



Llywodraeth Cymru  
Welsh Government

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

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**TITLE**            **The Import of, and Trade in, Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020**

**DATE**            **27 October 2020**

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

**SO30C** – Notification in Relation to Statutory Instruments made by UK Ministers in devolved areas under the European Union (Withdrawal) Act 2018 not laid before the Senedd.

**The Import of, and Trade in, Animal Products (Miscellaneous Amendments) (EU Exit) Regulations 2020**

**The law which is being amended**

EU Legislation

- Commission Decision 1997/152/EC concerning the information to be entered in the computerized file of consignments of animals or animal products from third countries which are re-dispatched
- Commission Decision 2000/572/EC laying down the animal and public health and veterinary certification conditions for imports of meat preparations into the Community from third countries
- Commission Decision 2003/459/EC on certain protection measures with regard to monkey pox virus
- 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 2003/779/EC laying down animal health requirements and the veterinary certification for the import of animal casings from third countries
- Modification of Commission Regulation (EC) No 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries

- Commission Decision 2006/146/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia
- Commission Decision 2006/168/EC establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos
- Commission Decision 2007/25/EC as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community
- Commission Decision 2007/240/EC laying down new veterinary certificates for importing live animals, semen, embryos, ova and products of animal origin into the Community
- Commission Decision 2007/275/EC concerning lists of composite products to be subject to controls at border control posts
- Commission Decision 2007/777/EC laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries
- Commission Decision 2008/185/EC on additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease and criteria to provide information on this disease
- Commission Decision 2008/636/EC establishing the list of third countries from which Member States authorise imports of ova and embryos of the porcine species
- Commission Regulation (EC) No 798/2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements
- Commission Regulation (EC) No 119/2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements
- Commission Decision 2009/712/EC implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary legislation

- Commission Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements
- Commission Decision 2010/472/EU on imports of semen, ova and embryos of animals of the ovine and caprine species
- Commission Regulation (EU) No 605/2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk, dairy products, colostrum and colostrum-based products intended for human consumption
- Commission Decision 2011/163/EU on the approval of plans submitted by third countries
- Commission Implementing Decision 2011/630/EU on imports into the Union of semen of domestic animals of the bovine species
- Commission Regulation (EU) No 28/2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products
- Commission Implementing Decision 2012/137/EU on imports into the Union of semen of domestic animals of the porcine species
- Commission Implementing Regulation (EU) No 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof
- Commission Implementing Regulation EU No 743/2013 introducing protective measures on imports of bivalve molluscs from Turkey intended for human consumption
- Commission Implementing Decision 2013/764/EU concerning animal health control measures relating to classical swine fever in certain Member States
- Commission Implementing Decision (EU) 2015/1901 laying down certification rules and a model health certificate for importation into the Union of consignments of live animals and of animal products from New Zealand
- Commission Implementing Decision (EU) 2018/320 on certain animal health protection measures for intra-Union trade in salamanders and the introduction into the Union of such animals in relation to the fungus *Batrachochytrium salamandrivorans*

- Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae

### Secondary legislation

The 2020 Regulations also amend the following previously laid EU Exit SIs:

- The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019,
- The Import of and Trade in Animals and Related Products (Amendment) (EU Exit) Regulations 2019,
- The Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019, and
- The Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019

### Revocations

- The Import of and Trade in Animals and Animal Products (Amendment Etc.) (EU Exit) Regulations 2019
- Commission Decision 93/444/EC on detailed rules governing intra-Community trade in certain live animals and products intended for exportation to third countries.
- Commission Decision 1995/410/EC laying down the rules for the microbiological testing by sampling in the establishment of origin of poultry for slaughter intended for Finland and Sweden.
- Commission Regulation (EC) No 599/2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin
- Commission Regulation (EC) No 1739/2005/EC laying down animal health requirements for the movement of circus animals between Member States.
- Commission Decision 2006/605/EC on certain protection measures in relation to intra-Community trade in poultry intended for restocking of wild game supplies.
- Commission Decision 2010/470/EU laying down model health certificates for trade within the Union in semen, ova and embryos of animals of the equine, ovine and caprine species and in ova and embryos of animals of the porcine species.
- Council Decision 2011/408/EU laying down simplified rules and procedures on sanitary controls of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods, by-products thereof and products derived from these by-products coming from Greenland.
- Commission Implementing Decision 2013/503/EU recognising parts of the Union as free from varroosis in bees and establishing additional guarantees required in intra-Union trade and imports for the protection of their varroosis-free status.

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

Trade in animals and related products is a devolved function and as such we have equivalence with England and the other DAs with regards to domestic legislation. The intention with the enshrinement of these regulations has been to retain legislative competence in all applicable areas. This instrument confers functions on the Secretary of State to be exercised with the consent of Welsh Ministers, but also on a concurrent basis. The effect of the concurrent functions contained in this SI have potential to engage the consent requirements in Schedule 7B to GoWA and as such represent a potential restriction on the future competence of the Senedd. However, we are in negotiations with the OSSfW in relation to a s.109 Order to amend Schedule 7B so as to negate the potential restriction on the future competence of the Senedd.

Functions transferred so that they are exercisable by the Secretary of State alone or with the consent of the Welsh Ministers constitute functions of a Minister of the Crown for the purposes of Schedule 7B to Government of Wales Act 2006. A future Senedd Bill seeking to remove or modify these functions could trigger a requirement to consult the UK Government.

## **The purpose of the amendments**

This EU Exit Regulation, where necessary, makes minor and technical operability changes under section 8 of the European Union (Withdrawal) Act 2018 to retained EU legislation. The EU legislation concerned lays down conditions for imports of live animals, germplasm and products of animal origin. The instrument makes no policy changes.

The SIs and accompanying Explanatory Memorandums, setting out the effect of each amendment is available here: <https://www.legislation.gov.uk/ukdsi/2020/9780348213928>

## **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. There is no divergence in policy after full and careful consideration of the proposed amendments, assessment of the policy instructions and legal analysis of the drafting. These amendments are to ensure that the statute book remains functional at the end of the Implementation Period.