

Regulations made by the Welsh Ministers, laid before Senedd Cymru under paragraph 7(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of Senedd Cymru within 28 days beginning on the day on which the Regulations were made, subject to extension for periods of dissolution, or recess for more than four days.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2020 No. 1639 (W. 344)

**EXITING THE EUROPEAN
UNION, WALES**

AGRICULTURE, WALES

ANIMALS, WALES

PLANT HEALTH, WALES

The Official Controls (Animals,
Feed and Food, Plant Health Fees
etc.) (Wales) (Amendment) (EU
Exit) Regulations 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the power conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make operability amendments relating to official controls to the Trade in Animals and Related Products (Wales) Regulations 2011 (S.I. 2011/2379 (W. 252)) and the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44 (W. 5)).

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.

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**The Official Controls (Animals,
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etc.) (Wales) (Amendment) (EU
Exit) Regulations 2020**

Made 22 December 2020

Laid before Senedd Cymru 29 December 2020

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers, in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018⁽¹⁾, make the following Regulations.

⁽¹⁾ 2018 c. 16. Paragraph 21 of Schedule 7 was amended by paragraph 53 of Part 2 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

The Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by resolution of, Senedd Cymru.

PART 1

Introductory

Title and commencement

1.—(1) The title of these Regulations is the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) (Amendment) (EU Exit) Regulations 2020.

(2) These Regulations come into force on implementation period completion day.

PART 2

Amendment of subordinate legislation

The Trade in Animals and Related Products (Wales) Regulations 2011

2.—(1) The Trade in Animals and Related Products (Wales) Regulations 2011⁽¹⁾ are amended as follows.

(2) In Schedule 2, after paragraph 11 insert—

“Special Import Conditions

11A.—(1) The Welsh Ministers may by regulations impose special import conditions in respect of imports from third countries of products of animal origin intended for human consumption, having regard to the animal health situation of the third country or countries concerned and may for that purpose amend, modify or revoke any retained direct minor EU legislation made under Article 8(4) of Council Directive 2002/99/EC⁽²⁾.

(2) The power to make regulations under this paragraph—

- (a) is exercisable by statutory instrument;
- (b) includes power to make different provision for different purposes; and
- (c) includes power to make such incidental, supplemental,

(1) S.I. 2011/2379 (W. 252), to which there are amendments not relevant to these Regulations.

(2) OJ No. L 18, 23.1.2003, p. 11 as last amended by Council Directive 2013/20/EU (OJ No. L 158, 10.6.2013, p. 234).

consequential, transitory, transitional or saving provision as the Welsh Ministers consider appropriate.

(3) A statutory instrument containing regulations made under this paragraph is subject to annulment in pursuance of a resolution of Senedd Cymru.”

The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020

3.—(1) The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020⁽¹⁾ are amended as follows.

(2) In regulation 2(1)—

(a) for the definition of “the EU Official Controls Regulations” substitute—

““the Official Controls Regulations” (“*y Rheoliadau Rheolaethau Swyddogol*”) means the EU Regulation and the Implementing Regulations, Delegated Regulations and statutory instruments made under it;”;

(b) in the definition of “enforcement officer” omit “EU”;

(c) in the definition of “relevant legislation”, for “European” substitute “retained direct EU legislation”.

(3) In regulation 4, omit “in the United Kingdom and other member States”.

(4) In regulations 4, 5(1), 9(3), 11(1), 12(1) and 13, in each place where it occurs, for “EU Official Controls Regulations” substitute “Official Controls Regulations”.

(5) In regulation 9—

(a) in paragraph (1)—

(i) omit “of another member State”;

(ii) in sub-paragraph (a), for “a competent authority of another country” substitute “another competent authority”;

(b) omit paragraph (2).

(1) S.I. 2020/44 (W. 5).

Lesley Griffiths
Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
22 December 2020