



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Plant Health (EU Exit) Regulations 2019**

DATE **20 December 2018**

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

The Plant Health (EU Exit) Regulations 2019

The law which is being amended

These Regulations are part of a suite of UK Government plant health Regulations – save for the revocations set out below, they do not amend existing legislation.

Revocation of retained direct EU legislation

EU Regulations

- Commission Regulation (EC) No 1040/2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for plant-health control and repealing Regulation (EC) No 2051/97.
- Commission Regulation (EC) No 1756/2004 specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC.
- Commission Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community.

EU Decisions

- Commission Decision 91/261/EEC recognising Australia as being free from *Erwinia amylovora* (Burr.) Winsl. et al.
- Commission Decision 93/360/EEC authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of wood of *Thuja* L., originating in Canada.
- Commission Decision 93/365/EEC authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of heat-treated coniferous wood, originating in Canada and establishing the details of the indicator system to be applied to the kiln dried wood.
- Commission Decision 93/422/EEC authorising the Member States to provide for

derogations from certain provisions of Council Directive 77/93/EEC in respect of kiln-dried coniferous wood, originating in Canada and establishing the details of the indicator system to be applied to the kiln dried wood.

- Commission Decision 93/423/EEC authorising Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of kiln dried coniferous wood, originating in the United States of America, and establishing the details of the indicator system to be applied to the kiln dried wood.
- Commission Decision 98/109/EC authorising Member States temporarily to take emergency measures against the dissemination of *Thrips palmi* Karny as regards Thailand.
- Commission Decision 2002/499/EC authorising derogations from certain provisions of Council Directive 2000/29/EC in respect of naturally or artificially dwarfed plants of *Chamaecyparis* Spach, *Juniperus* L. and *Pinus* L., originating in the Republic of Korea.
- Commission Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. Nov.
- Commission Decision 2002/887/EC authorising derogations from certain provisions of Council Directive 2000/29/EC in respect of naturally or artificially dwarfed plants of *Chamaecyparis* Spach, *Juniperus* L. and *Pinus* L., originating in Japan.
- Commission Decision 2003/248/EC authorising Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in Argentina.
- Commission Decision 2003/249/EC authorising Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of plants of strawberry (*Fragaria* L.), intended for planting, other than seeds, originating in Chile.
- Commission Decision 2004/200/EC on measures to prevent the introduction into and the spread within the Community of Pepino mosaic virus.
- Commission Decision 2005/51/EC authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes.
- Commission Decision 2005/359/EC providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards oak (*Quercus* L.) logs with bark attached, originating in the United States of America.
- Commission Implementing Decision 2011/787/EU authorising Member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt.
- Commission Implementing Decision 2013/413/EU authorising Member States to provide derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon.
- Commission Implementing Decision 2013/780/EU providing for a derogation from Article 13(1)(ii) of Council Directive 2000/29/EC in respect of bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America.

- Commission Implementing Decision 2014/917/EU setting out detailed rules for the implementation of Council Directive 2000/29/EC as regards the notification of the presence of harmful organisms and of measures taken or intended to be taken by the Member States.
- Commission Implementing Decision (EU) 2015/179 authorising Member States to provide for a derogation from certain provisions of Council Directive 2000/29/EC in respect of wood packaging material of conifers (Coniferales) in the form of ammunition boxes originating in the United States of America under the control of the United States Department of Defence.
- Commission Implementing Decision (EU) 2015/1199 recognising Bosnia and Herzegovina as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al.
- Commission Implementing Decision 2017/198/EU as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyuma & Goto.
- Commission Implementing Decision 2018/638 establishing emergency measures to prevent the introduction into and spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith).

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

Plant health is an area of devolved responsibility. These Regulations do not impact on the Assembly’s legislative competence or the Welsh Ministers’ executive competence.

The purpose of the amendments

The changes made by the Plant Health (EU Exit) Regulations 2019 are necessary to ensure that current UK plant health legislation continues to operate effectively in the event of the UK leaving the EU in a ‘no deal’ scenario. They provide a basis to operate an internal market for regulated plant material by providing a single list of regulated pests and hosts to protect biosecurity and to help maintain the UK’s internal market.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://beta.parliament.uk/work-packages/77D2MmcT>

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.