

Explanatory Memorandum to the Import and Export Restrictions (Foot and Mouth Disease) (No 5) (Wales) Regulations 2007

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales.

(i) Description

These Regulations will implement in Wales the European Commission Decision 2007/663/EC which further amends Commission Decision 2007/554/EC which eases in Wales emergency disease control measures to prevent the export of the foot and mouth disease virus to other European Member States and to Third Countries.

(ii) Matters of special interest to the Subordinate Legislation Committee

These Regulations provide for exports of frozen semen and embryos from sheep and goats to other Member States from Wales, subject to certain conditions. As this is an easement of an emergency disease control measure to assist the industry to return to normal, it requires urgent enforcement powers for implementation and, as such it is necessary for the Instrument to breach the 21 day rule. The Presiding Officer has been notified of the breach by letter.

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.

(iii) Legislative Background

These Regulations allow exports of frozen semen and embryos from sheep and goats subject to certain conditions, to other Member States from Wales. Live biungulates, their genetic material and their products can 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 is prohibited from export under the Regulations.

The powers enabling this Instrument to be made are contained in section 2(2) of the European Communities Act 1972. They have been designated by virtue of the European Communities (Designation) (No 3) Order 2005 (SI 2005/2766) to the National Assembly for Wales in respect of the common agricultural policy. By virtue of sections 59(1) and 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 functions previously conferred on the National Assembly for Wales by this designation are now exercisable by the Welsh Ministers. This Instrument is subject to the negative resolution procedure.

(iv) Purpose and intended effect of the legislation

These Regulations provide for easing of emergency disease control measures in Wales put in place to prevent the export of the foot and mouth disease virus to other European Member States and Third Countries. The Regulations reflect

amendments to Commission Decision 2007/554/EC, allowing the export of frozen semen and embryos from sheep and goats with certain conditions but prohibit the imports of live animals as appropriate into Wales from another Member State.

(v) **Implementation**

These Regulations were made and came into force on 2:00pm 18 October 2007. These Regulations will cease to have effect on 15 November 2007. Failure to implement the legislation with immediate effect would mean Wales would be disadvantaged in not being able to export fresh meat and would lead to inconsistency in trade across the UK. If the UK did not implement this Decision it would be in breach of a Community requirement. Parallel legislation has been produced in England and will come into force on 16 October 2007. Northern Ireland intends to make similar legislation and Scotland is bringing its legislation into force on 18 October.

(vi) **Consultation**

Given the urgency with which these new Regulations have had to be made, there has been insufficient time for any public consultation.

(vii) **Regulatory Impact Assessment**

The Welsh Assembly Government does not consider the SI will need a Regulatory Impact Assessment where the legislation needs to be put in place quickly to deal with a public health or other emergency.