

Minister for Environment, Planning and Countryside

EPC(2)-04-06 (p4) (Annex B)

Explanatory Memorandum

Animals, Wales

Animal Health

The sheep and goats (records, identification and movement) (wales) order 2006

Summary

This Order makes provisions for the administration and enforcement in Wales of Council Regulation (EC) No. 21/2004 establishing a system for the identification and registration of ovine and caprine animals amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/ EEC).

1. This Memorandum is submitted to the Assembly's Business Committee in relation to the Sheep and Goat (Records, Identification and Movement) (Wales) Order 2006, in accordance with Standing Order 24.6.
2. A copy of the Instrument is submitted with this Memorandum.

Enabling Power

3. The powers enabling this instrument to be made are contained in section 1, 8 (1) and 72 of the Animal Health Act 1981. These powers have been transferred to the National Assembly for Wales. Responsibility for issues relating to the content of this Order have been delegated to my portfolio as Minister for Environment, Planning and Countryside.

Effect

4. The Order will provide an improved system of identification to aid traceability of sheep and goat movements and to link rules to the payments of EU subsidy.
5. Changes required to the current system to meet the requirements of Regulation EC No. 21 / 2004 are:

- Tattoos can no longer be used as the primary means of identification;
- Animals have to be identified no later than 9 months after birth if kept in extensive or free-range conditions or "free range" conditions ; 6 months if kept in intensive conditions;
- Only officially approved ear tags can be applied;
- Issuing of tags will be controlled by an Ear Tag Allocation System (ETAS) to ensure manufacturers only issue tags with unique numbers – similar to the current cattle system;
- Minor changes to the movement document are required including details of the haulier involved. (Currently these details are not mandatory);
- Additional information has to be kept in the location's flock register including details of the person transporting animals from the location;
- Keepers will be required to record the CPH (County/ Parish/ Holding) of the location they receive animals from in the location's flock register;
- Keepers are required to make an inventory of the animals kept at the location on a set date annually. This data must then be sent to the Competent Authority within 30 days;
- Temporary paintmarks are no longer acceptable as the official means of identification for movement purposes;
- For the purposes of this Regulation the main holding will be defined as where the main buildings and livestock facilities are, together with all adjoining fields. If fields are separated from the farm by a road, stream or boundary (i.e. a hedge or fence), then these fields are considered part of the main site. Effectively, a holding will become the main site, plus any outlying parcels of land wholly or partially within 5 miles. The 5-mile distance is measured 'as the crow flies', from the nearest borders between the main holding and the outlying land. Any outlying land that is partially within 5 miles of the main holding is all considered to be within the main holding.

Target Implementation

6. It is intended that the proposed instrument be made on 4 April 2006 with a coming into force date of 5 April 2006.

Financial Implications

7. To ensure that sheep and goats are allocated unique individual identification numbers it has been

necessary to set up a new Eartag Allocation System (ETAS) alongside the one already operating for cattle and run by the British Cattle Movement Service (BCMS). The new function was provided and has been used since December 2005, prior to the FVO mission. The costs of setting up the new ETAS system fall to the Department for Environment, Food and Rural Affairs.

Regulatory Appraisal

8. A Regulatory Appraisal has been carried out in relation to this Instrument and is attached.

Consultation

With Stakeholders

9. In November 2005, the Welsh Assembly Government consulted on proposals to implement Regulation EC No. 21/2004. A list of consultees can be found at annex 1. The Scottish executive and the Department for Environment, Food and Rural Affairs consulted separately. The consultation in Wales lasted for 8 weeks and closed 16 January 2006.

10. In light of the responses received to the consultation (summary of which can be found at annex 2) it was decided, that the date for the annual inventory should be retained at 1 January and that although the definition of holdings would be introduced as drafted, discussion with industry and UK administrations on options for change would continue.

With Subject Committee –

11. This Order was notified to the Environment, Planning and Countryside Committee on 2 February 2005 (EPC(2)-02-05(p3)) and has remained on the list ever since. The Order has been selected for scrutiny at the Committee meeting to be held on 8 March 2006.

Recommended Procedure

12. Subject to the views of the Business Committee, I recommend that the Order proceed to plenary under the Standard procedure in order to give Members a further opportunity debate the Order.

Compliance

13. The proposed legislation will (as far as is applicable):

- have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 section 120);

- be compatible with the Assembly's scheme for sustainable development (section 121);
- be compatible with Community law (section 106);
- be compatible with the Assembly's human rights legislation (section 107); and
- be compatible with any international obligations binding the UK Government and the Assembly (section 108).

14. The information in this Memorandum has been cleared with the Directorate of Legal Services (DLS) and the Assembly Compliance Officer:

15. Drafting Lawyer – Caroline Matthews Ext: 5633

16. Head of Division – Dr Christianne Glossop Ext: 3377

17. Policy Division contact – Huw Jones 01267 245 004

Carwyn Jones February 2006
Minister for Environment, Planning and Countryside