



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Aquatic Animal Health and Alien Species in Aquaculture (Amendment)(EU Exit) Regulations 2018.**

DATE **19 November 2018**

BY **Julie James AM, Leader of the House and Chief Whip**

The Aquatic Animal Health and Alien Species in Aquaculture (Amendment)(EU Exit) Regulations 2018.

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;
- Commission Decision 2008/392 implementing Council Directive 2006/88/EC as regards an Internet-based information page to make information on aquaculture production businesses and authorised processing establishments available by electronic means;
- Commission Decision 2008/896 on guidelines for the purpose of the risk-based animal health surveillance schemes provided for in Council Directive 2006/88/EC;
- Commission Decision 2008/946 implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals;
- Commission Decision 2009/177 implementing Council Directive 2006/88/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments;
- Commission Decision 2010/221 approving national measures for limiting the impact of certain diseases in aquaculture animals and wild aquatic animals in accordance with Article 43 of Council Directive 2006/88/EC;
- Commission Decision 2015/1554 laying down rules for the application of Directive 2006/88/EC as regards surveillance and diagnostic methods.
- Council Regulation (EC) No 708/2007 concerning the use of alien and locally absent species in aquaculture, and

- Commission Regulation (EC) No 535/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 708/2007 concerning the use of alien and locally absent species in aquaculture.

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 principal 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.