EXPLANATORY MEMORANDUM TO THE

ENVIRONMENTAL STEWARDSHIP (ENGLAND) AND ORGANIC PRODUCTS (AMENDMENT) REGULATIONS 2006

2006 No. 2075

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This SI amends the Environmental Stewardship (England) Regulations 2005 (SI 2005/621) and the Organic Products Regulations 2004 (SI 2004/1604), as last amended by the Environmental Stewardship (England) and Organic Products (Amendment) Regulations 2005 (SI 2005/2003). It will:

- update references to the UK Compendium of Organic Standards, which has been amended and reissued as a version dated September 2006;

- update the reference to Council Regulation (EEC) No. 2092/91 to take into account recent amending legislation.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 These Regulations make amendments to the Organic Products Regulations 2004 to substitute a reference to the revised Compendium (the September 2006 edition) for the reference to the July 2005 edition, and to include a reference to Council Regulation (EEC) No. 2092/91 as last amended as the Organic Products Regulations 2004 implement that EC Regulation. These amendments are made under the European Communities Act 1972 section 2(2) and the implied power to amend in the Interpretation Act 1978 section 14.

4.2 The same amendments are made to the Environmental Stewardship (England) Regulations 2005 under the Environment Act 1995 section 98, under which those Regulations were made. The amendments made relate to the Organic Entry Level Scheme governed by those Regulations as the conditions for qualification for payments under that scheme include compliance with organic standards under Council Regulation (EEC) No. 2092/91 and the Compendium. Section 98 provides for regulations to be made in connection with grants conducive to the conservation or enhancement of the countryside and promotion of its enjoyment. Consent of Her Majesty's Treasury has been obtained as required. The Countryside Agency, English Nature and the

Historic Buildings and Monuments Commission for England have been consulted on the amendments as might be required by section 99 of the Environment Act 1995.

5. Extent

5.1 This instrument applies to the United Kingdom in respect of amendments to the Organic Products Regulations 2004, and England only in respect of amendments to the Environmental Stewardship (England) Regulations 2005.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 This SI is required to amend the reference to the Compendium of UK Organic Standards in two SIs currently in force, the Environmental Stewardship (England) Regulations 2005 and the Organic Products Regulations 2004 (both last amended by the Environmental Stewardship (England) and Organic Products (Amendment) Regulations 2005 (SI 2005/2003)), to take into account the recent revisions to the Compendium.

7.2 Article 12 of Council Regulation (EEC) No. 2092/91 permits Member States to apply more stringent rules within their territory than those set out in that Regulation in respect to livestock and livestock products. The Compendium of UK Organic Standards has been amended, in consultation with stakeholders and the Advisory Committee on Organic Standards (ACOS) to remove two more stringent provisions, as to substances that can be used as sheep dip and tethering of animals, which brings these provisions more into line with EU organic standards. There have also been changes to guidance contained in the Compendium to reflect proposals by the Department's Advisory Committee on Organic Standards (ACOS).

7.3The Compendium has also been updated to reflect changes introduced by recent EC Regulations that amend Council Regulation (EEC) No. 2092/91.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as no additional regulatory burdens are imposed on organic operators.

9. Contact

9.1 Alex Dasi-Sutton at the Department for Environment, Food and Rural Affairs; Tel: 020 7238 5633 or e-mail: alex.dasi-sutton@defra.gsi.gov.uk can answer any queries regarding the instrument.