

EXPLANATORY MEMORANDUM TO
PLANT HEALTH (OFFICIAL CONTROLS AND MISCELLANEOUS
PROVISIONS) REGULATIONS (NORTHERN IRELAND) 2020

SR 2020 No. 293

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, 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 revokes and replaces the Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019 (SR 2019 No. 230).

3. Background

- 3.1. The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019 came into operation on 14 December 2019. The Regulations implement Regulation (EU) 2016/2031 on protective measures against pests of plants ("the PHR") and, so far as relating to plant health, Regulation (EU) 2017/625 of the European Parliament and of the Council ("the OCR").
- 3.2. This Statutory Rule revokes and replaces the Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019 to remove unnecessary legislative references and to incorporate further EU Implementing Decisions subsequent to 14 December 2019. It ensures that the necessary and appropriate enforcement powers are in place in Northern Ireland in connection with the requirements of the PHR, plant health aspects of the OCR and associated tertiary legislation.
- 3.3. In addition, the Statutory Rule implements, in relation to Northern Ireland, notification requirements for seed potatoes from GB, an exception in respect of notification requirements for solid fuel wood originating in Ireland and temporary national emergency measures as agreed with DEFRA in respect of *Agrilus planipennis* Fairmaire (Emerald Ash Borer), *Ceratocystis platani* (Plane wilt) and *Candidatus Phytoplasma ulmi* (elm yellows).

4. Consultation

- 4.1. The changes outlined reflect those in place at EU level, which have been published by the European Commission and have been subject to consultations with the sectors involved. While there has been no formal consultation, the department engaged with stakeholders during the planning and implementation of the PHR and related elements of the OCR.

5. Equality Impact

- 5.1. This Statutory Rule has been screened out for equality impacts. The implementing measures will apply in equal measure to all Section 75 groups.

6. Regulatory Impact

- 6.1. There is no significant impact on business, charities, voluntary bodies or the public sector. A Regulatory Impact Assessment has not been prepared.

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. Not applicable.

10. Parity or Replicatory Measure

- 10.1. England, Scotland and Wales have introduced similar legislation.

11. Additional Information

- 11.1. This instrument does not relate to withdrawal from the European Union.