

Explanatory Memorandum to The Animals and Animal Products (Import and Export) (Wales) (Amendment) Regulations 2009

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

In this memorandum, the following abbreviations are used:

- 'The Regulations' is used to refer to 'The Animals and Animal Products (Import and Export) (Wales) Regulations 2006'.

Description

The Animals and Animal Products (Import and Export) (Wales) (Amendment) Regulations 2009 amend Schedules 2, 3 and 7 to The Animals and Animal Products (Import and Export) (Wales) Regulations 2006 As Amended. The new Regulations give effect to EU law concerning the import of animals and animal products from third countries. They make the Schedules to the Regulations ambulatory to enable further amendments to EU legislation already included within the Schedules to be directly applicable.

Matters of special interest to the Subordinate Legislation Committee

These are technical amendments only to Schedules 2, 3 and 7 of the Regulations.

Legislative Background

The Regulations implement Council Directive 90/425/EEC relating to intra-community trade in live animals and animal products (semen, ova and embryos) and Directive 91/426/EEC relating to imports of live animals from non-EU countries. The objective of these Directives and the related domestic regulations is to protect the health of animals within the European Community.

The Regulations require that in order to be eligible for intra-community trade, animals and genetic material must meet provisions of EU legislation listed in Part 1 of Schedule 3, and any additional requirements specified in that list. Consignments must also be accompanied to their destination by a valid health certificate, signed by a government-approved veterinarian.

The Regulations require imported animals and animal products from third countries to comply with Council Directive 91/496/EC and the EU legislation set out in Schedule 7. Such animals must enter via an approved Border Inspection Post (BIP). There are no BIPs in Wales and all live animals from third countries must enter via an existing BIP and then subsequently be transported to Wales if required. (Animals imported from other Member States may enter Wales from any port in Great Britain.)

Enforcement of these Regulations falls to local authorities, although the Welsh Ministers can take the decision to enforce them themselves where they decide it necessary.

Powers

This instrument is made pursuant to section 2(2) of the European Communities Act 1972. The National Assembly for Wales is designated for the purposes of that section in relation to the common agricultural policy of the European Community. Those powers are now exercisable by the Welsh Ministers by operation of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006. This SI is to be made through the use of the negative procedure. This instrument will be laid before the National Assembly and subject to annulment by negative resolution.

Purpose and intended effect of the legislation

The purpose of these Regulations is to update Schedules 2, 3 and 7 of the current Regulations in line with subsequent Commission Decisions amending import requirements.

Implementation

This Instrument applies to Wales. Separate legislation will be introduced in England, Scotland and Northern Ireland.

Consultation

As the amendments are technical in nature and a result of the need to keep up to date with EU legislative requirements, no consultation has been carried out.

Impact

A Regulatory Impact Assessment has not been prepared to accompany these Regulations because it has no impact on business, charities or voluntary bodies. There is no foreseen impact on the public sector.