



HM Government

# **Animal Health and Welfare Common Framework**

## **Provisional Framework Outline Agreement and Concordat**

February 2022

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## **Provisional Framework Outline Agreement and Concordat**

Presented to Parliament  
by the Secretary of State for Environment, Food and Rural Affairs  
by Command of Her Majesty

February 2022



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# Framework Outline Agreement

This is the Framework Outline Agreement for the Animal Health and Welfare UK Common Framework.

This document has been developed collaboratively between officials from the UK Government, Scottish Government, Welsh Government and Northern Ireland Executive, hereafter referred to as the '**Parties**'.

## Section 1: What are we talking about

### **Policy Area**

Animal Health and Welfare (hereafter referred to as '**AHW**').

The definition of AHW is taken to include Animal Health and Traceability, and Animal Welfare.

### **Principles of Devolution**

All Parties agree to respect the memorandum of understanding and supplementary agreements between the Parties agreed in September 2012 and which sets out the principles which underlie relations between the Parties. This Framework is intended to further underpin those principles and relations.

The UK Government is committed (under the terms of the Devolution Memorandum of Understanding ('**MoU**'), with particular reference to p9 of the MoU) to involving the Scottish Government, Welsh Government and Northern Ireland Executive as fully as possible in discussions about the formulation of the UK's policy position on all EU and international issues which touch on devolved matters.

For non-devolved matters, the MoU commits within UK Government the Secretaries of State for Scotland, Wales and Northern Ireland to ensuring the interests of those parts of the UK in non-devolved matters are properly represented and considered.

The Devolved Governments agree under the MoU to provide UK Government factual information and expert opinion on non-devolved matters.

### **Devolution and AHW policy**

AHW policy is mostly devolved in legislative terms, including powers to control the movement of animals and products of animal origin.

There are limited exceptions to this, including any trade in endangered species, procedures on live animals for scientific or educational purposes and veterinary medicines regulation (reserved for Scotland and Wales) (but not residues of medicines in food).

Veterinary professional standards are also a reserved matter across the UK.

The devolution settlements have common features in this area, but they are not identical. For example, the Northern Ireland Act 1998 includes particular allowances for the furtherance of the trade in Northern Ireland and the regulation, quality, transport, marketing and identification of agricultural or food products, including livestock.

The devolution settlements for each Government are outlined in the following paragraphs.

Schedule 5 of the Scotland Act 1998 sets out those matters which are reserved to the UK Parliament. Any area not listed in Schedule 5 is devolved to the Scottish Parliament.

Schedule 7A to the Government of Wales Act ('**GOWA**') 2006 sets out those matters which are reserved to the UK Parliament. Any area not listed in Schedule 7A is devolved to the Senedd Cymru for Wales. The GOWA also furnishes Welsh Ministers with the power to restrict or condition the entry into Wales of animals or products in order to protect animal health, welfare or public health.

Schedule 2 to the Northern Ireland Act 1998 sets out 'excepted matters' (matters of national importance on which the Northern Ireland Assembly does not have competence to legislate), and Schedule 3 to the Northern Ireland Act sets out which matters fall into the 'reserved' category for which the consent of the Secretary of State is required in order for the Northern Ireland Assembly to legislate. Anything that is not explicitly excepted by Schedule 2 or reserved by Schedule 3 is devolved and the Northern Ireland Assembly has full legislative competence. While 'technical standards and requirements in relation to products' are generally reserved under Schedule 3, there are exceptions for 'standards and requirements in relation to food, agricultural or horticultural produce, fish or fish products, seeds, animal feeding stuffs, fertilisers or pesticides', with the result that AHW is a fully devolved matter.

### **Principles for international relations**

The Common Frameworks Principles agreed at Joint Ministerial Committee ('**JMC**') (EN) state that frameworks will be established where necessary to ensure the UK can negotiate, enter into and implement new trade agreements and international treaties, and ensure compliance with international obligations. These principles were established in the context of an ambition for close working between the UK Government and the other Parties on reserved matters that significantly impact devolved responsibilities in common frameworks.

Common Frameworks will allow the parties, in a timely manner, to ascertain the impact of international trade on managing UK policy divergence. All parties to the framework will consider any impact in a way that meets the requirements of the JMC (EN) principles. Common Frameworks will afford an opportunity to consider any implications stemming from international trade which have a direct bearing on the operation of a Common Framework. The scope of this consideration will not extend beyond Common Frameworks.

### **International relations in practise**

On the international stage, the UK trades as a whole on Animal Health and Welfare and is considered a single entity.

Negotiations on trade are led by the UK Government with discussions taking place through intergovernmental processes and Parties' views will be sought timely on trade



negotiations, regarding Animal Health and Welfare, through trade-specific engagement fora.

It remains the responsibility of the UK Government to ensure the UK complies with its international trading obligations.

As a matter of law, international relations are the responsibility of the UK Government and the UK Parliament, although the Parties are responsible for implementing international obligations.

It is recognised that the Parties have an interest in international policy making and negotiations and in relation to devolved matters, notably where implementing action, by the Parties, may be required.

The Parties do have relevant executive powers, including the power to make representations on matters impacting themselves and the power to do anything aimed at promoting or improving the economic, social or environmental well-being within their nations, which could be relied on to inform the UK Government's negotiating position and take part in the negotiations themselves.

### **An example of international relations**

The World Trade Organisation Sanitary and Phytosanitary ('**SPS**') Agreement recognises, at Article 13, Members may devolve the implementation of SPS to non-central government bodies.

It also states "Members are fully responsible under this Agreement for the observance of all obligations set forth herein".

The UK Government is accountable for the decisions or actions taken within the UK in the context of the Agreement taken by any Party.

The Parties and persons internal to the UK cannot bring a legal challenge to the UK Government for breach of the SPS (or General Agreement on Tariffs and Trade (GATT)) Agreement; this can only be undertaken by a Member State.

Whilst the UK Government has an accountability, the Parties are nevertheless responsible for observing and implementing international obligations, such as Free Trade Agreements, which concern devolved matters that have been negotiated and agreed by the UK Government.

### **Intergovernmental relations review**

The outcomes of the intergovernmental relations review are in the process of being implemented. Once confirmation has been provided from each government, the outcomes of the review and appropriate intergovernmental structures will be reflected in this Common Framework.

### **How the EU Framework applied to the UK**

Up until the end of the Transition Period the majority of AHW law was harmonised at EU level, relying on EU processes and institutions to carry out most risk assessments, risk management decisions and develop and pass legislation.

Legislation was developed by the European Commission and voted on at the Standing Committee on Plants, Animals, Food and Feed (SCoPAFF) by EU Member States, with the contribution of various working and expert groups and the scientific bodies such as European Food Safety Authority (EFSA) and European Medicines Agency (EMA). The UK played a pivotal role in raising AHW standards across the EU.

The broad aim of EU animal health law is to enable trade in the Single Market, to ensure high standards of animal and public health in the EU and the rational development of the agriculture and aquaculture sectors, and to increase productivity. It also strengthens the enforcement of health and safety standards for the whole agri-food chain and protects the EU livestock sector against unfair competition and unsafe practices. Secondary EU legislation such as the Official Controls Regulation which are directly applicable in Member States and comprise most of UK legislation in these areas.

The EU framework was reliant upon the competent authorities in Member States (in the context of the UK this was Department for Environment, Food and Rural Affairs (Defra), Scottish Government, Welsh Government and Department of Agriculture, Environment and Rural Affairs, Northern Ireland (DAERA)) as well as other organisations designated by the competent authorities, to implement and enforce the then EU law.

These 'other' organisations included, but were not limited to, the Animal Plant Health Agency (APHA), the Food Standards Authority (FSA), Food Standard Scotland (FSS), the Centre for Environment, Fisheries and Aquaculture Science (CEFAS) and Marine Scotland.

There was scope within the EU Framework for different parts of the UK to do things differently, but as a minimum, compliance was needed with the standards set in EU regulation which was regularly monitored through the European Commission's DG Santé.

### **Retained EU legislation**

AHW legislation can be broken down into three main areas which fall within devolved competence, but which were largely harmonised at EU level.

The exception to this is the limited scope provided for the adoption of national measures to achieve common outcomes where these comply with the principle of subsidiarity.

The three broad policy areas within the scope of EU AHW legislation are:

- Animal Health and Traceability
- Animal Welfare
- Trade in animals and related products.

The main objectives of Animal Health and Welfare legislation are to:

- protect and uphold animal health and welfare standards
- protect public health from animal related diseases
- prevent disease entering the EU
- enable trade in animal commodities, including pets
- assure the safety, quality and efficacy of veterinary medicines.
- control diseases both endemic and exotic

- undertake surveillance for disease
- protect aquatic animal health
- protect bee health
- ensure animal welfare including on-farm, during transit, slaughter and at markets.

### **International obligations**

The UK is bound by various international obligations for AHW.

- The four World Organisation for Animal Health ('**OIE**') Standards are:
- the Terrestrial Animal Health Code
- the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals
- the Aquatic Animal Health Code
- the Manual of Diagnostic Tests for Aquatic Animals.

The OIE codes and manuals seek to set common internationally recognised standards. The World Trade Organisation ('**WTO**') Agreement on the Application of Sanitary and Phytosanitary Measures ('**SPS Agreement**') encourages the members of the WTO to base their sanitary measures on international standards, guidelines and recommendations, where they exist.

Following the Transition Period there are new obligations for the UK as an independent WTO member at the WTO SPS committee. Cross-departmental processes are being developed by Defra to fulfil new obligations, which include consulting Scottish Government, Welsh Government and the Northern Ireland Executive and stakeholders on SPS measures, notifying the committee of any change in SPS measures, responding to other countries' queries during the consultation period, and actively participating in committee work.

Disease Notification to WTO will be conducted by Defra's WTO Team who will also notify on behalf of the Devolved Governments as the UK's designated National Notification Authority and Enquiry Point. The AHW Framework is designed in a way that ensures the UK can continue to effectively fulfil its international obligations as a WTO member. In terms of OIE Animal Disease Reporting and EU reporting it is expected that Defra's International Affairs Team will report on behalf of the whole of the UK. However, work in this area is ongoing with the international disease project looking at how this process will work with Devolved Governments.

### **EU-UK Trade and Cooperation Agreement**

This Common Framework intersects with the EU-UK Trade and Cooperation Agreement ('**TCA**').

Topics relevant to the framework may be considered from time to time by relevant TCA Specialised Committees or the Partnership Council.

Where a UK-EU meeting agenda includes an item concerning implementation in an area of devolved competence, UK Government should facilitate the attendance of the Parties of a similar level to that of the UK Government representatives with final discretion as to the UK delegation a matter for the UK co-chair.

UK Government should engage the Parties as fully as possible in preparation for these meetings regardless of attendance, and on all relevant implementation matters.

### **Northern Ireland and the Northern Ireland Protocol**

The Agreement on the Withdrawal of the United Kingdom from the EU sets out the current arrangements where, although remaining within the UK's custom territory, Northern Ireland will remain aligned with the EU. The following paragraphs of Annex 2 of the Northern Ireland Protocol (NB: not this document) are relevant to this framework.

- 36- Live animals, germinal products and products of animal origin
- 37- Animal disease control, zoonosis control
- 38- Animal identification
- 40- Animal Welfare
- 43- Official controls, veterinary checks
- 44- Sanitary and phytosanitary - Other

This Framework reflects the specific circumstances in NI that arise as a result of the Protocol and remains UK wide in its scope. As such decision making and information sharing will always respect the competence of all parties to the Framework and in particular the provisions in Article 18 of the Protocol on democratic consent in Northern Ireland.

Where one or more of UK Government, the Scottish Government or the Welsh Governments propose to change rules in a way that has policy or regulatory implications for the rest of the UK, or where rules in Northern Ireland change in alignment with the EU, the Framework is intended to provide governance structures and consensus-based processes for considering and managing the impact of these changes.

As rules evolve to meet the emerging regulatory needs of the UK, Scottish and Welsh Governments, this Framework will ensure the full participation of Northern Ireland in discussions such that the views of the relevant Northern Ireland Executive Minister(s) are taken into account in reaching any policy or regulatory decisions by the UK, Scottish or Welsh Governments.

Where rules in Northern Ireland change in alignment with the EU, the Framework will form the basis of a mechanism to ensure consideration by the four governments of any changes and will enable them to determine any impacts and subsequent actions arising from these changes.

Where issues or concerns raised by the relevant Northern Ireland Executive Minister(s) in respect of GB-only proposals have not been satisfactorily addressed, they will have the right to trigger a review of the issue as set out in the dispute resolution process in Section 3 of this document.

### **Existing scope for legislative divergence**

In a small number of cases where national measures to achieve common outcomes are allowed, different actions and decisions may be taken by the Parties. For example, the EU Meat Chicken Welfare Directive (2007/43/EC) permits chickens to be stocked at a maximum density of 42 kg/m<sup>2</sup>, if certain conditions are met. The implementation of this

Directive however reflects pre-existing policy differences within the UK. England, Scotland and Wales have set an absolute maximum stocking density of 39 kg/m<sup>2</sup>, whereas Northern Ireland permits chickens to be stocked up to 42kg/m<sup>2</sup>.

Another example of pre-existing divergence within the UK is bovine Tuberculosis (TB) policy: each nation meets the minimum requirements of the EU Directive; however, domestic legislation and policy in each Government is different, reflecting the heterogeneous distribution of the disease and different policy approaches.

In addition to this, where the EU legislation is outcome-focused, thereby allowing more localized implementation of the Directive, differences can exist in interpretation. For example, in the absence of a definition in the Laying Hen Welfare Directive (1999/74/EC), England and Wales have interpreted the requirement to have perches in non-cage systems differently to Scotland and Northern Ireland. The latter require perches to be 'aerial', whereas England and Wales permit perches to be part of the elevated perforated or slated platform (i.e. so that they are above the litter area rather than any higher).

Another example of divergence relates to making certain diseases notifiable. Examples include Scrapie, which is notifiable in Scotland and Northern Ireland but not England and Wales, and Porcine Epidemic Diarrhoea, which is notifiable in England and Scotland but not Northern Ireland or Wales. Sheep Scab is also fully notifiable in Northern Ireland but only reportable in England, Scotland and Wales. Bovine Viral Diarrhoea is another example where divergence already exists.

EU legislation also enables Member States to develop their own enforcement and execution provisions, and the four parts of the UK therefore all have their own regulations for enforcement and execution of EU provisions. Similarly, under EU legislation the operational management of incidents allows Member States to determine their own rules for managing the practicalities of incident response, in line with the general requirements set out in EU legislation.

### **Interdependencies/other linked frameworks policy areas**

Underpinning AHW, Food and Feed Safety and Hygiene (FFSH), Plant Health and Aquatic Animal Health (AAH) legislation is the Official Controls Regulation. It regulates how official controls are performed, and further links into various other pieces of legislation.

UK-wide AHW functions (some of which imply access to expertise, or coordination of UK wide efforts) are often treated as a common or shared resource and may be carried out by one Government/organisation on behalf of others, and there is potential for reconsidering where these responsibilities sit in the future. It is therefore possible that they could be undertaken by a central body that is independent from policy decision-making.

