

Explanatory Memorandum to the Meat Preparations (Wales) (Amendment) Regulations 2022

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer within the Department for Climate Change and Rural Affairs of the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Meat Preparations (Wales) (Amendment) Regulations 2022.

Lesley Griffiths MS

Minister for Rural Affairs and North Wales, and Trefnydd

8 June 2022

Part 1

1. Description

This instrument (“the 2022 Regulations”) makes amendments to the Meat Preparations (Wales) (Amendment and Transitory Modification) (Wales) (EU Exit) Regulations 2021 (S.I. 2021/1) (W. 1) (“the 2021 Regulations to extend the temporary suspension of the requirement for meat preparations imported from the European Economic Area (EEA) into Wales to be deep frozen to a temperature of -18°C until 31 December 2022.

The 2022 Regulations are made under the power conferred by paragraph 11A(1) of Schedule 2 to the Trade in Animals and Related Products (Wales) Regulations 2011 (S.I. 2011/2379) (W. 252). They apply to Wales and will come into force on 29 June 2022.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

None.

3. Legislative background

Prohibitions and restrictions (“P&R”) are requirements based in law that prevent or restrict the export and import of certain goods from third countries, where the importing country believes there is a potential for them to present a level of risk to animal, plant or public health.

To ensure continuity after the implementation period which followed the UK’s departure from the EU, the Welsh Ministers introduced the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) (Amendment) Regulations 2021 (S.I. 2021/1 (W. 1)) (“the 2021 Regulations”) to permit the import of certain prohibited products of animal origin affected by P&R from the EEA into Wales from 1 January to 31 March 2021.

The suspension of the prohibition has previously been extended by the following instruments:

- The Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) (Amendment) Regulations 2021 (S.I. 2021/376 (W. 117)) were made, which extended the suspension of the prohibition until 30 September 2021.
- The Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/977 (W. 231)) to extend the suspension of the prohibition until 31 December 2021. This

enabled existing import rules to apply to chilled meat preparations until 31 December 2021 in accordance with the UK Government's announced 'phased approach' to import controls; and

- The Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations (S.I. 2021/1480) (W. 382).

Those extensions enabled import rules to apply to chilled meat preparations in alignment with a GB-wide approach to border controls, and in accordance with equivalent extensions to the "transitional staging period" ("TSP"), as defined in paragraph 2 of Annex 6 to retained Regulation (EU) 2017/625.

4. Purpose and intended effect of the legislation

The 2022 Regulations amend the 2021 Regulations to extend the existing temporary suspension of the requirement for meat preparations imported into Wales from EEA member States, the Faroe Islands, Greenland or Switzerland to be deep frozen, keeping this temporary easement in line with the extension to the TSP given effect by the UK Government in the Official Controls (Extension of Transitional Periods) (Amendment) Regulations 2022 ("the UK Regulations"). It will allow meat preparations from the EU to continue to be imported in a chilled condition until 31 December 2022.

The 2022 Regulations will also ensure a consistent approach to imports and provide legal clarity to traders. Without them, it would be illegal for traders to import chilled meat preparations from 1 July 2022. This could adversely affect select businesses and the end consumer in Wales as the availability of certain products could be limited.

The temporary suspension of the prohibition is a proportionate measure, as these goods from those countries present a low biosecurity risk, whilst the long-term policy continues to be developed. These goods are currently imported and there are no immediate public health concerns over these products, as the UK and the EU traded these freely within the EU Single Market.

5. What the instrument does

Regulation 2 of the 2022 Regulations amends the 2021 Regulations 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 until the end of 31 December 2022.

Since the end of the implementation period following the UK's departure from the EU, businesses and competent authorities have had to meet extensive new EU and UK requirements when moving goods under the new trading relationship

with the EU. Many such businesses and competent authorities face challenges and shortage of resources in preparing for such changes in a short period of time, whilst dealing with the response to the COVID-19 pandemic.

Without this instrument, attempting to comply with the requirement for deep freezing otherwise scheduled for 1 July 2022 would create a significant risk of sector confusion and disruption to the food supply chain into Great Britain.

6. Consultation

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, in relation to the UK Regulations, a short, targeted consultation exercise was undertaken by UK Government from 25 – 30 May 2022. It summarised the changes to be made by those Regulations and invited comments. The consultation was targeted at key stakeholders in the Agri-Food sector, including those in Wales, such as representative trade and industry organisations, interest groups and competent authorities.

The consultation acknowledged that an amendment made by the UK Regulations to the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 (the effect of which mirrors that of the 2022 Regulations) does not apply in relation to Wales, but also that the Welsh Ministers would introduce equivalent amendments in Wales-only legislation.

7. Regulatory Impact Assessment (RIA)

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. Officials consider this is part of the transition following the departure from the European Union into the UK's long-term border controls and imports regime. The 2022 Regulations amend existing subordinate legislation to extend the temporary suspension of P&R on chilled meat preparations from EEA member states, the Faroe Islands, Greenland and Switzerland for a further six-month period. As such, the 2022 Regulations do not alter current policy (or its expected impact) in any significant way.