



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Plant Health (Amendment) (EU Exit) Regulations 2020**

DATE **14 December 2020**

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

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

The Plant Health (Amendment) (EU Exit) Regulations 2020

The 2020 Regulations amend the following legislation:

EU Legislation

- Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants; and
- Commission Implementing Regulation (EU) 2017/2313 of 13 December 2017 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement, within a protected zone.

Domestic secondary legislation

- The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019.

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

The 2020 Regulations do not impact on the Senedd's legislative competence or the Welsh Ministers' executive competence.

The 2020 Regulations make corrections and technical amendments to retained direct European Union (EU) law and domestic legislation in order to address failures of retained EU law to operate effectively and to ensure that the United Kingdom (UK) meets its obligations under the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement

(‘the Protocol’) required at the end of the Implementation Period (IP), in relation plant health.

The purpose of the amendments

The purpose of the 2020 Regulation is to protect biosecurity and support trade between Northern Ireland (NI) and Great Britain (GB) by ensuring the continued functioning of plant health controls in relation to Qualifying Northern Ireland goods (‘Qualifying Goods’) moving from NI to GB, and within GB, following the end of the Transition Period.

Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants (‘the Plant Health Regulation’) and tertiary legislation made under that Regulation has been incorporated into domestic law under section 3 of the European Union (Withdrawal) Act 2018 (‘the Withdrawal Act’), save insofar as the legislation applies to NI for the purposes of the Protocol. This legislation has been amended in relation to GB by the Plant Health (Amendment etc.) (EU Exit) Regulation 2020 and the Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020 to deal with a range of deficiencies in the legislation arising from the withdrawal of the UK from the EU.

The 2020 Regulations will make further amendments to the Plant Health Regulation (as amended by the Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020) to deal with other deficiencies and matters arising out of, or related to, the Protocol. As a result of the Protocol, different Sanitary and Phytosanitary (SPS) requirements now apply in GB and in NI. The operability amendments contained in 2020 Regulations supplement the government’s policy on unfettered market access for Qualifying Goods.

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.legislation.gov.uk/ukdsi/2020/9780348216875>

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. There is no divergence in policy after full and careful consideration of the proposed amendments, assessment of the policy instructions and legal analysis of the drafting. These amendments are to ensure that the statute book remains functional at the end of the Implementation Period.