

# Cherry Laurel Report 2025:

## The Invasive Plant We Can't Ignore

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### Executive Summary:

This report outlines the urgent ecological, legal, and governance challenges posed by Cherry Laurel (*Prunus laurocerasus*), a highly invasive plant species that has rapidly spread across Ireland, threatening native habitats and biodiversity. Despite being officially recognised by Ireland's environmental bodies as a high-risk invasive species, Cherry Laurel remains unregulated, widely available for sale, and frequently planted, including in new housing developments and public spaces.

**The continued unregulated sale of Cherry Laurel presents a striking contradiction in Irish policy:** while public funds are spent on its removal from valuable conservation areas such as Hazelwood in Sligo and Coole-Garryland SAC, the species is still sold without restriction in supermarkets, nurseries, and garden centres. This duality undermines both conservation efforts and public confidence in Ireland's environmental governance.

The report examines how Cherry Laurel severely impacts EU-protected habitats and ecosystems, suppressing native plant regeneration, altering soil chemistry, and damaging conservation sites. It highlights how community-led models, such as the Gaelic Woodland Project's biofuel initiative, have shown that sustainable removal is feasible and can support both biodiversity and rural employment.

Legally, the report identifies a failure to act despite Ireland's clear obligations under EU Regulation 1143/2014 on Invasive Alien Species, now transposed into Irish law

through the European Union (Invasive Alien Species) Regulations 2024. The omission of Cherry Laurel from the national list of concern is not due to scientific uncertainty, but a failure of political will and legal follow-through. Domestic commitments, such as the 4th National Biodiversity Action Plan and recommendations from the Citizens' Assembly on Biodiversity Loss, further reinforce the case for immediate legislative intervention.

The report concludes with a strong call to action: Cherry Laurel must be added to the national list of invasive species under the 2024 Regulations, and Regulation 50 of the 2011 Birds and Natural Habitats Regulations must be commenced or replaced. These steps are necessary to protect Ireland's ecosystems, align with EU obligations, and restore public trust in biodiversity governance. Failure to act not only permits continued ecological degradation but also exposes Ireland to further legal scrutiny at the European level.

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## 1. Introduction

Invasive species are one of the top pressures on Irish nature. Terrestrial and aquatic habitats are severely negatively affected by invasive plants and animals, resulting in serious damage to habitats and conservation interests.

85% of Ireland's most valuable EU-protected habitats are currently in an unfavourable condition. Nearly half (46%) are experiencing continued declines, particularly in marine, peatland, grassland, and woodland habitats, with only 2% showing improvement over a 12-year period.<sup>1</sup> Over the past decade, nearly a third of our semi-natural grasslands have been lost, and half of our rivers are in poor ecological health.<sup>2</sup>

Invasive species are a serious economic burden on Ireland, annually costing the Irish economy roughly **€200 million per year**, projected to rise to **€26.5 billion annually by 2030** if unmanaged.<sup>3</sup> These species primarily impact the Irish economy through direct competition with native biota.<sup>4</sup> This competition detrimentally affects Ireland's biodiversity. Moreover, Ireland's biodiversity is a vital asset for the tourism industry. Protecting this biodiversity is essential to preserving the economic value of Ireland's natural landscapes as well as the natural value of our ecosystems.

With global biodiversity in decline, Ireland's ecosystems face ever increasing pressure and stress. The government of Ireland, as the guardian and protector of Ireland's natural sites, has the responsibility to take all possible measures to safeguard the island's biodiversity. It is the government's duty to the people of Ireland, deserving to live in a healthy environment, to do everything within their powers to mitigate the damage caused by invasive species. The Irish Government has clear legal and strategic duties when it comes to managing invasive species like Cherry Laurel. Under **EU Regulation 1143/2014 on Invasive Alien Species**, transposed into Irish law through the **European Union (Invasive Alien Species) Regulations 2024**, the State is obligated to take preventive and management measures to limit the spread and impact of invasive species. This includes listing harmful species of national concern and restricting their sale, propagation, and release. Domestically, the **National Biodiversity**

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<sup>1</sup>National Parks & Wildlife Service (NPWS) (2019). *The Status of EU Protected Habitats and Species in Ireland – Summary (Article 17)*. Department of Culture, Heritage and the Gaeltacht. Available at: [https://www.npws.ie/sites/default/files/publications/pdf/NPWS\\_2019\\_Vol1\\_Summary\\_Article17.pdf](https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf)

