

**Carwyn Jones AM/AC**  
Y Cwnsler Cyffredinol ac Arweinydd y Tŷ  
a'r Gweinidog dros Fusnes y Cynulliad a Chyfathrebu

**Counsel General and Leader of the House  
also Minister for Assembly Business and  
Communications**



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Lord Dafydd Elis – Thomas AM  
Presiding Officer  
National Assembly Wales

2 August 2007

Dear Dafydd

**THE FOOD (SUSPENSION OF THE USE OF E 128 RED 2G AS FOOD COLOUR) (WALES)  
REGULATIONS 2007**

I am writing to inform you that in order to bring The Food (Suspension of the Use of E 128 Red 2G as Food Colour) (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 on 1 August 2007, laid in Table Office on 2 August 2007 and will come into force on 3 August 2007.

These Regulations will give effect to the enforcement measures in respect of Commission Regulation (EC) No. 884/2007. Commission Regulation (EC) No. 884/2007 of 26 July 2007 provides emergency measures suspending the use of E 128 Red 2G as a food colour, following an unfavourable opinion by the European Food Safety Authority (EFSA).

Until now, under Directive 94/36/EC, Red 2G has been permitted for use in breakfast sausages with a minimum cereal content of 6% and burger meat with a minimum vegetable and/or cereal content of 4%. The Commission Regulation suspends: the use of the colour E128 Red 2G in food; the placing on the market of food containing the colour E128 Red 2G; and the import of food containing the colour E128 red 2G. The decision to suspend Red 2G was taken as a result of EFSA's recent opinion, which showed that E128 Red 2G may have the potential to damage the genetic material in cells and cause cancer in animals.

The Commission Regulation associated with these Regulations contains emergency controls and came into effect on 28 July 2007 - the day following its publication in the Official Journal of the European Communities.

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If Wales, along with the rest of the UK, did not implement this Regulation it would be in breach of a Community requirement. In addition, the risk of not implementing the legislation with immediate effect in Wales could result in accusations that the consumer in Wales is not afforded the same level of public protection to consumers elsewhere in the UK.

Similar Regulations came into force in England on 2 August 2007 and will come into force in Scotland and Northern Ireland on 3 August 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 3 August 2007 in Wales.

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 Dr Dai Lloyd, Chair of the Subordinate Legislation Committee and Chris Reading, Clerk to the Subordinate Legislation Committee.

A handwritten signature in black ink, appearing to read 'C. Reading', is located in the lower-left quadrant of the page.