permit may only be issued under paragraph (1) where the activity to be authorised is to be carried out in accordance with the conditions specified in paragraphs 2 and 3 of Article 8 (permits) of the Principal Regulation.

(3) A permit may not be issued under paragraph (1)(a) or (b) to authorise—

- (a) placing on the market; or
- (b) release into the environment.

(4) An application for a permit must be accompanied by sufficient evidence to enable the Department to ascertain whether the requirement in paragraph (2) is met.

(5) The permit may be subject to such other conditions as the Department considers appropriate, including but not limited to any conditions required to ensure that the requirement in paragraph (2) is met.

(6) The Department may revoke or suspend a permit at any time if—

- (a) an adverse impact on biodiversity or related ecosystem services results, or in the opinion of the Department is likely to result, from—
  - (i) any failure to comply with a condition of a permit; or
  - (ii) any unforeseen event; or
- (b) the specimen to which the permit relates has—
  - (i) in the case of an animal species, escaped from contained holding;
  - (ii) in the case of a specimen of a species of plant, fungus or micro-organism, spread beyond contained holding.

(7) For the purposes of paragraph (6)(b)(ii), “spread beyond contained holding” means that a specimen deriving from the specimen to which the permit relates is outside the contained holding.

(8) A decision to revoke or suspend a permit under paragraph 6(a) must be justifiable—

(a) on scientific grounds; or

(b) where scientific information is insufficient, by the application of the precautionary principle<sup>(1)</sup>.

(9) The Department must make available the relevant permit information in respect of any permit issued under this Article—

(a) by publishing it on the internet; and

(b) by providing it to any person who asks for it in writing<sup>(2)</sup>.

(10) For the purposes of paragraph (9), “relevant permit information” means—

(a) the scientific and common names of the invasive alien species to which the permit relates;

(b) the number or the volume of specimens concerned;

(c) the purpose for which the permit has been issued; and

(d) the codes of Combined Nomenclature as provided by Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(3)</sup>.

(11) Authorised persons must undertake such inspections as they consider appropriate of establishments to which a permit issued under paragraph (1) relates in order to ensure that the conditions of that permit are being complied with.

(12) For the purposes of Article 8(2)(b) of the Principal Regulation (permitting activities to be carried out by qualified personnel), “qualified personnel” means employees of the establishment to which a permit has been issued who have been trained in the activity allowed by the permit.

(13) In this Article, “prohibited action” means any action specified in Article 3(1).

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(1) The precautionary principle is detailed in Article 191 of the Treaty on the Functioning of the European Union. It aims at ensuring a higher level of environmental protection through preventative decision-taking in the case of risk. See the Communication from the Commission on the precautionary principle (COM/2000/0001/Final).

(2) Requests in writing can be made to the Centre for International Trade, Animal and Plant Health Agency, Horizon House, Deanery Road, Bristol, BS1 5AH.

(3) O.J. No. 1256. 7. 9. 1987. Vol.30.