



Ein cyf/Our ref: MA/LG/2120/21

Paul Davies MS
Chair
Economy, Trade, and Rural Affairs Committee.

7 July 2021

Dear Paul,

The Official Controls (Extension of Transitional Periods) Regulations 2021

The Secretary of State proposes to make the above named Statutory Instrument (SI) under powers conferred by:

- Article 144(6) of, and paragraph 2 of Annex 6 to, 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;
- Regulation 71(1) of the Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020; and
- Regulation 33(2) of the Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020.

In order to support trade by ensuring the continued delivery of functioning sanitary and phytosanitary (SPS) controls between Great Britain (GB) and the European Union (EU) following the end of the Transition Period.

Statutory instruments made by the UKG (with the consent of the Welsh Ministers) and brought into force in late 2020 / early 2021, under the European Union (Withdrawal) Act 2018, made provision for to the UK Government's decision a transitionary period, during which, to introduce checks on EU SPS imports would be introduced in phases, to start following the end of the Transition Period.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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The 2021 Regulations amends the following legislation and will now extend the transitional staging period from 31 July 2021 to 28 February 2022:

- 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;
- The Trade in Animals and Related Products Regulations 2011 (applies to England only);
- the Import of, and Trade in, Animals and Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020; and
- The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020.

Without these amendments, from the end of July 2021, import and exports businesses in GB and EU respectively will be obliged to comply with the SPS control requirements as currently set out in legislation.

The extension will allow businesses in Wales affected by the pandemic to familiarise themselves with the new SPS compliance requirements and IT systems and ensure that necessary infrastructure and processes are in place at Border Control Points, further minimising the risk of any disruption.

I am writing to let you know I give my consent to the Secretary of State to make this SI in relation to Wales. I understand the SI will be laid before the Houses of Parliament on 8 July and will be subject to the negative procedure.

In these exceptional circumstances when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government's general principal is that, if appropriate, we permit the UK Government to legislate on our behalf. Should consent be withheld, these corrections will need to be made through legislation made by the Welsh Government. There is insufficient time and resources to be able to draft and lay such regulations to come into force. If consent is not given, then the risk of the Welsh statute book becoming inoperable increases.

I am copying this letter to the Counsel General and Minister for the Constitution, Minister for Climate Change, Deputy Minister for Mental Health and Wellbeing and the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd