

## **Explanatory Memorandum to The Products of Animal Origin (Third Country Imports)(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.

In this memorandum, the following abbreviations are used:

- 'The Regulations' is used to refer to 'The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007'. 'The Directive' is used to refer to Council Directive 97/78/EC' governing the organisation of veterinary checks on products entering the Community from third countries.

### **Description**

The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2009 amend Schedule 1 of The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007

### **Matters of special interest to the Subordinate Legislation Committee**

These are technical amendments only to Schedule 1 of the Regulations.

### **Legislative Background**

The Regulations implement Council Directive 97/78/EC which lay 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 that time, primarily to include Commission Decisions amending Community import requirements (listed in Schedule 1).

The Regulations require that products of animal origin (listed in Commission Decision 2007/275/EC) imported from third countries, must be presented at a Border Inspection Post (BIP) for veterinary examination to ensure that the product complies with the appropriate import requirements. There are no BIPs in Wales and all products of animal origin from third countries must enter via an existing BIP and then subsequently be transported to Wales if required.

The Regulations require importers to comply with the requirements listed in Schedule 1. Enforcement at BIPs falls to local authorities and Animal Health, dependent upon the content of the import. HM Revenue and Customs/the UK Border Agency are responsible for enforcement at points of entry other than BIPs.

## **Powers**

This instrument is made pursuant to section 2(2) of the European Communities Act 1972. The National Assembly for Wales is designated for the purposes of that section in relation to the common agricultural policy of the European Community. Those powers are now exercisable by the Welsh Ministers by operation of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006. This SI is to be made through the use of the negative procedure. This instrument will be laid before the National Assembly and subject to annulment by negative resolution.

## **Purpose and intended effect of the legislation**

The purpose of this Regulation is to update Schedule 1 of the current Regulations in line with subsequent Commission Decisions amending import requirements and make the Schedule ambulatory so that future amendments to EU legislation already included within the Schedules will be directly applicable.

## **Implementation**

This Instrument applies to Wales. Separate legislation will be introduced in England, Scotland and Northern Ireland.

## **Consultation**

As the amendments are technical in nature, and do not have a financial impact, no consultation has been carried out.

## **Impact**

A Regulatory Impact Assessment has not been prepared to accompany these Regulations because it has no impact on business, charities or voluntary bodies. There is no foreseen impact on the public sector.