

**EXPLANATORY MEMORANDUM TO**  
**THE OFFICIAL CONTROLS (ANIMALS, FEED AND FOOD) REGULATIONS**  
**(NORTHERN IRELAND) 2019**

**2019 No. 227**

**1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule 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 The Statutory Rule is due to come into operation on 14 December 2019.

**2. Purpose of the instrument**

- 2.1 The Statutory Rule replaces the Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 133) ('the 2007 Regulations'). It applies and enforces Regulation (EC) No.2017/625 ('the new EU Regulation') which is directly applicable in the UK from 14 December 2019.
- 2.2 The new EU Regulation replaces existing Regulation (EC) No.882/2004 and sets out a framework of requirements for competent authorities in Member States which have responsibilities for organising and performing official controls and other official activities to verify compliance with agri-food chain legislation.

**3. Background**

- 3.1 Official controls refer to the mechanisms in place and checks carried out to verify that businesses comply with agri-food rules. Agri-food rules, amongst other things, govern the safety and quality of food, feed, plant health, animal health and welfare in the food production chain. The current official control requirements are contained in a number of different EU laws. From 14 December, these laws are replaced by the new EU Regulation which aims to simplify and modernise the official controls regime, extending the scope of current control requirements to the entire agri-food chain.
- 3.2 The Statutory Rule supports the implementation of the animal health and welfare aspects of the new EU Regulation in Northern Ireland. As noted, it replaces the 2007 Regulations, although the provision contained in it is broadly similar. Existing enforcement arrangements in Northern Ireland are, therefore, generally already in line with the new requirements.
- 3.3 The Statutory Rule will ensure the new EU Regulation can be enforced and, thereby, help to improve biosecurity, prevent the spread of animal diseases and uphold the humane treatment of animals. It will also help raise standards of food safety and consumer protection and will contribute to the anticipated benefits of a more efficient and effective control system.
- 3.4 The Statutory Rule designates the Department as the competent authority for undertaking official controls and provides for the exchange of information on official controls amongst competent authorities within the UK and EU. It also confers powers

on auditors and inspectors to allow them to verify that the official controls that have taken place. It provides that it is an offence for someone to obstruct an auditor, inspector (or anyone who accompanies them) and provide false or misleading information to an auditor or inspector. It also sets out the penalties applied on conviction for those offences and the time frame within which prosecutions can be taken.

- 3.5 There is provision in the Statutory Rule which allows the Department to recover expenses from business operators for certain measures taken by the Department. There is also provision which provides that certain decisions of the Department are subject to a right of appeal to the Magistrates' court.
- 3.6 Part 5 of the Statutory Rule also makes miscellaneous amendments to domestic legislation relating to animal disease, animal welfare and trade in animals and related products to address references to EU instruments that will be repealed or amended by the new EU Regulation. It also replaces references to the terms 'Border Inspection Post' and 'Common Veterinary Entry Document' with 'Border Control Post' and 'Common Health Entry Document' respectively to reflect provision made in the new EU Regulation.

#### **4. Consultation**

- 4.1 No consultation has been undertaken as the Statutory Rule makes no significant impacts or changes. It supports the implementation of EU legislation that was consulted upon at EU level.

#### **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. A screening exercise was, therefore, carried out on the Statutory Rule. No equality issues were identified.

#### **6. Regulatory Impact**

- 6.1 A Regulatory Impact Assessment has been carried out on the Statutory Rule. There is minimal impact on Northern Ireland businesses and no impact for charities or voluntary bodies.

#### **7. Financial Implications**

- 7.1 The Statutory Rule is not expected to have any significant financial implications.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 The Department is satisfied that the Statutory Rule complies with section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

- 9.1 The Statutory Rule supports the implementation of the animal health and welfare elements of the new EU Regulation.

**10. Parity or Replicatory Measure**

10.1 The Statutory Rule is not necessary for parity elsewhere. Similar instruments have, however, been made in other parts of the UK.

**11. Additional Information**

11.1 N/A

**12. Contact**

12.1 David Simpson at the Department of Agriculture, Environment and Rural Affairs:  
Telephone: 02877442159 or email: David.Simpson@daera-ni.gov.uk can be contacted with any queries regarding the instrument.

12.2 Catherine Fisher at the Department of Agriculture, Environment and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.