



**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	The Official Controls (Plant Health) (Prior Notification) and Phytosanitary Conditions (Amendment) Regulations 2023
DATE	26 October 2023
BY	Lesley Griffiths MS, Minister for Rural Affairs and North Wales and Trefnydd

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 Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs at the Department for Environment, Food and Rural Affairs (DEFRA) to make a Statutory Instrument (SI) titled the Phytosanitary Conditions (Amendment) Regulations 2023.

The above titled SI will be made by the Secretary of State, in exercise of the powers conferred under Regulation (EU) 2016/2031, the Plant Health Regulations, and Regulation (EU) 2017/625, the Official Controls Regulations.

The Regulations amend Regulation (EU) 2019/2072, the Phytosanitary Conditions Regulations, for multiple purposes. Primarily the amendments deregulate and include various pests to the Quarantine Pests and Provisional Quarantine Pests lists. Additionally, the amendments will introduce an amendment to enable provisions within the Borders Target Operating Model (TOM)

The SI was laid before the UK Parliament on 26 October 2023. Urgent measures in the Regulations will come into force on 17 November and 24 November 2023 and non-urgent measures on the 2 May 2024.

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

Members will wish to note that the Regulations do not transfer any functions to the Secretary of State.

The purpose of the amendments

The purpose of the amendments are to update aspects of the Phytosanitary Conditions Regulations (PCR) to introduce the following changes:

- Deregulate specific GB quarantine pests (QPs) which have been assessed by the Plant Health Risk Group (PHRG) as not meeting the criteria to be a QP.
- The addition of new GB QPs which have been assessed by the PHRG as meeting the criteria to be a QP.
- The addition of new GB provisional quarantine pests (PQPs) which have been assessed by the PHRG as meeting the criteria to be a QP on the basis of a provisional assessment.
- Update import requirements to take account of changes in the material traded.
- Introduce a change missed in a previous SI.
- Formalise an easement in order to make import requirements work in practice.
- Include a derogation which was carried over as retained EU law but which has now expired and needs to be included in GB legislation.

In addition, the amendments will introduce an amendment to enable provisions within the Borders Target Operating Model (TOM). This provision will amend the Official Control Regulations (OCR) to provide an exception of certain fruit and vegetables to the pre-notification requirements of the OCR.

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

[The Official Controls \(Plant Health\) \(Prior Notification\) and Phytosanitary Conditions \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

Why consent has been given

Consent has been given for the UK Government to make this instrument in relation to, and on behalf of, Wales as the SI relates to a devolved area, however, the SI operates GB-wide and has effect on the restrictions regarding the importation of plants and plant products into GB. Introducing separate regulations in Wales and England may cause additional burden on the Animal and Plant Health Agency (APHA), business, traders and growers. Regulating on a GB-wide basis ensures a coherent and consistent statute book with the regulations being accessible in a single instrument with no risk of legislative divergence in GB.