

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION
WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND
NORTHERN IRELAND PROTOCOL**

6087/22, C(2022) 577 final

**COMMISSION DELEGATED REGULATION (EU) .../... OF 4.2.2022
SUPPLEMENTING REGULATION (EU) 2017/625 OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL AS REGARDS SPECIFIC RULES ON
OFFICIAL CONTROLS PERFORMED BY THE COMPETENT AUTHORITIES ON
ANIMALS, PRODUCTS OF ANIMAL ORIGIN AND GERMINAL PRODUCTS,
FOLLOW-UP ACTION TO BE TAKEN BY THE COMPETENT AUTHORITY IN CASE
OF NON-COMPLIANCE WITH IDENTIFICATION AND REGISTRATION RULES
FOR BOVINE, OVINE AND CAPRINE ANIMALS OR OF NON-COMPLIANCE
DURING TRANSIT THROUGH THE UNION OF CERTAIN BOVINE ANIMALS, AND
REPEALING COMMISSION REGULATION (EC) NO 494/98**

Submitted by the Department for Environment, Food and Rural Affairs

28 April 2022

SUBJECT MATTER

1. The purpose of the Regulation is to supplement Regulation (EU) 2017/625 regarding certain specific rules on official controls by competent authorities in the EU and Northern Ireland relating to animals, products of animal origin and germinal products to verify compliance with animal health requirements and where necessary certain actions taken by competent authorities following official controls in:
 - Certain establishments keeping animals
 - Certain establishments collecting, producing, processing, or storing germinal products
2. The Regulation lists the types of establishments that require approval from the competent authority. It requires that operators responsible for approved establishments continue to comply with approval requirements for those establishments.
3. The official controls should include animal health inspections that should be carried out with at least the minimum frequencies of check where the checks are set out in Commission Implementing Regulation [EU\) 2022/160 of 4 February 2022](#).

4. In addition, in relation to aquaculture establishments, Article 3(1) reaffirms that, in Northern Ireland and EU Member states, aquatic animal health professionals (AAHP) may undertake certain activities otherwise assigned to veterinarians, provided, that they are authorised to do so by Northern Ireland and/or the Member State concerned, under national law.
5. The Regulation also sets out the specific action taken by competent authorities in EU Member States and Northern Ireland following official controls in relation to bovine animals in transit.
6. The new controls which will apply are almost identical to the existing EU rules and GB retained law.

SCRUTINY HISTORY

7. The Parliamentary scrutiny history relevant to this Explanatory Memorandum is contained in Annex A.

MINISTERIAL RESPONSIBILITY

8. Responsibility lies with the Secretary of State for the Environment, Food and Rural Affairs.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

9. The Devolved Administrations (DAs) have been consulted. The Department of Agriculture, Environment and Rural Affairs in Northern Ireland (DAERA) have confirmed that they have nothing to add. Other DAs have not commented.
10. Any potential change to equivalent GB policy will be considered in accordance with the principles of the Animal Health and Welfare UK Common Framework.
11. At its core, the Common Framework approach – pursuant to the Devolution Memorandum of Understanding of September 2012 – commits UK Government 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.

LEGAL AND PROCEDURAL ISSUES

12.
 - i. **Legal Base**

This Delegated Regulation is to be adopted pursuant to Regulation (EU) 2017/625, and in particular Article 20(2), points (a) and (c).

ii. **Voting Procedure**

Commission adoption as a delegated act.

iii. **Timetable for adoption and implementation**

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

POLICY IMPLICATIONS

13. The new controls which will apply are almost identical to the existing EU rules and GB retained law. They do not impose additional identification or record keeping compliance checks/burdens on Northern Ireland livestock farms.

- **Official controls in certain approved establishments (Article 3)**

- **Confined establishments (Article 4)**

The Regulation outlines the specific controls that official veterinarians should perform on confined establishments in member States and Northern Ireland. Verification of records, results, and suspected diseases. In the case of suspected diseases what actions to take. These do not diverge from the existing requirements but give more definition.

- **Specific rules to verify compliances with requirements on Identification and registration of bovine, ovine and caprine animals and actions in the case of non-compliance (Article 5)**

Lays down detailed rules to verify compliance with the requirements on identification and registration allowing the inspections to take place in combination with official controls for other reasons.

- Article 5(3) provides risk analysis criteria for selecting farms to be inspected during official controls on identification and registration of cattle, and sheep & goats,

- Article 5(4)-(7) describes the minimum number of animals to be checked and follow up action in the case of non-compliance.

