EXPLANATORY MEMORANDUM TO

PLANT HEALTH (OFFICIAL CONTROLS AND MISCELLANEOUS PROVISIONS) REGULATIONS (NORTHERN IRELAND) 2019

SR 2019 No. 230

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 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. The principal purpose of this Statutory Rule is to implement the new EU Plant Health Regulation (Regulation (EU) 2016/2031) and the plant health elements of the new Official Controls Regulation(Regulation (EU) 2017/625) and associated tertiary legislation, which applies from 14 December 2019.

3. Background

3.1. This Statutory Rule implements Regulation (EU) 2016/2031 on protective measures against pests of plants ("the PHR") and so far as relating to plant health, Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of feed and food laws, rules on animal health and welfare and plant and plant protection products ("the OCR"), together with associated tertiary legislation. This Statutory Rule makes provision to implement PHR, the OCR and associated tertiary legislation for plant health.

3.2. The PHR consolidates and strengthens EU plant health legislation and in so doing substantially repeals Council Directive 2000/29/EU on protective measures against the introduction into the community of organisms harmful to plants or plant products and against their spread within the Community. The PHR strengthens biosecurity and reduces the risk of the introduction of injurious pests and diseases

3.3. The OCR sets out a framework of requirements for the competent authorities in member States to be responsible for organising and performing official controls and other official activities to verify compliance with agri-food chain legislation, including in relation to plant health.

3.4. The Statutory Rule ensures that necessary and appropriate enforcement powers are in place in Northern Ireland in connection with the requirements of the PHR, plant health aspects of the OCR and associated

tertiary legislation (separate and parallel legislation will apply in England, Wales and Scotland).

4. Consultation

4.1.

4.2. The changes outlined reflect those in place at EU level, which have been published by the European Commission and have been subject to consultations with the sectors involved. While there has been no formal consultation, the department has engaged with stakeholders during the planning and implementation of the PHR and related elements of the OCR

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 a wide range of businesses engaged in the sector.

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 been prepared for this Statutory Rule. This has considered the new offences being created in relation to the marking of wood packaging material. This complies with Article 96(1) and Article 97(1) of the PHR.

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. None.

10. Parity or Replicatory Measure

10.1. Scotland have introduced similar legislation on 11 December 2019. England and Wales intent to introduce similar legislation.

11. Additional Information

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

11.2. The measures to come into operation on 14 December 2019 in breach of the rule requiring instruments to be laid at least 21 days before they come into effect, as action is needed urgently to prevent introduction of this pest.