

EXPLANATORY MEMORANDUM  
TO  
THE ANIMALS AND ANIMAL PRODUCTS (IMPORT AND EXPORT) (AMENDMENT)  
REGULATIONS (NORTHERN IRELAND) 2011.

S.R. 2011 No. 27

**1. Introduction**

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development and is laid before The Northern Ireland Assembly.

1.2 The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

1.3 The Rule complies with the 21 day rule and will come into operation on 28th February 2011.

**2. Background**

2.1 The Animal and Animal Products (Import and Export) Regulations (Northern Ireland) 2006 (the principal regulations) transpose into domestic law Council Directive 91/496/EEC and Council Directive 90/425/EEC, which set out the rules for veterinary checks on imports and export of animal and animal products (genetic material). The Regulations also require all imported animals and animal products to meet the import requirements set out in numerous pieces of Community legislation.

2.2 It is necessary to make the changes as detailed below to the principal regulations to give effect to various EU changes that need to be effectively enforced. These amendments to the principal Regulations update the Schedules to give effect to EU law concerning the importation of animals and animal products. This is because a number of pieces of EU legislation that apply to imported animals and animal products have been repealed and replaced by new legislation.

**3. Purpose**

3.1 The new Rule amends Schedules 2 and 6 to the principal regulations to give effect to EU law concerning the intra-Community trade in, and imports from third countries of, animals and animal products

3.2 Frequent changes to the Community legislation requires continuing amendment to our domestic legislation to ensure full enforcement provision has been made.

3.3 The amendment Regulations also contains ambulatory reference provisions so that future amendments to listed legislation will have direct affect. Such ambulatory reference is expedient due to the technical nature of the detailed EU trade-related legislation listed in the schedules and because of the considerable resource implications in making regular amendments to the principal Regulations.

#### **4. Consultation**

4.1 These technical amendments bring domestic legislation into line with what is already in effect in EU law. As the changes are routine and do not impose new burdens on industry consultation is not considered necessary.

#### **5. Position in GB/ROI**

5.1 Defra have made the Animal and Animal Products (Import and Export) (England) (Amendment) Regulations 2010, which came into force on 29 July 2010. Similar Regulations will be introduced in Scotland and Wales. DAFF will enforce through general authorisations rather than introduce similar legislation.

#### **6. Human Rights and Equality Impact**

6.1 The Regulations do not have human rights implications. Animal health and disease control have been identified as policies and functions that do not have an equality dimension therefore an Equality Impact Assessment is not considered necessary.

#### **7. Regulatory Impact and Financial Implications**

7.1 A regulatory impact assessment has not been carried out. The Regulations do not have any financial implications for the Department or stakeholders.

#### **8. Section 24 of the Northern Ireland Act 1998**

8.1 The Regulations deal with technical amendments to animal health legislation and do not have human rights implications, nor are they incompatible with EU Law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

#### **9. Contact**

9.1 Thomas Craig at the Department of Agriculture and Rural Development. Telephone: 028 90524395 or e-mail: Thomas.Craig@dardni.gov.uk.