

EXPLANATORY MEMORANDUM TO

The Plant Health (Amendment) Order (Northern Ireland) 2015

SR 2015 No. 128

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 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. This Statutory Rule amends The Plant Health Order (Northern Ireland) 2006 (S.R. 2006/82) ("the principal Order") which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It implements Commission Implementing Directives 2014/78/EU and 2014/83/EU and Commission Implementing Decision 2014/422/EU.

3. Background

- 3.1. Council Directive 2000/29/EC on protective measures against the introduction into the EU of organisms (serious pests and diseases) 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) 2006 and similar but separate legislation implements the Plant Health Directive in the case of wood and bark matters. In England, Scotland and Wales similar legislation implements the Plant Health Directive in respect of forestry and non-forestry matters.
- 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 force on the 27 March 2015.
- 3.3. Key changes include the establishment of Northern Ireland as a protected zone for chestnut gall wasp (*Dryocosmus kuriphilus* Yasumatsu), oak processionary moth (*Thaumtopoea processionea* L.) and canker stain of plane (*Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr, formerly known as *Ceratocystis fimbriata* f. spp. *platani* Walter), requiring that plants and plant produce that are hosts of these pests must reach higher plant health standards before entering Northern Ireland.

- 3.4. Other changes include the implementation of Points 11.4 and 18.1 of Commission Implementing Directive 2014/78/EU in relation to the pests *Agrilus planipennis* Fairmaire and *Candidatus Liberibacter* spp., causal agent of Huanglongbing disease of citrus/citrus greening. These amendments prohibit imports of relevant material originating in third countries. Under article 18(2) of Council Directive 2000/29/EC, the Commission will recognise pest free areas or countries, from which imports of the relevant material will be permitted. To date, no pest free areas or countries have been recognised by the Commission.
- 3.5. The adoption of measures set out by Commission Implementing Decision 2014/422/EU in respect of certain citrus fruits originating in South Africa to prevent the introduction into and spread within the EU of Citrus blackspot (*Phyllosticta citricarpa* (McAlpine) Van der Aa, formerly known as *Guignardia citricarpa* Kiely). New special requirements are introduced in Schedule 4 Part A of the principal Order in relation to the import into Northern Ireland from South Africa of fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruits of *Citrus aurantium* L. and *Citrus latifolia* Tanaka.

4. Consultation

- 4.1. This legislation implements EU legislation. The views of stakeholders were sought and taken into account during negotiations with the Commission and other Member States.

5. Equality Impact

- 5.1. The Department has screened the legislation for equality and human rights issues, including consideration for compliance with Section 75 of the Northern Ireland Act 1998, and as the implementing Directives 2014/78/EU and 2014/83/EU and Decision 2014/422/EU will apply in equal measure to all Section 75 groups, a full Equality Impact Assessment is not required.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been prepared for this Statutory Rule as it has no impact on costs for business, charities or voluntary bodies.

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 implements Commission Implementing Directives 2014/78/EU and 2014/83/EU and Commission Implementing Decision 2014/422/EU. A Transposition Note is attached.

10. Parity or Replicatory Measure

10.1. This legislation is required to retain parity with other EU Member States.

11. Additional Information

11.1. Not applicable.

ANNEX

Transposition Note for the transposition of Commission Implementing Directives 2014/78/EU and 2014/83/EU amending Annexes I, II, III, IV and 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

Commission Implementing Directive 2014/78/EU		
Provision in Annex	Amendment to Directive 2000/29/EC (“the Plant Health Directive”)	Provision in The Plant Health (Amendment) Order (Northern Ireland) 2015
(1)(a)(i)	Amendments to Section I, Part A, Annex I to the Plant Health Directive	Article 4(1) (amending Part A of Schedule 1 to The Plant Health Order (Northern Ireland) 2006 (“the principal Order”))
(1)(a)(ii)	Amendments to Section II, Part A, Annex I to the Plant Health Directive	Article 4(2) (amending Part B of Schedule 1 to the principal Order); nothing further required to implement the third indent of (1)(a)(ii)
(1)(b)(i)	Amendment to Part B, Annex I to the Plant Health Directive	Article 4(2) (amending Part B of Schedule 1 to the principal Order)
(1)(b)(ii)	Amendment to Part B, Annex I to the Plant Health Directive	Article 4(2) (amending Part B of Schedule 1 to the principal Order)
(2)(a)(i)	Amendments to Section I, Part A, Annex II to the Plant Health Directive	Article 5(1) (amending Part A of Schedule 2 to the principal Order)
(2)(a)(ii)	Amendments to Section II, Part A, Annex II to the Plant Health Directive	Article 5(2) (amending Part B of Schedule 2 to the principal Order)
(2)(b)(i)	Amendment to Part B, Annex II to the Plant Health Directive	Nothing further required (no change to Northern Ireland’s status as a protected zone)
(2)(b)(ii)	Amendment to Part B, Annex II to the Plant Health Directive	Nothing further required (no change to Northern Ireland’s status as a protected zone)
(2)(b)(iii)	Amendment to Part B, Annex II to the Plant Health Directive	Nothing further required (no change to Northern Ireland’s status as a protected zone)
(2)(b)(iv)	Amendment to Part B, Annex II to the Plant Health Directive	Nothing required (protected zones do not relate to Northern Ireland)
(3)(a) and (b)	Amendment to Part B, Annex III to the Plant Health Directive	Nothing further required (no change to Northern Ireland’s status as a protected zone)
(4)(a)(i)	Amendments to Section I, Part A, Annex IV to the Plant Health Directive	Article 6(1)(b), (d), (e), (h), (i), (k) and (m) to (y) (amending Part A of Schedule 4 to the principal Order). Nothing further required for other amendments in (4)(a)(i) (they relate to wood and bark)

