EXPLANATORY MEMORANDUM TO

The Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2009

SR No. 340

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development 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(1) and 3(1) of the Plant Health Act (Northern Ireland) 1967 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 Statutory Rule implements changes to Council Directive 2000/29/EC('the Plant Health Directive') on protective measures against the introduction into the community of organisms harmful to plants or plant products and against their spread within the community as follows:

2.2. • Commission Directive 2009/7/EC introduces measures to prevent the introduction and spread of two forestry pests (the Emerald Ash Borer and the Siberian Conifer Silk Moth) by adding these to the list of prohibited pests and prescribing landing requirements for host material of the former. Member States were required to implement these changes by 1 April 2009.

2.3. • Commission Directive 2008/109/EC amends import requirements concerning wood packaging material entering the EU from third countries, other than Switzerland, so as to require, from 1 July 2009, that such material is produced from wood which is free from bark (with specified tolerances).

3. Background

3.1. Council Directive 2000/29/EC establishes the Community plant health regime. It contains measures to be taken in order to prevent the introduction into, and spread within, the Community of serious pests and diseases of plants and plant produce. In Northern Ireland the Plant Health Directive is implemented by Forest Service, in relation to imports of wood (timber and packaging) and bark, by The Plant Health (Wood and Bark) Order (Northern Ireland) 2006 (‘the 2006 Order’), which was made under enabling powers in the Plant Health Act (Northern Ireland) 1967.

4. Consultation

4.1. In GB the industry has been informally consulted on the measures introduced by Commission Directive 2009/7/EC and they have confirmed that they do not expect there to be any significant impact on business. We are carrying out a similar exercise and do not expect there to be any significant impact on business.

5. Equality Impact

5.1. There are no equality implications

6. Regulatory Impact

6.1. The Order has minimal impact on costs for business and no impact on the private and voluntary sectors.

7. Financial Implications

7.1. There are no financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Order complies with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. A Transposition Note has been prepared.

10. Parity or Replicatory Measure

10.1. The measures have been implemented in GB and the South.

11. Additional Information

11.1. Not applicable.