

**EXPLANATORY MEMORANDUM TO THE
PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS)
(ENGLAND) (NO.3) REGULATIONS 2004**

2004 No.2640

- 1.i) This Statutory Instrument is laid before Parliament by Command of Her Majesty**
- 1.ii) Department for Environment, Food and Rural Affairs**
- 2.** The regulations revoke and remake, with changes, The Products of Animal Origin (Third Country Imports)(England) (No 2) Regulations 2004. The changes update Schedule 1, which lists Community legislation setting out import requirements for products, to reflect changes since the previous regulations were made, including Council Directive 2002/99/EC, which is required to be implemented by 1st January 2005, and forms part of a wider simplification of Community legislation in relation to products for animal origin for human consumption. It gathers together in one place provisions in a number of other Council Directives relating to animal health requirements. Those other Directives will be repealed when the public health aspects of the simplification of Community legislation come into force on 1st January 2006.

Legislative Background

- 3.** The regulations implement Council Directive 97/78/EC (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries. Regulations implementing this Directive were first introduced in 2002 and have been updated regularly since, primarily to include Commission Decisions amending Community import requirements.

The regulations require that products of animal origin to which the Directive applies (listed in Commission Decision 2002/349) for import from third countries must be presented to an approved Border Inspection Post for veterinary examination to ensure that the product complies with the relevant import requirements. The regulations require importers to comply with the import requirements which are listed in Schedule 1. Enforcement at Border Inspection Posts is the responsibility of the local authority or, in the case of a Border Inspection Post that handles only consignments not intended for human consumption, the State Veterinary Service. HM Customs are responsible for enforcement at points of entry other than Border Inspection Posts.

No transposition note has been produced as the revision of the regulations only affects schedule 1. The previously submitted transposition note for these regulations therefore is unchanged.

Extent

4. The regulations apply to England. Scotland, Wales and Northern Ireland will introduce similar legislation.

European Convention on Human Rights

5. The regulations are compatible with the European Convention on Human Rights.

Policy Background

6. The objective of Directive 97/78 is to protect Community human and animal health by ensuring that imports of products of animal origin from third countries are produced to animal health and hygiene standards at least equivalent to those required for Community production. The current changes are minor technical ones reflecting the constantly changing disease situation in third countries and the simplification of Community legislation referred to in paragraph 2.

The changes are routine and of very little public interest nor are they politically or legally important.

Impact

7. No RIA has been prepared for this revision of the Regulations as no impact on the private sector, voluntary sector or the public sector is foreseen.

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