

Carwyn Jones AM/AC

**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 Wales

18 October 2007

Dear Dafydd

**THE IMPORT AND EXPORT RESTRICTIONS (FOOT AND MOUTH DISEASE) (NO. 5)
(WALES) REGULATIONS 2007**

I am writing to inform you that in order to bring The Import and Export Restrictions (Foot and Mouth Disease) (No. 5) (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 18 October 2007, came into force at 2 pm on 18 October 2007 and were laid in Table Office on 18 October 2007.

These Regulations will implement in Wales European Commission Decision 2007/663/EC, which further amends Commission Decision 2007/554/EC, to allow exports of frozen semen and embryos from sheep and goats from Wales to other Member States, subject to certain conditions. Live biungulates, their genetic material and their products can still only be exported from Great Britain if they comply with the current restrictions laid down under Commission Decision 2007/554/EC, as amended by Commission Decision 2007/608/EC of 13 September 2007. The Regulations make it an offence to export anything which it is prohibited to export under the Regulations.

The conditions for export to Third Countries are determined bilaterally so any products, which may be dispatched 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 Wales 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.

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The Regulations also make it an offence to import susceptible live animals, thus reflecting the fact that the Commission Decision prevents other Member States from exporting such animals to the UK.

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 allow exports of frozen semen and embryos from sheep and goats from Wales to other Member States subject to certain conditions. Parallel Regulations came into force in England on 16 October 2007 and similar legislation is expected to be made in Scotland on 18 October 2007. Northern Ireland is expected to make similar legislation. 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.

Due to the length 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 to 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 'Cary J', is located in the lower-left quadrant of the page. The signature is written in a cursive, flowing style.