

EXPLANATORY MEMORANDUM TO
THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS)
(ENGLAND) (AMENDMENT) REGULATIONS 2008

2008 No. 3230

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1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of instrument

2.1 Products of Animal Origin (Third Country Imports) (England) (Amendment) Regulations 2008 amend Schedule 1 of The Products of Animal Origin (Third Country Imports) (England) Regulations 2006 as amended to give effect to EU law concerning the import of animal products from third countries and make the Schedules ambulatory so that future amendments to EU legislation already included within the Schedules will be directly applicable without need to amend the Schedules.

3. Matters of special interest to the [Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments]

3.1 None

4. Legislative Context

4.1 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 (which are listed in Schedule 1).

4.2 The Regulations require that products of animal origin to which the Directive applies (listed in Commission Decision 2007/275/EC) 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 listed in Schedule 1. Enforcement at Border Inspection Posts is the responsibility of the local authorities or, in the case of a Border Inspection Post that handles only consignments not intended for human consumption, Animal Health. HM Revenue and Customs/the UK Border Agency is responsible for enforcement at points of entry other than Border Inspection Posts.

5. Territorial Extent and Application

5.1 The Regulations apply in England.

5.2 Similar legislation will be introduced in Scotland, Wales and Northern Ireland.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The objective of Directive 97/78/EC is to ensure that animal products imported into the EU including England are produced to animal health and hygiene standards at least equivalent to those required for Community production. The changes to Schedule 1 are technical ones, reflecting the constantly changing disease situations in third countries.

7.2 The changes to the regulations are to:

- amend Schedule 1 of the Products of Animal Origin ((Third Country Imports) (England) Regulations 2006 to give effect to EU law concerning the import of products of animal origin from third countries;
- make the Schedule ambulatory so that amendments to EU legislation already included within the Schedule will be directly applicable without the need to amend the Schedule in the future for such changes.

8. Consultation outcome

8.1 There has been no consultation as the changes in the import conditions are as a result of the need to implement EU rules and keep up to date the legislative base for enforcement.

9. Guidance

9.1. Guidance is available on the Defra website for the rules on importing animal products.

10. Impact

10.1 A Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1. No special measures are foreseen for small businesses.

12. Monitoring and Review

12.1. These Regulations implement changes to EU rules. As they are now ambulatory the Schedules will only need to be amended if a quoted piece of EU legislation is repealed and replaced. New EU legislation will be monitored and the Schedules updated as and when necessary.

13. Contact

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