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Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Eich cyf/Your ref yourref  
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Lord Dafydd Elis-Thomas AM  
Presiding Officer  
National Assembly for Wales

13 June 2007

*Dear Dafydd*

**THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS) (WALES)  
(AMENDMENT) REGULATIONS 2007**

I am writing to inform you that in order to bring The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2007 into force in Wales in line with England and Scotland, it has become necessary to breach the 21 day rule. These Regulations were made on 12 June 2007, laid in Table Office on 13 June 2007 and will come into force on 14 June 2007.

These Regulations amend the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007 (POAO Regulations), which apply European Community import rules designed to protect public and animal health from risks associated with products of animal origin imported from third countries. They implement two changes introduced by the Commission Decision 2007/275/EC, which came into force on 4 June 2007. The first is to replace the pre-existing list of products, which are subject to veterinary checks on import (included in Commission Decision 2002/349/EC) at approved facilities at ports or airports, known as Border Inspection Posts. The second change concerns new Community rules governing the importation of composite food products.

The introduction of the new list of products to which import checks apply is essentially a technical amendment, which is primarily designed to make the list clearer and easier to apply. However, the importance and urgency of this change relates to the fact that where the existing 2007 Regulations refer to a list of products in Commission Decision 2002/349/EC, that Decision has been revoked. The new Decision contains a revised, full list of products subject to EU import controls – from commodities such as meat and milk, to animal by-products like hides, skins and hair. The definition of 'products' to which the Regulations apply is fundamental to the application of the Regulations and without it, the Regulations would have limited, if any effect. There would also be the possibility of challenge or at least legal uncertainty over the application and powers to act, should anyone try to import a product which did not comply with the EU import rules.

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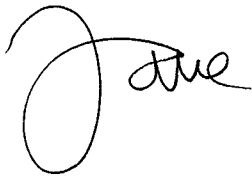
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As regards the introduction of the new import rules for food products, we have been closely involved in the development of these rules and are content that they are in line with current risk analyses of the products concerned. Importation of these products has been subject to national rules and the new Community rules match closely the import conditions that we have been applying under national import licences.

Similar Regulations came into force in England and Scotland on 7 June 2007 whilst Northern Ireland are hoping to make their Regulations shortly. Although there are currently no Border Inspection Posts in Wales, these Regulations need to be put in place in Wales in line with the rest of the UK to ensure that EU requirements are implemented consistently and to protect both animal and human health, as the limited enforcement of the POAO Regulations could provide for disease incursion. It is therefore necessary to breach the 21 day rule in order that the Regulations come into force on 14 June 2007.

These Regulations have not been subject to consultation or Regulatory Impact Assessment due to the tight deadline for implementation and the fact that these are minor, but important, technical amendments, which will not have a cost impact on the industry. However, an Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

A handwritten signature in black ink, appearing to be 'J. J. J.', located at the bottom left of the page.