<sup>2</sup> (Martin et al., 2018; EPA, 2021)

<sup>3</sup>The Rivers Trust (2021). “*Invasive species is destroying native biodiversity and costing Irish economy over €200 m per year*,” *Afloat Inland Waterways*. Available at:

[https://afloat.ie/inland/inland-waterways/item/58906-invasive-species-is-destroying-native-biodiversity-and-costing-irish-economy-over-200m-per-year-the-rivers-trust-warns?utm\\_source=chatgpt.com](https://afloat.ie/inland/inland-waterways/item/58906-invasive-species-is-destroying-native-biodiversity-and-costing-irish-economy-over-200m-per-year-the-rivers-trust-warns?utm_source=chatgpt.com)

<sup>4</sup>[https://www.npws.ie/sites/default/files/publications/pdf/NPWS\\_2019\\_Vol1\\_Summary\\_Article17.pdf](https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf)

**Action Plan (NBAP) 2023–2030** commits Ireland to halting and reversing biodiversity loss, including through enhanced action on invasive species, while the **Citizens’ Assembly on Biodiversity Loss** specifically called for stronger regulation of invasive plants such as Cherry Laurel. Together, these frameworks place a clear responsibility on the Government to act decisively. The continued unregulated sale and spread of Cherry Laurel, despite its recognised ecological harm, runs counter to these legal obligations and national commitments, and undermines public trust in Ireland’s environmental governance.

This report begins by providing background and context on invasive species in Ireland, focusing on the ecological and historical presence of Cherry Laurel (*Prunus laurocerasus*). It then outlines the severe ecological impacts of Cherry Laurel on native habitats and biodiversity, drawing on case studies from across the country. The report goes on to examine the legal and regulatory landscape, highlighting significant gaps in enforcement, particularly the failure to list Cherry Laurel under relevant legislation. It also addresses the contradictions in current government practice, where public funds are spent on removal while the plant remains legally available for sale. The report reviews Ireland’s obligations under EU law, the National Biodiversity Action Plan, and recommendations from the Citizens’ Assembly on Biodiversity Loss. Finally, it presents clear, actionable recommendations to bring national policy into alignment with environmental commitments and halt the ongoing spread of this highly invasive species.

## 2. Cherry Laurel - The Problem

Cherry Laurel (*Prunus Lauroceracus*) is a non-native and highly invasive species. It was introduced to Ireland in 1690 as a hedging plant and has since escaped into the wild. It remains a popular hedge in modern gardens, and is common in gardens throughout Ireland.

This evergreen plant has toxic leaves containing cyanide, making it unpalatable to herbivores. It thrives in the nutrient-rich woodland soils, dominating the habitat by overshadowing other plants and preventing their growth. Cherry Laurel creates dark, sterile environments that inhibit the regeneration of native species and support limited biodiversity. The National Parks and Wildlife Service (NPWS) classifies Cherry Laurel as an established Highly Invasive species with a risk of High Impact.<sup>5</sup> Invasives Ireland classifies Cherry Laurel as an extremely invasive plant species.<sup>6</sup> Cherry Laurel is classified as a high impact invasive species by the Irish National Biodiversity Centre. In 2022 the Citizens Assembly on Biodiversity Loss recommended: “The State must act immediately to put a timeline on the phasing out of, and eventual ban of, the sale of invasive species, e.g. Cherry Laurel.”

The commitment to managing and eradicating Cherry Laurel is evident from both the Assembly’s recommendations and the classification of Cherry Laurel as highly invasive from numerous environmental agencies. State-owned forestry agency Coillte has recognised Cherry Laurel as invasive in numerous reports.<sup>7</sup> Cherry Laurel is the **second most common non-native shrub** found in Irish woodlands (after *Rhododendron Ponticum*).<sup>8</sup>

Ireland's 4th National Biodiversity Action Plan specifically calls for a 50% reduction in the spread of alien species by 2030. As part of this plan, a report titled “*Invasive Species in Ireland*” was published.<sup>9</sup> The plan acknowledges Cherry Laurel as an invasive species threatening native ecosystems.

