

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy



Llywodraeth Cymru
Welsh Government

Huw Irranca Davies MS
Chair of the Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

27 October 2022

Dear Huw

Border Controls

Further to today's written statement, the Minister for Rural Affairs, North Wales and Trefnydd and I have issued a targeted consultation on our intention to make Wales legislation to extend the transitional phasing period. This will delay the introduction of border controls which will otherwise commence on January 1st. This statutory instrument would also remove the exemption from pre-notification for products travelling to Wales from the Republic of Ireland.

I wrote to Rt Hon Jacob Rees-Mogg MP, Minister for Brexit Opportunities and Government Efficiency about border controls on 13 June 2022, drawing attention to the issues caused by, and my desire to remove, the exemption from pre-notification requirement of products of animal origin entering Wales from the Republic of Ireland. I wrote to Rt Hon Nadhim Zahawi MP, Chancellor of the Duchy of Lancaster about pre-notification on 5 October 2022, confirming my intention to switch on this requirement from January 2023. I have not received replies.

I attach copies of the letters for the attention of the Committee.

Yours sincerely,

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Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Vaughan.Gething@llyw.cymru
Correspondence.Vaughan.Gething@gov.wales

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Ein cyf/Our ref VG/0712/22

Rt Hon Jacob Rees-Mogg MP
Minister for Brexit Opportunities
and Government Efficiency
Cabinet office
70 Whitehall
London
SW1A 2AS
ministerial.correspondence@cabinetoffice.gov.uk

13 June 2022

Dear Jacob,

Thank you for your letter of 24 May.

I am pleased to hear that our officials are working closely on the design of the borders target operating model. Given that Great Britain's biosecurity is only as strong as its weakest link, I regard it as essential that our governments collaborate to determine a coherent and stable regime. I agree the regime needs to be efficient and proportionate, recognising the costs to business and ultimately the consumer. Equally, however, it must protect human, plant and animal health, recognising the appalling cost, both economic and personal, of a major disease outbreak.

It is therefore imperative that ministers responsible for biosecurity across all the countries of Great Britain work together to agree the principles and the details of the future borders regime, informed by joined-up advice from all our technical experts, such as the chief veterinary and plant officers, together with the agencies charged with protecting our health and delivering the regime on the ground.

I would not want to see a repeat of previous borders work where the devolved administrations are presented with a regime once Westminster has determined its preferred outcome. We need proper political engagement to shape the strategic principles and consider the practical issues. I therefore ask you to commit to regular GB(O) meetings where decisions on the future GB regime can be taken collectively.

I would also like to be clear: we do not yet have pre-notification for imports from Ireland, following the UK Government's unilateral decision to exempt Irish Sea trade from the pre-notification requirements introduced at other GB ports from January this year. Therefore, unlike south and east coast ports, Welsh ports do not currently have sight of real time data on trade flows. This lack of reliable data on the nature and volumes of imports across the Irish Sea is a major impediment to our preparedness and our ability to introduce more efficient

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border operations. Although your officials have begun to work with mine to compare the available data, at first glance, this still looks unhelpful. I appreciate the sensitivity of discussions around the Northern Ireland Protocol, I hope that the UK Government will agree to introduce pre-notification for imports from the island of Ireland by 1 January 2023 at the latest.

Finally, I have written to the Chief Secretary of the Treasury to seek confirmation that his commitment to fund the costs of building Border Control Posts in Wales still stands.

I am copying this letter to my colleague, Lesley Griffiths MS, Minister for Rural Affairs, North Wales and Trefnydd, to Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands in the Scottish Government and to Rt. Hon George Eustice MP, Secretary of State for Environment, Food and Rural Affairs, Rt. Hon Michael Ellis QC MP, Minister for the Cabinet Office and the Rt. Hon Simon Hart MP, Secretary of State for Wales.

Yours sincerely

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

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Ein cyf/Our ref VG/00761/22

Rt Hon Nadhim Zahawi MP
Chancellor of the Duchy of Lancaster
Cabinet Office
70 Whitehall
London
SW1A 2AS
ministerial.correspondence@cabinetoffice.gov.uk

5 October 2022

Dear Nadhim,

Congratulations on your appointment. I look forward to working with you and meeting you at forthcoming cross government discussions on the Target Operating Model for our borders.

