

WEDNESDAY 13 NOVEMBER 2002

REPORT OF THE MINISTER FOR RURAL DEVELOPMENT

PROPOSED NEW RED MEAT BODY

1. At the last Committee meeting I reported that the five prospective partners in the new company had been asked to agree the framework for establishing the company, and commit themselves to working in good faith on the detailed implementation issues, by 31 October. Four prospective partners – the Farmers Union of Wales, the Meat and Livestock Commission, National Farmers Union Cymru and the Welsh Development Agency, had signalled their agreement, but it appeared from press reports – which were the only source of information since no direct contact had been made with my office – that the fifth, Welsh Lamb & Beef Promotions Ltd (WLBP) had rejected the proposals. However, WLBP subsequently wrote to officials to make clear their official position, namely that they were unable to agree the proposals until they had consulted their members. They have also confirmed that they will continue to participate in the meetings to discuss the next stage of detailed discussion.
2. The Assembly is continuing to facilitate meetings of an implementation group comprising representatives of all the prospective partners. That group met on 4 November for a very productive discussion and there will be further meetings to discuss detailed issues relating to the establishment of the new company. It remains my view that a more co-ordinated approach is needed to the marketing and promotion of red meat from Wales, and that the proposed framework offers the most effective means of achieving this objective.

FISHERIES QUOTA MANAGEMENT

3. Member States recently received the first draft advice from the Advisory Committee for Fisheries Management on next year's Total Allowable Catches, i.e. the amount of fish that the European fishing fleet will be able to catch.
4. The advice is the most negative yet seen, and of particular interest to Welsh fishermen is a proposal that no directed fishing for cod be allowed in the Irish Sea. In addition the advice suggests that there should be no directed fishing for other species where a by-catch of cod is taken. This would mean no fishing for Haddock, Whiting or Nephrops (prawns) in this area unless it could be demonstrated that there would be no cod by-catch.
5. The Irish Sea Cod fishery is a seasonal fishery from September to March. Only a small number of Welsh vessels target this fishery, but many others take cod as an important by-catch. Haddock, Whiting and Nephrops are also by-catch species for many in the Welsh fleet, but if a cod closure is imposed vessel owners will look to those other species to make their vessels viable.
6. Fisheries scientists and administrators met with UK fishermen's representatives on 24 October to consider the proposals in detail. Fisheries Department's officials will now discuss what advice to give me, and my UK Ministerial colleagues, on UK negotiating aims for the forthcoming Fisheries Councils.

TIR GOFAL STOCKTAKE

7. At the 16 October meeting, the Committee asked for details of the changes already introduced to the Tir Gofal scheme following the stocktake carried out in the Spring of last year. The major change implemented to date was the move from a system whereby applications were ranked by the number of points they had attained to one where a threshold was set. This was introduced for the second application window and was intended to lower the average cost of an agreement thus allowing more farmers to enter the scheme for a given sum of money and make it more accessible to a wider range of farmers. At the same time, the requirement that there should be five successful applicants in each of Countryside Council for Wales' (CCW) 17 areas was dropped. Some changes arising from the stocktake which simplify the administration of the scheme for both CCW and applicants have already been introduced; others must await the new statutory instrument which is in preparation.
8. The changes to the scheme itself which the Committee endorsed last November were approved as a modification to the Rural Development Plan by the European Commission during the

summer. The Statutory Instrument which will allow these changes to be introduced in the next application window to be opened is at present being drafted. The Committee will of course have the opportunity to comment on the draft.

SPECIFIED RISK MATERIAL and INTERVENTION BEEF

9. At the last meeting, I was asked to report back to the Committee on the steps taken to ensure that frozen meat from intervention stores, potentially containing spinal cord tissue, was not procured by the public sector. Since 1st January 2001, there have been 37 finds of Specified Risk Material (SRM) in imported beef. Of these, eight have involved intervention beef (seven from Germany and one from France). In all cases, this intervention beef came from animals slaughtered early in 2001. EU-wide controls on SRM have applied in full (including BSE testing) since January 2001.

10. Enforcement of BSE and hygiene controls at abattoirs in other parts of the EU is the responsibility of the Competent Authority of the Member State concerned. The Food Standards Agency instructed the Meat Hygiene Service (MHS) in April 2001 to check all consignments of carcass beef imported into licensed plants in Great Britain from other EU states and Third countries. These checks continue to be made.

11. Whenever there is a find of SRM in imported beef, the Food Standards Agency writes to the Chief Veterinary Officer of the Member State concerned (copied to the Commission) to alert them and request that they take action. In some instances, this has led to temporary suspension of plant licences. Following a recent find of SRM involving beef (not intervention beef) imported into Northern Ireland from an abattoir in the Republic – the Irish authorities have temporarily suspended slaughtering at the offending plant pending a review of its SRM protocols, banned it from exporting bone-in beef to the UK, and instigated disciplinary procedures against meat inspectors at the plant.

12. The Food Standards Agency wrote to the Commission on 8th October, specifically raising the issue of SRM finds in intervention beef. On 11th October, in a meeting of the EU Beef Management Committee, the Commission raised the issue, and strongly criticised both abattoir practice and state authorities performance on the removal of SRM, specifically naming Germany, France and Italy. It instructed all Member States selling intervention beef that it was for the Member State to ensure that all spinal cord was removed; this instruction has now been confirmed in Commission Regulation 1967/2002 on the sale of bone-in intervention stocks. The Agency has now written to the Commission a second time, to ask that the practical problems of identifying spinal cord in frozen carcasses be discussed in the Beef Management Committee.

CAP MID TERM REVIEW UPDATE

13. In my report to this Committee on 30 October I said that we were expecting the Commission's draft legal texts containing the detail on decoupling in December. The latest from the Commission is that they will issue in January, 2003.

14. I will be attending the next Agriculture Council meeting on Friday, 29 November and will provide an update for this Committee's 11 December meeting.