Cherry Laurel is visually similar to the more commonly known invasive shrub species *Rhododendron Ponticum*. They act in a similar way and have a similar effect on the

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<sup>5</sup> <https://species.biodiversityireland.ie/profile.php?taxonId=28940&taxonDesignationGroupId=25>

<sup>6</sup> <https://invasivespeciesireland.com/wp-content/uploads/wp-post-to-pdf-enhanced-cache/1/rhododendron.pdf>

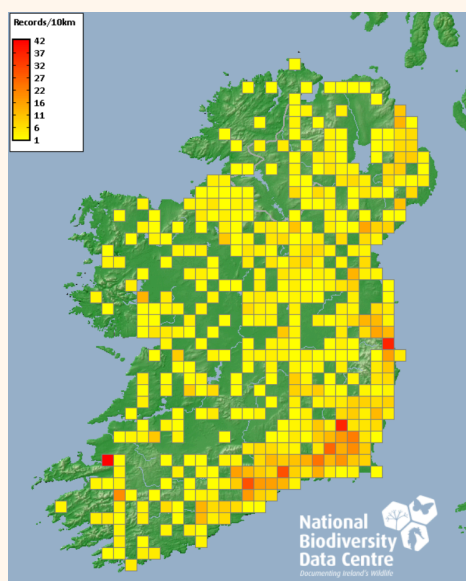
<sup>7</sup> <https://www.coillte.ie/what-kinds-of-trees-are-in-the-dublin-mountains/>

<sup>8</sup> <https://www.npws.ie/sites/default/files/general/nsnw-vol-1.pdf>

<sup>9</sup> Department of Housing, Local Government and Heritage (2023). *Ireland’s 4th National Biodiversity Action Plan 2023–2030*. Government of Ireland. Available at: <https://www.gov.ie/en/publication/7d3cd-4th-national-biodiversity-action-plan-2023-2030/>

woodlands they invade, however crucially, **unlike *Rhododendron Ponticum*, Cherry Laurel is not a regulated species.**

Although Cherry Laurel is recognised as highly invasive by Ireland’s environmental agencies, it has still not been designated as an invasive species in law. Without that legal designation, it remains unregulated, sold freely in garden centres, supermarkets, and nurseries nationwide. As a result, Cherry Laurel has spread to every county in Ireland (see figure 1), causing serious damage to some of our most precious habitats.



**Figure 1:** Scale of Cherry Laurel infestation in Ireland, Summer 2025.<sup>10</sup>

<sup>10</sup> National Biodiversity Data Centre, Ireland, Cherry Laurel (*Prunus laurocerasus*), image, accessed 11 August 2025, <<https://maps.biodiversityireland.ie/Species/TerrestrialDistributionMapPrintSize/28940>>



**Figure 2:** Cherry Laurel

### 3. Affected Habitats

Priority Annex I Habitats are rare and vulnerable ecosystems protected under EU law due to their high conservation value. Invasive species pose a serious threat to these habitats by degrading native biodiversity, altering ecological processes, and undermining their integrity. Their presence in these priority habitats can result in Ireland breaching its legal obligations under the EU Habitats Directive, potentially leading to fines or enforcement actions. Invasives also negatively impact the official conservation status of these sites and often require costly management and restoration efforts to control their spread and protect these critical natural areas.

Among many examples of Priority Annex 1 Habitats affected by invasive Cherry Laurel in Ireland is Hazelwood County Sligo. Coillte are working on restoring this rare habitat, an ancient alluvial forest (a rare type of woodland subject to periodic flooding). Here you can find Red Listed (critically endangered) plant species such as bird's-nest orchid, yellow bird's-nest, and ivy broomrape.<sup>11</sup> Hazelwood's alluvial woodland is an extremely rare habitat type in the country, holding great ecological significance. It is recognised as a Special Area of Conservation (Annex 1 Priority Habitat).<sup>12</sup>

Hazelwood forest's fragile ecosystem is in trouble due to invasive *Rhododendron* and Cherry Laurel. Coillte who are undertaking a massive operation to restore the habitat

<sup>11</sup> <https://www.coillte.ie/coillte-nature/ourprojects/restoringhazelwood/>

<sup>12</sup> <https://www.npws.ie/sites/default/files/publications/pdf/IWM146.pdf>

have stated that ‘these invasive shrubs cast a dense shade on the understorey, which obliterates the ground flora and prevents natural regeneration of the woodland.’<sup>13</sup> They call this challenging work, as the worst of the rhododendron and Cherry Laurel thickets are up to 8 metres tall and extremely dense.<sup>14</sup> Without costly management this ancient woodland would die.

