

**Explanatory Memorandum
to
The Beef and Pig Carcase Classification (Wales) (Amendment) Regulations 2012**

This Explanatory Memorandum has been prepared by the Rural Affairs Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of **the Beef and Pig Carcase Classification (Wales) (Amendment) Regulations 2012**. I am satisfied that the benefits outweigh any costs.

Alun Davies AM – Deputy Minister for Agriculture, Food, Fisheries and European Programmes

26 March 2012

1. Description

The amendment to the Welsh text of the Beef and Pig Carcase Classification (Wales) Regulations 2011 (S.I. 2011/1826 (W. 198) ("the 2011 Regulations") which is provided for in the Beef and Pig Carcase Classification (Wales) (Amendment) Regulations 2012 ("the amending Regulations") is required in order to address a reporting point identified by the Constitutional and Legislative Affairs Committee ("the Committee") following their scrutiny of the 2011 Regulations.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

These Regulations do not amend any provision of an Act or Measure and the Welsh Ministers have determined that they are to be subject to the negative procedure. However, it is of interest in that it rectifies an issue raised in a report of the Committee following their scrutiny of the 2011 Regulations. The Deputy Minister provided assurances to the Committee that that issue would be remedied by way of amending legislation as a result of that report, and the amending Regulations.

3. Legislative background

The 2011 Regulations apply in relation to Wales and relate to the carcasses of adult bovine animals and pigs. They revoke and remake, in relation to Wales, the provisions of the Beef Carcase (Classification) Regulations 1991 (S.I. 1991/2242) and the Pig Carcase (Grading) Regulations 1994 (S.I. 1994/2155). Equally, they enforce Article 42 of, and Annex V to, Council Regulation (EC) No 1234/2007 (OJ No L 299, 16.11.2007, p 1), which relates to EU scales for the classification of carcasses, and Commission Regulation (EC) No 1249/2008 (OJ No L 337, 16.12.2008, p 3) which sets out further details regarding the implementation of those scales for the classification of carcasses.

The Welsh Ministers have the power to make these amending Regulations by virtue of their being designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the Common Agricultural Policy of the EU under article 3 of the European Communities (Designation) (No.5) Order 2010 (S.I. 2010/2690).

This instrument is made under the negative procedure.

4. Purpose & intended effect of the legislation

The amendment provided for in the amending Regulations is required in order to address a reporting point identified by the Committee in respect of the Welsh text of the 2011 Regulations.

The Committee's report noted an omission in regulation 2 of the Welsh text 2011 Regulations. Regulation 2(1) of the English text contains a definition of "European pig provision," whilst a corresponding definition was mistakenly not

included in the Welsh text. The purpose of the amending Regulations is therefore to insert such a definition in the Welsh text so as to ensure uniformity between the texts in both languages.

5. Impact

No significant impact as this amendment will rectify an oversight in the 2011 Regulations.

6. Consultation

The original Regulations were subject to a five-week consultation with stakeholders in the Welsh red meat industry. No objections were received. No further consultation is needed for this amendment. There is no other option than to make this correction.