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**Y Cwnsler Cyffredinol ac Arweinydd y Tŷ
Counsel General and Leader of the House**



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

**Lord Dafydd Elis – Thomas AM
Presiding Officer
National Assembly Wales**

21 November 2007

Dear Dafydd

**THE EXPORT AND MOVEMENT RESTRICTIONS (FOOT AND MOUTH DISEASE)
(WALES) REGULATIONS 2007**

I am writing to inform you that in order to bring The Export and Movement Restrictions (Foot and Mouth Disease) (Wales) Regulations 2007 into force in Wales in line with the rest of the UK, it has become necessary to breach the 21 day rule. These Regulations were made at 6:10 pm on 20 November 2007, came into force at 6:25 pm on 20 November 2007 and were laid in Table Office on 21 November 2007.

These Regulations will implement in Wales Commission Decision 2007/746/EC, which further amends Commission Decisions 2007/709/EC, 2007/608/EC and 2007/554/EC. The principal effect of the Regulations is that:

- the areas listed in the Annexes to the Decision have been amended so that parts of England, and the whole of Scotland and Wales will no longer be under restriction for movement and exports of animal products including germplasm (semen, ova and embryos);
- exports of live animals are still not permitted for the whole of GB;
- imports of live animals will be permitted;
- movements of animals and animal products between the areas listed in the Annexes will be permitted under certain conditions; and
- in order to obtain FMD free status of the UK certain conditions have to be met. Restrictions on animals and germplasm will remain until 31 December 2007.

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The Regulations continue to regulate the importation and dispatch of live animals and their products. The Regulations make it an offence to export anything which it is prohibited to export under the Regulations.

The conditions for export to Third Countries are determined bilaterally so any products, which may be dispatched from Wales under these Regulations, will additionally have to meet the import conditions set by the importing third country. In practice most importing countries are not currently accepting products from the UK.

The Regulations also make it an offence for individuals to take out of Wales in their personal luggage any of the products to which the Regulations apply. Other Member States are taking measures to prevent import of products from the UK in personal luggage.

The Regulations relax some of the movement restrictions for FMD susceptible animals and animal products. Urgent enforcement powers are required to enforce these changes. The Regulations are required to come into force immediately as the Commission Decision has been adopted on 19 November 2007. Parallel Regulations came into force in England at 6.30 pm on 19 November 2007 and in Scotland on 20 November 2007. Northern Ireland was not subject to the import and export restrictions. Therefore, to ensure consistency of enforcement across the UK it is necessary to breach the 21 day rule, so that the Regulations can come into force immediately.

Due to the length of the Regulations and the need to introduce them in Wales immediately, the Minister for Rural Affairs has deemed that it would not be reasonably practicable for them to be made bilingually within the timescale. However, a Welsh translation of the Regulations will be available in due course.

These Regulations have not been subject to consultation or a Regulatory Impact Assessment due the immediacy of the Instrument. However, an Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes Dr Dai Lloyd, Chair of the Subordinate Legislation Committee and Chris Reading, Clerk to the Subordinate Legislation Committee.

Yus
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