

Huw Irranca-Davies AS/MS  
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid  
Hinsawdd a Materion Gwledig  
Deputy First Minister and Cabinet Secretary for Climate Change  
and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/HIDCC/10547/24

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

23 December 2024

Dear Mike,

I wish to inform the Committee of the intention to consent to the Secretary of State making and laying the Official Controls (Plant Health) and Phytosanitary Conditions (Amendment) Regulations 2025 ('the Regulations').

I received a letter from Baroness Hayman of Ullock, Parliamentary Under Secretary of State, requesting consent to the Regulations. The Regulations apply to Wales, England and Scotland. The Regulations are to be made in exercise of powers within Regulation (EU) 2016/2031 ('the Plant Health Regulation') and Regulation (EU) 2017/625 ('the Official Controls Regulation'). In accordance with those Regulations, the Secretary of State approached the Welsh and Scottish Ministers for consent to the application of the Regulations to Wales and Scotland respectively. In accordance with the Official Controls Regulation the Secretary of State has conducted a consultation (a summary of which will appear in the Explanatory Memorandum to the Regulations).

The Regulations protect biosecurity and support trade between Great Britain and third countries by introducing or amending protective measures against pests of plants. They also amend certain official control measures to ensure the application of plant health rules and carry out technical updates to legislation.

Part 2 of the Regulations amend the Official Controls Regulation to align goods (specific fruit and vegetables) that are exempt from the requirement for pre-notification with those that are exempt from the requirements for certain official controls to be performed when those goods are imported into Great Britain from an EU Member State, Liechtenstein or Switzerland. This brings the Official Controls Regulation into line with Commission Implementing Regulation (EU) 2019/2072 ('the Phytosanitary Conditions Regulation').

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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.

Part 3 of the Regulations amends Commission Implementing Regulation (EU) 2019/1014 ('the BCP Minimum Requirements Regulation') to define large plants, plant products and other large objects and inserts new Article 6A to provide the additional requirements for unloading areas and inspection areas for those goods.

Part 4 of the Regulations contains regulations 5 to 12 and amends the Phytosanitary Conditions Regulation. Regulations 5 and 6 update the list of quarantine pests in Annex 2 and the list of provisional GB quarantine pests in Annex 2A. *Heterobasidion irregulare* is removed from the provisional list and added to the list of quarantine pests. *Diaporthe phaseolorum* var. *sojae* from the category "Bacteria" into the category "Fungi and oomycetes". Various pest names are amended to ensure those pests are identified by their most up to date name.

Regulations 7 and 8 update names of various pests in the list of regulated non-quarantine pests and their respective plants and the list of measures to prevent the presence of regulated non-quarantine pests on specific plants to ensure consistency with internationally recognised names. Regulations 9 and 10 update the names of pests in Annexes 7 and 8 to ensure consistency with internationally recognised names. Regulation 9 also adds a requirement in Annex 7 for certain imported plants for planting to have been grown in a registered place of production. It adds additional requirements to prevent the spread of *Popillia japonica* Newman and permits *Capsicum* plants where they are produced from untested seeds when intended for final users not involved in plant production. The import requirements for Tobacco streak virus black raspberry latent strain, Raspberry leaf curl virus and Cherry rasp leaf virus are clarified. Entries are added regarding products from *Abies* spp. Mill., *Calocedrus decurrens* Torrey, *Juniperus* spp. L., *Larix* spp. Mill., *Picea* spp. Mill., *Pinus* spp. L., and *Pseudotsuga menziesii* (Mirbel) Franco.

Regulation 11 updates the lists in Annex 11 in respect of phytosanitary certificate requirements to re-categorise certain fruits and vegetables arriving from the EU and Switzerland and "Pinales" is reclassified as "Pinopsida".

Regulation 12 updates the list of plants, plant products and other objects for which UK Plant passports are required to ensure consistency with the internationally recognised name for conifers.

Part 5 of the Regulations amend the Plant Health (Amendment etc.) (EU Exit) Regulations 2020 in respect of exemptions from the requirement for plant health certification to ensure consistency with the pre-notification requirements following amendments to the Phytosanitary Conditions Regulation and the Official Controls Regulation.

The Regulations are subject to the negative procedure and are due to be laid before the UK Parliament on 8 January 2025. There is no policy divergence between the Welsh and UK Government in this matter and the Regulations amend legislation that was not made bilingually.

Although the Welsh Government's general principle is the law relating to devolved matters should be made by the Welsh Ministers, on this occasion, it is considered appropriate for the Regulations to be made by the Secretary of State. The Regulations relate to a devolved area, however, they impact on the biosecurity of Wales, England and Scotland which has traditionally been approached as a joint concern. Plant pests and diseases have no respect for the borders between countries. Much of the Regulations relate to the importation of plants and plant products. Most of these goods which enter Wales come through English ports. Introducing separate regulations in Wales, England and Scotland may cause an additional burden on the Animal and Plant Health Agency, business, traders and growers.

Regulating on a Wales, England and Scotland basis assists those stakeholders who must comply with the requirements within the legislation to maintain our biosecurity.

I would like to reassure the Committee it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence.

I have written similarly the Chair of the Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Huw Irranca Davies'.

**Huw Irranca Davies AS/MS**

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion  
Gwledig Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs