

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid
Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change
and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0455/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

6 May 2025

Dear Mike,

I wish to inform the Committee of the intention to consent to the application of the Phytosanitary Conditions (Amendment) Regulations 2025 ('the Regulations') to Wales. The Regulations will be made by the Secretary of State and apply to Wales, England and Scotland.

I received a letter from Baroness Hayman of Ullock, Parliamentary Under Secretary of State, requesting consent to the Regulations. The Regulations amend Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 ("the Plant Health Regulation") as regards protective measures against pests of plants. In accordance with the Plant Health Regulation, the Secretary of State approached the Welsh and Scottish Ministers for consent to the application of the Regulations to Wales and Scotland respectively. The Secretary of State has conducted a consultation (a summary of which will appear in the Explanatory Memorandum to the Regulations).

The Regulations protect biosecurity and support trade between Great Britain ("GB") and third countries by introducing and amending protective measures against pests of plants. They make amendments which have been proposed through an ongoing process of risk assessment to identify threats to GB biosecurity. They:

- (a) move the pests, *Neodiprion abietis* (known as the balsam fir sawfly) and *Pseudomonas avellanae* (a bacterial pathogen that causes hazelnut decline), from the list of Provisional Quarantine Pests to the list of Quarantine Pests ("QPs"). QPs are listed pests absent from GB (or under official control) which pose an unacceptable risk to GB, as they would cause economic/environmental damage if

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

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introduced. These pests have been assessed as meeting the criteria to be QPs, as a result of a risk and horizon scanning process;

- (b) remove the pest Tobacco ringspot virus from the QP list, instead adding it to the Regulated Non-Quarantine Pest list;
- (c) revise the list of plants for planting that are currently regulated as hosts of Tomato ringspot virus;
- (d) amend the list of commodities regulated as hosts of *Agrilus planipennis* (known as emerald ash borer). As with (b) and (c), these measures were introduced on a risk basis to protect GB biosecurity and have since been reviewed following recent scientific developments;
- (e) update the references to conifer species, following taxonomic changes, to cover all conifer plants given these could similarly be associated with high-risk pests;
- (f) introduce consequential amendments to Annex 11 to align the list of plants, plant products and other objects and the respective third countries of origin or dispatch in respect of which phytosanitary certificates are required;
- (g) carry out technical updates to clarify certain import requirements and to formalise an existing trade easement.

Although the Welsh Government's general principle is the law relating to devolved matters should be made by the Welsh Ministers, on this occasion it is considered appropriate for the Regulations to be made by the Secretary of State. The Regulations relate to a devolved area; however, they impact on the biosecurity of GB which has traditionally been approached as a joint concern. GB is an island and plant pests and diseases have no respect for the borders between countries. Much of the Regulations relate to the importation of plants and plant products. Most of these goods which enter Wales come through English ports. Introducing separate regulations in Wales, England and Scotland would risk divergence on matters of biosecurity on which policy is aligned, may hamper enforcement by cross border bodies and place an additional burden on the Animal and Plant Health Agency (which enforces plant health across Wales and England) and businesses. Where policy is aligned, legislating on a GB basis assists those stakeholders who must comply with the requirements within the legislation to maintain our biosecurity.

I have written similarly the Chair of the Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,



Huw Irranca Davies AS/MS

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