



Ein cyf/Our ref: MA-LG-0037-22

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee

huw.Irranca-Davies@senedd.wales

27 April 2022

Dear Huw,

The Animal Welfare (Miscellaneous Amendments) Regulations 2022

I wish to inform the Committee I am giving consent to the Secretary of State for Environment, Food and Rural Affairs to lay The Animal Welfare (Miscellaneous Amendments) Regulations 2022 on 19 May 2022. The Regulations are scheduled to come into force the day after they are laid.

The Regulations make minor technical amendments to retained direct EU law relating to animal welfare in transport and official controls, to ensure that it operates effectively following the withdrawal of the United Kingdom from the European Union. The Regulations involve no transfer of European Commission functions

The Regulations amend:

- Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations; and
- Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The amendments are summarised below:

- **Role and definition of the Competent Authority:** A mandatory requirement for the competent authority to recover the costs of any enforcement action(s) it undertakes in relation to official control functions. The Welsh Ministers are the competent authority for certain official control functions. The power to recover costs has been changed to a discretionary action, so that it is not always necessary to take action. This allows for situations whereby the recovery of costs would be impractical, uneconomic, or not otherwise in the public interest. Other minor drafting changes have been made.
- **Removal of references to EU institutions and recording systems:** References to EU “member states” have been replaced with “Great Britain”. A requirement for a UK competent authority to provide details of intended long journeys via an EU information exchange system has been removed. References to a system of national contact points and mutual assistance scheme used by EU member states have been removed. A requirement to provide an annual report on inspections carried out under these regulations, to the EU Commission, has been removed. An errant reference to an EU oversight committee, whose functions were removed from these regulations by a previous instrument, has been removed.
- **Penalties:** A requirement to lay down rules on penalties for infringements by the 5 July 2006, has been removed. This is no longer required, as rules on penalties and infringements to these regulations were laid by that deadline and are currently in force.
- **Updating references to outdated legislation:** References to other regulations in the context of training for competent authority staff, other veterinary legislation, and animal welfare inspections for animals destined for slaughter, have been updated to refer to current legislation appropriate for those subjects.

It is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence. However, in certain circumstances there are benefits to working collaboratively with the UK Government where there is a clear rationale for doing so. I am giving my consent to these Regulations, which make corrections in relation to, and on behalf of, Wales for reasons of efficiency and expediency, and to ensure consistency and coherence of the statute book. The amendments have been considered fully and there is no divergence in policy. Our position on the protection of animals during transport is consistent with that of the UK Government.

I am copying this letter to the Economy, Trade, and Rural Affairs Committee.

Regards,



Lesley Griffiths AS/MS

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd