



Post Implementation Review of the Trade in Animals and Related Products Regulations 2011 (TARP)

Presented to Parliament
by the Secretary of State for
the Department for Environment Food and Rural Affairs
by Command of Her Majesty

September 2017



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POST IMPLEMENTATION REVIEW OF THE TRADE IN ANIMALS AND RELATED PRODUCTS REGULATIONS 2011

INTRODUCTION

1. The Government is required to undertake a statutory review of the Trade in Animals and Related Products Regulations 2011 (TARP). The Regulations (which apply in England) set out the requirements on implementing EU law to ensure that the live animals and products of animal origin entering England from other Member States and third countries are safe with regard to animal and public health and that they meet the specific import conditions laid down in the relevant EU legislation.
2. This Command Paper and associated Post Implementation Review (PIR) sets out whether, and to what extent, the Regulation has achieved its original objectives of implementing EU law, whether the objectives are still valid and does the regulation remain the best option to fulfil them. This review will establish whether the regulation should be renewed, amended, removed or replaced.

SCOPE OF THE POST IMPLEMENTATION REVIEW (PIR)

3. For the purposes of the review the EU legislation covered by TARP are:
 - Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market.
 - Council Directive 90/425/EEC concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market.
 - Council Directive 91/496/EEC laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries.
 - Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries.

RESEARCH AND ANALYSIS

4. The PIR has been informed by two consultations, an open consultation using Defra's dialogue app and a direct invitation to enforcement agencies and industry bodies.
5. The European Commission's Directorate on Health and Food Audits and Analysis (formerly the Food and Veterinary Office), carries out audits to ensure that EU legislation on food safety, animal health, animal welfare, plant health and some areas of human health is properly implemented and enforced. We were able to scrutinise reports of inspections carried out in other Member States to determine how those MSs enforce EU legislation as compared to TARP.

OBJECTIVES OF THE REGULATION

6. There were 3 objectives identified which are set out in sections 7, 8 and 9 below:
7. To simplify, by consolidating three trade and import related Statutory Instruments (SIs) into one Regulation, thereby making information and reference easier for enforcement bodies, traders and importers. The SIs were:
 - The Products of Animal Origin (POAO) (Third Country Import) (England) Regulations 2006.
 - The Animals and Animal Products (Import and Export) Regulations 2006.
 - The Products of Animal Origin (Import and Export) Regulations 1996.

By amalgamating 3 SIs into one Regulation this helped in meeting Defra's Red Tape Challenge commitment to reduce and consolidate the overall number of Regulations.

8. To implement Articles 41 and 42 of Regulation (EU) 1069/2009 on EU-wide animal by-product (ABP) controls.
9. To implement EU law on veterinary border controls to ensure that the live animals and products of animal origin entering England from other Member States and third countries are safe with regard to animal and public health and that they meet the specific import conditions laid down in the relevant EU legislation.
10. The Trade in Animals and Related Products Regulations 2011 ('TARP') revoked and replaced those Regulations set out in paragraph 7. It sets down, in a single Statutory Instrument (S.I.), a system for trade between EU Member States and imports into the EU of animals, genetic material and animal products, which applies to England.
11. TARP lists in Schedule 1 all the European Union legislation required to be complied with before animals or goods can be dispatched by an EU Member State or in the case of third country imports, released from control at the port of importation.
12. TARP also allows the Secretary of State to prohibit the importation into England of any animal or animal product in the event of a disease outbreak outside the United Kingdom.
13. The Regulations are enforced by the Secretary of State, port health authorities, local authorities and United Kingdom Border Force and establish various offences, punishable on summary conviction or conviction on indictment to a fine (or in the case of disclosure relating to customs information imprisonment for up to three months).

SUMMARY OF FINDINGS

14. Statistics from years 2011-2016 show that the number of imported consignments from third countries for; Product of Animal Origin (POAO) totalled 292,740 of which 3,869 (1.32%) were rejected; Live animals totalled 58,145 of which 344 (0.59%) were rejected; Germinal products totalled 2,075 of which 15 (0.7%) were rejected.
15. Overall there were 352,960 consignments imported of which 4,228 (1.20%) were rejected. This indicates that TARP is successfully being used to prevent high risk imports from entering the country.

16. The review consultations also indicated that stakeholders feel that TARP is effective in fulfilling its objectives and the enforcement agencies have been using TARP to enforce EU trade and import requirements, thus preventing animals and products entering England which have not met the relevant health conditions. Out of 18 responses, 7 industry stakeholders and 2 enforcement bodies said that the current regulations achieved their objective, of the other 9 (7 stakeholders and 2 enforcement bodies) none gave an opinion.
17. Evidence shows that there has been no disease incursion from imported animals, except one case of a goat moved from France to Wales (via a port in England), which was post import tested following a paper work irregularity. Therefore TARP has been considered successful in ensuring that the live animals and products of animal origin entering England from other Member States and third countries are safe with regard to animal and public health.
18. The objectives remain appropriate as there is a need for an effective system of controls to ensure that live animals and products of animal origin entering England from other Member States and third countries are safe with regard to animal and public health. Protection is essential to safeguard our farming industry and rural economy. The Regulations form part of an overall strategy to reduce the risks of the introduction and spread of diseases. This includes of pre-border horizon scanning and assessment of risks and threats, border activity and in-country activity.

IMPLEMENTATION IN OTHER MEMBER STATES

19. FVO mission reports and online legislation were used to identify other Member States procedures and any equivalent legislation to TARP.
20. In summary other countries comply with EU legislation for example Sweden, Germany, The Republic of Ireland and the Netherlands have specific national legislation.
21. In the case of the Netherlands and the Republic of Ireland (where this was specified), where Product of Animal Origin (POAO) are found not to satisfy the import conditions and the official decision is taken to destroy the consignment, costs are recovered from the responsible person.
22. This mirrors the cost position in our TARP legislation where the UK only charges the minimum fees to importers for official checks that are permitted under EU Regulations as set out as follows:
23. Article 27 of 882/2004(EC) on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

Fees or charges:

- Member States may collect fees or charges to cover the costs occasioned by official controls.
- Annex V gives the minimum fees (in Euros) that can be charged for the various checks. The UK only charges these minimum fees (which are converted into Sterling) to importers. Article 28 of 882/2004(EC) covers non-compliance costs.

CONCLUSION AND NEXT STEPS

24. No evidence was identified to support changing the regulations themselves. Some of the enforcement bodies advocate minor changes to enforcement for example the Corporation of London pointed out that there are only two offences for intra-EU movements into the UK of animals and products and these are for what the courts would consider minor offences. They would therefore like to see more comprehensive enforcement measures, similar to what is applied for imports. These were not felt sufficient to change the legislation given the resource implications.
25. On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

Title: The Trade in Animals and Related Products Regulations 2011	Post Implementation Review
PIR No: 2011/1197	Date: 01/11/2016
Original IA/RPC No: not available	Type of regulation: EU
Lead department or agency: Defra	Type of review: Statutory
Other departments or agencies:	Date measure came into force:
Click here to enter text.	25/05/2011
Contact for enquiries:	Recommendation: Keep
Adam.t.Graves@defra.gsi.gov.uk	RPC Opinion: Choose an item.

1. What were the policy objectives of the measure?

The Trade in Animals and Related Products Regulations S.I. 2011/1197 ('TARP') which applies in England only (but with 'mirror' Regulations made in other parts of the UK). There were 3 objectives: :

- (1) To simplify, by consolidating 3 trade and import related SIs trade and import requirements into one Regulation, thereby making information and reference easier for enforcement bodies and traders\importers. The SIs were:
- The Products of Animal Origin (POAO) (Third Country Import) (England) Regulations 2006.
 - The Animals and Animal Products (Import and Export) Regulations 2006.
 - The Products of Animal Origin (Import and Export) Regulations 1996.

By amalgamating 3 SIs into one Regulation this helped in meeting Defra's Red Tape Challenge commitments.

- (2) To implement Articles 41 and 42 of Regulation (EU) 1069/2009 on EU-wide animal by-product (ABP) controls.