AGRICULTURE WAGES BOARD

15. At the last meeting, the Committee asked for information on the recent recommendations of the Agriculture Wales Board. The Agricultural Wages Board for England and Wales (AWB) met on 29 August 2002 to consider representations made on its proposals (issued on 23 July) for a new 2002 Wages Order. Some 782 representations were received – approximately 441 supported the AWB's proposals while the remainder were against. In the light of these responses the National Farmers' Union asked the AWB to consider a number of modifications. The AWB discussed the NFU's proposals but, after careful consideration, the Independent Members indicated that they could not support them. The NFU members then resigned and took no further part in the meeting.

16. The AWB was advised that it remained quorate and could take votes in the absence of the NFU members. It then considered whether it would be appropriate to make a new Order. The AWB concluded that a new Order should be made and, to avoid any further delay, that the 2002 pay award should come into effect from 1 October.

17. Along with DEFRA Ministers, I fully support the decision taken by the AWB.

18. I am advised that at its Council meeting on 9 October, the NFU agreed to re-appoint members to AWB.

FOOT and MOUTH - Statement on Follett and Anderson Report

19. On Wednesday 6 November I made a written statement to the Assembly about the joint Government response to the inquiries into the 2001 Foot and Mouth Outbreak. A copy of that statement is attached at Annex 1.

Native Woodlands Plans

20. There are now over 200 Native Woodland Plans in the pipeline in Wales, mostly on Tir Gofal farms. Early resource shortages are being addressed with a further two training courses in November. This will take the total number of trained people trained to prepare plans to around ninety, which should be sufficient to fulfil demand for the time being. Further development work is needed in order to evolve the process. For example, we are in the early stages of exploring whether a Welsh version could be developed.

Wales Woodland Forum

21. On 29th October I chaired the second meeting of the Welsh Assembly Government's Woodland Forum. The Forum discussed progress to date within the Working Groups set up to implement our strategy. I take a very active interest in the work of the Forum and I have challenged the Forestry Commission and other representative organisations to make more rapid progress in some specific areas. Notably, these included the setting up of a Forest Industries Business Cluster; bringing forward policies to adapt to Climate Change and developing policies relating to the restocking in Assembly woodlands using low impact silvicultural systems.

Forestry exhibition

22. Arrangements are currently being made for an exhibition in the milling area at the Assembly in Cardiff Bay entitled *The Story of the Forest - Changing Landscapes of the Welsh Countryside*. This is a project to record the memories and stories of those involved in the creation of the forests of Wales. I will launch the exhibition on 12th November and it will remain in the milling area until the 15th November.

SECONDARY LEGISLATION

23. I attach the regular report of legislation in the pipeline at Annex 2.

Annex 1

STATEMENT BY THE DEPUTY FIRST MINISTER

NOT FOR ISSUE BEFORE 3:30 PM ON 6 NOVEMBER 2002

JOINT GOVERNMENT RESPONSE TO THE INQUIRIES INTO THE 2001 FOOT AND MOUTH OUTBREAK

The 2001 outbreak of foot and mouth disease was on an unprecedented scale and represented one of the biggest challenges the Assembly had faced since its inception. Despite the fact that it was not responsible for disease control, the Welsh Assembly Government took charge of operations at an extremely difficult time and led the effort which successfully eradicated the disease in Wales.

I am announcing today the publication of a response, jointly prepared by the UK Government and the Welsh Assembly Government, to the two Inquiry reports published in July by Dr Iain Anderson CBE and Sir Brian Follett on the handling of the 2001 foot and mouth outbreak. Copies of the Response will be placed in the Assembly Library.

There is no doubt that there are many lessons which can be learned from the way the outbreak of foot and mouth disease was handled, though no-one should lose sight of the unprecedented nature of the 2001 crisis and the mammoth effort required to bring it under control. The Assembly Government played an important part in that fight to

eradicate the disease in Wales, acting as Defra's agent, and that part was examined in great detail by the Agriculture and Rural Development Committee and the Environment Committee earlier this year.

The response being published today is very detailed and goes much wider than those areas of responsibility delegated to the Welsh Assembly Government last year. It includes matters of policy, organisation of resources, planning, operational management, disease control and disease prevention. These are largely matters for the UK Government, though there are a number of areas where the Welsh Assembly Government has a key involvement and others where we are seeking to play an even bigger role to ensure any future outbreaks in Wales are handled better next time.

Devolution

The arrangements we put in place to manage the outbreak in Wales highlighted the conflict between the absence of animal health powers to control the disease and Assembly Ministers' accountability to the people of Wales. The people of Wales, and our farming and rural communities in particular, looked to the Assembly Government for leadership and action which was relevant to Wales to eradicate the disease and to put in place controls to prevent its spread. However, decisions were often not ours to take and this heavily limited the scope for tailoring action to circumstances in Wales. I am pleased, therefore, that the response published today makes clear that Assembly Government officials have already entered into discussions with DEFRA officials to examine the case for devolving further powers to deal with all future outbreaks of animal disease in Wales. Subject to the outcome of these discussions, these additional powers could be available to the Assembly by 2004 together with the necessary veterinary and administrative resources to give us the means to deal with all animal health matters.

Vaccination

Both Inquiries advocated greater consideration of the use of vaccination as an additional alternative to the methods of disease control used in the last outbreak. The joint Response states that we will consider emergency vaccination as part of the disease control strategy from the start of any outbreak. It also agrees that if emergency vaccination is used, this should be on a vaccinate-to-live basis wherever possible. However, there is still much work to be done, in consultation with stakeholders and the European Union to resolve some of the practical issues associated with a vaccination policy.

Contingency Planning

The lack of adequate contingency planning was a major source of criticism in both FMD Inquiry reports. DEFRA and the Assembly Government have prepared detailed draft interim contingency plans. In preparing the Welsh plan, Assembly Government officials have had discussions with stakeholders and partners in Wales, taking account of the lessons learned from our experiences last year. The draft interim plan was sent out to public consultation in July and there has been a good response by the closure date on 12 October. The Welsh Plan will now be finalised taking into account the replies to the consultation, the responses to both Inquiries and, of course, the content of DEFRA's contingency plan. Diseases like foot and mouth do not respect land borders, so my officials are working closely with DEFRA to ensure our plans are properly co-ordinated and that joint training and exercises can take place. We will also continue to work closely with local authorities in Wales, the Environment Agency, the Police, Armed Forces and other interested parties to ensure the document is a clear statement of our ability to work across organisational divides to respond effectively to animal diseases should they arise in the future.

Conclusion

Both Dr Iain Anderson and Sir Brian Follett should be congratulated for their efforts in identifying a whole range of lessons and recommendations to assist with our understanding of the emergency and what needs to be done to ensure greater control in the future. Our response shows that the UK Government and the Welsh Assembly Government are committed to learning those lessons. Even though the legal powers currently rest with DEFRA, there has already been significant progress by the Assembly Government to ensure that we are better prepared to deal with any future similar outbreak of disease. There is still a lot of work to be done, particularly in the areas of contingency planning and in securing the necessary legal powers for Wales to control animal diseases. Assembly Members can however be confident that we will continue to work with our partners and stakeholders in Wales to strive to put effective controls in place to deal with any similar future outbreak.

AGRICULTURE & RURAL AFFAIRS LEGISLATION LIST ANNEX 2

The list is in two parts:

PART I shows those items of secondary legislation –

21- in all- which are in the programme

It is quite possible that there will be other legislation which may have to be included in this list as plans are firmed up

PART II lists all other secondary legislation –

40- in total- in the pipeline that we are aware of but which has not presently been programmed under the Standing Orders procedure.

New additions are highlighted in bold

NO	TITLE	INTENTION OF LEGISLATION			KEY DATES	PROCEDURE
		PURPOSE	EFFECT	SCOPE	BC- BUSINESS COMMITTEE LC- LEGISLATIVE COMMITTEE P- PLENARY	
ANIMAL HEALTH						
1	Amendments to the requirements of The Horse Passport Order	To implement EC Decision 2000/68. Deadline for EU implementation was 1 July 2000	To effect greater control over withdrawal periods for veterinary products used on equines destined for the human food chain and greater traceability of individual animals through the introduction of passports for all equines.	Updates Commission Decision 93/623/EEC. Separate Legislation for Wales and will apply to all equines.	Summer 2003	SO 23 SI

2	<i>Classical Swine Fever Regulations</i>	<i>To revise and strengthen controls for this disease</i>	<i>To enact Directive 92/119, and a new Directive awaited on African Swine fever.</i>	<i>Summer 2003</i>	<i>SO 23 SI</i>
3	<i>Swine Vesicular Disease Order</i>	<i>To improve and strengthen controls for this disease</i>	<i>To enact Directive 92/119, under Specified Diseases.</i>	<i>Summer 2003</i>	<i>SO 23 SI</i>

NO	TITLE	INTENTION OF LEGISLATION			KEY DATES	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
					BC- BUSINESS COMMITTEE LC- LEGISLATIVE COMMITTEE P- PLENARY	
4	<i>Review of Welfare of Animals in transit</i>	<i>To implement changes agreed to strengthen welfare standards of animals in transit</i>	<i>To tighten controls in some areas of existing legislation but does not include amendment to journey times</i>	<i>EU legislation put into force at present under the Welfare of Animals (Transport) Order 1997</i>	<i>Summer 2003</i>	<i>SO 22</i>
5	<i>Welfare of Animals (Slaughter) Regulations</i>	<i>To implement EU amending Directives</i>	<i>To adapt/tighten methods of slaughter to take into account animal welfare considerations</i>	<i>EU legislation under section 2(2) of the EC Act 1972(b) in relation to CAP</i>	<i>Summer 2003</i>	<i>SO 22</i>
6	<i>Welfare of Pigs</i> <i>Welfare of Farmed Animals (Wales)</i> <i>Amendment Regs</i>	<i>Lays down minimum standards for keeping pigs</i>	<i>These Regs take the form of an amendment to the Welfare of Farmed Animals Regs</i>	<i>Implement Commission Directives 2001/93/EC and 91/630/EEC in member states</i>	<i>Summer 2003</i>	<i>SO 22</i>

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					BC- BUSINESS COMMITTEE LC- LEGISLATIVE COMMITTEE P- PLENARY	

CAP/ AGRICULTURE COMMODITIES

7	<i>Potato Industry Development Council</i>	<i>To implement proposed modification to the levy collection system</i>	<i>To provide for a dual system of levy collection from potato producers in England, Scotland and Wales.</i>	<i>GB wide application with no scope for distinctive Welsh policy. Regs will amend the Potato Industry Development Council Order 1997 SI 1997/266 as amended by the Potato Industry Development Council (Amendment) Order SI1999/1413</i>	<i>January 2003 Plenary 20.11.02</i>	<i>SO 23</i>
8	<i>Merger of the Apple & Pear and Horticulture Development Councils Order</i>	<i>To subsume the Apples and Pears Research Council(APRC)</i>	<i>To implement the recommendation of an independent evaluation of the functions of the APRC and the HDC</i>	<i>Industrial Development Act 1947. The order needs to be made jointly with Defra and Scottish Executive</i>	<i>March 2003 Plenary 22.01.03</i>	<i>SO 23</i>
8A	<i>The Agricultural Subsidies (Appeals) (Amendment) Regulations</i>	<i>To make minor changes to the appeals procedure.</i>	<i>To take into account practical experience of operating the procedure</i>	<i>These are Wales only Regulations not implementing European obligations. They are therefore capable of amendment.</i>	<i>Spring 2003</i>	

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PLANT HEALTH, SEEDS & PESTICIDES

