EXPLANATORY MEMORANDUM TO

THE PLANT PROTECTION PRODUCTS (MISCELLANEOUS AMENDMENTS) (EU EXIT) REGULATIONS 2019

2019 No. 556

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Act.

2. Purpose of the instrument

2.1 This instrument is one of a set of three statutory instruments that will make corrections to the EU plant protection product regulatory regime so that it can continue to operate effectively after the United Kingdom leaves the European Union.

2.2 This instrument makes the necessary amendments to Regulation (EC) No 1107/2009 and other associated retained direct EU legislation to ensure that, after EU Exit, effective arrangements and robust controls currently in place which govern the authorisation of, marketing and use of plant protection products continue to operate. It also transfers legislating powers from Directive 2009/128/EC on sustainable use of pesticides, allowing the future amendment of the annexes to that Directive as they have been transposed into domestic law.

Explanations

What did any relevant EU law do before exit day?

2.3 Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and its underpinning EU Regulations, regulate the placing of plant protection products on the market, including the approval of active substances, authorisation of plant protection products, and management of associated risks.

Why is it being changed?

2.4 The changes made by this instrument will ensure that plant protection products will continue to be effectively managed after EU Exit. This instrument addresses deficiencies in the converted Regulation (EC) No 1107/2009 and other associated retained direct EU legislation arising from EU Exit.

What will it now do?

2.5 This instrument will address deficiencies in the converted Regulation (EC) No 1107/2009 and other associated retained direct EU legislation arising from EU Exit, and ensure that existing protections and regulatory framework are maintained and continue to work in the same way once the United Kingdom has left the European Union.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 The territorial application of this instrument includes Scotland and Northern Ireland.

3.3 The powers under which this instrument is made in respect of Scotland and Northern Ireland cover the entire United Kingdom (see section 24(1) of the European Union (Withdrawal) Act 2018) and the territorial application of this instrument is not limited either by the Act or by the instrument.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the United Kingdom.

5. European Convention on Human Rights

5.1 The Minister of State for Agriculture, Fisheries and Food, Robert Goodwill MP has made the following statement regarding Human Rights:

"In my view the provisions of the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 is compatible with the Convention rights".

6. Legislative Context

6.1 The European Union (Withdrawal) Act 2018 repeals the European Communities Act 1972 ("the Withdrawal Act"), but section 2 saves EU-derived legislation so that it continues to have effect in domestic law on and after "exit day". "Exit day" is defined by section 20 of the Withdrawal Act. The Act only allows corrections to be made to the retained EU regulations that are appropriate to ensure the national regime will work effectively after EU Exit.

6.2 Regulation (EC) No 1107/2009 came into force on the 24 November 2009. Regulation (EC) No 1107/2009 lays down rules for authorising the sale, use and control of plant protection products in the EU. Regulation (EC) No 1107/2009 is one of three main pieces of EU legislation which regulates plant protection products. Directive 2009/128/EC promotes the sustainable use of pesticides. The other is Regulation (EC) No 396/2005.

6.3 This instrument makes corrections to Regulation (EC) No 1107/2009 and its underpinning regulations using the European Union (Withdrawal) Act 2018 powers. It also transfers the legislation making powers in Directive 2009/128/EC on sustainable use of pesticides to amend the annexes to that Directive as they have been transposed into domestic legislation. The other main pieces of EU legislation will be corrected by two other statutory instruments. For context, the other two instruments respectively cover: (i) Regulation (EC) No 396/2005 on maximum residue levels; and (ii) consequential changes to existing national enforcement regulations.

7. Policy background

What is being done and why?

7.1 Plant Protection Products ("PPPs") are 'pesticides' that protect crops or desirable or useful plants, regulate plant growth or prevent growth of unwanted plants. They are primarily used in the agricultural sector but also in forestry, horticulture, amenity areas and in home gardens. For example, they play a fundamental role in UK farming and the provision of food, keeping the transport infrastructure clear of weeds, maintaining public spaces and controlling invasive species. However, as PPPs contain chemicals that are designed to disrupt life processes, risks can be associated with their use.

7.2 Users of PPPs are required to follow legally enforceable conditions of use and adopt other practices which ensure safe, more sustainable use of these chemicals.

