



Ein cyf/Our ref: MA/HIDCC/05086/24

Sarah Murphy MS  
Chair of the Legislation, Justice and Constitution Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

24 April 2024

Dear Sarah,

I wish to inform the Committee of the intention to consent to the UK Government making and laying The Phytosanitary Conditions (Amendment) Regulations 2024 (“The Regulations”) by 9 May 2024.

I received a letter from Lord Douglas-Miller, Minister for Biosecurity, Animal Health and Welfare, 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), 37(5) and (5A), 40(3), 41(3), 72(3) and 105(6) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants. Article 2a(2) of Regulation (EU) 2016/2031 provides that such Regulations can be made by the Secretary of State with the consent of the Welsh Ministers.

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

- Introduce measures against the import of host plants, wood, and woodchips, for pests *Chrysobothris femorata* and *C. mali*, from the USA and Canada to prevent the introduction of the pests into GB.
- Regulate the seed of *Solanum sisymbriifolium* (“sticky nightshade”) as a host of the regulated non-quarantine pest (“RNQP”), potato spindle tuber viroid (“PSTVd”), after it was recently found to harbour this pest.
- Every year, a small number of culturally significant Norwegian Christmas trees are gifted to the UK government by the Norwegian government and municipalities. The Regulations will provide a specific import requirement for the introduction of these spruce Christmas trees, not intended to be placed on the market, from Norway for short term display only.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

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

[Gohebiaeth.Huw.Irranca-Davies@llyw.cymru](mailto:Gohebiaeth.Huw.Irranca-Davies@llyw.cymru)  
[Correspondence.Huw.Irranca-Davies@gov.wales](mailto:Correspondence.Huw.Irranca-Davies@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.

- Alter the regulatory status of some pests following a technical review of their current risk to GB biosecurity.
- Correct some errors detected in the Phytosanitary Conditions Regulation.

The Statutory Instrument (SI) is subject to the negative procedure and is due to be laid before UK Parliament on 9 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 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 Llŷr Gruffydd MS, the Chair of the Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,



**Huw Irranca Davies AS/MS**

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig  
Cabinet Secretary for Climate Change and Rural Affairs