



Lord Dafydd Elis-Thomas AM
Presiding Officer
National Assembly for Wales

19 March 2008

Dear Dafydd

**THE RICE PRODUCTS FROM THE UNITED STATES OF AMERICA
(RESTRICTION ON FIRST PLACING ON THE MARKET (WALES) REGULATIONS
2008**

I am writing to inform you that in order to bring the Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) Regulations 2008 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 on 18 March 2008, laid in Table Office on 19 March 2008 and will come into force on 20 March 2008.

These Regulations are required to implement an amendment to Commission Decision 2006/601/EC, adopted on 26 February 2008, on the import into the EU of long grain rice consignments that may contain unauthorised genetically modified organism LL601 in rice products from the United States of America.

Commission Decision 2006/601/EC, originally adopted on 5 September 2006, amended earlier Commission Decisions on Member States controls, which specified that any consignment of long grain rice from the USA can only enter the EU if it has been analysed and certified to contain no detectable unauthorised GM rice LL601. Decision 2006/601/EC was implemented in Wales by The Rice Products (Restriction on First Placing on the Market) (Wales) Regulations 2006.

Commission Decision 2006/601/EC was further amended and adopted on 26 February 2008. Since November 2006, a consignment of US long grain rice may only be introduced on to the EU market if it meets two conditions:

- it is accompanied by a test certificate stating that it does not contain LLRICE 601; and
- the consignment is sampled and re-tested at the point of import into the EU.

The dual testing was considered to be necessary because the test method used in the US was found to be less sensitive.

Following discussions with the European Commission, the relevant US bodies have now agreed to adopt the more sensitive testing protocol and, additionally, the test certificates will be endorsed by GIPSA, an agency of the US Department of Agriculture. Under these new conditions, Member States agreed in December 2007 that the requirement for re-testing at the point of entry can be discontinued and on 26 February 2008, the Commission formally introduced the appropriate amendments to Decision 2006/601/EC. The amended Decision requires domestic legislation to be brought into force in Wales as soon as possible.

The adoption of Commission Decision 2006/601/EC (as amended) on 26 February 2008 requires domestic legislation to be brought into force in Wales as soon as possible.

Similar Regulations came into force in England on 7 March 2008; in Scotland on 7 March 2008 and in Northern Ireland on 12 March 2008. 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 on 20 March 2008 in Wales. The risk of not implementing the legislation with immediate effect would lead to inconsistency of procedures across the UK for dealing with the importation into the EU of non-authorized genetically modified rice products from the United States. Furthermore, the UK would be in breach of its Community obligations were this requirement in Wales not brought into effect.

Due to the immediacy of the Instrument these Regulations have not been subject to consultation or a Regulatory Impact Assessment. 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 to Dr Dai Lloyd, Chair of the Subordinate Legislation Committee and to Anna Daniel, Clerk to the Subordinate Legislation Committee.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Caryl Jenner', is written in black ink on the document.