

EXPLANATORY MEMORANDUM TO

THE MEAT PREPARATIONS (AMENDMENT AND TRANSITORY MODIFICATION) (ENGLAND) (EU EXIT) REGULATIONS 2020

2020 No. 1666

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs (“Defra”) and is laid before Parliament by Command of Her Majesty.
- 1.2 This Memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument makes an amendment to clarify that the restrictions on ‘importation’ of meat preparations into England apply only to imports from third countries. It will also temporarily remove the requirement for meat preparations imported from the European Economic Area (“EEA”) into England between 1st Jan-31st March 2021 to be deep frozen to a temperature of minus 18 degrees. It amends Commission Decision 2000/572, which applies this requirement to meat preparations entering the EU from third countries and will become retained EU legislation under the European Withdrawal Act 2018. The temporary removal of this requirement is intended to allow businesses time to prepare for new import requirements applying to meat preparations imported from the EEA. This approach presents a low risk and is consistent with the phased introduction of import controls for goods arriving from the EU, as set out in the Border Operating Model.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 This instrument will come into force on 1st January 2021, before it is laid in Parliament on 4th January 2021. This urgent action is necessary to ensure that there is no gap at end of the transition period before this legislation comes into force, to ensure that the requirement for meat preparations to be frozen will not apply to EEA imports into England on 1st January 2021.
- 3.2 Delaying this legislation would have serious implications for trade. It would be illegal for traders to import chilled meat preparations from 1st January 2021 until such time as the legislation comes into force. This would have financial consequences for businesses and implications for product/food supply. This product scarcity could last beyond the length of time of the legal airgap due to the long lead in times for such orders.
- 3.3 As required by the proviso to section 4(1) of the Statutory Instruments Act 1946, notification and explanation were sent to the Speakers of the House of Lords and House of Commons on 16th December 2020.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.4 As this instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England only.
4.2 The territorial application of this instrument is England only.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 The European Union (Withdrawal) Act 2018 retains Commission Decision 2000/572/EC relating to the imports of meat preparations as direct retained EU legislation. This instrument amends Article 3.3 of Decision 2000/572/EC to remove the requirement for meat preparations imported from the EEA to be deep frozen, using powers transferred to the Secretary of State by the Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020.

7. Policy background

What is being done and why?

- 7.1 Prohibitions and restrictions (“P&R”) are trade requirements based in EU law that prevent or restrict the export and import of certain goods from third countries, where the EU believes there is a potential for them to present a level of risk to animal, plant or public health.
- 7.2 The European Union (Withdrawal) Act 2018 preserves directly applicable EU law as retained direct EU law in Great Britain. This means, at the end of the transition period, prohibitions and restrictions will apply to imports from the EEA as if they were third countries. The UK currently applies P&R to third countries and will continue to do so after the transition period.
- 7.3 This instrument will temporarily remove the prohibition on importing chilled meat preparations from EEA member states into England between 1st Jan- 31st March 2021. This instrument will bring P&R application in line with the phased approach to import checks, as detailed in the Border Operating Model¹, allowing businesses time to prepare for new import requirements applying to Products of Animal Origin (“POAO”) from April 2021.
- 7.4 Without this legislation it would be illegal for traders to import chilled meat preparations from 1st January 2021. This would have financial consequences for businesses and adversely affect food supply by limiting product availability.
- 7.5 The temporary removal of P&R on POAO is a proportionate measure to ensure trade continuity as these goods present a low risk immediately following the end of the transition period. We currently trade in products affected by P&R and do not have

1 - Border Operating Model, 2020; <https://www.gov.uk/government/publications/the-border-operating-model>

public health concerns over these products, this is unlikely to change on day 1 after the transition period.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument is being made under powers transferred to the appropriate authority under EU exit legislations, rather than under powers in the European Union (Withdrawal) Act 2018.

9. Consolidation

- 9.1 Consolidation is not required.

10. Consultation outcome

- 10.1 A consultation was not necessary because there is no policy change from the requirements which apply to internal EU movements. This legislation ensures continuity on 1st January 2021 after the transition period with the EU comes to an end. It enables existing import rules to apply to chilled meat preparations until April 2021 in accordance with the Government's previously announced 'phased approach' to import controls.

11. Guidance

- 11.1 Defra will publish accompanying guidance on GOV.UK detailing EU import requirements as a result of this SI. This guidance will be issued ahead of the laying of this instrument.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because this instrument relates to maintenance of existing regulatory standards.

13. Regulating small business

- 13.1 This instrument applies equally to all businesses importing meat preparations, including small businesses.
- 13.2 To minimise the impact on small businesses (employing up to 50 people), this instrument will maintain the status quo for imports from the EU between 1st January and 31st March 2021, allowing businesses time to prepare for new import requirements applying to Products of Animal Origin ("POAO") from April 2021.

14. Monitoring & review

- 14.1 The regulation does not include a statutory review clause as this instrument only applies for a time limited period of three months.

15. Contact

- 15.1 Hannah Rowley at the Department for Environment, Food and Rural Affairs. Telephone: 02085 654517 or email: Hannah.rowley@defra.gov.uk can be contacted with any queries regarding this instrument.
- 15.2 Peter Jinks, Deputy Director for SPS and Imports, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Lord Gardiner of Kimble, The Parliamentary Under Secretary of State for Rural Affairs and Biosecurity, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.