

SL(5)716 – The Meat Preparations (Amendment and Transitory Modifications) (Wales) (EU Exit) Regulations 2021

Background and Purpose

These Regulations are made in exercise of the powers conferred by paragraph 11A(1) of Schedule 2 to the Trade in Animals and Related Products (Wales) Regulations 2011 (S.I. 2011/2379).

Because the UK and the EU have mutually become 'third countries' after the end of the transition period, importers and exporters in both directions will need to comply with additional health guarantees in Export Health Certificate (EHC) requirements and other prohibitions and restrictions, set out in EU and retained UK legislation.

The purpose of this instrument is to temporarily suspend the requirement for meat preparations imported into Wales from establishments situated in EEA member States, the Faroe Islands, Greenland or Switzerland to be deep frozen.

This condition if imposed will cause considerable issues to importers of meat from the EU. The Welsh Government view this condition as overly restrictive when Wales currently has harmonisation with the EU on all regulations and standards, have similar biosecurity levels and animal health status, and the same controls for the production and preparation of meat products. If this instrument is not applied, importers would legally be unable to import fresh meat preparations from the EU and other states, which would have negative implications for the food supply chain

This provision is only transitional as, in line with the UK Government's Border Operating Model, the UK will introduce a requirement for imports of animal products from the EU to be accompanied by Export Health Certificates and with the conditions therein. Decisions on those conditions, from April 2021, will be taken within the governance arrangements of the Animal Health and Welfare Common Framework.

Procedure

Negative.

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

We note the breach of the 21-day rule (i.e. the rule 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 Rebecca Evans MS, Minister for Finance and Trefnydd, in a letter to the Llywydd dated 5th January 2021.

In particular, we note what the letter says regarding why these regulations breach the 21 day rule:

“The enabling power for the disapplication of prohibitions and restrictions (P&Rs) on meat preparations only became available after implementation period completion day with the coming into force of the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) (Amendment) (EU Exit) Regulations 2020. An ‘air gap’ will exist until the Meat Preparations (Amendment and Transitory Modification) (Wales) (EU Exit) Regulations 2021 are made and come into force.

If this instrument does not come into force as soon as possible, this ‘air gap’ would mean that during this interim period imports of chilled meat preparations would be technically illegal into Wales, which would have negative implications for the food supply chain.

England and Scotland are making equivalent instruments to remove this import condition. Were we not to have alignment with each other, importers would be faced with a confusing situation. To ensure continued enforceability with the rest of the UK and to minimise the length of the ‘air gap’ it has become necessary not to adhere to the 21 day convention.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

12 January 2021

