EXPLANATORY MEMORANDUM TO

The Marketing of Plant and Propagating Material (Amendment) Regulations (Northern Ireland) 2019

SR 2019 No. 161

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

2.1. This Statutory Rule amends the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 and the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 to provide that the Department may authorise the marketing of plant material from any country outside the European Union if satisfied that the plant material has been produced under conditions equivalent to those required by the Regulations in each case.

3. Background

3.1. Council Directive 2008/72/EC and Council Directive 2008/90/EC prescribe marketing standards for vegetable plant material and fruit propagating material to ensure minimum quality standards and traceability and allow each Member State to authorise in respect of its territory the marketing of planting material produced in countries outside the European Union which the Member State considers to have equivalent production standards. These Directives are transposed by the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 and the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017.

3.2. The Regulations transpose Article 16(2) of Council Directive 2008/72/EC and Commission Implementing Decision 2013/166/EU which extends equivalence production arrangements with third countries in respect of marketing of vegetable plant material and Article 12(2) of Council Directive 2008/90/EC and Commission Implementing Decision (EU) 2019/120 which extends equivalence production arrangements with third countries in respect of marketing of fruit plant propagating material.

4. Consultation

4.1. This instrument was not subject to formal consultation. The legislation applies to a small sector of the industry and DAERA has engaged with those involved.

5. Equality Impact

5.1. These Regulations have been screened out for equality impacts. The implementing measures will apply in equal measure to all Section 75 groups.

6. Regulatory Impact

6.1. The legislation applies to activities undertaken by small businesses.

6.2. There is no, or no significant impact on business, charities, voluntary bodies or the public sector.

6.3. A Regulatory Impact Assessment has not been prepared for this Statutory Rule.

7. Financial Implications

7.1. The Order has no financial implications for business.

8. Section 24 of the Northern Ireland Act 1998

8.1. This Statutory Rule does not have any human rights implications nor is it incompatible with EU law. The Order is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. This legislation provides for implementation of Council Directive 2008/72/EC and Commission Implementing Decision 2013/166/EU and Council Directive 2008/90/EC and Commission Implementing Decision (EU) 2019/120.

10. Parity or Replicatory Measure

10.1. Similar but separate legislation to the principal Order operates in England, Scotland and Wales.

11. Additional Information

11.1. These Regulations come into operation in breach of the 21 day rule in order to comply with the choreography of the laying of the EU Exit S.I. on 16 September 2019.