

EXPLANATORY MEMORANDUM TO
The Marketing of Seed Potatoes, Plant and Propagating Material Regulations
(Northern Ireland) 2020

SR 2020 No.359

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 certain domestic marketing legislation to update and amend the pest requirements on plant reproductive material intended for marketing. This is to ensure that this material is practically free from Union regulated non-quarantine pests (“RNQPs”) at the place of production and that the presence of such pests does not exceed specified thresholds. These requirements complement and are in addition to those in existing plant health legislation which introduced this new category of pests.
- 2.2. The Rule 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 (31st December 2020). It transposes Commission Implementing Directive (EU) 2019/990, which amends the list of genera and species in certain marketing directives as regards vegetable propagating and planting material and seed (OJ No L. 160, 18.6.2019, p. 14) and Commission Implementing Directive (EU) 2020/177 which makes amendments to certain marketing directives for seed and other propagating material as regards pests of plants on seeds and other plant reproductive material in relation to RNQPs (OJ No L. 41, 13.2.2020, p. 1).
- 2.3. The Rule amends the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 (S.R. 1995 No. 415) (“the 1995 Regulations”), the Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999 (S.R. 1999 No. 502) (“the 1999 Regulations”), the Seed Potatoes Regulations (Northern Ireland) 2016 (S.R. 2016 No. 190) (“the 2016 Regulations”) and the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 (S.R. 2017 No. 119) (“the 2017 Regulations”).

3. Background

- 3.1. The EU marketing directives (“the Marketing Directives”) establish a regime to ensure that purchasers throughout the European Union receive seed, plants and other plant propagating material (“plant material”) which

is healthy and of good quality. They set quality standards to be met by certain species of plant material when marketed and prescribe conditions to be satisfied by suppliers of plant material.

- 3.2. The Marketing Directives have been transposed into domestic legislation as follows:
- 3.3. The 1995 Regulations implement Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed (O.J. No. L 205, 1.8.2008, p. 28) (Council Directive 2008/72/EC) and Commission Directive 93/61/EEC setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to Directive 92/33/EEC (O.J. No. L 157, 28.4.1992, p. 1-9).
- 3.4. The 1999 Regulations implement Council Directive 98/56/EC on the marketing of propagating material of ornamental plants (O.J. No. L 226, 13.8.1998, p. 16) and Commission Directive 93/49/EEC setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC (O.J. No. L 250, 7.10.1993, p. 9).
- 3.5. The 2016 Regulations implement various EU instruments, in particular Council Directive 2002/56/EC on the marketing of seed potatoes (O.J. No. L 193, 20.7.2002, p. 60) and Commission Implementing Directive 2014/21/EU determining minimum conditions and Union grades for pre-basic seed potatoes (O.J. No. L 38, 7.2.2014, p. 39).
- 3.6. The 2017 Regulations implement various EU instruments, in particular Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production (O.J. No. L267, 8.10.2008, p. 8) and Commission Implementing Directive 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex 1 thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections (O.J. No. L 298, 16.10.2014, p. 22).

4. Consultation

- 4.1. No public consultation has been undertaken.

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 Rule does not relate to withdrawal from the European Union.

10. Parity or Replicatory Measure

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

11. Additional Information

- 11.1. Not applicable.