STATUTORY INSTRUMENTS

2022 No. 735

The Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022

Amendment of Commission Decision 2011/163/EU

12.—(1) Commission Decision on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC(**1**) is amended as follows.

(2) In Article 1 (approval of plans)—

(a) for paragraph 1 substitute—

"**1.** Subject to paragraphs 1A to 1F, the Secretary of State may, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales) specify, in a document published for the purposes of this point—

(a) the relevant third countries who may submit relevant plans to the appropriate authority;

(b) the relevant animals and animal products for which those relevant plans are approved.

1A. The Secretary of State may not specify under paragraph 1 any plans from the United Arab Emirates as being approved for—

(a) milk, except in the case of plans relating only to camel's milk;

(b) products for human consumption using aquaculture animals, other than those products produced only with raw material of animal origin obtained from the United Kingdom or from third countries which have submitted a relevant plan.

1B. The Secretary of State may not specify under paragraph 1 any plans from Russia as being approved for farmed game, other than plans relating only to farmed reindeers from the Murmansk and Yamalo-Nenets regions.

1C. The Secretary of State may not specify under paragraph 1 any plans from Singapore as being approved for equine animals, wild game or farmed game, other than plans relating only to commodities of fresh meat originating from New Zealand, destined for Great Britain and being transited with or without storage through Singapore and unloaded and reloaded there.

1D. The Secretary of State may not specify under paragraph 1 any plans from Bosnia and Herzegovina or Tunisia as being approved for aquaculture animals, other than plans relating only to finfish.

1E. The Secretary of State may not specify under paragraph 1 any plans from South Africa as being approved for farmed game, other than plans relating only to ratites.

1F. The Secretary of State may not specify under paragraph 1 any plans from Iran or New Caledonia as being approved for aquaculture animals, other than plans relating only to crustaceans.

(**1**) EUDN 2011/163, amended by S.I. 2020/1141, S.I. 2020/1462, S.I. 2021/211.

1G. In paragraph 1—

"relevant third country" means the third countries listed in the table set out in the Annex;

"relevant animals and animal products" means the animals and animal products set out in the table in the Annex;

"relevant plans" means the plans provided for in Article 29 of Directive 96/23/EC(**2**) or under the correlating provisions of, or under, Regulation (EU) 2017/625.".

(b) in paragraph 2, for "In paragraph 1" substitute "In this Decision";

(3) In Article 2 (complementary plans), omit paragraph 2.

(4) After Article 2 insert—

"Article 2a

Matters relating to the exercise of powers under this Decision

1. The powers exercisable by the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), under Article 1(1)(a) and (b) may be exercised only where it is necessary or appropriate to do so in the light of an assessment of the risk to animal or public health in the United Kingdom, taking into account the matters specified in this Article.

2. Any assessment which is relied on for the purposes of paragraph 1 must be appropriate to the circumstances and have been approved by the Secretary of State, the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales).

3. For the purpose of submission for approval under paragraph 2, an assessment of a residue monitoring plan submitted by the central competent authority of the third country must take into account the extent to which it complies with the regulatory requirements in the United Kingdom and must set out the following information—

(a) legislation on the use of the substances listed in Annex 1 to Directive 96/23/EC and, in particular, provisions on their prohibition or authorisation, distribution and placing on the market and the rules governing their administration, in so far as that legislation is different from that in force in the United Kingdom;

(b) the infrastructure of the relevant competent authorities in the third country (with, in particular, details of the type and size of the bodies involved in implementing the plans);

(c) a list of approved laboratories, with details of their capacity for processing samples;

(d) national tolerances for authorised substances in cases where no maximum United Kingdom residue levels have been set under Regulation (EC) No 470/2009;

(e) a list of the substances to be detected, methods of analysis, standards for interpreting the findings and, in the case of the substances listed in Annex 1 to Directive 96/23/EC, the number of samples to be taken, and the reasons for this number;

(f) the number of official samples to be taken in relation to the number of animals of the species concerned slaughtered in preceding years in accordance with the frequencies laid down in Annex 4 to Directive 96/23/EC;

(g) details of the rules governing the collection of official samples, and in particular the rules concerning the particulars to appear on official samples;

(**2**) Repealed, subject to transitional provisions in EUR 2017/625.

(h) the type of measures laid down by the competent authorities in the third country with regard to animals or products in which residues have been detected;

(i) confirmation that the relevant competent authority of the third country coordinates the activities of the central and regional departments responsible for monitoring the various residues to prevent the fraudulent or unlawful use of substances or products on stock farms;

(j) confirmation that the relevant competent authority of the third country collects residue monitoring data needed to evaluate the means used and the results, and will supply a report of the data to the Secretary of State, the Scottish Ministers and the Welsh Ministers annually by 31st March each year.

4. The plan must provide for the detection of groups of residues or substances according to type of animal, in accordance with Annex 2 to Directive 96/23/EC, and in accordance with the sampling rules and levels set down in Annex 3 and Annex 4 to that Directive, and must specify in particular the measures for the detection of—

(a) the relevant substances in animals in accordance with Annex 2 to that Directive, or in the drinking water, and in all places where animals are bred or kept;

(b) residues of such substances found in live animals, their excrement and body fluids or in animal tissues, meat, milk, eggs or honey.

5. Compliance with the requirements of, and adherence to the assurances offered by, the plans submitted by third countries must be verified by means of checks carried out by the relevant competent authority in the third country, and, where such checks reveal the use of unauthorised products or substances for the treatment of the animals in a given batch, or the presence of such products or substances in all or part of a batch originating in the same establishment, the Secretary of State, the Scottish Ministers and the Welsh Ministers may—

(a) impose remedial measures, after making enquiries of the competent authorities of the third country and concluding that the third country has failed to fulfil its obligations and the assurances in the residue monitoring plan;

(b) send United Kingdom experts to visit the third country, at that country's expense, in order to verify that remedial measures have been taken.

6. A third country ("TC1") using raw material imported from another third country approved for production of food of animal origin in accordance with Commission Decision 2011/163/EU and which is unable to provide a residue monitoring plan, must provide an assurance that animal products for human consumption exported to Great Britain must only come from establishments approved by the competent authority of TC1 as having reliable procedures in place.

7. Where the Scottish Ministers or the Welsh Ministers request that the Secretary of State exercise a power under Article 1(1)(a) or (b) the Secretary of State must have regard to that request.".

(5) In the Annex, in the table, omit "X" in every place it appears.