

To: Business Committee
From: Carwyn Jones AM
Minister for Environment, Planning and Countryside

Explanatory Memorandum

THE PLANT PROTECTION PRODUCTS REGULATIONS 2003

Introduction of the Plant Protection Products Regulations 2003 will consolidate the Plant Protection Products Regulations 1995, Commission Directives 93/71/EEC, 94/37/EEC and 94/79 EC, and Council Directive 94/43/EEC.

1. This memorandum is submitted to the National Assembly's Business Committee in relation to the Plant Protection Products Regulations 2003, in accordance with Standing Order 23.
2. A copy of the Instrument is submitted with this memorandum.
3. The National Assembly for Wales is jointly responsible, with DEFRA, for the regulation and approval of pesticides and the marketing of plant protection products.
4. These Regulations are being made under section 2 (2) of the European Communities Act 1972. The National Assembly is designated to act jointly with the Secretary of State for Environment, Food and Rural Affairs for the purposes of section 2 (2) in relation to the common agricultural policy of the European Union concerning plant protection products (SI 1999/2788). The functions of the National Assembly under this designation have been delegated to the Assembly Minister for Environment, Planning and Countryside.
5. These Regulations, which extend to England and Wales, will consolidate the Plant Protection Products Regulations 1995 (which implement in Great Britain Council Directive 91/414/EEC concerning the placement of plant protection products on the market), Commission Directives 93/71/EEC, 94/37/EEC and 94/79 EC, and Council Directive 94/43/EEC.

Target making / coming into force date

6. The target making date is 9 December 2003. The target coming into force date is 31 December 03. Subject to the resolution of the Assembly in Plenary, DEFRA will make the instrument on 9 December, with a coming into force date of 31 December 2003.

Financial Implications

7. Since the purpose of the proposed order is to consolidate rather than amend existing legislation, there are no additional financial implications for the Assembly, for business or for others.

Regulatory Appraisal

8. In the case of these Regulations, falling outside the definition of Assembly general subordinate legislation in section 58 of the Government of Wales Act 1998, there is no requirement for the Assembly to carry out a regulatory appraisal. I can also confirm that DEFRA did not carry out a Regulatory Impact Assessment on the proposed order.

Consultation

With Stakeholders

9. A consultation has not been conducted with stakeholders as the Regulations reflect a consolidation of the framework Directive rather than a policy change.

With Subject Committee

10. While no formal consultation with the Subject Committee has been carried out, the proposed instrument was included in the list of forthcoming legislation put to the Environment Planning & Countryside Committee on the 16th July 2003 (item no 27 on EPC(2)-03-03), but was not identified for detailed scrutiny.

Recommended Procedure

11. As these Regulations only reflect a consolidation rather than a policy change, I recommend that the instrument proceed to Plenary without debate.

12. Compliance/Statutory Cross-cutting Themes

I can confirm that the proposed legislation (as far as applicable):

- Has due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998, section 120);
- Is compatible with the Assembly's scheme for sustainable development (section 121);
- Is compatible with community law (section 106);
- Is compatible with the Assembly's human rights legislation (section 107);
- Is compatible with any international obligations binding the UK Government and the Assembly (section 108).

13. This memorandum has been cleared with the Office of the Counsel General.

14. **Policy Division Contact:** Jonathan Williams (Ext 6144) Plant Health and Biotechnology Branch, Animal and Plant Health Division.

December 2003

**CARWYN JONES AM
MINISTER FOR ENVIRONMENT, PLANNING AND COUNTRYSIDE**