

SL(6)305 – The Official Controls (Extension of Transitional Periods) (Amendment) (Wales) Regulations 2022

Background and Purpose

These Regulations extend the post EU Exit Transitional Staging Period ('TSP') to enable additional time to develop and finalise proposals for the future borders regime that will be used to protect Wales's biosecurity and support trade.

These Regulations amend the Official Controls (Extension of Transitional Periods) Regulations 2021 and the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) Regulations 2021.

Regulation 2 amends the Official Controls (Extension of Transitional Periods) Regulations 2021 to extend, in relation to Wales, the end date of the "transitional staging period" from 31 December 2022 to 31 January 2024.

Regulation 3 amends the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) Regulations 2021 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 date appointed as the extended end date of the "transitional staging period" (regulation 2).

On 30 December 2022, these Regulations replace the date for the ending the TSP, as set out in the Official Controls (Extension of Transitional Periods) Regulations 2021, so that no further import checks will come into force on sanitary and phyto-sanitary goods ("SPS goods") from the EU in 2023. As a result of these Regulations, the TSP is extended to 31 January 2024. The decision to not introduce further checks on SPS goods during 2023 means that the following temporary policies are extended to 31 January 2024 through these Regulations (with permanent policies to follow in due course):

- The 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 revised transitional staging period controls. This will allow meat preparations from these countries to continue to be imported in a chilled condition.
- Personal goods which form part of passengers' luggage (excluding plants for planting) and which are intended for personal consumption or use, and small consignments of products sent to natural persons which are not intended to be placed on the market are exempt from official controls.



- The exemption from prior notification (“pre-notification”) for certain goods which are produced in Northern Ireland or the Republic of Ireland and imported from the Republic of Ireland.

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

One point is 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.

We note the breach of the 21-day convention (i.e. the convention that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Vaughan Gething MS, Minister for the Economy in a letter to the Llywydd dated 15 December 2022.

In particular, we note the following part of the letter:

- (1) “...The legislation must come into force by 30 December to ensure the transitional staging period does not expire and so there is no gap in the transitional provisions. Without this legislation, and in the absence of border control posts, we would effectively be closing off trade routes into Wales for certain goods. Previously Regulations relating to the Transitional Staging Period (TSP) for goods entering Great Britain from the EU and certain other countries, have been introduced by the UK Government on behalf of Wales with the consent of Welsh Ministers. However, we took the decision that it would be preferable to legislate in Wales on this matter with coordination as far as possible on GB basis. However, upheaval in Westminster has delayed ministerial meetings at which border policy, including the TSP extension, would be discussed. With uncertainty still present elsewhere it was not possible to wait any longer and we had to decide to press ahead with the introduction of Welsh Regulations at a much later date and stage than would normally be the case. The UK Government announced in April 2022 that the further introduction of border controls would be suspended until the end of 2023, and that the UK Government would be reviewing arrangements for Britain’s borders, including sanitary and phytosanitary



(SPS) controls. However, at the time, Defra with Welsh Ministers consent only extended the transitional staging period until 31 December 2022. It is, therefore, necessary to bring forward a further extension to the TSP.

Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 9 January 2023 and reports to the Senedd in line with the reporting point above.

