



Ein cyf/Our ref: MA/HIDCC/5010/24

Sarah Murphy MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

18 April 2024

Dear Sarah,

I am writing to inform the Committee of my intention to consent to the UK Government making and laying the Official Controls (Miscellaneous Amendments) Regulations 2024 ('the 2024 regulations').

I have received a letter from the Minister of State for Biosecurity, Animal Health and Welfare, Lord Douglas-Miller, asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The Regulations will extend to England, Scotland, and Wales and a similar request for consent has been sent to Scottish Ministers.

The Regulations will be made in exercise of the powers conferred under:

- Articles 72(3), 73(2), 76(4) and 105(6) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants ("the Plant Health Regulation"), and
- Articles 22(2), 48(h), 54(3), 77(1), 90 and 144(6) of, and paragraph 3(2) of Annex 6 to, Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection product ("the Official Controls Regulation").

The purpose of the 2024 Regulations is to implement the second milestone of the Border Target Operating Model (“BTOM”), that comes into effect by 30 April 2024, to protect biosecurity and support trade between Great Britain (“GB”) and third countries. It introduces a new global risk-based import regime for goods from both the European Union (“EU”) and the rest of the world (“RoW”) from the end of April 2024. The changes made by the 2024 Regulations relate to controls on imports to England, Wales and Scotland for the set of commodities known collectively as sanitary and phytosanitary (“SPS”) goods.

These Regulations include provisions which exempt goods arriving from the island of Ireland from the requirement for identity and physical checks.

The Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity. The Regulations do not diminish or undermine the powers of Welsh Ministers in any way.

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 Paul Davies MS, the Chair of the Economy, Trade and Rural Affairs Committee.

Yours sincerely,



Huw Irranca-Davies AS/MS

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Cabinet Secretary for Climate Change and Rural Affairs

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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.