

WS-30C(6)008 – The Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022

Background

These Regulations are proposed to be made by the UK Government under section 8 of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

Summary

Trading partners that are approved to export animals and animal products to Great Britain must comply with country-specific import conditions that are found in retained EU law. Regular amendments to these conditions are required to respond to changes in risk, including to safely manage trade from countries experiencing animal disease outbreaks (for example, Avian Influenza and African Swine Fever) or food safety incidents.

Amendments to the retained EU law are currently made by Statutory Instrument. This means that even when a negative procedure is used and the 21 day rule is breached, there is a significant gap between the identification of risk and the legal implementation of import conditions. Both trade bodies and trading partners have raised concerns about the lack of responsiveness of the current legislative mechanism.

The amendments made by this instrument confer powers on the Secretary of State, with consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), to change import conditions for animals and animal products entering Great Britain, by specifying the change in a document published for that specific purpose rather than in legislation. The functions that were previously carried out by the European Commission to protect human and animal health are therefore transferred in a way that enables them to be exercised promptly and effectively.

Statement by Welsh Government

Legal Advisers agree with the statement laid by the Welsh Government dated 31 March 2022 regarding the effect of these Regulations.

Intergovernmental Agreement on the European Union (Withdrawal) Bill

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.



Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers

Legislation, Justice and Constitution Committee

11 April 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee