SL(5)389 – The Forest Reproductive Material (Great Britain) (Amendment) (Wales) Regulations 2019

Background and Purpose

These Regulations amend the Forest Reproductive Material (Great Britain) Regulations 2002 (S.I. 2002/3026) in relation to Wales. The 2002 Regulations were made to implement European legislation on a Great Britain basis (specifically Council Directive 1999/105/EC of 22nd December 1999 on the marketing of forest reproductive material). The 2002 Regulations have since been amended, including in 2014 in respect of England and Scotland only (these amendments were made by the Forest Reproductive Material (Great Britain) (Amendment) (England and Scotland) Regulations 2014). As such, the amendments made by these Regulations are necessary to bring Welsh legislation up to date with EU law obligations, and to make provision in line with the law in England and Scotland.

The amendments set out the revised requirements which apply in Wales in relation to forest reproductive material produced in countries outside the European Union, and implements Council Decision 2008/971/EC on the equivalence of forest reproductive material produced in third countries, as amended. These Regulations also implement in full the derogation permitted by Commission Decision 2008/989/EC authorising member States (in accordance with Council Directive 1999/105/EC) to take decisions on the equivalence of the guarantees afforded by forest reproductive material to be imported from certain third countries.

Regulation 3(1)(b) provides for the references to Council Decision 2008/971/EC in the 2002 Regulations to be read as references to that instrument as amended from time to time.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One points is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.

These Regulations amend the 2002 Regulations, which are Great Britain Regulations. The amendments made by these Regulations apply only in relation to Wales. Amendments have previously been made in respect of England and Scotland, in 2014. The Explanatory Memorandum does not explain why there has been a delay of almost five years between amendments being made in respect of England and Scotland in 2014, and amendments being made in respect of Wales by these Regulations.

Implications arising from exiting the European Union

These Regulations are made in exercise of the powers in section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. As such, they will form part of retained EU law on exit day. These Regulations come into force on 28 March 2019, the day before exit day.

The provision made by these Regulations will be further amended on exit day by The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

Government Response

A government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 25 March 2019 and reports to the Assembly in line with the merits points above and also to highlight issues as a result on the UK exiting the EU.