

EXPLANATORY MEMORANDUM TO
THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS) (ENGLAND)
(AMENDMENT) REGULATIONS 2007

2007 No. 1605

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 These Regulations amend the Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (the “principle Regulations”), to incorporate changes to European Community law introduced by Commission Decision 2007/275/EC, which comes into force on 4 June 2007. The overall purpose of the principle Regulations is to give effect to Community law in the area of imports of products of animal origin, including import conditions and the conduct of veterinary checks at the point of importation. There are two changes introduced by the Decision. The first is to replace the pre-existing list of products which are subject to veterinary checks on import (as included in Commission Decision 2002/349/EC). This is of fundamental importance to the application of the Products of Animal Origin (Third Country Imports) (England) Regulations 2006 as they apply to the products set out in that list. These Regulations therefore amend the 2006 Regulations to apply the new list of products. Without this change, it would not be possible to effectively enforce Community import rules. The second change introduced by Decision 2007/275/EC concerns new Community rules governing the importation of composite food products, which are products containing some animal products and some non-animal products. These Regulations make the necessary amendments to the 2006 Regulations to apply the new EU import rules for these products.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 We are bringing these Regulations into force in breach of the 21-day rule for SIs. This is because of the urgent need to amend the 2006 Regulations so that they apply to the new list of products contained in Commission Decision 2007/275/EC. The scope of the 2006 Regulations is defined by reference to the products listed in the outgoing Decision (2002/349/EC). Since this Decision is being revoked by Commission Decision 2007/275/EC, failure to amend the Regulations would leave them without a clear list of products to which they applied. This would leave us effectively unable to enforce the import rules applying to imported products of animal origin. For that reason we consider it appropriate to breach the 21-day rule in order to apply the new list of products as contained in Commission Decision 2007/275/EC.

4. Legislative Background

- 4.1 These regulations are made under Section 2 (2) of the European Communities Act 1972. For the legislative background, see above.

5. Territorial Extent and Application

- 5.1 This instrument extends to England.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Policy in England is to apply European Community import rules designed to protect public and animal health from risks associated with products of animal origin imported from third countries. The introduction of the new list of products to which import checks apply is essentially a routine technical amendment, and is primarily designed to make the list clearer and easier to apply. The importance and urgency of this change relates to the fact that the existing 2006 Regulations refer to the list in Commission Decision 2002/349/EC, which is being revoked. As regards the introduction of the new import rules for composite food products, we have been very closely involved in the development of these rules at all stages and are content that they are in line with current risk analyses of the products concerned. Importation of these products has been subject to national rules and the new Community rules match closely the import conditions that we have been applying under national import licences.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Suzanne Verhoven at the Department of Environment, Food and Rural Affairs, Tel: 020 7904 6496 or e-mail: suzanne.r.verhoven@defra.gsi.gov.uk can answer any queries regarding the instrument.