



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019**

DATE **19 February 2019**

BY **Rebecca Evans AM, Minister for Finance and Trefnydd**

The Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019

This written statement has been re-issued due to the Regulations being laid by the UK Government to the sifting committee on 20 November 2018, cleared by the sifting committee on 7 December 2018, withdrawn, and re-laid on 11 February. This was due to additional provision which were added post laying. The amendments made do not change the purpose or effect of the Regulations.

The retained EU law which is being amended

The Regulations make amendments to retained EU law in relation to the monitoring and control of zoonotic disease, particularly salmonella, which are necessary as a result of the withdrawal of the United Kingdom from the European Union.

Those elements of the Regulations that apply to Wales amend the following retained EU direct legislation;

- Commission Decision 2003/644/EC establishing additional guarantees regarding salmonella for consignments to Finland and Sweden of breeding poultry and day-old chicks for introduction into flocks of breeding poultry or flocks of productive poultry
- Regulation (EC) No 2160/2003 on the control of salmonella and other specified food-borne zoonotic agents
- Commission Decision 2004/235/EC establishing additional guarantees regarding salmonella for consignments to Finland and Sweden of laying hens
- Commission Regulation (EC) No 1177/2006 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards requirements for the use of specific control methods in the framework of the national programmes for the control of salmonella in poultry
- Commission Regulation (EU) No 200/2010 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Union target for

the reduction of the prevalence of *Salmonella* serotypes in adult breeding flocks of *Gallus gallus*

- Commission Regulation (EU) No 517/2011 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of certain *Salmonella* serotypes in laying hens of *Gallus gallus*
- Commission Regulation (EU) No 200/2012 concerning a Union target for the reduction of *Salmonella enteritidis* and *Salmonella typhimurium* in flocks of broilers
- Commission Regulation (EU) No 1190/2012 concerning a Union target for the reduction of *Salmonella* Enteritidis and *Salmonella* Typhimurium in flocks of turkeys
- Commission Implementing Decision 2013/652/EU on the monitoring and reporting of antimicrobial resistance in zoonotic and commensal bacteria.

Background to the above mentioned retained EU law

- Controls on salmonella and other specified food-borne zoonotic agents are set out in Council Regulation (EC) No 2160/2003. This requires Member States to:
- establish national control programmes (NCPs) for specified zoonosis and zoonotic agents (the regulated serovars);
- sets out requirements for the movement of live animals and hatching eggs between Member States and third countries; and
- sets out the requirements for laboratories testing for zoonosis and zoonotic agents.

This Regulation is implemented by:

- Commission Regulation (EC) No 1177/2006 which sets out the requirements for the use of specific control methods (antimicrobials and vaccinations) in the NCPs for salmonella in poultry;
- Commission Regulation (EU) No 200/2010 which sets an EU target for the reduction of the prevalence of Salmonella in laying hens;
- Commission Regulation (EU) No 200/2012 of 8 March 2012 which sets an EU target for the reduction of the prevalence of Salmonella in broilers; and,
- Commission Regulation (EU) No 1190/2012 which sets an EU target for the reduction in the prevalence of Salmonella in turkeys.

(Salmonella in these instances refers to 'regulated salmonella serovars')

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

Animal health is a matter which falls within the legislative competence of the National Assembly and is therefore devolved.

This SI will extend the Welsh Ministers' executive powers. It will transfer the European Commission's current powers, including regulation-making functions, to Welsh Ministers in relation to Wales.

The powers conferred on the Welsh Ministers to make regulations are to be exercised concurrently by the Secretary of State with the consent of the Welsh Ministers.

The regulation-making powers (which are subject to the negative procedure) relate to the setting of targets for the reduction of the prevalence of salmonella in Wales, specifying the requirements and minimum sampling rules required within the control plan and specifying the conditions and requirements that must be practiced by the reference laboratory (which is the Animal and Plant Health Agency laboratory in Weybridge, England, the main reference laboratory for zoonotic agents and for approving methods of testing to be conducted there).

This instrument also contains provision which enables the Welsh Ministers to exercise administrative functions, in relation to Wales without encumbrance. This includes provision which will enable Welsh Ministers to establish a control programme for sampling and testing regimes, in relation to various poultry flocks (gallus gallus – broilers, layers and breeders – and turkeys – broilers and breeders) of a specific size, in order to demonstrate that Wales is both monitoring the salmonella prevalence across Wales and that actions are being taken to control and minimise those occurrences in order to protect the food chain.

Functions relating to third country lists in article 10 of EC Regulations 2160/2003 are conferred on the Secretary of State with the consent of the Welsh Ministers. The Secretary of State may, by regulations amend the list of third countries authorised for the purpose of imports of animals.

In terms of the impact on the Assembly’s legislative competence, functions transferred to the Secretary of State exercised concurrently with the consent of the Welsh Ministers may constitute functions of a Minister of the Crown for the purposes 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.

Functions transferred to the Secretary of State but which are only exercisable with the consent of the Welsh Ministers constitute functions of a Minister of the Crown for the purposes of Schedule 7B to Government of Wales Act 2006. A future Assembly Bill seeking to remove or modify these functions could trigger a requirement to consult the UK Government.

The purpose of the amendments

The amendments in this instrument are necessary to correct deficiencies in and ensure the operability of retained EU law at the point of the UK’s exit from the European Union in a way that continues to allow the UK to have effective controls that protect public health from zoonotic disease and in particular from salmonella. The Welsh Government wish to retain these standards of health protection following exit from the EU and these proposed legislative amends will allow for this.

The corrections include:

- transfer of non-legislative functions in relation to Wales to the Welsh Ministers as “the appropriate Minister”
- removal of references to “the Union” and “Community”;

- changes to the provisions for trading live poultry and hatching eggs with Member States and for imports from third countries necessary to reflect the UK's status as a non-EU country; and,
- removal of provisions relating to community institutions such as reference laboratories.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://beta.parliament.uk/work-packages/Wofjg9AH>

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 and present no divergence of 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.