While the cost of controlling Cherry Laurel and Rhododendron in Hazelwood continue to rise, an initial investment of €500,000 was allocated over 2–3 years to tackle their spread. This scale of investment is difficult to reconcile with the fact that Cherry Laurel remains unregulated and therefore freely available for sale in garden centres. On one hand, the government funds expensive removal efforts, while on the other, it permits the ongoing sale of the very species driving the problem. In places like Devil’s Glen in County Wicklow, home to ancient Sessile Oaks, and Massey Wood in Dublin, Cherry Laurel spreads unchecked. In the Coole-Garryland Special Area of Conservation, Cherry Laurel invasions have formed a dense understorey that prevents native sapling regeneration, while its spread is now recorded in Killarney, Glenveagh, Nephin, the Wicklow Mountains, and virtually every wild area in Ireland. Despite its proven invasiveness, government efforts remain piecemeal, with Coillte focusing on costly localised control. The root of the issue remains unaddressed: its legal and widespread commercial sale. This contradiction points to a major gap in Ireland’s invasive species strategy.

John Caffery, professor and invasive species specialist with INVAS Biosecurity Ireland said Cherry Laurel should “absolutely” be included as an invasive species in the legislation which would mean that the plant couldn’t be sold.<sup>15</sup>

Cherry Laurel is widely planted in both public and private developments across Ireland. New housing developments continue to use Cherry Laurel as a cost-effective, fast-growing evergreen hedging solution. County councils allow the mass planting of Cherry Laurel in new estates.

In Munster alone, over 100 hectares of Cherry Laurel farms cater to the European Flower Bouquet Market. A Teagasc fact sheet which touts the benefits of extensive Cherry Laurel cultivation, fails to mention the invasive risks associated with Cherry Laurel.<sup>16</sup>

Numerous nurseries mass-produce Cherry Laurel, including Nonesohardy in County Wicklow, Hylands Nursery in Gorey, Fermoy Woodland Nursery, and Carragh Nursery in County Kildare, all selling the plant in bulk without warnings about its invasiveness. These nurseries are just a few examples; garden centers across the island

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<sup>13</sup> <https://www.coillte.ie/restoring-hazelwood-by-removing-invasive-species/>

<sup>14</sup> <https://www.coillte.ie/restoring-hazelwood-by-removing-invasive-species/>

<sup>15</sup> <https://www.thetimes.com/article/should-ireland-ban-the-sale-of-cherry-laurel-in-garden-centres-l3xbnnd9>

<sup>16</sup> <https://teagasc.ie/wp-content/uploads/2025/05/TRResearch-Spot-the-difference-on-laurel-leaves-Summer-2020.pdf>

offer Cherry Laurel cheaply and without any caution. In spring 2025 Lidl Ireland had a 3 for €12.00 deal on garden plants with Cherry Laurel hedging included.

The consequences of this mass cultivation and unrestricted sale are dire for Ireland's biodiversity.



**Figure 3:** Cherry Laurel for sale in supermarkets and nurseries.

**Figure 4:** Commonly utilised across the island as a fast growing, hardy hedging.



**Figure 5:** Cherry Laurel is an evergreen shrub that casts a dark shadow on the understory preventing growth of native plants, as can be seen here.



**Figure 6:** Cherry Laurel infestation crowding out a native oak forest in Charleville Forest, Tullamore, County Offaly. The Oak on the left hand side of the photo, estimated to be hundreds of years old, will not be able to propagate without management of the encroaching Cherry Laurel infestation.

Outside of Coillte's efforts, only a handful of community groups and charities are actively addressing the spread of invasive species, including the Gaelic Woodland Project. Since July 2022, the charity has pioneered a community-led approach to removing Cherry Laurel, transforming the problem plant into a sustainable biofuel. Because Cherry Laurel is classified as a shrub rather than a tree, its removal does not require a felling licence.

The Gaelic Woodland Project has developed and freely shared a safe and effective method for extracting, processing, and drying Cherry Laurel for firewood. This approach has already been successfully implemented in native woodlands in Killyon Manor in County Meath, Hamwood Estate and Lisnavagh in County Carlow showcasing how local initiatives can lead to real results.

Using invasive Cherry Laurel as biofuel aligns strongly with the principles of Just Transition, the circular economy, and integrated ecosystem management. It offers a model for converting ecological threats into community assets, creating rural employment, especially in areas affected by the peat phase-out, while engaging local people in biodiversity restoration. This method supports climate goals, addresses

biodiversity loss, and exemplifies how integrated, community-driven action can contribute to a more sustainable and equitable future.



