

REGULATORY APPRAISAL

ANIMALS, WALES

ANIMAL HEALTH

THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT) (WALES) REGULATIONS 2005

1. These Regulations provide enforcement authorities (local authorities) with powers to enforce European Community trade requirements and take account of the recent enlargement of the EU. They revoke and re-enact the Animals and Animal Products (Import and Export) (England and Wales) Regulations 2000.

Purpose and intended effect

Issue

2. The intended effect of the Instrument is to ensure that controls on movements of susceptible animals and animal products are in place to protect the health of Welsh livestock and prevent an outbreak of a major notifiable disease similar to the 2001 foot and mouth outbreak. The main changes introduced in these new Regulations are:
 - Implementation of Commission Decision 2003/50/EC, updates the rules governing intra-Community trade in sheep and goats. In particular, it introduces a residency and standstill period for sheep and goats intended for export for slaughter (previously this only applied to sheep and goats intended for export for breeding or further fattening).
 - Implementation of Commission Regulation (EC) No. 1282/2002 amends the Balai Directive 92/65/EEC. The Balai Directive provides a framework of rules for trade between Member States in live animals, excluding pet animals, and germplasm and imports from non-EU countries for species not covered by other EU legislation. The Regulation introduces revised model certification for the movement of species covered by the Directive. It sets out requirements for a disease surveillance programme and a controlled procedure for introducing new animals to premises that wish to be approved. The intended aim is to make it easier to move animals between approved premises (e.g. zoos) for purposes such as conservation programmes.
 - Commission Decisions 2004/211/EC (which applies to horses and their genetic material) and 2004/212/EC (which applies to cattle, pigs and sheep in particular), amends Council Decision 79/542/EC, which sets out the list of approved non-EU countries from which certain animals can be imported. These changes are primarily aimed at tidying up the legislation relating to these areas and so have minimal impact.

- EC Regulation 282/2004 requires all importers to give advance notice of one working day, before the expected arrival of their animals, to the inspection staff at the Border Inspection Post (BIP's). This notification must be made via a 'Common Veterinary Entry Document'. This change is primarily a formalisation of an existing procedure and so has minimal impact on traders. It has been introduced to harmonise procedures with those that apply to products of animal origin (dealt with in the Products of Animal Origin (Third Country Imports) Wales Regulations 2005) to facilitate the smooth running of operations at BIP's.
 - Commission Decisions 2003/858/EC (as amended) and 2003/804/EC (as amended) establishes harmonised rules for the import of fish and molluscs for aquaculture purposes and their products from certain non-EU countries. They replace national controls that Member States applied pending harmonisation. Both Decisions lay down animal health conditions and include model animal health certificates, which must accompany imports. The conditions in the certificates ensure comparable requirements to those applicable in intra-Community trade. Decision 2003/858/EC allows the import of salmonid (soft-finned fishes of cold and temperate waters) and other species subject to additional fish health safeguards. The new animal health certification arrangements have operated alongside national licensing controls pending the making of the Animals and Animal Products (Import and Export) Wales Regulations 2005 and other national legislation necessary to give full effect to the Decisions.
 - Directive 90/539/EEC requires members of the Poultry Health Scheme to pay registration and membership fees to cover the costs of inspections and administration. Laboratories that are approved to carry out certain tests in connection with the Scheme are also required to pay an annual approval fee. In September 2003, these charges were suspended as it had been concluded that they were unlawful in the absence of a statutory basis. The changes to the Animal and Animal Products (Import and Export) Wales Regulations 2005 allow for charging to recommence.
 - EC Regulation 998/2003, the 'Pets' regulation introduced a requirement for more than 5 pets imported from certain third countries to comply with the requirements and checks laid down in Directive 92/65/EEC ('the Balai Directive'). The Regulation also revised the Balai Directive to align the conditions applicable to commercial and non-commercial movements of dogs, cats and ferrets. These changes are likely to have minimal impact since the main requirements for rabies vaccination and certification have remained.
3. The Regulations will revoke and re-enact existing national legislation i.e. The Animals and Animal Products (Import and Export) (England and Wales) Regulations 2000. The Directive will be implemented through an amendment to Part 1 of Schedule 3 to those Regulations. This Regulation transposes European Community law.

