

EXPLANATORY MEMORANDUM TO
FOOD HYGIENE (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2016
SR 2016 No. 345

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Food Standards Agency in Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule (SR) is made under the powers conferred on it by section 2(2) of the European Communities Act 1972 Act and is subject to the negative resolution procedure.
- 1.3 The rule is due to come into operation on 15th October 2016

2. Purpose of the Rule

- 2.1 These Regulations amend the Food Hygiene Regulations (Northern Ireland) 2006 to provide for the execution and enforcement in Northern Ireland of the provisions of Commission Implementing Regulation (EU) No. 2015/1375 (“the new Commission Regulation”), laying down the specific rules on official controls for *Trichinella* in meat. *Trichinella* is a genus of parasites that can cause serious disease and sometimes death in humans and is mainly caused by eating undercooked meat, particularly swine that contains the parasite.
- 2.2 The new Commission Regulation introduces minor changes to the specific rules on official controls for *Trichinella* in meat and a codification that creates a single consolidated Regulation, incorporating all previous amendments, including the changes that were previously introduced to provide clarity to the legislation and avoid misinterpretation.

3. Legislative Context

- 3.1 In June 2015, the Commission put forward a proposal that Regulation (EC) No. 2075/2005 and all of its amendments go through a codification process. This has the purpose of creating a single Regulation that consolidates the previous version and all extant amendments.
- 3.2 The new Commission Regulation repealed Commission Regulation (EC) No. 2075/2005¹, laying down specific rules on official controls for *Trichinella* in meat, and was published in the Official Journal of the European Union (OJ) on 11 August 2015². The new Commission Regulation came into force on 29 August 2015 and became applicable throughout the EU 20 days after its publication.

¹ OJ L 338, 22.15.2005, pg. 60

² OJ L 212, 11.8.2015, pg. 7

4. Matters of Special Interest to the Health Committee

4.1 None.

5. Policy background

What is being done and why

- 5.1 On 7 March 2014, Commission Regulation (EU) No. 216/2014³, amending Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat was published in the OJ and introduced a more risk based *Trichinella* testing regime. Prior to this change, every pig entering the foodchain was required to be tested no matter how they were bred. The new Commission Regulation, however, reflects the reduced risks afforded by biosecurity with only 10% of pigs, or all sows and boars bred in Controlled Housing required to be tested. This regime has applied since 1 June 2014.
- 5.2 In November 2014, in response to concerns raised by Member States over interpretation, the Commission introduced a further amendment to Regulation (EC) No. 2075/2005 that provided clarity to the changes made under Regulation (EU) 216/2014. Commission implementing Regulation (EU) 1114/2014⁴ added clarity by ensuring that the text was consistent with Council Directive 64/432/EEC⁵ on animal health problems affecting intra-EU trade in bovine animals and swine, and other associated Regulations. These clarifications were made to ensure that Regulation (EC) 2075/2005 was applied correctly.
- 5.3 The only additions to the provisions of Regulation 2075/2005 as last amended by Regulation 1114/2014 (and now consolidated into the new Commission Regulation) that directly affected UK stakeholders were the introduction of two new flexibilities. One allows horse carcasses to be cut up into a maximum of six parts in a slaughterhouse or in a cutting plant on the same premises pending results from *Trichinella* testing. The second is an additional testing method for *Trichinella* in domestic swine.

6. Consultation

- 6.1 During the development of Regulation (EU) 216/2014, there was extensive communication with external organisations throughout the EU negotiations of the proposals during the development of the national applications of the changes. The FSA held a number of ad hoc meetings with key organisations to help inform its discussions and these meetings informed the conclusions of the first consultation process.
- 6.2 The FSA carried out a formal consultation in June 2014 on amending Regulation, introducing the new testing requirements for *Trichinella*. The purpose of the consultation was to seek external organisations' views on the

³ OJ L 69, 8.3.2014, pg. 85

⁴ OJ L 302, 20.10.2013, pg. 46

⁵ OJ L 121, 29.7.1964, pg. 1977

practical application of the changes and to determine whether the FSA's assumptions were a fair reflection of the costs, benefits and wider impacts on external organisations. Details of the consultation are published on the FSA's website at: <https://www.food.gov.uk/news-updates/consultations/2014/pigmeat-inspect-consult-ni>

6.3 The Food Standards Agency carried out a shortened six-week consultation that ran from the 22 January to 4 March 2016, seeking comments on the introduction of the changes to the official controls for *Trichinella* in meat. Comments were also sought on the new flexibilities provided for in the new Commission Regulation and also on the proposed Food Hygiene (Amendment) Regulations (Northern Ireland) 2016.

6.4 There were no responses to the consultation in Northern Ireland.

7. Impact

7.1 An Impact Assessment has not been prepared for the current measures, as a full consultation was carried out when Regulation (EU) 216/2014 and Regulation (EU) 1114/2014 were adopted.

7.2 As the substance of the new Commission Regulation remains the same as the previous legal framework, inclusive of amendments, and the flexibilities have no negative impact on UK practices, a further impact assessment is not required.

8. Regulating Small business

8.1 The instrument will apply to all businesses, small and large.

9. Monitoring

9.1 *Trichinella* is an official control with the requirement that testing of domestic swine, wild boar, horses and other farmed and wild animal species susceptible to *Trichinella* entering the foodchain is performed. The testing is carried out by either FBO's or the FSA contractor on behalf of the FBO's. Testing and test results are monitored by the FSA to ensure compliance with the Regulation and action taken, where necessary.

10. Contact

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