

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies MS  
Chair,  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
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19<sup>th</sup> August 2022

Dear Huw,

Thank you for your letter of 25 July 2022 regarding consent to The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 (the Frequency of Checks Regulations) and the plenary debate following which you raised the following questions:

***1. What consultation took place with Welsh stakeholders on the Frequency of Checks Regulations and the policy change implemented by them?***

The initial consultation with stakeholders on the method for determining the frequency of risk targeted plant health import inspections took place between 26 May - 4 August 2021 and was targeted at members of the Plant Health Advisory Forum, which includes Welsh stakeholders. The consultation considered the levels of identity checks and physical inspections required on regulated plant health goods imported into GB.

A follow up consultation took place between 3 December 2021 and 28 January 2022 on a revised method, as a result of responses to the initial consultation.

Welsh Government officials engaged with Welsh stakeholders directly on the follow up consultation, including FUW, Tyfu Cymru/Grow Wales and the Wales Plant Health Evidence and Advisory Group (WPHEAG) which represents a range of stakeholders in Wales, including industry.

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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.

**2. What, if any, concerns were raised by these stakeholders and how were these addressed?**

The responses received to the initial consultation were generally supportive of a GB focused risk-based frequency of checks regime. Stakeholders highlighted concerns on the exclusion of plants for planting from the proposed approach and the delay before goods from the EU could benefit from this proposal. To address these concerns the second consultation included a revised methodology which applied to a much wider range of goods, including plants for planting as well as produce (e.g., fruit, vegetables and cut flowers).

Welsh stakeholders supported the concept of the risk-based approach to inspections and supported reviewing inspection frequencies. In response to the consultation the Welsh Plant Health Evidence and Advisory Group made the following suggestions or queries:

<b>WPHEAG comment</b>	<b>How this was addressed</b>
That the conditions under which plant passports and phytosanitary certificates are issued may need to be reconsidered, if inspection frequencies decrease.	The UK Plant Health Risk Group will continuously review risks to plant biosecurity and identifying actions needed to mitigate the most significant risks. These include keeping our regulatory regime up to date, carrying out focused surveillance and inspections, contingency planning, research, and awareness raising as well as identifying areas where intervention would not be helpful or justified.
Recommendation that inspection methods are reviewed and researched. Resources need to be allocated to developing new inspection methods that utilise the most recent technologies.	This was acknowledged in the consultation response document. As a UK Plant Health Service, we will be seeking to improve front line diagnostic services.
That the details of the methods used to establish frequencies of inspections should be published.	This was addressed through details of the methods being included in the regulation itself.

**3. Can you clarify whether these policy changes relate to the plant health common framework and, if so, were they considered through relevant framework processes?**

These policy changes relate to the plant health common framework and the processes set out within the framework were adhered to in their development. This included the proposed changes to the frequency of checks regime being discussed by groups within the framework structure. This included the Plant Health Advisory

Forum which discussed the proposals in October 2021 and the UK Plant Health Risk Group in February 2022, both of which WG and the other UK nation officials attend.

***4. Can you clarify whether the Frequency of Checks Regulations come within the scope of the United Kingdom Internal Market Act 2020?***

Before a plant can be sold in Great Britain it will need to satisfy certain regulatory requirements. This includes those set out in the Frequency of Checks Regulations, relating to the import of plants. England, Scotland and Wales are choosing to align their Frequency of Checks Regulations and there is no divergence in approach. As UKIMA applies to the sale of goods and services it may be that certain plants imported and subject to the Frequency of Checks Regulations are then sold elsewhere in Great Britain due to UKIMA.

***5. Can you confirm that the Frequency of Checks Regulations result in a divergence from EU standards that were in place at the end of the transition period and explain how any implications of this divergence will be assessed?***

The Regulations extend to England, Scotland and Wales, and following the UK's exit from the EU the recommendation was to retain the risk targeted approach, used in the EU. When the regulations are in place the level of checks will be reviewed annually and can be amended upwards or downwards as necessary to reflect any changes in the level of risk, which would result in a divergence from the EU. Any evidence of a serious plant health risk would lead to more urgent action being taken outside of the annual review process (e.g. immediately increasing inspection levels). Any implications of divergence from the EU will be assessed by the UK Plant Health Risk Group.

I am copying this letter to the Chair of the Economy, Trade and Rural Affairs Committee.

Yours sincerely,



**Julie James AS/MS**  
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