

pN(5)018 – The Trade in Animals and Related Products (Amendment) (Wales) (EU Exit) Regulations 2019

Background and Purpose

The Regulations make amendments to the Bovine Semen (Wales) Regulations 2008 (“the 2008 Regulations”) and the Trade in Animals and Related Products (Wales) Regulations 2011 (“the 2011 Regulations”) which concern trade in animals and related products.

These Regulations were laid for the purposes of sifting under the EU (Withdrawal) Act 2018 in accordance with Standing Order 27.9A

Committee Recommendation as to Appropriate Procedure

We have considered the criteria set out in Standing Order 21.3C.

We recommend that the appropriate procedure for these Regulations is the negative resolution procedure.

The Committee may however wish to be aware (for information purposes) that the UK Government accepted a recommendation by the House of Lords Secondary Legislation Scrutiny Committee to upgrade the procedure for the Trade in Animals and Related Products (Amendment) (EU Exit) Regulations 2018 from the negative to the affirmative procedure. The House of Commons European Statutory Instruments Committee however were of the view that the negative procedure was appropriate.

The Trade in Animals and Related Products (Amendment) (EU Exit) Regulations 2018 were considered by the House of Lords Secondary Legislation Scrutiny Committee on 10th December 2018. The Regulations amend a number of pieces of legislation to include instruments applying to England only which make similar provision to the 2008 Regulations and the 2011 Regulations which are amended by this instrument.

In its **10th Report** of session 2017-2019, the Committee stated that:-

This instrument only makes provisions for the movements of animals and animal-related products from the EU into the UK. We asked the Department about the impact of a ‘no deal’ scenario on the movement of animals and animal products from the UK into the EU. Defra told us that the UK would be treated as a third country and would face considerable additional administrative requirements and potential costs for the commercial movement of animals and animal-related products and the non-commercial movement of pets. Defra also emphasised, however, that any potential reciprocal agreements with the EU would be the outcome of negotiations with the EU and are therefore beyond the scope of these draft Regulations.

This instrument proposes to maintain the current arrangements for the import of animals and animal products from the EU into the UK in a possible ‘no deal’ scenario. As Defra says, the question of whether the EU would reciprocate these arrangements is subject to negotiations with the EU rather than this instrument. The Committee frequently considers instruments where the UK Government’s decision to maintain current



arrangements may not be reciprocated by the EU in a 'no deal' scenario. In this instance, given the potential impact of a 'no deal' exit on the export of animals and animal products and the movement of pets from the UK to the EU, the possible lack of reciprocity may be of interest to the House, and the House may expect the opportunity to debate the Department's choice of unilateral recognition of current arrangements. The Committee therefore recommends that the instrument should be subject to the affirmative procedure.

Government Response

No Welsh Government explanation is required in accordance with Standing Order 27.9B.

Legal Advisers

Constitutional and Legislative Affairs Committee

4th February 2019

