

EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND WINDSOR FRAMEWORK

C(2022) 7913 final +ANNEX

COMMISSION DELEGATED REGULATION (EU) 2023/119 OF 9.11.2022 AMENDING DELEGATED REGULATION (EU) 2020/692 SUPPLEMENTING REGULATION (EU) 2016/429 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS RULES FOR ENTRY INTO THE UNION, AND THE MOVEMENT AND HANDLING AFTER ENTRY OF CONSIGNMENTS OF CERTAIN ANIMALS, GERMINAL PRODUCTS AND PRODUCTS OF ANIMAL ORIGIN

Submitted by Department for Environment, Food and Food and Rural Affairs

20 April 2023

SUBJECT MATTER

1. Commission Delegated Regulation (EU) 2020/692 (the Regulation) supplements Regulation (EU) 2016/429 regarding the animal health rules for the entry into European Union and the movement and handling after entry of certain animals, germinal products and products of animal origin.
2. This Delegated Regulation amending 2020/692 and makes a number of corrections and clarifications to the Regulation in relation to:
 - Captive birds
 - Entry into the European Union (EU) of poultry
 - Entry of germinal products and germinal products from animals other than domestic porcine, bovine, ovine caprine, equine, poultry, and captive birds has been amended as follows
 - Identification of ungulates - other than equines
 - Meat products
 - Dairy products
 - Composite products
 - Live aquatic animals and aquatic animal products
 - Pet cats, dogs and ferrets
 - Equines

SCRUTINY HISTORY

3. There is no scrutiny history for Delegated Regulation 2020/692 as the EU Select Committee clerks waived the requirement for an EM on that Regulation. In 2021-

2022, there were several EMs submitted on delegated acts amending or supplementing EU Regulation 2016/429; these were EU documents C(2022)6702 & C(2021), 5121, 5168, 1784.

MINISTERIAL RESPONSIBILITY

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

INTEREST OF THE DEVOLVED ADMINISTRATIONS

5. Animal health is a devolved matter, under the UK's devolution settlements. The Devolved Administrations have been consulted.
6. The Welsh government responded but did not have any comments. No response has been received from the Scottish Government. DAERA had some questions on the identification of ungulates, and these have been reflected in the policy implications.

LEGAL AND PROCEDURAL ISSUES

7.

i. Legal Base

Adopted under Regulation (EU) 2016/429, in particular Articles 3(5), 234(2), 237(4) and 239(2).

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

The Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

POLICY IMPLICATIONS

8. The legislation introduces changes to requirements for export of various commodities to the EU and Northern Ireland. It means some Export Health Certificates (EHCs), where they are required, will need to be updated to reflect the changes. The EU will update their EHCs by amending [regulations 2021/403](#) or

[2020/2235](#) and will publish it in the Official Journal and TRACES (notification) system for third countries to use. Overall, changes to Regulation 2020/692 are welcomed by the UK as they facilitate certification or trade and address previous concerns raised by UKG with the European Commission.

9. These provisions will apply directly in NI when this regulation comes into force. However, in most cases they will not create any additional burdens or requirements on businesses in Northern Ireland or other stakeholders. Specifically:

Identification of Ungulates - other than equines

10. In the UK (all nations), historically, a two-letter country code, 'UK' has been printed on ear tags to identify livestock. In the EU, the ear tags of imported third country animals must display the two-letter ISO (International Organisation for Standardisation) country code to indicate their country of origin. It is standard practice for countries to cite a relevant ISO standard in their rules/legislation including, in this instance, where it has specified a country code, must be printed on livestock ear tags for the purpose of national and international trade. The ISO code for the United Kingdom of Great Britain and Northern Ireland is 'GB' and not 'UK'.
11. Arrangements have been in place since EU exit for livestock identified in England, or Scotland, or Wales and exported to the EU (or to NI) to have on their ear tags a country code which includes the ISO code 'GB' (or UK-GB).
12. The derogation provided for in this Regulation has amended Commission Delegated Regulation (EU) 2020/692 to allow third countries to request of the Commission that they be permitted to identify their livestock with a non-ISO country code.
13. It is possible that the derogation in this Regulation for third countries to be permitted to use a non-ISO country code on ear tags following agreement from the Commission, may or may not be of use to the UK in the context of movements to the EU or to NI. The UK Government will keep this under review in the light of any future changes to livestock tagging within the UK.