- (3) To implement EU law on veterinary border controls to ensure that the live animals and products of animal origin entering England from other Member States and third countries are safe with regard to animal and public health and that they meet the specific import conditions laid down in the relevant EU legislation.

2. What evidence has informed the PIR?

The PIR has been informed by the following evidence:

Stakeholder consultations

1. An open consultation using Defra's dialogue app comprised of the following three questions:
 - a. To what extent do the Regulations achieve the objective?
 - b. Is the objective of the regulation still appropriate?
 - c. Could the objective be achieved by less Regulation?

and

2. A direct invitation for enforcement agencies and industry bodies to respond to the same questions by post, as well as to make more specific comments aligned to their area.

From the two consultations 21 responses were received (comprised of a mixture of industry, individuals, enforcement bodies and other organisations – including animal welfare NGOs). A number of responses to the consultation focused on issues relating to animal welfare and the non-commercial movement of pets (neither of which are covered by TARP). These responses were not considered in the analysis as they are out of scope of TARP and this PIR.

A summary of the responses to both consultations is given in the background note.

Member state consultation

The European Commission's Directorate on Health and Food Audits and Analysis (formerly the Food and Veterinary Office), carries out audits to ensure that EU legislation on food safety, animal health, animal welfare, plant health and some areas of human health is properly implemented and enforced. We were able to scrutinise reports of inspections carried out in other Member States to determine how those MSs enforce EU legislation as compared to TARP.

Red Tape Challenge

The new EU Animal Health Regulation (which has since been published as Regulation (EU) 2016/429) and the Official Food and Feed Controls (not yet published) will require a whole new domestic legislative landscape including a complete reconsideration of this TARP S.I. Because TARP was deemed to be relatively low-impact, low-profile and low risk, it was excluded from the Red Tape Challenge.

3. To what extent have the policy objectives been achieved?

The consultation did not identify any evidence that the regulations were failing to meet their stated objectives.

Evidence shows that there has been no disease incursion from imported animals, except one case of a goat moved from France to Wales, which was post import tested following a paper work irregularity (see background note). Therefore TARP has been considered successful in ensuring that the live animals and products of animal origin entering England from other Member States and third countries are safe with regard to animal and public health.

Statistics (see background note) from year 2011-2016 show that the number of imported consignments from third countries for; POAO totalled 292,740 of which 3869 (1.32%) were rejected; Live animals totalled 58145 of which 344 (0.59%) were rejected; Germinal products totalled 2075 of which 15 (0.7%) were rejected.

Overall there were 352,960 consignments imported of which 4228 (1.20%) were rejected. This indicates that TARP is being used to prevent high risk imports from entering the country.

The consultation also indicates that stakeholders feel that TARP is effective in fulfilling its objectives and the enforcement agencies have been using TARP to enforce EU trade and import requirements, thus preventing animals and products entering England which have not met the relevant health conditions. Out of 18 responses, 7 industry stakeholders and 2 enforcement bodies said that the current regulations achieved their objective of the other 9 (7 stakeholders and 2 enforcement bodies), none gave an opinion. See background note.

Sign-off for Post Implementation Review: Chief economist/Head of Analysis and Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed: [Click here to enter text.](#)

Date: [Click here to enter a date.](#)

Further information sheet

Please provide additional evidence in subsequent sheets, as required.

4. What were the original assumptions?

The original assumptions were that TARP would:

- Effectively consolidate existing SIs that relate to trade and imports, veterinary checks and animal by product legislation;
- That it would be enforceable; and
- That it would enable effective operations at the border.

Taken together, the assumption was that this would ensure that the live animals and products of animal origin entering England from other Member States and third countries are safe with regard to animal and public health and that they meet the specific import conditions laid down in the relevant EU legislation. (See Economic Evaluation in Background note for more detail).

5. Were there any unintended consequences? (Maximum 5 lines)

No unintended consequences were identified from the evidence considered.

