

EXPLANATORY MEMORANDUM TO
The Marketing of Fruit Plant and Propagating Material (Amendment)
Regulations (Northern Ireland) 2020

SR 2020 No. 294

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 amends the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 (SR 2017 No. 119) to make provision for a supplier's document to be yellow in colour when affixed to fruit material of the grade Conformitas Agraria Communitatis ("CAC") and reduces the information required in the supplier's document.
- 2.2. This instrument is required to ensure that the UK fulfils its obligations under the Withdrawal Agreement to transpose EU law into domestic legislation until the end of the implementation period (31 December 2020).

3. Background

- 3.1. The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 (S.R. 2017 No. 119) implement Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production and Commission Implementing Directive 2014/96/EU on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production.
- 3.2. This Statutory Rule amends the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 to implement Commission Implementing Directive (EU) 2019/1813, which amends Implementing Directive 2014/96/EU as regards requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants that are intended for fruit production. These fall within the scope of Council Directive 2008/90/EC as regards the colour of the label for certified categories of propagating material and fruit plants and the content of the supplier's document.

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.

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 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. This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act 2018.

10. Parity or Replicatory Measure

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

11. Additional Information

- 11.1. Not applicable.