Regulations made by the Secretary of State, laid before Parliament under paragraph 5(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament within 28 days beginning with the day on which the Regulations were made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2019 No. 1225

EXITING THE EUROPEAN UNION

ANIMALS

VETERINARY SURGEONS

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

Made - - - -at 00.30 a.m. on 5th September 2019

Laid before Parliament at 16.00 p.m. on 5th September 2019

Coming into force in accordance with regulation 1(2) and (3)

CONTENTS

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament.

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019.

(2) This Regulation and Part 4 come into force immediately before exit day.

(3) The remainder of these Regulations comes into force on exit day.

Interpretation

2.—(1) In these Regulations—

"the appropriate authority" means—

(a) in relation to Wales, the Welsh Ministers;

(b) in relation to Scotland, the Scottish Ministers;

(c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

"the OIE" means the World Organization for Animal Health;

"third country" means any country or territory other than—

(a) an EEA State, Andorra, the Faroe Islands, Greenland, San Marino and Switzerland;

(b) any part of the British Islands.

(2) In Part 2 of these Regulations—

(a) the "animal health criteria" means the criteria set out in Schedule 1;

(b) "the list" or "the relevant list" (as the case may be), for the purposes of any regulation, has the meaning given in paragraph (1) of that regulation;

(c) the "public health criteria" means the criteria set out in Schedule 2.

PART 2

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

(**a**) 2018 c. 16.

CHAPTER 1

Function of approval of third countries to be included in approved lists relating to veterinary checks of hay and straw

Power to amend the third country lists in Commission Regulation (EC) No 136/2004

3.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Regulation (EC) No 136/2004, laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries(**a**), to add a third country to the list in Annex 5 ("the list") (third countries authorised for the purposes of the importation of hay or straw), 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 risk to animal health in the United Kingdom, taking into account—

(a) the assurances offered by the third country in question in relation to all or part of its territory with respect to compliance with relevant animal health requirements in the United Kingdom;

(b) information on the general situation in the country as regards animal health;

(c) the nature of the measures applied by the third country for monitoring and combating disease;

(d) the structures, skills, independence and qualifications of the competent authority's veterinary and inspection services in the third country;

(e) the outcome of any inspection visits;

(f) the outcome of the import checks carried out;

(g) the regularity and rapidity of the provision of information by the third country concerning the existence of contagious animal diseases in its territory, in particular those diseases listed by the OIE.

(2) Any assessment which is relied on for the purpose of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority.

(3) In the case of a third country which is not listed in the list or which is listed in the list 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 animal health requirements in the United Kingdom.

CHAPTER 2

Function of approval of third countries to be included in approved lists relating to bovine embryos

Power to amend the third country lists in Commission Decision 2006/168/EC

4.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Decision 2006/168/EC establishing the animal health and veterinary certification requirements for imports of bovine embryos(**b**), to add a third country to the list in Annex 1 ("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 risk to animal health in the United Kingdom, taking into account—

(a) the state of health of the livestock, other domestic animals and wildlife and the environmental situation in the third country, with particular reference to exotic, notifiable or reportable animal diseases which might endanger the health and environmental situation of the United Kingdom;

(**a**) Commission Regulation (EC) No 136/2004 is amended by S.I. 2019/795.
(**b**) Commission Decision 2006/168/EC is amended by S.I. 2019/795.

(b) the regularity and rapidity of the provision of information by the third country concerning the existence of contagious animal diseases in its territory, in particular those diseases listed by the OIE;

(c) the third country's rules on animal disease prevention and control;

(d) the structures, skills, independence and qualifications of the competent authority's veterinary and inspection services in the third country;

(e) the organization and implementation of measures to prevent and control contagious animal diseases;

(f) the assurances which the third country can give with regard to compliance with the applicable animal health requirements in the United Kingdom relating to the collection, production, storage and transport of bovine embryos that are approved for export.

(2) Any assessment which is relied on for the purpose of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority.

(3) In the case of a third country which is not listed in the list or which is listed in the list 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 animal health requirements in the United Kingdom.

