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Edward Mountain MSP  
Convener of the Rural Economy and Connectivity  
Committee  
The Scottish Parliament  
Edinburgh  
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~~26th~~ March 2019

Dear Edward,

## THE ZONOTIC DISEASE ERADICATION AND CONTROL (AMENDMENT) (EU EXIT) REGULATIONS 2019

### EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

The Scottish Parliament recommended on 5 December 2018 that the Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2018 include Scottish devolved matters, as set out in the notification to the Scottish Parliament dated 15 November 2018.

The Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019 were laid in the UK Parliament on 14 February 2019.

The SI as laid varies in some respects compared to the original proposal outlined in the notification of 15 November, but the variation is not considered so significant as to need any further process.

The SI now contains certain amendments in relation to legislation making functions (detailed below) and has therefore, been formally laid in the UK Parliament as subject to the affirmative procedure, rather than the negative procedure as was anticipated at the time of the notification. Earlier drafts of the SI did not include these amendments (which relate to Commission Regulation 2160/2003) as the proposal had been to include them in what is now the Animals (Legislative Functions) (EU Exit) Regulations 2019 (and which was separately notified to the REC Committee under its then proposed title of the Animals and Food (Transfer of Functions) (EU Exit) Regulations 2018).

The regulation making powers now contained in the SI in relation to Commission Regulation 2160/2003 are as follows (references to articles and Annexes in what follows are to articles in and Annexes to Commission Regulation 2160/2003):

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- Exercisable by the Scottish Ministers or the Secretary of State with consent of Scottish Ministers:

- Article 4(1) – to make regulations for Scotland in relation to targets for the reduction of the prevalence of the zoonoses and zoonotic agents listed in Annex 1.
- Article 4(6)(b) – to make regulations to amend Annex 1.
- Article 4(7) – to make regulations to amend Annex 3.
- Article 5(6) – to make regulations to amend the requirements and minimum sampling rules laid down in Annex 2.
- Article 8(1) – to make regulations requiring or permitting specific control methods for the reduction of prevalence of zoonoses and zoonotic agents to be applied at the stage of the primary production of animals and other stages in the food chain; and to prescribe certain specific control methods that may not be used as part of control programmes.
- Article 11(4) – to make regulations regarding the responsibilities and tasks of the reference laboratories and coordination between reference laboratories and laboratories.
- Article 12(4) – to make regulations to approve other methods for testing.

- Exercisable by the Secretary of State with the consent of Scottish Ministers:

- Article 10(2) – to make regulations to amend the list of third countries provided for in retained EU law referred to in paragraph 1.
- Article 10(4A) – to make regulations to specify zoonoses or zoonotic agents which, for the purposes of paragraph 4, are to be treated as if they are listed in Annex 1, column 1.

In addition, with regard to amendments to Article 6 and 11 of Regulation 2160/2003, the SI as laid means these provisions are exercised by the “appropriate authority”, meaning Scottish Ministers or Secretary of State with consent from Scottish Ministers instead of “appropriate Minister”. This change of wording is not considered so significant as to need any further process.

Finally, the notification states that “The function of requiring that the results of pre-dispatch testing (for certain zoonoses and zoonotic agents) of animals or hatching eggs for import from third countries fulfil the same criteria as those laid down under the UK’s national programme will be exercised by the Secretary of State with the consent of the Scottish Ministers”. This provision was not included in the final version of the SI as there will be no such national programme.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.



**MAIRI GOUGEON**

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