



Ein cyf/Our ref: MA-LG-3951-21

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

20 December 2021

Dear Huw

The Official Controls (Extension of Transitional Periods) (Amendment) (No. 2) 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; and
- paragraph 11A(1) of Schedule 2 to the Trade in Animals and Related Products Regulations 2011.

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, England and Scotland, the appointed end date of the transitional staging period insofar as it relates to documentary, identity and physical checks on products of animal origin and certain animal by-products. This instrument also waives the pre-notification requirement in relation to goods imported from the island of Ireland.

The following legislation will be amended:

- 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 Plant Health etc. (Fees) (England) Regulations 2018 (applies to England only);
- the Plant Health (Amendment etc.) (EU Exit) Regulations 2020;
- the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 (applies to England only); and
- the Official Controls (Extension of Transitional Periods) Regulations 2021.

Amendments will be made in Welsh legislation to mirror amendments to the England only legislation listed above.

The UK Government's last minute decision to waive pre-notification for goods from Northern Ireland *and* Ireland is not ideal as officials will not receive anticipated trade flow data flows between January and July to assist further planning and preparedness activity. It may also raise questions in relation to the WTO and the Trade and Cooperation Agreement. However, I'm satisfied that these risks do not fall to Welsh Ministers.

Furthermore, without these amendments, from 1 January 2022, 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 – including the need to enter Great Britain through a Border Control Post.

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 therefore 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 15 December and will be subject to the negative procedure. However, in order to ensure the requirements do not take effect from 1 January 2022, the Instrument will breach the 21 day convention.

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

Yours sincerely



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