

EXPLANATORY MEMORANDUM TO
THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS)
(AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2007

2007 No. 314

1. This explanatory memorandum has been prepared by the Department of Agriculture and Rural Development and is laid before The Northern Ireland Assembly.

This memorandum contains information for the Agriculture & Rural Development Departmental Committee.

2. Description

- 2.1 These Regulations amend the Products of Animal Origin (Third Country Imports) (Northern Ireland) Regulations 2007 (the “principal N.I. Regulations”), to incorporate changes to European Community law introduced by Commission Decision 2007/275/EC^(a), which came into force on 4 June 2007. The overall purpose of the principal N.I. Regulations is to give effect to Community law in the area of imports of products of animal origin, including import conditions and the conduct of veterinary checks at the point of importation. There are two changes introduced by the Decision.

- 2.2 The first is to replace the pre-existing list of products which are subject to veterinary checks on import (as included in Commission Decision 2002/349/EC). This is of fundamental importance to the application of the principal N.I. Regulations as they apply to the products set out in that list. These Regulations therefore amend the principal N.I. Regulations to apply the new list of products. Without this change, it would not be possible to effectively enforce Community import rules.

- 2.3 The second change introduced by Commission Decision 2007/275/EC concerns new Community rules governing the importation of composite food products, which are products containing both products of animal and plant origin. These Regulations make the necessary amendments to the principal N.I. Regulations to apply the new EU import rules for these products.

3. Matters of special interest to the Agriculture & Rural Development Departmental Committee

- 3.1 These Regulations are being brought into operation in breach of the 21-day rule for Statutory Rules. This is because of the urgent need to amend the principal N.I. Regulations so that they apply to the new list of products contained in Commission Decision 2007/275/EC. The scope of the principal N.I. Regulations is defined by reference to the products listed in the outgoing Commission Decision (2002/349/EC). Since this Decision has been revoked by Commission Decision 2007/275/EC, failure to amend the principal N.I. Regulations would

^(a) O.J No. L116, 4.5.2007, p.9. A copy of this Decision may be obtained from the website of the European Union.
<http://eur-lex.europa.eu/en/index.htm>

leave them without a clear list of products to which they applied. The Department would be unable to effectively enforce the import rules applying to imported products of animal origin. For that reason the Department considers it appropriate to breach the 21-day rule in order to apply the new list of products as contained in Commission Decision 2007/275/EC. This is a direct implementation of EU legislation and is required in order to maintain parity with the rest of the United Kingdom.

4. Legislative Background

- 4.1 These regulations are made under Section 2(2) of the European Communities Act 1972 and are subject to the negative resolution procedure.

5. Position in GB

- 5.1 The equivalent Regulations came into force in England and Scotland on 7 June 2007 and in Wales on 14 June.

6. European Convention on Human Rights

- 6.1 The Regulations are compatible with the European Convention on Human Rights.

7. Policy background

- 7.1 Policy in Northern Ireland is to apply European Community import rules designed to protect public and animal health from risks associated with products of animal origin imported from third countries. The introduction of the new list of products to which import checks apply is essentially a routine technical amendment, and is primarily designed to make the list clearer and easier to apply. The importance and urgency of this change relates to the fact that the existing principal N.I. Regulations refer to the list in Commission Decision 2002/349/EC, which has been revoked by Commission Decision 2007/275/EC. As regards the introduction of the new import rules for composite food products, the Department is content that they are in line with current risk analyses of the products concerned. Importation of these products has been subject to national rules and the new Community rules match closely the import conditions that the Department has been applying under national import licences. The amendment to the principal N.I. Regulations will provide a statutory basis for enforcement of the EU importation requirements.

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.

9. Contact

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