The UK Plant Health Working Group has developed a separate framework. The AHW Framework has been kept under review throughout 2021 (along with other Environment, Food and Rural Affairs (EFRA) portfolio frameworks) to ensure consistency and assist sharing of good practice and, where appropriate, review of areas where shared delivery mechanisms may exist, e.g. international assurance, the work of APHA and access to expertise.

FFSH law is covered under a separate Framework which is compatible with the AHW Framework similarly to plant health above (even more importantly, considering the closer link between AHW and FFSH). The FFSH Framework covers general food law and hygiene, food safety standards, official controls for food and feed and public health controls on imported feed.

The Common Frameworks Principles agreed at JMC (EN) state that frameworks will be established where necessary to ensure the UK can negotiate, enter into and implement new trade agreements and international treaties, and ensure compliance with international obligations. These principles were established in the context of an ambition for close working between the UK Government and the other Parties on reserved matters that significantly impact devolved responsibilities in common frameworks.

Common Frameworks will allow the parties, in a timely manner, to ascertain the impact of international trade on managing UK policy divergence. All parties to the framework will consider any impact in a way that meets the requirements of the JMC (EN) principles. Common Frameworks will afford an opportunity to consider any implications stemming from international trade which have a direct bearing on the operation of a Common Framework. The scope of this consideration will not extend beyond Common Frameworks.

International policy formulation will be developed in line with the current Devolution MoU and its accompanying International Relations Concordat. International obligations will be implemented in line with these agreements. In this respect, the parties will automatically use any updated IR Concordat, and the wider outcomes of the Joint IGR Review, as the basis for such international considerations.

## Geographic Scope

The Framework applies in England, Wales, Northern Ireland and Scotland.

Officials for all the Parties have been involved closely in development of the AHW Framework.

Further consideration will need to be given to the Crown Dependencies and the extent to which they might have a connection to the Framework arrangements.

## Definitions

This Framework has defined a number of important terms –

- **Animal Health and Welfare Common Framework** – The governance arrangements that will be put in place between Defra, Scottish Government, Welsh Government, DAERA (alongside relevant primary or secondary legislation) to meet the Common Framework Principles agreed at the Joint Ministerial Committee (JMC(EN)) in October 2017.
- **Baseline Standards**-- In Great Britain these standards refer to all AHW standards in place at 11 PM on the 31<sup>st</sup> December 2020. In Northern Ireland, these standards are EU minimum standards in accordance with the Northern Ireland Protocol and the Withdrawal Agreement otherwise they will be domestic AHW law in place at 11 PM on the 31<sup>st</sup> December 2020.

- **Concordat** – This will be an agreement between the four competent authorities that sets out the principles, arrangements and processes that form the Framework.

## Section 2: Breakdown of policy area and framework

### Analysis

The AHW Framework proposals have been developed in accordance with the JMC(EN) Common Framework principles agreed in October 2017, in line with guidance on frameworks developed jointly by the Parties. These explain that the Framework may consist of common goals, baseline standards, harmonisation, limits on action, or mutual recognition, depending on the policy area and the objectives being pursued.

The explicit objectives of the Frameworks are to “respect the devolution settlements and the democratic accountability of the devolved legislatures, and will therefore:

- be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent;
- maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules;
- lead to a significant increase in decision-making powers for the Devolved Governments”.

Officials agreed that in considering the requirements of the AHW Framework, the following Common Frameworks principles agreed at JMC(EN) in October 2017 would be of key importance:

- enabling the functioning of the UK internal market, while acknowledging policy divergence
- ensuring the UK can negotiate, enter into and implement new trade agreements and international treaties and comply with international obligations
- respecting the devolution settlements and the democratic accountability of the devolved legislatures, and
- maintaining, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules and wider AHW rules.

### AHW Framework implementation

Following the end of the Transition Period, there is a common body of AHW law in place across the UK. Much of this is retained EU law, with operability Statutory Instruments (SIs) made where necessary, and wider domestic law such as the Animal Health and Welfare Acts. The AHW Framework agreement itself will primarily be implemented through non-legislative agreements.

The legislative and non-legislative arrangements will need to dovetail with each other, as well as with any overarching arrangements or agreements made between the Parties. The non-legislative elements of the Framework will include:

- The scope of the Framework,
- High level principles for ways of working,
- Governance and principles for joint risk analysis, including management of divergence,
- Framework review and management arrangements, and
- Governance arrangements for dispute avoidance and resolution.

### **Scope of the AHW Framework**

The AHW Framework applies to all Animal Health and Welfare legislation in the UK. A detailed breakdown of the legislation is set out in **Annex 1**.

Officials have agreed that the whole of AHW legislation will be within scope unless explicitly agreed otherwise by decision making bodies. Examples of areas explicitly within scope include:

- any AHW legislation and policy including veterinary medicines
- issues from other frameworks e.g. FFSH have an influence in AHW
- areas of diverging policy
- that the policy area is the responsibility of a single AHW body in all or some of the Parties and as a result a collaborative approach is required.
- that updating policy changes at different times across the UK would affect the Common Frameworks principles agreed at JMC(EN) in October 2017.

In terms of reserved matters which impact the Parties, the Devolution Memorandum of Understanding (2013) states that adequate consultation to a reasonable timescale by the UK Government will be undertaken with the other Parties. This will cover the methodology and detail of any proposed revisions to the reserved matters. Furthermore, decisions will be carried out in accordance with legislative requirements including but not limited to gaining consent.

Information sharing is the responsibility of all Parties. This will be important to ensure openness and transparency but also for the purpose of consistency and sharing best practice. Sharing information as early and openly as possible will also help to avoid disputes emerging at a later stage.

The AHW Framework does not cover Invasive Non-Native species or Zootechnics with a separate Zootechnics Framework having been developed. However, the Parties recognise there is an interplay between these areas and Animal Health and Welfare (and Plant Health).

Therefore, there are circumstances where the Framework will cover decisions, where the Parties will need to provide recommendations in these areas, which consider the views of all Parties. This, and the principle of working openly and collaboratively means that going forward there will need to be a close relationship between these three Frameworks on these issues.



## Status of Framework: legislative vs non-legislative

A common body of AHW law was in place across the UK on the 31st December 2020. However, over time this law is likely to change and adapt to new policy imperatives or AHW threats, with the possibility of divergence across the UK.

For example, Northern Ireland is working to implement the new Animal Health Law. The AHW Framework will enable the Parties to manage that process of change and possible divergence in a way that respects the Common Framework principles. The Framework itself will primarily be implemented through non-legislative agreements through a Concordat between the Parties (signed by Ministers).

## Overview of Framework

The AHW Framework puts in place shared ways of working between the Parties and their arm's length bodies to drive forward common approaches to AHW law and policy, where agreed by all Parties.

The intention is not to mandate harmonisation, but to recognise that businesses and consumers in all four nations of the UK (as well as international trading partners) often benefit from there being one consistent set of AHW legislation (where those rules are considered to be in their interests) and agreed approaches for changing AHW rules. In addition, the Framework should recognise the fact that diseases do not respect borders and this requires a coordinated approach for prevention and control.

Animal welfare standards have a bearing on the level playing field and, given the free movement of animals and animal products across Great Britain (and, to a large extent, the UK), effective implementation of these standards requires appropriate coordination between all Parties.

The Framework also allows for divergence, as there will be instances where it is appropriate for one or more of the Parties to take different approaches. The Framework will respect the unique position of Northern Ireland as a result of the Northern Ireland Protocol.

The Framework contains the notification process which each Party would need to follow should it wish to change its AHW standards and legislation. The Framework will allow for maximum flexibility to enable the Parties to diverge, while upholding the JMC principles, as well as protecting the UK's internal market and ability to negotiate international trade agreements or other international agreements.

The Framework includes:

- Policy development
- Baseline standards
- Managing divergence
- Ministerial decision making
- Dispute Avoidance and resolution
- Framework implementation

## **AHW policy development**

The AHW Framework Concordat sets out the commitment of the Parties to deliver joint ways of working. These new ways of working have been developed to manage the regulatory regime now that the UK has left the EU.

To ensure a meaningful all-Party approach and allow early and ongoing opportunities for each Government to input into the development of UK policy change, the Framework agreement includes commitments from all Parties:

- to engage one another at the earliest opportunity when considering any potential policy development or changes, and
- to share evidence for decision-making openly and transparently.

## **Baseline Standards**

The Parties agree not to diverge from baseline standards in a manner harmful to biosecurity, welfare or the UK internal market across relevant policy areas.

Whether a change is deemed harmful will be determined by the CVOs and relevant heads of policy.

If Northern Ireland has to diverge in order to maintain parity with the EU the same review process will be followed and the same assessments are made as whether it would be in the best interests of GB to follow suit or to allow divergence.

This commitment means that each Government will agree not to diverge in a manner harmful to biosecurity, welfare or UK internal market or in a way that threatens the Common Framework Principles as determined by the CVOs and relevant heads of policy, whilst retaining its competence to legislate independently.

The ability for each Party to diverge above baseline standards (in simple terms, to raise or enhance in such a way that builds upon existing standards) will not be affected, but such decisions should also be notified to the other administrations, so that any risk of harmful divergence can be identified and addressed in line with the arrangements set out in the Framework.

## **Managing divergence**

In making changes to AHW legislation, the Parties will aim to develop common policy approaches, where this is appropriate, through cross-cutting mechanisms.

Where it is considered that a common approach is not the most suitable approach for taking forward changes to AHW legislation or where one or more Parties wishes to diverge from a four-Party approach to AHW, or depart from their existing standards, even if they are already divergent to some extent (given existing flexibility) the following principles have been developed to manage divergence.

- Before divergence can happen, Parties must first see if they can agree a common approach that accommodates the desired outcomes of individual Parties in order to minimise divergence (which in itself can add complexity and costs for businesses etc).

- The Party wishing to pursue divergent policy should set out why this remains the most suitable course of action over any prospective common approaches proposed in the previous bullet point.
- If divergent approaches are proposed, there should be an assessment of the impact on the functioning of the UK Internal Market, the ability of the UK to negotiate/ implement international trade agreements and other international obligations; and any divergent approaches must not change baseline standards in a manner harmful to biosecurity or welfare. The impact of any change and whether it is harmful will be determined by the CVOs and Senior Policy Officials
- Key to assessing potential impacts of Great Britain diverging on Northern Ireland Trade will be an indication from the EU-UK Joint and Specialised Committees under the Withdrawal Agreement, on their views of any material divergence. The Joint Committee oversees UK and EU implementation, application and interpretation of the Withdrawal Agreement. The Joint Committee will also seek to resolve any issues that may arise during implementation of the Northern Ireland Protocol. The Joint Committee will supervise the work of the Specialised Committees including Committee on Ireland/ Northern Ireland and take decisions on their recommendations.
- All Parties recognise the importance of sharing experience and expertise and of transparency in policy making. Each Party will therefore ensure, as far as possible, that the other Parties are notified of potential policy or implementation changes, at an early stage, and in good time to have any necessary cross-UK discussions about the implications, before final decisions are made. This is not least to ensure any changes do not materially impact on the UK's trading position.
- Where a common approach cannot be agreed through normal policy routes, and divergence is not considered acceptable by one or more Parties, the dispute resolution mechanism can be engaged.

### **Ministerial decision-making**

Governance arrangements are needed for how the appropriate authorities (namely UK Government and Devolved Governments) take decisions based on joint recommendations from AHW bodies for example, APHA, CEFAS and Marine Scotland. While Ministers will ultimately reserve the right to take individual decisions within their own government, for areas within scope of the Framework each Party will commit via the Concordat to seeking a consensus and working with other Parties to resolve any disagreements or disputes where they arise.

### **Dispute avoidance and resolution**

The process for resolving disputes at official level is expected to only be needed in a very small number of cases as the majority of the time AHW bodies are expected to agree on the recommendations to be made to Ministers. Within AHW policy there is a history of working together and recognition of the value of doing so.

Dispute resolution processes should only be used if resolution through amicable settlement and consensus building has not been possible. In some areas, commonality of approach will not be needed in order to meet the Framework principles, and in these cases divergent approaches could be recommended to Ministers with mitigation measures where appropriate. Where disputes do arise, they should be handled with adherence to the agreed principles and processes for resolution. The proposed operational detail of dispute resolution within the AHW Framework is set out in Section 3 of this document.

## Framework implementation

This Framework relies upon a Concordat to deliver the Framework's decision-making mechanisms and high-level principles. Currently under development, within the UK office for SPS trade assurance, are future assurance policy and processes including international inspections.

The Framework will work to respect the devolution settlements, protect the UK internal market and manage divergence where appropriate.

## Areas where no further action is thought to be needed

There are areas within AHW policy where EU legislation previously offered flexibility for the law to be applied in different ways, with scope for national measures to achieve common outcomes permitted by the legislation. In these areas, different decisions may have been taken by each Party in the past, and different approaches may remain the norm and appropriate in future.

This Framework is not being used to force a harmonised policy position where current divergence is operating effectively. However, any future and further divergence is subject to the Framework and the principles agreed between parties.

## Section 3: Operational Detail

### 3.1 Decision making

#### Context

Following the end of the Transition Period, the appropriate authorities (namely Defra, DAERA, the Scottish Government and the Welsh Government) need to take decisions on future changes to all areas of AHW law. This will include technical changes made through secondary legislation as well as any changes to new primary legislation that fall within the scope of the Framework. **Annex 1** provides a snapshot of the areas of AHW legislation where changes could occur within retained legislation, noting that Parties have agreed to consider all AHW and policy in scope of this Framework e.g. retained legislation as well as pre-existing (and future) domestic legislation.

It is agreed that the decision-making processes be kept as flexible as possible. This is due to the breadth of animal health and welfare legislation and the view that it should be for each individual legislative policy area to determine the additional bespoke arrangements they require if any, while observing the ways of working of this Framework and in all cases giving full regard to the MoU between the UK and the other Parties. Policy teams should agree the decision-making process most appropriate to their area with the other Parties.

#### Decision-making fora

Existing cross-government decision-making and discussion fora will continue, including the four Chief Veterinary Officers (4CVOs), Animal Disease Policy Group (ADPG), Animal Welfare Policy Group (AWPG), Aquatic Animal Health Policy Group (AAHPG), TB Liaison Group (TBLG), Veterinary Risk Group (VRG), Outbreak Readiness Board (ORB) and

Disease Emergency Response Committee (DERC) that routinely discuss, share information, coordinate and cooperate on policy of joint interest, handle disagreements and identify potential disputes for escalation. Engagement will continue between the Parties on the use of existing UK-level fora, groups and structures, including respective roles and responsibilities.

This is illustrated in **Annex 2**.

In many areas of Animal Health and Welfare policy, audit/challenge mechanisms are already in place or are being developed to facilitate decision making. These are set out in the Terms of Reference for ADPG, AWPG, AAHPG and TBLG.

These groups will continue, and it will be up to policy officials to establish the right arrangements for their area, although the future domestic assurance elements of the UK AHW Framework are still under development.