7.3 At present, marketing and use of PPPs is subject to EU regulations. However, the EU regime is designed to work in the context of EU membership with a reliance on EU decision making processes; the sharing of workloads among Member States; performance of functions by EU institutions, and EU regulatory powers that give effect to decisions.

7.4 Using the European Union (Withdrawal) Act 2018 powers, this instrument corrects Regulation (EC) No 1107/2009, and its underpinning regulations, to ensure a working national plant protection product regulatory regime after exit from the EU. This instrument specifically ensures the plant protection product regulatory regime can operate sensibly following the UK's withdrawal from the EU, and fix areas of regulation that become inoperable outside of the EU. It makes corrections to the existing EU regime as it is converted into national law through the powers of the European Union (Withdrawal) Act 2018, creating a UK stand-alone regime with minimal modifications and no substantive policy changes.

7.5 This will enable the UK, after exit from the EU, to be able to take decisions on the approval and renewal of active substances, and authorisation of plant protection products that it considers are justified on the basis of scientific assessment and evidence using the same criteria that are currently applied throughout the EU. This will ensure sure that the UK is able to properly safeguard human health and the environment, whilst permitting appropriate use of plant protection products. Additionally, the instrument will transfer the legislation making powers in Directive 2009/128/EC on sustainable use of pesticides to amend the annexes to that Directive as those annexes have been transposed in domestic legislation. The transfer of this power to amend is appropriate in order to be able to update those annexes as transposed at national level after leaving the EU.

7.6 Failure to make these corrections would see the EU regulatory regime for plant protection products retained in UK law as it stands by the EU (Withdrawal) Act 2018, but large parts of it would be completely inoperable. This would not provide a functioning regulatory regime. For example, the UK would be unable to take action to address environmental or human health impacts on the basis of new evidence. There is a risk of economic impacts on the domestic market with UK farmers being put at a competitive disadvantage as they lose access to existing plant protection products (when they expire and cannot be renewed) and are unable to access new plant protection products entering the market.

Creating a UK stand-alone PPP regulatory regime

7.7 This entails converting the EU legislation into national law, creating a UK stand-alone national plant protection product regulatory regime but with minimal modifications from the EU regime to ensure that it is practically workable on a national level. The most significant of these corrections in this instrument are:

A) Repatriation of decision-making functions and powers under the EU regime (active substances) from the EU to national level.

B) Establish a new national mechanism to give effect to national decisions in an efficient and timely way by the listing of approved active substances on a statutory register.

C) Repatriate other EU tertiary legislative powers to national level to convert them in to a power to make regulations by statutory instrument, therefore keeping them on a statutory footing, with minor exceptions.

D) Replace the EU components of the decision-making processes which remain relevant in a national context with new national processes.

E) Replace the EU regime's existing power to establish a rolling EU active substance renewals programme (which is done through EU tertiary legislation) with a national power to establish a national renewals programme. We will need to bring forward further legislation after EU Exit to establish the national renewals programme in a way which maintains effective protection but enables the UK to ensure it has a manageable and proportionate workload for one country alone.

F) Replace the arrangements for EU shared decision making and mutual recognition provisions with provision for UK competent authorities to be able to recognise decisions made in other parts of the UK, and to take account of relevant assessments by other regulators in their national assessments.

G) Remove provision for parallel trade permits as they will be inoperable in a national context after exit from the EU and so are not proposed to be retained in the national regime. Parallel trade permits in force at the point of EU Exit would remain valid. In future UK authorisations for the plant protection products will be required.

H) Minor corrections will be made to the text to address any references which assume EU membership and remove any elements which are reliant on EU membership.

I) Put in place transitional measures needed to ensure that the changeover from the EU regime to the national regime is smooth, e.g. retaining the current approvals, authorisations (including for treated seeds), MRLs, data formats and technical requirements over the period spanning the UK's exit from the EU.

Repatriation of decision-making functions from the EU to national level

7.8 Many functions and subsidiary regulatory powers under the EU regulations can only be exercised at EU level. This includes decision making on active substances, adoption of technical guidance documents and various underpinning measures.

7.9 EU level decision making will no longer be relevant in a national context after exit, and needs to be repatriated to a national level. In addition, EU bodies such as the European Food Safety Authority (EFSA) will no longer be available to support a national regime.

7.10 This instrument repatriates all decision making functions and powers under the EU regime, to a national level using the powers in the European Union (Withdrawal) Act 2018, and in line with the government's approach to EU exit and devolution.

