



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Animals (Legislative Functions) (EU Exit) Regulations 2019**

DATE **29 July 2019**

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

The Animals (Legislative Functions) (EU Exit) Regulations 2019

The law which is being amended

European Directly Applicable Instruments

- Amendment of Council Regulation (EC) No 1255/97 concerning Community criteria for control posts and amending the route plan referred to in the Annex to Directive 91/628/EEC.
- Amendment of Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products.
- Amendment of Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.
- Amendment of Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals.
- Amendment of Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations.
- Amendment of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products. **(Reserved)**
- Amendment of Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption.
- Amendment of Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing.
- Amendment of Commission Regulation (EU) No 142/2011 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive

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

Animal health and welfare are subject areas which are within the legislative competence of the National Assembly for Wales. This SI contains provision which enables the Welsh Ministers to exercise functions in relation to Wales without encumbrance and for the Welsh Ministers to provide consent to the Secretary of State to exercise functions in relation to Wales. Functions transferred to the Secretary of State to be exercised concurrently with the consent of the Welsh Ministers constitute functions of a Minister of the Crown for the purposes Schedule 7B to the Government of Wales Act 2006. This therefore may be a relevant consideration in the context of the Assembly's competence to legislate in the future in these areas.

The purpose of the amendments

This affirmative 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.

The 2019 Regulations make the modifications necessary to continue to apply the current rules set out in law post-EU Exit.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://beta.parliament.uk/work-packages/w7670fvZ>

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. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU.