

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy



Llywodraeth Cymru
Welsh Government

Paul Davies MS
Chair of the Economy, Trade and Rural Affairs Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

9 May 2022

Dear Paul

Border Controls

Further to my oral statement on 3 May, the Minister for Rural Affairs, North Wales and Trefnydd has written to Rt Hon George Eustice MP, Secretary of State for Environment, Food and Rural Affairs, and I have written to Rt Hon Jacob Rees-Mogg MP, Minister for Brexit Opportunities.

I attach copies of both letters for the attention of the Committee.

Yours sincerely,

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy

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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.

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



Llywodraeth Cymru
Welsh Government

The Rt Hon George Eustice MP
Secretary of State for Environment, Food and Rural Affairs

Secretary.State@defra.gov.uk

4 May 2022

Dear George,

I was extremely disappointed with the announcement by the UK Government on 28 April of yet another delay to the introduction of border checks and personal imports restrictions for EU imports, due to commence in July.

This repeated lack of engagement by the UK Government, is completely contrary to the ways of working envisaged in the Inter-Governmental Relations Review and the Common Frameworks and is incredibly disrespectful to our responsibilities as a Devolved Government and to devolution itself. This also undermines our work together, over many years, through the Inter-Ministerial Group (IMG).

I note my colleague, Vaughan Gething, MS, Minister for Economy, wrote to you on 24 March regarding Defra's plans for the implementation of further sanitary and phytosanitary (SPS) controls on imports from July-November 2022 to which you not yet responded.

I am sure you agree with me maintaining robust biosecurity is a critically important. When we were Members of the EU, we applied higher levels of assurance on EU imports where permitted. Our exit from the EU does not mean our biosecurity should decrease in any way. The UK Government's recent announcement has caused continued uncertainty about the level and type of checks for which Devolved Governments and industry will need to plan.

Continued delays to the introduction of EU import checks are a risk to our collective biosecurity, a risk which grows with time. The lack of access to EU traceability, disease notification and emergency response systems further compounds this risk.

I am very concerned the farming sector in Wales will be disadvantaged and there will not be a level playing field for Welsh producers, who are subject to costly and time-consuming EU export checks and regulatory requirements, whilst their EU competitors continue to benefit from the lack of any such regulatory checks.

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I also share concerns voiced by the British Veterinary Association in relation to risks of incursion of exotic diseases to this country. I am very worried by diseases such as foot and mouth disease, african swine fever or indeed rabies, all of which can have a devastating impact.

There is general consensus between the Chief Veterinary Officers and Chief Plant Health Officers these are biosecurity risks we should be collectively addressing to consider how to protect animal and plant health on a GB-wide basis.

There is a foundation of good collaboration between all UK governments through the IMG, Common UK Animal Health and Welfare Framework and the Common UK Plant Health Framework. This is where we maintain common policies and approaches to ensure protection of the UK's biosecurity status and to facilitate trade within and beyond the UK on SPS goods.

Given the uncertainty following the UK Government's announcement, we need our officials to urgently work together to collectively agree a risk-based approach to managing biosecurity risks and take policy decisions on public, animal and plant health issues affecting the UK as a whole,

My preference is to have a GB-wide approach to import checks. However; as I have stated before, I do not exclude taking a Wales-only approach even if this means setting up a higher standard than England. Unless we are properly involved in determining the future approach, we may have no option but to develop a regime of our own, in order to protect devolved matters including animal and plant health.

I am copying this letter to Vaughan Gething MS, Minister for the Economy, Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands, and Simon Hart MP, Secretary of State for Wales.

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

Vaughan Gething AS/MS
Gweinidog yr Economi
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Welsh Government

Ein cyf/Our ref IM/VG/00696/22

Rt Hon Jacob Rees-Mogg MP
Minister for Brexit Opportunities
and Government Efficiency
Cabinet office
70 Whitehall
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ministerial.correspondence@cabinetoffice.gov.uk

10 May 2022

Dear Jacob

Thank you for your letter of 28 April, which reaffirmed the UK Government's decision to further delay the introduction of customs checks and SPS checks on the importation of goods from the EU.

I will repeat here the point I made at GB(O) on 27 April regarding the importance of adhering to the ways of working envisaged in the Inter-Governmental Relations Review and the Common Frameworks.

The Welsh Government now needs to consider the full implications of your announcement and its impact for Wales. We also need to understand the UK Government's detailed proposals on how to treat goods from the island of Ireland. I hope you will endorse the need for Welsh Ministers to be fully involved in GB(O) discussions on import controls in relation to the Irish Sea ports and can help ensure that we are participate in the appropriate discussion in order to agree a collective way forward. Not being able to do so would hinder a coherent approach for Britain and the choices we will need to consider in the exercise of our devolved responsibilities.

No one can argue with your wish to deploy technology to make our borders more efficient and support trade with our nearest neighbours, provided we have confidence that it is robust and resilient. If a safe, secure and efficient import system can be achieved through harnessing innovative new technologies to streamline processes and reduce frictions, then this is something the Welsh Government can support.

But equally we will want to be assured that our long-term strategic responsibilities to protect the health of people, animals and plants in this country are given sufficient weight. We know the dreadful consequences of an outbreak of animal or plant disease. I am less than confident that technology can yet address these concerns.

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I'm sure you would agree that we should limit risk to biosecurity and food safety, while securing the food supply chain and trade. We enjoy the natural advantage of a sea border around the island of Great Britain, so we are able to limit the impact of diseases, such as foot and mouth and rabies.

Although biosecurity is devolved, we need a coherent approach for imports into Great Britain, given there are no hard borders between our countries. My colleague Lesley Griffiths has already written to George Eustice to propose that we should invite the Chief Veterinary Officers and experts on high-risk plants, to advise Ministers collectively on how to minimise these risks. I emphasise that we need to work better together going forward if we are to devise a joined up approach that we can all recommend to our respective governments.

My other immediate concern is the legislative requirement. We need legislation to come into force before the end of June to put off SPS checks. As Lesley Griffiths set out at IMG as far back as 21 March, and I reiterated in my letter to George Eustice a few days later, we urgently need to see DEFRA's legislation so we can plan how to legislate in concert with you. It may be possible for the legislation you are making to apply on an England and Wales basis but, depending on its exact content, we may have to mirror your legislation in parallel Welsh legislation. Until we see the text of your proposed legislation, we won't be able to make that legal determination. The time to legislate is now very short indeed, we risk running out of time to make the required Welsh legislation before July unless Defra can confirm the position within the next few weeks. All this is potentially affected by your intentions for trade with the island of Ireland, so I look forward to next week's GB(O) discussions.

Finally, I have been clear that any expenditure on border controls following exit from the European Union should be funded by the UK Treasury. If anything, this new announcement adds to our argument. UK Government decisions have determined the form of our departure from the European Union, and UK Government decisions continue to directly affect devolved responsibilities with cost consequences. I would be grateful for assurances that this latest policy shift will not affect the UK Government's existing commitment to fund the building costs for any necessary border controls in Wales.

I am copying this letter to my colleagues, Lesley Griffiths MS, Minister for Rural Affairs, North Wales and Trefnydd, to Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands in the Scottish Government and to the Rt. Hon George Eustice MP, Secretary of State for Environment, Food and Rural Affairs, Rt. Hon Michael Ellis QC MP, Minister for the Cabinet Office and the Rt. Hon Simon Hart MP, Secretary of State for Wales.

Yours sincerely,

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