9	<i>The Plant Protection Products (Amendment) (No.3) Order 2002</i>	<i>The Regulations reflect the EU decision to add a number of substances used in Plant Protection Products to be listed onto Annex 1. They will also effect changes to the provisional approval system and to packaging and labelling.</i>	<i>The Regulations will implement EU directives 2002/48/EC,2002/64/EC, 2002/37/EC and 2002/81/EC.</i>	<i>The Plant Protection Products Regulations 1995 were made under Section 2(2) of the European Community Act 1972. The Assembly has a joint power under Section 2(2) of the ECA 1972 for the purposes of implementing community obligations in respect of plant protection products. The power of the National Assembly to act under this section 2(2) designation has been delegated to the Minister for Rural Affairs.. There is no scope for a distinctive Welsh policy.</i>	November 2002	SO 23
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NO	TITLE	INTENTION OF LEGISLATION			KEY DATES	PROCEDURE
		PURPOSE	EFFECT	SCOPE	BC- BUSINESS COMMITTEE LC- LEGISLATIVE COMMITTEE P- PLENARY	
10	<i>GMOs (Deliberate Release) (Wales) Regs</i>	<i>To implement controls on the deliberate release into the environment of GMOs and repeal Directive 90/220/EC</i>	<i>It consolidates best practice in the approval process from across the EU. New features include more detailed environmental risk assessment, including consideration of long term impacts; provision for post-market monitoring; time limited authorisations; the phasing out of some antibiotic resistance markers and compulsory labelling of GMOs.</i>	<i>The Directive is prescriptive in its requirements because it is intended as a measure to harmonise the GMO consent regime across the EU. As a result there is very limited scope for interpretation. The Directive does leave the design of the Part B public consultation mechanism open, but it must be agreed across a Member State. The regulations will be made under powers contained in the Environmental Protection Act 1990 and Section 2(2) of the European Communities Act 1972.</i>	December 2002	Considered by Committee at 30 October meeting.

NO	TITLE	INTENTION OF LEGISLATION	KEY DATES	PROCEDURE
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		PURPOSE	EFFECT	SCOPE	BC- BUSINESS COMMITTEE LC- LEGISLATIVE COMMITTEE P- PLENARY	
11	<i>The Plant Health (Phytophthora Ramorum) (Wales) (no.2)) Order 2002</i>	<i>This Order will amend the emergency measures introduced in May to combat Sudden Oak Death (S.I. 2002/1350 (W.130)) in respect of non-forestry materials and bring controls in Wales into line with those that will apply on an EC wide basis from the end of October.</i>	<i>The measures introduced in the amending order will continue to regulate conditions under which the importation and transportation of non-forestry susceptible material may take place and will ensure that a uniform approach to combating the spread of the disease takes place throughout the European Community, especially with regard to imports from the USA.</i>	<i>Regulations in respect of non-forestry material will be made under the Plant Health (Great Britain) Order 1993. The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967, which empowers 'competent authorities' to make Orders to prevent the introduction of pests, so far as exercisable in relation to Wales, transferred to the Secretary of State for Wales by the Transfer of Functions (Wales)(No 1) Order 1978, SI 1978/272, article 2, Schedule 1. The functions of the Secretary of State for Wales were then transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, article 2, Schedule 1 (apart from the Treasury consent requirements under section 4 and 4A).</i>	<i>Executive Procedure approved by Cabinet</i> <i>Now that emergency measures have been agreed in Europe, there is a requirement for member states to adjust national measures so that they comply with the measures outlined in Commission Decision 2002/757/EC by 31st October 2002. To be effective against the disease, the Decision must be adopted quickly and uniformly across the Community</i>	22.27

NO	TITLE	INTENTION OF LEGISLATION			KEY DATES	PROCEDURE
		PURPOSE	EFFECT	SCOPE	BC- BUSINESS COMMITTEE LC- LEGISLATIVE COMMITTEE P- PLENARY	
FISHERIES						

12	<i>The Prohibition of Fishing with Multiple Trawls Order</i>	<i>Measure to enforce EU technical conservation regulation 850/98</i>	<i>Improved technical conservation measures by restricting the types of nets that can be used in Welsh waters.</i>	<i>Order will be made under sections 5(1) and 15(3) of the Sea Fish (Conservation) Act 1967. The functions of the Secretary of State under the Act have been transferred to the Assembly and delegated to the Rural Affairs Minister. Enforcement provisions are common throughout UK waters</i>	Early 2003	SO 22 Accelerated Selected by Committee for detailed consideration. Considered by Committee at 3 July meeting.
13	<i>The Undersized Lobsters (Wales) Order</i>	<i>Measures to support EU technical conservation regulation 850/98</i>	<i>Improved technical conservation measures includes an increase in the minimum landing sizes for lobsters above those otherwise applying at EU level.</i>	<i>Order will be made under sections 1(1), (4), (6) and 15(3) of the Sea Fish Conservation Act 1967. The functions of the Secretary of State under the Act have been transferred to the Assembly and delegated to the Rural Affairs Minister. The minimum sizes have been determined to meet Welsh needs, but enforcement provisions are common throughout UK waters</i>	Early 2003	

NO	TITLE	INTENTION OF LEGISLATION			KEY DATES	PROCEDURE
		PURPOSE	EFFECT	SCOPE	BC- BUSINESS COMMITTEE LC- LEGISLATIVE COMMITTEE P- PLENARY	
14	<i>The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Wales) Order</i>	<i>The management of fish quotas. Updating by replacing existing similar legislation.</i>	<i>Enforcement powers and penalties imposed on any boat fishing against EC quotas.</i>	<i>Order will be made under section 30(2) of the Fisheries Act 1981. The functions of the Secretary of State under the Act have been transferred to the Assembly and delegated to the Rural Affairs Minister. These enable Community legislation to be effectively enforced in Welsh waters. It is important that enforcement powers are consistent throughout UK waters.</i>	Early 2003	

