



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Vegetable and Ornamental Plant Propagating Material and Fodder Plant Seed (Amendment) Regulations 2021**

**DATE**            **26 March 2021**

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

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

**The Vegetable and Ornamental Plant Propagating Material and Fodder Plant Seed (Amendment) Regulations 2021**

The 2021 Regulations amend the following legislation:

Secondary legislation

- The Marketing of Vegetable Plant Material Regulations 1995
- The Marketing of Ornamental Plant Propagating Material Regulations 1999

EU retained legislation

- Commission Regulation 217/2006 laying down rules regarding the authorisation to permit temporarily the marketing of seed not satisfying the requirements in respect of minimum germination
- Commission Decision 80/512/EEC regarding the disapplication of conditions on the marketing of fodder plant seed
- Council Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries
- Council Decision 2005/834/EC on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries

## **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 2021 Regulations implement amendments to the Protocol on Ireland/Northern Ireland to the withdrawal agreement ("the Protocol") in consequence of Article 1.6 of Decision 3/2020 of the Joint Committee established by that agreement. Article 1.6 adds three Council Directives on plant reproductive material to Annex 2 to the Protocol. These Directives are considered by the EU as essential for the application of the rules of the EU internal market for goods in respect of Northern Ireland and were omitted at the time of adoption of the Protocol.

The 2021 Regulations are made in exercise of the powers conferred by Section 8C (1) of the European Union (Withdrawal) Act 2018 to implement the Protocol. It makes operability amendments to relevant domestic legislation which transpose those Council Directives and to retained directly applicable EU legislation as it applies in Great Britain.

In addition, the 2021 Regulations make a minor correction to Council Decision 2003/17/EC which arises from an amendment by the Marketing of Seeds and Plant Propagating Material (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/162).

The 2021 Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here: <https://statutoryinstruments.parliament.uk/timeline/AI7PitTE/SI-2021393/>

## **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. The amendments have been considered fully and there is no divergence in policy. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May.