

19 OCTOBER 2004

Gweinidog dros yr Amgylchedd, Cynllunio a Chefn Gwlad
Minister for Environment, Planning and Countryside

REGULATIONS 2004



JP 732/05 - 07

Our ref: MB/CJ/0783/04

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2 November 2004

Dear *Helen Mary*

The TSE (Wales) (Amendment) Regulations 2004 – Compulsory Scrapie Flocks Scheme

During the Plenary debate on 19 October 2004 concerning the introduction of the TSE (Wales) (Amendment) Regulations 2004, I gave a commitment to provide you with a detailed written response to the questions you posed about the Compulsory Scrapie Flocks Scheme.

First, you expressed concern about the effect of whole-flock genotyping and of the removal of less-resistant genotypes on local and rare breeds and organic and hefted flocks in Wales. I can assure you that in implementing the EU Regulation we will be as flexible as possible and farmers will be able to apply for derogations. These include delaying culling by up to 5 years and allowing animals not of the prescribed genotype onto the holding. This will allow the flock to remain at a viable number and avoid inbreeding. The National Scrapie Plan (NSP) Veterinary Advisor will discuss with farmers if their flock is eligible. Farmers will be able to appeal against any decision where their application for derogation has not been accepted. We will be monitoring the effect of the EU Regulations and if there are any particular issues of concern, we will take these up with the EU Commission.

Secondly, you expressed concern that the rates of compensation were deemed to be low by Stakeholders and that independent valuations to set compensation would be at the farmers' expense. Compensation for animals that have to be destroyed and that can not go into the food chain will be paid in line with current market values. The standard rate will be £90 for adult animals, £30 for ewes in a flock that has a derogation and £50 for a lamb or kid. For embryos a rate of £150 is proposed and for ova a maximum of £5. The rates

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of compensation will be reviewed after a period of time to ensure that they continue to reflect market values.

Assistance is also given both with the genotyping and sourcing of replacement stock. The scheme offers two free genotype tests per animal culled so that a suitable replacement can be found. If difficulties are experienced the NSP Veterinary Advisor may recommend further free genotype tests depending on the case. Furthermore, up to £500 per ram will be paid towards the cost of purchasing replacement rams of the most resistant genotype. This is in order to offset the relatively higher price of Type 1 rams. This offer of assistance is not a compulsory condition of the EU legislation and it is intended as a contribution rather than meeting the whole cost. Farmers who opt for a valuation will have high value animals and as such they will ultimately receive higher compensation than if they received standard rates.

Finally, you expressed particular concern about the effect of adhering to the requirements of agri-environmental schemes if flocks have to be cleared from the land for a period of time after scrapie has been discovered. There may be an impact on any Tir Mynydd (TM) funding a farmer receives, depending on his individual circumstances. Under Tir Mynydd, farmers currently need to have a minimum stocking density of 0.1 Livestock Unit/ha to qualify for payment. A farmer might not be able to meet this if he has sheep culled under the Compulsory Scrapie Flocks Scheme. However, it is unlikely that this will have an impact on the Tir Mynydd 2005 scheme as this is based on sheep paid under the Sheep Annual Premium Scheme (SAPS) 2004, the retention period for which ended on 15 May 2004. Sheep culls could also impact on the Tir Mynydd enhancements, which are currently available for farmers who can demonstrate that they keep 1 cow to 30 sheep and also where they can demonstrate that their stocking density is less than 1.2 Livestock Unit/ha.

It is expected that the rules for Tir Mynydd 2006 will still expect claimants to satisfy minimum stocking density requirements. In addition, to maximise their payments and be eligible for enhancements, sheep stocking data will be required. As a result, exemptions to allow payment in 2005 and later years where flocks are subject to scrapie would be sought from the European Commission.

Any sheep farmer who has a confirmed case of scrapie and is in an agri-environment scheme, such as the Tir Gofal scheme or the Environmentally Sensitive Areas scheme, may not be able to comply with the required management prescriptions and may have his agreement terminated and payments withheld. However, as compensation is payable for animals culled, losses should be relatively small where a farmer re-stocks quickly.

To aid restocking a farmer can utilise the NSP's Ram Register, which aids the buying and selling of genotype tested rams. The Register has been widely publicised and can be accessed online or farmers can telephone the NSP helpline and a member of the NSPAC staff will carry out the search. If farmers are having severe difficulties in finding replacement ewes, a derogation is available until 1 January 2006 to bring on non-pregnant ewe lambs of an unknown genotype. It is expected that sourcing of suitable animals should become easier as membership of the National Scrapie Plan increases and more resistant animals become available.

We have worked closely with stakeholders to ensure that this scheme is as flexible as possible within the remits of the EU legislation. The scheme is important in helping to raise the genetic resistance of the national flock to scrapie by taking action on farms with a confirmed case of scrapie. The scheme will be kept under review and if any particular issues of concern arise they will be taken up with the European Commission.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Carwyn Jones', written in a cursive style.

Carwyn Jones AM