

**EXPLANATORY MEMORANDUM TO**  
**THE TRADE IN ANIMALS AND RELATED PRODUCTS REGULATIONS 2011**  
**2011 No. 1197**

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 the instrument**
  - 2.1 The Trade in Animals and Related Products Regulations 2011 give effect to EU law concerning the importation of animals and animal products from other Member States and third countries.
  - 2.2 The Regulations amalgamate and simplify the current three Statutory Instruments which cover the veterinary checks regime on intra Union trade in live animals and animal products and imports conditions for live animals and animal products from third countries into one Statutory Instrument.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 The three pieces of legislation to be replaced are:  
**The Products of Animal Origin (Third Country Import) (England) Regulations 2006**
    - 4.2 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 Union legislation amending Union import requirements.
    - 4.3 The Regulations require that animal products to which the Directive applies for import from third countries must be presented to an approved Border Inspection Post (BIP) 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 the Regulations. Enforcement at BIPs is the responsibility of the local authority or, in the case of BIPs that handle only consignments not intended for human consumption, the Animal Health and Veterinary Laboratories Agency. United Kingdom Border Agency (UKBA) is responsible for enforcement at points of entry other than Border Inspection Posts.

## **The Animals and Animal Products (Import and Export) Regulations 2006**

4.4 These Regulations control intra Union trade of live animals and products, (semen, ova and embryos) and imports from third countries of live animals.

4.5 The Regulations require that, to be eligible for intra-Union trade, animals and genetic material must meet the provisions of EU legislation. Consignments must also be accompanied to their destination by a valid health certificate, signed by a government-approved veterinarian.

4.6 The Regulations require that animals imported from non-EU countries must comply with Council Directive 91/496/EC and the other EU legislation relating to imports. Such animals must enter the Union via an approved Border Inspection Post (BIP) where they are checked to ensure they meet Union requirements. (Animals imported from other Member States may enter England at any port or airport in Great Britain).

## **The Products of Animal Origin (Import and Export) Regulations 1996.**

4.7 These Regulations implement Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the single market. The Regulations make provision for the designation of official veterinary surgeons to implement them, and provide for enforcement by the local authority and give powers for the Secretary of State for Defra, the Secretary of State for Scotland, the Secretary of State for Wales and the Secretary of State for Health to give directions to local authorities.

## **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**

- *What is being done and why*

7.1 The Instrument enforces EU legislation, detailed below, covering the import of live animals and products of animal origin from third countries. The Instrument also enforces EU legislation on the intra Union movement of live animals and their genetic material.

7.2 Council Directive 97/78/EC the purpose of which is to ensure that products of animal origin imported into the EU are produced to animal health and hygiene standards at least equivalent to those required for EU production.

7.3 Council Directive 90/425/EEC and Council Directive 91/496/EEC the purpose of which is to ensure that animals and animal products (genetic material) imported into the EU including England meet the relevant animal, and where appropriate, public health requirements and to protect the health of animals within the European Union.

7.4 Council Directive 89/662/EEC which removed the requirement for the Member State of destination to undertake veterinary checks on products of animal origin in intra-Community trade with a view to the completion of the single market.

- ***Consolidation***

7.5 This is a consolidation.

## **8. Consultation outcome**

8.1 There has been consultation with the enforcement bodies and delivery agents (AH&VLA, UKBA, FSA, Local Authorities and Port Health Authorities) as well as with the Devolved Administrations. There has been no outside consultation on the Regulations as the import conditions are as a result of the need to implement EU requirements and keep up to date the legislative base for enforcement

## **9. Guidance**

9.1 Guidance on the requirements for importing animals and animal products is available on the Defra website.

## **10. Impact**

10.1 No impact on business, charities or voluntary bodies.

10.2 No impact on the public sector is foreseen.

10.3 An Impact Assessment has not been prepared for this Instruments this is a consolidation of existing Regulations and does not introduce any new measures.

## **11. Regulating small business**

11.1 No special measures are foreseen for small businesses.

## **12. Monitoring & review**

12.1 The Regulations will give powers to the relevant enforcement authorities to apply EU rules to the importation of animals and animal products referred to in Schedule 1 of the Regulations.

12.2 As these regulations contain ambulatory references the Department will consider each time there is a change to EU Instruments whether to publish information concerning the changes and whether any further implementation is required.

12.3 Animal Health and Veterinary Laboratories Agency carry out audit checks to identify and rectify any non-compliance issues at animal product BIPs operated by local authorities, in order to ensure full compliance with EU law.

### **13. Contact**

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