
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2021 No. 302 (W. 76)

PLANT HEALTH, WALES

**The Official Controls (Plant Health
and Genetically Modified
Organisms) (Wales) (Amendment)
Regulations 2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are connected to Part 2 of the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021 (S.I. 2021/136), elements of which apply to Wales. Those Regulations made provision to supplement Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities (“the Official Controls Regulation”). Specifically, they supplemented and modified the transitional derogations and modifications set out in Article 168 of, and Annex 6 to, the Official Controls Regulation, by providing for official controls that are carried out on certain goods listed in the Schedule to those Regulations to be carried out at the place of destination.

These Regulations make connected amendments to provisions relating to offences in the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206) (W. 48) to include inspections at the place of destination within the existing enforcement framework.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Official Controls (Plant Health
and Genetically Modified
Organisms) (Wales) (Amendment)
Regulations 2021**

Made 12 March 2021

Laid before Senedd Cymru 15 March 2021

Coming into force 8 April 2021

The Welsh Ministers, in exercise of the powers conferred by Articles 22(2) and 144(6) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products⁽¹⁾ (“the Official Controls Regulation”), make the following Regulations.

The Welsh Ministers have consulted in accordance with Article 144(7) of the Official Controls Regulation before making these Regulations.

PART 1

Title, commencement and application

Title, commencement and application

1.—(1) The title of these Regulations is the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) (Amendment) Regulations 2021 and they come into force on 8 April 2021.

(1) EUR 2017/625, amended by S.I. 2020/1481; there are other amending instruments but none are relevant. See Article 3(2A) for the definition of “the appropriate authority”.

(2) These Regulations apply in relation to Wales.

PART 2

Places of destination

Interpretation

2. In this Part—

- (a) “the Official Controls Regulation” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;
- (b) “relevant third country” has the meaning given by Annex 6 to the Official Controls Regulation;
- (c) “specified goods” means plants, plant products and other objects specified in the Schedule to the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021⁽¹⁾;
- (d) “the transitional staging period” has the meaning given by Annex 6 to the Official Controls Regulation.

Offences

3.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020⁽²⁾ have effect in relation to specified goods entering Great Britain from a relevant third country during the transitional staging period, subject to the following modifications.

(2) In regulation 2(1), at the appropriate place, insert—

““place of destination” (“*cyrchfan*”) in relation to any specified goods, means the first place where the goods are delivered for unloading in Great Britain, and for this purpose “specified goods” (“*nwyddau penodedig*”) means plants, plant products and other objects specified in the Schedule to the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021;”

(3) In Schedule 3, in Part 2—

⁽¹⁾ S.I. 2021/136.
⁽²⁾ S.I. 2020/206 (W. 48), amended by S.I. 2020/1134 (W. 259), S.I. 2020/1303 (W. 288) and S.I. 2020/1628 (W. 342)

- (a) in the entry relating to Article 47(5), in the second column, at the end insert “or place of destination or, where required, any other place specified in Article 44(3)”;
- (b) in the entry relating to Article 50(1), in the second column, at the end insert “or place of destination or, where required, any other place specified in Article 44(3)”;
- (c) after the entry relating to Article 56(4)—
 - (i) in the first column, insert “Article 56A(1)”;
 - (ii) in the second column, insert—

“During the transitional staging period, requires the operators of relevant goods from a relevant third country, to give prior notification to the relevant competent authority before the expected time of arrival of the goods at a point of entry in Great Britain.”

(4) This regulation does not apply in relation to any part of the transitional staging period falling before 8 April 2021.

Lesley Griffiths

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers

12 March 2021

(1) Article 56A was inserted into Regulation (EU) 2017/625 by Annex 6. Annex 6 to Regulation (EU) 2017/625 was inserted by regulation 29(4) of S.I. 2020/1481 for the purpose of the application of and derogations from Regulation (EU) 2017/625, and modifications to its application, in relation to territories subject to special transitional import arrangements.