



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**ADRODDIAD GAN Y PWYLLGOR DEDDFAU
DRAFFT**

**LEGISLATION COMMITTEE REPORT
DRAFT**

The Potatoes Originating in Germany, Notification (Wales) Order 2001

Background

This Order places notification requirements on persons importing potatoes from Germany.

Standing Order 11.5

Having had the opportunity of looking at an early draft of this Order the legal advisers to the Committee have been able to identify a number of points which have now been taken into account in the final draft. Thus there are no points which are now identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention.

General Observations

It has been explained that German potatoes ordered by a Welsh importer but transported via another UK country (England for all practical purposes) would be regarded as imported into the UK country in which they first arrived. Thus in the case of potatoes delivered to a Welsh importer via England, the importer will give notification under the relevant England order, not under the Wales order.

This is consistent with Article 3 which requires notification to be given of the proposed point of entry into Wales.

It is noted, however, that since the enforcement powers in Article 4 relate only to non compliance with the Wales Order, such powers will not be exercisable in Wales in relation to potatoes which have, for example, been imported via England. This may be a matter meriting further consideration or, alternatively, it may be intended that all necessary enforcement action in such cases will be taken under the England Order before the potatoes enter Wales.

Legal Adviser
Legislation Committee
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