CHAPTER 3

Function of approval of third countries for the importation of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products

Power to amend the third country lists in Commission Decision 2006/766/EC

5.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Decision 2006/766/EC establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted(**a**), to add a third country to the list in Annex 1 or Annex 2 ("the relevant list"), or remove or amend an entry in the relevant list in respect of a third country, where the amendment is necessary or appropriate in the light of an assessment of the risk to public health in the United Kingdom, taking into account the public health criteria.

(2) Any assessment which is relied on for the purposes of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority.

(3) In the case of a third country which is not listed in the relevant 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 animal health requirements in the United Kingdom.

CHAPTER 4

Function of approval of third countries for the importation of certain meat products and treated stomachs, bladders and intestines for human consumption

Power to amend the third country lists in Commission Decision 2007/777/EC

6.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Decision 2007/777/EC laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries(**b**), to add a third country to the list in

(**a**) Commission Decision 2006/766/EC is amended by S.I. 2019/795.
(**b**) Commission Decision 2007/777/EC is amended by S.I. 2019/795.

Annex 2 ("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 risk to animal and public health in the United Kingdom, taking into account the animal health criteria and the public health criteria.

(2) Any assessment which is relied on for the purposes of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority.

(3) 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 animal and public health requirements in the United Kingdom.

CHAPTER 5

Function of approval of third countries to be included in approved lists relating to poultry, poultry products (including hatching eggs)

Power to amend the third country lists in Commission Regulation (EC) No 798/2008

7.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Regulation (EC) No 798/2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements(**a**), to add a third country to the list in Part 1 of Annex 1 ("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 risk to animal or public health in the United Kingdom, taking into account the criteria and matters specified in paragraph (2).

(2) Any assessment in respect of live poultry, hatching eggs (including specified pathogen-free eggs) day-old chicks and poultry products which is relied upon for the purposes of paragraph (1) must have been approved by the Secretary of State and the appropriate authority, taking into account the animal health criteria, the public health criteria and the following matters—

(a) the assurances which the third country can give with regard to compliance with poultry health requirements in the third country;

(b) the degree of compliance with regard to growth hormones and veterinary medicines.

(3) Any assessment which is relied on for the purposes of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority.

(4) 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 animal and public health requirements in the United Kingdom.

CHAPTER 6

Function of approval of third countries to be included in approved lists for the importation of meat of wild leporidae, wild land mammals and of farmed rabbits

Power to amend the third country lists in Commission Regulation (EC) No 119/2009

8.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Regulation (EC) No 119/2009 laying down a list of third countries, or parts thereof, for imports of meat of wild leporidae, of certain wild land mammals and of farmed rabbits

(**a**) Commission Regulation (EC) No 119/2009 is amended by S.I. 2019/795.

and the veterinary certification requirements(**a**), to add a third country to the list in Annex 1 ("the list"), or remove or amend an entry in the list in respect of a third country, or a part of such a country, where the amendment is necessary or appropriate in the light of an assessment of the risks to animal and public health in the United Kingdom, taking into account the animal health criteria and the public health criteria.

(2) Any assessment which is relied on for the purposes of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority.

(3) 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 animal and public health requirements in the United Kingdom.

CHAPTER 7

Function of approval of third countries to be included in approved lists for the import of ungulates and fresh meat

Power to amend the third country lists in Commission Regulation (EU) No 206/2010

9.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements(**b**), to add a third country to the list in Part 1 of Annex 1 (Ungulates) or Part 1 of Annex 2 (fresh meat) ("the relevant list"), or remove or amend an entry in the relevant list in respect of a third country, where the amendment is necessary or appropriate in the light of an assessment of the risks to animal and human health in the United Kingdom, taking into account the public health criteria and the matters specified in paragraph (2).