It should be noted that the Defra - DG Senior Officials Programme Board will not make scientific decisions and will be an evidence only based group with evidence collated in earlier stages and reviewed by CVOs for example through ADPG. Experts in fields such as veterinary will be brought into the Defra - DG Senior Officials Programme Board as required to provide further input.

Policy officials from each Party will cooperate to formulate advice to Ministers, with matters of mutual interest taken to the appropriate decision-making forum, on matters within the scope of the Framework.

While Ministers will ultimately reserve the right to take individual decisions for their Government, for areas within the scope of the Framework a consensus should first be sought on the approaches to take at official level, and efforts made to avoid and resolve any disagreements and disputes.

### **Principles for decision-making**

Decision-making should follow the following principles:

- Where timelines are prescribed in law, decision-making processes should take full account of those timelines by ensuring sufficient time for discussions between the Parties.
- The processes should be transparent, with Parties notifying the other Governments of their thinking on potential policy, public consultation or implementation of changes at an early stage, and in good time to have any necessary pan-UK discussions about the implications, before final decisions are made.
- Evidence used to inform decisions should be shared in an open and transparent way with all Parties. Resources will potentially come from joint sources in the form of expert opinion and advice, data reports, or other sources.
- Risk assessments should be carried out through the normal processes within the Parties or as a common resource, depending on the situation. This information should be shared between the Parties to allow for open, transparent decision-making. There should be a separation between evidence-gathering and decision-making. Evidence-gathering underpinning decisions is often a shared resource, e.g. expert advice or data collection by a body which performs these functions on behalf of all Parties. The

separation from decision-making means there is governance, including challenge and transparency within the evidence-gathering processes.

- In some instances, the decision-making group may commission work to inform a decision. The scope and who is involved in that work should be decided at a joint decision-making group or between all four CVOs.
- Key to assessing potential impacts of policy decisions will be an indication from the Joint/Specialised Committees on their views regarding the Northern Ireland Protocol.
- Officials should be made aware when information goes to other Ministers to ensure their own Ministers are briefed in advance.
- Where officials cannot reach a shared position and “agree to disagree”, advice to ministers should be balanced, and the reason for a difference of opinion noted. Areas where agreement has been reached, should also be presented.
- Where Ministers do not agree on the shared recommendation made by AHW bodies then usual Ministerial dispute mechanisms should be engaged.

### **Recommendations to Ministers**

When recommendations are made to Ministers by policy officials, Ministers will be made aware of the recommendations being made in all Parties, whether for common or divergent approaches.

Officials then provide an explanation of the underpinning rationale for the recommendations, including an explanation as to why the specific approaches are considered to be appropriate.

Evidence supporting any recommendation (either for common or divergent approaches) would have been generated from shared evidence and any advisory bodies, for example by APHA and CEFAS.

### **Third parties**

There are no areas in the scope of the Framework where decisions will need to be taken by third parties, or by the Parties without the issue having been considered by the Ministerial decision-making process.

## **3.2 Ways of working**

The AHW Framework commits the Parties to participation in ways of working (in particular in the accompanying Concordat) to deliver the arrangements outlined within the Framework, which includes the formalisation of existing or new working arrangements.

## **3.3 Monitoring**

ADPG will monitor the functioning of the Framework and assess any new needs of the Framework on an ad hoc basis convened when necessary.

The Group should agree what information is required and with what frequency to provide assurance the Framework is operating effectively.

## 3.4 Review and amendment

### Ongoing review

This Framework will be kept under review. Parties agree that ADPG should initially hold and annual review of the delivery and operation of the Framework and assess any new needs of the Framework.

The first full post-implementation review should be carried out one year after the Framework is fully implemented; the Group will report on the review to those with assurance responsibilities for the Framework.

After that, the frequency of reviews should be proposed by ADPG to the relevant decision-makers (taking account of departmental and wider Framework Governance requirements).

### Amendment

Requests to amend any element of the Framework should be raised to the ADPG.

### Independent review panel

There is an option for an independent review panel to be brought in to review the Framework if one or more Parties wishes to trigger a review. This group may be independent of government or just the Framework.

ADPG would collectively agree a body and the impartiality level to undertake this review e.g. outside government or just outside the Framework.

The review would include questionnaires and interviews to establish whether the Framework is being effective in meeting its aim and provide recommendations for improvement.

## 3.5 Handling disagreement and disputes

### Seeking consensus

The Framework governance provides mechanisms for good communication and cooperation, which should reduce the likelihood of disagreement and disputes arising.

The disagreement/dispute avoidance and resolution processes should only be engaged once all routine avenues to try and resolve the disagreement have been exhausted.

Where disagreement/disputes do occur, consensus should be sought on the approach to take, the degree of urgency in reaching a resolution and the efforts made to resolve the disagreement/dispute.

Actions under disagreement/dispute should normally, unless agreed otherwise by consensus or as a result of circumstances or obligations, be paused pending resolution through the disagreement/dispute resolution mechanism.

Disagreements are only formally considered disputes if no agreement can be found at Level 1 of the disagreement/dispute processes shown in Figure 2.

Parties recognise that disagreement/disputes could potentially arise at official level or at Ministerial level. Where disagreement/disputes arising at official level cannot be resolved through the officials' disagreement/dispute avoidance and resolution process, they should be escalated to Ministerial level.

### **Difference vs dispute**

There is a distinction between a 'difference' and 'dispute'.

Differences may arise at any level, even Ministerial, and the intention will always be to resolve the difference without its being elevated to the level of 'dispute', thus avoiding the formal resolution process.

For example, a clarification provided by an exchange of emails or letters between senior officials or even Ministers may resolve a concern or potential issue.

It should be noted that commonality of approach will not necessarily be needed to meet the Framework principles and therefore an "agreement to disagree", perhaps with mitigations, may be appropriate on some issues.

If a difference cannot be resolved it will progress as a dispute to ministerial level. It will then be for Ministers to determine whether they raise the disagreement/dispute with their counterparts.

### **Principles Parties agree to follow**

Where disagreement/disputes do arise, they should be managed with adherence to the following principles:

- commitment to evidence-based approaches to resolving disputes,
- transparency and accountability (sharing of information auditable, open to scrutiny unless legal requirements for non-disclosure),
- timely resolution (meeting deadlines for actions/stages, agreement to accelerated timescale in emergencies), and
- compliance (with process and outcome).

### **Grounds for disputes**

At official level, disagreement /disputes could either arise:

- over disagreement on the approach to a policy issue or the evidence base, where officials cannot reach agreement or a consensus (either to recommending common approaches, or to recommending that divergence is appropriate); or
- over disagreement on the functioning of the Framework, where there is a complaint from one or more Parties that another Party (or Parties) has failed to comply with an aspect of the agreed Framework.

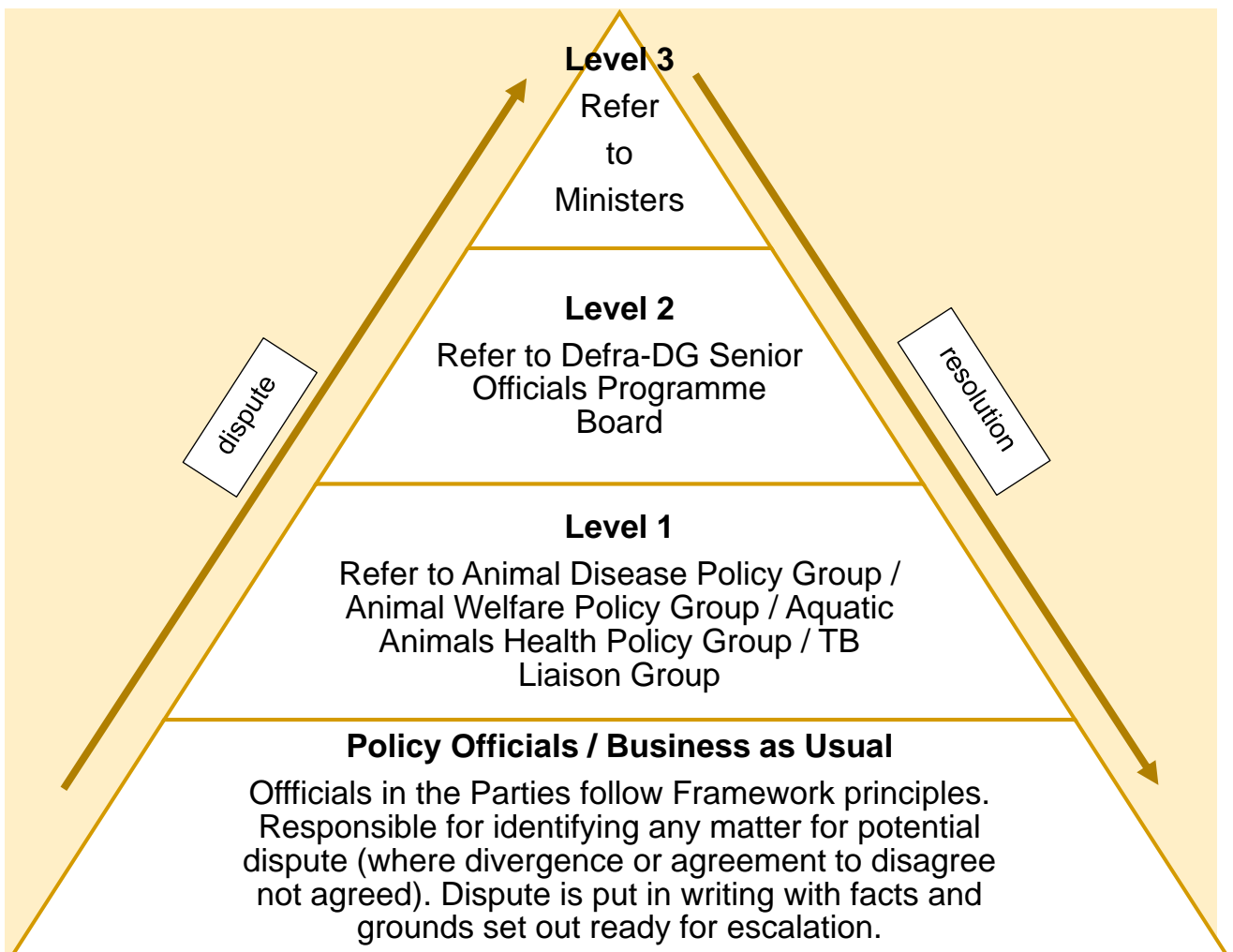


## Process for handling disputes

The issue should first pass through the officials' disagreement /dispute avoidance and resolution processes. In the rare instances where officials cannot avoid or resolve a disagreement/ dispute, it is escalated to Ministers. This Framework will cover the process for resolution of disagreement /disputes at official level and the process by which disputes are escalated to ministers, but not the process for resolution at Ministerial level.

Different 'levels' of disagreement/ dispute may arise, as illustrated below. This takes the form of a pyramid, with the number of cases decreasing as each stage progresses.

The intention is to resolve the vast majority of issues at the earliest opportunity through policy groups or senior officials' groups, moving through the processes only if official level agreement cannot be reached and portfolio ministers are not content for divergence to take place. At the top of the pyramid will be the Inter-Ministerial Group (IMG) EFRA and ministerial dispute processes.



Levels explained:

**Level 1:** If policy officials cannot resolve a disagreement, it is put in writing with facts and grounds presented at the ADPG for disease outbreak and Framework Review,

AWPG for welfare, TB Liaison Group and AAHPG for Aquatics as appropriate to the subject, to look for a solution. Terms of Reference are included in **Annexes 3 to 7**. When no agreement can be reached at Level 1, the disagreement turns into a formal dispute.

**Level 2:** If no agreement can be made at level 1 the dispute is passed to the Defra - DG Senior Officials Programme Board. The Defra - DG Senior Officials Programme Board Terms of Reference (ToR) can be found in **Annex 3**. It should be noted the Defra- DG Senior Officials Programme Board will not make scientific decisions and will be evidence based only. Experts in fields such as veterinary will be brought in as required with CVOs already having inputted at previous stages. The level of input required to brief this group will be agreed by CVOs and policy officials when the dispute is formally created.

**Level 3:** If a dispute escalated to level 2 cannot be resolved then it is referred to the ministerial dispute resolution process.

In some instances, the Joint/Specialised Committees may need to present their views in order to highlight the impact on Northern Ireland and GB interactions as a result of a policy change and will be called upon when relevant.

If agreement is reached at any stage of the process above, the disagreement/dispute is considered closed, with no further progression taking place. All Parties are informed of the agreed outcome and any changes proposed can proceed.

Disagreement/disputes could also arise at Ministerial level in cases where one or more Minister was not content to proceed with the recommendation from officials. In these cases, the issue would come back to officials in all Parties to carry out a review of the evidence (including the impacts of decision(s) taken) and provide further advice to Ministers. If the divergence was not considered to be acceptable, a disagreement/dispute could be raised, following the same stages of escalation.

The UK Office for SPS Trade Assurance (part of Defra's Food, Farming and Biosecurity System) will not have a substantial role in the Framework or disagreement/dispute avoidance or resolution, but its co-ordination and Secretariat functions will ensure that the Parties work effectively together to meet our international obligations.

## Section 4: Next steps

This Framework will be reviewed by the Parties in accordance with the approach Parties have agreed. Review will include:

- Functionality of this Framework
- How the Crown Dependencies might be affected in the Framework
- Lessons learnt from this and other EFRA Frameworks.

Further detail about the approach to review is included in the Concordat that accompanies this Framework Outline Agreement.

# Concordat

## Introduction

1. The purpose of this Concordat is to provide a Framework for UK collaboration, coordination and cooperation on Animal Health and Welfare.
2. This Concordat has been drafted following the UK's departure from the European Union on 31 January 2020.
3. This Concordat has been developed collaboratively between officials from the UK Government, Scottish Government, Welsh Government and Northern Ireland Executive, hereafter referred to as the 'Parties'.
4. Animal Health and Welfare (AHW) is a devolved policy area under the devolution settlements of Scotland, Wales and Northern Ireland.
5. Each Government can design and implement Animal Health and Welfare policies for their own nations, subject to - for example - adherence to World Organisation for Animal Health (OIE) standards, the Northern Ireland Protocol and any other international obligations. Parties shall take account of any potential impact on the other Parties.
6. The Agreement on the Withdrawal of the United Kingdom from the EU sets out the current arrangements where, although remaining within the UK's custom territory, Northern Ireland will remain aligned with the EU.
7. The AHW Framework Outline Agreement that sits alongside this concordat reflects the specific circumstances in NI that arise as a result of the Protocol and remains UK wide in its scope. As such decision making and information sharing will always respect the competence of all parties to the Framework and in particular the provisions in Article 18 of the Protocol on democratic consent in Northern Ireland.
8. On the International stage, the UK trades as a whole on Animal Health and Welfare and is considered a single entity.
9. Negotiations on trade are led by the UK Government with discussions taking place through intergovernmental processes. Scottish Government, Welsh Government and Northern Ireland Executive views will be sought, where practicable, in a timely manner on trade negotiations, regarding Animal Health and Welfare, through trade-specific engagement fora.
10. The Concordat builds upon commitments and good working relationships already developed between the Parties to work together at a UK level. This includes the Common Frameworks Principles agreed at the Joint Ministerial Committee for EU

Negotiations (JMC(EN))<sup>1</sup>F and the Devolution Memorandum of Understanding (MoU) (2012)<sup>2</sup>.

