

## **Explanatory Memorandum to The Export and Movement Restrictions (Foot and Mouth Disease (No 2) (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 Commission Decision of 5 December 2007 amending Commission Decision 2007/554/EC concerning certain protection measures against foot and mouth disease in the United Kingdom (not yet published in the Official Journal). The Commission Decision of 5 December 2007 enlarges the FMD free area from which, products derived from animals may be exported.

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

These Regulations provide for easements to some of the movement restrictions for FMD susceptible animals and animal products. 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 should be available within a few weeks.

### **(iii) Legislative Background**

These Regulations continue to regulate the importation and dispatch of live animals and open up in Wales the export trade in certain categories of animal products previously restricted under an EU imposed export ban. The Regulations make it an offence to export anything which continues to be 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.

## **Purpose and intended effect of the legislation**

These Regulations bring into force controls on the export and import of live animals and animal products as appropriate and as set out in Commission Decision 2007/554/EC (as amended) concerning certain protection measures against foot and mouth disease in the UK. The Regulations reflect amendments to the Commission Decision of 5 December 2007. The principal effect of the Regulations is that the FMD free export area listed in the Annex 11 to the Decision has been enlarged. Exports of live animals are still not permitted for the whole of GB; in order to obtain FMD free status of the UK certain conditions have to be met. Restrictions on animals and germplasm (semen, ova and embryos) will remain until 31 December 2007.

### **(iv) Implementation**

These Regulations were made and came into force on 5 December 2007. Failure to implement the legislation with immediate effect in Wales would lead to inconsistency in trade restrictions across the UK. If the UK did not implement this Decision it would be in breach of a Community requirement. Parallel Regulations came into force on 5 December 2007 in England. Scotland intends to make their Regulations also on 5 December 2007. Northern Ireland was not subject to the import and export restrictions.

### **(v) Consultation**

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

### **(vi) 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.