

## **EXPLANATORY MEMORANDUM**

### The Seed Potatoes Regulations (Northern Ireland) 2010

#### **2010 No. 350**

1. The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by sections 1(1) and (2A), 2 and 12(1) of the Seeds Act (Northern Ireland) 1965, Article 3 (8) of the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984 and being a Department designated for the purposes of section 2 (2) of the European Communities Act 1972 in relation to the common agriculture policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), after consultation, in accordance with section 1(1) of the said Act of 1965, with representatives of such interests as appear to be concerned, makes the above-named Regulations, which are subject to negative resolution.

#### **2. Description**

2.1 These Regulations consolidate The Seed Potatoes Regulations (Northern Ireland) 2001 (S.R. 2001/188), the Seed Potatoes (Amendment) Regulations (Northern Ireland) 2007 (SR 2007/401) and the Seed Potatoes (Amendment) Regulations (Northern Ireland) 2010 (SR 2010/7) and also include some other minor amendments. They also implement aspects of Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC (OJ No L 156, 6.6.2007, p12). Directive 2007/33/EC introduces measures to detect and control European populations of potato cyst nematode.

2.2 These Regulations also make provision for classification, grading, marketing, labelling and sampling, the provision of information, service of notices and exemptions regarding seed potatoes.

2.3 These Regulations also propose the stamping of labels and introduce a number of minor technical legal amendments.

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

3.1 Implementation of minor amendments as proposed by the Examiner following the making of the Seed Potatoes (Amendment) Regulations (Northern Ireland) 2007.

#### **4. Legislative Background**

4.1 These Regulations regulate production with a view to the classification and marketing of conservation varieties of seed potatoes.

## **5. Consultation**

- 5.1 A 12 week consultation on this amendment took place from May to July 2010. Two responses were received in respect of the consultation exercise and both were generally supportive of the proposals, the only area for concern was over the insertion of a Nil tolerance for *Dickeya* spp. DARD will meet with industry stakeholders on this matter and will formulate implementation proposals to effectively combat this disease.
- 5.2 In order to avoid infraction proceedings in respect of Council Directive 2007/33/EC we have removed the nil tolerance for *Dickeya* spp. from these Regulations and will proceed with transposition. A further amendment will be made when agreement is reached with industry stakeholders on the issue of nil tolerance for *Dickeya* spp.

## **6. Territorial Extent and Application**

- 6.1 This Statutory Rule applies to Northern Ireland.

## **7. European Convention on Human Rights**

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

## **8. Equality Impact**

- 8.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

## **9. Regulatory Impact**

- 9.1 A Regulatory Impact Assessment has not been prepared for this instrument as it results in only negligible costs for business and none for charities or voluntary bodies.

## **10. Financial Implications**

- 10.1 There are negligible financial implications.

## **11. Policy background**

- 11.1 The Department delivers a number of statutory services to the potato industry, including the classification and certification of seed potatoes, and also the inspection and labelling of seed potato tubers for export. These Regulations cover the European and National standards

governing that classification and certification with regard to conservation variety seed potatoes.

## **12. Impact**

- 12.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has negligible impact on business, charities or voluntary bodies.

## **13. Contact**

Renee McDowell at the Department of Agriculture Tel: 02890 520855 or e-mail: [renee.mcdowell@dardni.gov.uk](mailto:renee.mcdowell@dardni.gov.uk) can answer any queries regarding the Statutory Rule.