



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Plant Protection Products (Miscellaneous Amendments) Regulations 2023**

DATE **24 October 2023**

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

Members of the Senedd will wish to be aware we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a Devolved area in relation to Wales.

Agreement was sought by Rebecca Pow MP, the Minister for Environmental Quality and Resilience on behalf of Lord Benyon, Minister for Biosecurity, Marine and Rural Affairs at the Department for Environment, Food and Rural Affairs (DEFRA) to make a Statutory Instrument (SI) titled The Plant Protection Products (Miscellaneous Amendment) Regulations 2023 (the “Regulations”).

The above titled SI will be made by the Secretary of State, in exercise of the powers conferred by sections 14(2), (4)(b) and (c) and (7) and 20(1)(a) and (b) of the Retained EU Law (Revocation and Reform) Act 2023 (“2023 Act”).

The purpose of the Regulations is to temporarily extend or reinstate transitional provisions put in place through EU Exit legislation in relation to seed treatments and parallel trade products, the aim being to enable a sufficient supply of treated seed and plant protection products on the GB market, thus supporting good crop establishment and reduced costs to growers and buyers of food and feed. The Regulations will maintain the current approach on treated seed imports and will reinstate a similar approach to parallel trade that exists across the EU. There is no policy divergence on this matter between Welsh Government, Scottish Government and DEFRA at this time.

The SI was laid before the UK Parliament on 23 October 2023 to come into force on 31 December 2023.

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

Functions conferred by the legislation being amended, are conferred on Welsh Ministers for Wales or on the Secretary of State with Welsh Ministers consent. This means Welsh Ministers retain the relevant functions (or may delegate those functions to the Health and Safety Executive via an Agency Agreement between the Welsh Ministers and HSE).

The purpose of the amendments

The purpose of the Regulations is to extend the transitional measures through legislation. This will allow the temporary continued use of relevant seed treatments and plant protection products whilst providing further time for these treatments and products to either go through the GB authorisation process themselves or for manufacturers to develop alternative treatments / products which can be authorised for use in GB.

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

Statutory Instrument: [The Plant Protection Products \(Miscellaneous Amendments\) Regulations 2023 \(legislation.gov.uk\)](#)

Explanatory Memorandum: [The Plant Protection Products \(Miscellaneous Amendments\) Regulations 2023 \(legislation.gov.uk\)](#)

Why consent has been given

Consent has been given for the UK Government to make this instrument as it is considered appropriate, on this occasion, for the UK Government to legislate on a GB-wide basis. Plant Health and Pesticides are areas where the Welsh Ministers have often consented to the SOS making legislation on a GB-basis due to the GB wide approach to the subject matter. This approach ensures there is no divergence between Welsh and other GB regulations, reducing any confusion and disadvantage for Welsh traders and reducing any potential administrative burden for the Health and Safety Executive when administering permits for parallel trade and in undertaking any enforcement activity.