

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

## C(2023)5929 FINAL + ANNEX: [COMMISSION DELEGATED REGULATION \(EU\) 2023/2515](#) AMENDING DELEGATED REGULATION (EU) 2020/688 AS REGARDS CERTAIN ANIMAL HEALTH REQUIREMENTS FOR MOVEMENTS WITHIN THE UNION OF TERRESTRIAL ANIMALS

Submitted by The Department for Environment, Food and Rural Affairs

23<sup>rd</sup> April 2024

### SUBJECT MATTER

1. The European Union's Animal Health Law (Regulation (EU) 2016/429) lays down rules on transmissible animal diseases and the animal health requirements for movements between EU Member States and, through the Windsor Framework, movements on the island of Ireland.
2. Commission Delegated Regulation (EU) 2020/688 supplements the rules for the prevention and control of animal diseases transmissible to animals laid down in EU Animal Health Law as regards movements within the Union of kept terrestrial animals, wild terrestrial animals and hatching eggs. It also aims to set out the rules on animal diseases in a single act. The various risk mitigation measures to prevent spread of listed diseases by movements within the Union of animals and the content of the rules is substantively inter-linked, and they are to apply to all operators moving kept or wild terrestrial animals. Specifically, this Regulation refines, amends and corrects certain provisions of Delegated Regulation 2020/688 relating to:
  - movements of sheep and goats intended for slaughter, where animals are slaughtered in a different Member State to where they were reared;
  - movement and certification requirements for horses and other equine animals;
  - the movement of captive birds to an exhibition in a different country;
  - movement and certification requirements for dogs, cats, and ferrets between EU Member States;
  - adding virus neutralisation to the list of bovine viral diarrhoea diagnostic methods, which allow movements of cattle within the European Union. This aligns with the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the World Organisation for Animal Health (WOAH);
  - new risk-mitigating measures for Epizootic Haemorrhagic Disease virus (EHD) due to the first ever outbreaks of EHD in several EU Member States. This again aligns with the WOAH international standards.

## **SCRUTINY HISTORY**

3. The Parliamentary scrutiny history relevant to this Explanatory Memorandum is contained in the attached Annex A.

## **MINISTERIAL RESPONSIBILITY**

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

## **INTEREST OF THE DEVOLVED ADMINISTRATIONS**

5. Devolved Administrations have been consulted - this regulation does not impact the Scottish or Welsh Governments.
6. The Department of Agriculture, Environment and Rural Affairs in Northern Ireland was consulted and they do not envisage any impact on the way in which the department currently operates.

## **LEGAL AND PROCEDURAL ISSUES**

7.

**i. Legal Base:**

Articles 131(1) points © and (d), 132(2), 140(b), Article 144(1) points (a) and (b), Article 146(1) and Article 149(4) of Regulation (EU) 2016/429.

**ii. Voting Procedure:**

The Delegated Regulation is adopted in line with the EU's Comitology procedures, as set out in Article 264 of Regulation (EU) 2016/429.

**iii. Timetable for adoption and implementation:**

The Regulation entered into force on 4 December 2023.

## **POLICY AND LEGAL IMPLICATIONS**

8. This new Regulation will not have any impact on movements of animals within Great Britain, or between Great Britain and Northern Ireland because this regulation does not apply to these movements. Animals exported from Great Britain to Northern Ireland follow different rules established through the EU Animal Health Law. Qualifying animals moved from Northern Ireland to Great Britain will continue to benefit from unfettered access.

9. Moreover, there will also be no impact to movements between Great Britain and the European Union. The Regulation will however apply to animals moving between Northern Ireland and the European Union.
10. There are no current plans for Great Britain to introduce equivalent measures to those laid down in this Regulation. However, the import conditions for ruminant animals into GB were already under review in the light of recent EU Bluetongue and EHD outbreaks and are likely to contain similar provisions for EU to GB movements.
11. With regards to the EHD virus, a disease that is emerging and spreading on mainland Europe, this regulatory change increases controls for movements of ruminants between Member States, and into Northern Ireland. Animals susceptible to EHD and moved from one Member State to another must now be slaughtered within 24 hrs instead of 72 hrs following arrival at the destination slaughterhouse. To note that such animals, when moved from NI to GB, were already under a requirement to be slaughtered within 24 hrs. Animals moved other than for slaughter between MSs or to Northern Ireland, must comply with the specified disease mitigation measures.
12. Currently GB does not permit imports from EHD affected countries in the EU, unless there are specific mitigations. Our import certificates and conditions are separately under review.
13. There continues to be a possibility whereby animals could be moved purposefully into Northern Ireland under intra-EU trade rules to then be moved into GB, the latter subject to the licence for such movements as it is not possible to import them directly from the EU into GB. However, such movements are low risk due to the risk mitigations introduced by Commission Regulation (EU) 2023/2515 before entry to NI. Additionally, as has always been the case, ruminant animals intended for breeding or production must be resident in NI for a minimum period of 30 days before they can move to GB. This is a pre-Brexit requirement and therefore not in violation of the Government's commitment to unfettered access, as per the United Kingdom Internal Market Act 2020, which precludes introducing or exercising for the first time new checks, controls or administrative processes on qualifying NI goods as they move from NI to GB.

## **CONSULTATION**

14. No consultation has been held on this specific regulation, however, Defra and DAERA engage with the farming sector on a regular basis regarding disease control, including any implications for the movement of animals within the United Kingdom.

## **FINANCIAL IMPLICATIONS**

15. This Regulation is unlikely to impose any additional financial burdens on traders.

A handwritten signature in blue ink, appearing to read 'K. Douglas-Miller', with a long horizontal stroke extending to the right.

**LORD DOUGLAS-MILLER  
PARLIAMENTARY UNDER SECRETARY OF STATE (MINISTER FOR  
BIOSECURITY, ANIMAL HEALTH & WELFARE)  
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS**

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO :

**COMMISSION DELEGATED REGULATION (EU) 2023/2515 AMENDING DELEGATED REGULATION (EU) 2020/688 AS REGARDS CERTAIN ANIMAL HEALTH REQUIREMENTS FOR MOVEMENTS WITHIN THE UNION OF TERRESTRIAL ANIMALS**

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**15206/19+ ADD 1: COMMISSION DELEGATED REGULATION (EU) .../... 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**

**DEFRA SUBMITTED AN EM DATED 30 JANUARY 2020**

**SCRUTINY COMMITTEES' RECOMMENDATIONS:**

<b>COMMONS</b>	<b>LORDS</b>
CLEARED BY HOC LETTER DATED 10/2/2021	THE REGULATION COMPLETED SCRUTINY AT THE LORDS EUROPEAN AFFAIRS COMMITTEE'S CHAIR'S SIFT 1 ON 4 FEBRUARY 2020.