



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The draft Windsor Framework (Enforcement etc.) Regulations 2023**

DATE **6 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 for Biosecurity, Marine and Rural Affairs, Rt Hon Lord Benyon to make a Statutory Instrument (SI) titled the draft Windsor Framework (Enforcement etc.) 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 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 retail agri-food 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 new Retail Movement Scheme will allow for simplified trading of specified retail goods between GB and NI for scheme members, as per the agreements made with the EU under the Windsor Framework.

The purpose of the 2023 Regulations is to provide for the enforcement of GB standards in Northern Ireland. The 2023 Regulations form part of a wider suite of statutory instruments delivering the Windsor Framework arrangements, including to address any non-compliance with the Retail Movement Scheme requirements (which poses a risk to the biosecurity of the island of Ireland and could otherwise result in onward movement of Retail Movement Scheme goods into the EU).

The 2023 Regulations laid before the UK Parliament on 4 September 2023 to come into force on 1 October 2023.

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

This instrument makes provision on the law applicable in Northern Ireland. It also makes amendments to certain domestic statutory instruments applying in each of the UK countries. The instrument does not have any impact on the Senedd's legislative competence, or the Welsh Ministers' executive competence.

The purpose of the 2023 Regulations

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) to the proposed European Union Regulation (currently a proposal reference (EU) COM(2023)124) pursuant to the Windsor Framework, in respect of certain retail goods moved from GB to NI and placed on the market in NI. This means that EU legislation will no longer apply to those specific goods or to NI establishments when handling those goods in NI where the requirements of the proposed EU Regulation are met.

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

[The Windsor Framework \(Enforcement etc.\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

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 UK.