EXPLANATORY MEMORANDUM TO

The Plant Health (Amendment No. 3) Order (Northern Ireland) 2019

SR 2019 No. 160

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 sections 2 and 3(1) of the Plant Health Act (Northern Ireland) 1967 and 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 Plant Health Order (Northern Ireland) 2018 (S.R. 2018 No. 184) ("the principal Order") which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It implements the specific control measures in Commission Implementing Decision (EU) 2019/449 and Commission Implementing Directive (EU) 2019/523.

3. Background

3.1. Council Directive 2000/29/EC on protective measures against the introduction into the EU of organisms harmful to plants or plant products and against their spread within the EU ("the Plant Health Directive") establishes the EU plant health regime. The Plant Health Directive (and therefore the principal Order) is updated frequently, to take account of new or revised risk assessments, pest interceptions, changes in distribution of pests and other developments. The Plant Health Directive is implemented in Northern Ireland by the Plant Health Order (Northern Ireland) 2018 and, in relation to wood and bark matters, by the Plant Health (Wood and Bark) Order (Northern Ireland) 2006 (S.R. 2006 No. 66).

3.2. The EU instruments adopted modify the annexes of the Plant Health Directive as a result of technical changes in the assessment of risks presented by particular pests and diseases and introduce new measures to address risks presented by other pests and diseases. These amendments are to be implemented through this instrument which comes into operation on 1 September 2019. The measures are contained in the following pieces of EU legislation:

3.3. Commission Implementing Decision (EU) 2019/449 amending Commission Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in third countries to prevent the introduction into and the spread within the Union of the harmful organism Phyllosticta citricarpa; and

3.4. Commission Implementing Directive (EU) 2019/523 amending Annexes I to V to Council Directive 2000/29/EC on protective measures against the

introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

4. Consultation

4.1. The changes outlined at paragraph 3.2 to 3.4 reflect those already in place at the EU level, which have been published by the European Commission and have been subject to consultations with the sectors involved.

5. Equality Impact

5.1. This Order has 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 Commission Implementing Decision (EU) 2019/449 and Commission Implementing Directive (EU) 2019/523.

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. This instrument does not relate to withdrawal from the European Union.

11.2. It is necessary to breach the 21 day rule in order to implement Commission Implementing Directive (EU) 2019/523 by 1 September 2019 in compliance with the transposition deadline.