



Ein cyf/Our ref: LG/3813/22

Huw Irranca Davies MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
Huw.irranca-davies@senedd.wales

11 December 2022

Dear Huw,

Thank you for your letter of 7 December, regarding The Organic Production (Amendment) Regulations (No. 2) 2022.

As you note, I chose to consent to Great Britain-wide regulations to extend derogations for the use of non-organic gellan gum, pullets and protein feed in organic production. To clarify, our starting position is legislative powers in devolved areas should be exercised by the Welsh Ministers in relation to Wales, rather than the UK Government.

Whilst this SI could have been taken forward in Welsh legislation, in the last few months work on other areas has been prioritised. The coming into force date for these regulations would have been further in the future if they had been drafted in Wales, due to the need to remove any inconsistencies in drafting between the nations and to translate the draft in Wales. It was my view resources could be used on other pressing legislative issues where policy divergence occurred, meaning this SI may not have been ready before the expiration of the previous derogations. This would have meant different regulations being in place in Wales and England, which would have caused cross-border enforcement issues, as DEFRA acts as the Competent Authority for organics on behalf of the Welsh Ministers.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

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

[Gohebiaeth.Lesley.Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)  
[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales)

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 operation of the Provisional Common Framework on Organic Production was a factor which influenced my decision to provide consent, as DEFRA followed the processes agreed within it to properly inform the Welsh Government of their plans and discuss the appropriateness of a Great Britain-wide SI.

The draft SI was reviewed by my policy and legal officials before recommendation to consent was given, to assess what level of impact it would have. They requested minor amendments to the Explanatory Memorandum drafted by DEFRA to reflect the position of the Welsh Government in providing consent to this SI. This contributed to the increased length of time which it took to notify you of my consent as I wished to be certain the changes requested had been made. As this SI made changes which were only minor and technical in nature, and there was no significant devolved policy interests at risk, I was content to give my consent for it to be made on a Great Britain-wide basis, in line with the agreed position set out by the Cabinet for the use of UK Parliament SIs making provision in a devolved area.

Yours Sincerely,

A handwritten signature in black ink, reading 'Lesley Griffiths'. The signature is written in a cursive, flowing style with a large, sweeping 'L' and 'G'.

**Lesley Griffiths AS/MS**

**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd  
Minister for Rural Affairs and North Wales, and Trefnydd**