6. Has the evidence identified any opportunities for reducing the burden on business? (Maximum 5 lines)

No evidence was identified to support changing the regulations themselves. Some of the enforcement bodies advocate minor changes for example the Corporation of London pointed out that there are only two offences for intra-EU movements into the UK of animals and products and these are for what the courts would consider minor offences. They would therefore like to see more comprehensive enforcement measures, similar to what is applied for imports. These were not felt sufficient to change the legislation given the resource implications. On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

7. For EU measures, how does the UK's implementation compare with that in other EU member states in terms of costs to business? (Maximum 5 lines)

FVO mission reports and online legislation were used to identify other Member States procedures and any equivalent legislation to TARP.

In summary other countries comply with EU legislation and Sweden, Germany, The Republic of Ireland and the Netherlands as having specific national legislation.

In the case of the Netherlands and the Republic of Ireland (where this was specified), where Product of Animal Origin (POAO) are found not to satisfy the import conditions and the official decision is taken to destroy the consignment, costs are recovered from the responsible person.

This mirrors the cost position in our TARP legislation where the UK only charges the minimum fees to importers for official checks that are permitted under EU Regulations as set out as follows:

Article 27 of 882/2004(EC) on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules

Fees or charges

1. Member States may collect fees or charges to cover the costs occasioned by official controls.

Annex V gives the minimum fees (in Euros) that can be charged for the various checks. The UK only charges these minimum fees (which are converted into pounds) to importers. Article 28 of 882/2004(EC) covers non-compliance costs.

Background

1. The Trade in Animals and Related Products Regulations S.I. 2011/1197 (**referred to as 'TARP'**) implements EU legislation on the importation and EU trade in animals and animal products. The EU rules on veterinary checks are contained in the following Directives: 89/662/EEC, 90/425/EEC, 91/496/EEC and 97/78/EC. TARP sets out the necessary legislative framework to allow for their transposition and enforcement in England. This includes identifying local authorities as the main enforcement body and providing for powers, offences and penalties. The Animal and Plant Health Agency (APHA) and HMRC/Border Force also enforce certain parts of our TARP Regulations.
2. The Regulations amalgamate and simplify into one Statutory Instrument, three former Statutory Instruments which covered the veterinary checks regime on intra-Union trade in live animals and animal products, and imports controls for live animals and animal products from third countries. The three former SIs which TARP has replaced were the following:
3. **The Products of Animal Origin (Third Country Import) (England) Regulations 2006** transposed Council Directive 97/78/EC (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries). There were earlier domestic Regulations transposing this Directive. The earlier S.I.s were updated regularly primarily to include Union legislation amending EU import requirements.
4. Those earlier 2006 Regulations had required that imported animal products to which the Directive applies must be presented to an approved Border Inspection Post (BIP) for veterinary examination to ensure that the product complied with the relevant import requirements. They required importers to comply with the import requirements that were listed in the S.I... Enforcement at BIPs was (and still is under TARP) the responsibility of the local authority or, in the case of BIPs that handle only consignments not intended for human consumption, the Animal and Plant Health Agency (formerly AHVLA). United Kingdom Border Force (formerly UKBA) were responsible for enforcement at points of entry other than Border Inspection Posts.
5. **The Animals and Animal Products (Import and Export) Regulations 2006** had required 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 could only 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).

These 2006 Regulations controlled intra Union trade of live animals and products, (semen, ova and embryos) and imports from third countries of live animals.

6. They had required that, to be eligible for intra-Union trade, animals and genetic material must meet the provisions of EU legislation. Consignments had to also be accompanied to their destination by a valid health certificate, signed by a government-approved veterinarian.
7. **The Products of Animal Origin (Import and Export) Regulations 1996.** The 1996 Regulations transposed Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the single market, Council Directive 90/675/EEC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries and Council Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC.
8. The 1996 Regulations made provision for the designation of official veterinary surgeons to implement them, and provided for enforcement by the local authority and gave 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.
9. That 1996 statutory instrument enforced EU legislation covering EU trade in animal products (excluding genetic material) and imports of animal products including genetic material from third countries.

