

Explanatory Memorandum to the Import and Export Restrictions (Foot and Mouth Disease) (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 are required to implement in Wales Commission Decision 2007/552/EC, which applies new restrictions on the dispatch from the UK of all live animals susceptible to FMD and products derived from them, including meat, dairy products, genetic material and by-products.

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

Decision 2007/552/EC was published in the Official Journal on 7 August 2007 and notified to the UK. As the Commission Decision became effective on the day it was notified to the UK the SI is required to come into force immediately. The UK would be in breach of a Community requirement in not having the relevant prohibition in effect. For this reason the instrument breaches the 21 day rule. The Minister for Assembly Business and Communications has written to the Presiding Officer to notify him of the breach.

(iii) Legislative Background

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 Welsh Ministers in respect of the common agriculture policy. This Instrument is subject to the negative resolution procedure.

(iv) Purpose and intended effect of the legislation

The Import and Export Restrictions (Foot and Mouth Disease) (Wales) Regulations 2007 will implement the Decision in Wales. The regulations make it an offence to dispatch from Wales:

Fresh meat, Meat products, Milk, Dairy products Semen, ova and embryos
Hides and skins.

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.

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.

(v) **Implementation**

These Regulations were made at 4.45pm on 8 August 2007 and came into force at 5pm on 8 August 2007. Failure to implement the legislation with immediate effect would lead to inconsistency of enforcement across the UK. If the UK did not implement this Decision it would be in breach of a Community requirement. Parallel legislation has been introduced in England and came into force on 7 August 2007. Parallel legislation is also being made in Scotland and Northern Ireland tomorrow.

(vi) **Consultation**

Given the urgency with which this new SI has had to be made, there has been insufficient time for any public consultation. Relevant stakeholders have been advised of the legislation.

(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.