Captive Birds

14. The regulation amends the requirements for the identification of captive birds to provide flexibility in how identification can be carried out. It allows for the identification of birds in the country of origin which may not be the same as the country from which the birds were exported to the EU/NI provided that the bird is identified in the country of origin in the format of three-letters conforming with ISO standard.

15. The amendments make it clear that identification of birds can be done by means of a closed ring attached to at least one leg with a visible, legible and indelible display of alphanumeric code or an injectable transponder with a legible and indelible alphanumeric code. Previous Identification requirement was by a closed leg-ring or microchip, but it was not noted that it should be attached to one leg of the animals with a visible, legible and indelible display.

Entry into the Union of poultry:

16. The regulation updates the period required for a third country or territory to regain the status of freedom from highly pathogenic avian influenza from 90 days to 30 days and thus resuming trade, thereby aligning it with the rules following an outbreak in the EU and NI. The amended regulation also allows live poultry in a third country or territory to pass through a restricted zone on the way to the slaughterhouse. These are welcome changes.

Entry of germinal products from animals other than domestic porcine, bovine, ovine caprine, equine, poultry, and captive birds has been amended as follows:

17. The requirements for germinal products of certain animals intended for a confined establishment will not need to be dispatched from a confined establishment, as previously required, as long as certain conditions are met. This now means that individual Member States and Northern Ireland can either import from countries that are already authorised to do so or can determine the third countries and territories from which, specific species of germinal products may enter the EU or NI by carrying out their own risk assessments:
18. The definition of embryo collection teams now includes teams that collect and handle unfertilised oocytes. This change clarifies that embryo collection teams handle ova and embryos under the same approval.
19. The regulation provides a derogation from the general ban on vaccination of donor animals (such as Foot and Mouth Disease) to take into account specific cases where vaccination is allowed in line with the international standards of the World Organisation for Animal Health (WOAH) against specific diseases under certain requirements.

Meat products

20. The Regulation amends the rules for imports into the Union of meat products to require that the fresh meat used to manufacture the meat product comes from an establishment where no disease that affects the species of origin has been reported in the 30 days prior to the date of slaughter. Current rules require the disease freedom 30 days before dispatch, so this amendment provides an improved link to the disease status of the fresh meat. This change should not have a big impact on exporters in Great Britain provided that all the relevant information about the slaughter dates of the animals from which the fresh meat is derived is

available and there is a mechanism in place for the certifying veterinarian to check the disease situation in the 30 days prior to those dates.

Dairy products

21. The amendment widens the scope of products that are eligible for export to Northern Ireland and the European Union from Great Britain and other third countries by allowing dairy products to be produced from other dairy products (e.g., pasteurised milk) as well as from raw milk.

Composite products

22. The amendment will allow composite products exported to Northern Ireland and the European Union (from third countries including Great Britain) to be made with dairy products that originate in the European Union, thus facilitating trade in such composite products.

Live aquatic animals

23. The articles relating to live aquatic animals will not have any impact on movements between NI and GB in either direction. They are corrections or clarifications, except for Article 1.16, which allows for aquatic animal health professionals (AAHP) in third countries to carry out clinical inspections of live aquatic animals prior to their export to the EU. This change will not impact certification procedures for exports of live aquatic animals from GB to the EU or to NI.

Pet dogs, cats and ferrets

24. The main impact is that persons travelling with a dog, including an assistance dog, to certain EU countries that are tapeworm free (plus Norway) would need to arrange for a vet to treat their dog before entry against tapeworm within a more restricted time period (the requirement to treat dogs for tapeworm is currently in place). This is not a new requirement (though the change in time window for treatment is new). Tapeworm treatment is only required for entry into certain countries (those that are recognised as tapeworm free), currently Republic of Ireland, Malta, Norway and Finland. Dog owners would need to visit vets in GB between 24 and 48 hours before travel to those countries instead, of the 5-day timeframe which is currently in place.

25. Dogs based in GB would not require any treatment against tapeworm if travelling to Northern Ireland under the Windsor Framework.

Equines

26. The amended definition of “vector-protected establishment” will not result in any new policy implications.

CONSULTATION

27. These changes do not have additional burdens on NI businesses or stakeholders so extensive consultation is not needed.

FINANCIAL IMPLICATIONS

28. We are not aware of any financial implications for GB/NI stakeholders.

A handwritten signature in blue ink that reads "Richard Benyon." The signature is written in a cursive style with a period at the end.

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