

## **Explanatory Memorandum to the Plant Health (Wales) (Amendment) (No.2) Order 2007.**

This Explanatory Memorandum has been prepared by the Department for Rural Affairs and is laid before the National Assembly for Wales.

### **1. Description**

This Order amends the Plant Health (Wales) Order 2006 (the “principal Order”), which contains measures to prevent the introduction and spread of harmful pests and diseases. It implements Commission Directive 2007/41/EC, Commission Decisions 2007/365/EC, 2007/433/EC, 2007/410/EC, and 2004/416/EC, as amended by 2006/473/EC.

### **2. Matters of special interest to the Subordinate Legislation Committee**

None. This Order implements prescriptive Community obligations through Commission Directive 2007/41, Commission Decisions 2007/365/EC, 2007/433/EC, 2007/410/EC, and 2004/416/EC, as amended by 2006/473/EC.

### **3. Legislative Background**

The Plant Health (Wales) (Amendment) (No.2) Order 2007 makes the necessary amendments to the Plant Health (Wales) Order 2006 to give effect to a number of Community instruments which have been adopted to amend the annexes of Council Directive 2000/29/EC. This Directive (“The Plant Health Directive”), establishes the Community plant health regime.

The Plant Health (Wales) (Amendment) (No.2) Order 2007 is made under sections 2 and 3(1) of the Plant Health Act 1967.

This instrument is made using the negative resolution procedure.

### **4. Purpose and intended effect of legislation**

Commission Directive 2007/41/EC makes minor changes to the list of areas recognised as ‘protected zones’ against certain organisms harmful to plant health in the Community.

The annexes to Council Directive 2000/29/EC have been amended by four Commission Decisions. Commission Decision 2007/365/EC introduces emergency measures to prevent the introduction into and spread within the Community of Red Palm Weevil (*Rhynchophorus ferrugineus*); Commission Decision 2007/433/EC introduces emergency measures to prevent the introduction into and spread within the Community of the fungus *Gibberella circinata*; Commission Decision 2007/410/EC introduces additional measures to prevent the introduction and spread of Potato spindle tuber viroid; and Commission Decision 2004/416/EC, as amended by 2006/473/EC, lifts temporary emergency restrictions in respect of certain bacterial pathogens which are harmful to citrus fruit originating from Argentina.

These amendments have been made as a result of technical changes in the assessment of risks presented by other pests and diseases.

The Assembly Government is required to implement Commission Directive 2007/41/EC and the four Council Decisions as soon as practically possible to prevent the introduction into and spread of serious pests and diseases of plants and plant produce within the EU. The Plant Health and Seeds Inspectorate (PHSI), who operate in Wales on behalf of the Assembly Government, advise that non - implementation of these amendments would mean an increase in the threat to Plant Health in Wales.

## **5. Implementation**

It is intended that this Amendment Order should come into force on 18 December 2007. Similar legislation was implemented in England on 1 November 2007 and is under consideration in Scotland and Northern Ireland. Apart from the application of improved disease management measures, no other significant effects are expected in Wales as a result of the implementation of these Regulations.

## **6. Consultation**

A public consultation on this Amendment Order was not deemed necessary as a targeted consultation of interested trade bodies was undertaken in England and Wales, prior to the Potato Spindle Tuber Viroid disease measures being discussed in the Standing Committee on Plant Health. The other measures covered by the Amendment Order are emergency measures introduced following discussion by Standing Committee and have limited impact on the UK, affecting a small stakeholder base.

Furthermore, given the limited scale of the horticulture industry in Wales, there is a restricted number of stakeholders that could potentially be affected by the legislation. Neither England nor Scotland are planning a consultation on the introduction of their respective Amendment Orders.

## **7. Regulatory Impact Assessment**

A regulatory impact assessment has not been prepared, as the Amendment Order has no impact on the costs for business, local authority or the voluntary sector.