

Rebecca Evans AC/AM
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd



Llywodraeth Cymru
Welsh Government

Mick Antoniw AM
Chair, Constitutional and Legislative Affairs Committee
National Assembly for Wales
Tŷ Hywel
Cardiff Bay
Cardiff
CF99 1NA

14 February 2019

Dear Mick,

Thank you for your letter of 6 February regarding The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019 (“the 2019 Regulations”).

The 2019 Regulations contain provisions which enable the Welsh Ministers, in place of the European Commission, to exercise administrative functions in relation to Wales on a concurrent basis so that the Welsh Ministers may exercise their powers in relation to Wales. These administrative functions broadly include drawing up lists of third countries for the purposes of trade between the European Union and third countries in live animals and animal products and the importation and movement of such animals and products into and through the European Union, processes relating to the import and export of live animals into and out of the EU facilitated through border inspection posts and processes relating to emergency and animal disease control situations.

In addition, there are two EU instruments (relating to the non-commercial movement of pet animals and the import of aquaculture animals and products), in respect of which legislative functions are conferred on the Welsh Ministers on a concurrent basis with consent required from the Welsh Ministers for the Secretary of State to exercise the powers in relation to Wales.

Impact on executive competence

The 2019 Regulations will extend the Welsh Ministers’ executive powers. It will transfer the European Commission’s current powers, including regulation-making functions relating to the non-commercial movement of pet animals and the import of aquaculture animals and products, to Welsh Ministers in relation to Wales.

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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.

Impact on the Assembly's legislative competence

In terms of the impact on the Assembly's legislative competence, administrative and legislative functions transferred to the Secretary of State to be exercised concurrently with the consent of the Welsh Ministers may constitute functions of a Minister of the Crown for the purposes of Schedule 7B to the Government of Wales Act 2006. This therefore may be a relevant consideration in the context of the Assembly's competence to legislate in the future in these areas.

Welsh Government officials are in contact with the Wales Office about the unintended restrictions on the Assembly's competence created by powers conferred in EU Exit SIs and other legislation, which engages paragraphs 8, 10 and 11 of Schedule 7B of the Government of Wales Act. Officials are examining the issue in detail and considering how it can best be resolved. The Welsh Government will keep the National Assembly, including the Constitutional and Legislative Affairs Committee, informed about the progress of these discussions.

I hope this information is helpful to the Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive style with a large initial 'R' and a distinct 'E'.

Rebecca Evans AC/AM

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