
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) to (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union. In addition, the free issue procedure is being used for these Regulations as they correct errors that arise from a number of other instruments.

Regulation 3 makes corrections to paragraph 2 of Article 154 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (EUR 2017/625).

Regulation 4 makes corrections to Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations (EUR 2005/1).

Regulation 5 contains modifications to correct deficiencies in certain provisions of EUR 2005/1 (the “saved provisions”) that were deleted before IP completion day, but which were saved, and which continue to apply, by virtue of Article 154 of EUR 2017/625. The saved provisions were amended by regulation 3 of the Animal Welfare (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/802), which was in turn amended by regulation 2 of the Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590). However, regulation 42 of the Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1481) removed most of the amendments to the saved provisions, except the amendments to Article 21, and the deletion of Article 24, of EUR 2005/1.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.