## Agreement

11. This Concordat on Animal Health and Welfare is an agreement between the Parties of the UK and establishes an agreed Framework between the Parties on working arrangements for Animal Health and Welfare now that the UK has left the EU.
12. This Concordat is not intended to constitute a legally enforceable contract or to create any rights or obligations which are legally enforceable. It is a statement of the principles that will guide relations between the Parties. It is not intended to amend or modify the operation of any statutory duty or discretion of any of the Parties.
13. This Concordat has been developed in line with the JMC(EN) principles so this AHW Common Framework can:
  - Enable the functioning of the UK internal market, while acknowledging policy divergence;
  - Ensure compliance with international obligations;
  - Ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;
  - Enable the management of common resources;
  - Administer and provide access to justice in cases with a cross-border element; and
  - Safeguard the security of the UK, recognising that England, Wales and Scotland have common epidemiological and economic links and that Northern Ireland shares a land border with the EU and has unique political, epidemiological, social and economic linkages with Ireland. Under the Northern Ireland Protocol, Northern Ireland is considered part of the EU SPS zone.
14. This Concordat:
  - Became effective at the end of the transition period, at 11 PM on the 31<sup>st</sup> December 2020;
  - Will work in line with applicable Memorandums of Understanding between the Parties;
  - Will reflect commitments to transparency agreed in paragraph C2 of the Devolution Memorandum of Understanding (2012); and
  - Is intended to allow the continuation of agreements entered by the Scottish Government, Welsh Government and the Northern Ireland Executive with UK Government agencies and other administrative bodies.
15. The scope of this Concordat is confined to Animal Health and Welfare policy, as described in the Framework Outline Agreement.

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<sup>1</sup> [Joint Ministerial Committee \(EU Negotiations\) Communiqué - October 2017](#)

<sup>2</sup> [Devolution Memorandum of Understanding and Supplementary Agreements – September 2012](#)

16. The UK Office for SPS Trade Assurance will play a key role within the AHW Framework governance arrangements. The Office is primarily tasked with new market access to the UK on behalf of the four Governments.
17. The UK Office for SPS Trade Assurance will not have a formal role in dispute avoidance processes with the exception of disputes/disagreements arising from its functions which may be dealt with by its senior board in the first instance. The role of the UK Office for SPS Trade Assurance is open to review.
18. The Framework will work to enhance the devolution settlements, protect the internal market and facilitate divergence where appropriate.

## Agreed principles

19. Good working relationships between the Parties are vital to the effective delivery of the AHW Framework. The Parties will co-operate to the fullest possible extent to achieve this aim, in particular by recognising and taking into account their respective responsibilities and interests, working based on transparency, trust and consensus, minimising the risk of disputes.
20. All Parties should follow the terms of this concordat with respect being paid to the devolution settlements of all Parties and to the democratic accountability of the devolved governments.
21. The Parties agree to meet the following objectives and principles:

### Timing

- Where timelines are prescribed in law, decision-making processes should take full account of those timelines by ensuring enough time for discussions between Parties.

### Consultation

- The Parties will inform each other of any matters - including the forming of policy, proposals for legislation, and the timing of public announcements as soon as they are being considered. This should also include good coordination of emergency response e.g. when dealing with animal health and welfare and public health matters that require very quick decisions.

### Impacts of decisions

- In coming to decisions or developing policies or legislation which may have an impact financially or otherwise on other Parties, or which may constrain others' policy development, each Party will seek the views of those potentially affected at the earliest reasonable opportunity and be mindful of those views in taking any decisions. Noting that if there are opposing views then this can go through the decision making and dispute avoidance process.

## Transparency

- The decision-making processes should be transparent. **Annex 2** shows how the decision-making process will work under the Framework with further information in the AHW Framework Outline.
- Parties should notify other Parties of their thinking on potential policy, public consultation or implementation of changes at an early stage, and in good time to have any necessary pan-UK discussions about the implications, before final decisions are made.
- Officials should be made aware when information goes to other Ministers to ensure their own Ministers are briefed as necessary.
- Parties agree to a wider requirement for transparency, aside from the sharing of data and information, the Parties agree to share policy, communication and general information that would prove useful to the other Parties where security is not deemed to be at risk.

## Evidence

- Evidence used to inform decisions should be shared in an open and transparent way with all Parties.
- For good governance, there should be a separation between the gathering of evidence and the provision of expert advice which forms the evidence base, from decision making. The evidence base should be fully available to all Parties, and independently sourced where possible, in order to enable decision makers to consider the same evidence base and mitigate the risk of disputes regarding the evidence.
- Resources will potentially come from joint sources in the form of expert opinion, analysis and advice, data reports, or other sources.
- In some instances, the decision-making fora may commission work to inform a decision. The scope and who is involved in that work should be decided at a joint decision-making forum including all four Chief Veterinary Officers (CVOs).

## Risk assessment

- Risk assessments should be carried out by all Parties through the normal processes within Parties or as a common resource, depending on the situation.
- This information should be shared between the Parties to allow for open, transparent decision-making.
- Evidence-gathering underpinning decisions is often a shared resource, e.g. expert advice or data collection by a body which performs these functions on behalf of all Parties.

## Baseline standards

22. Notwithstanding the rights of each Party to this Concordat to legislate independently in Animal Health and Welfare matters, the Parties to this Concordat agree to adhere to baseline standards. In England, Scotland and Wales, these standards refer to all Animal Health and Welfare standards in place at 11 PM on the 31<sup>st</sup> December 2020. In Northern Ireland, these standards are EU minimum standards in accordance with

the Northern Ireland Protocol and the Withdrawal Agreement and otherwise it will be domestic Animal Health and Welfare law in place at 11 PM on the 31<sup>st</sup> December 2020 across the policy areas covered by this Concordat.

23. The Parties are free to implement and adhere to higher baseline standards than those in place at the time of UK's exit from the EU but are required to provide notification of their intent to do so to the other Parties to this Concordat.
24. Should a Party consider these higher standards adversely affect the UK's trading position with third countries or the internal market, the Parties may make use of the dispute resolution mechanism detailed in this Concordat to raise an objection to the actions of the relevant Party.
25. Whether a change is deemed harmful will be determined by the Chief Veterinary Officers (CVOs) and relevant heads of policy, making sure that appropriate and proportionate risk management is undertaken in relation to a Government's relevant animal population and animal management (which pertains to their geography).

## Dispute avoidance and resolution

26. Any policy divergence in the Animal Health and Welfare area on the part of any of the Parties should be based upon a common/shared scientific evidence and risk assessment approach.
27. Parties have joint access to shared scientific and technical resources, and they also have individual capabilities.
28. In the spirit of the Framework such evidence and opinion should be open and transparent, and all Parties should have access to shared outputs except where legal privilege applies.
29. Ensuring decision making is based on the same evidence and advice, to reduce the likelihood of divergences in policy approaches which can distort the UK Internal Market or undermine any future trade agreements.
30. At each stage policy teams and policy fora are expected to obtain and use expert opinion and advice, data reports and other sources to inform the handling of a difference, disagreement and – where identified – a dispute.
31. The Parties commit to maintain the distinction between:
  - A difference of view (which has no impact on decisions taken by another Party);
  - A disagreement (which requires some resolution, ideally at official level);
  - A dispute (which must be escalated); and
  - An 'agreement to disagree' (where common ground is not found but the consequences can be managed by affected Parties)
32. The above distinctions should be used to inform appropriate handling and escalation of differences between Parties.

33. Cross-government decision-making and discussion policy fora are expected to use these distinctions.
34. Existing discussion and decision-making fora such as meetings of the four Chief Veterinary Officers (CVOs), Aquatic Animal Health Policy Group (AAH PG), Animal Disease Policy Group (ADPG), Animal Welfare Policy Group (AWPG) and TB Liaison Group will continue.
35. Non-decision-making or advisory policy Groups such as Veterinary Risk Group (VRG), Outbreak Readiness Board (ORB) and Disease Emergency Response Committee (DERC) are also expected to continue to sit underneath these groups.
36. In the first instance and where practical, a difference or disagreement should be handled between policy teams in each Government.
37. A difference or disagreement may be escalated to, or arise within, the decision-making policy fora laid out in paragraph 34 with their Terms of reference located in **Annex 4 to 7** of this publication.
38. A difference or disagreement may be escalated to portfolio ministers at the discretion of individual policy teams and the above policy fora.
39. Generally, if a difference or disagreement cannot be resolved by the above, then ADPG's (or equivalent group's) membership may agree that the matter becomes a formal dispute. A formal dispute requires following the dispute resolution procedures (found in section 3.4 of the accompanying Framework Outline Agreement). The escalation may be submitted to the Environment, Food and Rural Affairs (EFRA) Senior Officials Programme Board (SOPB) for further consideration with appropriate representation invited to give opinion - such as the four UK CVOs. The SOPB Terms of Reference (ToR) can be found in **Annex 3**. Alternatively, and if agreed by ADPG a disputed matter may be escalated to Ministers if the situation requires. The core principle is to try and reach agreement at ADPG (or equivalent group) on which mechanism to follow to avoid asymmetrical approaches between the Parties, and to allow discussion ahead of escalation.
40. The previous paragraph represents the generally preferred approach. Notwithstanding, any Party may escalate to its Ministers and/or raise a matter it has identified for dispute using the procedures at section 3.4 of the Framework Outline Agreement, e.g. to promote the matter to 'level 2' on the scale of escalation in section 3.5 of the Framework Outline Agreement document.
41. ADPG or equivalent fora may agree to redefine a difference or disagreement as a dispute when escalating to the SOPB.
42. If SOPB are not content with the escalation, then the issue would come back to officials in all four Governments to carry out further discussions to seek a resolution.
43. SOPB will not be making substantive decisions on scientific, policy or technical matters that should most appropriately be made elsewhere but will be able to test and challenge any advice submitted to it with a view to escalating an issue to Inter-Ministerial Group (IMG) or remitting an issue back to the relevant policy or technical groups, for example for further clarification or consideration. The SOPB may also be



able to flag or consider wider issues that may be of relevance, such as wider constitutional or ministerial handling considerations.

44. SOPB is expected to draw upon and consider expert advice and opinion from all relevant Parties including all four UK CVOs.
45. CVOs might agree to individually put advice to their separate ministers however it should be noted that anything going to IMG must first go through SOPB. After which SOPB may agree to further escalate to the IMG (EFRA).
46. At any stage the Parties may 'agree to disagree' and close the difference, disagreement or dispute.
47. Where Parties decide to provide advice to ministers – be it on an individual basis or as a common approach by all Parties – it should be in line with the civil service code, meaning advice should be honest, sound, impartial and objectively balanced, and the reason for a difference of opinion should also be noted if present. Areas where agreement has been reached, should also be presented.

## International obligations

48. The aim of the Framework is for joined up working although it will be for all four Parties to consider how to implement an international commitment which relates to AHW policy. A collective solution is generally preferable. Where the commitment is to be implemented separately, consultation and agreement of their implementation proposals with other Parties should be undertaken to ensure that any differences of approach are compatible with the need for consistency of effect and of timing where that is appropriate.
49. Where the commitment is to be implemented by UK legislation, the UK Government will consult and agree their implementation proposals with the Scottish Government, Welsh Government and Northern Ireland Executive where these may impact on devolved matters. The Scottish Government, Welsh Government and Northern Ireland Executive will ensure that when necessary, UK legislation making provision about devolved matters is laid before their respective Legislatures.

## Review

50. In compliance with the terms of this Concordat, all Parties are committing to abide by the decision-making processes set out within it, and to the preservation of the JMC(EN) principles. This is an ongoing commitment, subject to amendment and review as set out below.
51. The AHW Framework will need to be reviewed regularly.
52. The Parties agree that this should be through existing governance i.e. ADPG or a new body operating on very similar terms and structures with detailed discussions taking place. There will also be the option to appoint an alternative reviewer as warranted. The aim will be to bring together senior officials with oversight of the functioning of the

Common Framework for Animal Health and Welfare. The group will consider amendments to the Framework, undertake Framework reviews in line with agreed protocols and report on the Framework on an ad hoc basis when necessary.

53. Any changes to the Concordat or to amend any element of the Framework should be raised to the aforementioned appointed reviewer in the first instance. It will be assessed on a case-by-case basis, relying on a consensus between all signatory Parties. This review should consider, as a minimum:
  - Evidence regarding the operation of the Framework over a period of time.
  - Changes in international legislation pertaining to AHW in particular with the UK current or prospective trading partners;
  - Changes in domestic AHW legislation and decision-making structures;
  - Significant changes, cases/disputes at World Trade Organisation (WTO) level;
  - Changes in the structure of domestic policy making and operational delivery of AHW across all four Governments;
  - OIE/EU Animal Health Law lists of 'official' diseases;
  - Changes to OIE Terrestrial Manual.
54. The first full post implementation review should be carried out one year after the Framework is fully implemented; the group will report on the review to those with assurance responsibilities for the Framework.
55. After that initial review, the frequency of reviews should be proposed by the appointed reviewer to the relevant decision-makers (taking account of departmental and wider Framework Governance requirements).
56. Requests to amend any element of the Framework should be raised to the appointed reviewer.
57. There is an option for an independent review panel to be brought in to review the Framework if one or more Parties wishes to trigger a review.
58. The appointed reviewer would collectively agree a body to undertake this review.
59. The review would seek to follow Magenta Book<sup>3</sup> procedures (and any other best practise guidance in use in government) and include questionnaires and interviews to establish whether the Framework is being effective in meeting its aim and provide recommendations for improvement.

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<sup>3</sup> <https://www.gov.uk/government/publications/the-magenta-book>

# Annexes

## Introduction to the annexes

The annexes that follow are common to both the Framework Outline Agreement and the Concordat.

All annexes are included to aid understanding of the Framework Outline Agreement and Concordat. Terms of reference included within these annexes will be updated from time to time by each individual fora and are included here for reference only. They should be considered accurate at the time of publication.

Some minor editorial (only) changes have been made to some the annexes from their original versions for the purposes of publication, for example the deletion of individual staff names.

The following annexes are included –

1. Animal Health and Welfare legislation and breakdown
2. Decision making fora and dispute resolution processes
3. Defra-DG Senior Officials Programme Board (SOPB) Terms of Reference
4. Animal Disease Policy Group (ADPG) Terms of Reference
5. Animal Welfare Policy Group (AWPG) Terms of Reference
6. Tuberculosis Liaison Group (TBLG) Terms of Reference
7. Aquatic Animal Health Policy Group (AAH PG) Terms of Reference

# Annex 1: Animal Health and Welfare legislation and breakdown

## Background

The below list includes retained EU Animal Health and Welfare legislation within the scope of the Framework. The list is not exhaustive and does not include domestic legislation, although the principles of the Framework apply equally to domestic and retained EU legislation. Legislation is subject to change over time, with the lists below serving as a snapshot in time when the Framework approach was adopted. This legislation covers key areas of the Framework including:

- Trade in animals and related products.
- Exotic disease
- Endemic disease
- Emerging disease
- Animal Welfare
- Animal Breeding Controls
- Animal ID and Traceability
- Registration and licensing of holdings
- Protection of the Food Chain
- Transmissible Spongiform Encephalopathies and Animal By-products
- Aquatic animal health
- Veterinary Professional Regulation
- Professional Qualifications
- Veterinary Medicines

Note: Directives are not listed as these are transposed by domestic regulations already and which are amended as listed below.

