

Explanatory Memorandum to the Trade in Animals and Related Products (Wales) Regulations 2011

1. This Explanatory Memorandum has been prepared by the Department for Environment & Sustainable Development and is laid before the National Assembly for Wales in accordance with Standing Order 27.1.

Description

2. The Trade in Animals and Related Products (Wales) Regulations 2011 give effect to EU law concerning the importation of animals and animal products from other Member States and third countries.

3. The Regulations amalgamate and simplify the current three Statutory Instruments which cover the veterinary checks regime on intra Union trade in live animals and animal products and import conditions for live animals and animal products from third countries into one Statutory Instrument.

Matters of special interest to the Constitutional and Legislative Affairs Committee

3. None.

Legislative Background

4. The three pieces of legislation to be replaced are:

The Products of Animal Origin (Third Country Import) (Wales) Regulations 2007

5. The Regulations implement Council Directive 97/78/EC (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries). Regulations implementing this Directive were first introduced in 2002 and have been updated regularly since, primarily to include Commission Decisions amending Community import requirements.

6. The Regulations require that products of animal origin, to which the Directive applies, for import from third countries must be presented to an approved Border Inspection Post (BIP) for veterinary examination to ensure that the product complies with the relevant import requirements. There are currently no BIPs in Wales. The Regulations require importers to comply with the import requirements listed in Schedule 1. Enforcement at BIPs is the responsibility of the local authority or, in the case of BIPs that handle only consignments not intended for human consumption, Animal Health and Veterinary Laboratories Agency (AHVLA). United Kingdom Border Agency (UKBA) is responsible for enforcement at points of entry other than BIPs.

The Animals and Animal Products (Import and Export)(Wales) Regulations 2006

7. These Regulations regulate intra Community trade of live animals and products, (semen, ova and embryos) and imports from third countries of live animals. The Regulations require that, to be eligible for intra-Community trade, animals and genetic material must meet the provisions of EU legislation. Consignments must also be accompanied to their destination by a valid health certificate, signed by a government approved veterinarian.

8. The Regulations require that animals imported from non EU countries must comply with Council Directive 91/496/EC and the EU legislation. Such animals must enter the Community via an approved BIP where they are checked to ensure they meet Community requirements. Animals imported from other Member States may enter Wales via any port in Great Britain. These Regulations are generally enforced by local authorities.

The Products of Animal Origin (Import and Export)(Wales) Regulations 1996

9. These Regulations implement Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the single market. The Regulations make provision for the designation of official veterinary surgeons to implement them and provide for enforcement by the local authority with powers for the Secretary of State for Defra, the Scottish Ministers, the Welsh Ministers and the Secretary of State for Health to give directions to local authorities.

Purpose and intended effect of the legislation

10. The Instrument enforces:

- EU legislation covering the import of live animals and products of animal origin from third countries; and
- EU legislation on the intra Union movement of live animals and their genetic material.

Implementation

11. It is intended that the Regulations will come into force on 20 October 2011.

Consultation

12. A six week consultation took place between 27 October and 8 December 2010. The consultation was limited as the amalgamation of the three pieces of legislation was technical in nature.

Regulatory Impact Assessment

13. No Regulatory Impact Assessment has been prepared as these Regulations are a consolidation of existing Regulations and do not introduce any new measures. They will not impact on business, charities or voluntary bodies or the public sector.

Minister's Declaration

14. In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Trade in Animals and Related Products (Wales) Regulations 2011. I am satisfied that the benefits outweigh any costs.

John Griffiths AM

Minister for Environment & Sustainable Development, one of the Welsh Ministers

28 September 2011