

Huw Irranca-Davies AS/MS
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion
Gwledig
Cabinet Secretary for Climate Change & Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0898/24

The Rt. Hon. Elin Jones MS
Llywydd
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

12 April 2024

Dear Elin,

In accordance with section 11A(4) of the Statutory Instruments Act 1946, I am notifying you that this statutory instrument will come into force on 28 April 2024, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

This instrument (“the 2024 Regulations”) makes amendments to assimilated law, specifically, EU Commission Decision 2000/572/EC (“the EU Regulations”) to remove the requirement for imports of meat preparations to be deep frozen. This will permit the continued import of chilled meat preparations from EEA states and allow risk-assessed imports from the Rest of the World (RoW) from 28 April 2024, in line with the UK Government and the Scottish Government.

The primary purpose of the legislation is to permit the import of chilled meat preparations where the transport and temperature conditions can satisfy the same level of protection as if they were produced in the UK. The policy meets World Trade Organisation (WTO) obligations, meaning that specific measures to protect public and animal health must not discriminate unfairly between countries. The policy is based on scientific evidence and a risk assessment.

The 2024 Regulations also revoke now-defunct related domestic Sis and provisions of other instruments which previously extended the temporary suspension of the deep-freezing requirement on imported meat in line with the Transitional Staging Period (TSP).

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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 2024 Regulations align with the Border Target Operating Model (BTOM) legislation being introduced by UK Government (UKG). This BTOM legislation will switch on physical controls on relevant Sanitary and Phytosanitary goods from the end of April, and also extend the Transitional Staging Period (TSP) which will further delay checks for goods arriving from Ireland. The 2024 Regulations must come into force on 28 April prior to the end of the current TSP on 29 April.

The UKG BTOM regulations are running behind schedule. They may not be laid in the form initially intended (for example, by removing content or splitting into different instruments), and UKG will likely not adhere with the 21-day convention for at least one set of their regulations. To date, my officials remain uncertain of UKG's definitive way forward. Understandably, this has had a knock-on effect on the progress made in making the 2024 Regulations due to a general desire for a synergic approach across GB.

Given the end date of the TSP (29 April) is immovable, it is with regret that on this occasion, considering the points I have outlined, that the 2024 Regulations will come into force less than 21 days after they have been laid.

Were the Regulations not to be made, the current exemption in place would expire on 29 April. This would mean that meat preparations that have not been frozen at an internal temperature of not more than – 18 °C at the production plant or plants of origin, in the EU and EEA, would be illegal to import into Wales. The requirement for these goods to be deep-frozen would be a significant impediment to the free flow of trade.

Additionally, Wales would be failing to align with a GB wide approach agreed at the Animal and Disease Policy Group and for which UKG and SG are also making provision. This would cause policy and legislative divergence and confusion to traders.

I am copying this letter to the Trefnydd and Chief Whip, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Bethan Davies, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca-Davies', written in a cursive style.

Huw Irranca-Davies AS/MS

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