- **Follow up action in case of non-compliance during transit through the European Union and Northern Ireland of certain bovine animals**

It gives powers to the competent authority to slaughter the animals when non-compliant bovines are found during the movement between the border control

post of entry into the EU and NI and the border control post where the consignments leave the territory of the EU and NI.

CONSULTATION

14. This piece of legislation sets out the specific action to be taken by competent authorities in the EU and NI, so no consultation has been carried out in GB.

FINANCIAL IMPLICATIONS

15. None



**THE RT HON LORD BENYON
PARLIAMENTARY UNDER SECRETARY OF STATE (MINISTER FOR RURAL
AFFAIRS AND BIOSECURITY)
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS**

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:

COMMISSION DELEGATED REGULATION (EU) .../... OF 4.2.2022 SUPPLEMENTING REGULATION (EU) 2017/625 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS SPECIFIC RULES ON OFFICIAL CONTROLS PERFORMED BY THE COMPETENT AUTHORITIES ON ANIMALS, PRODUCTS OF ANIMAL ORIGIN AND GERMINAL PRODUCTS, FOLLOW-UP ACTION TO BE TAKEN BY THE COMPETENT AUTHORITY IN CASE OF NON-COMPLIANCE WITH IDENTIFICATION AND REGISTRATION RULES FOR BOVINE, OVINE AND CAPRINE ANIMALS OR OF NON-COMPLIANCE DURING TRANSIT THROUGH THE UNION OF CERTAIN BOVINE ANIMALS, AND REPEALING COMMISSION REGULATION (EC) NO 494/98

EM 11372/19: COMMISSION DELEGATED REGULATION (EU) .../... OF 28.6.2019 SUPPLEMENTING REGULATION (EU) 2016/429 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS RULES FOR ESTABLISHMENTS KEEPING TERRESTRIAL ANIMALS AND HATCHERIES, AND THE TRACEABILITY OF CERTAIN KEPT TERRESTRIAL ANIMALS AND HATCHING EGGS

DEFRA EM DATED 19/08/2019

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
NOT IMPORTANT CLEARED (AGENDA FOR REPORT NO 73; 04/09/2019)	CLEARED (ENERGY AND ENVIRONMENT) AT CHAIRMAN'S SIFT 1752 - 05/09/2019

EM 11664/18, C(2018) 4785 FINAL: COMMISSION DELEGATED REGULATION (EU) .../... OF 25.7.2018 AMENDING THE LIST OF DISEASES SET OUT IN ANNEX II TO REGULATION (EU) 2016/429 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON TRANSMISSIBLE ANIMAL DISEASES AND AMENDING AND REPEALING CERTAIN ACTS IN THE AREA OF ANIMAL HEALTH ('ANIMAL HEALTH LAW')

DEFRA EM DATED 20/09/2018

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS

NOT IMPORTANT CLEARED (REPORT NO 39, 17/19;10/10/2018)	CLEARED (ENERGY AND ENVIRONMENT) AT CHAIRMAN'S SIFT 1707 - 10/10/2018
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FSA EM 9464/13, COM (2013) 265 FINAL: DRAFT INSTRUMENT CONCERNING A PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON OFFICIAL CONTROLS AND OTHER OFFICIAL ACTIVITIES PERFORMED TO ENSURE THE APPLICATION OF FOOD AND FEED LAW, RULES ON ANIMAL HEALTH AND WELFARE, PLANT HEALTH, PLANT REPRODUCTIVE MATERIAL AND PLANT PROTECTION PRODUCTS

DATE EM SIGNED: 03/06/2013

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
REPORT NO: 09 DATED: 10/07/2013: RECOMMEND: LPINC	SIFT NO: 1508: DATED: 11/06/2013 FINAL CLEARED ON 14/11/2016
REPORT NO: 39 DATED: 24/03/2015: RECOMMEND: LPINC	
REPORT NO: 07: DATED: 28/10/2015: RECOMMEND: LPIC	

9468/13, COM(13)260:REGULATION 2016/429 OF THE EP AND COUNCIL WAS SUBJECT TO SCRUTINY AS A PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ANIMAL HEALTH

DATE EM SIGNED: 22/05/2013

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
THE COMMITTEE REPORTED ON THREE OCCASIONS THAT THE PROPOSAL RAISED ISSUES OF POLITICAL IMPORTANCE AND COMPLETED SCRUTINY ON 11 MARCH 2015 (REPORT 36, 14/15).	THE PROPOSAL WAS EXAMINED BY THE THEN SUB-COMMITTEE D AND SCRUTINY WAS COMPLETED ON 10 JANUARY 2015.