



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

Paul.davies@senedd.wales

31 March 2022

Dear Paul,

The Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022

I am writing to you to inform ETRAC I have given consent to the Secretary of State to make the above regulations in relation to Wales.

The regulations make technical amendments to several pieces of retained EU law to remedy deficiencies arising from the withdrawal of the UK from the EU. Specifically, they make changes to the processes by which third countries are listed by the UK, in relation to health conditions placed on other countries with respect to imports of animals and animal products.

Trading partners that are approved to export animals and animal products to the UK must comply with country-specific import conditions that are found in retained EU law. Regular amendments to these conditions are required to respond to changes in risk, including to safely manage trade from countries experiencing animal disease outbreaks (for example, Avian Influenza and African Swine Fever) or food safety incidents.

The retained EU law provides that such imports are generally only permitted from countries (or parts thereof) which are listed in Annexes to various pieces of retained EU law ("approved country lists"). These approved country lists set out in tables the details of which animals/products are permitted from which third countries (or parts thereof) and the specific conditions applicable to such imports.

Prior to withdrawal from the EU, the power to amend the 'approved country lists' was conferred on the European Commission using its delegated powers. This enabled changes to be made quickly and frequently by the European Commission through tertiary legislation, to reflect changes relevant to imports of animals or animal products which may present biosecurity or food safety risks, for example: a disease outbreak in a certain country or area (or equally to reflect changes to remove restrictions where risks diminished).

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.

The amendments made by the regulations enable future changes in ‘approved country lists’ to be made by the Secretary of State specifying such changes in a document published for that specific purpose, instead of making such changes in the retained EU law through a statutory instrument each time a change is needed.

This means the future process for amending approved country lists will be less burdensome and quicker, with benefits to biosecurity (as we can deal with incidents quicker) and to our ability to comply with international obligations (when countries are required to lift trade barriers rapidly once incidents resolve).

The powers to amend approved country lists are devolved powers and can only be exercised by the Secretary of State, with the consent of the Welsh Ministers in relation to Wales (and Scottish Ministers, in relation to Scotland). The regulations allows the exercise of such powers where they are necessary or appropriate subject to an assessment of the risks to animal or public health in GB, taking into account certain specified criteria. Such risk assessments will also have to be approved by the Welsh Ministers.

There is a functioning Common UK Animal Health and Welfare Framework where my officials arrive at policy decisions by consensus with their counterparts in Scottish and UK Government on these matters. The technical functions in relation to approved third country lists are managed by the new UK Office for Sanitary and Phytosanitary Trade Assurance.

It is normally the policy of the Welsh Government to legislate for Wales on matters of devolved competence; however, in this instance I have decided to give my consent to the Secretary of State making these regulations in relation to Wales.

The reasons for my consent are the need for consistency across Great Britain in relation to import controls for managing our collective biosecurity, as goods move freely within Great Britain once imported. Additionally, this approach will enable the management of common resources, which is a key principle of the Common UK Animal Health and Welfare Framework.

Were I not to give consent, I would require the Welsh Government to bring forward equivalent legislation for Wales. There are no material changes in policy; only the process of publication of changes to approved country lists is different. Therefore, in this case, I do not consider that making legislation separately for Wales would be a good use of Senedd time and resources of a government, which inherited many new functions from the EU and is dealing with crises such as Covid-19, Avian Influenza and – now – the war in Ukraine.

The SI is subject to the draft affirmative SI procedure, and is being laid before Parliament on 30 March 2022 with a commencement date expected to be in June or July depending on when the House of Commons and House of Lords debates are scheduled.

I have laid a Written Statement, which can be found attached to this letter.

I am copying this letter to the Counsel General and Minister for the Constitution.

Regards,



Lesley Griffiths AS/MS

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd