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STATUTORY INSTRUMENTS

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**2022 No. 735**

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

**Amendment of Commission Regulation (EU) No. 605/2010**

**6.—(1)** Commission Regulation (EU) No. 605/2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk, dairy products, colostrum and colostrum-based products intended for human consumption<sup>(1)</sup> is amended as follows.

(2) In Article 2 (importation of raw milk, dairy products, colostrum and colostrum-based products from third countries or parts thereof listed in column A of Annex 1)—

- (a) in the heading, omit “listed in column A of Annex 1”;
- (b) in the unnumbered paragraph, for the words from “the third” to the end” substitute “such of the third countries listed in Annex 1, or parts thereof, as the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify in a document published for the purposes of this Article”.

(3) In Article 3 (imports of certain dairy products from third countries or parts not at risk of foot-and-mouth disease)—

- (a) in the heading, for “listed in column B of Annex 1” substitute “not at risk of foot-and-mouth disease”;
- (b) in the unnumbered paragraph, for the words before point (a), substitute—

“The appropriate authority shall authorise the importation of consignments of dairy products derived from raw milk of cows, ewes, goats or buffaloes from such of the third countries listed in Annex 1, or parts thereof, not at risk from foot-and-mouth disease as the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify in a document published for the purposes of this Article, provided that such dairy products have undergone, or been produced from raw milk which has undergone, a pasteurisation treatment involving a single heat treatment—”.

(4) In Article 4 (imports of certain dairy products from third countries or parts thereof at risk of foot-and-mouth disease)—

- (a) in the heading, for “listed in column C of Annex 1” substitute “at risk of foot-and-mouth disease”;
- (b) in paragraph 1, for the words before point (a) substitute—

“**1.** The appropriate authority shall authorise the importation of consignments of the dairy products listed in paragraph 1A, provided that the dairy products have undergone, or been produced from raw milk which has undergone, a heat treatment involving—”;

- (c) after paragraph 1 insert—

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(1) EUR 2010/605, amended by S.I. 2020/1462, S.I. 2021/211.

“1A. The dairy products referred to in paragraph 1 are—

- (a) dairy products derived from raw milk of cows, ewes, goats or buffaloes from such of the third countries or territories listed in Annex 1 (excluding the Emirates of Abu Dhabi and Dubai of the United Arab Emirates), or parts thereof, at risk of foot-and-mouth disease as the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify in a document published for the purposes of this paragraph;
  - (b) dairy products derived from raw milk from camels of the species *Camelus dromedarius* from the Emirates of Abu Dhabi and Dubai of the United Arab Emirates, or parts thereof, where such products are specified by the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), in a document published for the purposes of this paragraph.”;
  - (d) in paragraph 2, in the words before point (a), for the words from “the third countries” to “column C of Annex 1” substitute “such of the third countries listed in Annex 1 or parts thereof, at risk of foot-and-mouth disease as the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify in a document published for the purposes of this paragraph”.
- (5) After Article 8 insert—

*“Article 8a*

*Matters relating to the exercise of powers under this Regulation*

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 the provisions listed in paragraph 2 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 animal health criteria and the public health criteria.
2. The provisions are—
  - (a) Article 2 (importation of raw milk, dairy products, colostrum and colostrum-based products from third countries or parts thereof);
  - (b) Article 3 (importation of dairy products from third countries or parts thereof not at risk of foot-and-mouth disease);
  - (c) in Article 4 (importation of dairy products from third countries or parts thereof at risk of foot-and-mouth disease), paragraphs 1A(a) and (b) and 2.
3. Any assessment which is relied upon for the purposes of paragraph 1 must have been approved by the Secretary of State, the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales).
4. Where the Scottish Ministers or the Welsh Ministers request that the Secretary of State exercise a power under a provision listed in paragraph 2 the Secretary of State must have regard to that request.
5. In this Article—
  - “animal health criteria” means the criteria set out in Schedule 1 to the Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019(2);

“public health criteria” means the criteria set out in Schedule 2 to those Regulations.”.

(6) In Annex 1 (list of third countries or parts thereof authorised for the introduction into Great Britain of consignments of raw milk, dairy products, colostrum and colostrum-based products and indicating the type of heat treatment required for such commodities)—

- (a) in the heading, omit “or parts thereof”;
- (b) in the table—
  - (i) in the heading to the second column, omit “or part thereof”;
  - (ii) omit the third column (column A);
  - (iii) omit the fourth column (column B);
  - (iv) omit the fifth column (column C);
- (c) in the remaining footnotes to the table—
  - (i) in footnote a, for “in column A” substitute “by the Secretary of State with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales)”;
  - (ii) omit the second footnote labelled “(\*\*)” (Switzerland);
  - (iii) omit the footnote labelled “#”, relating to Iceland.