

EXPLANATORY MEMORANDUM TO
THE POTATOES ORIGINATING IN EGYPT (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2012

2012 No. 185

Introduction

1. The Department of Agriculture and Rural Development⁽¹⁾, in exercise of the powers conferred on it by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972, and of every other power enabling it in that behalf, makes the above-named Order, which is subject to negative resolution.

2. Description

- 2.1 This SR implements the EU Decision authorising Member States temporarily to take emergency measures against the importation of Brown Rot (*Ralstonia solanacearum*) in potatoes from Egypt. The objective of this legislation is to ensure that EC obligations are met and that our growers are protected in the same way as growers in the rest of the EC. The threat of Brown Rot entering here from Egypt is minimal as produce usually does so indirectly, usually through GB. When Egyptian produce enters through GB, it is statutorily inspected at the point of entry and a further check is carried out here. As there is little likelihood of potatoes entering here directly from Egypt, the controls on imports require a phytosanitary certificate, will not have any significant effect on the local industry.

3. Matters of special interest to the Examiner of Statutory Rules

- 3.1 None

4. Legislative Background

- 4.1 This Order amends the Potatoes Originating in Egypt Regulations (Northern Ireland) 2004 by changing references to European Decision 2004/4/EC, as it was repealed by European Implementing Decision 2011/787/EU. All member states are required to transpose this EU Decision. They also revoke and replace The Potatoes Originating in Egypt (Amendment) Regulations (Northern Ireland) 2009.

(1) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I. 1) Art. 3(4)

(2) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51)

5. Consultation

5.1 No consultation was conducted as the provisions of the Order places no additional financial burden on industry.

6. Territorial Extent and Application

6.1 This instrument applies to Northern Ireland.

7. European Convention on Human Rights

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

8. Section 24 of the Northern Ireland Act 1998

8.1 The proposed legislation has been screened for these issues and none were identified.

9. Equality Impact

9.1 These regulations will apply in equal measures to all Section 75 groups. It is not expected that any of these changes will impact differently across any of the Section 75 groups.

10. Regulatory Impact

10.1 A Regulatory Impact Assessment has not been prepared for this Statutory Rule as it has no impact on business, charities or voluntary bodies.

11. Financial Implications

11.1 There are no financial implications.

12. Policy background

12.1 There is a history of significant potato disease problems in Egypt, notably the presence of Brown Rot (*Ralstonia solanacearum*), which has led the European Commission to revise controls on imports of potatoes into Member States. The proposed Regulations make amendments to The Potatoes Originating in Egypt Regulations (Northern Ireland) 2004 (“the principal Regulations”) and revoke and replace The Potatoes Originating in Egypt (Amendment) Regulations (Northern Ireland) 2009, authorising Member States temporarily to take emergency measures against the importation of Brown Rot (*Ralstonia solanacearum*) in potatoes from Egypt.

12.2 The Regulations amend the Potatoes Originating in Egypt Regulations (Northern Ireland) 2004 by changing references to European Decision 2004/4/EC, as it is repealed by European Implementing Decision 2011/787/EU. All member states are required to transpose this EU Decision.

12.3 *Ralstonia solanacearum* is an organism that causes brown rot in potatoes and bacterial wilt in tomatoes. It presents a potentially serious risk to the potato industry as it can make infected potatoes unusable and in severe cases may lead to the complete loss of a crop. It can also cause other losses to growers through the imposition of quarantine restrictions. Brown Rot has never been found in the North, although there was an outbreak of brown rot in County Wexford in 2007. The incidence of Brown Rot in the EC appears to be increasing and serious outbreaks in the Netherlands in 1995 prompted the introduction of specific Community legislation to control the disease.

12.4 The threat of Brown Rot entering from Egypt is minimal as produce coming here from Egypt usually does so indirectly, usually through GB. When Egyptian produce enters through GB, it is statutorily inspected at the point of entry in GB and then a further check is done here. Such produce is inspected here for Brown Rot at a more stringent rate than produce from elsewhere

12.5 As there is little likelihood of potatoes entering here directly from Egypt, the ban on imports will not have any significant effect on the local industry. The objective of this legislation is to ensure that EC obligations are met and that our growers are protected in the same way as growers in the rest of the EC.

13. Contact

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