



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Animal Breeding (Amendment) (EU Exit) Regulations 2018**

DATE **4 December 2018**

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

The Animal Breeding (Amendment) (EU Exit) Regulations 2018

The law which is being amended

- Commission Regulation (EC) 2016/1012
- Commission Implementing Regulation (EU) No 2017/716
- Commission Implementing Regulation (EU) No 2017/717
- Commission Delegated Regulation (EU) No 2017/1940
- The EEA Agreement

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

Animal Health and Welfare is an area 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 policy objective of these Regulations is to ensure the Zootechnical regime continues to apply in the UK. This objective can be achieved by rolling over existing EU legislation into UK law. For example, decisions to recognise and approve zootechnical businesses and their operations are taken on behalf of the EU Commission and under their direction. On exit from the EU, the majority of decisions will be made by each appropriate authority (in relation to Wales, the Welsh Ministers). The decisions will be based on the terms that mirror those in the EU. As there is no change in policy, there is no impact on businesses.

The corrections allow the appropriate authority to prescribe what pedigree breeding businesses have to do in order to become 'officially recognised'. It also allows the appropriate authority to prescribe what activities they may carry out to satisfy the zootechnical criteria (called a 'breeding programme') in the regulation.

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-animal-breeding-amendment-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.