## Policy area: Trade in animals and related products

### UK wide

Published SI: Import of and Trade in Animals and Animal Products (Amendment etc) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Commission Decision 93/352/EEC, Commission Decision 93/352/EEC, Commission Decision 1997/152/EC, Commission Decision 1997/794/EC, Commission Decision 2000/571/EC, Commission Decision 2000/572/EC, Commission Decision 2001/812/EC, Commission Decision 2003/459/EC, Commission Decision 2003/459/EC, Commission Decision 2003/779/EC, Commission Regulation (EC) No 136/2004, Commission Regulation (EC) No 282/2004, Commission Regulation (EC) No 1739/2005/EC, Commission Decision 2006/168/EC, Commission Decision 2007/25/EC, Commission Decision 2007/240/EC, Commission Decision 2007/275/EC, Commission Decision 2007/777/EC, Commission

Decision 2008/185/EC, Commission Decision 2008/636/EC, Commission Regulation (EC) No 798/2008, Commission Regulation (EC) No 1251/2008, Commission Regulation (EC) No 119/2009, Commission Regulation (EC) No 206/2009, Commission Decision 2009/712/EC, Commission Decision 2009/821/EC, Commission Regulation (EU) No 206/2010, Commission Decision 2010/470/EC, Commission Decision 2010/472/EC, Commission Regulation (EU) No 605/2010, Commission Decision 2011/163/EC, Commission Implementing Decision 2011/215/EU, Commission Implementing Decision 2011/630/EU, Commission Regulation (EU) No 28/2012, Commission Implementing Decision 2012/137/EU, Commission Implementing Regulation (EU) 139/2013, Commission Implementing Decision 2013/519, Regulation (EU) No 576/2013, Commission Implementing Regulation (EU) No 577/2013, Commission Implementing Regulation EU No 743/2013, Commission Implementing Decision 2013/764/EU, Commission Implementing Regulation (EU) No 636/2014, Commission Implementing Decision (EU) 2015/1901, Commission Implementing Decision (EU) 2018/320, Commission Implementing Regulation (EU) 2018/659, Commission Delegated Regulation (EU) 2018/772. FUNCTIONS TRANSFERRED FOR: Council Directive 88/407/EEC, Council Directive 89/556/EEC, Council Directive 90/429/EEC, Council Directive 92/65/EEC, Council Directive 2002/99/EC, Council Directive 2004/68/EC, Regulation (EC) No 854/2004, Council Directive 2009/156/EC, Council Directive 2009/158/EC. REVOKED: Commission Decision 93/444/EC, Commission Decision 1995/410/EC, Commission Decision 2004/292/EC, Commission Decision 2006/146/EC, Commission Decision 2006/65/EC, Commission Implementing Decision 2013/503/EU, Commission Implementing Regulation (EU) 2018/878.

Domestic legislation amended by this SI: Trade in Animals and Related Products Regulations 2011, Amendment to the Trade in Animals and Related Products Regulations (Northern Ireland) 2011.

### **England, Wales and Scotland depending on Part.**

Published SI: Trade in Animals and Related Products (Amendment) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, The Artificial Insemination of Pigs (EEC) Regulations 1992, The Animals (Post-Import Control) Order 1995, The Bovine Embryo (Collection, Production and Transfer) Regulations 1995, The Non-Commercial Movement of Pet Animals Order 2011, The Bovine Semen (England) Regulations 2007, The Trade in Animals and Related Products Regulations 2011.

### **Wales only**

Published SI: Trade in Animals and Related Products (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Bovine Semen (Wales) Regulations 2008, The Trade in Animals and Related Products (Wales) Regulations 2011,

**Northern Ireland only**

Published SI: The Trade in Animals and Related Products (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: Amendment to the Destructive Imported Animals Act (Northern Ireland) 1933, Amendment to the Sales, Markets and Lairs Order (Northern Ireland) 1975, Amendment to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977, Amendment to the Artificial Insemination of Cattle Regulations (Northern Ireland) 1988, Amendment to the Artificial Insemination of Pigs (EEC) Regulations (Northern Ireland) 1993, Amendment to the Animals (Post-Import Control) Order (Northern Ireland) 1993, Amendment to the Artificial Breeding of Sheep and Goats (EEC) Regulations (Northern Ireland) 1994, Amendment to the Bovine Embryo Collection, Production and Transplantation Regulations (Northern Ireland) 1996, Amendment to the Bee Diseases and Pests Control Order (Northern Ireland) 2007, Amendment to the Northern Ireland Poultry Health Assurance Scheme Order (Northern Ireland) 2011, Amendment to the Trade in Animals and Related Products Regulations (Northern Ireland) 2011, Amendment to the Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011, Revocation of the Destructive Imported Animals Regulations (Northern Ireland) 1993.

**Scotland only**

Published SI: The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Foot-and-Mouth Disease (Scotland) Order 2006, The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006, The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007, The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007, The Cattle Identification (Scotland) Regulations 2007, The Products of Animal Origin (Disease Control) (Scotland) Order 2008, The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009, The Sheep Scab (Scotland) Order 2010, The Trade in Animals and Related Products (Scotland) Regulations 2012, The Animal By-Products (Enforcement) (Scotland) Regulations 2013, The Tuberculosis (Scotland) Order 2007, The Bovine Semen (Scotland) Regulations 2007, The Zoonoses (Monitoring) (Scotland) Regulations 2007, The Poultry Compartments (Scotland) Order 2010, The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010, The Pigs (Records, Identification and Movement) (Scotland) Order 2011, The African Horse Sickness (Scotland) Order 2012, The Bluetongue (Scotland) Order 2012, The Equine Animal (Identification) (Scotland) Regulations 2019.

## Policy area: Exotic Disease

### UK wide

Published SI: Exotic Disease (Amendment etc) (EU Exit) Regulations 2018

EU Legislation amended, functions transferred and revoked by particular SI: Commission Decision 88/397/EEC, Commission Decision 93/52/EEC, Commission Decision 1993/152/EEC, Council Decision 2000/258/EC, Commission Decision 2000/428/EC, Commission Decision 2002/106/EC, Commission Decision 2003/422/EC, Commission Decision 2006/415/EC, Commission Decision 2006/437/EC, Commission Decision 2006/563/EC, Commission Decision 2007/118/EC, Commission Decision 2007/598/EC, Commission Regulation (EC) No 1266/2007, Commission Regulation (EC) No 616/2009, Commission Decision 2010/367/EC, Commission Regulation (EC) No 415/2013, Regulation (EU) No 652/2014, Commission Implementing Decision 2018/1136, The EEA Agreement.

Domestic legislation amended by this SI: The Diseases of Swine Regulations 2014.

### England only

Published SI: The Exotic Disease (Amendment) (England) (EU Exit) Regulations 2018

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Foot-and-Mouth Disease (England) Order 2006, The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006, The Avian Influenza (Preventive Measures) (England) Regulations 2006, The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No 2) Order 2006, The Avian Influenza (Vaccination) (England) Regulations 2006, The Avian Influenza (H5N1 in Poultry) (England) Order 2006, The Products of Animal Origin (Disease Control) (England) Regulations 2008, The Bluetongue Regulations 2008, The Poultry Compartments (England) Order 2010, The African Horse Sickness (England) Regulations 2012.

### Northern Ireland only

Published SI: Exotic Disease (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Classical Swine Fever Order (Northern Ireland) 2003, The African Swine Fever Order (Northern Ireland) 2003, The Foot-and-Mouth Disease Regulations (Northern Ireland) 2006, The Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006, The Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007, The Avian Influenza (Vaccination) Regulations (Northern Ireland) 2007, The Avian Influenza (Preventive Measures) Regulations (Northern Ireland) 2007, The Avian Influenza (H5N1 in Poultry) Regulations (Northern Ireland) 2007, The Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007, The Bluetongue Regulations (Northern Ireland) 2008, The Products of Animal Origin (Disease Control) Regulations (Northern Ireland) 2008, The

Swine Vesicular Disease Regulations (Northern Ireland) 2009, The African Horse Sickness Regulations (Northern Ireland) 2013.

### **Wales only**

Published SI: The Exotic Diseases in animals (Amendment etc) (Wales) (EU Exit) Regulations 2018

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Foot and Mouth Disease (Wales) Order 2006, The Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006, The Avian Influenza (Preventive Measures) (Wales) Regulations 2006, The Avian Influenza and Influenza of Avian Origin in Mammals (Wales) (No 2) Order 2006, The Avian Influenza (Vaccination) (Wales) (No.2) Regulations 2006, The Avian Influenza (H5N1 in Poultry) (Wales) Order 2006, The Bluetongue (Wales) Regulations 2008, The Products of Animal Origin (Disease Control) (Wales) Regulations 2008, The Poultry Compartments (Wales) Order 2010, The African Horse Sickness (Wales) Regulations 2013.

### **Scotland only**

Published SI: The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Foot-and-Mouth Disease (Scotland) Order 2006, The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006, The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007, The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007, The Cattle Identification (Scotland) Regulations 2007, The Products of Animal Origin (Disease Control) (Scotland) Order 2008, The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009, The Sheep Scab (Scotland) Order 2010, The Trade in Animals and Related Products (Scotland) Regulations 2012, The Animal By-Products (Enforcement) (Scotland) Regulations 2013, The Tuberculosis (Scotland) Order 2007, The Bovine Semen (Scotland) Regulations 2007, The Zoonoses (Monitoring) (Scotland) Regulations 2007, The Poultry Compartments (Scotland) Order 2010, The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010, The Pigs (Records, Identification and Movement) (Scotland) Order 2011, The African Horse Sickness (Scotland) Order 2012, The Bluetongue (Scotland) Order 2012, The Equine Animal (Identification) (Scotland) Regulations 2019.

## **Policy area: Animal Welfare**

### **UK wide**

Published SI: Animal Welfare (Amendment) (EU Exit) Regulations 2018

EU Legislation amended, functions transferred and revoked by particular SI: Council Regulation (EC) No 1255/97, Council Regulation (EC) No 1/2005, Council Regulation (EC) No 1099/2009.



Domestic legislation amended by this SI: N/A.

### **England only**

Published SI: The Animal Health and Welfare (Miscellaneous Amendments) (England) (EU Exit) Regulations 2018

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Welfare of Animals (Transport) (England) Order 2006, The Welfare of Farmed Animals (England) Regulations 2007, The Welfare of Animals at the Time of Killing (England) Regulations 2015, The Registration of Establishments (Laying Hens) (England) Regulations 2003.

### **Northern Ireland only**

Published SI: Animal Health and Welfare (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Diseases of Animals (Northern Ireland) Order 1981, The Welfare of Animals Act (Northern Ireland) 2011, Registration of Establishments (Laying Hens) Regulations (Northern Ireland) 2003, The Welfare of Animals (Transport) Regulations (Northern Ireland) 2006, The Welfare of Farmed Animals Regulations (Northern Ireland) 2012, The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014.

### **Wales only**

Published SI: Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Registration of Establishments (Laying Hens) (Wales) Regulations 2004, The Welfare of Animals (Transport) (Wales) Order 2007, The Welfare of Farmed Animals (Wales) Regulations 2007, The Welfare of Animals at the Time of Killing (Wales) Regulations 2014.

### **Scotland only**

Published SI: The Animal Welfare (Scotland) (EU Exit) (Miscellaneous Amendments) Regulations 2019 Draft

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: Animal Health and Welfare (Scotland) Act 2006, Welfare of Animals (Slaughter or Killing) Regulations 1995, Welfare of Animals (Transport) (Scotland) Regulations 2006, Welfare of Farmed Animals (Scotland) Regulations 2010, Welfare of Animals at the Time of Killing (Scotland) Regulations 2012, The Registration of

Establishments Keeping Laying Hens (Scotland) Amendment Regulations 2004, The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010.

### **Scotland only**

Published SI: The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Foot-and-Mouth Disease (Scotland) Order 2006, The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006, The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007, The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007, The Cattle Identification (Scotland) Regulations 2007, The Products of Animal Origin (Disease Control) (Scotland) Order 2008, The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009, The Sheep Scab (Scotland) Order 2010, The Trade in Animals and Related Products (Scotland) Regulations 2012, The Animal By-Products (Enforcement) (Scotland) Regulations 2013, The Tuberculosis (Scotland) Order 2007, The Bovine Semen (Scotland) Regulations 2007, The Zoonoses (Monitoring) (Scotland) Regulations 2007, The Poultry Compartments (Scotland) Order 2010, The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010, The Pigs (Records, Identification and Movement) (Scotland) Order 2011, The African Horse Sickness (Scotland) Order 2012, The Bluetongue (Scotland) Order 2012, The Equine Animal (Identification) (Scotland) Regulations 2019.

### **UK wide**

Published SI: The Seal Products (Amendments) (EU Exit) Regulations 2018

EU Legislation amended, functions transferred and revoked by particular SI: Regulation (EC) No 1007/2009, Commission Implementing Regulation (EU) No 2015/1850.

Domestic legislation amended by this SI: The Seal Products Regulations 2010.

## **Policy area: Livestock ID**

### **UK wide**

Published SI: Livestock (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Commission Regulation (EC) No 494/98 , Commission Regulation (EC) No 509/1999, Regulation (EC) No 1760/2000 of the European Parliament and of the Council, Commission Regulation (EC) No 1082/2003, Commission Regulation (EC) No 911/2004 , Commission Regulation (EC) No 644/2005, Commission Decision (EC) No 2006/28, Commission Implementing Regulation (EU) No 2017/949, Council Regulation (EC) No 21/2004, Commission Regulation (EC) No 1505/2006, Commission Decision (EC) No 2006/96, The EEA agreement.

Domestic legislation amended by this SI: N/A.

### **England and Wales only**

Published SI: Livestock (Records, Identification and Movement) (England) (Amendment) (EU Exit) Regulations 2018

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Cattle Identification Regulations 2007, The Sheep and Goats (Records, Identification and Movement) (England) Order 2009, The Pigs (Records, Identification and Movement) Order 2011.

### **Wales only**

Published SI: The Livestock (Records, Identification and Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Cattle Identification (Wales) Regulations 2007, The Pigs (Records, Identification and Movement) (Wales) Order 2011 , The Sheep and Goats (Records, Identification and Movement) (Wales) Order 2015.

### **Northern Ireland only**

Published SI: Livestock (Records, Identification and Movement) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: "The Cattle Identification (Enforcement) Regulations (Northern Ireland) 1998, The Cattle Identification (No.2) Regulations (Northern Ireland) 1998, The Cattle Identification (Notification of Births, Deaths and Movements) Regulations (Northern Ireland) 1999, The Cattle Passport Regulations (Northern Ireland) 1999, The Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2009, The Pigs (Records, Identification and Movement) Order (Northern Ireland) 2012.

