

EXPLANATORY MEMORANDUM TO
The Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland)
2019

SR 2019 No. 99

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (DAERA) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 2 and 3(1) of the Plant Health Act (Northern Ireland) 1967 and section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. This instrument amends the Plant Health (Wood and Bark) Order (Northern Ireland) 2006 (S.R. 2006 No. 66) which contains measures to prevent the introduction and spread of harmful pests and diseases.

3. Background

- 3.1. This instrument (the Principal Order) implements in Northern Ireland Council Directive 2000/29/EC of 08 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.
- 3.2. The Wood and Bark Order (and therefore the Principal Order) are updated frequently to take account of new or revised risk assessments, pest interceptions, changes in distribution of pests and other developments.
- 3.3. The EU instruments listed below have been adopted and modify annexes of the Wood and Bark Order as a result of technical changes in the assessment of risks presented by particular pests and diseases. The measures are implemented through this instrument. The changes are described in paragraphs 3.5 - 3.12.
- 3.4. This instrument includes measures to prohibit a person from landing in Northern Ireland solid fuel wood from third countries and the European Union, unless prior written notification has been given to DAERA.
- 3.5. The specific EU measures arising from technical changes in the assessment of the risks presented by particular pests and diseases are as follows.
- 3.6. Decision No 1/2015 of the Joint Committee on Agriculture concerning the amendment to Appendices 1,2, and 4 to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ No L27, 1.2.2017, p.155) (see article 20 of the order.

- 3.7. Commission Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (OJ No L252, 20.9.2002, p.37), as last amended by Commission Implementing Decision 2013/782/EU (OJ No L 346, 20.12.2013, p.69) (articles 14(a), 15, 16(c), (e) 17(b), of the Order);
- 3.8. Commission Implementing Decision 2014/690/EU repealing Commission Decision 2006/464/EC on provisional measures to prevent the introduction into and the spread within the Community of *Dryocosmus kuriphilus* Yasumatsu (OJ No L 288, 2.10.2014, p.5) (articles 16(2)(b), 18(b) and 19(b) of the Order);
- 3.9. Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky) (OJ No L146, 11.6.2015, p.16) (articles 16(1)(e), 16(2)(a) and 17(b), 18(a) and 19(a) of the Order);
- 3.10. Commission Implementing Decision 2012/535/EU on emergency measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. (the pine wood nematode) (OJ No L 266, 2.10.2012, p.42), as amended by Commission Implementing Decision (EU) 2015/226 (OJ No L 37, 13.2.2015, p.21) (articles 8, 16(2)(a), 18(a) and 19(a) of the Order); and
- 3.11. Commission Implementing Directive (EU) 2017/1279 amending Annexes I to V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 164, 15.7.2017, p.33) (see articles 3(a)(i) and 14 to 19 of the Order).
- 3.12. Commission Implementing Decision (EU) 2018/1203 recognising certain areas of the United States of America as being free from *Agrilus planipennis* Fairmaire (OJ No L 217, 27.8.2018 p.7) (article 16(b) and (g) of the Order).

4. Consultation

- 4.1. These issues are mainly technical updates and reflect those already in place at the EU level, which have been published by the European Commission. The updates have already been introduced in the UK and there is no significant impact on the private, voluntary or public sector foreseen.

5. Equality Impact

- 5.1. Not applicable. This Order has been screened out for equality impacts. No impact on any Section 75 group is anticipated.

6. Regulatory Impact

- 6.1. There is no impact on business, charities or voluntary bodies. The requirements apply mainly in countries exporting to the EU.
- 6.2. There is no impact on the public sector.
- 6.3. A Regulatory Impact Assessment has not been prepared for this Statutory Rule.

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 includes implementation of Commission Implementing Decision (EU) 1/2015, Commission Implementing Decision (EU) 2002/757, Commission Implementing Decision (EU) 2014/690, Commission Implementing Decision (EU) 2015/893, Commission Implementing Decision (EU) 2012/535, Commission Implementing Directive (EU) 2017/1279 and Commission Implementing Decision (EU) 2018/1203.

10. Parity or Replicatory Measure

10.1. Similar but separate legislation to the Principal Order operates in England, Scotland and Wales.

11. Additional Information

11.1. Not applicable