(2) Any assessment which is relied on for the purposes of paragraph (1) to amend Part 1 of Annex 1 with regard to imports of ungulate animals listed in Annex 1 to Council Directive 2004/68/EC(**c**) must be appropriate to the circumstances and have been approved by the Secretary of State and the appropriate authority, taking into account—

(a) the health status of livestock, other domestic animals and wildlife and the environmental situation in the third country, with particular regard to the general situation as regards animal health in the third country and any animal disease that is exotic, notifiable or reportable in the United Kingdom that may pose a risk to the health and environmental situation of the United Kingdom;

(b) the legislation of the third country in relation to animal health and welfare;

(c) the organization of the competent veterinary authority and its inspection services in the third country, the powers available to undertake those services, the supervision to which they are subject, and the means at their disposal, including staff and laboratory capacity, to apply the third country's legislation effectively;

(d) the assurances which the competent veterinary authority of the third country can give regarding compliance with legislation in that country that is of relevance to protection of animal health in the United Kingdom;

(e) whether the third country is a member of the OIE, and the regularity and rapidity of the information supplied by the third country relating to the existence of infectious or contagious animal diseases in its territory, in particular those diseases listed by the OIE;

(**a**) Commission Regulation (EC) No 119/2009 is amended by S.I. 2019/795.
(**b**) Commission Regulation (EU) No 206/2010 is amended by S.I. 2019/795.
(**c**) OJ No. L 139, 30.4.2004, p.320, last amended by Commission Implementing Decision 2012/253/EU (OJ No. L 125, 12.5.2012, p.51).

(f) the assurances given by the third country to inform the United Kingdom within 24 hours of the confirmation of the occurrence of any diseases of ungulates listed in Annex 2 to Council Directive 2004/68/EC and of any change in the vaccination policy concerning such diseases, or any proposed changes in the national health rules concerning live ungulate animals, in particular regarding importation;

(g) any experience of previous imports of live animals from the third country and the results of any import controls carried out;

(h) the animal health requirements applying to the production, manufacture, handling, storage and dispatch of products of animal origin intended for the United Kingdom;

(i) the results of inspections or audits carried out in the third country, in particular the results of the assessment of the competent authorities of those inspections or audits;

(j) the rules on the prevention and control of infectious or contagious animal diseases in force in the third country and their implementation, including rules on importation from other third countries.

(3) Any assessment which is relied on for the purposes of paragraph (1) to amend Part 1 of Annex 2 to Commission Regulation (EU) No 206/2010 with regard to imports of fresh meat in accordance with Council Directive 2002/99/EC(**a**) must be appropriate to the circumstances and have been approved by the Secretary of State and the appropriate authority.

(4) In the case of a third country which is not listed in the relevant 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 animal and public health requirements in the United Kingdom.

CHAPTER 8

Function of approval of third countries to be included in approved lists with regard to the importation of semen, ova and embryos of the ovine and caprine species

Power to amend the third country lists in Commission Decision 2010/472/EC

10.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Decision 2010/472/EC on imports of semen, ova and embryos of animals of the ovine and caprine species into the Union(**b**), to add a third country to the list in Annex 1 (semen) or Annex 3 (ova and embryos) ("the relevant list"), or remove or amend an entry in the relevant list in respect of a third country, where the amendment is necessary or appropriate in the light of an assessment of the risks to animal and human health in the United Kingdom, taking into account the following matters—

(a) whether there are any diseases referred to in Annex A of Council Directive 92/65/EEC, or of other exotic animal diseases present in the third country, which might endanger animal health in the United Kingdom;

(b) whether the third country is capable of guaranteeing the implementation of its legislation, and whether the organization of its veterinary and inspection services enables the country effectively to undertake or supervise such services;

(c) whether the veterinary services of the third country are able to provide assurance that health requirements at least equivalent to those laid down in Chapter 2 of Council Directive 92/65/EC are being complied with;

(d) any on-the-spot inspections by experts from the United Kingdom undertaken to verify whether the assurances given by the third country regarding the conditions of production and placing on the market can be considered equivalent to those applied in the United Kingdom.

(**a**) OJ No. L 18, 23.1.2003, p.11, as last amended by Council Directive 2013/20/EU (OJ No. L 206, 2.8.2013, p.13).
(**b**) Commission Decision 2010/472/EC is amended by S.I. 2019/795.

(2) Any assessment which is relied on for the purposes of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority.

(3) In the case of a third country which is not listed in the relevant 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 animal and public health requirements in the United Kingdom.

