



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Pesticides (Amendment) (EU Exit) Regulations 2020**
DATE **13 October 2020**
BY **Rebecca Evans MS, Minister for Finance and Trefnydd**

SI laid in Parliament that contains provision in a devolved area

Pesticides (Amendment) (EU Exit) Regulations 2020

The 2020 Regulations make a number of amendments to earlier EU Exit Statutory Instruments that convert EU legislation (which forms the plant protection product (“PPP”) and maximum residue level (“MRL”) regulatory regimes) into national law, to reflect when EU law ceases to apply and retained EU law comes into force at the end of the implementation period, thereby ensuring that the national regime will operate effectively. Most of its amendments are required because of new EU legislation that has come into force shortly prior to and during the implementation period, and so was not addressed by earlier EU Exit SIs. The 2020 Regulations also make amendments as a result of the Northern Ireland Protocol where the EU PPP and MRL regimes will continue to apply, therefore legislative changes are required to remove Northern Ireland from the retained EU legislation so that the new PPP and MRL regime applies in Great Britain only, rather than UK-wide.

The 2020 Regulations amend the following legislation

European Legislation

The 2020 Regulations amend Commission Implementing Regulation (EU) No 844/2012 setting out the renewal procedure for active substances related to the placing of plant protection products on the market.

The 2020 Regulations revoke points in Annex 2 to the EEA Agreement.

The 2020 Regulations revoke the EU legislation set out at Annex to this Statement.

Domestic legislation

The 2020 Regulations amend the following domestic legislation:

- The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019;
- The Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019;
- The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019;
- The Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019;
- The Pesticides (Amendment) (EU Exit) Regulations 2019;
- The Plant Protection Products (Sustainable Use) Regulations 2012; and
- The Official Controls (Plant Protection Products) Regulations 2020.

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

The 2020 Regulations do not impact on the legislative competence of the Senedd but broaden the executive competence of the Welsh Ministers' by conferring functions on them (in their capacity as the 'Competent Authority' for Wales) without encumbrance.

The purpose of the amendments

The main corrections required to the regulatory regime for pesticides as a result of EU Exit have already been put in place through a series of earlier EU Exit SIs, primarily the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (SI No 2019/556) and the Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019 (SI No 2019/557).

The Pesticides (Amendment) (EU Exit) Regulations 2019 (SI No 2019/1410) amended the earlier EU Exit SIs because of changes to "Exit Day" which impacted on various dates specified in the retained EU law. It also corrected several deficiencies within those SIs. The 2020 Regulations make further changes because of the implementation period. Various additional pieces of EU legislation have come into force in the period since the earlier EU Exit SIs, and so they are amended in order to correct new deficiencies arising from exiting the EU.

Another consequence is that corrections are required to reflect the change to the date when EU law ceases to apply, and when retained law comes into force, which is now at the end of the implementation period rather than Exit Day. Therefore, the 2020 Regulations make a number of minor corrections and additions so that retained law can function correctly.

Since the EU Exit SIs were finalised, the Northern Ireland Protocol was agreed which now requires that Regulation (EC) No 1107/2009 and Regulation (EC) No 396/2005 will continue to apply directly in Northern Ireland after the end of the implementation period. The 2020

Regulations therefore amend these UK-wide EU Exit SIs so that references related to Northern Ireland are removed and consequently they only have practical application in Great Britain. This will clarify that the required legal framework remains in place for Northern Ireland, for the relevant EU Regulations to continue to apply to Northern Ireland and to continue to operate as envisaged under the Northern Ireland Protocol.

The 2020 Regulations also make minor modifications to the Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019 (SI No 2019/306), following the issue of an EU Commission Directive as regards to the establishment of harmonised risk indicators in order to correct new deficiencies in the retained EU law.

Finally, the 2020 Regulations also make minor modifications to the Official Controls (Plant Protection Products) Regulations 2020 (SI No 2020/552), which implemented Regulation (EU) 2017/625 of the Parliament and of the Council on official controls for plant protection products.

The 2020 Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the Regulations, are available here:

<https://statutoryinstruments.parliament.uk/timeline/sOqcsMAG/SI-2020/>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to Wales for reasons of efficiency and expediency. The amendments have been considered fully and there is no divergence in policy. These amendments are to ensure that the statute book remains functional at the end of the Implementation Period.

ANNEX

The 2020 Regulations revoke the following EU legislation.

- Commission Regulation (EU) 2019/973 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels certain substances.
- Commission Regulation (EU) 2019/977 amending Annexes II and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for certain substances.
- Commission Implementing Regulation (EU) 2019/989 concerning the non-renewal of approval of the active substance chlorpropham
- Commission Regulation (EU) 2019/1015 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for certain substances.
- Commission Implementing Regulation (EU) 2019/1085 renewing the approval of the active substance 1-methylcyclopropene.
- Commission Implementing Regulation (EU) 2019/1090 concerning the non-renewal of approval of the active substance dimethoate.
- Commission Implementing Regulation (EU) 2019/1100 concerning the non-renewal of approval of the active substance desmedipham.
- Commission Implementing Regulation (EU) 2019/1101 renewing the approval of the active substance tolclofos-methyl.
- Commission Implementing Regulation (EU) 2019/1137 renewing the approval of the active substance dimethenamid-P.
- Commission Implementing Regulation (EU) 2019/1138 approving the active substance florpyrauxifen-benzyl.
- Commission Regulation (EU) 2019/1176 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for certain substances.
- Commission Regulation (EU) 2019/1559 amending Annexes II and II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels certain substances.
- Commission Regulation (EU) 2019/1561 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlormequat in cultivated fungi.

- Commission Implementing Regulation (EU) 2019/1582 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for imazalil in or on certain products.
- Commission Implementing Regulation (EU) 2019/1589 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of certain active substances.
- Commission Implementing Regulation (EU) 2019/1605 approving the low-risk active substance *Bacillus subtilis* strain IAB/BS03.
- Commission Implementing Regulation (EU) 2019/1606 concerning the non-renewal of the approval of the active substance methiocarb.
- Commission Implementing Regulation (EU) 2019/1675 renewing the approval of the active substance *Verticillium albo-atrum* strain WCS850 as a low-risk substance.
- Commission Implementing Regulation (EU) 2019/1690 renewing the approval of the active substance alpha-cypermethrin.
- Commission Regulation (EU) 2019/1791 amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for certain substances.
- Commission Regulation (EU) 2019/1792 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for certain substances.
- Commission Implementing Regulation 2019/2094 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of certain active substances.
- Commission Implementing Regulation (EU) 2020/17 concerning the non-renewal of the approval of the active substance chlorpyrifos-methyl.
- Commission Implementing Regulation (EU) 2020/18 concerning the non-renewal of the approval of the active substance chlorpyrifos.
- Commission Implementing Regulation (EU) 2020/23 concerning the non-renewal of the approval of the active substance thiacloprid.
- Commission Implementing Regulation 2020/192 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for prochloraz in or on certain products.
- Commission Implementing Regulation (EU) 2020/421 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of certain active substances.