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Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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

13 August 2007

THE IMPORT AND EXPORT RESTRICTIONS (FOOT AND MOUTH DISEASE) (NO. 2) (WALES) REGULATIONS 2007

I am writing to inform you that in order to bring The Import and Export Restrictions (Foot and Mouth Disease) (No.2) (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 and laid in Table Office on 13 August 2007 and came into force 3:45 pm on 13 August 2007.

These Regulations will implement in Wales European Commission Decision 2007/554/EC which revokes Commission Decision 2007/552/EC and makes some minor amendments but maintains the restrictions on the despatch from the UK of all live animals susceptible to Foot and Mouth Disease (FMD) and products derived from them, including meat, dairy products, genetic material and by-products. The Regulations make it an offence to despatch from Wales live animals of the bovine, ovine, caprine or porcine species susceptible to FMD. The Regulations also make it an offence to import susceptible live animals, reflecting the fact that the Commission Decision prevents other Member States from sending such animals to the UK. The Regulations make it an offence to despatch from Wales:

- Fresh meat;
- Meat products;
- Milk;
- Dairy products;
- Semen, ova and embryos;
- Hides and skins; and
- A range of animal by-products

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that are derived from susceptible species, unless the products comply with certain conditions around date of production and the type of processing to which they have been subjected.

Products which do comply with the conditions and can therefore be exported must be accompanied by an official veterinary health certificate when they are sent to other EU Member States. The conditions for export to Third Countries are determined bilaterally so any products which may be despatched from Wales under these Regulations will additionally have to meet the import conditions set by the importing country. In practice most importing countries are not accepting products from the UK at the moment.

The Regulations also make it an offence for individuals to take out of the country in their personal luggage any of the products to which the Regulations apply. Other Member States are taking measures to prevent import of products from the UK in personal luggage.

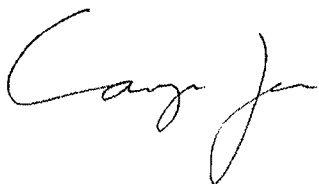
The Regulations will be amended to reflect changes in the Commission Decision, as the FMD situation develops and will be revoked when Community controls are relaxed.

The Regulations are required to come into force immediately to make some minor technical amendments but maintain the restrictions on the despatch from Wales of all live animals susceptible to FMD and products derived from them including meat and dairy products, genetic material and by-products. Parallel Regulations came into force in England on 13 August 2007 and in Scotland on 10 August 2007. Similar legislation is being prepared in Northern Ireland to come into force on 13 or 14 August 2007. 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 immediately. In addition, the risk of not implementing the legislation with immediate effect would mean that Wales would be at a disadvantage as appropriate enforcement powers would not be in place in Wales.

Due to the length and complexity of the Regulations and the need to introduce them in Wales immediately, the Minister for Rural Affairs has deemed that it would not be reasonably practicable for them to be made bilingually within the timescale. However, a Welsh translation of the Regulations will be available in due course.

These Regulations have not been subject to consultation or a Regulatory Impact Assessment due the immediacy of the Instrument. 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 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 'Cay J', is written below the text.