



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022**

DATE **04 July 2022**

BY **Julie James MS, Minister for Climate Change**

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Victoria Prentis MP, Minister of State for Farming, Fisheries and Food to make a Statutory Instrument (SI) titled The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 ("the Regulations") to apply in relation to Great Britain.

The above titled SI will be made by the Secretary of State, in exercise of the powers conferred by Articles 22(3) and 54(3) of Regulation (EU) 2017/625 of the European Parliament and of the Council ('the Official Control Regulations').

The SI amends Regulation EU Legislation and make provisions for a GB focused risk-based frequency of checks regime, allowing the modification of the frequency of plant health checks on specific import trade pathways, depending on the level of plant health risk posed to GB. This instrument will apply equally to imports from non-EU countries and high-priority goods from EU member States, Switzerland, and Liechtenstein.

The Regulations were laid before the UK Parliament on 30 June 2022 to come into force on 22 July 2022.

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

Previous Phytosanitary Conditions Amendments put in place previous corrections required to the regulatory regime for plant health. These broadened the executive competence of the Welsh Ministers by conferring functions on them (in their capacity

as the 'Competent Authority' for Wales) without encumbrance. The Minister will wish to note that the Regulations do not transfer any functions to the Secretary of State.

The purpose of the amendments

The Regulations makes provisions for a GB focused risk-based frequency of checks regime, allowing the modification of the frequency of plant health checks on specific import trade pathways, depending on the level of plant health risk posed to GB. This instrument will apply equally to imports from non-EU countries and high-priority goods from EU member States, Switzerland, and Liechtenstein.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

[The Official Controls \(Plant Health\) \(Frequency of Checks\) Regulations 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2022/01/1352501000000001/eng/full/text.html)

Why consent has been 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 to protect biosecurity by introducing protective measures for at-risk plant goods across the UK. The amendments have been considered fully and there is no divergence in policy.