CHAPTER 9

Function of approval of third countries to be included in approved lists with regard to the importation of raw milk, dairy products etc. intended for human consumption

Power to amend the third country lists in Commission Regulation (EU) 605/2010

11.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Regulation (EU) 605/2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk, dairy products, colostrum and colostrum-based products intended for human consumption(**a**), to add a third country to the list in Annex 1 ("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 animal and human health in the United Kingdom, taking into account the animal health criteria and the public health criteria.

(2) Any assessment which is relied on for the purposes of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority.

(3) 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 animal and public health requirements in the United Kingdom.

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/EC

12.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Decision 2011/163/EC on the approval of plans submitted by third countries(**b**) (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**) Commission Regulation (EU) 605/2010 is amended by S.I. 2019/795.
(**b**) Commission Decision 2011/163/EC is amended by S.I. 2019/795.

(a) legislation on the use of the substances listed in Annex 1 to Directive 96/23/EEC(**a**) 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;

(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/EC, and which are unable to provide a residue monitoring plan, must provide an assurance that animal

(**a**) 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).

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.

CHAPTER 11

Function of approval of third countries to be included in approved lists for the importation of bovine semen

Power to amend the third country lists in Commission Implementing Decision 2011/630/EC

13.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Implementing Decision 2011/630/EC on imports into the Union of semen of domestic animals of the bovine species(**a**), to add a third country to the list in Annex 1 ("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 animal and public health in the United Kingdom in accordance with paragraph (2).

(2) Any assessment which is relied upon for the purposes of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority, taking into account—

(a) the state of health of the livestock, other domestic animals and wildlife and the environmental situation in the third country, with particular reference to animal diseases that are exotic, notifiable or reportable in the United Kingdom and which might endanger the health and environmental status of the United Kingdom;

(b) the regularity and rapidity of the provision of information by the third country concerning the existence of the contagious animal diseases in its territory listed by the OIE;

(c) the relevant legislation on animal disease prevention and control;

(d) the structures, skills, independence and qualifications of the competent authority's veterinary inspection services in the third country;

(e) the organization and implementation of measures to prevent and control contagious animal diseases;

(f) the assurances which the third country can give with regard to compliance with the animal health requirements related to imports of bovine semen.

(3) 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 animal health requirements in the United Kingdom.

(**a**) Commission Implementing Decision 2011/630/EC is amended by S.I. 2019/795 and 2019/778.

CHAPTER 12

Function of approval of third countries to be included in approved lists with regard to the importation of porcine semen

Power to amend the third country lists in Commission Implementing Decision 2012/137/EC

14.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Implementing Decision 2012/137/EC on imports into the Union of semen of domestic animals of the porcine species(**a**), to add a third country to the list in Annex 1 ("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 risk to animal health in the United Kingdom and the matters specified in paragraph (2).

(2) Any assessment which is relied upon for the purposes of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority, taking into account—

(a) the state of health of the livestock, other domestic animals and wildlife and the environmental situation in the third country, with particular reference to animal diseases that are exotic, notifiable or reportable in the United Kingdom and which might endanger the health and environmental situation of the United Kingdom;

(b) the regularity and rapidity of the provision of information by the third country concerning the existence of contagious animal diseases in its territory, in particular those diseases listed by the OIE;

(c) the third country's rules on animal disease prevention and control;

(d) the structures, skills, independence and qualifications of the competent authority's veterinary service and inspection services in the third country;

(e) the organization and implementation of measures to prevent and control contagious animal diseases;

(f) the assurances which the third country can give with regard to compliance with the animal health requirements relating to the collection, processing, storage and transport of porcine semen that are approved for export.

(3) 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 animal health requirements in the United Kingdom.

CHAPTER 13

Function of approval of third countries to be included in approved lists for the importation of birds

Power to amend the third country lists in Commission Implementing Regulation (EU) 139/2013

15.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Implementing Regulation (EU) 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof(**b**), to add a third country to the list in Annex 1 ("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 risks to animal health in the United Kingdom, taking into account the criteria and matters mentioned in regulation 7(2) so far as they relate to live poultry.

