

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

12827/22

C(2022) 6702 final

**COMMISSION DELEGATED REGULATION (EU) .../... OF 23.9.2022 AMENDING
DELEGATED REGULATION (EU) 2020/688 SUPPLEMENTING REGULATION (EU)
2016/429 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AS
REGARDS ANIMAL HEALTH REQUIREMENTS FOR MOVEMENTS WITHIN THE
UNION OF CAPTIVE BIRDS INTENDED FOR EXHIBITIONS**

Submitted by the Department for Environment, Food and Rural Affairs

6 January 2023

SUBJECT MATTER

1. This legislation amends Delegated Regulation 2020/688 regarding the requirements for movements of captive birds intended for exhibitions. It applies to movements only within the EU Member States and Northern Ireland.

SCRUTINY HISTORY

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

MINISTERIAL RESPONSIBILITY

3. Responsibility lies with the Secretary of State for Environment, Food and Rural Affairs in England.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

4. Devolved Administrations have been consulted. No additional comments have been raised.
5. Defra has followed the Common Framework approach in involving the Devolved Administrations. Under the Framework approach – pursuant to the Devolution Memorandum of Understanding of September 2012 – the UK Government is committed to involving the Scottish Government, Welsh Government and Northern Ireland counterparts 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 all parts of the UK in non-devolved matters are properly represented and considered.

LEGAL AND PROCEDURAL ISSUES

6.

i. Legal Base

Adopted under Regulation (EU) 2016/429 in particular Articles 140(b) and 149(4).

ii. Voting Procedure

The Commission adopted the delegated act in accordance with the procedure set out in Article 264 of Regulation 2016/429, under which it can enter into force if no objection is expressed by the Council or Parliament within two months of notification, or if they indicate that they will not object.

iii. Timetable for adoption and implementation

This Regulation enters into force on the twentieth day following its publication in the Official Journal of the European Union.

POLICY IMPLICATIONS

7. The legislation does not introduce any new requirements for captive birds moving from GB to NI. It should not create any additional burdens for NI businesses, it now allows:
 - Competent authorities in the Member States of origin and Northern Ireland to issue certificates in establishments where captive birds are temporarily gathered (rather than from each establishment of origin) and kept before being dispatched to an exhibition in another member state of the EU or NI.
 - Extends the requirements for flight hunting exhibitions of birds of prey to all equivalent types of exhibitions and specifies the conditions relevant for movements to and from such events.
8. The legislation covers movements between EU Member States and NI, so should not affect movements from GB to NI. Birds moving from GB to NI should continue to meet requirements for imports from third countries into the EU and NI where they will be required to serve the normal quarantine period of (currently 30 days) before moving to an EU Member State. If NI wants to send captive birds imported from GB to an EU Member States, the captive birds will need to serve required quarantine period in NI.
9. GB is considered a third country to the EU, and under the NI Protocol, NI is required to adhere to EU controls. This regulation includes specific consideration of third

countries. Captive birds moving from GB-NI will also be subjected to the same EU controls as a third country importing birds into the EU. The UK recognises a possibility where captive birds may move to NI (from GB) and stay there for exhibitions etc., and not move onwards to the EU.

10. Discussions with the EU on the Northern Ireland Protocol are still ongoing, and this could impact how this divergence is implemented and managed going forward.

CONSULTATION

11. No consultation has taken place as this regulation applies only to movements between EU member States and Northern Ireland

FINANCIAL IMPLICATIONS

12. We are not aware of any financial implications for GB stakeholders.



**THE RT HON LORD BENYON
MINISTER FOR BIOSECURITY, MARINE AND RURAL AFFAIRS
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS**

ANNEX A

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:

COMMISSION DELEGATED REGULATION (EU) .../... OF 23.9.2022 AMENDING DELEGATED REGULATION (EU) 2020/688 SUPPLEMENTING REGULATION (EU) 2016/429 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AS REGARDS ANIMAL HEALTH REQUIREMENTS FOR MOVEMENTS WITHIN THE UNION OF CAPTIVE BIRDS INTENDED FOR EXHIBITIONS

15206/19: COMMISSION DELEGATED REGULATION (EU) 2020/688 OF 17.12.2019 SUPPLEMENTING REGULATION (EU) 2016/429 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AS REGARDS ANIMAL HEALTH REQUIREMENTS FOR MOVEMENTS WITHIN THE UNION OF TERRESTRIAL ANIMALS AND HATCHING EGGS

DATE EM SIGNED: 30/01/2020

SCRUTINY COMMITTEES' RECOMMENDATIONS:

| COMMONS | LORDS |
|---|--|
| CLEARED BY HOC LETTER DATED 10/02/2021 | NOT SIFTED FOR SCRUTINY (ENERGY AND ENVIRONMENT) AT CHAIR'S SIFT 1 04/02/2020 |