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Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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National Assembly for Wales

26 June 2007

BOVINE PRODUCTS (RESTRICTION ON PLACING ON THE MARKET) (WALES) (NO. 2) (AMENDMENT) REGULATIONS 2007

I am writing to inform you that in order to bring the Bovine Products (Restriction on Placing on the Market) (Wales) (No. 2) (Amendment) 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 and laid in Table Office on 26 June 2007 and will come into force on 27 June 2007.

These Regulations will amend the Bovine Products (Restriction on Placing on the Market) (Wales) (No 2) Regulations 2005.

When the Government decided to replace the over thirty months (OTM) rule (which banned the sale, for human consumption, of meat from cattle aged over thirty months at slaughter) with BSE testing of OTM cattle, it also decided that cattle born or reared in the UK before 1 August 1996 should remain permanently banned. This was inconsistent with EU applicable law so the UK requested action at EU level to legitimise a continued ban. This resulted in the EU adopting Commission Decision 2005/598/EC. The Bovine Products (Restriction on Placing on the Market) (Wales) (No 2) Regulations 2005 give effect to that prohibition/decision.

However, Decision 2005/598/EC has now been repealed and replaced, with effect from 14 June 2007, by Decision 2007/411/EC. Decision 2007/411/EC includes a derogation from the prohibition to allow hides from UK cattle born before 1 August 1996 to be used for leather production.

The repeal and replacement of Commission Decision 2005/598/EC has resulted in a need to amend The Bovine Products (Restriction on Placing on the Market) (Wales) (No.2) Regulations 2005. As the Commission Decision became effective on the date it was notified to the UK authorities (i.e. on 14 June 2007) the amending Regulations are required to come into force immediately to ensure the continuing prohibition on bovine animals born

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or reared within the UK before 1 August 1996, as intended in the Commission Decision. If Wales, along with the rest of the UK, did not implement this Decision it would be in breach of a Community requirement. In addition, the risk of not implementing the legislation with immediate effect in Wales could possibly enable pre 1 August 1996 bovines to go into the food chain, thus reducing the public health measures in relation to BSE.

Similar Regulations came into force in England and Northern Ireland on 21 June 2007 and are due to come into force in Scotland on 27 June 2007. Therefore, to ensure consistency of enforcement across the UK, it is necessary to breach the 21 day rule in order that the Regulations come into force on 27 June 2007.

These Regulations have not been subject to a Regulatory Impact Assessment because they will not have any impact on business, charities or voluntary bodies. However, an Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

Jane