15	<i>The Sea Fishing (Enforcement of Community Conservation Measures) (Wales) (Amendment) Order</i>	<i>Measures to support EU technical conservation regulation 850/98</i>	<i>Improved conservation of fishery resources through the enforcement of restrictions and obligations. Updates the references to Community legislation in existing Welsh legislation.</i>	<i>Order will be made under section 30(2) of the Fisheries Act 1981. The functions of the Secretary of State under the Act have been transferred to the Assembly and delegated to the Rural Affairs Minister. These enable Community legislation to be effectively enforced in Welsh waters. It is important that enforcement powers are consistent throughout UK waters.</i>	Early 2003
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		PURPOSE	EFFECT	SCOPE		
					BC- BUSINESS COMMITTEE LC- LEGISLATIVE COMMITTEE P- PLENARY	
16	<i>The South Wales Sea Fisheries District (Variation) Order</i>	<i>To amend existing SWSFC Order of 1912</i>	<i>To provide further for the membership and funding of the SWSFC</i>	<i>The Order is made under the Sea Fisheries Regulation Act 1966. The functions of the Secretary of State have been transferred to the Assembly and delegated to the Minister for Rural Affairs. The content of the Order is still the subject of consultation.</i>	Early 2003	SO 22 Selected by Committee for detailed consideration. To be scheduled into work programme at an appropriate date.
17	<i>The South Wales Sea Fisheries Committee (Levies) Regulations</i>	<i>To permit the Committee to issue revised levies in consequence of the above Variation Order.</i>	<i>To allow SFC's to adjust levies on constituent member councils in year.</i>	<i>The Regulations is made under the Local Government Finance Act 1988. The powers have been transferred to the Assembly.</i>	Early 2003	SO 22
18	<i>The Undersized Edible Crabs (Wales) Order</i>	<i>Measures to support EU technical conservation regulation 850/98 in respect of Edible Crabs</i>	<i>Improved technical conservation measures includes an increase in the minimum landing sizes for crabs above those otherwise applying at EU level</i>	<i>Order will be made under sections 6(1), (3), 20(1) and 15(3) of the Sea Fish Conservation Act 1967. The functions of the Secretary of State under the Act have been transferred to the Assembly and delegated to the Rural Affairs Minister. The minimum sizes have been determined to meet Welsh needs following consultation, but enforcement provisions are common throughout UK waters</i>	Early 2003	SO 22 Selected by Committee for detailed consideration. Considered by Committee at 17 July meeting.

NO	TITLE	INTENTION OF LEGISLATION			KEY DATES	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
					BC- BUSINESS COMMITTEE LC- LEGISLATIVE COMMITTEE P- PLENARY	
19	<i>The Prohibition of Keeping or Release of Live Fish (Specified Species) (Amendment) (Wales) Order "</i>	<i>To increase the number of non-native fish and shellfish species covered by the licensing procedures under The Prohibition of Keeping or Release of Live Fish (Specified Species) Order 1998</i>	<i>To protect native flora and fauna in Wales from the risks posed by accidental or deliberate introductions of certain non-native fish species.</i>	<i>The order making power under section 1 of the 1980 Act was transferred to the Assembly by the principal Transfer of Functions Order (1999/672).</i> <i>Responsibility under that Act has been delegated to the Minister. The Assembly has the power to determine the fish to be included. These have been decided upon following expert advice and consultation.</i>	January 2003	SO 22 Selected by Committee for detailed consideration. Considered by Committee at 16 October meeting.

NO	TITLE	INTENTION OF LEGISLATION			KEY DATES	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
					BC- BUSINESS COMMITTEE LC- LEGISLATIVE COMMITTEE P- PLENARY	
FOOD & FARMING DEVELOPMENT						

20	<i>Agricultural Holdings (Units of Production) Order 2002</i>	<i>Used in Agricultural Land Tribunals to measure the productivity of agricultural land. An annual updating SI</i>	<i>In essence, the SI lays down the figures for agricultural incomes, which are used in cases of a possible succession to an agricultural tenancy. These figures are then used to decide whether a close relative is eligible to succeed to a tenancy.</i>	<i>Succession provisions are contained in the Agricultural Holdings Act 1986, section 6. Revised figures for the annual uprating follow expert advice in relation to the economics of the industry.</i>	<i>December 2002</i>	<i>SO 22</i> <i>Executive Procedure likely to be sought to avoid legal challenge</i>
21	<i>Action Programme for Nitrate Vulnerable Zones (Wales) Regulations 2002</i>	<i>To establish active programmes for NVZ and monitoring arrangements in newly designated areas.</i>	<i>Occupiers of a farm or livestock unit required to implement action programme procedures outlined in Regs.</i>	<i>To give wider implementation to Council Directive 91/676/EEC</i>	<i>December 2002</i>	<i>SO 22</i> <i>Executive Procedure likely to be sought to secure continuous application of measures in newly designated NVZs with effect from 19 December 2002.</i> Selected by Committee for detailed consideration.

	TITLE	INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
CAP/ AGRICULTURE COMMODITIES						
1	<i>CAP Wine Amendment Regs</i>	<i>To implement EU updated labelling regs.</i>	<i>Will give effect to EU rules relating to the description, designation and presentation of wines. Will standardise labelling of wine throughout the EU</i>	<i>EU wide with no discretion for distinctive Welsh policy. Will amend SI No 2193 The Common Agricultural Policy (Wine) (Wales) Regulations 2001. Regs will be introduced under the European Communities Act 1972 Section 2(2). Assembly designated for this purpose.</i>	<i>Spring 2003</i>	<i>SO 22</i>
2	<i>Rural Payments Agency Appeals Regulations</i>	<i>To put into place an appeals procedure for schemes administered by the Rural Payments Agency on behalf of the National Assembly.</i>	<i>To extend rights of appeal already existing in relation to IACS schemes in Wales.</i>	<i>Regulations will give effect in Wales to a standard procedure agreed between the Rural Payments Agency and the 4 agriculture departments.</i>	<i>Spring 2003</i>	<i>SO 22</i>

