

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

09 August 2023

Dear Huw

I am writing to inform the Committee of the intention to consent to the UK Government making and laying the draft Windsor Framework (Enforcement etc.) 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 provisions 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 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 Northern Ireland (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, establish 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.

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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.

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 provide for the enforcement of GB standards in Northern Ireland, and make provision on offences, penalties and certain fees. These Regulations are part of a wider suite of statutory instruments delivering the Windsor Framework arrangements, including to address any non-compliance with the Retail Movement Scheme requirements (which poses a risk to the biosecurity of the island of Ireland and could otherwise result in onward movement of Retail Movement Scheme goods into the EU). They provide for an offence of non-compliance with the terms and conditions of the Retail Movement Scheme.

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, flowing style.

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