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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2020 No.**

**The Marketing of Plant and Propagating Material  
(Legislative Functions) (Amendment) (EU  
Exit) Regulations (Northern Ireland) 2020**

**PART 2**

Amendments to enactments corresponding to EU Directives

**Power to set conditions with which ornamental plant material must comply**

- 2.—(1) The Department may, by regulations—
- (a) amend provision in any enactment which gave effect to provisions made by Article 3 of, and the Annex to, [Directive 93/49/EEC](#);
  - (b) make provision requiring (whether by amending an enactment or otherwise) a reference to Article 3 of, and the Annex to, [Directive 93/49/EEC](#) to be read as a reference to that Article and Annex subject to modifications.
- (2) But the Department may exercise the power in paragraph (1) only to the extent that the Department considers it necessary or appropriate—
- (a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;
  - (b) to address concerns relating to the quality of ornamental plant material;
  - (c) due to the economic importance of the ornamental plant material; or
  - (d) for consistency with international standards for pests and diseases affecting the quality of ornamental plant material.

**Power to set labelling and document requirements for plant material**

- 3.—(1) The Department may, by regulations, amend provision in any enactment which gave effect to provision made by Article 8(3) of [Directive 98/56/EC](#).
- (2) But the Department may exercise the power in paragraph (1) only to the extent that the Department considers it—
- (a) necessary or appropriate to do so in the light of market conditions; or
  - (b) necessary to do so to ensure traceability of ornamental plant material.

**Power to modify the regulated species of vegetable plant material**

- 4.—(1) The Department may, by regulations—
- (a) amend provision in any enactment which gave effect to provisions made by Annex 2 to [Directive 2008/72/EC](#);

- (b) make provision requiring (whether by amending an enactment, or otherwise) a reference to Annex 2 to [Directive 2008/72/EC](#) to be read as a reference to that Annex subject to modifications.

(2) But the Department may exercise the power in paragraph (1) only to the extent that the Department considers it necessary or appropriate to do so—

- (a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;
- (b) to address concerns relating to the quality of vegetable plant material; or
- (c) due to the economic importance of the vegetable plant material.

#### **Power to set conditions with which vegetable plant material must comply**

5.—(1) The Department may, by regulations—

- (a) amend provision in any enactment which gave effect to provisions made by Article 3 of, and the Annex to, [Directive 93/61/EEC](#);
- (b) make provision requiring (whether by amending an enactment, or otherwise) a reference to Article 3 of, and the Annex to, [Directive 93/61/EEC](#) to be read as a reference to that Article and Annex subject to modifications.

(2) But the Department may exercise the power in paragraph (1) only to the extent that the Department considers it necessary or appropriate—

- (a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;
- (b) to address concerns relating to the quality of vegetable plant material;
- (c) due to the economic importance of the vegetable plant material; or
- (d) for consistency with international standards for pests and diseases affecting the quality of vegetable plant material.

#### **Power to set labelling and document requirements for plant material**

6.—(1) The Department may, by regulations, amend provision in any enactment which corresponds to that made by the Annex to [Directive 93/61/EEC](#).

(2) But the Department may exercise the power in paragraph (1) only to the extent that the Department considers it is—

- (a) necessary or appropriate to do so in the light of market conditions; or
- (b) necessary to do so to ensure traceability of vegetable plant material.

#### **Power to derogate in the event of temporary supply difficulties**

7.—(1) The Department may, by regulations, derogate from the provisions of the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995(1) in the event of a temporary difficulty affecting the supply of vegetable plant material.

(2) But regulations may only be made under paragraph (1) where—

- (a) the Department has carried out an assessment that has taken account of available information regarding the temporary difficulty affecting the supply of vegetable plant material and the reasons for that difficulty;
- (b) the assessment has confirmed that—

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(1) [S.R. 1995 No. 415](#).

- (i) there is a temporary difficulty affecting the supply of vegetable plant material; and
- (ii) the derogations provide safeguards to address any risk to plant health arising from vegetable plant material in relation to which the derogations apply.