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Y Gweinidog Cyllid a'r Trefnydd  
Minister for Finance and Trefnydd



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref MA/LG/5329/19  
Ein cyf/Our ref

Elin Jones, AM  
Llywydd  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

28 October 2019

Dear Llywydd,

### **The Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) (Amendment) Regulations 2019**

In accordance with guidance, I am notifying you that section 11A(4) of the Statutory Instruments Act 1946, as inserted by paragraph 3 of Schedule 10 to the Government of Wales Act 2006, which affords the rule that statutory instruments come into force at least 21 days from the date of laying, will be breached for the introduction of the Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) (Amendment) Regulations 2019. The Explanatory Memorandum is attached for your information.

The Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) (Amendment) Regulations 2019 make technical amendments to the Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) Regulations 2019. The changes reflect technical points identified in a draft report by the Constitutional and Legislative Affairs Committee.

On 8 October 2019, the Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) Regulations 2019 (S.I. 2019/1316 (W.228)) (the 2019 Regulations) were laid before the National Assembly of Wales. The 2019 Regulations implement, in relation to Wales, Commission Directive (EU) 2018/350 amending Directive 2001/18/EC of the European Parliament and of the Council as regards the environmental risk assessment of genetically modified organisms. These Regulations achieve this by amending the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002 (S.I. 2002/3188) (W. 304) (the 2002 Regulations).

The Constitutional and Legislative Affairs Committee (CLAC) produced a draft report on the 2019 Regulations on 16 October 2019. Their report made a number of technical points. The Welsh Government response to the draft report agreed with a number of the points raised and agreed to take steps to make corrections of certain points that had been identified by the Committee. These Regulations do this.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) (Amendment) Regulations 2019 (as did the 2019 Regulations) rely on the powers contained in section 2(2) of the European Communities Act 1972. There is, therefore, some urgency in making these Regulations in advance of exit day. One of the amendments made by the 2019 Regulations relates to the Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (EU Exit Regulations 2019). The Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) (No.2) Regulations 2019 (EU Exit No. 2 Amendment Regulations 2019) are currently being drafted. These Regulations will also amend the EU Exit Regulations 2019 and it is anticipated that they will be laid on 28 October, with a coming of force date of (for some provisions) immediately before exit day, and (for other provisions) exit day.

Given that the 2019 Amendment Regulations and the EU Exit No. 2 Amendment Regulations 2019 both amend the EU Exit Regulations 2019, for clarity – on both the statute book and for the ease of understanding for lay readers – it is considered appropriate that the amendments made by the 2019 Amendment Regulations come into force first. The 2019 Regulations come into force on 30 October, and the Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) (Amendment) Regulations 2019 need to come into force before then. The latest day on which these Regulations should come into force is 29 October. In order to achieve this it is necessary for the 21 day rule to be breached.

An Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes to Mick Antoniw AM, Chair of the Constitutional and Legislative Affairs Committee and Sian Wilkins, Head of Chamber and Committee Services.

Yours sincerely,



**Rebecca Evans AC/AM**  
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