

Explanatory Memorandum to the Non-Commercial Movement of Pet Animals (Amendment) (Wales) (No. 2) 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) (No. 2) Regulations 2022.

Lesley Griffiths MS
Minister for Rural Affairs, North Wales & Trefnydd
8 September 2022

Part 1

1. Description

This Explanatory Memorandum relates to The Non-Commercial Movement of Pet Animals (Amendment) (Wales) (No. 2) Regulations 2022 (“the **Regulations**”).

The Regulations amend retained direct EU legislation to authorise the use of an additional rabies antibody titre test for pet animals entering Wales (the ELISA test). 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 maintaining Great Britain’s biosecurity, providing protection against associated risks to animal and public health. The Regulations will cease to have effect six months following their coming into force.

The Non-Commercial Movement of Pet Animals (Amendment) (Wales) Regulations 2022 (the “**First Regulations**”) initially permitted the ELISA test for a six-month period from 8 April 2022 to 1 October 2022. The Regulations revoke the First Regulations and permit the ELISA test for an additional six-month period from 1 October 2022.

The Regulations are required to ensure alignment with equivalent changes made by the UK and Scottish Governments to Retained Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals (“the Pet Travel Regulation”).

The Regulations apply to Wales and will come into force on 1 October 2022, and will expire on 1 April 2023.

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

None

3. Legislative Background

The Welsh Ministers make the Regulations under Article 38 of the Pet Travel Regulation which forms part of the UK statute book as retained direct EU legislation under the European Union (Withdrawal) Act 2018 (“**EUWA**”). 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 the Pet Travel Regulation and other retained direct EU legislation, which included transferring the power of the Commission in Article 38 to amend the Pet Travel Regulation to the Secretary of State in relation to England, Scottish Ministers in relation to Scotland, and the Welsh Ministers in relation to Wales.

4. Purpose and intended effect of the legislation

Ukraine is an unlisted country under the Pet Travel Regulation, 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

As of 24 August 2022, 2488 licence applications have been received by the Animal and Plant Health Agency (**APHA**) to permit entry of pets into Great Britain. This has put a considerable strain on existing quarantine facilities because it is unlikely most of those people have brought 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 EUWA 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 Regulations. These requirements govern the entry requirements of pet animals into GB and must be satisfied before an animal is released from quarantine. However, the Regulations will have the effect of enabling its use in this limited setting of dealing with the current refugee crisis.

The Regulations revoke the First Regulations, which permitted the use of the ELISA test for 6 months from 8 April 2022 until 1 October 2022. The Regulations will permit the use of the ELISA test for an additional six-months, enabling the use of the ELISA test as an alternative to the usual type of antibody test (Fluorescent Antibody Virus Neutralisation (FAVN)), where the Minister authorises its use on a case-by-case basis such as the Ukrainian war crisis.

The policy intention is to continue 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 WOAHS biological standards committee which can be found [here](#).

5. What the instrument does

The Regulations will revoke the First Regulations permitting the use of the ELISA test for 6 months. The First Regulations expire on 1 October 2022 and are being revoked. The Regulations will also permit 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 FAVN test has a turnaround time of up to two weeks, while ELISA tests take two to three days to process.

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 will allow the quarantine period to start and therefore finish earlier.

6. Consultation

As regards the requirement for consultation in article 39 of the Pet Travel Regulation, 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:

- APHA
- 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 1 October 2022, and the Scottish Government are also making equivalent regulations, so these regulations will achieve consistency across GB. 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.