



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment) (EU Exit) Regulations 2018**

DATE **27 November 2018**

BY **Julie James AM, Leader of the House and Chief Whip**

The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment) (EU Exit) Regulations 2018

The law which is being amended

- Regulation (EC) No. 999/2001
- Commission Decision 2007/453
- Commission Decision 2009/719
- Regulation (EC) No. 1069/2009

- Commission Regulation (EU) No. 142/2011
- The EEA Agreement

Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence

Transmissible Spongiform Encephalopathies and Animal By-Products are areas of devolved responsibility.

This SI contains provision which enables the Welsh Ministers to exercise functions in relation to Wales without encumbrance and for the Welsh Ministers to provide consent to the Secretary of State to exercise functions in relation to Wales.

Functions transferred to the Secretary of State with consent would constitute functions of a Minister of the Crown for the purpose of Schedule 7B to the Government of Wales Act 2006. This may be a relevant consideration in the context of the Assembly's competence to legislate in the future in these areas.

The purpose of the amendments

The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment) (EU Exit) Regulations 2018 will ensure that five pieces of direct EU legislation will be fully operable when the UK leaves the EU. It relates to animal disease prevention which is a

devolved matter and is implemented and enforced by similar EU-derived domestic legislation in each constituent nation of the UK.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-transmissible-spongiform-encephalopathies-and-animal-by-products-amendment-etc-eu-exit-regulations-2018>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May.