

Lee Waters AS/MS
Y Dirprwy Weinidog Newid Hinsawdd
Deputy Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Llyr Gruffydd MS
Chair,
Climate Change, Environment, and Infrastructure Committee
Senedd Cymru
Senedd@senedd.wales

25 April 2022

Dear Llyr,

I am writing to inform the Committee of the intention to consent to the UK Government making and laying The Phytosanitary Conditions (Amendment) (No. 2) Regulations 2022 by 28 April 2022.

I have received a letter from Victoria Prentis MP, Minister of State for Farming, Fisheries and Food, asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The provisions could be made by Welsh Ministers in exercise of our own powers. The Regulation will extend to England, Scotland and Wales.

The Regulations will be made exercise of the powers conferred by Article 41(3) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants.

The amendments will tighten import rules relating to the trees *Cedrus Trew* and *Pinus L* and their cut foliage. These trees are known to host the pest *Thaumetopoea pityocampa* (PPM) and the pest has been detected on recent imports of these trees from France. These stricter Regulations mean that trees and cut foliage will only be imported from countries or geographical areas that are pest-free, whereas previously trees could be imported from nurseries if they had been declared pest-free. These stricter requirements will decrease the risk that pests are accidentally introduced.

Welsh Government officials have been working closely with UK Government officials to manage the recent interception of imported trees carrying PPM nests. Officials have also been involved in the development of legislative options and have seen draft versions of the proposed Statutory Instrument (SI).

The SI is subject to the negative procedure and is due to be laid before Parliament on 28 April 2022 with a commencement date of 29 April 2022. This will minimise the risk that this pest is accidentally introduced into GB through import of trees and foliage.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the substance of the amendments to apply to Wales. This is because there

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Lee.Waters@llyw.cymru
Correspondence.Lee.Waters@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

is no policy divergence between the Welsh and UK Government in this matter. This ensures a coherent and consistent statute book with the regulations being accessible in a single instrument. In addition, there is an urgent need to introduce this legislation, to protect biosecurity in Wales. I consider that legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes, especially given the urgent nature of the Regulations, nor a prudent use of Welsh Government resources given other important priorities.

These Regulations do not have implications for the Programme for Government. Preventing the entry of plant pests and diseases supports the majority of well-being goals in the Well-being of Future Generations (Wales) Act (2015) and will have a direct, positive contribution to the “a healthier Wales” and a ‘resilient Wales’ goals, together with associated impacts on the goals of “a prosperous Wales” and “a globally responsible Wales”.

I have written similarly to Huw Irranca-Davies MS, the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lee', is positioned above the typed name and title.

Lee Waters AS/MS
Y Dirprwy Weinidog Newid Hinsawdd
Deputy Minister for Climate Change