

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Huw Irranca- Davies MS
Chair
Legislation, Justice and Constitution Committee

huw.Irranca-Davies@senedd.wales

15 October 2021

Dear Huw

The Phytosanitary Conditions (Amendment No 2) Regulations 2021

The Secretary of State proposes to make the above named Statutory Instrument (SI) under powers conferred by Articles 5(3), 30(1), 37(5), 40(3), 41(3), 42(3), 72(3) and 105(6) of Regulation (EU) 2016/2031 of the European Parliament and the Council on protective measures against pests of plants. The SI is to apply to England, Scotland and Wales and its purpose is to protect biosecurity and support trade between Great Britain (“GB”) and relevant third countries by introducing further protective measures for at-risk plant goods.

The SI amends Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 to:

- Introduce GB-wide measures against the import of host plants and other relevant regulated goods for certain pests. These measures apply to specific third countries that pose an unacceptable level of risk to GB.
- Deregulate pests which have been assessed as being of no biosecurity risk to GB, as their continued regulation is no longer technically unjustified.

I am writing to let you know I gave my consent to the Secretary of State to the application of this SI to Wales. I understand the SI will be laid before the Houses of Parliament on 21 October and will be subject to the negative procedure.

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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.

In circumstances when we are required to consider and amend legislation within a tight timeframe and with finite resources, the Welsh Government's general principal is that, if appropriate, we permit the UK Government to legislate on our behalf. Should consent be withheld, these corrections will need to be made through legislation made by the Welsh Government. There is insufficient time and resources to be able to draft and lay such regulations at the same time as the UK Government and delay would present a risk to our biosecurity.

I am copying this letter to the Counsel General and Minister for the Constitution, the Minister for Rural Affairs and North Wales, and Trefnydd, and the Chairs of the Climate Change, Environment, and Infrastructure Committee and the Economy, Trade, and Rural Affairs Committee.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AS/MS
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Minister for Climate Change