

Explanatory Memorandum to the Non-Commercial Movement of Pet Animals (Amendment) (Wales) Regulations 2022

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer within the Department for Climate Change and Rural Affairs of the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Non-Commercial Movement of Pet Animals (Amendment) (Wales) Regulations 2022.

Lesley Griffiths MS

Minister for Rural Affairs, North Wales & Trefnydd

8 April 2022

Part 1

1. Description

This Explanatory Memorandum relates to The Non-Commercial Movement of Pet Animals (Amendment) (Wales) Regulations 2022 (“the instrument”).

This instrument amends retained direct EU legislation to authorise the use of an additional rabies antibody titre test for pet animals entering Wales. Permitting the use of an additional test will significantly speed up the rabies testing process for pet animals entering Wales at a time when the system faces a significant backlog due to pet animals entering with their owners fleeing from Ukraine. This will reduce the overall burden on quarantine spaces and enable people being reunited with their pets earlier, while also protecting Great Britain’s biosecurity. The instrument will cease to have effect six months following its coming into force.

The Instrument is required to ensure alignment with equivalent changes made by the UK and Scottish Governments to Retained Regulation (EU) 576/2013 of the European Parliament and of the Council of 12 June 2013.

The Instrument applies to Wales and will come into force on 9 April 2022, and will expire on 1 October 2022.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

This instrument has been made to address a shortage of quarantine places to accommodate pet animals accompanying people fleeing Ukraine. This SI comes into force on 9 April 2022 to urgently address an expected shortfall in capacity for quarantining pet animals from early April 2022 and to enable alternative testing to take place straightaway to prevent a significant backlog developing. In accordance with section 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the Instrument will come into force less than 21 days after the instrument has been laid.

3. Legislative Background

This instrument is being made under Article 38 of Regulation (EU) No 576/2013 (“the Pet Travel Regulation”) which forms part of the UK statute book as retained direct EU legislation under the European Union (Withdrawal) Act 2018. The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and

Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 made amendments to this and other retained direct EU legislation, which included transferring the power of the Commission in Article 38 to amend Regulation (EU) No 576/2013 to the Secretary of State, Scottish Ministers and Welsh Ministers.

4. Purpose and intended effect of the legislation

Ukraine is an unlisted country under the Pet Travel Regulations, which means certain pets (dogs, cats and ferrets) are subject to stringent rabies requirements to protect domestic animal and human health. The current rabies requirements for Ukrainian animals are that they should be:

- vaccinated after 12 weeks of age,
- pass a rabies antibody titre test 30 days later to show that vaccination has been successful,
- and then not move to GB until at least three months after a successful blood test.

Under normal circumstances, those travelling from unlisted countries will have taken the necessary steps to vaccinate their animals before travelling and ensure that they have the necessary documentation with them upon arrival into GB.

Where pets from Ukraine or other unlisted countries are not compliant with the animal health requirements under the Pet Travel Regulation, they may be permitted to enter Great Britain by licence issued under article 4 of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, and are required to be isolated in quarantine until these animal health requirements are met, which includes testing the animals for rabies antibodies

Current estimates are that 1,000 to 2,000 pets might be brought into Great Britain by over 100,000 people fleeing from Ukraine, compared to fewer than 150 available quarantine spaces. We currently estimate the arrival of 10,000 refugees into Wales, so with a similar figure of 1-2% bringing pets with them this would mean approximately 100 to 200 pets in Wales. This will put a considerable strain on existing quarantine facilities because it is unlikely most of those people will bring relevant documentation with them. This could be problematic for owners that have passed their visa and border checks and have been granted permission to enter GB. The Regulations are one solution within a wider package of measures to expand quarantine capacity across GB. It should be noted that Northern Ireland are bound under the terms of the EU Withdrawal Act to continue to follow the European Union's rules on testing and are therefore not implementing this change.

The ELISA test does not currently meet the requirements set out in Annex 4 to the Pet Travel Regulation.

I have made this urgent Statutory Instrument (SI) to make temporary changes necessary to enable the use of the ELISA test as an alternative to the current type of antibody test, where the Minister authorises its use on a case by case basis such as the Ukrainian war crisis.

The policy intention is to allow the use of the ELISA test for pets of refugees fleeing countries due to calamities such as war, notably Ukraine, which have been permitted to enter GB without relevant proof of meeting animal health requirements, and placed into quarantine.

Those animals would still require the FAVN test if they need an animal health certificate to leave GB, or where the animal fails the ELISA test and is subsequently vaccinated.

The new authorisation will only apply to the use of ELISA tests that have met the validation criteria of the OIE biological standards committee.

5. What the instrument does

This instrument will ensure the legislation permits the use of an additional type of antibody titre test (ELISA) to indicate if the animal has been previously vaccinated with a quicker turnaround than the existing permitted antibody test. The existing antibody test, the Fluorescent Antibody Virus Neutralisation (FAVN) test has a turnaround time of up to two weeks, while ELISA tests take two to three days to process.

The Animal and Plant Health Agency (APHA) will be permitted, on a case-by-case basis, to use an ELISA test to determine whether a refugee's pet has been vaccinated for rabies and is still benefitting from this vaccination. This will mean the animal is at lower risk of contracting or passing on rabies and can move through the quarantine process without being unnecessarily revaccinated, reducing the overall time in quarantine. Using this quicker test will be an essential tool in maintaining the flow of people fleeing Ukraine with their pets. The use of this test does not mean these animals will be free to leave isolation after successfully completing the alternative test, but it does mean their overall quarantine period should be reduced if a positive result is received, and will allow us to assess what quarantine facilities would be most appropriate for that animal.

6. Consultation

Given the urgent nature of the Regulations, no public consultation has been undertaken. There has been GB-wide extensive stakeholder engagement with delivery partners, which have responsibilities over quarantine controls and members of the GB Exotic Disease Core Group for Rabies. These consultees were supportive of the deployment of the ELISA test to relieve pressure on quarantine facilities.

The following stakeholders have been involved in discussions being led by Defra, in which Welsh Government participated:

- Animal and Plant Health Agency
- British Small Animal Veterinary Association
- British Veterinary Association
- The Dogs Trust
- Canine Feline Sector Group
- Bat Conservation Trust
- UK Health Security Agency

7. Regulatory Impact Assessment (RIA)

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations. Officials considered this is an exceptional and urgent situation. The amendments need to be in place as soon as possible to ensure alignment across the UK, and are temporary. Defra have made equivalent regulations for England, which came into force on 5 April 2022, and the Scottish Government are also making equivalent regulations, so these regulations will achieve consistency across GB. Whilst there are differences in the coming into force date, these will be managed operationally i.e. only once the regulations come into force an ELISA test will be relied upon to permit risk management decisions of animals coming into Wales. Whilst there is discretion in Welsh Ministers' exercise of statutory powers, taking a divergent approach from the GB-wide approval of the use of the ELISA test could leave animals in pre-test quarantine longer they need to be, occupying spaces and delaying the whole process for people waiting to be given licenses.