



Our ref MA-LG-3951-21

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

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3 February 2022

Dear Huw,

Thank you for your letter of 21 January regarding The Official Controls (Extension of Transitional Periods) (Amendment) (No. 2) Regulations 2021 ('the regulations').

As I stated in my letter of 14 December 2021, these regulations were necessary in order to allow goods to continue to flow across the Irish Sea from 1st January 2022. Without the amendments introduced by these regulations, businesses in Great Britain importing animals, products of animal origin, plants and plant products such as fruit and vegetables would need to comply with SPS control requirements and could only enter GB through Welsh ports which were designated as a Border Control Post ("BCPs").

Currently there are no BCPs in Wales and the temporary provisions of these regulations push the requirements for SPS checks to take place at BCPs to 1 July 2022. The measures taken in these regulations avoid significant risk of sector confusion and disruption in the food supply chain into Great Britain. Further, the regulations also temporarily extend the exemption on the pre-notification requirement for goods which are produced and imported into GB from the island of Ireland. This effectively maintains the status quo for Irish goods, waives pre-notification for goods from Northern Ireland and minimises disruption and uncertainty for importing and exporting businesses whilst negotiations continue around the Northern Ireland Protocol. In particular, the question of which goods are eligible for unfettered access to the GB market is complicated by the interwoven, north-south nature of industries on the island, particularly in the agri-food sector.

I can confirm Welsh Government and UK Government officials discussed the amendments proposed in these regulations and formal consent was requested in a letter from the Secretary of State on 10th of December. The UK Government's decision to continue the exemption for the island of Ireland from pre-notification did not form part of the initial discussions for the regulations and was a later addition to the regulations. However, with the Christmas recess and holiday period and the need to mitigate the potential impact and disruption on Welsh businesses, I considered the amendments were appropriate and proportionate in the circumstances and consent was provided on the 14th of December. This enabled the legislation to be laid by the 15th of December and ensured the amendments were introduced by the required date.

I can confirm, my letter of consent to the Secretary of State did raise concerns as to how the UK Government had approached the decision making in this case and these concerns also focussed on the short timescales for revisions and how the approach taken did not accord with Lord Frost's commitment to '*work closely with the Devolved Administrations on the implementation of this new timetable, given their devolved responsibilities for agri-food controls*'

To confirm, the legislation is temporary in nature and I believe it to be necessary and proportionate.

Regards,



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