

Jane Hutt AC / AM
Y Gweinidog Cyllid ac Arweinydd y Tŷ
Minister for Finance and Leader of the House



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref: SF/LG/0047/11

Rosemary Butler AM
Presiding Officer
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

10 January 2012

Dear Rosemary

The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2012

I am writing to inform you that in order to bring the Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2012 into force in Wales it is necessary to breach the 21-day rule. These Regulations need to come into force on 12 January 2012.

These Regulations will provide for the execution and enforcement, in Wales, of the provisions of Commission Decision 2011/884/EU which was published in the Official Journal on 23 December 2011. These Regulations strengthen existing EU-wide restrictions aimed at avoiding the import of rice and rice products from China for use as food or animal feed that contain unauthorised Genetically Modified Organisms (GMOs). Domestic legislation implementing Commission Decision 2011/884/EU has to be in force on 12 January 2012.

On 12 February 2008 the EC Standing Committee agreed Emergency Measures regarding the unauthorised genetically modified organism 'Bt63' in rice products from China; the measures entered into force on 15 April 2008 and require that all such imports are certified free from Bt63 before they enter the EU.

Due to continued notifications of Bt63 in rice products from China and the detention of further unauthorised GM rice varieties in some products, it has been agreed at EU level that the emergency measure should be strengthened.

The European Union has therefore adopted several amendments to the current measures. As stated above, Commission Implementing Decision 2011/884/EU of 22 December 2011 on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC was published in the EU Official Journal on 23 December 2011.

The emergency Decision will require that consignments of rice and rice products originating in, or consigned from, China for import into the EU are accompanied by an analytical report confirming the absence of any GM rice material, based on a specific testing method and a health certificate signed and verified by an authorised representative of the Chinese import/export authority. Consignments without the required documentation must be re-dispatched to the country of origin or destroyed. Consignments with the required documentation will be subject to sampling and analysis by Enforcement Authorities and satisfactory results must be obtained before they can be released for free circulation.

The breach of the 21 day rule is required to ensure that enforcement authorities have the necessary powers to carry out the additional controls required by Commission Decision 2011/884/EU and to avoid a gap in import controls between the repeal of the current controls and the implementation of the new Decision and the associated risk of food and animal feed containing unauthorised GMOs entering the UK and being released for free circulation with the EU.

Parallel Regulations are expected to come into force in England, Scotland and Northern Ireland no later than 12 January 2012, in order to meet the date on which the emergency Decision specifies it should be implemented in Member States.

It is for this reason the Minister for Health and Social Services has deemed that the Regulations should come into force in Wales on 12 January 2012, in line with the rest of the UK.

An Explanatory Memorandum has been prepared, and laid, together with these Regulations, in the Table Office.

A copy of this letter has been sent to David Melding, Chair of the Constitutional and Legislative Affairs Committee and to Stephen George, Clerk to the Constitutional and Legislative Affairs Committee.

A handwritten signature in black ink, appearing to read 'Yours, Jane'.

Jane Hutt AC / AM

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