



Llywodraeth Cymru  
Welsh Government

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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE**            **The Plant Health (Amendment etc.) (EU Exit) Regulations 2019**

**DATE**            **26 July 2019**

**BY**                **Rebecca Evans AM, Minister for Finance and Trefnydd**

**The Plant Health (Amendment etc.) (EU Exit) Regulations 2019 (“the 2019 Regulations”).**

### **The Law that is being amended**

- The Plant Health Act 1967
- The Plant Health Act (Northern Ireland) 1967
- The Plant Health (EU Exit) Regulations 2019
- The Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019

### **The Law that is being revoked**

- Commission Decision 2007/433/EC on provisional emergency measures to prevent the introduction into and the spread within the Community of *Gibberella circinata* Nirenberg & O'Donnell
- Commission Implementing Decision 2012/138/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis* (Forster)
- Commission Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix papa* sp.n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)
- Commission Implementing Decision 2012/535/EU on emergency measures to prevent the spread with the Union of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. (the pine wood nematode)
- Commission Implementing Decision 2012/697/EU as regards measures to prevent the introduction into and the spread within the Union of the genus *Pomacea* (Perry)
- Commission Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.)
- Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky)

- Commission Implementing Decision (EU) 2016/412 authorising Member States to provide for a temporary derogation from certain provisions of Council Directive 2000/29/EC in respect of ash wood originating or processed in Canada
- Commission Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa
- Commission Implementing Decision (EU) 2018/1203 authorising Member States to provide for a temporary derogation from certain provisions of Council Directive 2000/29/EC in respect of ash wood originating or processed in the United States of America and repealing Commission Implementing Decision (EU) 2017/204
- Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann)
- Commission Implementing Decision (EU) 2018/1553 on conditions for the recognition of electronic phytosanitary certificates issued by the national plant protection organisations of third countries
- Commission Implementing Decision (EU) 2018/1959 derogating from Council Directive 2000/29/EC as regards measures to prevent the introduction into and the spread within the Union of the harmful organism *Agilus planipennis* (Fairmaire) through wood originating in Canada and in the United States of America
- Commission Implementing Decision (EU) 2019/1449 amending Commission Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa

### **The purpose of the amendments**

The purpose of the 2019 Regulations is to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU. They also amend primary legislation relating to plant health to remove references to EU obligations.

A number of EU instruments have been adopted which modify the annexes of the Plant Health Directive (Council Directive 2000/29/EC) as a result of technical changes in the assessment of risks presented by particular pests and diseases and the introduction of new measures to address risks presented by other pests and diseases. The 2019 Regulations will ensure that plant health legislation which implements EU protective measures against the introduction and spread of organisms harmful to plants or plant products, remains effective after the UK leaves the EU in a 'no deal' scenario.

Part 2 of the 2019 Regulations makes amendments to the Plant Health Act 1967 and the Plant Health Act (Northern Ireland) 1967 removing references to EU obligations from sections 2(1) and 3(1) of the Plant Health Act 1967 and to Community obligations from sections 2(1) and 3(1) of the Plant Health Act (Northern Ireland) 1967.

Part 3 of the 2019 Regulations includes amendments to the Plant Health (EU Exit) Regulations 2019 that revoke further retained direct EU legislation introduced since these Regulations were laid.

Part 4 of the 2019 Regulations makes brief amendments, elements of which are of a stylistic nature, to the Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019.

The 2019 Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments are available here: <https://beta.parliament.uk/work-packages/z5kBsny2>

#### **Any impact the SI may have on the Welsh Ministers' executive competence**

Save for the following, the 2019 Regulations do not impact on the Welsh Ministers' executive competence. Regulation 2 to the 2019 Regulations removes references to EU obligations in sections 2(1) and 3(1) of the Plant Health Act 1967 and in doing so removes the power of competent authorities (the competent authority for Wales being the Welsh Ministers) to make orders in pursuance of EU obligations.

#### **Any impact the SI may have on the legislative competence of the National Assembly for Wales**

The 2019 Regulations have no impact on the National Assembly for Wales' legislative competence.

#### **Why consent was given**

As set out above, the 2019 Regulations address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU. They also amend primary legislation relating to plant health to remove references to EU obligations.

A Statutory Instrument Consent Memorandum has also been laid in the National Assembly in respect of the amendments to Plant Health Act 1967