

EXPLANATORY MEMORANDUM TO
THE SEEDS (VARIETY LISTS) REGULATIONS (NORTHERN IRELAND)
2020

2020 No. 302

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 to be laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under section 2(2) of, as read with paragraph 1A of Schedule 2 to the European Communities Act 1972 and is subject to the negative resolution procedure.
- 1.3 The Statutory Rule is due to come into operation on XXX.

2. Purpose of the instrument

- 2.1 The main objective of the Statutory Rule is to transpose the provisions of Council Directive 2002/53/EC on the common catalogue of varieties of agricultural plant species and Council Directive 2002/55/EC on the marketing of vegetable seed (as it relates to the listing of vegetable varieties). It creates Northern Ireland Variety Lists for agricultural plant varieties and vegetable seed varieties. These variety lists provide for the marketing of listed varieties Northern Ireland.

3. Background

- 3.1 Council Directives 2002/53/EC and 2002/55/EC require Member States to maintain lists of varieties of both agricultural and vegetable seed. These Directives also provide that acceptance of a variety onto a Member State's Variety Lists equates to acceptance of that variety onto the EU Common Catalogue of varieties. Only varieties included in such a Variety List or the Common Catalogue may be marketed in the EU.
- 3.2 Previously variety listing was carried out on a UK-wide basis in accordance with the Seeds (National Lists of Varieties) Regulations 2001 (the 2001 Regulations). However as both Council Directive 2002/53/EC and Council Directive 2002/55/EC are included in Annex 2 of the Northern Ireland Protocol, means that Northern Ireland is required to maintain its own variety lists at the end of the Implementation period, when the 2001 Regulations will cease to apply in Northern Ireland
- 3.3 These Regulations include transitional provisions to ensure that all of the varieties on the UK National List will automatically transfer to the Northern Ireland Variety Lists at the end of the Implementation Period. This will ensure that industry in Northern Ireland is not disadvantaged. They will ensure, insofar as is possible, that status quo of seed variety listing for Northern Ireland, is maintained

3.4 These Regulations create Northern Ireland Variety Lists in accordance with EU law and the Northern Ireland Protocol. The Regulations provide that varieties added to these lists are marketable in Northern Ireland, regardless of whether they are on the Common Catalogue.

4. Consultation

4.1 Although these Regulations are required as a consequence of the Northern Ireland Protocol, they will be made using power conferred by section 2(2) of the European Communities Act 1972. As such there is no statutory requirement to consult and no consultation has taken place. The amendments made by the regulations do not amount to changes in policy and will not have a substantive impact on current practices.

5. Equality Impact

5.1 In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. No adverse equality impacts have been identified under the Equality and Human Rights screening procedures. The Department considers the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

6.1 No impact is foreseen for business, charities or voluntary bodies and there is no impact on the public sector. Therefore, an Impact Assessment has not been prepared for these Regulations.

7. Financial Implications

7.1 These Regulations transpose the requirements of Council Directives 2002/53/EC and 2002/55/EC (in respect of variety listing) and the Northern Ireland Protocol. They do not implement any change in policy or to current procedures. No additional costs to the seed industry are anticipated.

8. Section 24 of the Northern Ireland Act 1998

8.1 This Statutory Rule will ensure the Department complies fully with its obligations under European law and the Northern Ireland Protocol. The Regulations do not have any human rights implications, nor are they incompatible with EU law. It is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 The Statutory Rule supports the implementation of the EU Withdrawal Agreement and the Northern Ireland Protocol through transposition of Directives 2002/53/EC and 2002/55/EC (in respect of variety listing) into Northern Ireland domestic law. It ensures that the Department complies with its obligations under EU law.

10. **Parity or Replicatory Measure**

10.1 Similar legislation exists to implement the relevant EU Directives in Great Britain and the Republic of Ireland.

11. **Additional Information**

11.1 Not applicable.