



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Marketing of Seeds and Plant Propagating Material
(Amendment etc.) (England and Wales) (EU Exit) Regulations
2018**

DATE **10 December 2018**

BY **Julie James AM, Leader of the House and Chief Whip**

**The Marketing of Seeds and Plant Propagating Material (Amendment etc.) (England
and Wales) (EU Exit) Regulations 2018**

The Law which is being amended

Domestic legislation

The Marketing of Vegetable Plant Material Regulations 1995

The Marketing of Ornamental Plant Propagating Material Regulations 1999

The Forest Reproductive Material (Great Britain) Regulations 2002

The Seed Marketing Regulations 2011

The Marketing of Fruit Plant and Propagating Material (England) Regulations 2017

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

Plant varieties and seeds is a devolved policy area.

The majority of the Regulations apply to England alone and the provisions which apply to Wales neither transfer new nor impact directly on existing Welsh Ministers functions. The amendments that these Regulations make to the Marketing of Vegetable Plant Material Regulations 1995 and the Marketing of Ornamental Plant Propagating Material Regulations 1999 apply in relation to England and Wales. The amendments made to the Forest Reproductive Material (Great Britain) Regulations 2002, the Seed Marketing Regulations 2011 and the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017 apply to England alone. A separate Wales only instrument will be drafted to introduce outstanding changes in relation to Wales.

The purpose of the amendments

The amendments made by this instrument do not amount to a change in policy. The provisions of these Regulations that apply to Wales remedy deficiencies that will arise in domestic marketing legislation, such as removing references to the Commission, Community and Member States and replacing references to “third countries”. To assure supplies of seed and propagating material on which the UK is currently dependent on the EU, they also provide for a temporary two year period when supplies of certified seed and propagating material from the EU may continue to be marketed in the UK.

The SIs and accompanying Explanatory Memorandums, setting out the effect of each amendment is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

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. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May.