

Explanatory Memorandum to The Meat Preparations (Amendment) (Wales) Regulations 2024

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.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Meat Preparations (Amendment) (Wales) Regulations 2024.

Huw Irranca-Davies MS
Cabinet Secretary for Climate Change and Rural Affairs
12 April 2024

Part 1

1. Description

The Meat Preparations (Amendment) (Wales) Regulations 2024 (“the 2024 Regulations”) makes amendments to assimilated law, specifically, EU Commission Decision 2000/572/EC (“the EU Regulations”) 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 (RoW) from 28 April 2024, in line with the UK Government and the Scottish Government.

As a consequence of the amendment made to the EU Regulations, this instrument also revokes other instruments or the provision of other instruments which modified that import condition.

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

In accordance with section 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the 2024 Regulations will come into force less than 21 days after the instrument has been laid. This legislation is necessary to align with the revised EU-GB import controls implemented by the Border Target Operating Model (BTOM). 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.

The 2024 Regulations align with legislation that is being introduced by the UK Government to extend the Transitional Staging Period (TSP). Therefore, the 2024 Regulations must come into force on 28 April prior to the end of the current TSP on 29 April.

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) 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))* extended 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;
- *Regulation 3 of the Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations (S.I. 2021/1480) (W. 382)*. This SI extended the suspension of the prohibition until 30 June 2022.
- *The Meat Preparations (Wales) (Amendment) Regulations 2022 (S.I. 2022/618) (W. 140)*. This SI extended the suspension of the prohibition until 31 December 2022.
- *Regulation 3 of the Official Controls (Extension of Transitional Periods) (Amendment) (Wales) Regulations 2022 (2022/1317) (W. 266)*. This SI extended the suspension of the prohibition until 31 January 2024.
- *The Meat Preparations (Amendment and Transitory Modification) (Wales) (Amendment) Regulations 2024 (2024/17) (W. 6)*. This SI extended the suspension of the prohibition until 29 April 2024.

These extensions enabled import rules to apply to chilled meat preparations in alignment with an evolving 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.

The 2024 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 28 April 2024.

4. Purpose and intended effect of the legislation

The primary purpose of the legislation is to permit the import of chilled meat preparations where the transport and temperature conditions can satisfy the same level of protection as if they were produced in the UK. The policy meets World Trade Organisation (WTO) obligations, meaning that specific measures to protect public and animal health must not discriminate unfairly between countries. The policy is based on scientific evidence and a risk assessment. These are applicable to all countries, and mirror changes made by the other Devolved Governments so that there is a harmonised approach to import requirements, providing clarity to importers and exporting countries.

The 2024 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 the EU/EEA from 29 April 2024 as the exemption would expire. This could adversely affect select businesses and the end consumer in Wales as the availability of certain products could be limited.

5. What the instrument does

Regulation 2 of the 2024 Regulations amends the EU Regulations by removing Article 3(3) from the EU Regulations which states that meat preparations from third countries must have been frozen at an internal temperature of not more than – 18 °C at the production plant or plants of origin.

Regulation 3 of the 2024 regulations revokes the temporary suspension for meat preparations to be deep frozen contained in regulation 3 of the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) Regulations 2021. In addition, it also revokes the defunct statutory instruments and provisions which are listed in Section 3 of this document.

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, 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.

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 2024 Regulations removes the blanket requirement that meat preparations from third countries must have been frozen at an internal temperature of not more than – 18 °C at the production plant or plants of origin. As such, the 2024 Regulations do not alter current policy (or its expected impact) in any significant way, as this requirement has never practically applied to EU/EEA countries, and each ROW country would have their applications risk assessed to ensure they meet the UK's standards.