Risk Assessment

4. Following the foot and mouth outbreak in the UK in 2001 an International Conference on the Prevention and Control of Foot and Mouth disease was organized by the Belgian Presidency of the Council to draw conclusions from the experiences of the outbreak. The conference called upon the Commission to submit proposals for community legislation to prevent such an outbreak in the future through putting in place movement controls for susceptible animals. Failure to introduce such movement controls could result in the spread of animal disease and a risk of infraction proceedings against the National Assembly by the EU.

Options

5. In respect of this legislation the “Do nothing option” is not an option as it would ultimately lead to infraction proceedings against the National Assembly for Wales by the European Commission. Therefore, the “Make the legislation” option, to implement the changes required to comply with European legislation, is being implemented.
6. This will fully transpose the requirements of Council Directive 2003/50/EC and Commission Regulation (EC) No. 1282/2002 into UK law and ensure that the movement of susceptible animals is controlled more efficiently with regards to the health guarantees offered and that rules apply for the trade between Member States in live animals and germplasm and imports from non-EU countries for species not covered by other EU legislation.

Benefits

7. Introducing additional animal health movement controls for live animals and animal products will ensure that robust and enforceable measures are in place to prevent the spread of animal disease.
8. Amending the Animals and Animal Products (Import and Export) (England and Wales) (No.2) (Amendment) Regulations 2002 to transpose European Community law will enable the National Assembly for Wales to maintain protection of Welsh livestock through ensuring that measures are in place to protect the UK’s and the European Community’s animal health status. Furthermore, the Regulations take account of the recently enlarged EU to effect changes to EU trade requirements and provide additional safeguards to the health of livestock with the opening up of increased opportunities for UK traders.

Business sectors affected

9. The Business Sectors affected by the proposed amendments will be the sheep and goat industry and zoos. With the enlargement of the EU the opportunities for the trade in Animals and Animal products increases, which brings additional risks to the health of Welsh livestock. The Regulations serve to put safeguards in place for the industry through making permanent and reinforcing controls in movements that are already in place. It is not anticipated that any additional costs will be incurred above those already met by the industry under the interim arrangements, which involve a charge for importing animals, which is accompanied by a health certificate and veterinary inspections at border inspection posts. The intention of the changes to the movement of animals between approved premises

for such purposes such as conservation programmes are designed to make it easier and benefit the zoo sector.

Issues of equity and fairness

10. The proposal applies equally to all members of the sheep and goat industry who import and export.

Costs

11. Apart from administrative costs of making the Regulations, which can be met from the existing Animal Health Division Publicity budget, there are no financial implications for the Assembly. The Business Sectors affected by the proposed amendments will be the sheep and goat industry and zoos. With the enlargement of the EU the opportunities for the trade in Animals and Animal products increase, this in itself brings additional risks to the health of Welsh livestock. It is not anticipated that any additional costs will be incurred above those already met by the industry under interim arrangements, which involve a charge for importing animals, which is accompanied by a health certificate and veterinary inspections at border inspection posts.

Consultation

With Stakeholders

12. No formal consultation was undertaken. Discussions were held between Defra, Devolved Administrations and the sheep and beef industry at numerous meetings, which discussed the 2003/50 EC Directive and the effects of intra-community trade of animals. The industry, have been involved in detailed discussions regarding the changes,

With Subject Committee

13. The Instrument was included in the list of forthcoming programmed legislation put to the Environment, Planning and Countryside Committee on 5 May 2004 (paper EPC(2)-05-04 (p4) – item No.9). The Instrument was not identified for detailed scrutiny.

Enforcement and sanctions, monitoring and review

14. These proposals will not change existing arrangements for enforcement, sanctions, monitoring and review.

Results of Consultation Exercise

15. No formal consultation was undertaken.

Summary and recommendation

16. It is recommended that the legislation be made. This will provide the industry with an update on rules governing intra-Community trade in sheep and goats as described in section 1 through the revocation and re-enactment of the Animals and Animal Products (Import and Export) (Wales) Regulations 2002.