



Llywodraeth Cymru  
Welsh Government

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

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**TITLE**            **The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019**

**DATE**            **22 January 2019**

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

**The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019 (“the 2019 Regulations”)**

**The law which is being amended**

European Directly Applicable Instruments

The 2019 Regulations do not amend any directly applicable European instruments.

Instead, Part 2 of those Regulations provides for powers to amend Annexes 1A and 3 to Commission Regulation (EC) No 1251/2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species. The power to amend Annex 1A is exercisable where the amendment is necessary or appropriate in light of certain specified criteria and any assessment carried out which is relevant to the determination of whether a disease is an exotic or non-exotic disease for the purpose of that Annex (and any assessment which is relied upon for that purpose must have been approved by the Secretary of State, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs). The power to amend Annex 3 is exercisable where the amendment is necessary or appropriate in light of an assessment of the risks to the health of aquatic animals in the United Kingdom from the introduction of aquaculture animals or products reared or produced in a third country (i.e. a country or territory outside the United Kingdom), taking account of certain specified factors. The powers in question are conferred on a concurrent basis, so that they are exercisable by the Welsh Ministers and the Secretary of State (the exercise of those powers by the latter being subject to the consent of the Welsh Ministers).

Part 3 of those Regulations provides a power to amend the Plant Health (EU Exit) Regulations 2019 which were the subject of a previous notification statement. Part 3 enables the following amendments, to be made by way of Regulations, to the Plant Health

(EU Exit) Regulations 2019: amendments to Schedules 1 – 7 (regulated plant pests and plant material) in the light of developments in scientific or technical knowledge or where technically justified and consistent with the risk to plant health; amendments to Schedule 8 (derogations from specific prohibitions and requirements) after an assessment has taken account of available scientific and technical information and confirms that the amendments would eliminate or safeguard against the risk to plant health; amendments to recognise where third countries demonstrate phytosanitary measures in relation to plant pests or relevant material that are equivalent to domestic phytosanitary measures and amendments to make temporary emergency provision for the purposes of preventing the introduction of a plant pest.

**Any impact the SI may have on the Assembly’s legislative competence and/or the Welsh Ministers’ executive competence**

Functions transferred to the Secretary of State with consent may constitute functions of a Minister of the Crown for the purposes Schedule 7B to the Government of Wales Act 2006. This may operate as a constraint on the Assembly’s competence to legislate in the future in these areas.

**The purpose of the amendments**

The 2019 Regulations confer functions on UK authorities which are equivalent to various legislative functions exercisable by the European Commission in relation to EU aquatic animal health and plant health legislation and converts the EU procedures to appropriate UK procedures as appropriate.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://beta.parliament.uk/work-packages/AcjQdNDh>

**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. These amendments are to ensure that the statute book remains functional following the UK’s exit from the EU.