



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Nagoya Protocol (Compliance) (EU Exit) Regulations 2018
DATE 20 November 2018
BY Julie James AM, Leader of the House and Chief Whip

Nagoya Protocol (Compliance) (EU Exit) Regulations 2018

The [retained EU] Law which is being amended EU Directly Applicable

- Regulation (EU) No 511/2014 of the European Parliament and of the Council
- Commission Implementing Regulation (EU) No 2015/1866

Domestic Legislation

- Nagoya Protocol (Compliance) Regulations 2015

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

The SI relates to mixed competency, it falls within an area of devolved competence, in particular the conservation and sustainable use of natural resources, in this case genetic resources but also to areas which fall under reservations within Schedule 7A of the Government of Wales Act 2006.

However, in these exceptional circumstances of the UK leaving the EU when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government's general principle is that it is appropriate, the UK Government can legislate on our behalf in a number of statutory instruments, where there is no divergence in policy or risk to devolved interests.

All functions within the current domestic regime are undertaken by the Secretary of State.

The purpose of the amendments

The purpose of this negative procedure SI is to correct deficiencies as necessary to ensure that regulations enable continued UK compliance with an International agreement, the Nagoya Protocol are maintained in the UK after exit day.

The aim of the SI is to retain the status quo, to provide certainty for the research and development institutions on carrying out their activities which relate to access and benefit sharing of genetic resources. The SI contains some minor and technical amendments references to the Union, Member States and the Commission as references to UK and removing some references which will no longer be appropriate such as obligations to inform the Commission or other Member States. In addition, the amendments clarify that the current responsibilities of the European Commission with regards to best practices and registered collections will in future lie with the Secretary of State. This is in alignment with the current domestic regime.

Without the amendments contained in the EU Exit SI, the legislation would contain a number of deficiencies, which could create legal uncertainty for those required to comply with the obligations.

Why consent was 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 due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-nagoya-protocol-compliance-amendment-eu-exit-2018>