3	Eggs and Poultry Marketing Regs.	These will implement EU regulations on labelling stocking density for free range eggs and technical requirements relating to the marketing of poultry meat.	To increase the minimum outside stocking density for free range hens where rotation of pasture is practised.	Enabling powers are section 2 (2) of European Communities Act 1972. The Assembly has been designated for this purpose. EU obligation requiring consistent application throughout UK.	Timing Uncertain Spring 2003	SO 22
4	Home Grown Cereals Authority amendment order	To implement provisions in Regulatory Reform Act	To remove various burdensome operational and bureaucratic requirements of the 1965 Cereals Marketing Act.	Enabling powers are section 14 of the Cereals marketing Act 1965. The act requires the Assembly to make the order jointly with GB Agriculture Ministers.	Timing Uncertain	SO 23 SI

TITLE		INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
5	Arable Area Payments Regulations	To consolidate & incorporate a number of new measures	To provide arable area subsidies under the CAP.	These regulations will implement EU legislation. There will be no specific Welsh dimension. The regulations will be made using powers under section 2(2) of the European Communities Act 1972. The Assembly has been designated for this purpose.	Timing uncertain Spring 2003	To be confirmed.
6	The Sheep Annual Premium (Wales) Regulations	To implement the December 2001 EU Regulations on a reformed sheepmeat regime. Commission Reg. 2550/2001 and Council Reg. 2529/2001 refer.	To consolidate : The new fixed rate premium and LFA supplement; The new premium payment period; and The new national envelope for sheep.	With the exception of the national envelope all these measures have a common application in the UK. The national envelope is being applied on a regional basis thereby allowing for the implementation of different options by the devolved UK administrations. Regs would amend SI 1992/2677 (as amended); and would be introduced under the European Communities Act 1972 Section 2(2). Assembly designated for this purpose. Subject to CAP MTR outcome.	Timing uncertain. Possibly Summer 2003	SO22

	TITLE	INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
7	<i>Livestock Quotas (Amendment) (Wales) Regulations</i>	<i>To implement measures to consolidate and liberalise the quota regime</i>	<i>Provide more flexible system of quota allocation and trading by simplifying administrative procedures.</i>	<i>Limited scope for distinctive Welsh policy. Would amend SI 1997 No 2844. Regs would be introduced under the European Communities Act 1972 Section 2(2)</i> <i>Subject to CAP MTR outcome.</i>	<i>Timing uncertain. Possibly Summer 2003</i>	<i>SO22</i> Selected by Committee for detailed consideration. To be scheduled into work programme at an appropriate date.
8	<i>Dairy quota amendment regulations</i>	<i>To implement EU reforms under Agenda 2000 awarding extra quota allocation to dairy farmers and to compensate dairy farmers for cuts in support prices</i>	<i>Final tranche of Agenda 2000 reforms. 15% reduction in support prices, - Dairy Premium Scheme-Community-funded compensation for reductions in support prices, 1.5% linear increase in milk quotas for UK and provision for additional national envelope for topping up basic payments.</i>	<i>Enabling powers are section 2(2) of European Communities Act 1972. The Assembly has been designated for this purpose. UK wide application – so limited scope for distinctive action</i>	<i>01/04/2005</i>	<i>SO 23 SI</i>

	TITLE	INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
9	<i>The Pigs (Records, Identification and Movement) Interim Measures (Wales) Order</i>	<i>Temporary Measures expire and will need to be renewed.</i>	<i>Rules for the record keeping and identification of pigs.</i>	<i>Limited scope for distinctive Welsh policy.</i>	<i>Temporary Measures expire 31/1/2003</i>	<i>SO 22</i>
10	<i>The Pigs (Records, Identification and Movement) Interim Measures (Wales) Order</i>	<i>A number of new measures need to be introduced including the provision of a holding of birth mark and changes to the slap-marking rules.</i>	<i>To improve animal ID and traceability procedures.</i>	<i>Limited scope for distinctive Welsh policy.</i>	<i>Autumn 2003</i>	<i>SO22</i>

11	<i>The Sheep and Goats Identification and Movement (Interim Measures) Wales Order</i>	<i>Temporary Measures expire and will need to be renewed.</i>	<i>Rules for the record keeping and identification of sheep and goats.</i>	<i>Limited scope for distinctive Welsh policy.</i>	<i>Temporary Measures expire 31/1/2003</i>	<i>SO 22</i>
12	<i>The Rabies (Importation of Dogs, Cats and Other Mammals) (Amendment) (Wales) Order</i>	<i>Requirement to add special rules for the control of echinococcosis and ticks as part of the PETS Travel Scheme</i>	<i>Maintenance of Public Health</i>	<i>Possible challenge as to whether devolved administrations are covered by existing UK Legislation</i>	<i>Timing uncertain.</i>	<i>SO 22</i>

TITLE		INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
ANIMAL HEALTH						
13	<i>Implementation of EU regulation 999/2001 on TSEs</i>	<i>To cover international trade issues.</i>	<i>Trade and export of live animals or trading in products of animal origin</i>	<i>The proposals implement EU Legislation and the SI will be made using powers under S2(2) of the EU Communities Act 1972</i>	<i>Spring 2003</i>	<i>SO 22</i>
14	<i>The Brucellosis in Cattle Herds (Wales) Order</i>	<i>Provisions governing the testing of milk for Brucellosis</i>	<i>To implement C.Dir. 64/432/EEC and 77/391/EEC. Relating to arrangements for milk testing for Brucellosis.</i>	<i>To revoke and substantially re-enact the Brucellosis Order 1997 in Wales.</i>	<i>Spring 2003</i>	
15	<i>The Enzootic Bovine Leukosis (Wales) Order</i>	<i>Regulatory framework for testing of milk for EBL</i>	<i>To implement CDir 64/432/EEC and 77/391/EEC. Relating to arrangements for milk testing for EBL.</i>	<i>To revoke and re-enact the EBL Order 1997 in Wales</i>	<i>Spring 2003</i>	
16	<i>Animal By-Products Order</i>	<i>To enforce Community-wide measures that lay down health rules concerning animal by-products not intended for human consumption.</i>	<i>To control animal by-products and products such as meat and bonemeal that are derived from animal by-products. It will also deal with the import and trade of animal products that are not intended for human consumption and will ban the use of high risk material in animal feed.</i>	<i>The proposals implement EU Legislation and the SI will be made using powers under S2(2) of the EU Communities Act 1972.</i>	<i>Spring 2003</i>	<i>SO 22</i>

