



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **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**

DATE **04 November 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 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

The Regulations amend the following legislation:

EU Legislation

- Regulation (EU) No 576/2013 on the non-commercial movement of pet animals;
- Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions
- Regulation (EU) No 2019/294 laying down the list of territories and third countries authorised for imports into the Union of dogs, cats and ferrets and the model animal health certificate for such imports
- Commission Regulation (EC) No 535/2008 of 13 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture.

Domestic legislation

The Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2019

The Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (England and Wales) (EU Exit) Regulations 2019

The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019

The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019

The Animals (Legislative Functions) (EU Exit) Regulations 2019

The Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence

Functions transferred so that they are exercisable by the Secretary of State with the consent of the Welsh Ministers have the potential to engage the requirement to consult the UK Government under Schedule 7B to the Government of Wales Act 2006 should a future Senedd Bill seek to remove or modify those functions.

The concurrent functions contained in the Regulations have the potential to engage the consent requirements in Schedule 7B to the Government of Wales Act 2006 and, as such, represent a potential restriction on the future competence of the Senedd. However, we are in negotiations with the Secretary of State for Wales in relation to a section 109 Order under the Act to amend Schedule 7B to negate the potential restriction on the future competence of the Senedd.

The purpose of the amendments

The Regulations provide for legislative functions that are currently conferred by European Union legislation upon the European Commission and the Council of the European Union to be exercisable instead by appropriate authorities in Great Britain, so that they can be exercised at national level after the end of the transition period. They amend previously made EU Exit statutory instruments in order to reflect the change in legislative position following the Withdrawal Agreement and the Protocol of Ireland / Northern Ireland. They also amend EU legislation made since the EU Exit SIs were made and that must be made operable.

The Regulations and accompanying Explanatory Memorandum, setting out the provenance, purpose and effect of the Regulations is available here: <https://www.legislation.gov.uk/ukdsi/2020/9780348214475/contents>

Why consent was given

Consent has been given for the UK Government to make the Regulations in relation to, and on behalf of, Wales for reasons of efficiency and expediency. The amendments have been considered fully and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU.