EXPLANATORY MEMORANDUM

Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016

S.R. 2016 No. 54

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development ('the Department') to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule (SR) is made under section section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972 and Articles 15(1)(a),(b) and (f), 15(3), 16(1) and (2), 25(1), 25(2)(a) and (b) and (3), 26(3), 30(9), 31(3), 32(1) and (2)(c), (d), (e), (f) and (h), 44(1) and (2) and 47(2) of, and paragraphs 3(1)(b) and 7 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991 and is subject to the negative resolution procedure.

1.3 The Rule complies with the 21 day rule and will come into operation on 31st March 2016.

2. Purpose

2.1. The SR consolidates The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998 and Amending Regulations, into a single Statutory Rule.

3. Background

3.1 The 1998 Regulations 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.

3.2 Since 1998, there have been amendments to Council Directive 96/22 and revised EU legislation (Regulation 470/2009) on rules for setting Maximum Residue Limits for authorised veterinary medicines, as well as Commission Regulation 37/2010 which sets out the Maximum Residue Limits for authorised pharmacologically active substances in alphabetical order. This has resulted in four amendments to the 1998 Regulations. The 2016 Regulations consolidate all previous Regulations in this area.

4. Consultation

4.1 A twelve week consultation was carried out in respect of these Regulations.

5 Equality Impact

5.1 In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been

assessed. The Department considers that the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

6.1 As the proposed Regulations only make administrative amendments to the principal Regulations, it is considered there is no impact on business. Therefore, a Regulatory Impact Assessment has not been completed.

7. Financial Implications

7.1 The are no financial implications associated with the introduction of these Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Regulations do not have any human rights implications, nor are they incompatible with EU law. The Rule is therefore deemed to comply with the requirements of Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 None. The Regulations continue to implement Council Directives 96/22/EC and 96/23/EC, Regulation (EC) No. 470/2009 and Commission Regulation (EU) No. 37/2010.

10. Parity or Replicatory Measure

10.1 The Northern Ireland Regulations replicate the GB Regulations which cover England and Scotland. It is expected that Wales will make its own arrangements at a later date.

11. Additional Information

11.1 Not applicable.