

EXPLANATORY MEMORANDUM TO

The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017

SR 2017 No. 119

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and paragraph 1A of Schedule 2 to the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations continue to implement Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production. They also implement:
- 2.2. Commission Implementing Directive 2014/96/EU on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC;
- 2.3. Commission Implementing Directive 2014/97/EU implementing Council Directive 2008/90/EC as regards the registration of suppliers and of varieties and the common list of varieties; and
- 2.4. Commission Implementing Directive 2014/98/EU implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections.

3. Background

- 3.1. Implementation of the Directives will harmonise detailed requirements for the production and marketing of fruit plant propagating material to provide consumer protection through assured identity, health and quality. These requirements are based largely on the UK's voluntary certification scheme and will change little in terms of costs and processes for UK growers and suppliers. These harmonised standards will guarantee UK businesses continued access to European markets while we remain within the EU.
- 3.2. This instrument revokes and replaces The Marketing of Fruit Plant Material Regulations 2010 and comes into operation on 29 June 2017.
- 3.3. The transposition date was 1 January 2017 but this date was missed across the devolved administrations. The Commission issued a letter of formal notice (a Jumbo letter) in late January to the Department for Environment, Food and Rural Affairs and the response committed to a revised transposition date of June 2017.

4. Consultation

- 4.1. A targeted consultation was carried out in England with approximately 400 commercial producers, including the representative organisation for producers of highest quality soft fruit material, the Nuclear Stock Association. The objective has been to adapt, with as little change as possible, the existing voluntary certification scheme to meet the new statutory requirements. Three responses were received; the Nuclear Stock Association was fully supportive of the measures. Of the remaining two responses, one supported the proposals and the other expressed a preference for retaining the current voluntary certification scheme.
- 4.2. The few producers that operate from Northern Ireland will be approached individually about the new measures.

5. Equality Impact

- 5.1. Not applicable. These Regulations have been screened out for equality impacts. No impact on any Section 75 group is anticipated.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been prepared for this Statutory Rule. The impact on costs for businesses will be negligible because, as these measures largely mirror the existing UK voluntary scheme, processes and costs will remain the same. Also, there will be no impact on charities or voluntary bodies arising from the changes in EU legislation.

7. Financial Implications

- 7.1. The Order has no financial implications for business.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. This Statutory Rule does not have any human rights implications nor is it incompatible with EU law. The Order is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. This legislation implements Commission Implementing Directives 2014/96/EU, 2014/97/EU and 2014/98/EU.

10. Parity or Replicatory Measure

- 10.1. Similar legislation will implement the Directives in the devolved administrations.

11. Additional Information

- 11.1. Not applicable.