



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Windsor Framework (Financial Assistance) (Marking of Retail Goods) Regulations 2023**

DATE **5 September 2023**

BY **Lesley Griffiths Minister for Rural Affairs and North Wales, and Trefnydd**

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 Rt Hon Lord Benyon to make a Statutory Instrument (SI) titled the Windsor Framework (Financial Assistance) (Marking of Retail Goods) Regulations 2023 (“the 2023 Regulations”) to apply in relation to the United Kingdom.

The above titled SI will be made by the Minister of State, in exercise of the powers conferred under paragraph 8C(1) and (2) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018. The SI relates to the implementation of the Windsor Framework, as agreed between the UK and the EU on 27th February 2023.

Currently under the Northern Ireland Protocol, agri-food goods produced in and moved to NI are subject to EU animal, plant, public health, marketing, and organics standards. The amendments made to the Northern Ireland Protocol, as set out in the Windsor Framework will, in part, enable the establishment of a Retail Movement Scheme which will enable certain retail goods to move from GB to NI and meet GB public health, marketing and organics standards. Goods will still be required to meet EU standards for animal and plant health, and EU standards that apply to animal by-products.

The EU will be disapplying the relevant EU legislative instruments for the categories of goods that will be capable of being moved under the retail movement scheme, including legislation that set standards on public health, marketing, and organics for goods in Northern Ireland, and provide the legal basis for enforcing them. However, enforcement powers against EU standards will remain for goods produced in NI. Legislation is therefore required on a domestic basis to ensure that goods moved

under the scheme are subject to GB standards, and the relevant authorities in NI are able to enforce against non-compliance with GB standards.

This legislation provides for financial assistance and are aimed at ensuring that:

- There is a statutory basis for the award of financial assistance to reimburse or subsidise costs of introducing 'Not for EU' markings on packaging and boxes that is required for goods moving via the Retail Movement Scheme, and which are required to display this wording from 1 October 2023.
- There is a statutory basis for the award of financial assistance in any form which may be given by way of a grant, a loan or a guarantee.
- There is a statutory basis for recovering of any financial assistance awarded where it has been determined by the Secretary of State or their delegates that the funds have been misused, misappropriated either unintentionally or deliberately, or as a result of any assessment which provides the reasonable grounds to believe the funds awarded have not been used for the purpose they were intended.

The SI was laid before the UK Parliament on 30 August 2023 and will come into force on 1 October.

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

The 2023 Regulations result from the Windsor Framework agreement. The 2023 Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity.

The instrument does not have any impact on the Senedd's legislative competence, or the Welsh Ministers' executive competence. The 2023 Regulations confer new functions on the Secretary of State to establish a scheme under which financial assistance can be provided to support compliance with the marking of retail goods requirements. The Secretary of State may delegate functions relating to the provision of financial assistance, with the consent of Welsh Ministers (and Scottish Ministers).

The Secretary of State functions of establishing a scheme under which financial assistance can be provided are exercisable administratively and include functions relating to the breach of conditions for financial assistance, administrative error, recovery of financial assistance and the suspension or termination of an agreement and notices.

Functions are conferred on the Secretary of State and a programme of governance will enable Welsh Government officials to ensure these functions are exercised in a manner that reflects Welsh interests. In addition, a Memorandum of Understanding will set out an agreement process to operate for any future possible changes to the Scheme.

The purpose of the instrument

The purpose of the 2023 Regulations is to protect biosecurity and support trade between Northern Ireland (“NI”) and Great Britain (“GB”), following the agreement of the Windsor Framework. The instrument addresses the effect of Article 1(2) of Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland. This means that listed EU legislation will no longer apply to those specific goods or to NI establishments when handling those goods in NI where the requirements of Regulation (EU) 2023/1231 are met.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the 2023 Regulations are available here:

<http://www.legislation.gov.uk/id/uksi/2023/956>.

Why consent has been given

Consent has been given for the UK Government to make this instrument as a result of the Windsor Framework Agreement which was reached by the UK and the EU and announced on 27 February 2023 and to protect biosecurity by introducing protective measures such as the new Retail Movement Scheme across GB.