

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

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

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

1 August 2023

Dear Huw

I am writing to inform the Committee of the intention to consent to the UK Government making and laying the Windsor Framework (Retail Movement Scheme) Regulations 2023.

I have received a letter from the Minister of State for Environment, Food and Rural Affairs, Rt Hon Lord Benyon, asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The Regulations contain provision that could be made by Welsh Ministers in exercise of our own powers. The Regulations will extend to England, Scotland, Wales and Northern Ireland and a similar request for consent has been sent to Scottish Ministers.

The Regulations will be made in exercise of the powers conferred under paragraph 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018. The Regulations relate to the implementation of the Windsor Framework, as agreed between the UK and the EU on 27th February 2023

Currently under the Northern Ireland Protocol, agri-food goods produced in and moved to NI are subject to EU animal, plant, public health, marketing, and organics standards. The amendments made to the Northern Ireland Protocol, as set out in the Windsor Framework will, in part, enable the establishment of a Retail Movement Scheme which will enable certain retail goods to move from GB to NI and meet GB public health, marketing and organics standards. Goods will still be required to meet EU standards for animal and plant health, and EU standards that apply to animal by-products.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Lesley.Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)  
[Correspondence.Lesley.Griffiths@gov.wales](mailto: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 EU will be disapplying the relevant EU legislative instruments for the categories of goods moved under the retail movement scheme, including legislation that set standards on public health, marketing, and organics for goods in Northern Ireland, and provide the legal basis for enforcing them. However, enforcement powers against EU standards will remain for goods produced in NI. Legislation is therefore required on a domestic basis to ensure that goods moved under the scheme are subject to GB standards, and the relevant authorities in NI can enforce against non-compliance with GB standards.

This new Retail Movement Scheme will allow for simplified trading of specified retail goods between GB and NI for scheme members, as per the agreements made with the EU under the Windsor Framework.

These Regulations require the Secretary of State to establish the new Retail Movement Scheme, which implements the Windsor Framework and is intended to regulate the movement of certain retail goods from Great Britain into Northern Ireland and what checks are to be made in respect of those goods. These Regulations prescribe how a person may apply for approval to move goods to which the Scheme applies into Northern Ireland; functions as to suspension or revocation of that approval; the location, nature, and extent of checks; and rights of entry, seizure and destruction etc of goods posing a relevant potential risk.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for this instrument to apply to Wales as there is no policy divergence between the Welsh and UK Government in this matter. This ensures a coherent and consistent statute book with the regulations being accessible in a single instrument. I consider that legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes nor a prudent use of Welsh Government resources given other important priorities.

I have written similarly to Llyr Gruffydd MS, the Chair of the Climate Change, Environment and Infrastructure Committee.

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

**Lesley Griffiths AS/MS**  
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