

Jane Hutt AC/AM
Y Gweinidog dros Fusnes a'r Gyllideb
Minister for Business and Budget



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref
Ein cyf/Our ref SF/EJ/0058/11

Lord Dafydd Elis-Thomas
Presiding Officer
National Assembly for Wales,
Cardiff Bay
Cardiff
CF99 1NA

3rd March 2011

Dear Colleague,

I am writing to inform you that in order to bring the Animal By-Products (Enforcement) (Wales) Regulations 2011 into force in Wales, it has become necessary to breach the 21-day rule. This Order will be made on 2 March 2011 and will come into force on 4 March 2011.

The new Animal By-Products (Enforcement) (Wales) Regulations 2011 will revoke and replace the current Animal By-Products Regulations (Wales) 2006. It is necessary to update and replace the Animal By-Products (Wales) Regulations 2006 in order to implement the new controls on animal by-products introduced by EU Regulation 1069/2009 and its corresponding Implementing Regulation. Both EU Regulations will come into force on 4 March 2011 when they will revoke and replace the current EU Regulation 1774/2002 on animal by-products.

The new EU Regulation 1069/2009 continues to have a very wide scope covering all animal products including meat, fish, milk and eggs when they are not intended for human consumption and other products of animal origin including hides, feathers, wool, bones, horns, and hoofs. It also covers carcasses of fallen stock on farms, pet animals, and wild animals where they are suspected of being diseased. In line with our One Wales Commitment, the new Regulations will include scope to provide farmers with alternative methods of dealing with fallen stock.

Our current domestic implementing regulations (the Animal By-Products (Wales) Regulations 2006) ("the 2006 Regulations") implement 1774/2002 and create criminal offences for breaches of the 2006 Regulations and 1774/2002.

From 4th March 2011, the 2006 Regulations cannot be used as a basis for prosecutions of breaches of 1069/2009. Therefore, until we implement criminal offences for breaches of 1069/2009 in new domestic implementing regulations, no prosecutions for breaches of 1069/2009 can be brought.

These regulations are therefore being made in order to avoid an enforcement gap and the associated potential risks to animal & human health

The requirement to breach the 21-day rule arises primarily because of delays in finalising the Implementing Regulations at an EU level, combined with further delays in finalising the legal text of the draft Statutory Instrument.

Bae Caerdydd • Cardiff Bay
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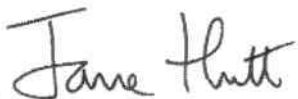
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For the reasons set out above the Minister for Rural Affairs has deemed that it would not be reasonably practicable for the regulations to be made bilingually at this time. However, it is likely that minor amendments to the domestic regulations will be necessary in the near future and the updated SI will be produced bilingually and laid for 21 days.

A copy of this letter has been sent to Janet Ryder AM, Chair of the Constitutional Affairs Committee and Stephen George, Clerk of the Constitutional Affairs Committee.

Yours sincerely

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.