



Llywodraeth Cymru  
Welsh Government

---

**WRITTEN STATEMENT**

**BY**

**THE WELSH GOVERNMENT**

---

**TITLE**        **The Phytosanitary Conditions (Amendment) (No. 2) Regulations 2025**

**DATE**        **10 November 2025**

**BY**            **Huw Irranca-Davies MA, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs**

Members of the Senedd will wish to be aware that 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 the Parliamentary Under Secretary of State, Baroness Hayman of Ullock to make the Phytosanitary Conditions (Amendment) (No. 2) Regulations 2025 ('the Regulations'). The Regulations apply to Wales, England and Scotland.

The Regulations amend Commission Implementing Regulation (EU) 2019/2072 ("the Phytosanitary Conditions Regulation") 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 Regulations protect biosecurity by introducing or amending protective measures against high-risk pests of plants. The Regulations support trade by removing the import requirements for pests which no longer meet the criteria for regulation as a GB Quarantine Pest or GB Pest Free Area Pest. They make amendments to:

- a) Move the pests, *Agilus horni* (known as the aspen root girdler), *Heterobasidion occidentale* (a fungal pathogen of conifers), and *Toumeyella parvicornis* (the pine tortoise scale), 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 introduced. There are powers to apply specific import requirements to listed QPs to address the risk of introduction. As a result, specific import requirements are being applied to *Toumeyella parvicornis*. These pests have been assessed as meeting the criteria to be QPs, as a result of a risk and horizon scanning process.

- b) Extend the existing import requirements for the QP *Bursaphelenchus xylophilus* (known as the pinewood nematode) to apply to the host wood exports from Armenia, following the identification of this pest in Armenia.
- c) Add the pest *Homona magnanima* (the oriental tea tortrix) to the provisional QP list, after it was assessed as meeting the criteria to be a QP, based on a preliminary assessment.
- d) Deregulate the pest *Helicoverpa armigera* (the cotton bollworm) after a recent policy review concluded that this pest no longer meets the criteria to be regulated as a QP.
- e) Deregulate the Pest Free Area Quarantine Pests, *Dendroctonus micans* (the great spruce bark beetle) and *Ips cembrae* (the large larch bark beetle). Recent evidence no longer supports the absence of these bark beetles in their respective Pest Free Areas in the west of Scotland. This only affects the timber industry in Scotland.

They also carry out technical amendments to the Phytosanitary Conditions Regulation:

- I. Firstly, to update the taxonomic name of a pest, *Ennomos subsignarius* (the elm spanworm moth), to ensure consistency with the internationally recognised name *Ennomos subsignaria*.
- II. Secondly, to correct an error involving a misplaced asterisk in the existing import requirements for the bacterial pathogen *Xylella fastidiosa*.
- III. Thirdly, to add the seed of *Solanum sisymbriifolium* to the list of goods which require a UK plant passport for their movement within Great Britain or introduction into GB from a Crown Dependency territory. This commodity was added to the legislation by the Phytosanitary Conditions (Amendment) Regulations 2024 (S.I. 2024/610) as a host of the regulated non-quarantine pest, potato spindle tuber viroid after it was found to harbour this pest. As a result of these amendments, the seed of *Solanum sisymbriifolium* must be free from the pest to be moved within, or introduced into, GB.

The Regulations are subject to the negative procedure and were laid before the UK Parliament on 7 November 2025. There is no policy divergence between the Welsh and UK Government in this matter and the Regulations amend legislation that was

not made bilingually. The Regulations neither impact on the legislative competence of the Senedd nor the executive competence of the Welsh Ministers.

Although the Welsh Government's general principle is that subordinate legislation in devolved areas should be enacted by the Welsh Ministers where there is executive competence, 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 Great Britain which has traditionally been approached as a joint concern. Great Britain is an island and plant pests and diseases have no respect for the borders between countries. Elements 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 Great Britain basis assists those stakeholders who must comply with the requirements in the legislation to maintain our biosecurity.

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

[The Phytosanitary Conditions \(Amendment\) \(No. 2\) Regulations 2025](#)