

Explanatory Memorandum to the Animals and Animal Products (Import and Export) (Wales) (Amendment) Regulations 2007

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales.

(i) Description

These Regulations will implement in Wales the EC Regulation 1266/2007 which lays down implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain species of susceptible animals in relation to Bluetongue.

(ii) Matters of special interest to the Subordinate Legislation Committee

These Regulations provide enforcement powers to protect the health of animals within the European Community through the setting of specific conditions for the movement of both animals and germplasm (semen, ova and embryos) to other Member States and third countries. To ensure consistency across the UK and not disadvantage farmers in Wales it is necessary for the Instrument to breach the 21 day rule. The Presiding Officer has been notified of the breach by letter.

The immediacy of the Instrument has prevented it being made bilingually but a Welsh version will be prepared in due course.

(iii) Legislative Background

The powers enabling this Instrument to be made are contained in section 2(2) of the European Communities Act 1972. They have been designated by virtue of the European Communities (Designation) (No 3) Order 2005 (SI 2005/2766) to the National Assembly for Wales in respect of the common agricultural policy. By virtue of sections 59(1) and 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 functions previously conferred on the National Assembly for Wales by this designation are now exercisable by the Welsh Ministers. This Instrument is subject to the negative resolution procedure.

(iv) Purpose and intended effect of the legislation

These Regulations provide for enforcement of specific requirements for Bluetongue control through rules and controls on the licensing of movements of both animals and germplasm in accordance with Commission Regulation 1266/2007.

The Animals and Animal Products (Import and Export) (Wales) Regulations 2006 regulate intra Community trade in live animals and animal products i.e germplasm and imports from third countries of live animals. These amendment Regulations provide for enforcement of EC Regulation 1266/2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and

restrictions on movements of certain species of susceptible animals in relation to bluetongue.

The EC Regulation aims to reduce the risk of spread of bluetongue within Member States, to other Member States and to third countries. In controlling movements from the zones as set out under the The Bluetongue (Wales) Order 2007 it requires that cattle, sheep, deer, other ruminating animals including camels, llamas, alpacas, giraffes and okapi and their germplasm must comply with specific conditions (which, depending on the circumstances, may include testing for bluetongue).

The principal effects of the Regulations are:

- to provide immediate enforcement to minimise the risk of spread of Bluetongue to other Member States and third countries. Although ruminating animals cannot currently be exported due to the foot and mouth disease restrictions, germplasm can; and
- to ensure that all animals and germplasm moved to another Member State or a third country must be accompanied by a health certificate annotated with a statement confirming compliance with the EC Regulation.

Implementation

These Regulations were made on 15 November and are intended to come into force on 17 November 2007. Failure to implement the legislation with immediate effect in Wales would lead to inconsistency in trade across the UK. If the UK did not implement this Decision it would be in breach of a Community requirement. Parallel Regulations in England and Scotland are expected to come into force on 17 November. Similar regulations are expected to be made shortly in Northern Ireland.

(v) Consultation

Given the urgency with which these new Regulations have had to be made, there has been insufficient time for any public consultation.

(vi) Regulatory Impact Assessment

The Welsh Assembly Government does not consider the SI will need a Regulatory Impact Assessment where the legislation needs to be put in place quickly to deal with a public health or other emergency.