

2019 No. (W.)

**EXITING THE EUROPEAN
UNION, WALES**

ANIMALS, WALES

The Exotic Diseases in Animals
(Miscellaneous Amendments)
(Wales) (EU Exit) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation, which apply in relation to Wales, in the field of control and prevention of exotic diseases in animals.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Exotic Diseases in Animals
(Miscellaneous Amendments)
(Wales) (EU Exit) Regulations 2019**

Sift requirements satisfied 28 January 2019

Made 25 February 2019

Laid before the National Assembly for Wales
27 February 2019

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers, in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018⁽¹⁾, make the following Regulations.

The requirements of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate National Assembly for Wales scrutiny procedure for these Regulations) have been satisfied.

Title, commencement and application

1.—(1) The title of these Regulations is the Exotic Diseases in Animals (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

(3) These Regulations apply in relation to Wales.

The Foot and Mouth Disease (Wales) Order 2006

2. In the Foot and Mouth Disease (Wales) Order 2006(1), in paragraph 7 of Schedule 7, for “another member State” substitute “a member State, Norway, Iceland or Liechtenstein”.

The Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006

3.—(1) The Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006(2) are amended as follows.

(2) In regulation 9, after paragraph (3) insert—

“(4) For the purposes of paragraph (1)(c), point 3.2 of Annex X of Council Directive 2003/85/EC is to be read as if—

- (a) the reference to “Member States” were a reference to “the Welsh Ministers”;
- (b) Article 2(u) of Directive 2001/89/EC as it applies to point 3.2 were modified so that—
 - (i) for the words “region, as defined in Article 2(2)(p) of Council Directive 64/432/EEC”, there were substituted “county or county borough in Wales”;
 - (ii) for “such a region” there were substituted “such a county or county borough”.

(3) In regulation 27—

- (a) for “intra-Community trade” substitute “trade with a member State, Norway, Iceland or Liechtenstein”;
- (b) the heading to that regulation becomes “Trade in vaccinated animals”.

(4) In regulation 35(2)(a), for “EU obligations” substitute “retained EU law”.

The Avian Influenza (Preventive Measures) (Wales) Regulations 2006

4.—(1) The Avian Influenza (Preventive Measures) (Wales) Regulations 2006(3) are amended as follows.

(2) In regulation 9(5), for the words from “by the European Commission” to the end, substitute “in

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- (1) S.I. 2006/179 (W. 30) to which there are amendments not relevant to these Regulations.
 - (2) S.I. 2006/180 (W. 31) as amended by S.I. 2011/1043 and to which there are other amendments not relevant to these Regulations.
 - (3) S.I. 2006/2803 (W. 242) as amended by S.I. 2011/1043 and to which there are other amendments not relevant to these Regulations.

accordance with Article 56(2) of Council Directive 2005/94/EC on Community measures for the control of avian influenza and repealing Directive 92/40/EEC as read with Article 5 of Commission Decision 2007/598 concerning measures to prevent the spread of highly pathogenic avian influenza to other captive birds kept in zoos and approved bodies, institutes or centres” (but the footnote to regulation 9(5) is not to be substituted).

(3) In regulation 11, in paragraphs (2)(a) and (3), for “another” substitute “a”.

(4) In regulation 18(3)(c), for “EU obligations” substitute “retained EU law”.

The Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006

5.—(1) The Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006(1) is amended as follows.

(2) In article 22(2), for “another” substitute “a”.

(3) In article 32, for “intra-Community or international trade” substitute “export outside the United Kingdom”.

(4) In article 50(1)(b)(ii), for “another”, in both places where it occurs, substitute “a”.

(5) In article 63(5), for “intra-Community or international trade” substitute “export outside the United Kingdom”.

The Avian Influenza (Vaccination) (Wales) (No.2) Regulations 2006

6.—(1) The Avian Influenza (Vaccination) (Wales) (No.2) Regulations 2006(2) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) for the definition of “emergency vaccination plan” substitute—

““emergency vaccination plan” (*“cynllun brechu brys”*) means an emergency vaccination plan published in accordance with Article 53 of the Directive as read with the modifications set out in paragraph (3)”;

(ii) for the definition of “preventive vaccination plan” substitute—

““preventive vaccination plan” (*“cynllun brechu ataliol”*) means a preventive vaccination plan published in accordance with Article 56 of the

(1) S.I. 2006/2927 (W. 262) to which there are amendments not relevant to these Regulations.

(2) S.I. 2006/2932 (W. 265) to which there are amendments not relevant to these Regulations.

Directive as read with the modifications set out in paragraph (4)”;

(b) after paragraph (2) insert—

“(3) For the purposes of the definition of “emergency vaccination plan” in paragraph (1), Article 53 of the Directive is to be read as if it were modified as follows—

(a) in paragraph 1—

- (i) for “A Member State” substitute “The Welsh Ministers”;
- (ii) for the words from “the Member State concerned” to the end substitute “Wales”;

(b) in paragraph 2—

- (i) for “a Member State intends” substitute “the Welsh Ministers intend”;
- (ii) for “it shall submit an emergency vaccination plan to the Commission for its approval” substitute “the Welsh Ministers must publish an emergency vaccination plan”;
- (iii) in sub-paragraph (g), for “the measures provided for in Sections 3, 4 and 5 of Chapter IV and Section 3 of Chapter V” substitute “any provision of—
 - (i) the Avian Influenza (Preventive Measures) (Wales) Regulations 2006 (S.I. 2006/2803);
 - (ii) the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No. 2) Order 2006 (S.I. 2006/2927);
 - (iii) the Avian Influenza (Vaccination) (Wales) (No. 2) Regulations 2006 (S.I. 2006/2932);

(c) omit paragraph 3.

