

Explanatory Memorandum to the Plant Health (Wales)(Amendment) Order 2009

This Explanatory Memorandum has been prepared by the Department for Rural Affairs and is laid before the National Assembly for Wales in accordance with Standing Order 24.1

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 2009/7/EC by amending Annexes I, II, IV and V to Council Directive 2000/29/EC.

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

None. This Order implements prescriptive Community obligations through Commission Directive 2009/7/EC.

3. Legislative Background

The Plant Health (Wales) (Amendment) Order 2009 makes the necessary amendments to the principal Order by amending the list of harmful organisms in the Order to improve protection against their introduction into the EU.

The Plant Health (Wales) Order 2009 is made under sections 2 and 3(1), of the Plant Health Act 1967, and follows the negative resolution procedure.

4. Purpose and intended effect of legislation

Commission Directive 2009/29/EC amends the list of harmful organisms in the Directive to include the following harmful organisms, which are so far not known to be present in the Community, to the list of prohibited organisms:

- *Dendrolimus sibiricus* (Siberian coniferous silk moth)
- *Rhynchophorus palmarum* (American palm weevil)
- *Agrilus planipennis* (Emerald ash borer) on plants of *Fraxinus*, *Juglans mandshurica*, *Ulmus davidiana*, *Ulmus parvifolia*, and *Pterocarya rhoifolia*
- Chrysanthemum stem necrosis virus on plants of *Dendranthema* and *Lycopersicon lycopersicum*
- *Scrobipalopsis solanivora* (Guatemalan potato moth) on tubers of *Solanum tuberosum*
- *Stegophora ulmea* (Black spot of elm) on plants of *Ulmus* and *Zelkova*, intended for planting, other than seeds.

Requirements for the import of host plants of these organisms have also been amended to take account of their addition to the list of prohibited organisms. In addition, official control measures against the further spread of *Paysandisia archon* (South American palm borer), found in some areas in the Community on 11 genera of palm trees, have been tightened. The Order also corrects an

error in the Principal Order in relation to a prohibition on the import of plants of citrus.

The Assembly Government is required to implement Commission Directive 2009/7/EC as soon as practically possible to prevent the introduction and spread of serious pests and diseases of plants and plant produce within the EU. The Food, Environment and Research Agency (FERA), 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 01 July 2009. Similar legislation was implemented in England on 1 April 2009 and is currently 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 implementation of these Regulations.

6. Regulatory Impact Assessment

A regulatory impact assessment has not been prepared, as the Amendment Order has minimal impact on the costs for business.