



**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE **The Phytosanitary Conditions (Amendment) Regulations 2024**

DATE **10 May 2024**

BY **Huw Irranca-Davies MA, Cabinet Secretary for Climate Change
and Rural Affairs**

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 Douglas-Miller, Minister for Biosecurity, Animal Health and Welfare at the Department for Environment, Food and Rural Affairs (DEFRA) to make a Statutory Instrument (SI) titled the Phytosanitary Conditions (Amendment) Regulations 2024.

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).

The Regulations amend Commission Implementing 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. The Regulations also alter the regulatory status of some pests following a technical review of their current risk to GB biosecurity and provide a specific import requirement for the introduction of spruce Christmas trees, not intended to be placed on the market, from Norway for short term display only.

The SI was laid before the UK Parliament on 9 May 2024. Urgent measures in the Regulations will come into force on 31 May 2024 and non-urgent measures on the 9 November 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:

- Introduce measures against the import of host plants, wood, and woodchips, for pests *Chrysobothris femorata* and *C. mali*, from the USA and Canada to prevent the introduction of the pests into GB.
- Regulate the seed of *Solanum sisymbriifolium* (“sticky nightshade”) as a host of the regulated non-quarantine pest (“RNQP”), potato spindle tuber viroid (“PSTVd”), after it was recently found to harbour this pest.
- Every year, a small number of culturally significant Norwegian Christmas trees are gifted to the UK government by the Norwegian government and municipalities. The Regulations will provide a specific import requirement for the introduction of these spruce Christmas trees, not intended to be placed on the market, from Norway for short term display only.
- Alter the regulatory status of some pests following a technical review of their current risk to GB biosecurity.
- Correct some errors detected in the Phytosanitary Conditions Regulation.

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

[The Phytosanitary Conditions \(Amendment\) Regulations 2024 \(legislation.gov.uk\)](https://www.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.