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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>The Plant Health and Phytosanitary Conditions (Oak Processionary Moth and Plant Pests) (Amendment) Regulations 2023</b>
<b>DATE</b>	<b>3 May 2023</b>
<b>BY</b>	<b>Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd</b>

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs at the Department for Environment, Food and Rural Affairs (DEFRA) to make a Statutory Instrument (SI) titled the Plant Health and Phytosanitary Conditions (Oak Processionary Moth and Plant Pests) (Amendment) Regulations 2023 to apply in relation to Great Britain.

The above titled SI is made by the Secretary of State in exercise of powers conferred by Articles 8(5), 17(1), 28(1), 28(4), 37(5), 48(5), 105(6) of and Annex 2 of the Regulation (EU) 2016/2031 ("Plant Health Regulations).

Under the powers conferred by Article 28 of the Plant Health Regulations the SI makes provision for a demarcated area for the GB quarantine pest, *Thaumetopoea processionea* L. ("Oak Processionary Moth"), consisting of an area where this pest is established ("the infested zone") and a buffer zone around that infested zone. This applies in relation to England only.

The SI makes two minor corrections. The first amends the Commission Delegated Regulation (EU) 2019/829. It makes a minor, technical correction to specify certain requirements on the authorisation application, which is seeking to temporarily allow the introduction or movement of regulated pests or plant commodities in GB. The SI also amends the Commission Implementing Regulation (EU) 2019/2072. It makes a minor, technical correction to revise the movement and import requirements for seed potatoes.

The regulations were laid before Parliament on 2 May 2023 and come into force on 24 May 2023.

### **Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence**

Members will wish to note that the Regulations do not transfer any functions to the Secretary of State.

### **The purpose of the amendments**

The purpose of this instrument is to protect biosecurity and support trade between Great Britain ("GB") and third countries by introducing protective measures against high-risk pests of plants. Within the demarcated area for Oak Processionary Moth, the movement of high-risk oak trees will only be permitted if professional operators comply with prescribed biosecurity and movement conditions. This SI prohibits the movement of high-risk oak trees to any area outside of the demarcated area.

In addition, this instrument makes two corrections, firstly, to Commission Implementing Regulation (EU) 2019/2072 ("the Phytosanitary Conditions Regulation") to revise the movement and import requirements for seed potatoes. Secondly, it amends Commission Delegated Regulation (EU) 2019/829 ("the Temporary Derogations Regulation") to specify certain requirements on the authorisation application, which is seeking to temporarily allow the introduction or movement of regulated pests or plant commodities in GB.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

[The Plant Health and Phytosanitary Conditions \(Oak Processionary Moth and Plant Pests\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

### **Why consent has been 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 to preserve the interconnected nature of the GB plant health regime. The amendments which apply to Wales have been considered fully and the changes are technical in nature and contain no diversion of policy.