**Figure 7:** The difference between woodland floor in a healthy forest (left) and in an area with a Cherry Laurel infestation (right).





**Figures 8 and 9:** Brash piles and wood harvested from a Cherry Laurel infestation by volunteers with the Gaelic Woodland Project.



**Figure 10:** Sunlight reaching the forest floor after removal work by volunteers.

## 4. Legislative Response

The Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011) (the “2011 Regulations”) previously served as Ireland’s definitive list of invasive species subject to legal controls. Species listed were restricted under Regulation 50, which prohibits a person from having in their possession any listed invasive species for the purposes of sale, breeding, reproduction, or propagation without a licence. It also prohibits offering for sale, transportation, distribution, introduction, or release of listed species without a licence. However, this Regulation 50, the section most critical for protecting the island from invasive species, was never enacted and therefore never came into effect. This failure has undermined the objectives of the 2011 Regulations, as they cannot be adequately enforced without

this fundamental component and has undermined the transposition of the Habitats Directive (Council Directive 92/43/EEC). The failure to enact Regulation 50 has led to the importation of numerous invasive species and diseases causing untold destruction to Ireland's biodiversity. Regulation 50 is not out of date, it remains a powerful legal tool, but the State has failed for nearly 15 years to commence it.

In response to ongoing concerns about invasive species, the European Union passed further legislation combating invasive species in 2014, EU Regulation 1143/2014 (the “EU Regulation on Invasive Alien Species”). This regulation was designed to prevent, manage, and mitigate the introduction and spread of invasive alien species across the EU. It includes a list of invasive species of 'Union concern,' which are species that pose significant risks across multiple Member States and therefore, require coordinated action. Of the 37 species on the 'Union list', 9 are already found on this island including the grey squirrel, muntjac deer, Chinese mitten crab, red-eared terrapin/slider, ruddy duck, curly waterweed, American skunk cabbage, floating pennywort (Northern Ireland) and parrot's feather. The species included on this list of 'Union Concern' are subject to restrictions and measures set out in the EU Regulation on Invasive Alien Species. These include restrictions on keeping, importing, selling, breeding, growing and releasing into the environment. The list of species of 'Union concern' has been updated three times, with the last update entering into force on 2 August 2022.<sup>17</sup>

The EU Regulation on Invasive Alien Species did not only deal with invasive species that affected the European Union as a whole. Article 12(1) of the EU Regulation on Invasive Alien Species allows Member States to compile their own national lists of invasive species of 'Member State concern.' This provision enables Member States to use the same regulatory tools designed for Union concern species to address invasive species that are particularly problematic within their own territories.

In January 2019, the European Commission issued a formal notice to Ireland for failing to adopt and notify the necessary rules on penalties for breaches of the regulation. This led to the issuance of a reasoned opinion in November 2019, urging Ireland to comply.<sup>18</sup> However, Ireland continued to fall short of its obligations, and in December 2023, nearly a decade after the regulation was enacted, the European Commission referred Ireland to the Court of Justice of the European Union for its

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<sup>17</sup> A consolidated version of the Union list is available [here](#).

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[https://ireland.representation.ec.europa.eu/news-and-events/news/commission-refer-six-member-states-including-ireland-court-justice-failing-prevent-invasive-alien-2023-01-26\\_en](https://ireland.representation.ec.europa.eu/news-and-events/news/commission-refer-six-member-states-including-ireland-court-justice-failing-prevent-invasive-alien-2023-01-26_en)

failure to adequately implement the penalties applicable to breaches of the EU Regulation on Invasive Alien Species.<sup>19</sup>

In July of 2024, Ireland finally transposed the EU Regulation on Invasive Alien Species by introducing the European Union (Invasive Alien Species) Regulations 2024 (S.I. No. 374 of 2024) (the “2024 Regulations”). This legislation gave effect to the EU Regulation on Invasive Species in Ireland. Under this legislation a list of invasive alien species of national concern was created (the “List of National Concern”). This list is contained in Schedule 1 of the 2024 Regulations.

The **List of National Concern**, has replaced the static list of the Third Schedule under the 2011 Regulations. The List of National Concern provides the current legal framework for invasive species control in Ireland. Unlike the fixed Third Schedule, the List of National Concern is designed to be regularly updated, enabling authorities to respond more effectively and adaptively to emerging threats. This shift introduces a more dynamic, evidence-based approach to safeguarding Ireland’s biodiversity from invasive alien species.

The 2024 Regulations have further strengthened the enforcement regime, giving real “teeth” to offences relating to the destruction or degradation of national biodiversity. Section 17(1) establishes a broad suite of prohibitions in respect of species listed on the List of National Concern. It is now a criminal offence to:

- introduce a listed species into the State;
- place it on the market;
- use, exchange, or offer it for exchange;
- permit it to reproduce, grow, or cultivate, including within contained holdings;
- or
- release it into the environment.<sup>20</sup>

The penalties reflect the seriousness of the threat. Any person who is convicted of this offence shall be liable on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or to both.<sup>21</sup>

Although Regulation 50 of the 2011 Regulations remains unenacted, the new 2024 Regulations provide an alternative, active route to regulate invasive species. A

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[https://ireland.representation.ec.europa.eu/news-and-events/news/nature-commission-refers-ireland-court-justice-failing-adopt-and-notify-penalties-invasive-alien-2023-12-21\\_en](https://ireland.representation.ec.europa.eu/news-and-events/news/nature-commission-refers-ireland-court-justice-failing-adopt-and-notify-penalties-invasive-alien-2023-12-21_en)

<sup>20</sup> Section 17(1) of the European Union (Invasive Alien Species) Regulations 2024 (S.I. No. 374 of 2024)

<sup>21</sup> Section 17(5) of the 2024 Regulations

functional and enforceable framework for intervention is now in place, which empowers the State to regulate the introduction and spread of high-risk species such as Cherry Laurel.

## 5. Cherry Laurel's Exclusion from the List of National Concern.

Notably, Cherry Laurel (*Prunus Lauroceracus*) was excluded from both the Third Schedule and the current List of National Concern.

In April 2022, the National Parks and Wildlife Service (NPWS) declared it had “no intention” of updating the Third Schedule, citing a “lack of funding for a national risk assessment.”

This regulatory gap, combined with the omission of Cherry Laurel from the Third Schedule, has allowed the widespread, unregulated sale of this highly invasive species across Ireland at low prices and without any consumer warnings. As a result, many gardeners unknowingly plant Cherry Laurel, which has become an increasingly popular hedging choice across the island.

Given Ireland's escalating biodiversity crisis, urgent, evidence-based legislative action is required. A critical first step is the formal inclusion of Cherry Laurel on the **List of Invasive Alien Species of National Concern**.

Despite its widespread ecological harm, including the displacement of native flora, alteration of soil chemistry, and suppression of biodiversity, Cherry Laurel remains widely available for sale and promotion in Ireland. This is due not to scientific uncertainty or regulatory complexity, but rather to a continued failure to apply legal mechanisms already available under EU and Irish law.

Government officials have expressed concern regarding potential conflicts with EU internal market rules.<sup>22</sup> The core of the Government's reported reluctance to restrict Cherry Laurel stems from perceived conflict with the EU's free movement of goods principles, particularly Article 34 of the Treaty on the Functioning of the European Union (TFEU). This Article prohibits quantitative restrictions on imports and measures having equivalent effect between Member States, including potentially banning the importation of invasive species like Cherry Laurel. However, such restrictions are not absolute, and derogations from the free movement of goods are permitted when necessary for legitimate purposes, including environmental protection.

Under Article 36 TFEU, Member States may lawfully derogate from Article 34 on the grounds of protecting the health and life of humans, animals, or plants. The Court of Justice of the European Union (CJEU) has consistently upheld these exceptions where the objectives pursued are legitimate and the measures are both necessary and proportionate.<sup>23</sup> Derogations based on biodiversity grounds have been permitted for over 26 years.