(4) For the purposes of the definition of “preventive vaccination plan” in paragraph (1), Article 56 of the Directive is to be read as if it were modified as follows—

(a) in paragraph 1—

- (i) for “Member States” substitute “The Welsh Ministers”;
- (ii) for “their territory” substitute “Wales”;

- (b) in paragraph 2—
 - (i) for “a Member State intends” substitute “the Welsh Ministers intend”;
 - (ii) for “it shall submit a preventive vaccination plan to the Commission for its approval” substitute “the Welsh Ministers must publish a preventive vaccination plan”;
 - (iii) in sub-paragraph (g), for “the measures provided for in Sections 3, 4 and 5 of Chapter IV and Section 3 of Chapter V” substitute “any provision of—
 - (i) the Avian Influenza (Preventive Measures) (Wales) Regulations 2006 (S.I. 2006/2803);
 - (ii) the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No. 2) Order 2006 (S.I. 2006/2927);
 - (iii) the Avian Influenza (Vaccination) (Wales) (No. 2) Regulations 2006 (S.I. 2006/2932);
- (c) omit paragraph 3.”

(3) In regulation 6(3), for “submitted to and approved by the European Commission in accordance with Articles 53 and 54 of the Directive” substitute “published”.

(4) In regulation 7(2)(b), for “submitted to and approved by the European Commission in accordance with Articles 56 and 57 of the Directive” substitute “published”.

(5) In regulation 10—

- (a) the heading becomes “Emergency vaccination without a published plan”;
- (b) in paragraph (1), for “approved by the European Commission in accordance with Article 54 of the Directive” substitute “published”;
- (c) in paragraph (7), for “an emergency vaccination plan has been approved by the European Commission in accordance with Article 54 of the Directive” substitute “a plan equivalent to an emergency vaccination plan has been published by the Scottish Ministers, the Secretary of State or the Northern Ireland Executive, as the case may be”.

(6) In regulation 19(3)(c), for “EU obligations” substitute “retained EU law”.

The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006

7.—(1) The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006(1) is amended as follows.

(2) In article 2—

(a) In the definition of “approved body”, for the words from “in accordance with” to the end substitute “—

(a) where the body is in Wales, by the Welsh Ministers,

(b) where the body is in England, by the Secretary of State,

(c) where the body is in Scotland, by the Scottish Ministers,

(d) where the body is in Northern Ireland, by the Northern Ireland Executive, or

(e) where the body is in a member State, in accordance with Article 2(1)(c) of Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC;”

(b) after the definition of “temporary movement restriction zone” insert—

““third country” means any country that is neither the United Kingdom nor a member State;”

(3) In articles 9(1), 10(1) and 11(1), omit the word “other”.

(4) In articles 9(3)(c) and 10(3)(c) and (e), for “another” substitute “a”.

(5) In article 12, omit paragraphs (1)(b) and (2).

(6) In article 14—

(a) in paragraph (1)(d), for “another” substitute “a”;

(b) after paragraph (3) insert—

“(3A) In paragraph (2)(p), the reference to “the competent authority” includes the Secretary of State, the Welsh Ministers, the Scottish Ministers or the Northern Ireland Assembly, as the case may be.”.

(1) S.I. 2006/3309 (W. 299) as amended by S.I. 2011/600 (W. 88), S.I. 2011/2377 (W. 250), and S.I. 2014/517 (W. 60).

The Bluetongue (Wales) Regulations 2008

8. In the Bluetongue (Wales) Regulations 2008(1), for regulation 19(4) substitute—

“(4) The Welsh Ministers may only grant a licence under paragraph (1) or declare a zone under paragraph (2) if the decision to use the vaccine is based on the result of a specific risk assessment carried out by the Welsh Ministers.”

The Products of Animal Origin (Disease Control) (Wales) Regulations 2008

9.—(1) The Products of Animal Origin (Disease Control) (Wales) Regulations 2008(2) are amended as follows.

(2) In regulation 17, for paragraph (15) substitute—

“(15) An inspector who enters any premises, establishment or vehicle may be accompanied by such other persons as the inspector considers necessary.”

(3) In Schedule 3, in paragraph 1(b), omit paragraph (iii).

The Poultry Compartments (Wales) Order 2010

10. In the Poultry Compartments (Wales) Order 2010(3), in article 5(1)(f) omit “a representative of the European Commission or”.

The African Horse Sickness (Wales) Regulations 2013

11.—(1) The African Horse Sickness (Wales) Regulations 2013(4) are amended as follows.

(2) In regulation 20(1)(a), for “officially confirmed for the purposes of Council Directive 92/35/EEC laying down control rules and measures to combat African horse sickness” substitute “confirmed”.

(3) For regulation 29(8)(b) substitute—

“(b) be accompanied by such other persons as the inspector considers necessary.”

Lesley Griffiths

Minister for Environment, Energy, and Rural Affairs,
one of the Welsh Ministers

25 February 2019

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- (1) S.I. 2008/1090 (W. 116) as amended by S.I. 2012/2403 (W. 257) and to which there are other amendments not relevant to these Regulations.
- (2) S.I. 2008/1275 (W. 132) as amended by S.I. 2018/806 (W. 162) and to which there are other amendments not relevant to these Regulations.
- (3) S.I. 2010/1780 (W. 169).
- (4) S.I. 2013/1662 (W. 158).