

EXPLANATORY MEMORANDUM TO
THE ANIMALS AND ANIMAL PRODUCTS (EXAMINATION FOR RESIDUES AND
MAXIMUM RESIDUES LIMITS) (ENGLAND AND SCOTLAND) REGULATIONS
2015

2015 No. 787

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.
2. **Description**
 - 2.1 The original Regulations were produced in 1997 to implement Council Directive 96/22/EC prohibiting the use of certain substances as growth promoters in food producing animals, and Council Directive 96/23/EC which requires Member States to carry out surveillance for residues of authorised pharmacologically active substances and prohibited substances in these animals. There have been amendments to Council Directive 96/22 and revised EU legislation introduced on the rules for setting Maximum Residue Limits for authorised veterinary medicines, which has resulted in five amendments to the domestic Regulations. This SI consolidates all previous Instruments.
3. **Matters of special interest to the JCSI**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 These Regulations consolidate the original Regulations and the amendments, as set out in the Explanatory Note.
5. **Territorial Extent and Application**
 - 5.1 Previous versions of the Regulations covered Great Britain. However, on this occasion Wales has not joined in. These Regulations therefore cover England and Scotland. It is expected that Wales will make its own arrangements at a later date. Northern Ireland is making parallel legislation as usual.
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 Council Directive 96/22 prohibits the use as growth promoters of certain substances having a hormonal or thyrostatic effect, and beta-agonists in food producing animals. The European Commission used this legislation to underpin its ban on the import of meat from third countries reared using growth promoters. The Directive has been amended twice to extend the ban, which necessitated changes to the domestic Regulations.

- 7.2 In addition, Council Directive 96/23, which requires Member States to operate a residues surveillance programme covering domestic produce, sets out the procedures to be followed if a sample from an animal contains a concentration of an authorised veterinary medicine above the Maximum Residue Limit (MRL) as set under the procedures contained in Regulation 2377/90/EC, or a prohibited substance is found. Regulation 2377/90 has been replaced by Regulation 470/2009, and Commission Regulation 37/2010 which helpfully sets out the MRLs for authorised pharmacologically active substances in alphabetical order.
- 7.3 These changes, together with other more minor amendments resulting from EU legislation have resulted in five amending SIs to domestic Regulations being made since 1997. As indicated below, other changes at EU level are being considered after lengthy delays but rather than wait for these to emerge it is considered appropriate to make the consolidation at this point.

8. Consultation outcome

- 8.1 A short consultation has been carried out. No comments were received.

9. Guidance

- 9.1 No guidance is required as no new powers or burdens are being introduced.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies as a result of this consolidation.
- 10.2 The impact on the public sector is that the ability to enforce controls relating to the monitoring of veterinary residues in food-producing animals, and their products, will be maintained.
- 10.3 The Ministry of Justice has confirmed that this amendment does not change the operation of the current offences in any material way; therefore referral to the Justice Secretary is not necessary.
- 10.4 An Impact Assessment is not needed.

11. Regulating small business

- 11.1 The legislation applies to all businesses involved in rearing and processing food producing animals.

12. Monitoring & review

- 12.1 There is currently a review of the Official Feed and Food Controls (OFFC) Regulations 882/2004/EC, which will eventually result in the residue surveillance commitment currently in Council Directive 96/23 becoming part of the new OFFC law. Changes to the requirements contained in the domestic Regulations may need to be made in around two years, but are not expected to be major. The situation will be closely monitored.

13. Contact

Eric Crutcher

Veterinary Medicines Directorate

Tel: 01932 338322: E-mail: e.crutcher@vmd.defra.gsi.gov.uk