



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2021**

DATE **14 December 2020**

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

SO30C –SI laid in Parliament which amends legislation in a devolved area

The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2021

The 2021 Regulations:

EU Legislation:

- Apply the provisions of the retained EU law version of Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers, as it applies in England and Wales and Scotland, to Northern Ireland subject to modifications.

Domestic Legislation

- Amend the Fertilisers and Ammonium Nitrate Material (EU Exit) Regulations 2019 (S.I. 2019/601).

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

The 2021 Regulations do not impact on the Senedd’s legislative competence or the Welsh Ministers’ executive competence.

The purpose of the amendments

The The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2021 amend the Fertilisers and Ammonium Nitrate Material (EU Exit) Regulations 2019 (S.I. 2019/601) in light of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement

(the Protocol), to reflect the continued application of the EU law version of Regulation (EC) 2003/2003 on fertilisers in Northern Ireland.

S.I. 2019/601 replaces the “EC fertiliser” regime in EU law with a new UK-wide regime providing for a “UK fertiliser” label, which will function in the same way. The Protocol sets out that certain provisions of Union law listed in the Protocol shall apply under certain conditions in the UK in respect of Northern Ireland. Regulation (EC) No 2003/2003 is listed at Annex 2 of the Protocol. This instrument reflects the continued application of the EU law version of Regulation (EC) No 2003/2003 and also applies the provisions of the retained EU law version of Regulation (EC) 2003/2003 on fertilisers, as it applies in England and Wales and Scotland, to Northern Ireland subject to modifications. This will enable the marketing of “UK fertilisers” in Northern Ireland. Regulation (EC) 2003/2003 as it has effect in EU law will continue to apply in Northern Ireland under “the Protocol” after the end of the Transition Period.

Regulation (EC) 2003/2003 lays down rules on the designation, definition, composition, identification and packaging of ‘EC fertilisers’ which can be freely traded throughout the EU. If S.I. 2019/601 were to remain unchanged, the retained EU law version of Regulation (EC) No 2003/2003 would appear to apply in Northern Ireland as it would include references to Northern Ireland bodies, but despite those references it would only apply in Great Britain by virtue of the combined effects of sections 3 and 7A of the European Union (Withdrawal) Act 2018. The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2021 is also required to enable the marketing in Northern Ireland of ‘UK fertilisers’.

The SI and accompanying Explanatory Memorandum, setting out the effect of this amendment is available here: <https://www.legislation.gov.uk/ukdsi/2021/9780348216905>

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.