### **Scotland only**

Published SI: The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Foot-and-Mouth Disease (Scotland) Order 2006, The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006, The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007, The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007, The Cattle Identification (Scotland) Regulations 2007, The Products of Animal Origin (Disease Control) (Scotland) Order 2008, The Sheep and Goats

(Records, Identification and Movement) (Scotland) Order 2009, The Sheep Scab (Scotland) Order 2010, The Trade in Animals and Related Products (Scotland) Regulations 2012, The Animal By-Products (Enforcement) (Scotland) Regulations 2013, The Foot-and-Mouth Disease (Scotland) Order 2006, The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006, The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007, The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007, The Tuberculosis (Scotland) Order 2007, The Cattle Identification (Scotland) Regulations 2007, The Bovine Semen (Scotland) Regulations 2007, The Poultry Compartments (Scotland) Order 2010, The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010, The Pigs (Records, Identification and Movement) (Scotland) Order 2011, The Trade in Animals and Related Products (Scotland) Regulations 2012, The African Horse Sickness (Scotland) Order 2012, The Bluetongue (Scotland) Order 2012, The Animal By-Products (Enforcement) (Scotland) Regulations 2013, The Equine Animal (Identification) (Scotland) Regulations 2019.

## Policy area: Transmissible Spongiform Encephalopathies and Animal By-products

### UK wide

Published SI: Transmissible Spongiform Encephalopathies and Animal By-products (Amendment etc) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Regulation (EC) No 999/2001, Commission Decision 2007/453/EC, Commission Decision 2009/719/EC, Regulation (EC) No 1069/2009, Commission Regulation (EU) No 142/2011, Amendments to the EEA agreement.

Domestic legislation amended by this SI: N/A

### England only

Published SI: Animal By-products and Transmissible Spongiform Encephalopathies (Amendment) (England) (EU Exit) Regulations 2018

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: Amendment to the Animal By-Products (Enforcement) (England) Regulations 2013, Amendment to the Transmissible Spongiform Encephalopathies (England) Regulations 2018.

### Northern Ireland only

Published SI: Animal By-products and Transmissible Spongiform Encephalopathies (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: Amendment to the Mechanically Recovered Meat (Export Prohibition) Order (Northern Ireland) 1995, Amendment to the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015, Amendment to the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2018.

### **Wales only**

Published SI: Animal By-Products and Control and Eradication of Transmissible Spongiform Encephalopathies (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Animal By-Products (Enforcement) (Wales) Regulations 2014, The Transmissible Spongiform Encephalopathies (Wales) Regulations 2018.

### **Scotland only**

Published SI: The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Foot-and-Mouth Disease (Scotland) Order 2006, The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006, The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007, The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007, The Cattle Identification (Scotland) Regulations 2007, The Products of Animal Origin (Disease Control) (Scotland) Order 2008, The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009, The Sheep Scab (Scotland) Order 2010, The Trade in Animals and Related Products (Scotland) Regulations 2012, The Animal By-Products (Enforcement) (Scotland) Regulations 2013, The Tuberculosis (Scotland) Order 2007, The Bovine Semen (Scotland) Regulations 2007, The Zoonoses (Monitoring) (Scotland) Regulations 2007, The Poultry Compartments (Scotland) Order 2010, The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010, The Pigs (Records, Identification and Movement) (Scotland) Order 2011, The African Horse Sickness (Scotland) Order 2012, The Bluetongue (Scotland) Order 2012, The Equine Animal (Identification) (Scotland) Regulations 2019.

## **Policy area: Equine Records**

### **UK wide**

Published SI: Equine (Records, Identification and Movement) (Amendment) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Commission Implementing Regulation (EU) No 2015/262, Commission Decision 92/216/EEC, Commission Decision 92/353/EEC, Commission Decision 92/354/EEC, Amendments to the Annex to the EEA Agreement

Domestic legislation amended by this SI: N/A

### **England only**

Published SI: Equine Identification (England) (Amendment) (EU Exit) Regulations 2018

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: Amendments to the Equine Identification (England) Regulations 2018 not relating to EU exit, Amendments to the Equine Identification (England) Regulations 2018 relating to EU Exit.

### **Wales only**

Published SI: Equine (Records, Identification and Movement) (Miscellaneous Amendments) Wales) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Equine Identification (Wales) Regulations 2019

### **Scotland only**

Published SI: The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Foot-and-Mouth Disease (Scotland) Order 2006, The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006, The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006, The Avian Influenza (H5N1 in Wild Birds) (Scotland) Order 2007, The Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007, The Cattle Identification (Scotland) Regulations 2007, The Products of Animal Origin (Disease Control) (Scotland) Order 2008, The Sheep and Goats (Records, Identification and Movement) (Scotland) Order 2009, The Sheep Scab (Scotland) Order 2010, The Trade in Animals and Related Products (Scotland) Regulations 2012, The Animal By-Products (Enforcement) (Scotland) Regulations 2013, The Tuberculosis (Scotland) Order 2007, The Bovine Semen (Scotland) Regulations 2007, The Zoonoses (Monitoring) (Scotland) Regulations 2007, The Poultry Compartments (Scotland) Order 2010, The Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010, The Pigs (Records, Identification and Movement) (Scotland) Order 2011, The African Horse Sickness (Scotland) Order 2012, The Bluetongue (Scotland) Order 2012, The Equine Animal (Identification) (Scotland) Regulations 2019.

### **Northern Ireland only**

Published SI: The Equine Identification Regulations (Northern Ireland) 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: N/A

## Policy area: Veterinary Surgeons and Animal Welfare

### UK wide

Published SI: Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: Veterinary Surgeons Act 1966, Applications under the European Union (Recognition of Professional Qualifications) Regulations 2015: transitional provision, Amendment of the Animal Welfare Act 2006.

## Policy area: Farriers and Animal Health

### UK wide

Published SI: The Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: Farriers (Registration) Act 1975, Animal Health Act 1981, Veterinary Surgery (Rectal Ultrasound Scanning of Bovines) Order 2010, Veterinary Surgery (Epidural Anaesthesia of Bovines) Order 2010, Veterinary Surgery (Artificial Insemination) Order 2010.s

## Policy area: Veterinary Medicines

### UK wide

Published SI: Veterinary Medicines and Animals and Animal Products (Examination of Residues and Maximum Residue Limits) (Amendments etc) (EU Exit) Regulations 2018

EU Legislation amended, functions transferred and revoked by particular SI: Regulation (EC) No 726/2004, Regulation (EC) 470/2009, Commission Implementing Regulation (EU) 2017/12, Commission Regulation (EU) 2017/880, Commission Regulation (EU) 2018/782. REVOKED: Commission Regulation (EU) No 37/2010.

Domestic legislation amended by this SI: The Veterinary Medicines Regulations 2013, The Veterinary Medicines Regulations 2013, The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015.

### UK wide

Published SI: The food, drink, veterinary medicines and residues (amendments etc) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Regulation (EC) No 470/2009.

Domestic legislation amended by this SI: The Veterinary Medicines Regulations 2013.

### **UK wide**

Published SI:

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: N/A

## **Policy area: Transfer of Functions**

### **UK wide**

Published SI: The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Commission Regulation (EC) No 1251/2008.

Domestic legislation amended by this SI: N/A

### **UK wide**

Published SI: The Animals (Legislative Functions) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Council Regulation (EC) No 1255/97, Regulation (EC) No 1760/2000, Regulation (EC) No 999/2001, Council Regulation (EC) No 21/2004, Council Regulation (EC) No 1/2005, Regulation (EC) No 1007/2009, Regulation (EC) No 1069/2009, Council Regulation (EC) No 1099/2009, Commission Regulation (EU) No 142/2011, Regulation (EU) 2016/1012.

Domestic legislation amended by this SI: N/A

## **Policy area: Official controls**

### **England only**

Published SI: 2019/1488, the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: Official Controls (Animals, Feed and Food) (England) Regulations 2006.



**Northern Ireland only**

Published SI: Official Controls (Animals, Feed and Food) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2007

**Wales only**

Published SI: "Wales measure covered in Food and Feed Hygiene and Safety (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019"

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The General Food Regulations 2004, The Official Controls (Animals, Feed and Food) (Wales) Regulations 2007, The Quick-frozen Foodstuffs (Wales) Regulations 2007, The Meat (Official Controls Charges) (Wales) Regulations 2009, The Official Feed and Food Controls (Wales) Regulations 2009, The Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011.

**Scotland only**

Published SI: Scotland measure covered in The Food and Feed Safety and Hygiene (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: General Food Regulations 2004, Genetically Modified Food (Scotland) Regulations 2004, Genetically Modified Animal Feed (Scotland) Regulations 2004, Food Hygiene (Scotland) Regulations 2006, Food Irradiation (Scotland) Regulations 2009, Official Feed and Food Controls (Scotland) Regulations 2009, Animal Feed (Scotland) Regulations 2010, Plastic Kitchenware (Conditions on Imports from China) (Scotland) Regulations 2011, Materials and Articles in Contact with Food (Scotland) Regulations 2012, Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013, Contaminants in Food (Scotland) Regulations 2013.

**Policy area: Cross-cutting amendments****UK wide**

Published SI: The Animal Health, Plant Health, Seeds and Seed Potatoes (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Commission Implementing Decision 2014/709/EU.

Domestic legislation amended by this SI: The Transmissible Spongiform Encephalopathies (England) Regulations 2018, The Plant Health (Amendment) (England) (EU Exit)

Regulations 2019, The Plant Health (EU Exit) Regulations 2019, The Seed Marketing Regulations 2011, The Seed Potatoes (England) Regulations 2015, The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019.

### **Northern Ireland only**

Published SI: Animal Health, Plant Health, Seeds and Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Control of Salmonella in Poultry Scheme Order (Northern Ireland) 2008, The Control of Salmonella in Broiler Flocks Scheme Order (Northern Ireland) 2009, The Control of Salmonella in Turkey Flocks Scheme Order (Northern Ireland) 2010, Beef and Veal Labelling Regulations (Northern Ireland) 2010, Seed Potatoes Regulations (Northern Ireland) 2016.

## **Policy area: Cross-cutting amendments**

### **UK wide**

Published SI: The Animal Health, Alien Species in Aquaculture and Invasive Non-Native Species (Amendment) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Commission Decision 2006/146/EC.

Domestic legislation amended by this SI: The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019, The Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2019, The Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (England and Wales) (EU Exit) Regulations 2019, The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019

## **Policy area: Cross-references to Import of and Trade in Animals and Animal Products (Amendment etc) (EU Exit) Regulations 2019 and model health certificates**

### **UK wide**

Published SI: The Environment, Food and Rural Affairs (Amendment)(EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Commission Regulation (EC) No 599/2004, Commission Decision 2009/821/EC, Commission Implementing Decision 2011/630/EU, Commission Implementing Decision 2012/137/EU , Commission Implementing Regulation (EU) 2018/659.

Domestic legislation amended by this SI: N/A

## Policy area: Transfer of Functions and corrections

### UK wide

Published SI: The Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Commission Regulation (EC) No 136/2004, Decision 2006/168/EC, Decision 2006/766/EC, Decision 2007/777/EC, Commission Regulation (EC) No 798/2008, Commission Regulation (EC) No 119/2009, Commission Regulation (EU) No 206/2010, Decision 2010/472/EC, Commission Regulation (EU) 605/2010, Commission Decision 2011/163/EC, Commission Implementing Decision 2011/630/EC, Commission Implementing Decision 2012/137/EC, Commission Implementing Regulation (EU) 139/2013, Commission Implementing Regulation (EU) 2016/759, Commission Implementing Regulation (EU) 2018/659, Commission Decision 2007/275/EC, Decision 2011/408/EC.

Domestic legislation amended by this SI: Trade in Animals and Related Products Regulations 2011, Trade in Animals and Related Products Regulations (Northern Ireland) 2011, The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations S.I. 2019/795, Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations S.I. 2019/454.

## Policy area: TSEs/ABPs (remainder plant side)

### UK wide

Published SI: Animal Health, Invasive Non-native Species, Plant Breeders' Rights and Seeds (Amendment) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Regulation (EC) No. 999/2001, Commission Decision 2007/453, Commission Decision 2009/719, Regulation (EC) No. 1069/2009, Commission Regulation (EU) No. 142/2011

Domestic legislation amended by this SI: Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170).

## Policy area: TSEs/ABPs

### UK wide

Published SI: The Animal Health and Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: Regulation (EC) No 999/2001.

Domestic legislation amended by this SI: The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019, The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendments Etc.) (EU Exit) Regulations 2019.

## Policy area: Animal Health and welfare and official controls

### Scotland only

Published SI: The Animal Health and Welfare and Official Controls (Animals, Feed and Food) (EU Exit) (Scotland) (Amendment) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: The Official Controls (Animals, Feed and Food) (Scotland) Regulations 2007, The Trade in Animals and Related Products (Scotland) Regulations 2012; The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012. Regulation 19(2)(b) (the Avian Influenza (H5N1 in Poultry) (Scotland) Order 2007) of the Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019(b) is revoked.

## Policy area: Misc

### Wales only

Published SI: The Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI: N/A

Domestic legislation amended by this SI: Amendment of the Cattle Identification (Wales) Regulations 2007, The Trade in Animals and Related Products (Wales) Regulations 2011, The Seed Marketing (Wales) Regulations 2012, The Animal Health (Miscellaneous Fees) (Wales) Regulations 2018, The Transmissible Spongiform Encephalopathies (Wales) Regulations 2018, The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019, The Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019.

