



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Exotic Disease (Amendment) (EU Exit) Regulations 2018**

**DATE**            **9 November 2018**

**BY**                **Julie James AM, Leader of the House and Chief Whip**

**The Exotic Disease (Amendment) (EU Exit) Regulations 2018**

**The [retained EU] Law which is being amended**

EU Directly Applicable Legislation

- Commission Decision 88/397/EEC coordinating rules laid down by Member States in application of Article 6 of Council Directive 85/511/EEC;
- Commission Decision 93/52/EC recording the compliance by certain Member States or regions with the requirements relating to brucellosis (*B. melitensis*) and according them the status of a Member State or region officially free of the disease;
- Commission Decision 1993/152/EC laying down the criteria for vaccines to be used against Newcastle disease in the context of routine vaccination programmes;
- Commission Decision 2000/258/EC designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines;
- Commission Decision 2000/428/EC establishing diagnostic procedures, sampling methods and criteria for the evaluation of the results of laboratory tests for the confirmation and differential diagnosis of swine vesicular disease;
- Commission Decision 2002/106/EC approving a Diagnostic Manual establishing diagnostic procedures, sampling methods and criteria for evaluation of the laboratory tests for the confirmation of classical swine fever;
- Commission Decision 2003/422/EC approving an African swine fever diagnostic manual;
- Commission Decision 2003/467/EC establishing the official tuberculosis, brucellosis, and enzootic-bovine-leukosis-free status of certain Member States and regions of Member States as regards bovine herds
- Commission Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC;
- Commission Decision 2006/437/EC approving a Diagnostic Manual for avian influenza;

- Commission Decision 2006/563/EC concerning certain protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in wild bird;
- Commission Decision 2007/118/EC laying down detailed rules in relation to an alternative identification mark pursuant to Council Directive 2002/99/EC;
- Commission Decision 2007/598/EC concerning measures to prevent the spread of highly pathogenic avian influenza to other captive birds kept in zoos and approved bodies, institutes or centres;
- Commission Regulation (EC) No 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue;
- Commission Regulation (EC) No 616/2009 implementing Council Directive 2005/94/EC as regards the approval of poultry compartments and other captive birds compartments with respect to avian influenza and additional preventive biosecurity measures in such compartments;
- Commission Decision 2010/367/EC on the implementation by Member States of surveillance programmes for avian influenza in poultry and wild birds
- Commission Regulation (EC) No 415/2013 laying down additional responsibilities and tasks for the EU reference laboratories for rabies, bovine tuberculosis and bee health
- Regulation (EU) No 652/2014 of the European Parliament and of the Council laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material;
- Commission Implementing Decision 2018/1136 on risk mitigating and reinforced biosecurity measures and early detection systems in relation to the risks posed by wild birds for the transmission of highly pathogenic avian influenza viruses to poultry.

#### Domestic legislation

- Great Britain-wide Diseases of Swine Regulations 2014

#### **Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence**

Exotic disease control is a devolved function.

#### **The purpose of the amendments**

This negative procedure SI addresses the failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU, by addressing deficiencies and failures within the law relating to exotic notifiable disease in livestock.

After exit, without amendment the relevant EU law would not operate properly and it would impact on the ability to control disease outbreaks.

The SI makes amendments to both EU directly applicable legislation and to domestic legislation. The SI and accompanying Explanatory Memorandum, setting out the effect of this amendment is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

**Why consent was given**

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 considers it appropriate that we ask the UK Government to legislate on our behalf in a large number of statutory instruments. This ensures that there is a coherent approach wherever possible, to clarify the law across the UK. As there is no divergence between the Welsh Government and the UK Government on the policy for the correction, it is appropriate for the SI to be made by the UK Government in this instance.

The amendments will ensure in relation to exotic disease control, rules and procedures will still be in place to control and eradicate disease in a timely, effective and coordinated manner.