

## **Explanatory Memorandum to the Plant Health (Wales)(Amendment) (No.2) Order 2008.**

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 introduces emergency measures against *Anoplophora chinensis* (Citrus Longhorn Beetle).

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

None. This Order implements prescriptive Community obligations through Commission Directive 2000/29/EC.

### **3. Legislative Background**

The Plant Health (Wales) (Amendment)(No.2) Order 2008 makes the necessary amendments to the Plant Health (Wales) Order 2006 to give effect to Council Directive 2000/29/EC on protective measures against the introduction into the community of organisms harmful to plants or plant products and against their spread within the Community (“the Plant Health Directive”) establishes the Community plant health regime. It contains measures to be taken in order to prevent the introduction into, and spread within the community of serious pests and diseases of plants and plant produce. The Directive is implemented in Wales, for non - forestry matters, by the Plant Health (Wales) Order 2006. Similar but separate legislation operates in Scotland, England and Northern Ireland.

The Plant Health (Wales) (Amendment) (No.2) Order 2008 is made under sections 2 and 3(1) of the Plant Health Act 1967.

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

Under Directive 2000/29/EC the introduction and spread within the EU of Citrus Longhorn Beetle is prohibited but no measures are specified in respect of plant material susceptible to it. The European Commission has adopted a draft Decision designed to introduce such measures but the Decision is not yet in force. The Current Order amends the Plant Health (Wales) Order 2006 to implement these new controls in advance of the publication of the draft Decision (Member States being permitted to take such domestic measures under Article 16(2) of the Plant Health Directive).

The Assembly Government is required to implement these new controls in advance of the publication of the draft Decision 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 10 December, 2008. Similar legislation will be implemented in England on 10 November, 2008 and will be implemented in Scotland on 20 November. Apart from the application of improved disease management measures, no other significant effects are expected in Wales as a result of implementation of these Regulations.

## **6. Consultation**

The main industry groups in England and Wales have been consulted. In addition, appropriate levels of information have been included on both Defra's and Assembly Governments websites.

## **7. Regulatory Impact Assessment**

A regulatory impact assessment has not been prepared, as the Amendment Order has minimal impact on the costs to private or voluntary sectors.