## Policy area: Bee Health

### UK wide

Published SI: Import of and Trade in Animals and Animal Products (Amendment etc) (EU Exit) Regulations 2019

EU Legislation amended, functions transferred and revoked by particular SI:

Domestic legislation amended by this SI: Bee Disease and Pest Control Order 2006

**England only**

Published SI: Import of and Trade in Animals and Animal Products (Amendment etc) (EU Exit) Regulations 2020

EU Legislation amended, functions transferred and revoked by particular SI:

Domestic legislation amended by this SI: Trade in Animals and Related Products (England) Regulations 2011

**Scotland only**

Published SI: Import of and Trade in Animals and Animal Products (Amendment etc) (EU Exit) Regulations 2021

EU Legislation amended, functions transferred and revoked by particular SI:

Domestic legislation amended by this SI: The Bees diseases and Pests Control (Scotland) Order 2007 and amended in the Bee Diseases and Pets Control (Scotland) Amendment Order 2011

**Wales only**

Published SI: Import of and Trade in Animals and Animal Products (Amendment etc) (EU Exit) Regulations 2022

EU Legislation amended, functions transferred and revoked by particular SI:

Domestic legislation amended by this SI: Trade in Animals and Related Products (Wales) Regulations 2011, The Bee Diseases and Pests Control (Wales) Order 2006, And amended in the Bee Diseases and Pests Control (Wales) (Amendment) Order 2011

**Northern Ireland only**

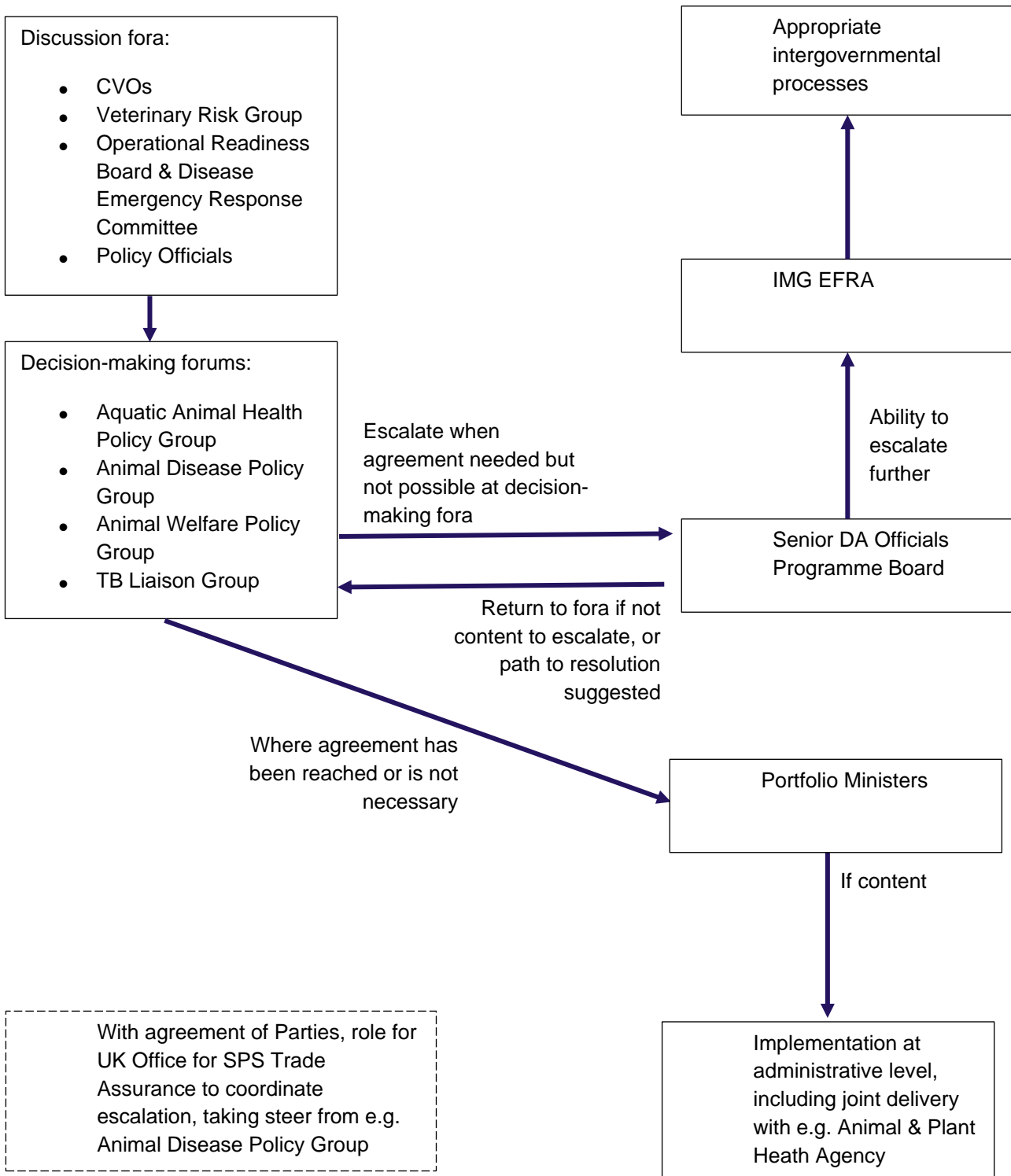
Published SI: Import of and Trade in Animals and Animal Products (Amendment etc) (EU Exit) Regulations 2023

EU Legislation amended, functions transferred and revoked by particular SI:

Domestic legislation amended by this SI: Trade in Animals and Related Products (Northern Ireland) Regulations 2011

# Annex 2: Decision making fora and dispute resolution processes

The diagram below illustrates how matters for decision can flow from discussion fora to decision-making fora and, where necessary, escalate to IMG EFRA (Inter-Ministerial Group for Environment, Food and Rural Affairs) and appropriate intergovernmental processes via the Senior DA Officials Programme Board.



The purpose of the discussion and decision-making groups includes:

- Dispute resolution and escalation
- Communications between Parties
- Identifying and monitoring impacts of policy and regulatory divergence
- Exchanging ideas, policy approaches and scientific research
- Proposing decisions and brokering agreement
- Managing disease outbreaks
- Identifying threats
- Escalation of issues

# Annex 3: Defra-DG Senior Officials Programme Board (SOPB) Terms of Reference

## Introduction

Following the EU referendum in June 2016, Department for Environment, Food and Rural Affairs (Defra) and the Parties agreed to develop an existing regular meeting of senior officials from the four administrations, the Senior Officials Devolution Group (SODG), into a forum that would meet monthly to consider the scope of the work necessary in light of the UK Government's decision to exit the EU and to share knowledge and understanding. It was also agreed there would be monthly meetings at a Ministerial level, although these meetings are only now starting to take place on a regular basis.

This process has developed over time. This has included the establishment of a number of working groups, and discussions within sub-groups focusing on operational readiness issues.

A paper was presented to the SODG meeting on the 11 October 2017, acknowledging the need for better governance structures and project methodology. It was recommended that the SODG be developed into a Programme Board to provide oversight and direction to the working groups.

## Purpose

The Defra-DG Programme Board set out at Annex 5.1 below will oversee the on-going programme of work within working groups to: consider the potential impacts of the UK's decision to exit the EU; share knowledge and understanding; and consider what steps are necessary to prepare for the UK's exit from the EU. Where this work identifies the need for a pan-UK perspective then the Programme Board may also agree to, and oversee, discussions within working groups on potential UK frameworks and to the establishment of operational readiness projects to consider where UK-wide practical solutions and on-going co-operation may be required. This would include taking forward close technical working on a range of matters such as the development of secondary legislation.

Where the Board identify the need, issues can be referred to the Joint Ministerial Group (JMG) or back to respective administrations for consideration, and where appropriate, decision. The JMG can, in turn, ask the Programme Board to carry out work and provide advice on issues within its remit and that of the working groups. The relationships are reflected at Annex 3A.

## Responsibilities

The responsibilities of the Defra-DG Programme Board members are as follows:



- Leadership, Planning and Decision Making
  - to ensure that programmes and projects are managed in line with sound project methodology and in line with any principles or directions agreed between the UK Government, Scottish Government, Welsh Government and Northern Ireland Executive to govern inter-administration discussions;
  - identify new work packages as necessary;
  - where possible resolve issues as they arise;
  - provide a monthly report to the JMG;
  - clear agendas for meetings of the JMG;
  - consider and make recommendations for any potential changes to internal and external technical processes and procedures; and
  - make recommendations for any associated legislative changes.
- Portfolio management
  - approve governance documentation including strategic objectives and planning assumptions;
  - monitor projects against plan;
  - identify and manage interdependencies between projects;
  - monitor and ensure risks are effectively managed. This should include decisions around corrective action and where issues may need to be referred to JMG or back to respective administrations as appropriate.

## Communication

The work of the Programme Board, the working groups and any operational readiness projects should be underpinned by a consistent and effective approach to information exchange with all concerned departments within the Parties' Governments. The work should also support each Party's engagement with business interests, civic organisations and other stakeholders and responses to Parliamentary scrutiny. Any external communications on this work should be informed by a clear understanding of the issues and the responses as understood by each of the administrations.

## Constitution

Membership of the EU Exit Programme Board comprises of the following:

- Defra – Director for Devolution and legislation
- Defra – Devolution team – two members
- Scottish Government – two members
- Welsh Government- two members
- Northern Ireland Executive – two members

In addition to the above, the following would attend by invitation, as required:

- Cabinet Office
- Department for International Trade

- Food Standards Agency
- HM Treasury
- The offices of the Secretaries of State for Scotland, Wales and Northern Ireland
- Health and Safety Executive
- Relevant executive agencies and Arm's Length Bodies

## Use of deputies

Attendance of core membership is important but in exceptional circumstances deputies may attend with prior notification to the Chair.

Deputies should have full delegated authority to make decisions and approve documentation on behalf of the appropriate member.

## Meeting Protocol

**Frequency:** The Board will meet on a monthly basis with mandatory attendance of all core members or deputies.

With the approval of the Chair extraordinary meetings may be convened as necessary in exceptional circumstances to address urgent issues.

**Agenda Management:** The Defra devolution team will provide the Board with a secretariat function.

**Information Products:** Board members will be provided with:

- Agenda;
- Minutes from previous meeting and Action Point Log;
- Progress reports from Working Groups on Operational Readiness Projects and policy issues, including funding and Common Frameworks;
- Any other submissions deemed appropriate from the project leads.

Progress reports from the Working Groups will be a standing item on the agenda. Each administration will have the right to propose an additional agenda item. The agenda is to be agreed and papers provided at least one week before the meeting. Minutes and action points should be issued within 48 hours of each meeting.

# Annex 4: Animal Disease Policy Group (ADPG) Terms of Reference

## Terms of Reference for the Animal Disease Policy Group

In peacetime only (note section on ADPG during outbreak or incident, below for terms outside of peacetime)

Agreed February 2018

ADPG is the key strategic policy forum for UK-wide exotic animal disease issues. It reaches, where possible, official-level agreement on UK and GB control strategies and, where appropriate, informs officials' recommendations to their respective Ministers.

The membership of ADPG in peacetime, is as follows:

- Chief Veterinary Officer (UK)
- Deputy CVO
- Policy Deputy Director, Animal Welfare and Exotic Disease Control
- Policy lead – UK Trade
- Policy lead – Exotic disease control
- Policy Director/Chief Veterinary Officer (Scotland)
- Deputy CVO
- Policy Director/Chief Veterinary Officer (Wales)
- Senior Veterinary Officer
- Chief Veterinary Officer (Northern Ireland) / Policy Director
- Deputy CVO / DVO
- Animal and Plant Health Agency (APHA)
- Director for Service Delivery / Chair of The Operational Readiness Board (ORB)
- Veterinary Director
- Public Health England (PHE)
- Health Protection, Emergency Response Department
- Health protection agencies/representatives from Scotland, Wales & NI
- Food Standards Agency (FSA)
- Veterinary Director and Head of Science, Evidence and Research
- Food Standards Scotland (FSS)
- Policy leads from Scotland, Wales & NI

Depending upon the subject, membership may be increased ad-hoc to include representatives from other government departments and agencies.

**Secretariat:** Defra, Animal Welfare and Exotic Disease Control (ADPG)

The **functions of ADPG** include:

- Inform recommendations to Ministers on animal health policy.

- Identification and discussion of risks (as identified by the Veterinary Risk Group (VRG)) that may have implications for existing Control Strategies or require the elaboration of new Control Strategies
- Oversight of the Outbreak Readiness Board (ORB) and consideration of any operational issues that impact on policy.
- Oversight, governance and strategic direction of the VRG.

The ADPG will meet four times per year; in addition, when so required, it is possible to schedule additional meetings or consider relevant issues through a written procedure.

## ADPG during Outbreaks or Incidents

In **outbreaks**, the membership will include all the core ADPG membership plus:

- Legal (DEFRA and Devolved);
- VENDU (Veterinary Exotic Notifiable Disease Unit)
- Comms (DEFRA and Devolved)
- Cabinet Office, Civil Contingencies Secretariat – optional member

The **functions of ADPG in an outbreak** include:

- Discussion of any proposed changes in policy or approach that are not set out in the relevant disease control strategy

The **principles of decision making in ADPG** are:

- When making decisions, consideration will be given first to the best options for disease control, then to any legal requirements, latitude and constraints and finally to the deliverability of the preferred strategy in the field, including sustainability of the operational response and where to prioritise if resources are limited.

# Annex 5: Animal Welfare Policy Group (AWPG) Terms of Reference

## Scope of the group

The group should focus on animal welfare policy issues in each constituent part of the UK, from possible future policy ideas to proposals which are actively being developed and taken forward including via calls for evidence, consultations, regulatory change and legislative change.

The group should consider what research, expert and professional advice and other evidence is available to inform policy development. This could include considering remits for external research and for the Farm Animal Welfare Committee.

The group should consider any particular operational or policy implementation issues which have implications for future policy change and development.

The group should consider any particular issues raised internationally (e.g. issues covered in EU, OIE and other forums) which have implications for policy development.

The group should focus on policy areas that are devolved. In addition, the group should consider any policy areas which are not devolved, and which may raise issues relating to animal welfare.

## Purpose of the group

The group should aim to develop mutual awareness and understanding of the policy issues as set out in the scope section. This includes possible future policy developments, current active policy developments, and issues relating to the implementation of existing policy. This includes considering associated research, expert and professional advice, and other evidence issues.

This mutual understanding and awareness should include awareness of key stakeholder activity and of Parliamentary activity and understanding of the key drivers and considerations in play, including any particular aims and objectives. The group should aim to draw from members' different experiences and approaches.

The group should facilitate the adoption of coordinated approaches where different administrations favour this, for example in terms of the timing and/or content of separate national proposals relating to the same/similar issue (e.g. animal welfare codes/guidance), or in terms of the development of joint proposals, or in terms of the development of proposals in one part of the UK which other parts may be interested in adopting in due course.

## Membership of the group

The group should comprise policy officials and Chief Veterinary Officers (CVOs) from Defra, Scottish Government, Welsh Government and Northern Ireland Executive.

## Group meetings

Chairing of the meeting is rotated between administrations with DEFRA providing secretarial and administrative support. The group should operate on an informal basis.

In the course of discussions, the group may identify issues and areas where differences exist. The purpose of the group is not particularly to resolve differences and form a common position, nor to escalate issues with a view to resolving differences. Instead, group discussions may facilitate a more joined-up approach based on enhanced mutual awareness and understanding whilst respecting fully that animal welfare is a devolved matter.

The group meets monthly, with CVOs attending bi-monthly.

One week prior to each meeting, each group member should provide a short written update relating to each key animal welfare area (e.g. on-farm; transport; slaughter; companion animals; future farming policy; trade policy; cross-cutting issues such as sentience and sentencing; international developments; research/evidence). The meetings may use this as a basis for focusing on a subset of issues of particular joint interest.

## List of members

Defra:

- DD Animal Welfare
- DD Transforming farm animal health and welfare
- Policy Leads
- Research/Evidence Lead
- UK CVO
- Secretariat

Welsh Government:

- CVO Wales
- Policy Leads

Scottish Government:

- CVO Scotland
- Policy Lead

DAERA:

- CVO Northern Ireland

- Policy Leads

# Annex 6: Tuberculosis Liaison Group (TBLG) Terms of Reference

## Core Terms

### **Purpose:**

The TB Liaison Group (TBLG) is the strategic policy forum for UK-wide TB issues. Its primary objective is to share information and best practice. It is, however, also the first-tier forum for seeking official level agreement on relevant regulatory matters, including alignment, that affect, or have the potential to affect, UK domestic or international trade and/or bovine TB control in one or more UK jurisdiction. Where relevant and appropriate, agreed TBLG conclusions will inform officials' recommendations to their respective Ministers. In cases where TBLG is unable to reach agreement on relevant regulatory matters, affecting UK internal market or international trade or bovine TB (bTB) control in one or more UK jurisdiction, this will result in use of the escalation process (refer to Annex 6.3).

