



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Official Controls (Fees and Charges) (Amendment) Regulations 2024**

DATE **27 February 2024**

BY **Lesley Griffiths Minister for Rural Affairs and North Wales, and Trefnydd**

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by the Minister of State for Biosecurity, Animal Health and Welfare, Lord Douglas-Miller to make a Statutory Instrument (SI) titled the Official Controls (Fees and Charges) (Amendment) Regulations 2024 (“the 2024 Regulations”) to apply in relation to the United Kingdom.

The above titled SI was made by the Minister of State, in exercise of the powers conferred under section 14(2) and (3) of the Retained EU Law (Revocation and Reform) Act 2023. The SI relates to the delivery of the UK and Devolved Governments policy as expressed in the BTOM, specifically in relation to charging under the new SPS border official controls regime.

On 28 April 2022, the UK Government announced a pause to the introduction of further import controls on SPS goods from the EU to Great Britain, and its intention to develop a Borders Target Operating Model (BTOM) setting out a new regime of border import controls. The intended changes to the SPS border official controls regime were published in the BTOM in August 2023. This new regime will apply equally to EU and goods from the rest of the world, with a proportionate risk-based and technologically advanced approach to controls.

The 2024 Regulations will implement milestones of the BTOM. The 2024 Regulations facilitate amendments needed to enable charges and fees for official controls on SPS goods in a way which reflects the new regime.

The 2024 Regulations laid before the UK Parliament on 26 February 2024 to come into force on 30 April 2024.

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence.

The 2024 Regulations do not commit Welsh Ministers to adopting any future UK Government position on biosecurity. The 2024 Regulations do not diminish or undermine the powers of Welsh Ministers in any way.

The 2024 Regulations (Regulation 2) makes provision to extend the circumstances in which a fee or charge for official controls may be reduced or waived altogether and enables competent authorities to pool costs and charging arrangements for the purposes of flat-rate fees and charges levied. In Wales the competent authority is Welsh Ministers.

I would like to reassure the Senedd it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits in working collaboratively with the UK Government where there is a clear rationale for doing so. On this occasion, I have given my consent to these Regulations for reasons of efficiency and expediency in future policy change and adherence to international obligations, cross-UK coordination, and consistency.

The purpose of the 2024 Regulations

The purpose of the 2024 Regulations is to protect biosecurity, ensure food safety and support trade, by introducing the milestones set out in the Border Target Operating Model, agreed by all administrations in Great Britain.

The Regulations and accompanying Explanatory Memorandum, setting out the purpose, and effect of the 2024 Regulations are available here:

[The Official Controls \(Fees and Charges\) \(Amendment\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Why consent has been given?

Consent has been given for the UK Government to make this instrument as a result of the agreement on the Border Target Operating Model between the three administrations in Great Britain to introduce a coherent and consistent sanitary and phytosanitary regime for goods imported into Great Britain to protect biosecurity and ensure food safety standards are maintained.