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Edward Mountain MSP
Convener
Rural Economy and Connectivity Committee
Scottish Parliament
Edinburgh
EH99 1SP

13 March 2020

Dear Edward,

THE COMMON FISHERIES POLICY AND ANIMALS (AMENDMENT ETC.) (EU EXIT) REGULATIONS 2019

EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (“the Regulations”) were notified to the Scottish Parliament under the protocol for EU exit SIs on 10 July 2019, under the name the Common Fisheries Policy (Amendments etc.) (No. 3) (EU Exit) Regulations 2019. On 4 September your Committee recommended that the Scottish Ministers consent to the Regulations) including matters that would be within the competence of the Scottish Parliament.

The Regulations were made under the urgent draft affirmative procedure, and laid in Parliament on 8 October 2019.

I can now confirm that these Regulations vary in some respects from the original proposal but that the variation is not so significant as to need any further procedure under the protocol. There is one addition to the Regulations that I wish to draw to the Committee’s attention.

Regulation 11 of the Regulations corrects errors in another EU Exit SI, the Animals (Legislative Functions) (EU Exit) Regulations 2019 by removing provisions which would confer on the appropriate authority legislative functions which are unnecessary. Regulation 11(2)(a) amends regulation 6(7)(g) of the Animals (Legislative Functions) (EU Exit) Regulations 2019, so that it now omits a provision in Council Regulation (EC) 1/2005 allowing Member States to establish additional rules on the transport of animals. Regulation 6(7)(a) of the Animals (Legislative Functions) (EU Exit) Regulations 2019 already transfers to

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the appropriate authority the power of the Council to adopt additional rules on the transport of animals. Regulation 11(2)(b) omits regulation 6(9) of the Animals (Legislative Functions) (EU Exit) Regulations 2019, because the provision in Council Regulation (EC) 1/2005 which it amends has already been separately and appropriately amended by Regulation 3(40)(c) of the Animal Welfare (Amendment) (EU Exit) Regulations 2019, to remove the role of an EU entity in making national rules.

Both of these amendments were technical in nature and would not have affected the Scottish Ministers' decision to consent to devolved matters being included in these Regulations. The amendments were necessary only in so far as they ensure that previous functions in relation to the transport of animals held by the commission have been correctly transferred to the appropriate UK authority. These changes only ensure the functionality of this transfer of function and do not amount to any significant policy change.

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

Yours sincerely,



FERGUS EWING

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