



Ein cyf/Our ref: MA-LG-1797-22

Paul Davies MS
Chair
Economy, Trade and Rural Affairs Committee

paul.davies@senedd.wales

12 July 2022

Dear Paul,

**The Animals, Food, Plant Health, Plant Propagating Material and Seeds
(Miscellaneous Amendments etc.) Regulations 2022**

I wish to inform the Committee I am giving consent to the Secretary of State for Environment, Food and Rural Affairs to lay The Animals, Food, Plant Health, Plant Propagating Material and Seeds (Miscellaneous Amendments etc.) Regulations 2022 on 12 July 2022.

The Regulations make minor technical amendments to retained direct EU law relating to official controls, to ensure that it operates effectively following the withdrawal of the United Kingdom from the European Union.

The amendments are summarised below:

- Part 2 of this instrument makes operability amendments to secondary legislation in England relating to the marketing of seed and fruit planting material to EU references which are no longer appropriate, and which were overlooked in earlier amending instruments. These amendments are necessary to ensure that this legislation continues to function effectively following the withdrawal of the UK from the EU.
- Part 3 of this instrument makes various operability amendments to retained direct EU legislation applying in relation to Great Britain relating to animal health and welfare, food and plant health, the majority of which were overlooked in earlier amending instruments, while some correct minor technical errors. These amendments are necessary to ensure that this legislation continues to function effectively following the withdrawal of the UK from the EU.

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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.

- The majority of the amendments are to change EU references, such as references to the Union and Member States, in the original European legislation to the GB language of Great Britain and relevant authorities in Great Britain, as well as removing redundant provisions applicable to EU institutions no longer applicable in GB.
- Part 4 of this instrument revokes two retained decisions and a retained regulation in the area of plant health, which are no longer considered necessary

I would like to draw to your attention that Regulations 7 and 9 create concurrent functions.

The changes consist of removing the model Export Health Certificates (EHCs) from the annexes of the relevant legislation and replace them with ‘*a form published by the Appropriate Authority from time to time*’, meaning future changes to the model EHCs become an administrative process.

Similar concurrent functions in the sphere of Animal Health and Welfare were previously approved on the basis there is a mutual interest for all administrations in the application of coherent disease prevention. It makes sense to exercise these functions jointly because they need to work for the whole of the UK, or Great Britain (where there is freedom of movement). Furthermore, they are exercised in the context of a functioning Common UK Animal Health and Welfare Framework.

It is important to note that Welsh Ministers retain the power to not consent to the Secretary of State and to publish their own EHCs for animals and animal products entering Wales. However, officials envisage this would only happen in exceptional circumstances. This concurrent function is therefore appropriate and mirrors what already happens in other legislation and administrative processes to publish other EHCs for importation of animals and animal products into Great Britain as a whole.

It is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. On this occasion, I am giving my consent to these Regulations, which make corrections in relation to, and on behalf of, Wales for reasons of efficiency and expediency, and to ensure consistency and coherence of the statute book. The amendments have been considered fully and there is currently no divergence in policy. Our position on the protection of animals during transport is consistent with that of the UK Government.

I am copying this letter to the Legislation, Justice and Constitution Committee.

Regards,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

Lesley Griffiths AS/MS

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd