

**EXPLANATORY MEMORANDUM TO**  
**The Marketing of Ornamental Plant Propagating Material (Amendment)**  
**Regulations (Northern Ireland) 2018**

**SR No. 183**

**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 section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. This instrument amends the Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999 (S.R. 1999 No. 502) which implements Council Directive 1998/56/EC and sets out the marketing requirements for ornamental plant propagating material. It implements Commission Implementing Directive (EU) 2018/484 which sets out additional marketing requirements for certain species of Palmae (palms, including trees) to prevent infestation of the harmful organism *Rhychophorus ferrugineus* (Olivier), also known as red palm weevil.

**3. Background**

- 3.1. Red palm weevil is a harmful organism that can cause severe damage to certain species of palms, including palm trees. Until recently it was classed by the EU as a quarantine pest and regulated by means of emergency plant health measures to prevent its introduction and spread. With this organism now known to be widespread throughout the majority of Member States, a decision was taken at EU level to remove it from the list of plant health quarantine pests and in future ensure the quality of the propagating material through specific marketing requirements. Northern Ireland and the rest of the UK is one of the few Member States where red palm weevil is not known to be present. Its removal from the list of quarantine pests does not affect Northern Ireland's protected zone status for which strict plant health controls will still be in place to ensure all of the UK continues to remain free from the pest.
- 3.2. This instrument sets out specific requirements to ensure the quality of propagating material of certain species of palm which, without such controls in place, would be at risk of infestation by red palm weevil. It ensures that if Northern Ireland's protected zone status should end, propagating material of ornamental palms would still be protected from infestation through the marketing regulations. This instrument is therefore necessary in Northern Ireland for reasons of biosecurity.

#### **4. Consultation**

- 4.1. There is no legal requirement to consult. The main stakeholders involved in the production and marketing of ornamental palms will be informed of the new measures by means of an information note which will be placed on the DAERA website.

#### **5. Equality Impact**

- 5.1. Not applicable. This Order has been screened out for equality impacts. No impact on any Section 75 group is anticipated.

#### **6. Regulatory Impact**

- 6.1. The legislation applies to activities that are undertaken by small businesses. Northern Ireland's continuing protected zone status for red palm weevil means there is no change in the regulatory burden.
- 6.2. No specific action is proposed to minimise regulatory burdens on small businesses.
- 6.3. There is no, or no significant impact on business, charities, voluntary bodies or the public sector.
- 6.4. A Regulatory Impact Assessment has not been prepared for this Statutory Rule.

#### **7. Financial Implications**

- 7.1. The Regulations have 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 Directive (EU) 2018/484.

#### **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. The transposition deadline for Commission Implementing Directive (EU) 2018/484 was 1 October 2018. In order to observe the 21 day rule, this legislation will be introduced on 14 November 2018.