

EXECUTIVE NOTE

THE MARKETING OF VEGETABLE PLANT MATERIAL AMENDMENT (SCOTLAND) REGULATIONS 2007 SSI/2007/133

Introduction

1. The above instrument was made in exercise of powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. The instrument is subject to negative resolution procedure.

Policy Objective

2. The purpose of this instrument is to amend the Marketing of Vegetable Plant Material Regulations 1995 (“the 1995 Regulations”) to implement Article 1 of Commission Directive 2006/124/EC in Scotland. Article 1 amends the list of genera and species to which Council Directive 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed applies. Council Directive 92/33/EEC has been extended to apply to *Zea Mays* L. (popcorn and sweetcorn) and, additionally, certain botanical names used in that Directive have been amended.

3. These Regulations make use of the provisions of paragraph 1A of Schedule 2 to the European Communities Act 1972, inserted by section 28 of the Legislative and Regulatory Reform Act 2006. Those provisions allow the use of ambulatory references to Community instruments when making regulations for a purpose mentioned in section 2(2) of the European Communities Act 1972. It is considered expedient that references in the 1995 Regulations to the Annex to Council Directive 92/33/EEC (which lists genera and species of plants) be references to that Annex as amended from time to time. That will reduce the need for a series of domestic instruments to keep in step with amendments to that Annex from time to time.

4. Similarly, in these Regulations the opportunity has also been taken to amend the principal Regulations to make ambulatory cross references to the Annex to Commission Directive 93/61/EEC. That Annex lists certain organisms and diseases from which vegetable plant material that is to be marketed must be substantially free and on which measures must be taken if they are found.

5. These Regulations also correct an error, in the 1995 Regulations. The error occurs in Regulation 8(4) which refers to “Annex A of Schedule 1”. This is being corrected to read “Annex A of Schedule 2”.

Consultation

6. NFU Scotland were advised about the changes to be brought about by the Directive but there was no formal consultation.

Timing

7. Commission Directive 2006/124/EC has to be implemented by 1 July 2007. Regulations to implement Article 1 are also being made elsewhere in the UK.

Financial effects

8. These Regulations have no additional financial effects on business so a Regulatory Impact Assessment is not required.

Transposition

9. Commission Directive 2006/124/EC on the marketing of vegetable propagating and planting material, has been implemented, in relation to material other than seed, by the Marketing of Vegetable Plant Material Amendment (Scotland) Regulations 2007. In relation to seed, the implementation of Commission Directive 2006/124/EC is being taken forward by way of amendment to seed marketing regulations.

Article	Purpose	Implementing Provision
1	Amends the list of genera and species in Annex II to Directive 92/33/EEC.	Regulation 3

Scottish Executive Environment and Rural Affairs Department
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