

EXPLANATORY MEMORANDUM TO

The Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2018

S.R. 2018 No. 213

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the above-named Statutory Rule (“the Regulations”) which is laid under the negative resolution process before the Northern Ireland Assembly.
- 1.2. The Department of Agriculture, Environment and Rural Affairs has made the above named Statutory Rule under powers conferred on it by section 2(2) of the European Communities Act 1972. It will come into operation in January 2019.

2. Purpose

- 2.1. The EU has made a number of amendments to the EU TSE Regulation (Regulation (EC) No. 999/2001 of the European Parliament and of the Council of 22 May 2001) and reduced controls to reflect the reduced risk posed by BSE since the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010 came into force.
- 2.2. These changes have been applied across the EU and have been implemented administratively in the United Kingdom pending the proposed update to domestic legislation. A number of minor amendments have also been included to clarify/reflect policy, operational and technical changes since the Regulations came into operation in December 2010.

3. Background

- 3.1. Transmissible Spongiform Encephalopathies (TSEs) are fatal diseases of the brain which include Bovine Spongiform Encephalopathies (BSE) in cattle and Scrapie in sheep and goats.
- 3.2. TSEs are caused by pathogens known as prions and can be genetic, sporadic (atypical) or of infectious origin (classical). Transmission of these pathogens into the animal feed chain resulted in the emergence of classical BSE in the UK beef herd in 1986 and in significant consequences for the global beef industry. Sporadic or atypical cases of BSE, which are not related to an animal feed source, while extremely rare, are to be expected from time to time.

- 3.3. In July 2010, the European Commission outlined future steps regarding BSE/TSE in a plan known as the TSE Roadmap. This initiative outlined possible amendments to TSE rules with the objective of reviewing TSE measures to ensure that they were proportionate to the risk, while assuring a high level of food safety. Under this Roadmap, amendments to TSE rules have been taken forward on a stepwise approach supported by scientific advice from the European Food Safety Authority (EFSA).
- 3.4. The EU TSE Regulations lay down rules for the prevention, control and eradication of TSEs, including BSE and Scrapie. The Department seeks to implement TSE controls, in line with EU requirements, and in the interest of public health and animal health protection.
- 3.5. The current domestic TSE Regulation is the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010 which provide the powers to administer and enforce the provisions of the EU Regulations in Northern Ireland.

4. Consultation

- 4.1. An 8 week public consultation was issued on the 19 February 2018 and closed on the 15 April 2018. The consultation documents were also placed on the Department's website.

5. Equality Impact

- 5.1. The Department is required under section 75 of the Northern Ireland Act 1998 to screen the proposed changes to ascertain if an Equality Impact Assessment is required.
- 5.2. A screening exercise was carried out on the proposed legislation. The outcome was that an Equality Impact Assessment was not considered necessary and the Department considers that the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

- 6.1. A consultation stage Impact Assessment (IA) on the proposals which identified sectors affected, cost and benefits, accompanied the consultation. The impact of the proposals is not expected to be significant on any stakeholders/businesses. No additional information was provided from the consultation to further update the IA.
- 6.2. The Department is content that the legislation meets commitments to Better Regulations.

7. Financial Implications

7.1. Not applicable.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations amend the transfer functions between Departments and 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. EU Implications

9.1. The current domestic TSE Regulation provide the powers to administer and enforce the provisions of the EU Regulations in Northern Ireland.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.

12. Contact

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