



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Animal Welfare and Invasive Non-native Species
(Amendment etc.) (EU Exit) Regulations 2020**

DATE **23 October 2020**

BY **Rebecca Evans MS, Minister for Finance and Trefnydd**

SI laid in Parliament, which amends secondary legislation in a devolved area

The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020

The 2020 Regulations amend the following legislation:

EU Legislation

- Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations;
- Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points;
- Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing;
- Council Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps;
- Commission Regulation (EC) 1771/94 on the laying down provisions on the introduction into the Community of pelts and manufactured goods of certain wild animal species;
- Commission Regulation (EC) 35/97 on the laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) No 3254/91;
- Council Decision 97/602/EC (as amended by Commission Decision 98/188/EC and Decision 98/596/EC) that provided a 'green list' of approved countries from which imports of pelts and manufactured goods of certain wild animal species into the EU are permitted; and
- Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species.

Domestic secondary legislation

- Animal Welfare (Amendment) (EU Exit) Regulations 2019;
- Animals (Legislative Functions) (EU Exit) Regulations 2019;
- The Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2019;
- The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019;
- The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019;
- The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019; and
- The Invasive Alien Species (Enforcement and Permitting) Order 2019.
- The Fisheries (Amendment) (EU Exit) Regulations 2019; and
- The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019.

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

The 2020 Regulations do not impact on the Senedd's legislative competence or the Welsh Ministers' executive competence.

The 2020 Regulations make corrections and technical amendments to a variety of domestic secondary legislation and retained direct European Union (EU) legislation to ensure that the United Kingdom (UK) meets its obligations under the Protocol on Ireland/Northern Ireland to the withdrawal agreement ("the Protocol") in relation to Animal Welfare, Leghold Traps and Pelt Imports and Invasive Non-native Species.

The purpose of the amendments

Previous operability issues in retained EU law and domestic legislation in relation to Animal Welfare, Leghold Traps and Pelt Imports and Invasive Non-native Species were addressed in other instruments in 2018 and 2019. However, additional corrections are required to bring this legislation into line with wider government policy regarding the UK's exit from the EU and to meet its obligations under the Protocol.

The amendments ensure that the retained direct EU legislation and domestic legislation concerned operates effectively at end of the Implementation Period (IP) and that the same standards are met in relation to Animal Welfare, Leghold Traps and Pelt Imports and Invasive Non-native Species.

The 2020 Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

<https://statutoryinstruments.parliament.uk/timeline/mrrlHiHA/SI-2020/>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully and there is no divergence in policy. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May.