

**EXPLANATORY MEMORANDUM TO THE
POTATOES ORIGINATING IN THE NETHERLANDS (REVOCATION)
(ENGLAND) REGULATIONS 2005**

2005 No. 278

1. This explanatory memorandum has been prepared by The Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations revoke an obsolete requirement to notify imports of potatoes originating in the Netherlands, which was introduced to enhance protection against the risk of potato brown rot prior to the introduction of an EC Control Directive on this disease.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 Commission Decision 95/506 authorised member states to take additional measures against the spread of potato brown rot arising from outbreaks in the Netherlands. Such authorisation existed until EC measures against this disease were introduced in Council Directive 98/57.

4.2 As a result of the 1995 Decision, statutory notification of potatoes from the Netherlands was introduced and a fee was charged when samples of seed potatoes were taken for testing. The Regulations applied only to potatoes grown in a particular year in the Netherlands and an SI was last introduced in 1997 (SI 1997/2441) and amended in 1998 (SI 1998/3168). These SIs have been obsolete since 1998 but have not been revoked.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1 The SIs in question have had no practical impact since 1998, although a number of companies have continued to notify imports of Dutch potatoes on a voluntary basis. The reasons for revoking the measures now are twofold. First, it has always been the intention to complete the legal process to revoke the SIs at a suitable opportunity. Second, this issue has come into focus at the present time as a new Order is being introduced to facilitate monitoring of Dutch potatoes for potato ring rot through statutory notification. Although the current Regulations are obsolete and therefore have no implications in respect of the new arrangements, completion of the revocation process will ensure legal and presentational clarity when the new measures take effect.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on businesses, charities or voluntary bodies.

8.2 There is no impact on the public sector.

9. Contact

Richard McIntosh at Defra (Tel: 01904 455177, Email: richard.mcintosh@defra.gsi.gov.uk) can answer any further queries regarding the instrument.