

## **Explanatory Memorandum to the Trade in Animals and Related Products (Wales) (Amendment) Regulations 2020**

This Explanatory Memorandum has been prepared by Andrew Gill, OCVO and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

### **Minister**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Trade in Animals and Related Products (Wales) (Amendment) Regulations 2020.

Lesley Griffiths

**Minister for Environment, Energy and Rural Affairs.**

26 February 2020

## **PART 1**

### **1. Description**

1.1. The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (“the 2020 Regulations”) amended the Trade in Animals and Related Products (Wales) Regulations 2011 (“the 2011 Regulations”). Further amendments to the 2011 Regulations are required to implement the Regulation (EU) 2017/625 on official controls and other official activities to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (“the EU Regulation”). This instrument amends provisions that relate to the seizure of non-compliant animals and animal product consignments as well as the remit of Official Fish Inspectors.

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

2.1 This instrument removes and corrects certain amendments made to the 2011 Regulations by the 2020 Regulations. The 2020 Regulations were previously reported on by the Committee under SL(5)491.

### **3. Legislative background**

3.1 The 2011 Regulations make provision in Wales for trade in live animals and animal products and the import conditions for live animals and animal products from third countries. These were amended by the 2020 regulations due to the commencement of the EU Regulation on 14 December 2019.

3.2 This instrument is made under section 2(2) of the European Communities Act 1972 and it amends the 2011 Regulations to ensure the domestic legislation is implemented as originally intended. This instrument is being made under the negative resolution procedure and will come into force on 20 March 2020.

### **4. Purpose and intended effect of the legislation**

4.1 The 2020 Regulations amended the 2011 Regulations. A clause was added to regulation 20(7) of the 2011 Regulations that relates to payments to importers for the destruction of consignments of products of animal origin. This mirrors a similar provision for live animals. These provisions could be interpreted as an unintended financial liability for government to compensate importers for non-compliant consignments that are destroyed. This instrument removes wording in regulation 20(7) and the similar provision for live animals so that the legislation provides that the importer is liable for any expenses

incurred in dealing with the measures imposed on the importer following the import of a non-compliant consignment.

4.2 Further amendments are made to regulations 12(4) and 20(8) of the 2011 Regulations. Regulation 12(4) relates to composite products containing processed fishery products and clarifies that these are in the remit of Official Fish Inspectors. Regulation 20(8) of the 2011 Regulations is omitted as the importer (or the importer's representative) is already entitled to be heard regarding a non-compliant consignment by relying directly on Article 66(3) of the EU Regulation.

4.3 These regulations also seek to correct a minor error introduced to paragraph 9(1) of Schedule 2 to the 2011 Regulations by the 2020 Regulations.

## **5. Consultation**

5.1 No consultation was undertaken in relation to this instrument.

## **6. Regulatory Impact Assessment (RIA)**

6.1 There is no, or no significant impact on business, charities or voluntary bodies.

6.2 There is no, or no significant, impact on the public sector.

6.3 A Regulatory Impact Assessment has not been prepared for this instrument.