

Rebecca Evans AC/AM
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref MA/VG/5533/19

Elin Jones, AM
Llywydd
National Assembly for Wales
Cardiff Bay
CF99 1NA

28 November 2019

Dear Elin,

The Official Feed and Food Controls (Wales) (Miscellaneous Amendments) Regulations 2019
The Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2019
The Fishery Products (Official Controls Charges) (Wales) (Amendment) Regulations 2019.

In accordance with section 11A(4) of the Statutory Instruments Act 1946, as inserted by Sch.10 para 3 of the Government of Wales Act 2006, I am notifying you that these statutory instruments come into force less than 21 days from the date of laying. The Explanatory Memoranda for these Regulations are attached for your information.

The Official Controls Regulation (Regulation (EU) 2017/625) (OCR) will come fully into force across the EU on 14 December 2019 and revoke the existing framework legislation for official controls along the agri-food chain. The Regulation is part of the EU Smarter Rules for Safer Food (SRSF) package and is directly applicable EU law. The UK is obliged, as a matter of EU law, to make provision to enforce the OCR.

The drafting of the Statutory Instruments has been delayed because important parts of them depended on the status of the United Kingdom, insofar as whether it was a Member State of the European Union on the coming into force date (14 December 2019) of the OCR. Certainty over this position was not forthcoming from UK Government and the European Union until very shortly before the 31 October.

The impact of this on the drafting process in all the UK administrations has been significant, and this is the reason why the final SIs are not able to be submitted for scrutiny in time to allow the period of 21 days between laying and coming into force on 14 December.

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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 current official controls regulation (Regulation (EC) No. 882/2004) will be revoked when the OCR comes into force on 14 December. The SIs are critical to maintaining official controls and enforcement. If these SIs are not made, this leaves Wales without a legal framework to enforce official controls and therefore puts public health at risk (as well as animal health and welfare), undermines business and consumer confidence and risks market access to the EU. Without the SIs coming into force on 14 December, the FSA and other enforcement authorities in Wales will not have the legislative powers to enforce food and feed safety laws.

Consultation has been carried out on the SIs in accordance with Welsh Government guidelines and as required by European law. Responses are analysed in the Explanatory Memoranda but required no specific alteration of the SIs.

Similar Regulations are being made in all other administrations of the UK.

I am copying this letter to Mick Antoniw, Chair of the Constitutional and Legislative Affairs Committee and Sian Wilkins, Head of Chamber and Committee Services.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive, flowing style.

Rebecca Evans AC/AM
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Minister for Finance and Trefnydd