

EXPLANATORY MEMORANDUM TO

**THE MEAT PREPARATIONS (AMENDMENT AND TRANSITORY
MODIFICATION) (ENGLAND) (EU EXIT) (AMENDMENT) REGULATIONS 2021**

2021 No. 366

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs (“Defra”) and is laid before Parliament by Command of Her Majesty.
- 1.2 This Memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument makes an amendment to the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 (S.I. 2020/1666) to extend the temporary removal of the requirement for meat preparations imported from the European Economic Area (“EEA”) into England to be deep frozen to a temperature of minus 18 degrees until 30th September 2021. The temporary removal of this requirement is due to expire on 31st March 2021. The continued temporary removal of this requirement is intended to bring policy in line with the revised timetable for the phased introduction of import controls on goods arriving from the EEA. This will provide a consistent approach towards imports and prevent disruption to businesses. This approach presents a low biosecurity risk as the UK currently imports these goods from the EEA.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The instrument will be laid in Parliament on X March 2021 and will come into force on 30th March 2021. This urgent action is necessary to align with the revised EU-GB import controls timetable announced by the UK Government on 11th March 2021. The introduction of health certification and pre-notification requirements will not be enforced on Products of Animal Origin (“POAO”) until 1st October 2021.
- 3.2 Without this instrument it would be illegal for traders to import chilled meat preparations from the EEA from 1st April 2021. This instrument is necessary to prevent a disruption to business and provide legal clarity to traders as of 1st April 2021.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.3 As this instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England only.
- 4.2 The territorial application of this instrument is England only.

5. European Convention on Human Rights

- 5.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The European Union (Withdrawal) Act 2018 (“the Withdrawal Act”) retains Commission Decision 2000/572/EC relating to the imports of meat preparations as direct retained EU legislation. This instrument amends regulation 3 of the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020, which in turn modifies Article 3.3 of Decision 2000/572/EC laying down animal and public health conditions and veterinary certification for imports of minced meat and meat preparations from third countries, with the effect of removing the requirement for meat preparations imported from the EEA to be deep frozen. This instrument uses powers in paragraph 11A of Schedule 2 to the Trade in Animals and Related Products Regulations 2011 (S.I. 2011/1197), inserted by the Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631).

7. Policy background

What is being done and why?

- 7.1 Prohibitions and restrictions (“P&R”) are trade requirements based in EU law that prevent or restrict the export and import of certain goods from third countries, where the EU believes there is a potential for them to present a level of risk to animal, plant or public health.
- 7.2 To address this, Defra introduced The Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 on 31st December 2020 to permit the import of certain prohibited Products of Animal Origin (“POAO”) affected by P&R from EU to GB from 1st January to 31st March 2021. This effectively suspended a ban on the import of chilled meat preparations from the EEA.
- 7.3 The Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 temporarily removed the prohibition on importing chilled meat preparations from EEA member states into England between 1st January to 31st March 2021. This instrument was made on 31st December 2020 and came into force on 1st January 2021. It was laid before Parliament on 4th January 2021. This legislation ensured continuity after the transition period with the EU came to an end. It enabled existing import rules to apply to chilled meat preparations until 31st March 2021 in accordance with the Government’s previously announced ‘phased approach’ to import controls.
- 7.4 This instrument will extend that temporary suspension of P&R on chilled meat preparations from EEA member states until 30th September 2021. This instrument will bring P&R application in line with the revised timetable for the phased introduction of import controls on goods arriving from the EEA. It will also ensure a consistent

approach to imports and provide legal clarity to traders. Without this legislation it would be illegal for traders to import chilled meat preparations from 1st April 2021. This could adversely affect select businesses and the end consumer in Great Britain as the availability of certain products could be limited.

- 7.5 The temporary removal of P&R on POAO is a proportionate measure to ensure trade continuity as these goods present a low biosecurity risk. We currently import these goods from the EEA and do not have public health concerns over these products, and this is unlikely to change on 1st April 2021.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument is being made under powers given to the Secretary of State under EU exit legislation, rather than under powers in the European Union (Withdrawal) Act 2018.

9. Consolidation

- 9.1 Consolidation is not required.

10. Consultation outcome

- 10.1 A consultation was not necessary because there is no policy change from the requirements which applied to internal EU movements before the end of the transition period, and continued after the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 came into force on 1st January 2021.

11. Guidance

- 11.1 Defra will publish accompanying guidance on GOV.UK detailing import requirements as a result of this SI.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because this instrument relates to maintenance of existing regulatory standards.

13. Regulating small business

- 13.1 This instrument applies equally to all businesses importing chilled meat preparations, including small businesses.
- 13.2 To minimise the impact on small businesses (employing up to 50 people), this instrument will maintain the status quo for imports from the EEA between 1st April and 30th September 2021.

14. Monitoring & review

- 14.1 The regulation does not include a statutory review clause as this instrument only applies for a time limited period of six months.

15. Contact

- 15.1 Brianna Halstead-Cashman at the Department for Environment, Food and Rural Affairs. Email: Brianna.Halstead-Cashman@defra.gov.uk can be contacted with any queries regarding this instrument.
- 15.2 Peter Jinks, Deputy Director for SPS and Imports, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Lord Gardiner of Kimble, The Parliamentary Under Secretary of State for Rural Affairs and Biosecurity, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.