

EXPLANATORY MEMORANDUM
TO
Trade in Animals and Related Products Regulations (Northern Ireland) 2011

S.R. 2011 No. 438

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 Statutory Rule is reliant upon the making of a different rule which is subject to a European Union legislative date requirement of 1st January 2012. Regrettably it has been decided that on this occasion the Department is unable to comply with the 21 day rule. The Regulations will come into operation on 1st January 2012.

2. Purpose

2.1 The Trade in Animals and Related Products Regulations (Northern Ireland) 2011 give effect to EU law concerning the importation of animals and animal products from other Member States and third countries.

2.2 The Regulations amalgamate and simplify the current three Statutory Rules which cover the veterinary checks regime on intra Union trade in live animals and animal products and imports conditions for live animals and animal products from third countries into one Statutory Rule.

3. Background

3.1 The Rule enforces EU legislation, detailed below, covering the import of live animals and products of animal origin from third countries. The Rule also enforces EU legislation on the intra Union movement of live animals and their genetic material.

3.2 Council Directive 97/78/EC ensures that products of animal origin imported into the EU are produced to animal health and hygiene standards at least equivalent to those required for EU production.

3.3 Council Directive 90/425/EEC and Council Directive 91/496/EEC ensures that animals and animal products (genetic material) imported into the EU meet the relevant animal, and where appropriate, public health requirements and protect the health of animals within the European Union.

3.4 Council Directive 89/662/EEC removed the requirement for the Member State of destination to undertake veterinary checks on products of animal origin in intra-Community trade with a view to the completion of the single market.

4. Legislative Context

The pieces of legislation to be replaced are:

The Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007

4.1 The Regulations implement Council Directive 97/78/EC (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries). Regulations implementing this Directive were first introduced in 2002 and have been updated regularly since, primarily to include Union legislation amending Union import requirements.

4.2 The Regulations require that animal products to which the Directive applies for import from third countries must be presented to an approved Border Inspection Post for veterinary examination to ensure that the product complies with the relevant import requirements. The Regulations require importers to comply with the import requirements listed in the Regulations.

The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006

4.3 These Regulations control intra Union trade of live animals and products (semen, ova and embryos) and imports from third countries of live animals.

4.4 The Regulations require that, to be eligible for intra-Union trade, animals and genetic material must meet the provisions of EU legislation. Consignments must also be accompanied to their destination by a valid health certificate, signed by a Department-approved veterinarian.

4.5 The Regulations require that animals imported from non-EU countries must comply with Council Directive 91/496/EC and the other EU legislation relating to imports. Such animals must enter the Union via an approved Border Inspection Post (BIP) where they are checked to ensure they meet Union requirements.

The Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998

4.6 These Regulations implement Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the single market. The Regulations make provision for the designation of official veterinary surgeons to implement them, and provide for enforcement by the Department to give directions to district councils.

The Animals and Animal Products (Import and Export) (Circuses and Avian Quarantine) Regulations (Northern Ireland) 2007

4.7 These Regulations made an amendment to The Animals and Animal Products (Import and Export) Regulations (Northern Ireland) 2006 to implement Commission Regulation (EC) No. 1739/2005 laying down animal health requirements for the movement of circus animals between member States and Commission Regulation (EC) No. 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof.

5. Consultation

5.1 No formal consultation has been carried out. The changes do not impose new burdens on industry as this process is simply a restructure in domestic legislation of EU legislation that is already in place.

6. Parity or Replicatory Measure

6.1 Defra have made the Trade in Animals and Related Products Regulations 2011, which came into force on 25 May 2011. Similar Regulations came into operation in Wales on 19 October 2011 and will be introduced in Scotland. DAFM has similar legislation to implement the EU requirements.

7. Equality Impact

7.1 Consideration has been given to compliance with section 75 of the NI Act 1998 and screening exercises have been carried out on the proposed legislation. The outcome was that an Equality Impact Assessment on the proposed Statutory Rule was not considered necessary.

8. Regulatory Impact and Financial Implications

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

9. Section 24 of the Northern Ireland Act 1998

9.1 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.

10. Contact

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