

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

EXPLANATORY MEMORANDUM

THE PLANT PROTECTION PRODUCTS (AMENDMENT) REGULATIONS 2004

This Instrument amends the Plant Protection Products Regulations 2003, which implement in England and Wales Council Directive 91/414/EEC concerning the placing of plant protection products on the market.

1. This memorandum is submitted to the Assembly's Business Committee in relation to the Plant Protection Products (Amendment) Regulations 2004, in accordance with Standing Order 25.
2. A copy of the Instrument is submitted with this memorandum.

Enabling Power

3. The National Assembly for Wales is jointly responsible, with the Department of Environment, Food and Rural Affairs (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 under the European Communities (Designation) (No. 3) Order 1999 (SI 1999/2788) 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. The functions of the National Assembly under this designation have been delegated to my portfolio as Minister for Environment, Planning and Countryside.

Effect

5. Schedule 1, which sets out the instruments that amend Council Directive 91/414/EEC, is replaced by the Schedule to these Regulations, which lists an additional 8 Directives that add a further 17 active substances to Annex 1 of Directive 91/414/EEC. In consequence the list of active substances which can be used in products capable of being approved under the 2003 Regulations for placing on the market is extended accordingly – see the 2003 Regulations, regulations 3, 5 and 6. The 2003 Regulations are available at the HMSO Web site at :-
<http://www.legislation.hmso.gov.uk/si/si2003/20033241.htm>
6. In addition, drafting corrections are made to regulation 27.

Target Implementation

7. The target making date is 13th July 2004. The target coming into force date is 11th August 2004. DEFRA are on track to transpose on time. Failure to transpose on time in Wales could cause Welsh pesticide users to be placed at a disadvantage in comparison to their competitors elsewhere in the UK and EU.

Financial Implications

8. There are no additional financial implications for the Assembly, for business or for others..

Regulatory Appraisal

9. In the case of these Regulations, falling outside the definition of Assembly subordinate legislation in section 58 of the Government of Wales Act 1998, a regulatory appraisal is not required to be undertaken.

Consultation

With Stakeholders

10. No consultation has been conducted with stakeholders as the Regulations reflect a consolidation of the framework Directive rather than a policy change.

With Subject Committee

11. 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 Committee on 5th May 2004 as item number 16 on the list, but has not been identified for scrutiny.

Recommended Procedure

12. Subject to the views of the Business Committee, I recommend that this instrument proceeds to Plenary without debate under the Accelerated Procedure, as these Regulations have no financial implications for the Assembly, for business or others, and they only reflect a technical amendment rather than a policy change.

Compliance

13. 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).

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

15. Drafting Lawyer: Chrishan Kamalan (Ext 1246)

16. Head of Division: Norma Barry (Ext 3544)

17. Policy Division Contact: Jonathan Williams (Ext 6144)

CARWYN JONES

JUNE 2004

MINISTER FOR ENVIRONMENT, PLANNING AND COUNTRYSIDE