(**a**) Commission Implementing Decision 2012/137/EC is amended by S.I. 2019/795.
(**b**) Commission Implementing Regulation (EU) 139/2013 is amended by S.I. 2019/795.

(2) 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.

(3) 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 animal health requirements in the United Kingdom.

CHAPTER 14

Function of approval of third countries to be included in approved lists for the importation of certain products of animal origin intended for human consumption (frogs' legs, snails, gelatine and collagen etc.)

Power to amend the third country lists in Commission Implementing Regulation (EU) 2016/759

16.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Implementing Regulation (EU) 2016/759 drawing up lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the Union of certain products of animal origin intended for human consumption(**a**), to add a third country to the list in Annex 1 ("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 animal and plant health in the United Kingdom of importing frogs' legs, snails, gelatine or collagen, taking into account the animal health criteria and the public health criteria.

(2) Any assessment which is relied on for the purposes of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the appropriate authority.

(3) 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 animal health requirements in the United Kingdom.

CHAPTER 15

Function of approval of third countries to be included in approved lists for the importation of live equidae and semen, ova and embryos of equidae

Power to amend the third country lists in Commission Implementing Regulation (EU) 2018/659

17.—(1) The Secretary of State, with the consent of the appropriate authority, may by regulations amend Commission Implementing Regulation (EU) 2018/659 on the conditions for the entry into the Union of live equidae and of semen, ova and embryos of equidae(**b**), to add a third country to the list in Annex 1 ("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 animal health in the United Kingdom, taking into account the matters specified in this regulation.

(2) Any assessment which is relied upon for the purposes of paragraph (1) with regard to imports of live equidae must be appropriate to the circumstances and must be approved by the Secretary of State and the appropriate authority, taking into account—

(**a**) Commission Implementing Regulation 2016/759 is amended by S.I. 2019/795.
(**b**) Commission Implementing Regulation 2018/659 is amended by S.I. 2019/795.

(a) how the third country applies and implements international animal health standards, in particular the principle of regionalisation, within its own territory and in relation to its sanitary requirements for importation from other third countries and from the United Kingdom;

(b) the health status of the equidae, other domestic animals and wildlife and the environmental situation in the third country, with particular regard to exotic, notifiable and reportable animal diseases and any aspects of the general situation as regards health in the third country which may pose a risk to the health and environmental situation of the United Kingdom;

(c) the legislation of the third country in relation to animal health and welfare;

(d) the organization of the competent veterinary authority and its inspection services, the powers of those services, the supervision to which they are subject, and the means at their disposal, including staff and laboratory capacity, to apply national legislation effectively;

(e) the assurances which the competent veterinary authority of the third country can give regarding compliance or equivalence with the relevant animal health conditions applicable in the United Kingdom;

(f) whether the third country is a member of the OIE, and the regularity and rapidity of its provision of information relating to the existence of infectious or contagious diseases of equidae in its territory, in particular those diseases listed by the OIE and in Annex 1 to Council Directive 2009/156/EC(**a**);

(g) the assurances given by the third country to inform the United Kingdom—

(i) within 24 hours, of the confirmation of the occurrence of infectious diseases of equidae listed in Annex 1 to Council Directive 2009/156/EC, and of any change in the vaccination policy concerning such diseases;

(ii) within an appropriate period, of any proposed changes in the national sanitary rules concerning equidae, in particular regarding the importation of equidae; and

(iii) at regular intervals, of the animal health status of its territory concerning equidae;

(h) any experience of previous imports of live equidae from the third country and the results of any import controls carried out;

(i) the results of inspections or audits carried out in the third country, in particular the results of the assessment of the competent authority of the third country of those inspections or audits;

(j) the rules on the prevention and control of infectious or contagious animal diseases in force in the third country and their implementation, including rules on the importation of equidae from other third countries;

(k) any special import conditions that may be required by the United Kingdom having regard to the situation as regards the health of equidae in the third country.