TITLE		INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
17	<i>Animal By-Products Order (Amendment) (Wales) Order</i>	<i>To permit the composting of Catering Waste</i>			<i>Spring 2003</i>	
18	<i>Broiler /meat Chicken code</i>	<i>To promote the highest standards of husbandry practices for each intended species</i>	<i>The Welfare Codes will be made under s.3(1) of the Agriculture (Miscellaneous Provisions) Act 1968 which empowers the National Assembly to make Codes subject to statutory consultation.</i>	<i>Policy being developed</i>	<i>Spring 2003</i>	
19	<i>Sheep Welfare Code</i>	<i>To promote the highest standards of husbandry practices for each intended species</i>	<i>The Welfare Codes will be made under s.3(1) of the Agriculture (Miscellaneous Provisions) Act 1968 which empowers the National Assembly to make Codes subject to statutory consultation.</i>	<i>Policy being developed</i>	<i>Timing uncertain</i>	

TITLE		INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		

FISHERIES

20	<i>EU Marketing Standards – Box Weights</i>	<i>To update existing legislation to reflect recent changes in Community law.</i>	<i>To improve enforcement of EU marketing standards with the aim of promoting better quality standards for fish landed in Wales. Thus maximising the value of fish both to fishermen and to the processing industry.</i>	<i>It is normal practice to update periodically the domestic regulations when EU law changes. The current UK SI is the Sea Fish (Marketing Standards) Regulations 1986, amended in 1989 & 94. Since it was made, the EU Council Regulations, 103/76 & 104/76, have been replaced by Reg. 2406/96 which sets out the main common marketing standards for certain fishery products. There has since been further legislation. To update the UK SI to refer explicitly to these Regs, we propose to replace it with a Wales SI covering all the current EU law.</i> <i>The functions of the Secretary of State under the</i>	<i>Consultation to take place</i> <i>2003</i>	<i>SO22</i>
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				Act have been transferred to the Assembly and delegated to the Rural Affairs Minister		
21	Sorting Grids & Separator trawls in Shrimp Fisheries	Measures to support EU technical conservation regulation 850/98	Improved technical conservation measures by introducing rules for the use of separator trawls or sorting grids, in order to reduce the significant level of discards of other species.	The Order will be made under sections 3(1) and 15 (3) of the Sea Fish (Conservation) Act 1967. The functions of the Secretary of State under the Act have been transferred to the Assembly and delegated to the Rural Affairs Minister.	Consultation to take place Timing Uncertain	SO22

TITLE		INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
PLANT HEALTH, SEEDS & PESTICIDES						
22	The Beet Seeds Regulations	The purpose of the regulations is to ensure the correct and transparent implementation of EU directives while maintaining the quality of seed marketed in Wales.	Subject to consultation the regulations will transparently implement EU Directives, and where possible reduce administrative costs.	The powers enabling this instrument to be made are sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964 in accordance with 66/400/EEC. These regulations will re-transpose the EU common catalogue Directives. As a result there is very limited scope for interpretation	Spring 2003	SO 22
23	The Vegetable Seeds Regulations	The purpose of the regulations is to ensure the correct and transparent implementation of EU directives while maintaining the quality of seed marketed in Wales.	Subject to consultation the regulations will transparently implement EU Directives, and where possible reduce administrative costs.	The powers enabling this instrument to be made under sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964 in accordance with 70/458/EEC. These regulations will re-transpose the EU common catalogue Directive. As a result there is very limited scope for interpretation	Spring 2003	SO22
24	The Seeds (Registration, Licensing and enforcement) Regulations	The purpose of the regulations is to ensure the correct and transparent implementation of EU directives while maintaining the quality of seed marketed in Wales.	Subject to consultation the regulations will transparently implement EU Directives, and where possible reduce administrative costs	The powers enabling this instrument to be made under the Plant Varieties and Seeds Act 1964 in accordance with 70/457/EEC. These regulations will re-transpose the EU common catalogue Directive. As a result there is very limited scope for interpretation	Spring 2003	SO22

	TITLE	INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
25	<i>The Cereal Seeds Regulations</i>	<p><i>The purpose of the regulation is to ensure correct and transparent implementation of EU directives while maintaining the quality of seed marketed in Wales and to implement</i></p> <p><i>2001/64/EC on the bulk marketing of seed</i></p>	<p><i>Subject to consultation the regulations will transparently implement EU Directives, and where possible reduce administrative costs.</i></p>	<p><i>The powers enabling this instrument to be made are sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964 in accordance with 66/402/EEC. These regulations will re-transpose the EU common catalogue Directives. As a result there is very limited scope for interpretation</i></p>	Spring 2003	SO22
26	<i>The Fodder Plant Seeds Regulations</i>	<p><i>The purpose of the regulations is to ensure the correct and transparent implementation of EU directives while maintaining the quality of seed marketed in Wales and to implement</i></p> <p><i>2001/64/EC.</i></p>	<p><i>Subject to consultation the regulations will transparently implement EU Directives, and where possible reduce administrative costs</i></p>	<p><i>The powers enabling this instrument to be made are sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964 in accordance with 66/400/EEC</i></p> <p><i>.These regulations will re-transpose the EU common catalogue Directive. As a result there is very limited scope for interpretation</i></p>	Spring 2003	SO22