(4)(a)(ii)	Amendments to Section II, Part A, Annex IV to the Plant Health Directive	Article 6(2)(c) to (f) and (h) to (o) (amending Part B to Schedule 4 of the principal Order)
(4)(b)	Amendments to Part B, Annex IV to the Plant Health Directive	Article 6(3)(b) and (d) (amending Part C of Schedule 4 to the principal Order). Nothing further required for other amendments in (4)(b).
(5)(a)(i)	Amendments to Section I, Part A, Annex V to the Plant Health Directive	Articles 8(1) and 9(1) (amending Part A to Schedules 6 and 7 of the principal Order)
(5)(a)(ii)	Amendments to Section II, Part A, Annex V to the Plant Health Directive	Article 8(2)(a), (b) and (d) and article 9(2) (amending Part B to Schedules 6 and 7 of the principal Order)
(5)(b)(i)	Amendments to Section I, Part B, Annex V to the Plant Health Directive	Article 7(1) (amending Part A of Schedule 5 to the principal Order). Nothing required for amendments in (5)(b)(i) in relation to points 5 and 6 (relates to wood and bark).
(5)(b)(ii)	Amendments to Section II, Part B, Annex V to the Plant Health Directive	Article 7(2) (amending Part B of Schedule 5 to the principal Order)
Commission Implementing Directive 2014/83/EU		
(1)	Amendment to Part B, Annex I to the Plant Health Directive	Nothing further required (no change to UK's status as a protected zone)
(2)(a)	Amendment to Section II, Part A, Annex II to the Plant Health Directive	Article 5(2)(c) (amending Part B of Schedule 2 to the principal Order)
(2)(b)	Amendment to Part B, Annex II to the Plant Health Directive	Nothing further required (no change to Northern Ireland's status as a protected zone)
(2)(c)	Amendment to Part B, Annex II to the Plant Health Directive	Article 5(2)(c) (amending Part B of Schedule 2 to the principal Order)
(3)(a) and (b)	Amendments to Part B, Annex III to the Plant Health Directive	Nothing further required (no change to Northern Ireland's status as a protected zone)
(4)(a)(i) and (ii)	Amendments to Section I, Part A, Annex IV to the Plant Health Directive	Nothing required (relates to wood and bark)
(4)(a)(iii)	Amendment to Section I, Part A, Annex IV to the Plant Health Directive	Article 6(1)(c) (amending Part A of Schedule 4 to the principal Order)
(4)(b)(i)	Amendment to Section II, Part A, Annex IV to the Plant Health Directive	Nothing required (relates to wood and bark)
(4)(b)(ii)	Amendment to Section II, Part A, Annex IV to the Plant Health Directive	Article 6(2)(a) (amending Part B of Schedule 4 to the principal Order)
(4)(c)(i)	Amendment to Part B, Annex IV to the Plant Health Directive	Nothing required (relates to wood and bark)

(4)(c)(ii)	Amendment to Part B, Annex IV to the Plant Health Directive	Article 6(3)(b) (amending Part C of Schedule 4 to the principal Order)
(4)(c)(iii) and (iv)	Amendments to Part B, Annex IV to the Plant Health Directive	Nothing further required (no change to Northern Ireland's status as a protected zone)
(4)(c)(v) to (vii)	Amendments to Part B, Annex IV to the Plant Health Directive	Nothing further required (no change to UK's status as a protected zone)
(5)(a)(i)	Amendment to Section II, Part A, Annex V to the Plant Health Directive	Articles 8(2)(a) and 16(2)(a) (amending Part B of Schedules 6 and 7 to the principal Order)
(5)(a)(ii)	Amendment to Section II, Part A, Annex V to the Plant Health Directive	Nothing required (relates to wood and bark)
(5)(b)	Amendments to Section I, Part B, Annex V to the Plant Health Directive	Nothing required (relates to wood and bark)