(3) Any assessment which is relied upon for the purposes of paragraph (1) to amend the list with regard to imports of equine semen, ova or embryos must be appropriate to the circumstances and must be approved by the Secretary of State and the appropriate authority, taking into account—

(a) whether there are any diseases referred to in Annex A to Council Directive 92/65/EC or of any other disease exotic to the United Kingdom present in the third country;

(b) whether the third country is capable of guaranteeing the implementation of its legislation, and whether the organization of its veterinary and inspection services enables the country effectively to undertake or supervise such services;

(c) whether the veterinary services of the third country are able to guarantee that health requirements at least equivalent to those laid down in Chapter 2 of Council Directive 92/65/EC are being complied with;

(d) any on-the-spot inspections by experts from the United Kingdom undertaken to verify whether the assurances given by the third country regarding the conditions of production

and placing on the market can be considered equivalent to those applied in the United Kingdom.

(4) 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 animal health requirements in the United Kingdom.

PART 3

Regulations for the purposes of Part 2

Regulations

18.—(1) The Secretary of State may only make regulations under Part 2 in relation to the whole of the United Kingdom.

(2) Where the appropriate authority requests that the Secretary of State make regulations under Part 2, the Secretary of State must have regard to that request.

(3) Regulations made by the Secretary of State under Part 2 are to be made by statutory instrument.

(4) A statutory instrument containing regulations under Part 2 is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Such regulations may—

(a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking any enactment (within the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018));

(b) make different provision for different purposes.

PART 4

Amendments to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019

Amendments to the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019

19.—(1) The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019(**a**) are amended as follows.

(2) In regulation 2—

(a) in the heading, after "states", insert ", the Faroe Islands, Greenland";

(b) after "trade with", in the first place where it occurs, insert "the Faroe Islands, Greenland,".

(**a**) S.I. 2019/795, amended by S.I. 2019/813.

(3) In regulation 22—

(a) in paragraph (3), for the text inserted into Article 2 of Commission Decision 2007/275/EC concerning lists of animals and products to be subject to controls at border inspection posts substitute—

"(e) EU-derived domestic legislation: defined in section 2(2) of the EU (Withdrawal) Act 2018(**a**);

(f) the appropriate authority: in relation to Wales, the Welsh Ministers; in relation to Scotland, the Scottish Ministers; in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.".

(b) for paragraph (4) substitute—

"(4) In Article 3—

(a) in the heading, omit "listed in Annex I";

(b) for paragraph (1) substitute—

"(1) A veterinary import check must be carried out on all animals and products appearing on the United Kingdom list published by the Secretary of State and from time to time amended with the consent of the appropriate authority. Where the appropriate authority requests that the Secretary of State amend the published lists, the Secretary of State must have regard to such request.";

(c) in paragraph (2), for "Community", substitute "United Kingdom";

(d) in paragraph (3) for "Annex" substitute "published list"";

(c) for paragraph (5) substitute—

"(5) In Article 6—

(a) in paragraph 1(a)(iv), for "an official language of a Member State," substitute "English (whether or not they also appear in any other language)";

(b) for paragraph (1)(b) substitute—

"(b) composite products and foodstuffs that are exempt from veterinary import checks listed in a United Kingdom list published by the Secretary of State and from time to time amended with the consent of the appropriate authority.";

(c) after paragraph (1) insert—

"(1A) Where the appropriate authority requests that the Secretary of State amend the published list referred to in paragraph (1)(b), the Secretary of State must have regard to that request.";

(d) in paragraph 2, for "Commission Decision 2004/438/EC", substitute "Regulation (EU) No 605/2010".".

(d) After regulation 37 insert—

"Council Decision 2011/408/EC laying down simplified rules and procedures on sanitary controls of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods, by-products thereof and products derived from these by-products coming from Greenland

37A.—(1) Council Decision 2011/408/EC laying down simplified rules and procedures on sanitary controls of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods, by-products thereof and products derived from these by-products coming from Greenland, for the purpose of import of goods into the United Kingdom, is amended as follows—

(**a**) 2018. c. 16.

