

SL(6)123 - The Official Controls (Extension of Transitional Periods and Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2021

Background and Purpose

These [Regulations](#) make amendments to subordinate legislation following the UK's exit from the EU.

The Regulations amend the Trade in Animals and Related Products (Wales) Regulations 2011 ("the 2011 Regulations") and the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) Regulations 2021 ("the 2021 Regulations") following the UK's exit from the EU.

The amendments to the 2011 Regulations apply in the field of biosecurity controls for the imports of live animals and animal products, which are included in the set of commodities known collectively as sanitary and phyto-sanitary goods. These amendments are to ensure alignment with changes made by the UK Government to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products. These changes reflect the revised approach to EU-GB import controls which has been taken by the UK Government with effect from 31 December 2021.

The 2011 Regulations are amended to require pre-notification from 1 January 2022 of the arrival of all category 3 animal by-products not already subject to controls since 1 January 2021. Category 3 animal by-products are the lowest risk category, and include products such as animal hides, shells, domestic catering waste and some products deemed fit for humans to eat. Personal goods which form part of passengers' luggage and which are intended for personal consumption or use, small consignments of products sent to natural persons which are not intended to be placed on the market, and goods which are produced in Northern Ireland or the Republic of Ireland and moved or imported into Great Britain from the Republic of Ireland, are temporarily exempted from pre-notification requirements which otherwise come into force in relation to animal products from 1 January 2022.

An amendment is also made to the 2011 Regulations to enable enforcement powers to remain available during the extended transitional staging period other than at border control posts in respect of animals and animal products in Wales.

The Regulations also amend the 2021 Regulations to extend the existing temporary suspension of the requirement for meat preparations imported into England 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. It will allow meat preparations from the EU to continue to be imported in a chilled condition until 30 June 2022. The Regulations seek to ensure alignment with the revised timetable for the introduction of import controls on goods arriving from those countries on 1 July 2022. Without the Regulations it would be illegal for traders to import chilled meat preparations from 1 January 2022.

Procedure

Made Affirmative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were made for them to continue to have effect.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following 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.

The Explanatory Memorandum for the Regulations states that:

“Given the urgent nature of the Regulations, no public consultation has been undertaken; however, there has been GB-wide extensive stakeholder engagement with the Agri-Food industry and with delivery partners with responsibilities over SPS border controls”

However, it is noted that the UK Government undertook a short consultation exercise in relation to its regulations between 10 and 13 December 2021 which recognised some changes affecting Wales. Given that the UK Government was able to undertake consultation the Welsh Government is asked to confirm why it was not able to undertake a similar short consultation exercise in Wales.

Welsh Government response

Merit Scrutiny point:

Due to the urgency of the Regulations, the Welsh Government did not carry out a consultation.



The UK Government carried out a very short consultation exercise from 10 – 13 December 2021 in relation to the Official Controls (Extension of Transitional Periods) (England and Wales) (Amendment) (No. 2) Regulations 2021.

That consultation document stated that similar changes would be brought forward in relation to domestic legislation in Wales.

The consultation was targeted at key stakeholders in the SPS sector, including representative trade and industry organisations and interest groups. Welsh Government officials provided details of specific Welsh stakeholders, who were asked to respond to UK Government.

Defra officials collated and shared the consultation response with Welsh Government. At the close of consultation, only one response had been received, which was supportive of the proposals.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 17 January 2022 and reports to the Senedd in line with the reporting point above.