	TITLE	INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		

27	<i>The Oil and Fibre Seeds Regulations</i>	<i>The purpose of the regulations is to ensure the correct and transparent implementation of EU directives while maintaining the quality of seed marketed in Wales.</i>	<i>Subject to consultation the regulations will transparently implement EU Directives, and where possible reduce administrative costs.</i>	<i>The powers enabling this instrument to be made are sections 16(1), (1A), (2), (3), (4) and (5) and 36 of the Plant Varieties and Seeds Act 1964 in accordance with 69/208/EEC. These regulations will re-transpose the EU common catalogue Directives. As a result there is very limited scope for interpretation</i>	<i>Spring 2003</i>	<i>SO 22</i>
28	<i>Transposition of Directive 2002/36/EC</i>	<i>To introduce further changes to the Annexes of Directive 2000/29/EC</i>	<i>This directive makes amendments to annexes of 2000/29. These include changes to protection zones, amendments to plant passporting procedures and lists of non-Euro Countries.</i>	<i>The powers enabling this instrument to be made are the Plant Health Act 1967, which empowers 'competent authorities' to make Orders to prevent the introduction of pests, so far as exercisable in relation to Wales, There is little scope for interpretation.</i>	<i>Spring 2003</i>	<i>Accelerated</i>
29	<i>Plant Breeders Rights fees amendments Regulations</i>	<i>To set annual fees increases</i>			<i>Summer 2003</i>	<i>SO23- vote without debate</i>
30	<i>Pesticides Maximum Residue Levels Regulations</i>	<i>To set new maximum residue levels</i>			<i>Summer 2003</i>	<i>SO23-Accelerated</i>

	TITLE	INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
31	<i>Plant Protection Products</i>	<i>To add new active substances to annex 1</i>			<i>Summer 2003</i>	<i>SO-23 Accelerated</i>
32	<i>The Potatoes Originating in Netherlands (revocation) (Wales) Regulations</i>	<i>. The purpose of these regulations is to revoke the temporary authorisation given to Member States to take additional measures against the spread of potato brown rot (Pseudomonas solanacearum) as regards the Netherlands under Commission decision 98/736/EC amending Decision 95/506/EC.</i>	<i>Importers will no longer be required to give the Plant Health and Seeds Inspectorate two days prior notification of imports of potatoes from the Netherlands.</i>	<i>The powers to make this SI come under Section 2 (2) of the ECA 1972. Assembly has been designated for this purpose. There is little scope for the Assembly to introduce distinctive Welsh policies because of the need for the statutory provisions to be applied consistently across the Member State.</i>	<i>Timing uncertain Legislation awaited from DEFRA</i>	<i>SO 22</i>

TITLE		INTENTION OF LEGISLATION			PROJECTED DATE FOR MAKING SI	PROCEDURE
		PURPOSE	EFFECT	SCOPE		
FOOD & FARMING DEVELOPMENT						
33	<i>Organic Products Regulations</i>	<i>to introduce revised standards for organic produce</i>	<i>Requiring producers to comply with the new organic standards</i>	<i>Some scope for distinctive action.</i>	<i>Spring 2003</i>	<i>SO 22</i> Selected by Committee for detailed consideration. Considered by Committee at 17 July meeting.
34	<i>Farm Woodland Premium Scheme</i>	<i>To take account of any changes which emerge from the FWPS review</i>	<i>To provide levels of payment to reflect income forgone through separation of land for tree planting.</i>	<i>Section 2 of the Farm Land and Rural Development Act 1988</i> <i>The Scheme complies with Title VIII of Council Regulation (EEC) No. 2328/91</i>	<i>Summer 2003</i>	<i>The FWPS is currently being reviewed and should be concluded later in 2002.</i> <i>SO 22</i>
35	<i>Tir Gofal (Amendment) Regulations</i>	<i>to implement changes recommended by the stocktake</i>	<i>To allow access to the scheme for a wider range of farmers and to rationalise the number of prescriptions</i>	<i>Tir Gofal only applies in Wales and the Assembly therefore has flexibility within Community legislation</i>	<i>Spring 2003</i>	<i>SO 22</i> <i>Executive Procedure has been approved to enable amending regulations to be opened to applications in early 2003.</i> Selected by Committee for detailed consideration. To be considered at 11 December meeting.
36	<i>Fertiliser Regs</i>	<i>Consolidation of existing EU regulations</i>	<i>Simplification of Fertiliser Legislation</i>	<i>Legislation will almost certainly need to be replicated across the U.K.-</i>	<i>Spring 2003</i>	<i>Awaiting information from the Commission.</i>
37	<i>The Geographical Indications, Designations of Origin and Certificate of Specific Character</i>	<i>To implement EU decisions on the protection of Welsh food products</i>			<i>Timing uncertain</i>	<i>Not definite if this will require an SI. Awaiting further information.</i> Selected by Committee for detailed consideration. To be scheduled into work programme as appropriate.

	<i>TITLE</i>	<i>INTENTION OF LEGISLATION</i>			<i>PROJECTED DATE FOR MAKING SI</i>	<i>PROCEDURE</i>
		<i>PURPOSE</i>	<i>EFFECT</i>	<i>SCOPE</i>		
38	<i>Amendment to the Farm Enterprise Grant and Farm Improvement Grant (Wales) Regulations</i>	<i>To allow wider scope for some of the proposals coming forward and to be able to reconsider the grant rates.</i>		<i>Policy being developed</i>	<i>Spring 2003</i>	<i>SO 22</i>
39	<i>The Rural Development Grants (Agriculture) (Wales) Regulations</i>	<i>To cater for new European programmes</i>		<i>Policy being developed</i>	<i>Spring 2003</i>	<i>SO 22</i>

	<i>TITLE</i>	<i>INTENTION OF LEGISLATION</i>			<i>PROJECTED DATE FOR MAKING SI</i>	<i>PROCEDURE</i>
		<i>PURPOSE</i>	<i>EFFECT</i>	<i>SCOPE</i>		
<i>RURAL POLICY DIVISION</i>						
40	<i>LEADER+ Regulations</i>	<i>To implement enforcement and recovery provisions relating to the LEADER+ Programme</i>	<i>Simplification of administration arrangements for the Programme</i>	<i>Policy being developed</i>	<i>Timing uncertain</i>	<i>SO 22</i>

