
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2019 (“the 2019 Regulations”) which were made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) (“the Withdrawal Act”) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations are made in exercise of the powers conferred by section 8C(1) of the Withdrawal Act. Regulation 2 amends the 2019 Regulations to take account of the Northern Ireland Protocol (“the Protocol”) to the EU Withdrawal Agreement by providing for the retained EU law version of Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers (“Regulation (EC) No 2003/2003”) to apply in respect of Great Britain rather than the United Kingdom. Regulation 3, which extends to Northern Ireland only, applies the provisions of the retained EU law version of Regulation (EC) No 2003/2003 to Northern Ireland, subject to modifications. Regulation 2003/2003 as it has effect in EU law will continue to apply in Northern Ireland by virtue of the Protocol.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.