

EXPLANATORY MEMORANDUM TO
THE PLANT HEALTH (ENGLAND) (AMENDMENT) ORDER 2015

2015 No. 1827

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. **Purpose of the Instrument**
 - 2.1 This instrument amends the Plant Health (England) Order 2015 (S.I. 2015 No. 610) (“the principal Order”) which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It implements the specific control measures in Commission Implementing Decisions 2015/237/EU, 2015/789/EU and 2015/893/EU, and Commission Implementing Decision 2015/749/EU.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 Council Directive 2000/29/EC on protective measures against the introduction into the EU of organisms harmful to plants or plant products and against their spread within the EU¹ (“the Plant Health Directive”) establishes the EU plant health regime. The Plant Health Directive is implemented in England by the Plant Health (England) Order 2015 and, in relation to forestry matters, by the Plant Health (Forestry) Order 2005 (S.I. 2005/2517) which extends to Great Britain. Similar but separate legislation to the principal Order operates in Scotland, Wales and Northern Ireland.
 - 4.2 A number of EU instruments have been adopted which modify the annexes of the Plant Health Directive as a result of technical changes in the assessment of risks presented by particular pests and diseases and introduce new measures to address risks presented by other pests and diseases. These amendments are to be implemented through this instrument which comes into force on 20 November 2015. The changes are described in more detail below.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England only.

¹ This Directive can be found at <http://europa.eu.int/eur-lex/en/search/index.html>.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The Plant Health Directive (Council Directive 2000/29/EC) establishes the EU plant health regime. It contains measures to be taken in order to prevent the introduction into, and spread within, the EU of serious pests and diseases of plants and plant produce. The Directive (and therefore the principal Order) are updated frequently, to take account of new or revised risk assessments, pest interceptions, changes in distribution of pests and other developments. This instrument implements the specific EU measures arising from technical changes in the assessment of the risks presented by particular pests and diseases.

- 7.2 These EU measures are contained in several pieces of EU legislation:

- Commission Implementing Decision (EU) 2015/237 which introduces additional requirements for the import of mangoes from India.
- Commission Implementing Decision (EU) 2015/749 which repeals existing measures against the introduction into and spread within the EU of Potato spindle tuber viroid. The organism is now widely spread within the EU and there is no longer any phytosanitary risk justifying the measures.
- Commission Implementing Decision (EU) 2015/789 which strengthens existing measures intended to prevent the introduction into and spread within the EU of *Xylella fastidiosa* (a bacterium which causes harmful effects on a range of plants, particularly on olives) following new outbreaks in Italy.
- Commission Implementing Decision (EU) 2015/893 which introduces measures intended to prevent the introduction and spread within the EU of *Anoplophora glabripennis* (the Asian long-horned beetle), which poses a serious threat to a wide range of broadleaved trees.

8. Consultation outcome

- 8.1 These changes reflect those already in place at the EU level, which have been published by the European Commission. Some issues (i.e. *Anoplophora glabripennis* and *Xylella fastidiosa*) have been subject to consultations with the sectors involved, while the others are mainly technical updates or have limited impact on UK business.

9. Guidance

- 9.1 The main stakeholders likely to be affected will be informed of the transposition of these EU changes and a summary of the measures will be placed on the Defra website.

10. Impact

- 10.1 An impact assessment has not been prepared as the Order has no impact on the costs for business. The requirements apply mainly in countries exporting to the EU.

11. Regulating small business

- 11.1 The legislation applies equally to all businesses importing controlled plant health material, including small businesses. The risk of introducing harmful organisms is not mitigated by the size of the business.

12. Monitoring and review

- 12.1 The Directive (and therefore the Order) are updated frequently, to take account of new or revised risk assessments, pest interceptions, changes in distribution of pests and other developments. The EU plant health regime is also currently under review as part of a package of revised regulations under the agri-food chain.

13. Contact

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