WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT


DATE  19 November 2018
BY    Julie James AM, Leader of the House and Chief Whip

The retained EU Law which is being amended

- Commission Regulation (EC) No 1251/2008 implementing Council Directive 2006/88 as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species;
- Council Regulation (EC) No 708/2007 concerning the use of alien and locally absent species in aquaculture, and

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

The SI is within devolved competence, however, in these exceptional circumstances when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government’s general principle is that it appropriate that we ask the UK Government to legislate on our behalf in a large number of statutory instruments.

This SI contains provision which enables the Welsh Ministers to exercise functions in relation to Wales without encumbrance and for the Welsh Ministers to provide consent to the Secretary of State to exercise functions in relation to Wales.

Functions transferred to the Secretary of State with consent would constitute functions of a Minister of the Crown for the purposes Schedule 7B to GoWA 2006. This therefore may be a relevant consideration in the context of the Assembly's competence to legislate in the future in these areas.

The purpose of the amendments

The purpose of these instruments (negative procedure), to be introduced by the Department for Environment Food and Rural Affairs (DEFRA) is to ensure that EU legislation in the fields of aquatic animal health and alien and locally absent species in aquaculture will continue to be operable after the UK leaves the EU. These instruments will not introduce any policy changes.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment are available here: https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-aquatic-animal-health-and-alien-species-in-aquaculture-amendment-etc-eu-exit-regulations-2018

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. 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. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May.