

**EXPLANATORY MEMORANDUM TO**  
**THE ANIMALS (HEALTH, IDENTIFICATION, TRADE AND VETERINARY**  
**MEDICINES) (AMENDMENT) (EU EXIT) REGULATIONS (NORTHERN**  
**IRELAND) 2020**

**2020 No. 353**

**1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule and is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is to be made under the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure. Regulations 1 and 11 in it, which contain introductory and revocation provisions, will come into operation immediately before the end of the transition period). Regulations 2 to 10 will come into operation when the transition period ends (11.00pm on 31 December 2020).

**2. Purpose of the instrument**

- 2.1 The Statutory Rule ensures that Northern Ireland (NI) subordinate legislation relating to aquatic and animal health, trade and veterinary medicines can continue to operate effectively after the end of the European Union (EU) transition period and aligns with EU obligations in these areas in accordance with the Ireland / Northern Ireland Protocol (the Protocol).

**3. Background**

- 3.1 The Statutory Rule makes a number of technical amendments to NI legislation to reflect that the UK is no longer a member of the EU. Although, some of these amendments relate to existing criminal offences pertaining to aquatic health, they do not amend the scope of the relevant criminal offences.
- 3.2 The Statutory Rule also makes provision to ensure that the relevant NI legislation aligns with the Protocol. For example, it provides that the stamps applied in slaughterhouses or game handling establishments to untreated meat from animals restricted because of an avian influenza disease outbreak must bear the identification mark 'UK(NI)' as opposed to the current 'UK' mark. This reflects the requirements in the Protocol that products placed on the market in NI must have this marking to differentiate them from other UK products. It also provides that labels and packaging leaflets for authorised veterinary products in NI may contain the words 'UK/NI' to indicate that the product is from NI.
- 3.3 Under the Protocol, Great Britain (GB) is a 'third country' in EU terms. To reflect this, the Statutory Rule revokes a provision contained in the Exotic Disease (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 which provides that the UK is not a third country for the purpose of avian influenza legislation. It also makes a technical amendment to legislation on transmissible spongiform encephalopathies (a group of diseases that affect the nervous system in cattle) to reflect that GB is a third country.

- 3.4 Furthermore, the Statutory Rule makes amendments to reflect that, following the transition period, veterinary medicines authorised in GB only will not be authorised for use in NI. Marketing authorisations approvals granted in the UK before the end of the transition period will remain valid in NI after 31 December 2020. However, to be valid in NI, any new market authorisations will have to be authorised by the EU or by the Veterinary Medicines Directorate (VMD) (an Executive Agency of the Department for Environment, Food and Rural Affairs (Defra)) in respect of NI under EU legislation. Any market authorisations granted by VMD for GB will not be valid in NI. The Statutory Rule takes account of this by amending references in the Veterinary Medicines Regulations 2013 (the 2013 Regulations) to refer to products authorised or placed on the market in *NI* rather than in the *UK*.
- 3.5 The Statutory Rule amends the 2013 Regulations which is UK wide legislation but only in so far as it applies to NI. Defra is bringing forward its own amendments to the 2013 Regulations in so far as it applies to GB to take account of the Protocol (see the draft Veterinary Medicines and Residues (Amendment) (EU Exit) Regulations 2020 which are currently before Parliament).
- 3.6 To ensure consistency with other EU exit legislation brought forward by the Department, the Statutory Rule removes provision contained in the 2013 Regulations which provides that European Commission officials can accompany inspectors when investigating breaches of veterinary medicine rules in NI. The amendment will, however, have no practical effect as the residual provision is wide enough to allow Commission officials to attend inspections in any event. The Statutory Rule also removes superfluous references to appeal procedures in Scotland from the 2013 Regulations in so far as they apply to NI.
- 3.7 The Statutory Rule also amends NI legislation relating to trade in animals and animal products to reflect that those moving these products into NI from GB are to be regarded as third country importers. The relevant NI legislation currently provides that, following notification and accompanied by the relevant documentation, imports from third countries must enter through a designated point of entry. These requirements will apply to animals and animal products moved from GB to NI at the end of the transition period unless an agreement is reached with the EU that removes them. The Statutory Rule reflects this by amending the definition of ‘*importer*’ and changing references to the ‘*UK*’ in the relevant legislation to ‘*NI*’ so as to provide that the relevant third country controls are applied when animals and products enter NI from GB.
- 3.8 Currently, the relevant NI legislation provides that when a consignment of animals or related products from a third country have been cleared at points of entry in another part of the UK, they are free to circulate in the EU i.e. they do not need to be presented at a point of entry in NI. Under the Protocol, NI will be the first point of entry into the EU single market for those goods moving into NI from GB. The Statutory Rule reflects this by removing the relevant provision from NI legislation so that clearance at a point of entry is not sufficient for entry into the EU market.
- 3.9 Finally, the Statutory Rule makes some incidental amendments to:
- update references to EU Regulations in NI legislation that have recently been replaced.

- bring NI legislation into line with EU law by allowing the UK numeric code ‘826’ to be used as an alternative to the ‘UK’ alpha code as an identifier for sheep and goats.

#### **4. Consultation**

- 4.1 As the amendments contained in the Statutory Rule are technical in nature and do not involve policy changes, they have not been subject to public consultation.

#### **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 Given the technical nature of the Statutory Rule, no regulatory impact assessment is required. There are no impacts on the private, voluntary or public sector as a result of these changes.

#### **7. Rural Needs Impact**

- 7.1 A rural needs screening exercise has been carried out on the Statutory Rule. As it makes technical changes only, no impact was identified.

#### **8. Financial Implications**

- 8.1 There are no financial implications associated with the introduction of the Statutory Rule.

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

- 9.1 The Statutory Rule does not have any human rights implications nor is it incompatible with EU law. It, therefore, complies with the requirements of section 24 of the NI Act 1998.

#### **10. EU Implications**

- 10.1 The Statutory Rule takes account of the need to align with the agreement reached between the UK and the EU on the UK’s withdrawal from the EU.

#### **11. Parity or Replicatory Measure**

- 11.1 The Statutory Rule is not necessary for parity elsewhere.

#### **12. Additional Information**

- 12.1 N/A

#### **13. Contact**

- 13.1 Darrin Fullerton at the Department of Agriculture, Environment and Rural Affairs: Telephone: 02877442310 or email: [darrin.fullerton@daera-ni.gov.uk](mailto:darrin.fullerton@daera-ni.gov.uk) can be contacted with any queries regarding the instrument.

13.2 Neal Gartland at the Department of Agriculture, Environment and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.