7.11 The instrument provides for UK-wide decision making and exercise of functions, subject to the consent of the Devolved Administrations. The instrument also allows for independent exercise of the powers by each part of the UK, should that be needed.

Establish a new national mechanism to give effect to national decisions

7.12 Currently, decisions on active substance approvals are given effect through EU tertiary legislation. There is an ongoing flow of regulatory decisions which need to be put into effect. To achieve this, the EU currently produces in the order of 50 additional regulations per year.

7.13 EU mechanisms to give effect to decisions will no longer be operable after EU Exit. This instrument replaces the EU arrangements by establishing a new mechanism to give effect to national decisions on active substances in an efficient and timely way, by means of a new statutory register of approved active substances which will be published online.

Repatriate other EU tertiary legislative powers to national level

7.14 There are numerous further powers under Regulation (EC) No 1107/2009 for the Commission to make new EU Regulations (tertiary legislation), following a vote of Member States in the Standing Committee. Some of these powers cover substantive issues (e.g. setting the uniform principles for decision making under Regulation (EC) No 1107/2009 or introducing new requirements for co-formulants), but others are very minor (e.g. setting the format of draft assessment reports). All are given effect by tertiary legislation as this is the normal EU mechanism for ensuring that rules apply directly to all Member States.

7.15 These powers will be repatriated to national level wherever they remain relevant in a national context. Aside from decision making on active substances, the default approach is to convert these powers into a national power to make regulations by statutory instrument. This is the case for the large majority of such powers. However, some of these powers are very minor in scope. They are intended as supplementary measures covering technical or non-essential elements of the Regulation. It would be disproportionately inefficient to use statutory instruments to implement or revise these non-essential elements due to the time and administrative effort involved. This would act as an administrative barrier and could make them unlikely to be exercised at all or only infrequently.

7.16 For these minor powers, this instrument converts them into a power to act administratively, specifically:

- Setting the format of the active substance summary dossier and complete dossier;
- Setting the format of the active substance draft assessment report;
- Setting the format of the PPPs assessment report;
- Setting the procedure for reaching decisions as to whether an active substance is still equivalent after a change in manufacturing or location.

Replace the EU components of the decision making processes

7.17 The EU regime sets out decision making processes in considerable detail, specifying that various functions will be carried out by Member States, EFSA, the Commission and decision making by committees of Member States, given effect through EU regulations.

7.18 These EU processes will no longer be operable after EU Exit. Also, EU bodies such as EFSA will no longer be available to support a national regime. New national processes are therefore required with the EU-specific elements removed.

7.19 This instrument replaces the EU components of the decision making processes which remain relevant in a national context with new national processes, such as the evaluation as specified in the regulations, public consultation, provision to arrange consultation with experts where appropriate, and final decision making.

7.20 This enables decisions to be taken by national ministers (instead of the Commission and the committee of Member States) based on the assessment of the national regulator and, where necessary, national arrangements for further independent advice, with all EU layers removed from the process.

7.21 The UK benefits from the considerable expertise of the national regulator, the Health and Safety Executive ("HSE")'s Chemicals Regulations Directorate. This body already undertakes a significant share of the EU's risk assessment work under the EU regime, putting the UK in a strong position to be able to take its own decisions.

7.22 Many elements of EFSA's current role will be repatriated to the national competent authority in the post-exit UK regime (for example, producing the draft assessment report and conclusion as one process, arranging consultation with experts where appropriate, managing public consultations on applications, and advising on guidance). Other elements of EFSA's role which are specifically related to the EU context will no longer be required to operate a national regime, for example, the additional layer of process to review Member States' risk assessment conclusions to ensure harmonisation across all Member States.

7.23 We greatly value the role of transparency and independent expert advice in decision making and therefore wish to continue to have access to a source of independent expert scientific advice to provide assurance on national decisions and input to development of national policies. This instrument will include provisions enabling national decision makers to take independent expert scientific advice at national level to replace that element of the role of EFSA (for example in Article 12 of Regulation (EC) No 1107/2009).

The Active Substance Renewals Programme

7.24 Approvals for active substances are time-limited and need to be periodically renewed. The process ensures that approved active substances continue to meet modern standards, and that account is taken of current and scientific and technical knowledge. The EU PPP regime provides for a rolling EU-wide active substance renewals programme.