The derogation most relevant to this legislation is the right to prohibit or restrict imports or exports in order to protect the health and life of humans, animals, or plants. In the *Blumhme* case, known as the Danish Bees case, the CJEU upheld national measures aimed at preserving biodiversity, specifically an indigenous animal

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<sup>22</sup> Cummins, The Seeds of Doom, Law Society of Ireland Gazette accessed at <https://www.lawsociety.ie/gazette/in-depth/the-seeds-of-doom/>

<sup>23</sup> David Langlet and Said Mahmoudi, EU Environmental Law and Policy (2016) <https://doi.org/10.1093/acprof:oso/9780198753926.001.0001> at page 77

population.<sup>24</sup> The Danish Bees case involved a prohibition on keeping any bee species other than the Læsø brown bee on Læsø Island. This restriction was implemented to conserve a unique subspecies of bee native to the island, aiming to protect biodiversity and ensure the health of this specific subspecies. The court ruled that the national measures, aimed at protecting biological diversity, could be justified under Article 36 TFEU, even if the population in question is not at immediate risk of extinction.<sup>25</sup> Robust scientific evidence, highlighting the unique genetic traits of the Læsø brown bee and the risks of hybridization with non-native species, supported the need for these protective measures.

Langlet and Mahmoudi state that it is thus clear from the Danish Bees case that “Article 36 covers not only measures for the protection of specific individuals, for example against contagious diseases, or even those protecting a species against extinction, but also measures aimed at protecting biological diversity and its components in a broad sense.”<sup>26</sup> This case set a precedent for biodiversity protection initiatives within the EU, showing that targeted legal and conservation measures can be used to protect specific species and subspecies, even if it involves limiting free movement of goods within the EU.<sup>27</sup>

Further, the precautionary principle, enshrined in EU law under Article 191(2) TFEU and Article 37 of the EU Charter of Fundamental Rights, allows regulatory intervention in cases where scientific evidence shows a credible risk of ecological harm, even where uncertainty remains. In *Tatar v Romania*, the European Court of Human Rights stressed that the precautionary principle could be seen as a basis for the obligation to attain a high level of environmental protection.<sup>28</sup> In the *Waddenzee* case, the CJEU interpreted the Habitats Directive in light of this principle, allowing for environmental protection measures in the face of uncertain risks.<sup>29</sup> In the case of *Cherry Laurel*, no such uncertainty exists: its ecological threat is well-documented.

In the *ADBHU* or *Waste Oil* case, the Court of Justice found in 1985 that protection of the environment is one of the EU’s essential objectives.<sup>30</sup> In interpreting the Birds

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<sup>24</sup> Case C-67/97 *Bluhme* [1998] ECR I-8033

<sup>25</sup> David Langlet and Said Mahmoudi, *EU Environmental Law and Policy* (2016) <<https://doi.org/10.1093/acprof:oso/9780198753926.001.0001>> at page 81

<sup>26</sup> David Langlet and Said Mahmoudi, *EU Environmental Law and Policy* (2016) <<https://doi.org/10.1093/acprof:oso/9780198753926.001.0001>> at page 81

<sup>27</sup> See also Case C-131/93 *German Crayfish* [1994] ECR I-3303 and Case C-249/07 *Commission of the European Communities v Kingdom of the Netherlands*.

<sup>28</sup> Nicolas De Sadeleer, *EU Environmental Law and the Internal Market* (2014) <<http://ci.nii.ac.jp/ncid/BB14950133>> at page 45.

<sup>29</sup> David Langlet and Said Mahmoudi, *EU Environmental Law and Policy* (2016) <<https://doi.org/10.1093/acprof:oso/9780198753926.001.0001>> at page 42

<sup>30</sup> David Langlet and Said Mahmoudi, *EU Environmental Law and Policy* (2016) <<https://doi.org/10.1093/acprof:oso/9780198753926.001.0001>> at page 78

Directive, the CJEU has held “that ‘ecological, scientific and cultural requirements’ take precedence over ‘economic and recreational requirements, the latter playing only an ancillary role’”.<sup>31</sup> Langlet and Mahmoudi note that ‘EU legal acts that have environmental protection as their legal basis allow, on certain conditions, the Member States to take more protective action at the domestic level’.<sup>32</sup> This additional protective action is itself anticipated by the EU Regulation on Invasive Alien Species which supports measures being taken to prevent the spread of invasive species of Member State concern as long as they are “compatible with the TFEU”.<sup>33</sup>

The EU Regulation on Invasive Alien Species was designed not only to address species of Union-wide concern, but also to empower Member States to take domestic action. Article 12(1) of the Regulation allows countries to compile their own national lists of invasive alien species of Member State concern. Once listed, the same regulatory measures — including bans on sale, cultivation, and transport — apply under Section 17(1) of Ireland’s 2024 Regulations.

Adding Cherry Laurel to this list would:

- Prevent further introduction and spread of this invasive species;
- Activate legal prohibitions on its sale and promotion;
- Bring Ireland into alignment with best practice across the EU;
- Demonstrate that Ireland is fulfilling both the letter and spirit of its EU obligations.

