
WELSH STATUTORY INSTRUMENTS

2020 No. 206

The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020

PART 12

Miscellaneous: plant health

Minor and consequential amendments

49. Schedule 5 contains minor and consequential amendments to secondary legislation relating to the marketing of seeds and plant propagating material and plant health fees.

Commencement Information

I1 Reg. 49 in force at 27.3.2020, see reg. 1

Revocation of plant health instruments

50. The instruments listed in Schedule 6 are revoked.

Commencement Information

I2 Reg. 50 in force at 27.3.2020, see reg. 1

Transitional provisions: licences under article 39(1) of the 2005 Order or article 41(1) of the 2018 Order

51.—(1) Any licence granted by the Welsh Ministers under article 39(1) of the 2005 Order or under article 41(1) of the 2018 Order, which is in force immediately before the commencement date, has effect during the relevant period as if it had been granted by the appropriate authority in accordance with Article 5 of Commission Delegated Regulation (EU) 2019/829 on the date on which it was granted under the 2005 Order or the 2018 Order.

(2) Nothing in paragraph (1) affects anything carried out prior to the commencement date under, or for the purposes of, the licence.

(3) Any reference in the licence to the 2005 Order, the 2018 Order, Council Directive [2000/29/EC](#) or Commission Directive [2008/61/EC](#) is to be read as a reference to the corresponding provision in or under the EU Plant Health Regulation or these Regulations.

(4) In this regulation—

“Commission Delegated Regulation (EU) 2019/829” (“*Rheoliad Dirprwyedig y Comisiwn (EU) 2019/829*”) means Commission Delegated Regulation (EU) 2019/829 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective

measures against pests of plants, authorising Member States to provide for temporary derogations in view of official testing, scientific or educational purposes, trials, varietal selections, or breeding ^{M1};

“Commission Directive [2008/61/EC](#)” (“*Cyfarwyddeb y Comisiwn 2008/61/EC*”) means Commission Directive [2008/61/EC](#) establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive [2000/29/EC](#) may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections ^{M2};

“relevant period” (“*cyfnod perthnasol*”), in relation to a licence, means—

- (a) if the licence expires on or after 31 December 2020, the period beginning on the commencement date and ending on 31 December 2020, or
- (b) if the licence expires before 31 December 2020, the period beginning on the commencement date and ending on the date of expiry of the licence specified in the licence.

Commencement Information

I3 Reg. 51 in force at 27.3.2020, see reg. 1

Marginal Citations

M1 OJ No. L 137, 23.5.2019, p. 15.

M2 OJ No. L 158, 18.6.2008, p. 41.

Transitional provisions: other licences under the 2005 Order or the 2018 Order

52.—(1) Any licence granted by the Welsh Ministers under article 38(1)(a) of the 2005 Order or under article 40(1)(a) of the 2018 Order and which has effect on the commencement date remains in force as if it were an authorisation granted by the appropriate authority under regulation 21(1)(a) on the date on which the licence was granted under the 2005 Order or the 2018 Order.

(2) Nothing in paragraph (1) affects anything carried out before the commencement date under, or for the purposes of, the licence.

(3) Any reference in the licence to the 2005 Order, the 2018 Order or Council Directive [2000/29/EC](#) is to be read as a reference to the corresponding provision in or under the EU Plant Health Regulation or these Regulations.

Commencement Information

I4 Reg. 52 in force at 27.3.2020, see reg. 1

Transitional provisions: notices

53.—(1) Any notice given under the 2005 Order, the Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006 ^{M3} or the 2018 Order and which has effect on the commencement date—

- (a) remains in force and continues to have effect as if it were given under these Regulations for an equivalent purpose on the date on which it was given under the 2005 Order, the Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006 or the 2018 Order (as the case may be), and

(b) is to be read with such modifications as are necessary for it to do so.

(2) In paragraph (1), the reference to any notice under the 2005 Order, the Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006 or the 2018 Order includes any official approval given for the purposes of the notice.

Commencement Information

I5 Reg. 53 in force at 27.3.2020, see reg. 1

Marginal Citations

M3 [S.I. 2006/2695](#), amended by [S.I. 2013/755](#) (W. 90) and [S.I. 2019/734](#).

Transitional provisions: approvals granted under article 17(1) of the 2005 Order or the 2018 Order

54.—(1) Any approval granted by the Welsh Ministers under article 17(1) of the 2005 Order or under article 17(1) of the 2018 Order which is in force immediately before the commencement date remains in force and continues to have effect during the relevant period.

(2) In paragraph (1), “relevant period”, in relation to an approval granted under 17(1) of the 2005 Order or the 2018 Order, means—

- (a) if the approval expires on or after 13 December 2020, the period beginning on the commencement date and ending on 13 December 2020, or
- (b) if the approval expires before 13 December 2020, the period beginning on the commencement date and ending on the date of expiry of the approval specified in the approval.

Commencement Information

I6 Reg. 54 in force at 27.3.2020, see reg. 1

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020, PART 12.