
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to—

- (a) Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants (OJ No. L 317, 23.11.2016, p. 4) (“the EU Plant Health Regulation”), and
- (b) Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, in so far as it applies to the rules referred to in Article 1(2)(g) (OJ No. L 95, 7.4.2017, p. 1) (“the Official Controls Regulation”).

The Regulations also implement in relation to Wales—

- (a) Council Directive [69/464/EEC](#) on the control of Potato Wart Disease (OJ No. L 323, 24.12.1969, p. 1),
- (b) Council Directive [93/85/EEC](#) on the control of potato ring rot (OJ No. L 259, 18.10.1993, p. 1),
- (c) Council Directive [98/57/EC](#) on the control of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* (OJ No. L 235, 21.8.1998, p. 1), and
- (d) Council Directive [2007/33/EC](#) on the control of potato cyst nematodes (OJ No. L 156, 16.6.2007, p. 12).

Part 1 is introductory and includes definitions. Regulation 3(2) provides for references to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants (OJ No. L 319, 10.12.2019, p. 1), and to the European Union instruments listed in regulation 3(1), to be read as references to those instruments as amended from time to time.

Regulation 6 (in Part 2) designates the Welsh Ministers as the competent authority in Wales for the purposes of the EU Plant Health Regulation and the Official Controls Regulation.

Part 3 makes further provision in relation to consignments of plants, plant products and other objects from third countries which are subject to official controls on their entry into the European Union.

Part 4 contains powers to enable plant health inspectors appointed by the Welsh Ministers to take measures to prevent the establishment or spread of harmful plant pests in Wales.

Part 5 and Schedule 1 impose additional temporary measures to prevent the entry of certain harmful plant pests into Wales or their establishment in, or spread within, Wales.

Part 6 makes further provision in relation to the registration of professional operators and the granting of authorisations to professional operators by the Welsh Ministers.

Part 7 and Schedule 2 impose additional requirements in relation to certain solanaceous species (potatoes and tomatoes) to implement the Directives mentioned above.

Part 8 imposes additional notification requirements in respect of certain plants and plant products which are to be brought into Wales from third countries, other member States or Switzerland.

Part 9 sets out general powers of plant health inspectors to enable them to perform official controls and other official activities, and enforce the EU Plant Health Regulation, the Official Controls Regulation and these Regulations.

Part 10 contains general and supplemental provisions in relation to notices given by plant health inspectors.

Status: Point in time view as at 08/04/2021.

Changes to legislation: There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020. (See end of Document for details)

Part 11 contains offences for non-compliance with specified provisions of the EU Plant Health Regulation, the Official Controls Regulation and other EU instruments, and offences in relation to these Regulations. Regulation 48 sets out the penalties for these offences.

Part 12 deals with minor and consequential amendments to secondary legislation, revocations and transitional provisions in relation to plant health legislation.

Part 13 amends the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 to extend certain provisions in those Regulations relating to the implementation and enforcement of Regulation (EU) 2017/625 to official controls on the deliberate release into the environment of genetically modified organisms for the purposes of food and feed production.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Plant Health and Environment Protection branch of the Welsh Government, Rhodfa Padarn, Aberystwyth SY23 3UR.

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