

TO: BUSINESS COMMITTEE
FROM: CARWYN JONES AM
MINISTER FOR ENVIRONMENT, PLANNING AND COUNTRYSIDE

EXPLANATORY MEMORANDUM

THE PLANT PROTECTION PRODUCTS (AMENDMENT) REGULATIONS 2003

Introduction of the Plant Protection Products (Amendment) Regulations 2003 will reflect the EU authorisation of a new active substance used in plant protection products.

1. This memorandum is submitted for information to the National Assembly's Business Committee in relation to the Plant Protection Products (Amendment) Regulations 2003.
2. A copy of the instrument, which is being processed under Standing Order 23 (Section 3) is submitted with this Memorandum.
3. The National Assembly 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 (S.I. 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, further amend the Plant Protection Products Regulations 1995 (S.I. 1995/887) which implement in Great Britain Council Directive 91/414/EEC concerning the placing of plant protection products on the market (OJ No. L230, 19.8.91, p.1).
6. The Regulations amend the definition of "the Directive" in S.I. 1995/887 so as to implement Commission Directive 2003/5/EC, which adds the active substance deltamethrin to the Annex (implementation date 01/11/2003).
7. Schedule AA1, which sets out the instruments that amend Council Directive 1991/414/EC, is replaced by the Schedule to these Regulations, which adds the substance added by Commission Directive 2003/5/EC (OJ No. 14.1.2003, p.7).

Financial Implications

8. There are no additional financial implications for the Assembly, for business or others arising from the making of the proposed joint instrument.

Regulatory appraisal

9. 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, the Assembly is not required to carry out a regulatory appraisal.

Consultation

With Stakeholders

10. A consultation has not been conducted with stakeholders as the Regulations reflect a technical change to the framework Directive rather than a policy change.

With Subject Committee

11. There is no requirement for Standing Order 23 (Section 3) Orders to be scrutinised by the Subject Committee. The item has, however, been included in the list of forthcoming legislation put to the former Agriculture and Rural Development Committee on 5 March 2003.

Recommended Procedure

12. I recommend that the instrument proceed to Plenary for vote without debate.

Compliance/Statutory Cross-cutting Themes

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

DATE: June 2003

CARWYN JONES AM

MINISTER FOR ENVIRONMENT, PLANNING AND COUNTRYSIDE.