



Ein cyf/Our ref: MA-LG-2983-21

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee

huw.Irranca-Davies@senedd.wales

27 September 2021

Dear Huw

The Official Controls (Extension of Transitional Periods) (England and Wales) Regulations 2021

The Secretary of State proposes to make the above named Statutory Instrument (SI) ("the Instrument") 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.

Operability legislation made in late 2020 under the European Union (Withdrawal) Act 2018 set out a 'transitional staging period', to allow controls on EU SPS imports to be introduced over several months. The staging is intended to help trade sectors and related controls' infrastructure to be ready for the additional volume of biosecurity checks, which are one consequence of the decision to leave the European Union.

The Instrument amends, in relation to Wales, the appointed end date of the transitional staging period insofar as it relates to documentary checks on products of animal origin and certain animal by-products and delays the requirement for prior notification of products of animal origin. The Instrument will also remove the requirement for health certificates during the transitional staging period, in relation to England only. The following legislation will be amended:

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

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.

- 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 Official Controls (Extension of Transitional Periods) Regulations 2021

Without these amendments, from 01 October 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 the Instrument in relation to Wales. I understand the SI will be laid before the Houses of Parliament on 28 September and will be subject to the negative procedure. However, in order to ensure the requirements do not take effect from 01 October 2021, the Instrument will breach the 21 day convention.

In these exceptional circumstances when we are required to consider and correct legislation within a tight timeframe and with finite resources, the Welsh Government's general principle is that, if appropriate, we permit the UK Government to legislate on our behalf. Should consent be withheld, these corrections would need to be made through legislation made by the Welsh Government. In this instance, there is insufficient time and resources to be able to draft and lay such regulations to come into force in time. If consent is not given, the requirements for documentary controls on certain specified imports will come into force.

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 Economy, Trade, and Rural Affairs 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