Explanatory Memorandum to The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019.

Lesley Griffiths AM
Minister for Environment, Energy and Rural Affairs
14 March 2019

PART 1

1. Description

The Regulations provide a technical update, ensuring animal produce remains safe for consumers from exposure to residue of veterinary drugs, and to prohibit the use of certain illegal drugs. The Regulations also bring Welsh veterinary legislation up to date alongside that of comparative UK and EU legislation.

The Regulations include details of prohibited substances, sampling and analysis, and subsequent offences, penalties and enforcement.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

The SI is being laid under the 'Negative Procedure' with deviation from the standard 21 day laying period. Breaching the 21 day rule will allow the Regulations to come into force before the 29th March when the UK withdraws from the EU, and on which date the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019 will also be subject to amendment by the Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 in order to ensure the effective operation of the Regulations following withdrawal of the UK from the EU. A breach of the 21 day rule is therefore thought necessary and justifiable in this case.

The changes being made are entirely technical in nature and do not constitute a change in policy.

3. Legislative background

The Welsh Ministers make the Regulations in exercise of the powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972, and by sections 16, 17, 26 and 48 of and paragraph 7 of Schedule 1 to the Food Safety Act 1990.

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures in the veterinary and phytosanitary fields for the protection of public health and in relation to the common agricultural policy of the European Union.

This legislation applies to Wales only, is issued by Welsh Ministers and comes into force on 28th March 2019.

4. Purpose and intended effect of the legislation

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 provide the current regulatory framework for veterinary medicine residues issues in Wales.

A technical update to that legislation is required. This is important in maintaining current policy standards, which ensure animal produce is safe from exposure to residues of veterinary drugs and thus works to eliminate any potential associated risks to human health and the environment.

The update will bring the Welsh Regulations up-to-date alongside those already in force elsewhere in the UK and EU.

5. Consultation

A four-week consultation took place from 28th January – 26th February.

The consultation documentation was published on the Welsh Government website in the form of a questionnaire and known interested parties were contacted at the beginning of the consultation period to allow adequate time for review and response. The consultation can be seen here: https://beta.gov.wales/veterinary-medicines-residues

No responses to the consultation were received.

6. Regulatory Impact Assessment (RIA)

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a Regulatory Impact Assessment as to the likely costs and benefits of complying with these Regulations.