7.25 This instrument replaces the existing powers to establish a rolling active substance renewals programme with a national power to establish a national renewals programme. Further secondary legislation will be developed after EU Exit to set out

the provisions for implementing the national active substance renewals programme. This will need to be proportionate for one country alone to deliver. Following current routine EU practice, current approvals may be extended using existing powers where necessary pending completion of the renewal process.

Replace the arrangements for EU shared decision making and mutual recognition provisions

7.26 Under the EU regime, evaluations of active substances by the rapporteur Member State inform EU wide decisions which benefit all Member States, whether or not they were involved in the regulatory work. Further, the EU regime makes provision for "mutual recognition" of member State decisions on individual products. Once outside the EU, the UK will no longer be able to share the regulatory workload in this way and these provisions on shared decision making and mutual recognition will not work in their current form.

7.27 This instrument replaces these arrangements by retaining the ability for UK competent authorities to recognise decisions made in other parts of the UK (should this ever be necessary; in practice this is not currently an issue as HSE operates on behalf of all four administrations). The UK will also be able to consider information contained in relevant evaluations by other regulators insofar as they meet UK requirements, in order to inform an independent national decision when determining active substance and product applications. This approach is utilised by some other countries and helps minimise duplication of work, making the system more efficient without any compromise to outcomes.

Remove provisions on parallel trade permits

7.28 Currently, Regulation (EC) No 1107/2009 provides for parallel trade permits. This is specifically an EU measure which provides that where a plant protection product is authorised in one Member State, it may be authorised in a second member State if that second Member State determines that it is identical in composition to a plant protection product already authorised in its territory. This relies on sharing confidential information between Member States to be able to determine that the products are identical, in compliance with the strict conditions in the legislation. The provisions of Regulation (EC) No 1107/2009 relating to parallel trade will therefore no longer be operable outside the EU context.

7.29 This instrument provides a transitional measure to allow existing parallel trade permits to continue in force for a period of two years after the date of EU Exit, or the extant expiry date (whichever is sooner) to support a smooth transition for business. This period also gives businesses time to seek standard product authorisations in the UK if they so wish. A longer period would not be appropriate as it will no longer be possible for UK regulators to check for any changes to authorisations in the country of origin, e.g. to ensure that the products remain identical to the UK authorised products.

Transitional Measures

7.30 Transitional measures are required to enable continuity and avoid any unwanted sudden cliff-edge impacts at the point of EU Exit to ensure that the changeover from an EU to a national regime is smooth. Some of these transitional measures are provided by virtue of Schedule 8 to the European Union (Withdrawal) Act 2018, but some specific measures are included in this instrument. The major ones are below.

7.31 This instrument ensures that active substance approvals and product authorisations granted under Regulation (EC) No 1107/2009 will remain valid in the UK after EU Exit.

7.32 This instrument will allow for applications which are live at the point of EU Exit, to be progressed to completion under the national regime where the UK is in a position to do so (for example, where the UK was the rapporteur member State under the EU regime).

7.33 Active substance approvals which are due to expire in the period shortly after EU Exit will be extended, so that the renewal process can commence in an orderly way after EU Exit (otherwise, given the long lead in time, initial stages would have had to take place before EU Exit).

7.34 This instrument will allow marketing and use of seeds treated with PPPs authorised for that purpose by another member State to continue for a transitional period of three years. After this transitional period, seeds must be treated with a product which is authorised in the UK for that purpose.

8. European Union (Withdrawal) Act 2018/Withdrawal of the United Kingdom from the European Union

8.1 This instrument is being made using the power in section 8 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the European Union. In accordance with the requirements of that Act the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

9. Consolidation

9.1 Not applicable.

10. Consultation outcome

10.1 The Scottish, Welsh and Northern Irish devolved administrations have been consulted about the amendments in this instrument.

10.2 The Department undertook informal stakeholder engagement in relation to PPPs. In July 2018, a series of four stakeholder workshops on the "no deal" legislative proposals were held. The purpose was to increase awareness of our day 1 contingency planning to enable businesses to make their own plans and to support our own day 1 readiness work, through acquiring practical feedback and views on our proposed approach to operational fixes.

10.3 Representatives from all sectors with an interest in the PPP regime attended including from industry, consultancies, farming and growers' organisations, and environmental Non-Government Organisations. They were advised on the proposed legislative changes and the major differences between the current EU PPP regime and the new UK measures.

10.4 Stakeholders posed a number of questions, but there were no strong objections to the proposals, with a general acceptance that the approach was sensible and proportionate, and would be necessary in the overall context of a no deal scenario.

11. Guidance

11.1 There is no associated guidance.

12. Impact

12.1 The Department for Environment, Food and Rural Affairs has produced an assessment of the impacts which is published alongside these Regulations and the Explanatory Memorandum on the legislation.gov.uk website. This document considers the collective impact of the set of three Statutory Instruments which have been prepared as part of contingency planning to ensure that an operable national plant protection product regulatory regime is put in place from March 2019 should it be required at that point.

12.2 It is concluded that there would be large benefits associated with introducing the instrument compared to the 'do nothing' option, as the instrument offsets the negative impacts on the UK's ability to manage risks to health and the environment, and impacts on business that would arise as a result of an inoperable regime after EU Exit. There is no significant, impact on business, charities or voluntary bodies.

12.3 The impact on the public sector is from additional costs incurred by Government to operate a national regime. This includes work to build national capacity to run decision making bodies, review legislation, guidance and process around the approvals of active substances and their maximum residue levels. To do this, the government will require extra resources to manage these processes, as well as funding for additional expert advice and research. The principal part of this cost will be the additional staff required for policy making and regulation.

12.4 A full Impact Assessment has not been prepared for this instrument because no significant impact on business, charities or voluntary bodies is foreseen, with any costs or benefits falling below £5 million in any one year. This instrument only amends deficiencies arising from the UK's withdrawal from the EU.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 To minimise the impact of the requirements on small businesses (employing up to 50 people), the approach taken is the inclusion of transitional provisions to provide continuity at the point of EU Exit. A key area is that of parallel trade permits. There will be no impact from this instrument to parallel traders. To reduce that impact from the EU (Withdrawal) Act 2018, a transitional provision has been included to allow parallel trade permits that are still extant at the point of EU Exit, to continue in force for a period of up to two years to ensure that all stocks can be used up safely. Approximately 90% of current parallel trade permits (as at August 2018) will expire before March 2021. There is a period granted in permits to allow legal use and storage after the approval for sale has expired. Using those data there are about 45% where the permit will have completely expired for all aspects (sale, supply, storage, use and advertisement) before March 2021. A route to authorisation remains where applicants can provide the necessary technical data.

14. Monitoring & Review

14.1 No specific monitoring arrangements are needed.

14.2 As this instrument is made under the European Union (Withdrawal Act) 2018, no review clause is required.

15. Contact

15.1 Duncan Williams at the Department for Environment, Food and Rural Affairs (Defra), Telephone: 020 8026 6659 or email: Duncan.Williams@defra.gov.uk can be contacted with any queries regarding the instrument.

15.2 Gabrielle Edwards at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Minister of State for Agriculture, Fisheries and Food, Robert Goodwill MP, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI.	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees.
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2.	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2.	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA 2018 SIs.	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.

		23(1) or jointly exercising powers in Schedule 2 to create a criminal offence.	
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under s. 2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA 1972.	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA 1972, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under s. 2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA 1972.	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

1. Appropriateness statement

1.1 The Minister of State for Agriculture, Fisheries and Food, Robert Goodwill MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

1.2 "In my view the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 does no more than is appropriate".

1.3 This is the case because: the instrument it does no more than prevent, remedy or mitigate deficiencies in retained EU law arising from the withdrawal of the UK from the EU examples of which are mentioned in section 7 in the main body of this explanatory memorandum.

2. Good reasons

2.1 The Minister of State for Agriculture, Fisheries and Food, Robert Goodwill MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

2.2 "In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action".

2.3 The Regulations correct deficiencies in the plant protection product regulatory framework to ensure that it can continue to operate from Exit Day. This instrument does not impose any new liabilities or obligations on relevant persons.

3. Equalities

3.1 The Minister of State for Agriculture, Fisheries and Food, Robert Goodwill MP, has made the following statement(s):

3.2 "The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts".

3.3 The Minister of State for Agriculture, Fisheries and Food, Robert Goodwill MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

3.4 "In relation to the instrument, I, Robert Goodwill, have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010".

4. Explanations

4.1 The explanations statement has been made in section 2 of the main body of this explanatory memorandum.