### **Context:**

Animal disease policy is devolved and TBLG will respect the devolution settlements. In some limited instances, where exercise of devolved powers affects, or has the potential to affect, the UK internal market, international trade and/or TB control, agreement will be sought on how to manage the impacts and/or risks. That agreement should be sought at TBLG in the first instance.

### **In scope areas:**

All aspects of bTB policy development, regulatory decision making and alignment, where relevant to international trade and/or compliance with relevant international rules and/or domestic disease control regimes affecting more than one UK Administration.

### **Chair**

The England TB Programme Deputy Director will chair the twice-yearly meetings held in London. The other twice-yearly meetings will be chaired by the hosting Chief Veterinary Officer (CVO).

### **Functions:**

- Sharing best practice on TB related policy.
- Evaluate existing policies to inform future policy making.
- Develop shared communication strategies.
- Discuss common delivery challenges and work together on solutions, where relevant.
- Informing recommendations to respective Ministers on TB policy and regulatory change, where these impact on the other Administrations or UK trade.
- Discussion of policy response to TB risks (as identified by the Veterinary Risk Group, international disease monitoring, SPS issues from the WTO team, and other



intelligence sources) that may have implications for existing Control Strategies or require the elaboration of new Control Strategies.

- Commission requests for information and evidence from relevant bodies.
- Decision making forum for TB related regulatory decisions and regulatory alignment issues, where there is an impact on the other Administrations or UK trade.
- Monitor potential legislation changes from the European Union, with input from Policy Leads.
- Inform the ADPG of all decisions made.

### **Membership:**

The Core Members of the Group will be:

- The Four Administration CVOs
- The TB Policy Leads from each administration
- APHA representatives

Additional representatives from other government departments, agencies or other stakeholders may be invited to attend a meeting in order to provide information or share best practice, however, only core members will be involved in decision making.

### **Decision Making**

All decisions will be evidenced based, taking into account OIE and EU standards, where relevant. Where a decision will impact on the UK internal market or international trade, a unanimous decision is required. Recognising devolution, there may be agreement that differences in policy are accepted in so far as they do not negatively impact on other jurisdictions. In this situation, policy changes will be presented to TBLG on an information only basis. Where necessary, a clear rationale detailing the reason for the difference will be identified and recorded.

Each Administration will appoint a number of representatives to represent the interests of the Administration/Department. As long as one representative from each Administration is present the meeting will be considered quorate. Annex 6.4 shows a list of the representatives.

The dispute resolution process is set out at Annex 6.3, for those circumstances where the Group is unable to come to a unanimous decision.

### **Meetings:**

TBLG will hold an alternate full day meeting, to be hosted by one of the Administrations and a half day meeting, in London, on a quarterly basis.

The secretariat will also schedule additional meetings, as required. Where appropriate, by agreement, issues may be considered, and decisions agreed through a written procedure.

### **Secretariat:**

Defra, TB Policy Team

## Role of Secretariat

The secretariat will have a coordinating role and will be provided by Defra TB Policy Team, with support from the Administration hosting the quarterly whole day meetings.

The secretariat will be responsible for:

- Scheduling meetings, arranging meeting rooms and teleconference facilities;
- Distribution of a forward look programme;
- Circulation of papers (for scheduled papers the target is five working days, for regulatory alignment it is accepted that very little notice will be possible);
- Commissioning role – gathering required intelligence and information required to support decision making, working with relevant teams in Defra, the Scottish Government, Welsh Government and Northern Ireland Executive, other government departments and arms-length bodies. Where this does not exist, the secretariat may need to commission work from appropriate experts;
- Working with respective Policy Leads, the secretariat will commission papers or impact assessments, where appropriate. Where an urgent decision is required, the secretariat will schedule an urgent ad hoc meeting of TBLG.
- Keep a formal record of all decisions made. Produce minutes and actions for every meeting and store these for the record once approved. The target is to circulate a full note of the meeting within one week.

The secretariat will work closely with Policy Leads in all Administrations. It is proposed that a single point of contact in each Administration and APHA is responsible for maintaining lists of policy leads and subject matter experts that may be needed to input to papers, risk assessments or discussion at TBLG.

## Review arrangements

The terms of reference will be reviewed six months after being adopted and thereafter on an annual basis.

## 6.1 Principles of working

The high-level principles that members of TBLG agree to work within include:

- All members agree the importance of preserving the following principles agreed at Joint Ministerial Committee (EN) in October 2017<sup>4</sup>. These are to:
  - enable the functioning of the UK internal market, while acknowledging existing policy divergence;
  - ensure compliance with international obligations;
  - ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;

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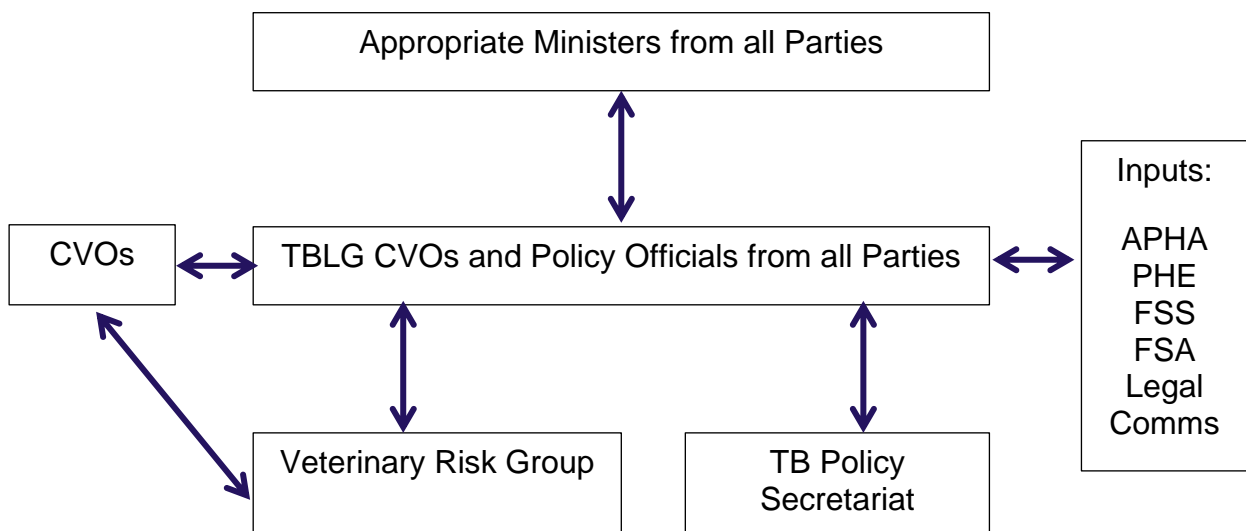
<sup>4</sup> In relation to development of Common Frameworks for powers returning from the EU, but which represent good practice applicable in the case of the TBLG, in guiding work between the UK Government and the devolved administrations.

- enable the management of common resources.
- The arrangements set out in these ToR should serve the furtherance of trade for all parts of the UK including those that are priorities for the Scottish Government, Welsh Government and Northern Ireland Executive.
- All decisions will be based on the principle we trade as a single entity, ‘the UK’, an expectation that no Administration will put our trade at risk, and that all decisions need to take into account OIE standards, with clear rationale for divergence if it happens.
- Respect will be paid to the devolution settlements and the democratic accountability of each of the UK Administrations, including the provisions of the Good Friday Agreement including the NI/RoI dimension in Strand 3 of that Agreement.
- All members will work collaboratively and in partnership and will endeavour to ensure the functioning of the UK internal market.
- All members will work with the intention of common agreement, seeking consensus, where possible, and not imposition on one or more administrations on others. All efforts to reach commonality should be entered into in good faith.
- The members will share information and scientific research in a spirit of openness and transparency.
- All UK members are committed to evidence-based decision making, using agreed common evidence, and the basic principles and ambition for the control of TB across the UK.

Strong working relationships reduce the likelihood of disputes requiring escalation, however, the process set out below in annex 6.3 will be adopted should any such disputes arise.

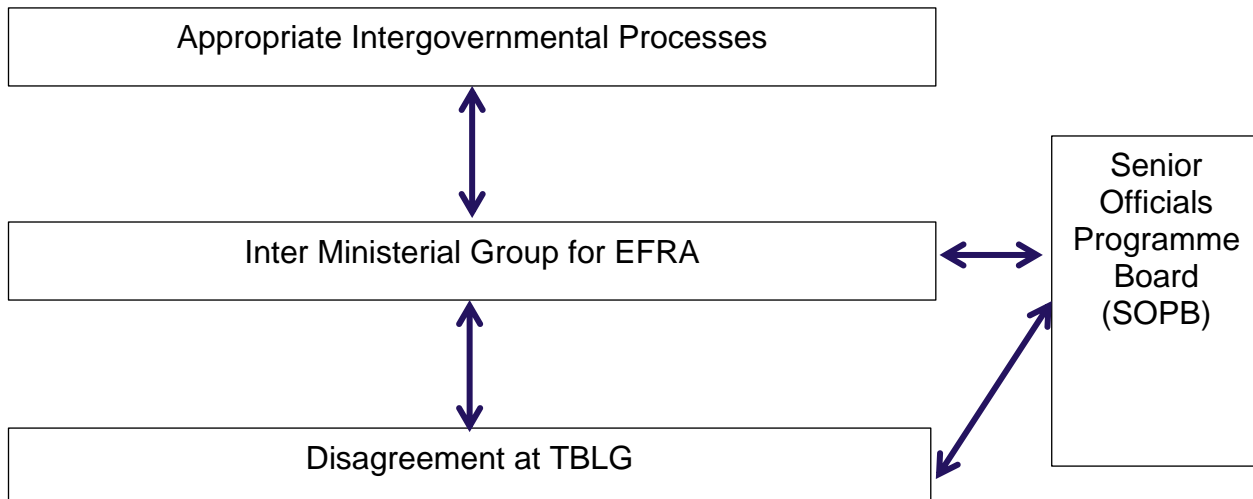
## 6.2 Proposed Governance Structure

A flow chart is included below that depicts the governance structure (overall) for the TB Liaison Group. It depicts the Group in the centre comprising Chief Veterinary Officers and policy officials, and the close working connections with the TB Policy Secretariat, Veterinary Risk Group, inputs from APHA, Public Health England, Food Standards Agency, Food Standard Scotland and other teams such as Legal and Communications. It also illustrates the link to portfolio Ministers.



## 6.3 Escalation Process

A flow chart is included below that depicts the escalation process for the TB Liaison Group. In summary it illustrates that a disagreement arising at the Group can be referred to the Senior Officials Programme Board and appropriate Ministers for resolution, intended to be consistent with the dispute resolution process set out within the Animal Health and Welfare Common Framework.



The principle is to reach consensus by agreement.

Reaching agreement is not dependent on a single approach being agreed across the whole of the UK. Where policy is devolved it can be appropriate to agree to diverge, as long as that divergence is not harmful to the ability of the UK to trade internally and internationally; to meet its international obligations; and to manage its common resources.

Each stage of the process may be utilised more than once in a dispute. The emphasis will be on resolving differences before they reach the dispute stage. Efforts will be made to avoid escalation where possible.

TBLG does not report to the Senior Officials Programme Board (SOPB). However, any dispute that is being escalated to Ministerial level should first be discussed by the SOPB.

## 6.4 TBLG representatives

Scottish Government representatives:

- CVO Scotland
- Deputy CVO Scotland
- SG Veterinary Adviser (Notifiable Diseases)
- SG Head of Disease Control Branch
- SG Senior Policy Manager, Disease Control Branch.

Defra representatives:

- CVO England

DAERA representatives:

- CVO Northern Ireland

Welsh Government representatives:

- CVO Wales
- Head of TB Policy

# Annex 7: Aquatic Animal Health Policy Group (AAH PG) Terms of Reference

The Aquatic Animal Health Policy Group (AAH PG) is the key strategic forum for UK-wide aquatic animal disease issues. It reaches, where possible, official-level agreement on UK and GB control strategies and, where appropriate, informs officials' recommendations to their respective Ministers, and/or present recommendations to the Animal Policy Group (APG).

The membership of AAH PG is as follows:

## UK and England (Defra)

- Policy Deputy Director, Future Animal & Plant Health, Endemics & Traceability
- G6 team leader
- Policy lead / team – Aquatic Animal Health

## Scotland (Scottish Government)

- Policy Deputy Director
- Policy lead / team – Aquaculture Health, Welfare and Innovation Policy

## Wales (Welsh Government)

- Policy lead / team – Aquaculture

## Northern Ireland (DAERA)

- Director of Marine and Fisheries
- Policy lead / team – Aquaculture and Fish Health Policy

## Other optional members

- Head of Fish Health Inspectorates (FHI)
- Scientific advisers
- Experts on trade
- Lawyers
- Food Standards Agency (FSA)

Depending upon the subject, membership may be increased ad hoc to include representatives from other government departments and agencies.

**Secretariat:** Defra, Aquatic Animal Health Policy

The main purpose of the AAH PG is to provide a forum, where the four UK administrations can discuss matters of relevance to aquatic animal health.

The **functions of AAH PG** include:

- Review implementation of aquatic animal health legislation in the four nations (e.g. surveillance and disease controls).
- Discuss planned variations in the implementation of aquatic animal health legislation.
- Review preparedness for major disease outbreaks; identify actions as needed.
- Review requirements to meet third country recognition by trading partners.
- Review requirements for international recognised disease status post EU Exit: (i) review of eradication programmes, evidence requirements; (ii) identify process for future disease freedom declaration mechanisms (iii) requirements for maintaining disease freedom.
- Provide forum for updates on changes in disease situation, e.g. of emerging diseases.
- Discuss whether to implement aspects of the EU AHRs.
- Other aquatic health matters put forward by the AAH PG, as appropriate.

To support the discussions and possible decision making, the AAH PG will consult experts as appropriate. The development of positions / papers will be informed by scientific / legal / economist advice. Risks of options will be captured.

Principles of decision making:

- Consideration will be given first to the best options for disease control, then to any legal requirements, latitude and constraints and finally to the deliverability of the preferred strategy in the field, including sustainability of the operational response and where to prioritise if resources are limited.

Depending on the relevance of the questions discussed, the AAH PG will present papers to the APG (Animal policy group), which is attended by CVOs, DCVOs and other senior officials from the four UK nations.

The AAH PG will develop a position for a specific question reflecting the views of the four nations. Depending on the issue, this could be a paper for information or with the purpose of asking APG to evaluate the issue and offer a recommendation.

The AAH PG will meet four times per year; in addition, when so required, it is possible to schedule additional meetings or consider relevant issues through a written procedure.











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