
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations largely revoke and replace the Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. They also revoke regulations 6 and 7 of the Plant Health and Seeds (Miscellaneous Provisions) Regulations (Northern Ireland) 2019.

The Regulations give effect to—

- (a) Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants (O.J. No. L 317, 23.11.2016, p. 4), amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council (“the EU Plant Health Regulation”); and
- (b) 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 food and feed law, rules on animal health and welfare, plant health and plant protection products, in so far as it applies to the rules referred to in Article 1(2)(g) (O.J. No. L 95, 7.4.2017, p. 1) (“the official Controls Regulation”).

The Regulations also implement in relation to Northern Ireland—

- (a) Council [Directive 69/464/EEC](#) on control of Potato Wart Disease (O.J. No. L 323, 24.12.1969, p. 1);
- (b) Council [Directive 93/85/EEC](#) on the control of potato ring rot (O.J. No. L 259, 18.10.1993, p. 1);
- (c) Council [Directive 98/57/EC](#) on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al. (O.J. No. L 235, 21.8.1998, p. 1); and
- (d) Council [Directive 2007/33/EC](#) on the control of potato cyst nematodes and repealing [Directive 69/465/EEC](#) (O.J. No. L 156, 16.6.2007, p. 12).

Part 1 is introductory and includes definitions. Regulation 3(2) provides for references to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants (O.J. No. L 319, 10.12.2019, p. 1), and to the European Union instruments listed in regulation 3(1), to be read as references to those instruments as amended from time to time.

Part 2, regulation 6 designates the Department of Agriculture, Environment and Rural Affairs as the competent authority in Northern Ireland.

Part 3 makes further provision in relation to consignments of plants, plant products and other objects from third countries which are subject to official controls on their entry into the European Union.

Part 4 contains powers to enable plant health inspectors appointed by the Department and the Department to take measures to prevent the establishment or spread of harmful plant pests in Northern Ireland.

Part 5 and Schedule 1—

- (a) impose additional emergency measures to prevent the establishment or spread of certain harmful plant pests in Northern Ireland;
- (b) prohibit, or impose additional phytosanitary conditions on, the introduction of certain plants, plant products or other objects from third countries into Northern Ireland; and

Status: This is the original version (as it was originally made).

(c) prohibit, or impose additional phytosanitary conditions on, the introduction of certain plants from the Union territory, other than the United Kingdom, into Northern Ireland.

Part 6 makes further provision in relation to the registration of professional operators and the granting of authorisations to professional operators by the Department.

Part 7 and Schedule 2 impose additional requirements in relation to certain solanaceous species (potatoes and tomatoes) to implement the Directives mentioned above.

Part 8 imposes additional notification requirements in respect of certain plants and plant products which are to be brought into Northern Ireland from Great Britain, other member States, Switzerland or third countries.

Part 9 sets out general powers of plant health inspectors to enable them to perform official controls and other official activities, and enforce the EU Plant Health Regulation, the Official Controls Regulation and these Regulations. Regulation 35 provides for recovery of expenses incurred by the Department and regulation 38 provides for a right of appeal against certain decisions of the Department.

Part 10 contains general and supplemental provisions in relation to notices given by plant health inspectors.

Part 11 contains offences for non-compliance with specified provisions of the EU Plant Health Regulation, the Official Controls Regulation and other EU instruments and offences in relation to these Regulations. Regulation 51 sets out the penalties for these offences.

Parts 12 and 13 provide for minor consequential amendments to secondary legislation, revocations and saving provisions.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.