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Y Cwnsler Cyffredinol ac Arweinydd y Tŷ
Counsel General and Leader of the House



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Yr Arglwydd Dafydd Elis – Thomas AC
Y Llywydd
Cynulliad Cenedlaethol Cymru

14 September 2007

Dear Dafydd

**THE IMPORT AND EXPORT RESTRICTIONS (FOOT AND MOUTH DISEASE) (NO. 3)
(WALES) REGULATIONS 2007**

I am writing to inform you that in order to bring The Import and Export Restrictions (Foot and Mouth Disease) (Wales) (No. 3) 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 13 September 2007, came into force at 8:00 pm on 13 September 2007 and were laid in Table Office on 14 September 2007.

These Regulations will implement in Wales European Commission Decision 2007/608/EC, which amends Commission Decision 2007/554/EC, to apply restrictions on the dispatch 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 dispatch from Wales:

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

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.

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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 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 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 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 apply new restrictions on the dispatch 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 and Scotland on 13 September 2007 and similar legislation is expected to be made in Northern Ireland on 14 September 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.

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 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 cursive script, appearing to read 'C. Jones', is written in black ink on the page.