

EXPLANATORY MEMORANDUM TO
THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS)
(ENGLAND) REGULATIONS 2006

2006 No. 2841

1. This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Products of Animal Origin (Third Country Imports)(England) Regulations 2006 revoke and remake, with changes, the Products of Animal Origin (Third Country Imports) (England) (No 4) Regulations 2004, as amended by the Products of Animal Origin (Third Country Imports) (England) (No 4) (Amendment) Regulations 2005 and the Products of Animal Origin (Third Country Imports) (England) (No 4) (Amendment) Regulations 2006.

3. Matters of special interest to the [Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments]

3.1 None

4. Legislative Background

4.1 The Regulations implement Council Directive 97/78/EC (laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries). Regulations implementing this Directive were first introduced in 2002 and have been updated regularly since, primarily to include Commission Decisions amending Community import requirements (which are listed in Schedule 1).

The Regulations require that products of animal origin to which the Directive applies (listed in Commission Decision 2002/349/EC) for import from third countries must be presented to an approved Border Inspection Post for veterinary examination to ensure that the product complies with the relevant import requirements. The Regulations require importers to comply with the import requirements listed in Schedule 1. Enforcement at Border Inspection Posts is the responsibility of the local authority or, in the case of a Border Inspection Post that handles only consignments not intended for human consumption, the State Veterinary Service. HM Customs are responsible for enforcement at points of entry other than Border Inspection Posts.

5. Extent

5.1 The Regulations apply in England.

5.2 Similar legislation will be introduced in Scotland, Wales and Northern Ireland.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The objective of Directive 97/78/EC is to protect Community human and produced to animal health and hygiene standards at least equivalent to those required for Community production. The changes to Schedules 1 and 2 are minor technical ones, reflecting the constantly changing disease situation in third countries.

The main changes to the regulations are:

Amendment of the definition of Local Authority in regulation 2 to include County Councils to enable them to carry out enforcement activities in their areas of responsibility, particularly in relation to controls on disposal of catering waste from international means of transport. These changes have been agreed with LACORS.

Addition of paragraph 4 to regulation 5 in relation to illegally imported products found inland, so that local authority enforcement officers who are not authorised officers under the regulations, can hold consignments they suspect of being illegally imported until an authorised officer can take charge of it. This provision has been introduced following discussions with the Food Standards Agency and Local Authorities on ways of improving enforcement of the regulations

Addition of Regulation 5(10) to create new offences relating to the unlawful disclosure of information received from Her Majesty's Revenue and Customs, to accord with provisions of the Revenue and Customs Act 2005.

Regulation 13 has been amended so that a border inspection post, or an inspection centre, can be partially suspended; not just wholly suspended. This change permits a more flexible approach to enforcing the correction of deficiencies and has been made following guidance from the EU Commission.

Amendment of regulation 17 to bring the requirements for pre-notification into line with the requirements of Commission Regulation 136/2004.

Introduction of regulations 48 and 49 which implement Community provisions relating to movement of products directly from a Border Inspection Post to ships. These provisions had previously been implemented administratively but require a legal base.

In addition a number of drafting changes have been made to simplify the language of the regulations, making them more transparent and easier to read without changing the meaning. In particular the definition of product and regulations 3,7,9,10,14,22,25,29,30,37,39,54,60 and 67.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 No impact on the public sector is foreseen.

9. Contact

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