

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

**C(2026)1412 FINAL**

**COMMISSION DELEGATED REGULATION (EU) .../... AMENDING AND  
CORRECTING DELEGATED REGULATION (EU) 2023/361 SUPPLEMENTING  
REGULATION (EU) 2016/429 OF THE EUROPEAN PARLIAMENT AND THE  
COUNCIL AS REGARDS RULES FOR THE USE OF CERTAIN VETERINARY  
MEDICINAL PRODUCTS FOR THE PURPOSE OF PREVENTION AND CONTROL  
OF CERTAIN LISTED DISEASES**

Submitted by the Department of Environment, Food and Rural Affairs 17 June 2026

**SUBJECT MATTER**

1. This Regulation amends and corrects Delegated Regulation (EU) 2023/361 supplementing Regulation (EU) 2016/429 (Animal Health Law) of the European Parliament and the Council on the use of certain veterinary medicinal products for the purpose of prevention and control of certain listed diseases.

2. In general terms, the delegated act:

- Updates rules on the use of immunological veterinary medicinal products for the prevention and control of Category A listed animal diseases (high risk diseases not normally present in the EU).
- Incorporates new scientific knowledge and implementation experience into the existing framework.
- Offers new possibilities in and improves clarity, consistency and effectiveness of immunological veterinary medicinal products and associated disease-control measures.

3. Specifically, the delegated act:

- Clarifies and revises conditions under which derogations may be granted for movements of animals and products during disease-control operations, aligning with Delegated Regulation (EU) 2020/687.
- Establishes fixed conditions for the sizes of High Pathogenicity Avian Influenza (HPAI) emergency preventative vaccination and peri-vaccination zones (3km from affected establishment and 7km from vaccination zone respectively).

- Broadens the applicability of criteria enabling derogations from prohibitions of movements for Foot and Mouth Disease (FMD) and Lumpy Skin Disease (LSD).
- Standardises the LSD recovery period to 8 months after the last protective vaccination is applied for LSD or disinfection of the last affected establishment (whichever is latest).
- The amendment is more explicit about the type of Peste des Petits Ruminants (PPR) surveillance required. Instead of clinical and lab (virological and serological surveillance) it now specifies: Clinical and laboratory surveillance (pathogen identification and antibody detection), in accordance with Article 9(1), point (c)(ii) to (iv)
- Amends surveillance framework for preventive HPAI vaccination of flocks, requiring continuous passive surveillance based on clinical signs combined with mandatory active veterinary inspections at least every 30 days, systematic testing of up to 15 dead birds per flock within 48 hours, risk-based sampling outside high-risk periods, defined minimum sampling frequencies or statistically valid alternatives.
- Makes technical corrections to Annexes XI and XIV to ensure consistency in terminology and application.
- Adds new annexes (XV–XVIII) setting out detailed rules on emergency protective vaccination, surveillance, movement restrictions and waiting periods for diseases including Classical Swine Fever, African Swine Fever (kept and wild porcine animals) and sheep and goat pox.

## **SCRUTINY HISTORY**

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

## **MINISTERIAL RESPONSIBILITY**

5. The Secretary of State for Environment, Food and Rural Affairs is responsible for animal health policy in England.

## **INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)**

6. Animal health policy is a devolved matter. The Devolved Administrations are responsible for animal health policy in Scotland, Wales and Northern Ireland (NI).
7. The Devolved Administrations have been consulted in the preparation of this Explanatory Memorandum. No substantive comments were returned.

## **LEGAL AND PROCEDURAL ISSUES**

8.
  - i. **Application under the Windsor Framework:** This regulation amends Regulation (EU) 2016/429 (Animal Health Law) listed in Annex 2 of the Windsor Framework and therefore applies directly in NI under Article 13(3).
  - ii. **EU Legal Base:** This Delegated Regulation is to be adopted pursuant to Regulation (EU) 2016/429, and in particular Article 47(1) thereof.
  - iii. **Voting Procedure:** As a Delegated Act this Regulation is not subject to a voting procedure. Before adopting a delegated act, the Commission must consult experts designated by each Member State. As soon as it adopts a delegated act, the Commission is required to notify it simultaneously to the European Parliament and to the Council.
  - iv. **Timetable for adoption and implementation:** The regulation was published on 13.5.2026 and comes into force 20 days after the date of its publication, pursuant to Article 3.

## **POLICY AND LEGAL IMPLICATIONS**

9. As the EU's Animal Health Law is directly applicable in NI by virtue of the Windsor Framework, there is already divergence between NI's and Great Britain's legislation relating to the prevention and control of listed diseases. This delegated act will have no direct impact on the movement of goods between Great Britain and NI as it relates to animal disease prevention and control measures.
10. The amendments are primarily technical and operational, updating existing rules on vaccination strategies and surveillance for Category A diseases, particularly highly pathogenic avian influenza (HPAI). They are not expected to fundamentally change existing UK wide disease control approaches.
11. Looking ahead, the UK and EU are negotiating a Sanitary and Phytosanitary (SPS) Agreement, which aims to establish a common SPS area.
12. As part of the SPS agreement, Great Britain expect to dynamically align with EU legislation in scope of the agreement. As such, the AHL and its implementing and delegated Acts, including measures laid down in Regulation 2023/361, would apply directly in GB.

## **CONSULTATION**

13. The Government has not consulted external stakeholders, other than the devolved administrations, about the delegated act and has no plans to do so.

## **FINANCIAL IMPLICATIONS**

14. This regulation is unlikely to impose any additional financial burdens on traders as it is not expected to add significant costs to the movement of these goods.

A handwritten signature in cursive script, reading "Suet Hayman".

**BARONESS HAYMAN OF ULLOCK  
PARLIAMENTARY UNDER- SECRETARY OF STATE  
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS**

**PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:**

**COMMISSION DELEGATED REGULATION (EU) .../... AMENDING AND CORRECTING DELEGATED REGULATION (EU) 2023/361 SUPPLEMENTING REGULATION (EU) 2016/429 OF THE EUROPEAN PARLIAMENT AND THE COUNCIL AS REGARDS RULES FOR THE USE OF CERTAIN VETERINARY MEDICINAL PRODUCTS FOR THE PURPOSE OF PREVENTION AND CONTROL OF CERTAIN LISTED DISEASES**

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**C(2022)8457 FINAL + ANNEXES 1-4: COMMISSION DELEGATED REGULATION (EU) .../... OF 28.11.2022 SUPPLEMENTING REGULATION (EU) 2016/429 OF THE EUROPEAN PARLIAMENT AND THE COUNCIL AS REGARDS RULES FOR THE USE OF CERTAIN VETERINARY MEDICINAL PRODUCTS FOR THE PURPOSE OF PREVENTION AND CONTROL OF CERTAIN LISTED DISEASES**

**DATE DEFRA EM SIGNED: 14/02/2023**

**SCRUTINY COMMITTEES' RECOMMENDATIONS:**

<b>COMMONS</b>	<b>LORDS</b>
<b>CLEARED FROM SCRUTINY (OUTCOME AGENDA 36, 21/6/23)</b>	<b>DRAWN TO THE ATTENTION OF THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 31; 24/2/23)</b>