

EXPLANATORY MEMORANDUM
TO
THE ANIMAL By-PRODUCTS (ENFORCEMENT) REGULATIONS
(NORTHERN IRELAND) 2011.

S.R. 2011 No. 124

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development and is laid before The Northern Ireland Assembly.

1.2 The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

1.3 Regulation (EC) 1069/2009 revoked Regulation (EC) 1774/2002 from 4 March 2011, with the result that the Animal By-Products Regulations (Northern Ireland) 2003 have not been enforceable from that date. The Department has also been open to the possibility of infraction procedures as our Statutory Rule was not in place by 4 March. In view of the enforcement gap in legislation and the possibility of infraction it has regrettably been decided that on this occasion the Department is unable to comply with the 21 day rule. The Regulations will come into operation on 19th March 2011.

2. Background

2.1 Regulation (EC) 1774/2002 laid down rules for the use and disposal of animal by-products (i.e. entire bodies, parts of animals and products of animal origin) not intended for human consumption.

2.2 Regulation (EC) 1774/2002 was introduced in 2002 in response to a number of issues affecting the safety of public and animal health as regards products of animal origin. In particular these are linked to Transmissible Spongiform Encephalopathies, Dioxin contamination, outbreaks of Classical Swine Fever and Foot and Mouth Disease.

2.3 Regulation (EC) 1774/2002 introduced strict rules concerning the approval of certain premises, the traceability of animal by-products and controls based on risk categories for different types of animal by-product in order to guarantee the safety of final products intended for feed or technical uses.

2.4 Regulation (EC) 1069/2009 and its corresponding implementing Regulation (EU) 142/2011 is the result of a comprehensive review carried out by the EU Commission to assess the operation of EU-wide controls dealing with animal by-products. The review found that, although the existing legislation was working well and generally effective, there were areas where changes should be considered in order to update the legislation, simplify it and thereby reduce burdens.

2.5 The overall framework of animal by-products controls remains broadly in line with previous legislation. The new Regulations will simplify requirements and reduce burdens on operators. They take into account advances in science and technology and largely meet the UK aims for a deregulatory approach.

2.6 The information contained within this Explanatory Memorandum is in line with the content of the SL1 provided to the Committee for Agriculture and Rural Development dated 7th March 2011.

3. Purpose

3.1 The revised EU Animal By-Products Control Regulations (EC) 1069/2009 and the corresponding Implementing Regulation (EU) 142/2011 came into force on 4 March 2011. They revoke and replace the current Regulation (EC) 1774/2002 on animal by-product controls.

3.2 The Animal By-Products (Enforcement) Regulations (NI) 2011 will update and replace the current Animal By-Products Regulations (NI) 2003, and will provide the necessary powers in Northern Ireland to administer and enforce the provisions of EU Regulation (EC) 1069/2009.

4. Consultation

4.1 The Department consulted extensively with stakeholders and interested organisations regarding the revised Regulation. A twelve week public consultation dealing with the first phase of the EU review took place in January 2009. On 30th June 2010, stakeholders and interested organisations were updated on the most recent EU proposals.

4.2 A further eight week public consultation with stakeholders and interested organisations was carried out between 12th October 2010 and 6th December 2010.

4.3 All comments received have been considered and the Department has replied to all respondents who made suggestions or raised queries. Guidance is being drafted and will be available to all stakeholders.

5. Position in GB/ROI

5.1 Broadly similar legislation will be introduced by DEFRA and has been introduced by the devolved administrations in Scotland and Wales.

5.2 The Department of Agriculture, Marine and Food will be adopting a similar approach to the main implementing measures and will introduce appropriate legislation.

6. Human Rights and Equality Impact

6.1 The Regulations do not have human rights implications. Animal health and disease control have been identified as policies and functions that do not have an equality dimension therefore an Equality Impact Assessment is not considered necessary.

7. Regulatory Impact and Financial Implications

7.1 An Impact Assessment on the draft proposals accompanied the consultation which identified sectors affected, significant costs, benefits, and impact of the proposals.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Regulation lays down rules for the use and disposal of animal by-products not intended for human consumption. They do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. Contact

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