



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Phytosanitary Conditions (Amendment) (No. 2) Regulations 2022**

DATE **29 April 2022**

BY **Lee Waters AS/MS**
Y Dirprwy Weinidog Newid Hinsawdd
Deputy Minister for Climate Change

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Victoria Prentis MP, Minister of State for Farming, Fisheries and Food, to make a Statutory Instrument (SI) titled The Phytosanitary Conditions (Amendment) (No. 2) Regulations 2022 to apply in relation to Great Britain.

The above titled SI will be made by the Secretary of State in exercise of powers conferred by Article 41(3) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants on official controls and other official activities.

The SI amends Regulation EU Legislation (Regulation (EU) 2016/2031), which amends Commission Implementing Regulation (EU) 2019/2072 (the Phytosanitary Conditions Regulation) establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants.

The amendments make amendments to secondary legislation. They update import requirements to prevent the introduction of the plant pest *Thaumetopoea pityocampa* in Great Britain via the import of the hosts of this pest: *Cedrus Trew* and *Pinus L.*

The regulations were laid before Parliament on 28 April 2022 to come into force on 29 April 2022.

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

Previous Phytosanitary Conditions Amendments put in place previous corrections required to the regulatory regime for plant health. These broadened the executive competence of the Welsh Ministers by conferring functions on them (in their capacity as the 'Competent Authority' for Wales) without encumbrance. The Minister will wish to note that the Regulations do not transfer any functions to the Secretary of State.

The purpose of the amendments

The Regulations update GB-wide import requirements to restrict where the host trees of the pest *Thaumetopoea pityocampa* can be imported from. Specifically, these regulations remove the option for the host plants of this pest to be imported accompanied by an official statement that they have been produced in nurseries which have been found free from the pest, on the basis of official inspections and surveys carried out at appropriate times. Now these trees must be imported from a country or area that is designated pest-free, or from a place where they have been grown in a fully sealed environment. The regulations also broaden the scope of the remaining special requirements for import to all plants (other than seeds) of *Cedrus Trew* and *Pinus L* originating from any third country, irrespective of whether they are plants for planting or cut trees and foliage.

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

<http://www.legislation.gov.uk/id/uksi/2022/484>

Why consent has been 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 to protect biosecurity by updating import requirements to mitigate the risk of accidentally introducing the pest. The amendments have been considered fully and there is no divergence in policy.