

**EXPLANATORY MEMORANDUM TO THE TRANSMISSIBLE  
SPONGIFORM ENCEPHALOPATHIES (WALES) (AMENDMENT)  
REGULATIONS 2010**

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

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2010.

*Elin Jones*

Minister for Rural Affairs, one of the Welsh Ministers

14 July 2010

## **1. Description**

These regulations amend the Transmissible Spongiform Encephalopathies (Wales) Regulations 2008, S.I. SI 2008 No 3154 (W.282) (“the Principal Regulations”), to expand the definition of an “approved laboratory”.

## **2. Matters of Special Interest to the Constitutional Affairs Committee**

There are no matters of special interest to the Committee.

## **3. Legislative Background**

The Principal Regulations provide the necessary powers to administer and enforce the provisions of Regulation (EC) 999/2001, concerning the prevention, control and eradication of BSE and other TSEs relating to cattle, sheep and goats.

The Principal Regulations were made in exercise of powers contained in section 2(2) of the European Communities Act 1972, for the purpose of implementing EU requirements in the veterinary field, and this SI is made in exercise of the same powers.

This SI follows the negative procedure.

## **4. Purpose and Intended Effect of the Legislation**

The laboratory provision in the Principal Regulations only allows slaughterhouse operators to send brain stem samples from cattle to a UK approved laboratory for purposes of TSE testing. In order to ensure compliance with EU Directive 2006/123/E on services in the internal market (‘The EU Services Directive’), the laboratory provision is being amended to expand the definition of an “approved laboratory”. The amendment will enable slaughterhouse operators (if they so choose) to send brain stem samples from cattle to a European Union National Reference Laboratory for TSE testing or to laboratories approved by the competent authority in another Member State of the European Union.

## **5. Consultation**

The laboratory provision would have formed part of a raft of proposed revisions to the Principal Regulations, in a consultation planned for later this year. The provision has already formed part of the consultations carried-out in England and Scotland, on those Countries’ revised, consolidated, TSE regulations and has subsequently been implemented in April and June 2010, respectively.

As this specific provision implements directly-applicable EU legislation, there is in fact little, if any, scope for the Welsh Assembly Government to act on suggestions raised as a result of any consultation responses.

In the circumstances, in order to ensure compliance with the EU Services Directive, it has been decided to make the necessary amendment as soon as possible.

A regulatory impact assessment was not produced, as the effect of this instrument on the costs of business is considered to be negligible.