STATUTORY INSTRUMENTS

2019 No. 1225

The Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019

PART 2

Powers to amend lists of approved third countries for trade in animals and products

CHAPTER 10

Function of approval of third countries to be included in approved lists that comply with veterinary residues

Power to amend the third country lists of approved residue control plans in Commission Decision 2011/163/EU

12.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Decision 2011/163/EU on the approval of plans submitted by third countries(**1**) (which sets out the assurances which a third country offers as regards the monitoring of the groups of residues and substances), to add a third country to the list in the Annex ("the list"), or remove or amend an entry in the list in respect of a third country, where the amendment is necessary or appropriate in the light of an assessment of the risks to public health in the United Kingdom, taking into account matters specified in this regulation.

(2) For the purposes of submission for approval under paragraph (6), an assessment of a residue control plan submitted by the central competent authority of the third country must take into account the extent to which it complies with the regulatory requirements in the United Kingdom and must set out the following information—

(a) legislation on the use of the substances listed in Annex 1 to Directive 96/23/EEC(**2**) and, in particular, provisions on their prohibition or authorization, distribution and placing on the market and the rules governing their administration, in so far as such legislation is different from that in force in the United Kingdom;

(b) the infrastructure of the relevant competent authorities in the third country (with, in particular, details of the type and size of the bodies involved in implementing the plans);

(c) a list of approved laboratories, with details of their capacity for processing samples;

(d) national tolerances for authorized substances in cases where no maximum United Kingdom residue levels have been set under Regulation (EC) No 470/2009;

(e) a list of the substances to be detected, methods of analysis, standards for interpreting the findings and, in the case of the substances listed in Annex 1 to Directive 96/23/EEC, the number of samples to be taken, and the reasons for this number;

(**1**) Commission Decision 2011/163/EC is amended by S.I. 2019/795.
(**2**) OJ No. L 125, 23.5.1996, p.10, as last amended by Council Directive 2013/20/EU (OJ No. L 158, 10.6.2013, p.234).

(f) the number of official samples to be taken in relation to the number of animals of the species concerned slaughtered in preceding years in accordance with the frequencies laid down in Annex 4 to Directive 96/23/EEC;

(g) details of the rules governing the collection of official samples, and in particular the rules concerning the particulars to appear on such official samples;

(h) the type of measures laid down by the competent authorities in the third country with regard to animals or products in which residues have been detected;

(i) confirmation that the relevant competent authority of the third country coordinates the activities of the central and regional departments responsible for monitoring the various residues to prevent the fraudulent or unlawful use of substances or products on stock farms;

(j) confirmation that the relevant competent authority of the third country collects residue monitoring data needed to evaluate the means used and the results, and will supply a report of such data to the Secretary of State and the appropriate authority annually by 31st March each year.

(3) The plan must provide for the detection of groups of residues or substances according to type of animal, in accordance with Annex 2 to Directive 96/23/EEC, and in accordance with the sampling rules and levels set down in Annex 3 and Annex 4 to that Directive, and must specify in particular the measures for the detection of—

(a) the relevant substances in animals in accordance with Annex 2 to that Directive, or in the drinking water, and in all places where animals are bred or kept;

(b) residues of such substances found in live animals, their excrement and body fluids or in animal tissues, meat, milk, eggs or honey.

(4) Compliance with the requirements of, and adherence to the assurances offered by, the plans submitted by third countries must be verified by means of checks carried out by the relevant competent authority in the third country, and, where such checks reveal the use of unauthorized products or substances for the treatment of the animals in a given batch, or the presence of such products or substances in all or part of a batch originating in the same establishment, the Secretary of State and the appropriate authority may—

(a) impose remedial measures, after making enquiries of the competent authorities of the third country and concluding that the third country has failed to fulfil its obligations and the assurances in the residue control plan;

(b) send United Kingdom experts to visit the third country, at that country's expense, in order to verify that remedial measures have been taken.

(5) Third countries using raw material imported from other third countries approved for production of food of animal origin in accordance with Commission Decision 2011/163/EU, and which are unable to provide a residue monitoring plan, must provide an assurance that animal products for human consumption exported to the United Kingdom must only come from establishments approved by the competent authority of the third country as having reliable procedures in place.

(6) Any assessment which is relied on for the purposes of this regulation must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority.

(7) In the case of a third country which is not listed in the list, or which is listed therein only as regards part of its territory, the assessment must demonstrate that the relevant competent authority of the third country is able to provide appropriate assurances regarding compliance with relevant residue requirements in the United Kingdom.