(2) In Article 3—

(a) in the heading, at the end insert "and between the United Kingdom and Greenland";

(b) for paragraph 2 substitute—

"(2) Products listed in paragraph 1 that originate from Greenland and enter the United Kingdom are not subject to veterinary checks that would otherwise apply to products originating from countries that are not EEA States, provided that the following conditions are satisfied—

(a) Greenland has effectively transposed and implemented applicable rules laid down in EU legislation concerning animal health and food safety relating to the products;

(b) Greenland maintains a list of all the food and feed business operators which have been registered in accordance with the requirements of EU legislation relating to official controls(**a**);

(c) consignments of such products dispatched to the United Kingdom from Greenland conform with the requirements of EU legislation concerning animal health and food safety relating to the products.".".

PART 5

Amendment to animal-related trade legislation: England and Northern Ireland

Amendment to Trade in Animals and Related Products Regulations 2011

20.—(1) The Trade in Animals and Related Products Regulations 2011(**b**) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1), for the definition of "product" substitute—

""the published nomenclature list" means the list of products published and amended from time to time by the Secretary of State, specifying products by reference to the relevant nomenclature for the purposes of determining the selection of consignments that must be submitted to veterinary checks at a border inspection post.".

(b) after paragraph (2), insert—

"(3) For the purposes of any reference to a Directive in these Regulations, any EU instrument to which that Directive refers, or to which any EU instrument referred to by that Directive refers, and which is a reference to that instrument as it has effect from time to time, is to be read as a reference to the instrument as it has effect immediately before exit day.".

(3) In regulation 4, after "Trade with" insert "the Faroe Islands, Greenland,".

(4) In regulation 9, for "Commission Decision 2007/275/EC" substitute "the published nomenclature list".

(5) In regulation 12(4), for "Chapter 3 of Annex I to Commission Decision 2007/275/EC" substitute "Chapter 3 (fish and crustaceans, molluscs and other aquatic invertebrates) of the published nomenclature list".

(6) In regulation 15—

(**a**) Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

(**b**) S.I. 2011/1197, amended by S.I. 2019/782; there are other amending instruments but none is relevant.

(a) in paragraph (1), in the words before sub-paragraph (a), for the words "documentation" to "Schedule 1" substitute "relevant health certificate published by the Secretary of State";

(b) in paragraph 3(a), for "requirements relating to it in the relevant" substitute "conditions of trade relevant to it in any retained EU law or European Union".

(7) In Schedule 3, in paragraph 6(1), for "Annex II to Commission Decision 2007/275/EC" substitute "the list of composite products and foodstuffs exempt from veterinary import checks published by the Secretary of State".

Amendment to the Trade in Animals and Related Products Regulations (Northern Ireland) 2011

21.—(1) The Trade in Animals and Related Products Regulations (Northern Ireland) 2011(**a**) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1), for the definition of "product" substitute—

""the published nomenclature list" means the list of products published and amended from time to time by the Secretary of State, specifying products by reference to the relevant nomenclature for the purposes of determining the selection of consignments that must be submitted to veterinary checks at a border inspection post.".

(b) after paragraph (2A) insert—

"(2B) For the purposes of any reference to a Directive in these Regulations, any EU instrument to which that Directive refers, or to which any EU instrument referred to by that Directive refers, and which is a reference to that instrument as it has effect from time to time, is to be read as a reference to the instrument as it has effect immediately before exit day.".

(3) In regulation 4, after "Trade with" insert "the Faroe Islands, Greenland,".

(4) In regulation 9, for "Commission Decision 2007/275/EC" substitute "the published nomenclature list".

(5) In regulation 12(2), for "Chapter 3 of Annex I to Commission Decision 2007/275/EC" substitute "Chapter 3 (fish and crustaceans, molluscs and other aquatic invertebrates) of the published nomenclature list".

(6) In regulation 15—

(a) in paragraph (1), in the words before sub-paragraph (a), for the words "documentation" to "Schedule 2" substitute "relevant health certificate published by the Department of Agriculture, Environment and Rural Affairs";

(b) in paragraph (3)(a) for "requirements relating to it in the relevant" substitute "conditions of trade relevant to it in any retained EU law or European Union".

(7) In Schedule 4, in paragraph 6(1), for "Annex II to Commission Decision 2007/275/EC" substitute "the list of composite products and foodstuffs exempt from veterinary import checks published by the Secretary of State".

(**a**) S.R. 2011 No. 438, amended by S.R. 2015 No. 196 and S.R. 2019 No. 811.

