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Llywodraeth Cymru  
Welsh Government

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Dear Stakeholders

## Border Controls

The UK Government (with the consent of the Welsh Government) has implemented several extensions of the transitional staging period which has postponed the application of sanitary and phytosanitary checks (SPS) on EU goods under the Official Control Regulations (OCR) since they were originally due to be implemented in January 2020. In addition, the Official Controls (Extension of Transitional Periods) (England and Wales) (Amendment) (No. 2) Regulations 2021 included amendments to the provisions of the OCR<sup>1</sup> to exempt certain goods from the island of Ireland from the requirement to pre-notify.

The most recent extension expires on 31 December 2022, at which point the requirement for checks under the OCR will come into effect, unless legislation to once again extend the transitional staging period is made before then.

The former Minister for Brexit Opportunities and Government Efficiency issued a Written Statement on 28 April, which set out the UK Government's intention to suspend further introduction of border controls until the end of 2023, and that the UK Government would be accelerating their programme to digitise Britain's borders. He explained the re-envisioned approach would be presented in a UK Government-led *Target Operating Model*, due for publication in the autumn and implemented by the end of 2023. The Minister for Economy made several related statements to the Senedd, including statements on the 27 April, 3 May and 28 June.

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<sup>1</sup> Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Retained EU Law)

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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.

In light of the UKG's announcement, the Welsh Government accepts it would not make sense to introduce the following controls at this stage separately for Wales.

- A requirement for sanitary and phytosanitary checks currently at destination to be moved to a border control post
- A requirement for safety and security declarations on EU imports
- A requirement for further health certification and sanitary and phytosanitary checks for EU imports
- A requirement for sanitary and phytosanitary goods to be presented at a border control post
- Prohibitions and restrictions on the import of chilled meats from the EU

As explained in statements to the Senedd, if a safe, secure and efficient import system can be achieved through harnessing innovative new technologies to streamline processes and reduce frictions, this is something the Welsh Government can support. However, we will want to be assured our long-term strategic responsibilities to protect the health of people, animals and plants in this country are given sufficient weight.

A further extension to the transitional staging period will allow the Welsh Government to continue to work with other UK administrations to finalise and implement the *Target Operating Model*, to ensure a coherent, effective and efficient system of controls can be introduced, thereby enhancing biosecurity and minimising the impact on importers.

To enable that work, it is vital 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. The UK Government's 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 with a significant data gap which has not been possible to satisfactorily address through other sources.

This data deficiency has hampered the planning and development of our border controls and associated operations. It impedes any meaningful analysis of the impact of emerging Target Operating Model proposals on future infrastructure and resources needed to enable BCPs to serve the ports of Holyhead, Pembroke Dock and Fishguard to implement sanitary and phytosanitary checks efficiently when they eventually come into effect.

For these reasons, we intend to remove the exemption on pre-notification for certain goods imported from the Republic of Ireland from 1 January 2023. This will mean importers of products of animal origin notifiable and regulated plants not currently subject to pre-notification and certain animal by-products, travelling to Wales from the Republic of Ireland will need to enter a limited amount of information about their consignments in the online Import of Products, Animals, Food and Feed System (IPAFFS). No paperwork or certification will be required. Importers who also deal with imports from mainland EU will be familiar with this requirement.

We now need to legislate, to push back the requirements which are otherwise due to come into force on 1 January 2023.

To avoid running out of time to make Welsh legislation before January, we have decided we need to begin the process immediately. We anticipate similar legislation to further extend the transitional staging period will be introduced to take effect in England and Scotland.

The Welsh Government, therefore, intends to lay a Statutory Instrument (SI). This SI will further amend the original timetable as legislated, ensuring the SPS checks scheduled to come into effect in January 2023 will now follow the new timetable. This SI will also remove the exemption on pre-notification for certain goods imported from the Republic of Ireland from 1 January 2023.

At this stage, we have chosen to extend the transitional staging period until 31 January 2024, to avoid disruption over the Christmas and New Year period. It is possible that we will introduce some checks before that date, however, the Welsh Government commits to giving notice of any earlier introduction of checks to enable businesses and others to prepare.

We apologise for the short response window due to the short period of time we have left to bring forward relevant legislation. We would be grateful for your views by 11 November on the proposed new legislative changes, in particular, the possible consequences of not amending the timetable and instead retaining the original date of 1 January 2023 for implementation of SPS border checks.

Could all responses please be emailed to [BorderInfrastructureProgramme@gov.wales](mailto:BorderInfrastructureProgramme@gov.wales).

Thank you in advance for your thoughts and insights on the proposed legislation.

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.



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