

SL(6)026 - The Trade in Animals and Related Products (Wales) (Amendment) (EU Exit) (No. 2) Regulations 2021

Background and Purpose

These Regulations make amendments to subordinate legislation in the field of biosecurity controls for the imports of live animals and animal products, as part of a Great Britain-wide approach.

The effect of these Regulations will be further to delay the introduction of documentary and physical checks at border control posts in Wales, in respect of imported animal products. Such checks will now be phased in between 1 October 2021 and 1 March 2022.

Procedure

Made Affirmative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were made for them to continue to have effect.

Technical Scrutiny

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

Merits Scrutiny

The following point 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 Senedd.

We note that these Regulations further delay the introduction of documentary and physical checks at border control posts in Wales, in respect of imported animal products, as part of a Great Britain-wide approach. Such checks will now be phased in between 1 October 2021 and 1 March 2022.

As regards the delay, we note what the Welsh Government says in the Explanatory Memorandum to the Regulations:



"Following a review by officials of the implementation plan for import controls including Sanitary and Phytosanitary ("SPS") checks on live animals and products of animal origin, a decision has been made to delay the introduction of documentary and physical checks at designated BCPs. This is because since the end of the transition period, businesses and competent authorities have had to adapt and meet extensive new EU and UK requirements when moving goods under the new trading relationship with the EU.

This revised timetable will allow businesses and competent authorities more time to prepare as they adapt to the new trading relationships and recover from the longer, deeper impacts of the COVID-19 pandemic."

The Explanatory Memorandum also says that the preference of industry stakeholders would be for Great Britain documentary and physical checks to be introduced sooner rather than later, because such import checks have been applied by the European Union since January 2021. We note that Great Britain-wide consultation on these Regulations highlighted the need for governments to provide clarity on future import/export arrangements, but that there was general consensus that this delay is necessary.

We found the following paragraphs from the Explanatory Memorandum helpful and informative:

"Defra, the Scottish and Welsh Governments sent out a private consultation in June 2021, seeking the views of stakeholders on the delay to the implementation of the phased imports regime. The consultation asked whether stakeholders agreed with the delay, or whether they felt that the original planned timeline, with the introduction of full SPS controls, should come into effect as planned from July 31.

The changes being made are operability amendments to existing retained EU law to ensure that the law reflects changes made during the transition period and is operable in a UK context. From ongoing conversations, we are aware that industry stakeholders would prefer GB controls on imports from the EU are introduced sooner rather than later, as they generally feel it is unfair that exports from GB have faced such controls by the EU since January 2021. The wider stakeholder responses highlighted the need for clarity to be provided by government, on future border arrangements both on imports and exports, but showed that there is broad and general consensus that the changes being delivered with this SI to the controls timeline are necessary for effective sector readiness, and failure to implement these changes by the end of July as delivered by this instrument would create "impossible" requirements for importers to meet and for competent authorities to deliver."

Welsh Government response

A Welsh Government response is not required.



Legal Advisers
Legislation, Justice and Constitution Committee
30 July 2021



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee