

## **Explanatory Memorandum to The Products of Animal Origin (Disease Control) (Wales) (Amendment) Regulations 2009**

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

### **(i) Description**

The amendment Regulations implement paragraph 4(d) of Annex II to Council Directive 92/119/EC. There are also amendments to regulations 9, 12, 14 and 15 of the 2008 regulations in respect of restricted meat from restricted poultry intended for supply only on the domestic market. Similar Regulations are being made in England, Scotland and Northern Ireland.

### **(ii) Matters of special interest to the Subordinate Legislation Committee**

None.

### **(iii) Legislative Background**

The Regulations are made under section 2(2) of the European Communities Act 1972. This power is exercisable by Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. The Regulations follow the negative resolution procedure.

### **(iv) Purpose and intended effect of the legislation**

The objective of the amendment Regulations is to reduce the risk of disease transmission to animals via products of animal origin (intended for human consumption), during an outbreak of certain exotic animal diseases.

The amendment Regulations provide for meat from pigs that have tested positive for antibodies to swine vesicular disease, but negative to live virus, to be sold for consumption on the domestic market subject to certain controls. This policy ensures meat will be traceable, handled safely and treated correctly thus providing confidence in the system of controls to minimise the risk of disease spread.

Amendments introduced at regulations 6(b), 8(b), 10 and 11(f) remove some obligations in respect of handling and selling meat and meat products intended for the domestic market. This applies to poultry meat which originates from protection and surveillance zones during an outbreak of Newcastle Disease in Wales. The objective is to simplify compliance and enforcement in respect of such trade.

(v) **Implementation**

It is intended that the Statutory Instrument will come into force on 30 June 2009. Similar legislation is being made in England, Scotland and Northern Ireland. If the legislation were to be annulled it could mean that infraction proceedings would be issued against the UK with Wales having to bear the brunt of any penalty imposed. Furthermore, Wales would have legislation inconsistent with the other devolved administrations.

(vi) **Consultation**

A consultation exercise was undertaken for the Swine Vesicular Disease (Wales) Regulations 2009 between 19 November 2008 and 14 January 2009. That consultation also invited comment on these proposed amendments to the Products of Animal Origin (Disease Control) (Wales) (Amendment) Regulations 2009. The consultation generated three responses in total, none of which were critical of the proposals.

(vii) **Regulatory Impact Assessment**

As the Products of Animal Origin (Disease Control) (Wales) (Amendment) Regulations 2009 only make amendments of a technical nature a separate Regulatory Impact Assessment has not been prepared. There are no known financial implications for businesses, charities or voluntary bodies resulting from these amendment regulations.