

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

SeneddLJC@senedd.wales

28th September 2023

Dear Huw,

The Official Controls (Plant Health) (Prior Notification) and Phytosanitary Conditions (Amendment) Regulations 2023.

I wish to inform the Committee of the intention to consent to the UK Government making and laying The Official Controls (Plant Health) (Prior Notification) and Phytosanitary Conditions (Amendment) Regulations 2023 ("The Regulations") by 26 October 2023.

I received a letter from Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs, requesting consent to the Regulations. The Regulations will be made by the Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred by Articles 5(3), 30(1), 40(3), 41(3) and 105(6) to, Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants. Article 2a (2) of the Regulation (EU) 2016/2031 provides that such Regulations can be made by the Secretary of State with the consent of the Welsh Ministers.

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@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.

The purpose of the Regulations is to update aspects of the Phytosanitary Conditions Regulations (PCR) to introduce the following changes:

- Deregulate specific GB quarantine pests (QPs) which have been assessed by the Plant Health Risk Group (PHRG) as not meeting the criteria to be a QP.
- The addition of new GB QPs which have been assessed by the PHRG as meeting the criteria to be a QP.
- The addition of new GB provisional quarantine pests (PQPs) which have been assessed by the PHRG as meeting the criteria to be a QP on the basis of a provisional assessment.
- Update import requirements to take account of changes in the material traded.
- Introduce a change missed in a previous SI.
- Formalise an easement in order to make import requirements work in practice.
- Include a derogation which was carried over as retained EU law but which has now expired and needs to be included in GB legislation.

In addition, the Regulations will introduce an amendment to enable provisions within the Borders Target Operating Model (TOM). This provision will amend the Official Control Regulations (OCR) to provide an exception of certain fruit and vegetables to the pre-notification requirements of the OCR.

The Statutory Instrument (SI) is subject to the negative procedure and is due to be laid before UK Parliament on 26 October 2023. Urgent measures in the Regulations will come into force on 17 November and 24 November 2023, with non-urgent measures coming into force on 2 May 2024.

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 Regulations to be laid by UK Government. The Regulations relate to a devolved area, however, they impact on imports of plant and plant products GB-wide. Many of the changes in the Regulations relate to the importation of plants and plant products. Most of these goods which enter Wales come through English ports and would be subject to their importation legislation. Introducing separate regulations in Wales and England may cause additional burden on the Animal and Plant Health Agency (APHA), business, traders and growers. Regulating on a GB-wide basis ensures a coherent and consistent statute book with the regulations being accessible in a single instrument with no risk of legislative divergence in Great Britain. Additionally, doing Wales-only Regulations for some provisions within this SI would likely have implications for the task of reforming and consolidating plant health legislation following assimilation of the REUL Bill at the end of 2023, as well having implications for notifying the World Trade Organisation (WTO) of the changes.

I would like to reassure this Committee it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. Therefore, I am giving my consent to these Regulations. There is no policy divergence between the Welsh and UK Government in this matter.

I have written similarly to Llyr Gruffydd MS, the Chair of the Climate Change, Environment, and Infrastructure (CCEI) Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping initial 'L' and a long, trailing flourish at the end.

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