



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>The Windsor Framework (Retail Movement Scheme) Regulations 2023</b>
<b>DATE</b>	<b>10 August 2023</b>
<b>BY</b>	<b>Lesley Griffiths Minister for Rural Affairs and North Wales, and Trefnydd</b>

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by the Minister of State Rt Hon Lord Benyon to make a Statutory Instrument (SI) titled the Windsor Framework (Retail Movement Scheme) Regulations 2023 (“the 2023 Regulations”) to apply in relation to the United Kingdom.

The above titled SI will be made by the Minister of State, 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 SI relates 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.

The EU will be disapplying the relevant EU legislative instruments for the categories of goods that will be capable of being 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 are able to enforce against non-compliance with GB standards.

This legislation provides for the establishment of the Retail Movement Scheme. The 2023 Regulations prescribes how a person may apply for approval to move goods to which the Scheme applies into Northern Ireland; the location, nature, and extent of checks; and the rights of entry, seizure and destruction of goods posing a potential risk.

The SI was laid before the UK Parliament on 8 August 2023. In terms of Parts 1 and 2, the 2023 Regulations will come into force on 1 September, with the remainder coming into force on 1 October.

### **Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence.**

The 2023 Regulations result from the Windsor Framework agreement. The 2023 Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity.

The instrument does not have any impact on the Senedd's legislative competence, or the Welsh Ministers' executive competence. The 2023 Regulations confer new functions on the Secretary of State, to establish a Retail Movement Scheme. The Secretary of State functions of establishing (and maintaining) the Scheme are exercisable administratively and include the function of establishing 'terms and conditions' under which the Scheme will operate. The consent of the Welsh Ministers (and Scottish Ministers) to the terms and conditions of the Scheme is required prior to establishing the Scheme, and prior to any future modification of the terms and conditions. Failure to comply with the terms and conditions of the Scheme can result in direct sanctions under these Regulations (e.g. suspension or revocation of approval of persons to participate in the Scheme) and will be a potential criminal offence pursuant to regulation 12 of the Windsor Framework (Enforcement etc.) Regulations 2023.

The 2023 Regulations (Part 4) makes provision for investigatory powers and powers of enforcement (including rights of entry, and rights for the seizure and disposal of goods). In relation to Wales, functions will be conferred on persons authorised, in writing by the Welsh Ministers as the appropriate GB authority for Wales.

Functions are conferred on the Secretary of State and a programme of governance will enable Welsh Government officials to ensure these functions are exercised in a manner that reflects Welsh interests. In addition, a Memorandum of Understanding will set out an agreement process to operate for any future possible changes to the Scheme.

It is intended that APHA will manage the process and the day to day running of the Scheme on behalf of the Secretary of State.

### **The purpose of the instrument**

The purpose of the 2023 Regulations is to protect biosecurity and support trade between Northern Ireland (“NI”) and Great Britain (“GB”), following the agreement of the Windsor Framework. The instrument addresses the effect of Article 1(2) of Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland. This means that listed EU legislation will no longer apply to those specific goods or to NI establishments when handling those goods in NI where the requirements of Regulation (EU) 2023/1231 are met.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the 2023 Regulations are available here:

[The Windsor Framework \(Retail Movement Scheme\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

### **Why consent has been given**

Consent has been given for the UK Government to make this instrument as a result of the Windsor Framework Agreement which was reached by the UK and the EU and announced on 27 February 2023 and to protect biosecurity by introducing protective measures such as the new Retail Movement Scheme across GB.

This statement is being issued during recess in order to keep members informed. Should members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.