This approach fully respects internal market principles and is legally defensible under Article 36 TFEU. Any restriction would be targeted, evidence-based, and proportionate, in full accordance with EU jurisprudence.

Ireland’s persistent failure to regulate well-known invasive species like Cherry Laurel highlights a significant governance deficit. According to United Nations principles of good governance, effective environmental policy must be accountable, transparent, participatory, and responsive to both current and future societal needs. Public concern, including from ecological experts, communities, NGOs, and landowners, about invasive species is growing, yet governmental inaction undermines these principles and erodes trust in Ireland’s biodiversity commitments.

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<sup>31</sup> Nicolas De Sadeleer, *EU Environmental Law and the Internal Market* (2014) <<http://ci.nii.ac.jp/ncid/BB14950133>> at page 46. Case C-247/85 *Commission v Belgium* [1987] ECR 3029; and Case C-262/85 *Commission v Italy* [1987] ECR 3073

<sup>32</sup> David Langlet and Said Mahmoudi, *EU Environmental Law and Policy* (2016) <<https://doi.org/10.1093/acprof:oso/9780198753926.001.0001>> at page 69

<sup>33</sup> Article 12(2) of EU Regulation 1143/2014

Legally, there is no obstacle to prohibiting the sale of Cherry Laurel. EU law, particularly Regulation 1143/2014 and the Habitats Directive, encourages Member States to adopt justified and proportionate measures to protect biodiversity. The European Court of Justice has consistently upheld such environmental safeguards as lawful exceptions to free trade rules under Article 36 TFEU.

The European Commission has already issued a reasoned opinion and subsequently referred Ireland to the CJEU for its failure to adequately implement the EU Regulation on Invasive Alien Species. Continuing to ignore available mechanisms, including the national listing process under Article 12(1), could trigger further legal scrutiny and reputational damage.

By adding Cherry Laurel (*Prunus laurocerasus*) to Ireland's List of Invasive Alien Species of National Concern under the 2024 EU (Invasive Alien Species) Regulations (S.I. No. 374/2024), Ireland would:

- Activate enforceable protections against introduction, sale, and spread;
- Fulfil EU obligations and close the long-standing regulatory gap;
- Legally justify trade restrictions on clear environmental grounds; and
- Demonstrate responsible, responsive governance aligned with national and international biodiversity commitments.

Despite clear ecological risks, Cherry Laurel remains widely sold and planted, exacerbating Ireland's biodiversity crisis. Restricting its sale may impact a limited sector of horticulture but overwhelmingly benefits ecosystem integrity, especially as viable alternatives exist. This action would also address EU concerns, including the European Commission's recent referral of Ireland to the Court of Justice for inadequate implementation of invasive species regulations.

The Irish Government holds both legal and strategic responsibilities in addressing the threat of invasive species. Under **EU Regulation 1143/2014**, now transposed into Irish law via the **European Union (Invasive Alien Species) Regulations 2024**, the State is legally obliged to implement measures that prevent, manage, and reduce the impact of harmful invasive species. This includes the identification and listing of species of national concern and the regulation of their sale, planting, and distribution. At the national level, the **National Biodiversity Action Plan 2023–2030** reinforces these obligations by committing Ireland to halt and reverse biodiversity loss, with a focus on stronger action against invasive species. Additionally, the **Citizens' Assembly on Biodiversity Loss** has explicitly called for greater regulation of invasive plants, including Cherry Laurel. Taken together, these frameworks leave no ambiguity: the Government has a clear and immediate duty to act. Continuing to allow the unregulated sale and spread of Cherry Laurel, despite its well-documented ecological harm, directly undermines Ireland's legal obligations, national strategies, and public trust.

We therefore recommend that the Irish Government lists Cherry Laurel under the 2024 Regulations and commences Regulation 50 or implements equivalent measures without delay. Ireland must protect its natural heritage, honour its EU legal obligations, and meet the expectations of its citizens and the international community.

Taking decisive action on Cherry Laurel is not only about controlling one invasive species, it is about demonstrating Ireland's commitment to biodiversity protection and responsible environmental governance. The tools and legal pathways already exist to do so. By acting swiftly, Ireland can prevent further ecological degradation, reduce long-term economic costs, and set a positive precedent for tackling other invasive species.

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