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Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Lord Dafydd Elis-Thomas AM
Presiding Officer
National Assembly for Wales

17 July 2007

Dear Dafydd

THE TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES (WALES) (AMENDMENT) REGULATIONS 2007

I am writing to inform you that in order to bring The Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2007 into force in Wales in line with the rest of the UK, it has become necessary to breach the 21 day rule. These Regulations were made and laid in Table Office on 17 July 2007 and will come into force on 18 July 2007.

These Regulations will amend the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 and ensure the continuation of current control arrangements on specified risk material (SRM) in Wales. The arrangements are designed to prevent parts of the animal most likely to contain BSE infectivity from entering the food and animal feed chain.

Regulation (EC) 999/2001 of the European Parliament and of the Council (Community TSE Regulations) lays down the rules for prevention, control and eradication of certain transmissible spongiform encephalopathies (TSE) and forms the legal basis for the domestic TSE Regulations.

Annex XI to the Community TSE Regulations contained the SRM controls and the transitional measures put in place while the risk assessments on potential factors for the appearance of BSE and their development over time were undertaken in countries outside the European Community.

The European Commission has recently adopted new simplified categories for the classification of BSE risk in Member States and countries outside the Community; these are more closely linked to the World Organisation for Animal Health (OIE) risk classification categories. As a result, Annex XI has been repealed and replaced by a new Annex V as set out in Commission Regulation (EC) No. 722/2007.

The new EC Regulation, which was published in the Official Journal on 26 June 2007 came into force on 1 July 2007 and contains SRM controls that were previously contained in Annex XI. The domestic legislation is now being amended so that the cross references to the Community legislation will be to the new Annex V and must come into force as soon as possible after 1 July. There is no significant change to the SRM controls themselves.

If Wales, along with the rest of the UK, did not implement this Regulation it would be in breach of a Community requirement. In addition, the risk of not implementing the legislation with immediate effect in Wales could reduce the public health measures in relation to BSE.

Similar Regulations came into force in England on 14 July 2007 and are due to come into force in Scotland and Northern Ireland on 18 July 2007. Therefore, to ensure consistency of enforcement across the UK, it is necessary to breach the 21 day rule in order that the Regulations come into force on 18 July 2007 in Wales.

These Regulations have been subject to a Regulatory Impact Assessment. An Explanatory Memorandum has also been prepared, which includes the Regulatory Impact Assessment and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes Dr Dai Lloyd, Chair of the Subordinate Legislation Committee and Chris Reading, Clerk to the Subordinate Legislation Committee.

Yours

Jane