



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	The Phytosanitary Conditions (Amendment) (No. 3) Regulations 2022
DATE	7 November 2022
BY	Lesley Griffiths MS, Minister for Rural Affairs, North Wales, and Trefnydd

I wish to inform Members of the Senedd will wish to be aware that I have given consent to the Secretary of State for Environment, Food and Rural Affairs exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by the previous Minister of State for Farming, Fisheries and Food, to make a Statutory Instrument (SI) titled The Phytosanitary Conditions (Amendment) (No. 3) Regulations 2022 (“the Regulations”) to apply in relation to Great Britain.

The above titled SI has been made by the Secretary of State, in exercise of the powers conferred by Articles 5(3), 30(1), 37(5), 41(3), 72(3) and 105(6) of the Plant Health Regulation. Article 2a(2) of the Plant Health Regulations provides that such Regulations can be made by the Secretary of State with the consent of the Welsh Ministers and the Scottish Ministers.

The SI amends EU Legislation and will update import controls across a range of pests and diseases in response to new or revised risk assessments. This is a routine update, reflecting technical conclusions agreed through the UK Plant Health Risk Group, of which the Welsh Government is a core member.

The Regulations were laid before the UK Parliament on 3 November. The commencement dates for the measures are split between urgent measures (Thekopsora minima being classified as a regulated non-quarantine pest) which are scheduled to come into force on 25 November 2022 and all the other measures which are classed as non-urgent which will come into force on 3 May 2023.

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

Members will wish to note that the Regulations do not transfer any functions to the Secretary of State.

The purpose of the amendments

The purpose of these changes is to protect biosecurity and support trade between Great Britain (GB) and third countries by enhancing protective measures for at-risk plant goods.

This SI amends Regulation (EU) 2019/2072 (The Phytosanitary Conditions Regulation) to:

- Revise GB quarantine and regulated non-quarantine pest lists following updated pest-risk assessments or changes in the status of the pest within Great Britain.
- Extend the obligation concerning plants, plant products and other objects originating in third countries which may only be introduced into Great Britain if special requirements are met, to include EU Member states, Liechtenstein and Switzerland, treating all countries equally.
- To amend requirements to ensure the pest free area is named on the phytosanitary certificates in relation to Emerald Ash Borer and further to clarify that the pest free area or place/site of production (as appropriate) should be named on the phytosanitary certificates in relation to *Xylella fastidiosa*.
- Introduce GB-wide measures to inspect imported Seeds of *Pinus*. (pines) and *Pseudotsuga menziesii* (Douglas fir) which are host plants of the pathogen *Fusarium circinatum* (pitch pine canker).
- Administrative amendments to correct the name of the genus *Chrysanthemum L* on phytosanitary certificates

[The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here \(external link\).](#)

Why consent has been 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 to protect biosecurity by introducing protective measures for at-risk plant goods across the UK. The amendments have been considered fully and there is no divergence in policy.