



Ein cyf/Our ref: MA - L/FM -/0827/18

Mick Antoniw AM  
Chair  
Constitutional and Legislative Affairs Committee  
National Assembly for Wales

[SeneddCLA@assembly.wales](mailto:SeneddCLA@assembly.wales)

7 December 2018

Dear Mick

### **The Animal Welfare (Amendment) (EU Exit) Regulations 2018**

I am writing in response to your letter of 28 November in which you raised your concerns in relation to the above statutory instrument.

As you are aware, we are undertaking a large legislative programme to address deficiencies in retained EU legislation by using powers pursuant to the European Union (Withdrawal) Act 2018 (the "Withdrawal Act"). In order to ensure we have a functioning statute book on exit day, it has been agreed, where there is no policy divergence, for UK EU Exit statutory instruments to apply in relation to Wales with the consent of the Welsh Ministers under the terms of the Intergovernmental Agreement.

The enabling power within the Withdrawal Act cannot be used to introduce new policies, but is to be used to address deficiencies within retained EU law. This is reflected in the text of the Intergovernmental Agreement which says that the UK's use of the power to correct deficiencies will not be used to enact new policy in devolved areas and adds that the primary purpose of such powers will be administrative efficiency.

In relation to this particular instrument the amendments address deficiencies in animal welfare legislation, which will arise as a result of the UK exiting the EU. The amendments concerned address a deficiency relating to the recognition, in the UK after exit day, of certificates of competence for slaughterers issued in EU Member States. With continuing recognition of certificates issued in other Member States post exit it would not be possible to enforce the requirements of legislation by revoking or suspending these certificates and the amendments remove this recognition to facilitate enforcement. As such this is not a new policy but a necessary correction to address a deficiency that would otherwise arise.

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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 Food Standards Agency has confirmed that, in Wales, this change would affect only five individuals, across two slaughterhouses, who would need to obtain UK certificates of competence post exit.

While this change could have been enacted by the Welsh Ministers it was judged that, in the absence of policy divergence and for reasons of administrative efficiency, the change could be implemented via a UK correcting SI.

I am copying my response to Mark Drakeford AM, the Cabinet Secretary for Finance, Lesley Griffiths AM, the Cabinet Secretary for Energy, Planning and Rural Affairs, and Julie James AM, Leader of the House and Chief Whip, as copied in to your original correspondence dated 28 November.

I trust my response is sufficient to resolve your concerns.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones', written in a cursive style.

**CARWYN JONES**