

SL(6)478 – The Meat Preparations (Amendment) (Wales) Regulations 2024

Background and Purpose

These Regulations amend assimilated law (formerly referred to as retained EU law) to remove the requirement for meat preparations to be deep frozen when imported into Wales. This will permit the continued import of chilled meat preparations from EEA states and allow risk-assessed imports from the rest of the world from 28 April 2024, in line with the UK Government and the Scottish Government. The Regulations also revoke defunct instruments and provisions of other instruments related to the removal of this requirement.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The Regulations come into force on 28 April 2024, only 14 days after they were laid before the Senedd and therefore in breach of the 21 day rule. In a letter to the Llywydd dated 12 April 2024, the Cabinet Secretary for Climate Change and Rural Affairs states:

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.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The Explanatory Memorandum to the Regulations states that the Welsh Ministers did not carry out consultation in relation to these Regulations. Paragraph 6 of the Explanatory Memorandum states:

No consultation requirement arises under The Trade in Animals and Related Products (Wales) Regulations 2011. The Welsh Ministers have therefore not consulted in respect of this instrument. However, there has been GB-wide extensive stakeholder engagement with the Agri-Food industry and with delivery partners with responsibilities over border controls (such as local border authorities, the Animal and Plant Health Agency and the Foods Standards Agency), since January 2021.

Additionally, there has been consultation with the other UK administrations, and the FSA on the policy effected by this instrument. This new permanent position regarding all P&R goods for imports has been trialled with the International Meat Traders Association (IMTA) in a regular stakeholder forum led by Defra, and in a stakeholder note to POAO trade associations in January 2024 (to which no responses were received). A further letter was sent by Defra in March 2024 to stakeholders regarding the wider implementation of the Borders Target Operating Model which also outlined and referenced the changes that these Regulations make.



Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 22 April 2024 and reports to the Senedd in line with the reporting points above.

