

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

Llyr Gruffydd MS Chair,
Climate Change, Environment, and Infrastructure Committee
Senedd Cymru
SeneddClimate@senedd.wales

31 August 2023

Dear Llyr

I am writing to inform the Committee of my intention to consent to the UK Government making and laying the Windsor Framework (Financial Assistance) (Marking of Retail Goods) Regulations 2023 ('the Regulations').

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) and (2) 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.

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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 establish the financial assistance scheme ('the scheme') and provides a discretionary power on the Secretary of State to give or arrange the giving of financial assistance to support compliance with the marking of retail goods requirements. These Regulations also make provision in relation to delegation of the Secretary of State's functions and the recovery of any financial assistance provided under the scheme. The UK Government will introduce financial assistance, likely in the form of a grant to reimburse businesses for the specific costs incurred in preparation for the labelling requirements that will be required under the Retail Movement Scheme, from the 1 October 2023.

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 Huw Irranca-Davies MS, the Chair of the Legislation, Justice and Constitution 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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