



Our ref: MA/VG/1633/22

Paul Davies MS  
Chair  
Economy, Trade, and Rural Affairs Committee.  
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10 June 2022

Dear Paul,

### **The Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2022**

I wrote to you on 9 May following my oral statement enclosing correspondence between Welsh Ministers and their UK counterparts regarding their decision to delay the SPS checks due to be introduced from 1 July.

The Secretary of State proposes to make the above named Statutory Instrument (“the 2022 Regulations”) 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.

The 2022 Regulations amend:

- The Official Controls (Extension of Transitional Periods) Regulations 2021 to change the end date of the “transitional staging period” (as defined in paragraph 2 of Annex 6 to Regulation (EU) 2017/625) from 30 June 2022 to 31 December 2022;
- Regulation (EU) 2017/625 to:
  - enable regulation-making powers in Articles 53 and 54 of that Regulation to be exercised during the transitional staging period, and in turn, enable the “appropriate frequency rate” (defined in paragraph 2 of Annex 6 to Regulation (EU) 2017/625) for certain plants and plant products to be set by reference to regulations made using those powers;
  - carve out high-priority plants and plant products from the scope of Article 44(2) of that Regulation, which determines the appropriate frequency of controls on goods not presented at border control posts;
  - the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 to change the end date of the temporary suspension of the requirement for meat preparations to be deep-frozen where they are imported into England from EEA member States, the Faroe Islands, Greenland

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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.

or Switzerland from 30 June 2022 to 31 December 2022. The amendment referred to in the final bullet point above does not apply in relation to Wales. However, the Welsh Ministers will introduce the Meat Preparations (Wales) (Amendment) Regulations 2022 to make an equivalent amendment

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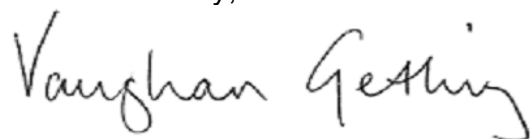
Without these amendments, from 1 July 2022, import and exports businesses in GB and EU respectively will be obliged to comply with the SPS control requirements that would otherwise become operable. Regulation (EU) 2017/625 as otherwise operable on the expiry of the TSP provides for more stringent requirements, which means that in the absence of extension, we either need to have designated BCPs to serve each port or stop the import of SPS goods into Wales through that port.

I am writing to let you know I give my consent to the Secretary of State to make the 2022 Regulations in relation to Wales. I understand they will be laid before the Houses of Parliament on 8 June 2022 and will be subject to the negative procedure.

Allowing Defra to legislate on our behalf on this occasion will help send messages about consistent application of revised arrangements across GB, and demonstrate to stakeholders that we are ready to work constructively with the UK Government, diverging only when there are strong arguments in respect of Wales to do so. The Welsh Government have not identified any threats to the devolution settlement that could arise on this occasion by Defra legislating on behalf of Welsh Minister on this occasion.

I am copying this letter to the Counsel General and Minister for the Constitution, Minister for Climate Change, and the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

**Vaughan Gething AS/MS**  
Gweinidog yr Economi  
Minister for Economy