

Regulations made by the Welsh Ministers, laid before Senedd Cymru under paragraph 7(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of Senedd Cymru within 28 days beginning on the day on which the Regulations were made, subject to extension for periods of dissolution, or recess for more than four days.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2021 No. 1480 (W. 382)

**EXITING THE EUROPEAN
UNION, WALES**

FOOD, WALES

ANIMALS, WALES

**The Official Controls (Extension of
Transitional Periods and
Miscellaneous Amendments)
(Wales) (EU Exit) Regulations 2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by:

- (a) paragraph 11A(1) of Schedule 2 to the Trade in Animals and Related Products (Wales) Regulations 2011 (S.I. 2011/2379 (W. 252)) (“the 2011 Regulations”); and
- (b) paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 makes amendments to Schedule 5 of the 2011 Regulations to ensure alignment with Article 56A of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities, as inserted for the purposes

mentioned in paragraph 3 of Annex 6, and as amended by regulation 2 of the Official Controls (Extension of Transitional Periods) (England and Wales) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1443).

Regulation 2 also amends Schedule 5 of the 2011 Regulations to enable enforcement powers to remain available during the extended transitional staging period other than at border control posts in respect of animals and animal products in Wales.

Regulation 3 amends the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/1 (W. 1)) to extend the temporary suspension of the requirement for meat preparations to be deep frozen where they are imported into Wales from EEA member States, the Faroe Islands, Greenland or Switzerland, bringing it into line with the extended transitional staging period. This extension is until midnight on 30 June 2022. This date had previously been amended by the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) (Amendment) Regulations 2021 (S.I. 2021/376 (W. 117)) and the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/977 (W. 231)).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

Regulations made by the Welsh Ministers, laid before Senedd Cymru under paragraph 7(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of Senedd Cymru within 28 days beginning on the day on which the Regulations were made, subject to extension for periods of dissolution, or recess for more than four days.

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2021 No. 1480 (W. 382)

**EXITING THE EUROPEAN
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**The Official Controls (Extension of
Transitional Periods and
Miscellaneous Amendments)
(Wales) (EU Exit) Regulations 2021**

Made at 11.03 a.m. on 22 December 2021

*Laid before Senedd
Cymru at 5.45 p.m. on 22 December 2021*

Coming into force 30 December 2021

The Welsh Ministers make the following Regulations in exercise of the powers conferred by—

- (a) paragraph 11A(1) of Schedule 2 to the Trade in Animals and Related Products (Wales) Regulations 2011(1); and

(1) S.I. 2011/2379 (W. 252). Paragraph 11A was inserted into Schedule 2 by regulation 2(2) of the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1639 (W. 344)).

- (b) paragraph 1(1) of Schedule 2, and paragraph 21 of Schedule 7, to the European Union (Withdrawal) Act 2018(1).

The Welsh Ministers are of the opinion, that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, Senedd Cymru(2).

Title and commencement

1.—(1) The title of these Regulations is the Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021.

(2) These Regulations come into force on 30 December 2021.

Amendments to the Trade in Animals and Related Products (Wales) Regulations 2011

2.—(1) Schedule 5 (application of, derogations from, and modifications to, Part 3 in relation to territories subject to special transitional import arrangements) of the Trade in Animals and Related Products (Wales) Regulations 2011(3) is amended as follows.

(2) In paragraph 5 (derogation from regulation 14: timing of notification of importation)—

- (a) in sub-paragraph (3)—
 - (i) for “From 1 January 2022” substitute “Subject to sub-paragraph (3A), from 1 January 2022”;
 - (ii) after “products of animal origin” insert “or animal by-products not already covered by sub-paragraph (2)(c)”;
- (b) after sub-paragraph (3), insert—

“(3A) Sub-paragraph (3) does not apply to relevant goods which—

(1) 2018 c. 16; *see* section 20(1) for the definition of “devolved authority”. Paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraph 53(2) of Part 2 of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(2) The references in the European Union (Withdrawal) Act 2018 to the National Assembly for Wales now have effect as references to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32). *See* paragraphs 7 and 38 of Schedule 7 to the European Union (Withdrawal) Act 2018 for provision about the procedure that applies to this instrument.

(3) Schedule 5 was inserted by regulation 32 of S.I. 2020/1612 (W. 337). Paragraph 5(3) was amended by regulations 2 of S.I. 2021/384 (W. 122), S.I. 2021/847 (W. 197) and S.I. 2021/1094 (W. 260).

- (a) are within the scope of Article 7 or Article 10 of Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market⁽¹⁾; or
- (b) are imported into Great Britain from the Republic of Ireland where the condition in paragraph (3B) is met.

(3B) The condition is that the goods were produced in Northern Ireland or the Republic of Ireland, and for these purposes goods are taken to be produced in Northern Ireland or the Republic of Ireland if they are processed there.”;

(3) For paragraph 8(a) (modification of regulation 20: action following failure of checks or seizure – products) substitute—

“(a) in paragraph (1)—

- (i) for “the checks at a border control post” there were substituted “checks”;
- (ii) after “Official Controls Regulation” there were inserted “or, in the case of relevant goods, does not comply with the provisions of Schedule 5”;

(4) For paragraph 9 (modification of regulation 23: action following failure of checks or seizure – animals) substitute—

“Regulation 23 applies as if, in paragraph (1)—

- (a) for “the checks at a border control post” there were substituted “checks”;
- (b) after “Official Controls Regulation” there were inserted “or, in the case of relevant goods, does not comply with the provisions of Schedule 5.”.

Amendment to the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) Regulations 2021

3. In regulation 3(1) (transitory modification of Commission Decision 2000/572/EC) of the Meat

⁽¹⁾ EUR 2019/2122, amended by S.I. 2020/1482 and 2021/453.

Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) Regulations 2021⁽¹⁾, for “31 December 2021” substitute “30 June 2022”.

Lesley Griffiths

Minister for Rural Affairs and North Wales, and
Trefnydd, one of the Welsh Ministers
At 11.03 a.m. on 22 December 2021

(1) S.I. 2021/1 (W. 1), amended by S.I. 2021/376 (W. 117) and S.I. 2021/977 (W. 231).