

EXPLANATORY MEMORANDUM TO

THE AGRICULTURE, ANIMALS AND AQUACULTURE (HEALTH, IDENTIFICATION, WELFARE, TRADE, ETC.) (AMENDMENT) (EU EXIT) REGULATIONS (NORTHERN IRELAND) 2020

2020 No. 324

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule and is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure. Regulations 1, 24 and the Schedule in it, which contain introductory and revocation provisions, will come into operation immediately before the end of the transition period. Regulations 2 to 23 will come into operation when the transition period ends (11.00pm on 31 December 2020).

2. Purpose of the instrument

- 2.1 The Statutory Rule ensures that Northern Ireland subordinate legislation relating to Animal Health and Welfare, alien and locally absent species in aquaculture, common marketing organisation and common agricultural policy (CAP) can continue to operate effectively after the end of the European Union (EU) transition period and aligns with EU obligations in these areas in accordance with the Ireland / Northern Ireland Protocol (the Protocol).

3. Background

- 3.1 In 2018 and 2019, a number of Statutory Instruments were made by the Department for Environment, Food and Rural Affairs to ensure that domestic regulations could operate in the event that the UK left the EU without an agreement. Some of those Statutory Instruments amended Northern Ireland legislation for which the Department has responsibility. They were taken forward at Westminster to ensure transparency and scrutiny in the absence of a fully functioning Northern Ireland Assembly and are due to come into operation at the end of the transition period. While there are some provisions in the Statutory Instruments that are still needed because they reflect that the UK is no longer an EU Member State, some changes made in them no longer align with the Withdrawal Agreement and Protocol. For this reason, the Statutory Rule revokes some of the amendments contained in a number of these Statutory Instruments.
- 3.2 The Statutory Rule amends provisions in a number of different pieces of subordinate legislation relating to agriculture, animal health and aquaculture. The amendments are technical in nature, and for the most part, reflect that the UK is no longer a part of the EU. For example, they change references to:
 - ‘other member States’ or ‘another member State’ to ‘member States’ or ‘a member State’;
 - ‘intra-Community trade’ to ‘trade with the EU’;

- ‘between member States’ to ‘between Northern Ireland and a member State or a member State and Northern Ireland’;
 - ‘member State of the EU other than the UK’ to remove the reference to ‘other part of the UK; and
 - ‘another part of the European Community’.
- 3.3 The Statutory Rule also makes a number of amendments which are consequential to those made to primary legislation in the Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020.
- 3.4 The Statutory Rule provides that the stamps applied in slaughterhouse or game handling establishments to untreated meat from animals restricted because of a disease outbreak must bear the identification mark ‘UK(NI)’ as opposed to the current ‘UK’ mark. This reflects the requirements of Article 7 of the Protocol, which provides that products placed on the market in Northern Ireland must have the marking ‘UK(NI)’ so that Northern Ireland products can be differentiated from products from the rest of the UK post transition. The Statutory Rule also provides that European Commission officials may only attend premises in Northern Ireland in relation to direct payments where payments have been claimed prior to 2020 because they are nationally funded from 2020 onwards. However, it also provides for on-going access for European Commission officials which may be required for schemes under the Rural Development Programme in line with the terms of the Withdrawal Agreement.
- 4. Consultation**
- 4.1 As the amendments contained in the Statutory Rule are technical in nature and do not involve policy changes, they have not been subject to public consultation.
- 5. Equality Impact**
- 5.1 The Department is required under section 75 of the Northern Ireland Act 1998 to screen the proposed changes to ascertain if an Equality Impact Assessment is required. A screening exercise was, therefore, carried out on the Statutory Rule. No equality issues were identified.
- 6. Regulatory Impact**
- 6.1 Given the technical nature of the Statutory Rule, no regulatory impact assessment is required. There are no impacts on the private, voluntary or public sector as a result of these changes.
- 7. Rural Needs Impact**
- 7.1 A rural needs screening exercise has been carried out on the Statutory Rule. As it makes technical changes only no impact was identified.
- 8. Financial Implications**
- 8.1 There are no financial implications associated with the introduction of this Statutory Rule.

9. Section 24 of the Northern Ireland Act 1998

9.1 The Statutory Rule does not have any human rights implications nor is it incompatible with EU law. It, therefore, complies with the requirements of section 24 of the NI Act 1998.

10. EU Implications

10.1 The Statutory Rule takes account of the need to align with the agreement reached between the UK and the EU on the UK's withdrawal from the EU.

11. Parity or Replicatory Measure

11.1 The Statutory Rule is not necessary for parity elsewhere.

12. Additional Information

12.1 N/A

13. Contact

13.1 Darrin Fullerton at the Department of Agriculture, Environment and Rural Affairs: Telephone: 02877442310 or email: darrin.fullerton@daera-ni.gov.uk, can be contacted with any queries regarding the instrument.

13.2 Neal Gartland at the Department of Agriculture, Environment and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.