

Draft Regulations laid before the National Assembly for Wales under paragraph 1(9) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2019 No. (W.)

**EXITING THE EUROPEAN
UNION, WALES**

ANIMALS, WALES

PLANT HEALTH, WALES

**The Rural Affairs (Miscellaneous
Amendments) (Wales) (EU Exit)
(No. 2) Regulations 2019**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the power 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 legislation relating to animals and plant health.

Regulation 2 makes amendments to the Trade in Animals and Related Products (Wales) Regulations 2011 (“the TARP Regulations”).

Regulation 2(2) omits the definition of “product” from the TARP Regulations. It also inserts a definition of “the published nomenclature list” into the TARP Regulations to account for the introduction of a list of animal products, published by the Secretary of State, which specifies products for the purposes of determining the selection of consignments that must be submitted to veterinary checks at a border inspection post. Additionally, it makes provision for the purpose

of interpreting references to an EU Directive in the TARP Regulations and associated EU instruments.

Regulation 2(3) inserts references to the Faroe Islands and Greenland into regulation 4 of the TARP Regulations, which provides for how trade with a number of specified territories is to be treated for the purpose of the TARP Regulations.

Regulation 2(4) and (5) substitute references in the TARP Regulations to EU legislation for references to the published nomenclature list.

Regulation 2(6) makes amendments to regulation 15 of the TARP Regulations, which relates to import procedures. Among those changes is a substitution that imposes a requirement on the person responsible for a consignment to arrange for the consignment and a health certificate to be submitted for checks at the border inspection.

Regulation 2(7) makes provision so that the composite products and foodstuffs listed by the Secretary of State as being exempt from veterinary import checks are not subject to Part 3 of the TARP Regulations, which itself provides for the importation into Wales of any animal or product specified in Commission Decision 2007/275/EC from a country outside the EU.

Regulation 3 amends regulation 28(c) of the Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019 which, in part, omits article 21(7) of the Plant Health (Wales) Order 2018. Regulation 28(c) is amended to reflect that article 21(7) has been omitted by the Plant Health (Wales) (Amendment) (No. 2) Order 2019.

Regulation 4 makes a minor amendment to a previous statutory instrument, namely the Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019 in the field of animal health and welfare. The amendment removes an erroneous provision in that instrument relating to regulation 20(1)(a) of the African Horse Sickness (Wales) Regulations 2013 (S.I. 2013/1662 (W. 158)) which has been identified as being in conflict with a similar amendment in an EU exit instrument.

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.

Draft Regulations laid before the National Assembly for Wales under paragraph 1(9) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2019 No. (W.)

**EXITING THE EUROPEAN
UNION, WALES**

ANIMALS, WALES

PLANT HEALTH, WALES

**The Rural Affairs (Miscellaneous
Amendments) (Wales) (EU Exit)
(No. 2) Regulations 2019**

Made

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

The Welsh Ministers, in exercise of the power 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.

In accordance with paragraph 1(9) of Schedule 7 to that Act, a draft of this instrument has been laid before and approved by a resolution of the National Assembly for Wales.

In accordance with paragraph 4(a) of Schedule 2 to that Act, the Welsh Ministers have consulted the Secretary of State with regard to the amendment of the Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019⁽²⁾ and the Rural Affairs, Environment, Fisheries and Food (Miscellaneous

(1) 2018 c. 16.

(2) S.I. 2019/674 (W. 130).

Amendments and Revocations) (Wales) Regulations 2019(1).

Title and commencement

1.—(1) The title of these Regulations is the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) (No. 2) Regulations 2019.

(2) Save for regulation 2 which comes into force on exit day, these Regulations come into force immediately before exit day.

Amendment of the Trade in Animals and Related Products (Wales) Regulations 2011

2.—(1) The Trade in Animals and Related Products (Wales) Regulations 2011(2) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) omit the definition of “product” (“*cynnyrch*”);

(ii) at the appropriate place, insert the following definition—

““the published nomenclature list” (“*y rhestr cyfundrefn enwi gyhoeddedig*”) means the list of products published and amended from time to time by the Secretary of State, specifying products by reference to the relevant nomenclature for the purposes of determining the selection of consignments that must be submitted to veterinary checks at a border inspection post.”;

(b) after paragraph (2) insert—

“(3) For the purposes of any reference to a Directive in these Regulations, any EU instrument to which that Directive refers, or to which any EU instrument referred to by that Directive refers, and which is a reference to that instrument as it has effect from time to time, is to be read as a reference to the instrument as it has effect immediately before exit day.”

(3) In regulation 4, after “Trade with” insert “the Faroe Islands, Greenland,”.

(4) In regulation 9, for “Commission Decision 2007/275/EC, as last amended by Commission Implementing Decision (EU) 2016/1196” substitute “the published nomenclature list”.

(5) In regulation 12(4), for “Chapter 3 of Annex I to Commission Decision 2007/275/EC, as last amended

(1) S.I. 2019/463 (W. 111).

(2) S.I. 2011/2379 (W.252), amended by S.I. 2019/463 (W. 111). There are other amending instruments but none are relevant.

by Commission Implementing Decision (EU) 2016/1196” substitute “Chapter 3 (fish and crustaceans, molluscs and other aquatic invertebrates) of the published nomenclature list.”.

(6) In regulation 15—

- (a) in paragraph (1), in the words before subparagraph (a), for the words from “documentation” to “Schedule 1” substitute “relevant health certificate published by the Welsh Ministers or (as the case may be) the Secretary of State”;
- (b) in paragraph (3)(a), for “requirements relating to it in the relevant” substitute “conditions of trade relevant to it in any retained EU law or other European Union”.

(7) In Schedule 3, in paragraph 6(1), for “Annex II to Commission Decision 2007/275/EC” substitute “the list of composite products and foodstuffs exempt from veterinary import checks published by the Secretary of State”.

Amendment of the Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019

3. In the Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019, in regulation 28(c), for “paragraphs (7) and (8)” substitute “paragraph (8)”.

Amendment of the Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019

4. In the Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019, omit regulation 13.

Name

Title of Minister, one of the Welsh Ministers

Date