PART 6

Amendment to transitional provision for recognition of veterinary surgeon professional qualification

Amendment to the Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019

22. In regulation 4(2)(a)(iiii) of the Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019(**a**), in paragraph (ii) of the substituted paragraph 5B(1)(d), of the Veterinary Surgeons Act 1966(**b**), for "paragraph 43" substitute "paragraph 44".

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

00.30 a.m. on 5th September 2019

SCHEDULE 1

Regulation 2(2)(a)

The animal health criteria

1. The legislation of the third country relevant to animal disease prevention and control.

2. Whether the third country is capable of guaranteeing the implementation of its enacted legislation, and whether the organization of its veterinary and inspection services enables the country effectively to undertake or supervise such services.

3. The animal health requirements applying to the production, manufacture, handling, storage and dispatch of products of animal origin intended for the United Kingdom.

4. The assurances which the competent veterinary authority of the third country can give regarding compliance or equivalence with the relevant animal health conditions.

5. Any experience of marketing the product from the third country and the results of any import controls carried out.

6. The results of inspections or audits carried out in the third country, in particular the results of the assessment of the competent authorities or any report with regard to such inspections or audits.

7. The health status of livestock, other domestic animals and wildlife and the environmental situation in the third country, with particular regard to exotic, notifiable or reportable animal diseases in the United Kingdom, and any aspects of the general animal health situation in the country which might pose a risk to the health and environmental situation of the United Kingdom.

8. The regularity, speed and accuracy with which the third country supplies information on the existence of infectious or contagious animal diseases in its territory, particularly the notifiable diseases listed by the OIE or, in the case of diseases of aquaculture animals, the notifiable diseases listed in the Aquatic Animal Health Code of the OIE which provides standards for the improvement of aquatic animal health worldwide that have been formally adopted by the World Assembly of OIE Delegates.

9. The rules on the prevention and control of infectious or contagious animal diseases in force in the third country and their implementation, including rules on imports from other countries.

(**a**) S.I. 2019/454.
(**b**) 1966 c. 36.

SCHEDULE 2

Regulation 2(2)(c)

The public health criteria

1. The existence and robustness in the third country of legislation covering—

(a) products of animal origin;

(b) the use of veterinary medicinal products, including rules on their prohibition or authorisation, their distribution, their placing on the market and the rules covering administration and inspection;

(c) the preparation and use of feedingstuffs, including the procedures for using additives and the preparation and use of medicated feedingstuffs, as well as the hygiene quality of the raw materials used for preparing feedingstuffs and of the final product.

2. The hygiene conditions of production, manufacture, handling, storage and dispatch applied to products of animal origin destined for the United Kingdom.

3. Any experience of marketing of the product from the third country and the results of any import controls carried out.

4. The results of official controls(**a**) carried out in the third country, in particular the results of the assessment of the competent authorities, and the action that competent authorities have taken in the light of any recommendations addressed to them.

5. The existence, implementation and communication of an approved zoonoses control programme in the third country.

6. The existence, implementation and communication of an approved residue control programme in the third country.

(**a**) Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular in section 8(2) (b), (d) and (f)) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 contains fifteen Chapters that confer on the Secretary of State functions of a legislative function relating to the approval of third countries for the export of animals, germinal products and animal products to the United Kingdom so as to be exercisable with the consent of the Welsh Ministers, the Scottish Ministers and the Department of Agriculture, Environment and Rural Affairs. These functions correspond to functions conferred on the European Commission, for the most part by EU Directives but also by Regulation (EC) No 854/2004.

Part 3 contains provision in relation to the making of regulations for the purposes of Part 2.

Part 4 amends the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/795).

Part 5 includes amendments to domestic trade-related instruments, the Trade in Animals and Related Products Regulations 2011 (S.I. 2011/1197) and the Trade in Animals and Related Products Regulations (Northern Ireland) 2011 (S.R. 2011 No. 438).

Part 6 amends regulation 4 of the Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/454).

Schedule 1 lists the animal health criteria, and Schedule 2 lists the public health criteria, for the purposes of regulations 5, 6, 7, 8, 9, 11 and 16.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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