



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Import of and Trade in Animals and Animal products  
(Amendment etc.) (EU Exit) Regulations 2019**

**DATE**            **21 January 2019**

**BY**                **Rebecca Evans AM, Minister for Finance and Trefnydd**

**The Import of and Trade in Animals and Animal products (Amendment etc.) (EU Exit) Regulations 2019**

**The law which is being amended**

European Directly Applicable Instruments

- Commission Decision 93/352 laying down derogations from the conditions of approval for border inspection posts located in ports where fish is landed;
- Commission Decision 94/360/EC on the reduced frequency of physical checks of consignments of certain products to be implemented from third countries;
- Commission Decision 1997/152/EC concerning the information to be entered in the computerized file of consignments of animals or animal products from third countries which are re-dispatched;
- Commission Decision 1997/794/EC laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries;
- Commission Decision 2000/571/EC laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport;
- Commission Decision 2000/572/EC laying down the animal and public health and veterinary certification conditions for imports of meat preparations into the Community from third countries;
- Commission Decision 2001/812/EC laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries;
- Commission Decision 2003/459/EC on certain protection measures with regard to monkey pox virus;
- Commission Decision 2003/467/EC establishing the official tuberculosis, brucellosis, and enzootic-bovine-leukosis-free status of certain Member States and regions of Member States as regards bovine herds;

- Commission Decision 2003/779/EC laying down animal health requirements and the veterinary certification for the import of animal casings from third countries;
- Commission Regulation (EC) No 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries;
- Commission Regulation (EC) No 282/2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community;
- Commission Regulation (EC) No 2005/1739/EC laying down animal health requirements for the movement of circus animals between Member States;
- Commission Decision 2006/168/EC establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos;
- Commission Decision 2006/605/EC on certain protection measures in relation to intra-Community trade in poultry intended for restocking of wild game supplies;
- Commission Decision 2007/25/EC as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community;
- Commission Decision 2007/240/EC laying down new veterinary certificates for importing live animals, semen, embryos, ova and products of animal origin into the Community;
- Commission Decision 2007/275/EC concerning lists of animals and products to be subject to controls at border inspection posts;
- Commission Decision 2007/777/EC laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries;
- Commission Decision 2008/185/EC on additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease and criteria to provide information on this disease;
- Commission Decision 2008/636/EC establishing the list of third countries from which Member States authorise imports of ova and embryos of the porcine species;
- Commission Regulation (EC) No 798/2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements;
- Commission Regulation (EC) No 1251/2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species;
- Commission Regulation (EC) No 119/2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements;
- Commission Regulation (EC) No 206/2009 on the introduction into the Community of personal consignments of products of animal origin;
- Commission Decision 2009/712/EC implementing Council Directive 2008/73/EC as regards Internet-based information pages containing lists of establishments and laboratories approved by Member States in accordance with Community veterinary and zootechnical legislation;
- Commission Decision 2009/821/EC drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces;

- Commission Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements;
- Commission Decision 2010/470/EC laying down model health certificates for trade within the Union in semen, ova and embryos of animals of the equine, ovine and caprine species and in ova and embryos of animals of the porcine species;
- Commission Decision 2010/472/EC on imports of semen, ova and embryos of animals of the ovine and caprine species;
- Commission Regulation (EU) No 605/2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk, dairy products, colostrum and colostrum-based products intended for human consumption;
- Commission Decision 2011/163/EC on the approval of plans submitted by third countries;
- Commission Implementing Decision 2011/215/EU implementing Council Directive 97/78/EC as regards transshipment at the border inspection post of introduction of consignments of products intended for import into the Union or for third countries;
- Commission Implementing Decision 2011/630/EU on imports into the Union of semen of domestic animals of the bovine species;
- Commission Regulation (EU) No 28/2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products;
- Commission Implementing Decision 2012/137/EU on imports into the Union of semen of domestic animals of the porcine species;
- Commission Implementing Regulation (EU) 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof;
- Commission Implementing Decision 2013/519 concerning the list of territories or third countries from which dogs, cats and ferrets are authorised to be imported in accordance with Directive 92/65/EEC;
- Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals;
- Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013;
- Commission Implementing Regulation EU No 743/2013 introducing protective measures on imports of bivalve molluscs from Turkey intended for human consumption;
- Commission Implementing Decision 2013/764/EU concerning animal health control measures relating to classical swine fever in certain Member States;
- Commission Implementing Regulation (EU) No 636/2014 on a model certificate for the trade of unskinned large wild game;
- Commission Decision 2015/1901/EU laying down certification rules and a model health certificate for importation into the Union of consignments of live animals and of animal products from New Zealand;

- Commission Implementing Decision (EU) 2018/320 on certain animal health protection measures for intra-Union trade in salamanders and the introduction into the Union of such animals in relation to the fungus *Batrachochytrium salamandrivorans*;
- Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of their semen, ova and embryos;
- Commission Delegated Regulation (EU) 2018/772 supplementing Regulation (EC) No 576/2013 of the European Parliament and of the Council with regard to preventive health measures for the control of *Echinococcus multilocularis* infection in dogs;
- Council Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species;
- Council Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species;
- Council Directive 90/439/EEC laying down animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species;
- Council Directive 92/65/EEC laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos trade;
- Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption;
- Council Directive 2004/68/EC laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals;
- Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption;
- Council Directive 2009/156/EC on animal health conditions governing the movement and importation from third countries of equidae, and;
- Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs

The following provisions of retained direct EU legislation are revoked:

- Commission Decision 93/444/EC on detailed rules governing intra-Community trade in certain live animals and products intended for exportation to third countries.
- Commission Decision 1995/410/EC laying down the rules for the microbiological testing by sampling in the establishment of origin of poultry for slaughter intended for Finland and Sweden.
- Commission Decision 2004/292/EC on the introduction of the Traces system.
- Commission Decision 2006/146/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia.
- Commission Decision 2006/65/EC on certain protection measures in relation to intra-Community trade in poultry intended for restocking of wild game supplies.
- Commission Implementing Decision 2013/503/EU recognising parts of the Union as free from varroosis in bees and establishing additional guarantees required in intra-Union trade and imports for the protection of their varroosis-free status.

- Commission Implementing Regulation (EU) 2018/878 adopting the list of Member States, or parts of the territory of Member States, that comply with the rules for categorisation laid down in Article 2(2) and (3) of Delegated Regulation (EU) 2018/772 concerning the application of preventative health measures for the control of *Echinococcus multilocularis* infection in dogs.

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

The amendments are to be made by the Secretary of State in relation to UK or GB wide legislation in relation to which the Welsh Ministers have executive functions and the subject matter of the legislation, namely the movement of animals and preventive health measures that apply to the movement of animals in relation to Wales is within the legislative competence of the National Assembly.

### **The purpose of the amendments**

The 2019 Regulations make corrections that allow national and domestic legislation to be operable once the UK leaves the EU by replacing references where necessary for example substituting the definition of “community” with “United Kingdom” and by substituting “drawn up in accordance with the model as set out in Part 1 of the Annex” with “as published by the appropriate authority from time to time” and by appropriately referencing retained EU law, using powers under the Withdrawal Act. The instrument makes no policy changes.

The Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here: <https://beta.parliament.uk/work-packages/D4Zg4HGP>

### **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.