



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Official Controls, Plant Health, Seeds and Seed Potatoes (Amendment etc.) Regulations 2021**

**DATE**            **10 March 2021**

**BY**                **Rebecca Evans MS, Minister for Finance and Trefnydd**

**SI laid in Parliament, which amends secondary legislation in a devolved area**

**The Official Controls, Plant Health, Seeds and Seed Potatoes (Amendment etc.) Regulations 2021**

The 2021 Regulations amend or revoke the following legislation:

EU Legislation amended

- Regulation (EU) 2016/2031 (“the Plant Health Regulation”) on protective measures against pests of plants;
- Commission Implementing Regulation (EU) 2019/2072 (“the Phytosanitary Conditions Regulation”) establishing uniform conditions for the implementation of Regulation (EU) 2016/2031;
- Commission Implementing Regulation (EU) 2020/1217 on a derogation from Implementing Regulation (EU) 2019/2072 concerning the introduction into the Union of naturally or artificially dwarfed plants for planting of *Chamaecyparis Spach*, *Juniperus* L. and certain species of *Pinus* L., originating in Japan;
- Commission Implementing Regulation (EU) 2020/1231 on the format and instructions for the annual reports on the results of the surveys and on the format of the multiannual survey programmes and the practical arrangements, respectively provided for in Articles 22 and 23 of Regulation (EU) 2016/2031; and
- Commission Implementing Regulation (EU) 2019/66 on rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects in order to verify compliance with Union rules on protective measures against pests of plants applicable to those goods.

### EU Legislation revoked

- Commission Implementing Regulation (EU) 2020/1292 as regards measures to prevent the entry into the Union of *Agrius planipennis Fairmaire* from Ukraine; and
- Commission Implementing Decision (EU) 2020/1549 repealing Decision 2004/200/EC on measures to prevent the introduction into and the spread within the Community of *Pepino* mosaic virus.

### Secondary legislation amended

- The Seed Marketing Regulations 2011;
- The Seed Potatoes (England) Regulations 2015;
- The Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019; and
- The Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021.

### **Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence**

The 2021 Regulations confer a function on the Welsh Ministers without encumbrance as a 'Competent Authority'. They also confer functions on the National Plant Protection Organisation of Great Britain and of the United Kingdom. These functions may constitute functions of a reserved authority for the purposes of paragraph 8(1) of Schedule 7B to the Government of Wales Act 2006 and as such represent a potential restriction on the future competence of the Senedd.

### **The purpose of the amendments**

The amendments introduced by the 2021 Regulations are technical operability amendments and do not include any policy changes. The purpose of the 2021 Regulations is to ensure that plant health controls operate effectively to protect biosecurity and support trade between Great Britain and the relevant third countries.

The 2021 Regulations correct deficiencies that had not been fully mitigated by previous plant health related EU Exit Regulations. They also amend EU decisions, in relation to Great Britain, that had been introduced after the drafting of the previous plant health related EU Exit Regulations was finalised.

The 2021 Regulations modify Commission Implementing Regulation (EU) 2019/66 in order to set out the frequency rates of physical checks and identity checks carried out on certain regulated plants, plant products and other objects imported into Great Britain from EU member states, Switzerland and Liechtenstein, based on the risk each poses.

The 2021 Regulations also make a small number of corrections to secondary legislation that applies to England and secondary legislation that applies to Great Britain.

The 2020 Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-official-controls-plant-health-seeds-and-seed-potatoes-amendment-etc-dot-regulations-2021>

### **Why consent was given**

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully and there is no divergence in policy. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May.