

Explanatory Memorandum to The Zootechnical Standards (Wales) Regulations 2018

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary/Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Zootechnical Standards (Wales) Regulations 2018.

Lesley Griffiths
Cabinet Secretary for Energy, Planning and Rural Affairs

9 November 2018

PART 1

1. Description

These Regulations supplement, and make provision for the enforcement of, Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs, and the germinal products thereof (“the Animal Breeding Regulation”).

These Regulations revoke and replace the Horses (Zootechnical Standards) (Wales) Regulations 2006 and the Zootechnical Standards (Wales) Regulations 2015. They also amend the Trade in Animals and Related Products (Wales) Regulations 2011 to make provision in respect of border checks in certain circumstances envisaged by the Animal Breeding Regulation.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

There is a choice of procedure in relation to instruments made under section 2(2) of the European Communities Act 1972. There were no factors indicating the use of affirmative procedure for these Regulations.

3. Legislative background

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Union.

The Welsh Ministers make these Regulations under the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for the references in these Regulations to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

4. Purpose and intended effect of the legislation

Animal breeding legislation has existed within the EU since the 1980s. Its purpose is to facilitate trade in pedigree breeding animals, hybrid breeding pigs and germinal products while protecting genetic diversity. Currently this activity is governed by separate EU regulations for each species covering cattle, pigs, sheep and goats, equines and their germinal products. In the UK these are

currently implemented by the Zootechnical Standards (Wales) Regulations 2015 and equivalent regulations in England, Scotland and Northern Ireland. A new single EU animal breeding (or zootech) Regulation (Regulation (EU) 2016/1012)¹ came into effect on 1 November 2018. These Regulations implement the new EU Regulation in Wales.

Changes will include requirements for: new periodic controls on breed society activities to ensure compliance and consistent application of the rules; and use of new rationalised cross species zootech certificates (or equine zootech certificates respectively) when animals and germinal products are traded between breed societies. There will also be a new option for pig breeding companies to be re-recognised as a 'breeding operation' (instead of a 'breed society'), exempting them from some of the requirements. To ensure that the correct duty is applied to imports, additional documentary checks will also be needed at ports of entry to the UK when breeding animals are imported from third countries.

5. Consultation

A joint consultation with the UK and Scottish Governments, and the Department of Agriculture, Environment and Rural Affairs Northern Ireland was carried out in April 2018. Given the technical nature of the subject, information was sent to Breed Societies only.

No responses were received from Welsh Breed Societies.

6. Regulatory Impact Assessment (RIA)

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.

¹ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AAOJ.L_.2016.171.01.0066.01.ENG