



Llywodraeth Cymru  
Welsh Government

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

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**TITLE**        **The Health Security (EU Exit) Regulations 2021**

**DATE**        **14 July 2021**

**BY**            **Lesley Griffiths MS, Minister for Rural Affairs, North Wales and Trefnydd**

### **The Health Security (EU Exit) Regulations 2021**

#### **Policy Overview of the SI:**

Whilst public health protection and health security is a devolved competency in the UK, all four nations were required to comply with EU law on health security. The Health Security (EU Exit) Regulations 2021 addresses failures of retained European Union (EU) law on health security and provides a legislative regime for epidemiological surveillance and response to serious cross border health threats to ensure a coordinated response within the UK to human health protection as well as to provide an effective response to international obligations. They were laid before the UK Parliament on the 7<sup>th</sup> June: [Timeline - SI 2021 - Statutory Instruments - UK Parliament](#)

The Regulations implement the health security arrangements agreed between the UK and the EU under the UK-EU Trade and Cooperation Agreement (TCA). The Regulations are also necessary to ensure the UK can best meet its international obligations under the International Health Regulations (2005) (an international treaty requiring all World Health Organization Member States to work together for global health security).

There is no policy divergence between the Welsh Government and UK Government in relation to this SI.

### **The Law which is being amended:**

- Regulation EC No. 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control;
- Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC;
- Commission Implementing Decision (EU) 2017/253 of 13 February 2017 laying down procedures for the notification of alerts as part of the early warning and response system established in relation to serious cross-border threats to health and for the information exchange, consultation and coordination of responses to such threats pursuant to Decision 1082/2013;
- Commission Implementing Decision (EU) 2018/945 of 22 June 2018 on the communicable diseases and related special health issues to be covered by epidemiological surveillance as well as relevant case definitions.

### **The purpose of the amendments**

These regulations revoke and restate, with modifications, retained EU law on health security and establish a standalone regime to ensure the four UK nations continue to co-ordinate on data sharing, epidemiological surveillance and the collective approach to the prevention and control of serious cross-border threats to health. This will maintain the UK's health security capability domestically, supporting a coordinated response by the UK authorities to serious cross-border health threats which pose a risk to the UK population, in order to ensure a high level of human health protection.

Crucially, the regulations will provide for more specific implementation of the health security arrangements agreed with the EU under the TCA. These arrangements support effective future working and information sharing between the UK and the EU in the event of a serious cross-border threat to health.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: [The Health Security \(EU Exit\) Regulations 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2021/12/1/1)

### **Any impact the SI may have on the Welsh Ministers' executive competence**

The legislative regime to be put in place across the UK, is intended to ensure the continued sharing of comparable and compatible information with respect to serious cross-border threats to health for the purposes of coordination and collaboration. The arrangements are based on existing strong collaborative working between England, Scotland, Wales and Northern Ireland and will support continued health security for the whole of the UK.

The Welsh Government remains responsible for public health protection and health security policies in Wales. Public Health Wales remains a distinct delivery organisations with operational autonomy and is accountable to the Welsh Government. The legislation will not prevent the Welsh Government or Public Health Wales from implementing different public health measures or undertaking additional surveillance for health protection purposes.

### **Any impact the SI may have on the legislative competence of the Senedd**

The SI has no impact on the Senedd's legislative competence.

### **Why consent was given**

It is appropriate for UK Government to correct deficiencies in retained EU law on Welsh Ministers behalf in this instance, as there is no policy divergence between UK and Welsh Government. It is also appropriate for there to be a UK wide system to respond to emerging health threats.

Whilst the Regulations will transfer some functions from the EU Commission to a newly established UK Health Protection Committee and some to the Secretary of State, we consider this is appropriate in the circumstances. Moreover, the Secretary of State will have to obtain the consent of the Welsh Ministers (and other Devolved Nations) before exercising any of the functions. This will ensure a UK-wide approach will have to be agreed before functions can be exercised. Similarly in relation to the UK Health Protection Committee's functions, the Committee will consist of representatives of the Welsh Ministers and from Public Health Wales and, therefore, Welsh views and interests will be represented.