

Lesley Griffiths AS/MS
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair
Climate Change, Environment and Rural Affairs Committee

15 March 2021

Dear Mike,

The Exemptions from Official Controls at Border Control Posts (Amendment) Regulations 2021

The above named regulations (the “2021 Regulations”) exercise powers in the Official Control Regulations (EU) 2017/625 (the “OCR”) to extend an exemption from official controls at Border Control Posts (BCPs) for certain categories of animals. Invertebrates intended for scientific purposes are already exempt from the requirement for official controls at BCPs. The 2021 Regulations will extend the exemption to other types of animals used for scientific purposes, which originate from the EU.

The OCR which forms part of retained EU law under the European Union (Withdrawal) Act 2018, subject to amendments made by legislation including the Official Controls (Animals, Feed and Food, Plant Health etc) (Amendment) (EU Exit) Regulations 2020, generally requires checks on live animals entering GB to be carried out at a BCP. Article 48 of the OCR makes provision for derogations from the requirement for checks to be carried out at a BCP to be made in regulations for certain categories of animals or goods. This includes animals and goods intended for scientific purposes.

The 2021 Regulations use the powers in Article 48 to amend Commission Delegated Regulation 2019/2122 to broaden the scope of the exemption, so that it also applies to animals listed in Schedule 2 to the Animals (Scientific Procedures) Act 1986. Corresponding amendments to the legislation which enforces the OCR in Wales, the Trade in Animals and Related Products (Wales) Regulations 2011 (“TARP”), will be made in parallel by the Welsh Government.

The amendments to 2019/2122 will enable important trade in animals needed for scientific research, which pose very low biosecurity risk, to have safe entry into GB through the main routes (from EU or via transit through EU) without checks at BCPs. Without these Regulations, animals intended for research would be required to enter GB via a BCP for inspection, despite posing low biosecurity risks. Animals intended for scientific research enter GB on licence, where required, and biosecurity controls are managed at destination. Additional checks at BCPs are therefore unnecessary.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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.

The approach has been agreed by the Animal Disease Policy Group, which is the decision-making body of the Common UK Framework on Animal Health and Welfare. A single amendment to 2019/2122 applying to all administrations provides clarity for those relying on its provisions.

I am writing to let you know I give my consent to the Secretary of State to make the 2021 Regulations so that the amendments to Commission Delegated Regulation (EU) 2019/2122 apply in Wales. I understand the Regulations will be laid before the Houses of Parliament on 6 April. The SI will be subject to the negative procedure.

In these exceptional circumstances when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government's general principal is that it is appropriate that we ask the UK Government to legislate on our behalf in a large number of statutory instruments. Should consent be withheld, these corrections will need to be made through legislation made by the Welsh Government.

I am copying this letter to the Counsel General and Minister for European Transition and Chair of the Legislation, Justice and Constitution Committee.

Regards,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

Lesley Griffiths AS/MS

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