EXPLANATORY MEMORANDUM TO

The Seed Potatoes (Amendment) Regulations (Northern Ireland) 2017

SR no. 155

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 1(1) and 2(2) of the Seeds Act (Northern Ireland) 1965 and is subject to the negative resolution procedure.

2. Purpose

2.1. To amend the Seed Potatoes Regulations (Northern Ireland) 2016 (S.R. 2016 No. 190) (the 2016 Regulations), which provide for certification and marketing of seed potatoes in Northern Ireland to transpose Directive 2016/317 on EU labelling requirements.

2.2. To make a minor amendment to the 2016 Regulations.

3. Background

3.1. Council Directive 2002/56/EC (the principal Directive) establishes the regime for the certification and marketing of seed potatoes in Member States. The Directive is implemented in Northern Ireland by the 2016 Regulations.

3.2. These Regulations transpose Commission Implementing Directive (EU) 2016/317, which amends the principal Directive to add an "Officially assigned serial number" to the label particulars required on the official label on a package or container of basic and certified seed potatoes. This minor change, which is of a technical nature, is already common practice in Northern Ireland, as it is across the UK.

4. Consultation

4.1. Prior to the introduction of the 2016 Regulations, the Department consulted on the proposals and stakeholders were in favour of the legislation.

4.2. A consultation on the transposition of Commission Implementing Directive (EU) 2016/317 has been carried out with industry representatives in England. Industry indicated that it would wish to continue the practice as it ensures traceability, prevents fraudulent marketing of uncertified stocks and would most likely continue to be an requirement for trade with third countries irrespective of the UK's future relationship with the European Union.

5. Equality Impact

5.1. In accordance with DAERA's obligations under section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations

have been assessed. No adverse equality impacts have been identified under the Equality and Human Rights screening procedures. The Department considers the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

6.1. The Department did not prepare a Regulatory Impact Assessment for the Regulations as there is no additional cost for business, charities or voluntary bodies.

7. Financial Implications

7.1. As there is no change to the current procedures, there is no additional cost to the seed potato industry.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations do not have any human rights obligations, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of the Northern Ireland Act 1998.

9. EU Implications

9.1. These Regulations transpose Commission Implementing Directive (EU) 2016/317.

10. Parity or Replicatory Measure

10.1. Implementation of Commission Implementing Directive (EU) 2016/317 is required in all Member States.

11. Additional Information

11.1. Not applicable.