10. **Current System**

The Trade in Animals and Related Products Regulations 2011 ('TARP') revoked and replaced all those earlier Regulations and set down in a single S.I. a system for trade between EU member states and imports into the EU of animals, genetic material and animal products.

They list in Schedule 1 all the European Union legislation required to be complied with before animals or goods can be released from control at the port of importation.

They also allow the Secretary of State to prohibit the importation into England of any animal or product in the event of a disease outbreak outside the United Kingdom.

The Regulations are enforced by the Secretary of State, port health authorities, local authorities and United Kingdom Border Force and establish various offences, punishable on summary conviction to a fine up to the statutory maximum or on conviction on indictment to an unlimited fine (or in the case of disclosure relating to customs information imprisonment for up to three months)

11. **Economic Evaluation**

An Impact Analysis was not required as TARP simply amalgamated existing legislation and directly implemented EU requirements. This simplified the legislative landscape and

removed duplication in that legislation and so benefited importers, traders and enforcement bodies. Any costs on business arose from the EU requirements.

12. Statistics

The statistics show the number of consignments imported into GB. The enforcement actions taken under TARP are represented by rejections on the table below.

TABLES BELOW SHOW DETAILS OF CONSIGNMENTS CHECKED AND NON-COMPLIANCES FOUND.

Products of Animal Origin

Year	Certificates			Rejects		Reject conclusion		
	Total No	Number controlled	% controlled	No	% of total	Re-exported	Transformed	Destroyed
2011-12	58,426	58,426	100.0%	720	1.20%	264	1	447
2012-13	58,186	58,186	100.0%	814	1.40%	260	4	536
2013-14	58,724	58,724	100.0%	754	1.28%	243	3	503
2014-15	58,906	58,906	100.0%	793	1.3%	240	5	541
2015-16	58,498	58,498	100.0%	788	1.3%	282	2	500

Live Animals

Year	Certificates			Rejects		Reject conclusion		
	Total No	Number controlled	% controlled	No	% of total	Re-exported	Slaughter	Euthanasia ¹
2011-12	16,461	16,461	100.0%	62	0.4%	53	0	9
2012-13	13,545	13,545	100.0%	117	0.86%	109	0	7
2013-14	9,385	9,385	100.0%	95	1.01%	87	0	8
2014-15	9,046	9,046	100.0%	30	0.3%	28	0	2
2015-16	9,708	9,708	100.0%	40	0.4%	26	0	14

Germinal Products

Year	TRACES Certificates issued			Rejects		Reject conclusion		
	Total No	No controlled	% controlled	No	% of total	Re-exported	Transformed	Destroyed
2011-12	367	367	100.0%	2	0.5%	0	0	2
2012-13	374	374	100.0%	5	1.34%	3	0	2
2013-14	383	383	100.0%	0	0.00%	0	0	0
2014-15	432	432	100.0%	7	1.6%	7	0	0
2015-16	519	519	100.0%	1	0.2%	1	0	0

Disease outbreaks since 2011 show they were limited to wild animal incursions. The one exception was from a goat moved from France to Wales in 2014 that following a post import check, due to certification irregularities was found to have Contagious Agalactia. See link below.

<https://data.gov.uk/dataset/notifiable-disease-investigations-in-great-britain-2008-2015-summary>

13. Stakeholder Consultation

While some key stakeholders were invited to respond by post, other stakeholders responded via an open online consultation. Stakeholder names taken from the Defra online survey.

Responses were received from:

- **Chartered Trading Standards Institute (CTSI)**
- **Compassion in World Farming**
- **International Meat Trade Association (IMTA)**
- **J Pocknell**
- **Joony**
- **City of London Corporation**
- **NAHWP**
- **Ac201920**
- **Battersea Dogs and Cats Home**
- **Trevor Whitbread**
- **Cefas**
- **Gcrayford**
- **Geoffrey Hale**
- **Jbag**
- **Jenny Murray**
- **Legaldiesel**
- **Richard Lamb**
- **World Horse Welfare**
- **APHA (Animal and Plant Health Agency)**
- **FSA (Food Standards Agency)**
- **HMRC (HM Revenue and Customs)**

