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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 for Wales

25 April 2008

Dear Dafydd

THE TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES (WALES) (AMENDMENT) REGULATIONS 2008

I am writing to inform you that in order to bring The Transmissible Spongiform Encephalopathies (Wales) (Amendment) 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 and laid in Table Office on 25 April 2008 and will come into force on 26 April 2008.

Regulation (EC) 999/2001 (as amended) of the European Parliament and of the Council (Community TSE Regulations) lays down the rules for prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs). The Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 (as amended) provide for the administration and enforcement of the Community TSE Regulations in Wales.

These Regulations will amend the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 and implement a change in the EU controls on specified risk material (SRM) that increases the age at which bovine vertebral column (VC) is classified as SRM from 24 months to 30 months in Wales. This amendment would return the bovine VC age limit in the UK to its position before May 2006, when UK SRM controls were harmonised with those in all other Member States as part of the process for lifting the export ban on UK beef and beef products. There are therefore no public health concerns about this change.

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The Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2008 will mean cutting plants and authorised butchers will no longer be required to remove, stain and dispose of VC of 24 – 30 month bovines as VC and the Meat Hygiene Service and local authorities will no longer need to enforce SRM controls in relation to VC from 24 – 30 month bovines in cutting plants and butchers, respectively.

In addition to this, bones (including vertebral column) from cattle deboned in the UK could be used in the manufacture of processed food products instead of being disposed of as animal by product. Butchers, cutting plants and slaughterhouses would benefit and there would be an increase in consumer choice. The Regulations also introduce a provision implementing a current EU requirement that Member States wishing to export heads or un-split carcasses containing specified risk material must obtain the agreement of receiving Member States before dispatch and update some cross references to the Community TSE legislation.

Finally, they also introduce some transitional arrangements that would allow a short period during, which currently authorised butchers and all cutting plants could remove VC from 24-30m bovines slaughtered before 26 April. The VC from these animals would still be required to be disposed of as SRM. These changes follow comments from industry about the potential impact on trade of 24-30m carcasses containing VC SRM, which may already be in the distribution chain when the Regulations come into force.

The new EC Regulation (EC No 357/2008), which was published in the Official Journal (OJ) on 23 April 2008, comes into force on 26 April 2008. The UK would be in breach of a Community requirement if it did not implement enabling domestic legislation and to achieve the short coming into force deadline, which is only 3 days after publication in the OJ, it is necessary to breach the 21 day rule.

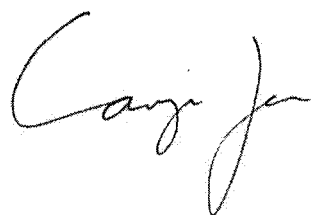
Similar Regulations are being made in England, Scotland and Northern Ireland to come into force on 26 April 2008. Therefore, a delay in implementing legislation in Wales would lead to a distortion of the controls in the different parts of the UK. Therefore, to ensure the positive benefits are available to the industry in Wales and to avoid a distortion in the controls, it is necessary to breach the 21 day rule so that the Regulations can also come into force on 26 April 2008 in Wales.

The Agency carried out an 8 week consultation on the proposed amendments to the domestic legislation between 7 November 2007 and 2 January 2008. Thirty stakeholders and ALL operators of approved meat plants were consulted in Wales. Only 5 substantive responses were received. These were supportive of the proposed amendments and did not lead to any changes to the draft Regulations as a result. The industry has lobbied hard for this change and has been awaiting its introduction. The benefits of the proposals are positive in both monetary terms and consumer choice.

These Regulations have been subject to a Regulatory Impact Assessment. An Explanatory Memorandum has also been prepared, which includes the Regulatory Impact Assessment 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 Anna Daniel, Clerk to the Subordinate Legislation Committee.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Cary J'. The signature is written in black ink and is positioned below the 'Yours sincerely' text.