



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Animal Health, Plant Health, Seeds and Seed Potatoes (Miscellaneous Amendments) Regulations 2021**

DATE **26 October 2021**

BY **Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd**

SI laid in Parliament, which amends legislation in a devolved area

The Animal Health, Plant Health, Seeds and Seed Potatoes (Miscellaneous Amendments) Regulations 2021 (“the Regulations”)

The Regulations amend the following legislation:

Subordinate legislation

- The Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510)
- The Seed Potatoes (England) Regulations 2015 (S.I. 2015/1953)
- The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482)

Retained EU Legislation:

- Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.
- Commission Implementing Regulation (EU) No 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof.
- Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals.
- Commission Implementing Regulation (EU) 2019/2072 establishing uniform

conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants (EUR 2019/2072).

- Commission Implementing Regulation (EU) 2019/2148 on specific rules concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council (EUR 2019/2148).
- Commission Implementing Regulation (EU) 2020/1231 on the format and instructions for the annual reports on the results of the surveys and on the format of the multiannual survey programmes and the practical arrangements, respectively.

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

The Regulations confer a function on the Welsh Ministers without encumbrance as a 'Competent Authority'. They also confer functions on the National Plant Protection Organisation of the United Kingdom. These functions may constitute functions of a reserved authority for the purposes of paragraph 8(1) of Schedule 7B to the Government of Wales Act 2006 and as such represent a potential restriction on the future competence of the Senedd.

The purpose of the amendments

The purpose of the Regulations is to address failures of retained EU law to operate effectively following the withdrawal of the United Kingdom ("UK") from the European Union ("EU"). This will ensure that plant and animal health controls can operate effectively to protect biosecurity and support trade between Great Britain ("GB") and the relevant third countries.

The Regulations make amendments to secondary legislation to correct deficiencies relating to plant health, seeds and seed potatoes which have arisen as a result of the withdrawal of the UK from the EU.

The Regulations also correct errors in various statutory instruments

With regards to plant health, the Regulations deal with any outstanding deficiencies which have not been accounted for in previous EU Exit amendments. This includes the amendment of certain transitional provisions to ensure that these are extended to lower risk plants and plant products entering GB from Liechtenstein and Switzerland as well as from EU Member States. In addition, Commission Implementing Regulation (EU) 2019/2148, concerning the release of plants, plant products and other objects from quarantine stations and confinement facilities, is being amended to make this regulation operable in GB.

With regard to animal health, the Regulations remove an unnecessary point which duplicates and contradicts other points, relating to risks associated with classical scrapie in sheep and goats. Commission Implementing Regulation (EU) No 139/2013 is being amended to remove the disapplication of that Regulation for the imports of certain birds from Andorra, Liechtenstein, Monaco, Norway, San Marino, Switzerland and the Vatican City State, following the withdrawal of the UK from the EU. Commission Regulation (EU) No 576/2013 is being amended to ensure consistency in language when making reference to EU legislation.

With regard to seeds and seed potatoes, the Regulations make minor corrections to two statutory instruments.

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

[The Animal Health, Plant Health, Seeds and Seed Potatoes \(Miscellaneous Amendments\) Regulations 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/the-animal-health-plant-health-seeds-and-seed-potatoes-miscellaneous-amendments-regulations-2021)

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.

This statement is being issued during recess in order to keep members informed.