

## **EXPLANATORY MEMORANDUM TO**

### **The Pesticides and Invasive Alien Species (Enforcement and Permitting) (Amendment)(EU Exit) Regulations (Northern Ireland) 2020**

**2020 No. 268**

#### **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 sections 11 and 22 of, Parts 1 and 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The purpose of the statutory rule is to ensure alignment to EU rules that are listed in Annex 2 of the Ireland/Northern Ireland Protocol (the 'Protocol') in the control of pesticide use and the management of the introduction and spread of invasive alien species.

#### **3. Background**

- 3.1. Regulation (EC) 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 repealing Council Directives 79/117/EEC and 91/414/EEC is listed in Annex 2 of the Protocol. The EU Regulation only permits approved plant protection products to be used in Member States.
- 3.2. Regulation EU 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species is listed in Annex 2 of the Protocol. The EU Regulation imposes strict restrictions on a list of species known as 'species of Union concern'. The aim of the Regulation is to prevent the introduction and spread of certain hazardous plant and animal species. Omitting regulation 9 of S.I. 2019 No. 1313 effectively restores the definition of "Union List" in S.R. 2019 No. 159.

#### **4. Consultation**

- 4.1. No consultations were carried out in respect of the Statutory Rule as its purpose is to resolve operability issues as a result of the Ireland/Northern Ireland Protocol. It does not introduce any new policy.

#### **5. Equality Impact**

- 5.1. There are no equality impact implications arising from this Regulation.

#### **6. Regulatory Impact**

- 6.1. The impacts of this Regulation are not expected to place any direct additional burdens on businesses, charities, voluntary bodies or the public sector.

## **7. Financial Implications**

7.1. There are no additional costs on UK business arising from the Regulations.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1. This Statutory Rule does not contravene Section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

9.1. This Regulation implements the requirements of the Ireland/Northern Ireland Protocol.

## **10. Parity or Replicatory Measure**

10.1. These Regulations relate to Northern Ireland only. Similar Regulations are not required by other UK countries.

## **11. Additional Information**

11.1. None..