I wrote to Rt Hon Jacob Rees-Mogg MP, Minister for Brexit Opportunities and Government Efficiency, on 13 June 2022 about border controls and I drew attention to the issues caused by, and my desire to remove, the exemption from pre-notification requirement of products of animal origin entering GB from the island of Ireland. I did not receive a reply.

The UK Government's unilateral decision to exempt imports of products of animal origin from the island of Ireland from the pre-notification requirement has left the Welsh Government and local authorities across GB with a significant data gap which has not been possible to satisfactorily address through other sources. Much of this trade travels beyond Wales' border, so the lack of pre-notification means that a significant proportion of goods entering GB currently does so 'under the radar' so to speak. It is vital that Welsh Ministers, responsible for biosecurity, food safety and sanitary and phytosanitary controls in Wales, understand the quantity, nature and risk profile of products entering Welsh ports. It is also key for our local authority partners who are responsible for port health functions in Wales. This data deficiency has hampered the planning and development of our border controls and associated operations and impedes any meaningful analysis of the impact of emerging Target Operating Model proposals on commodity risk profiling, future infrastructure and staffing needs, making it more difficult to achieve value for money for the taxpayer and consumer. It puts us at a significant disadvantage compared to those making similar arrangements in relation to imports from other EU countries.

This letter is to confirm that as this is a devolved matter I intend to switch on this requirement for imports of non-'Qualifying Northern Ireland Goods' into Wales from January 2023.

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I intend to add high risk food and feed not of animal origin into scope of the pre-notification requirement during transitional staging period in Wales too. This will greatly assist us, and the Food Standards Agency, in understanding flows of these goods into Wales and the associated risks as no such data presently exists.

This change is supported by our Chief Veterinary Officer. I note that the issue has been discussed on more than one occasion by the Chief Veterinary Officers from all UK nations in the various forums of the Common UK Animal Health and Welfare Framework. We believe the need to do this is more pressing given that we are no longer part of the early warning system that EU member states participate in. My officials have also discussed this with Defra officials and your own in the Cabinet Office on several occasions.

I would prefer that all this is done on a GB or England and Wales basis but if this is not possible then I plan to legislate to make this change for imports into Wales. Whichever of these legal routes we go down, the process needs to start as soon as possible in order to give importers as much notice as possible.

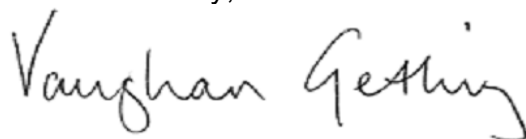
I appreciate there are ongoing negotiations on the Northern Ireland Protocol, however, it is within our collective gift to set the import conditions for goods which are not eligible for unfettered access to the GB market under the Protocol.

Whilst this particular change is about the current imports regime, I am also attached to the importance of pre-notification in the future regime too. It is essential that the competent authorities know sufficiently in advance what is being imported so they can understand and assess the potential biosecurity and food safety implications and have the necessary resources to hand should an identity or physical check be required. This advance notice, which is done digitally and in line with modernised border controls, is even more important for the smaller and more remote ports. It may be that this information can eventually be obtained via a single portal with the need for separate SPS and customs declarations becoming redundant but until that capability exists, we shall need to rely on pre-notification via IPAFFS.

As previously discussed with Defra, my officials will seek *competent authority* level access to IPAFFS for Welsh Government officials and our local authorities who are responsible for port health matters so we can effectively make use of this pre-notification data.

I am copying this letter to my colleagues Lesley Griffiths MS, Minister for Rural Affairs, North Wales and Trefnydd, to Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands in the Scottish Government, to Rt Hon Ranil Jaywardena MP, Secretary of State for Environment, Food and Rural Affairs, Rt Hon Edward Argar MP, Minister for the Cabinet Office and Rt Hon Robert Buckland MP, Secretary of State for Wales.

Yours sincerely,



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