



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019**

DATE **18 December 2018**

BY **Lesley Griffiths AM, Minister for Environment, Energy and Rural Affairs**

The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019

Amendment of domestic legislation

- The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003
- The Pesticides (Maximum Residue Levels) (England and Wales) Regulations 2008
- The Plant Protection Products Regulations 2011
- Plant Protection Products (Fees and Charges) Regulations 2011
- The Plant Protection Products (Sustainable Use) Regulations 2012

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

Pesticides are a matter in which the National Assembly has legislative competence but in which the Welsh Ministers do not have functions.

These Regulations contain provisions which enable the Welsh ministers to exercise functions jointly with parties including the Secretary of State.

Functions transferred to the Secretary of State jointly would constitute functions of a Minister of the Crown for the purposes Schedule 7B to Government of Wales Act 2006. This therefore may be a relevant consideration in the context of the Assembly's competence to legislate in the future in these areas.

The purpose of the amendments:

Plant protection products are 'pesticides' that protect crops or desirable or useful plants, regulate plant growth or prevent growth of unwanted plants. They are primarily used in the agricultural sector but also in forestry, horticulture, amenity areas and in home gardens. For example, they play a fundamental role in UK farming and the provision of food, keeping the

transport infrastructure clear of weeds, maintaining public spaces and controlling invasive species. However, as plant protection products contain chemicals that are designed to disrupt life processes, risks can be associated with their use.

The changes made by this statutory instrument will ensure plant protection products will continue to be effectively managed after EU Exit. This will enable the UK to have an operable regulatory framework after EU exit to ensure that plant protection products continue to pose no unacceptable risks to humans or the environment, whilst facilitating production of affordable food and trade in food produce.

This Statutory Instrument and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-pesticides-and-fertilisers-miscellaneous-amendments-eu-exit-regulation-2019>

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 no policy divergence with 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.