



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	The Official Controls (Miscellaneous Amendments) Regulations 2024
DATE	23 April 2024
BY	Huw Irranca-Davies, Cabinet Secretary for Climate Change and Rural Affairs

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 for Biosecurity, Animal Health and Welfare, Lord Douglas-Miller to make a Statutory Instrument (SI) titled the Official Controls (Miscellaneous Amendments) Regulations 2024 (“the 2024 Regulations”) to apply in relation to the United Kingdom.

The above titled SI was made by the Minister of State, 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”).
- 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 milestones of the Border Target Operating Model (“BTOM”), that come into force on 30th April, 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 Wales, England and Scotland for the set of commodities known collectively as sanitary and phytosanitary (“SPS”) goods.

These Regulations include provisions which exempt goods arriving from Ireland from the requirement for identity and physical checks. We have not yet agreed with the UK and Scottish governments a date for physical checks to begin on imports from Ireland, and have already announced that our facilities will not be operational until spring 2025.

On 28 April 2022, the UK Government announced a pause to the introduction of further import controls on SPS goods from the EU to Great Britain, and its intention to develop a Borders Target Operating Model (BTOM) setting out a new regime of border import controls. The intended changes to the SPS border official controls regime were published in the BTOM in August 2023. This new regime will apply equally to EU and goods from the rest of the world, with a proportionate risk-based and technologically advanced approach to controls.

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

The 2024 Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity. The 2024 Regulations do not diminish or undermine the powers of Welsh Ministers in any way.

A phased introduction of SPS controls on imports from the EU and reforming the current SPS control regime for imports from the rest of the world is being used. This targets activity at higher risk consignments while simplifying processes where it is safe to do so, in order to facilitate trade. The BTOM is being implemented through a phased approach, enabled by a series of legislative changes ahead of the published milestones.

I would like to reassure the Senedd it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. On this occasion, I have given my consent to these Regulations for reasons of efficiency and expediency in future policy change and adherence to international obligations, cross-UK coordination, and consistency.

The purpose of the 2024 Regulations

The purpose of the 2024 Regulations is to protect biosecurity, ensure food safety and support trade, by introducing the milestones set out in the Border Target Operating Model, agreed by all administrations in Great Britain.

The Regulations and accompanying Explanatory Memorandum, setting out the purpose, and effect of the 2024 Regulations are available here:

<https://www.legislation.gov.uk/uksi/2024/541/contents/made>

Why consent has been given?

Consent has been given for the UK Government to make this instrument as a result of the agreement on the Border Target Operating Model between the three administrations in Great Britain to introduce a coherent and consistent sanitary and phytosanitary regime for goods imported into Great Britain to protect biosecurity and ensure food safety standards are maintained.