Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No.

AGRICULTURE
ANIMALS
FOOD

The Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022

Made - - - -	***
Coming into force - -	***

The Secretary of State, in exercise of the powers conferred by section 8(1) and (6) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**1**), makes the following Regulations.

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Import of Animals and Animal Products and Approved Countries (Amendment) Regulations 2022.

(2) These Regulations come into force on the day after the day on which they are made.

(3) An amendment made by these Regulations has the same extent as the provision being amended.

Amendment of Regulation (EC) No. 999/2001

2.—(1) Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(**2**) is amended as follows.

(**1**) 2008 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1). Paragraph 21 of Schedule 7 was amended by paragraph 53 of Schedule 5 to that Act. Paragraph 38 of Schedule 7 is cited because it allows the combination of instruments subject to different Parliamentary procedures.

(**2**) EUR 2001/999; amended by S.I. 2019/170, S.I. 2019/588.

(2) In Article 5 (BSE classification)—

(a) in paragraph 6, for "inclusion in the list of countries or regions approved" substitute "approval";

(b) in paragraph 7—

(i) omit "to change";

(ii) omit "from a date specified in the decision".

(c) after paragraph 7 insert—

"**7A.** A decision under paragraph 7 must include the date from which the BSE classification for the country or region is to apply.

7B. A decision under paragraph 7 must be set out in a document published by the Secretary of State for the purposes of this Article.".

(3) In Annex 9 (importation)—

(a) in Chapter B—

(i) in Section A, in point (a), for "Commission Decision 2007/453/EC" substitute "this Regulation";

(ii) in Section B, in point (a), for "Decision 2007/453/EC" substitute "this Regulation";

(iii) in Section C, in point (a), for "Decision 2007/453/EC" substitute "this Regulation";

(b) in Chapter C—

(i) in Section B, in points (a), (d), (e), (f), (g) and (h), for "Decision 2007/453/EC" substitute "this Regulation";

(ii) in Section C, in paragraphs 1(a) and 5(a), for "Decision 2007/453/EC" substitute "this Regulation";

(iii) in Section D, in paragraph 5(a), for "Decision 2007/453/EC" substitute "this Regulation";

(c) in Chapter D in Section B, in paragraphs 1(a)(ii) and (iii), 1(b), and 2(a) and (b), for "Decision 2007/453/EC" substitute "this Regulation".

Amendment of Commission Regulation (EC) No. 798/2008

3.—(1) Commission Regulation (EC) No. 798/2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements(**3**) is amended as follows.

(2) In Article 1 (subject matter and scope), in paragraph 1, in the words after point (b), for ", territories, zones or compartments" substitute "and makes provision for the specification for the purposes of this Regulation by the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), of territories, zones and compartments".

(3) In Article 2 (definitions), at the end insert—

"(23) "additional guarantees", except in Annex 3, means the guarantees set out in the list headed "Additional guarantees (AG)" in Part 2 of Annex 1.".

(4) After Article 2, at the end of Chapter 1, insert—

"Article 2a

(**3**) EUR 2008/798, amended by S.I. 2020/1462, S.I. 2021/211 and 2021/1454.

Code of third country, territory, zone or compartment

The Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify in a document published for the purposes of this Article a system of words, letters or numbers representing, for the purposes of a veterinary certificate under this Regulation, a third country or a territory, zone or compartment of a third country.".

(5) In Article 3 (lists of third countries, territories, zones or compartments of origin from which commodities may be imported into and transit through Great Britain)—

(a) in the heading, omit "Lists of";

(b) for "the third countries, territories, zones or compartments" substitute "such of the third countries";

(c) for "columns 1 and 3" substitute "column 1";

(d) after "Annex 1", insert "or a territory, zone or compartment of those third countries as the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify in a document published for the purposes of this Article".

(6) After Article 4 insert—

"Article 4a

Publication of closing dates and opening dates

1. The Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify in a document published for the purposes of this Article a closing date or an opening date in relation to a third country listed in Annex 1 or a territory, zone or compartment of any such third country.

2. Commodities produced on or before a closing date, including those transported on the high seas, may not be imported into Great Britain from the third country, territory, zone or compartment to which the closing date relates after 90 days from that date.

3. Where an opening date has been specified in relation to a third country, territory zone or compartment under paragraph 1, only commodities produced after that opening date may be imported into Great Britain from that country, territory, zone or compartment.".

(7) In Article 5 (conditions for import and transit)—

(a) in paragraph 1—

(i) for point (b), substitute—

"(b) any additional guarantees that the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may require from time to time;";

(ii) in point (c)—

(aa) for "the specific conditions set out in column 6", substitute "such of the conditions set out in the list headed "Specific conditions" in Part 2 of Annex 1 as the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify in a document published for the purposes of this Article";

(bb) for "the closing dates set out in column 6A" substitute "such closing dates as the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify under Article 4a";

(cc) for "the opening dates set out in column 6B" substitute "such opening dates as the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify under Article 4a";

(dd) omit ", of the table in Part 1 of Annex 1";

(iii) in point (d)—

(aa) for "the conditions" substitute "subject to paragraph 3, such conditions";

(bb) for "which shall only apply when indicated in the appropriate column of the table in Part 1 of Annex 1" substitute "such as the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), may specify in a document published for the purposes of this Article";

(b) after paragraph 1 insert—

"**1A.** Where the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), requires an additional guarantee under paragraph 1(b), the Secretary of State must specify the additional guarantee in a document published for the purposes of this Article.";

(c) in paragraph 2(b), at the end, insert "to the final consumer or to local retail establishments directly supplying the primary products to the final consumer, and which are certified in accordance with model veterinary certificate LT20";

(d) after paragraph 2 insert—

"**3.** In this Article, "salmonella control programme" is to be construed in accordance with the table headed "Salmonella control programme" in Part 2 of Annex 1.".

(8) In Article 10 (avian influenza surveillance programmes), in point (a), for "in column 7 of the table in Part 1 of Annex 1" substitute "by the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), in a document published for the purposes of this Article".

(9) In Article 11 (vaccination against avian influenza), in point (a), for "in column 8 of the table in Part 1 of Annex 1" substitute "by the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), in a document published for the purposes of this Article".

(10) After Article 18a but within Chapter 6 insert—

"Article 18b

Matters relating to the exercise of powers under this Regulation

1. The powers exercisable by the Secretary of State, with the consent of the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), under the provisions listed in paragraph 2 may be exercised only where it is necessary or appropriate to do so in the light of an assessment of the risk to animal or public health in the United Kingdom, taking into account the criteria and matters specified in paragraph 3.

2. The provisions are—

(a) Article 3 (specification of third country or part thereof from which certain poultry and poultry products may be imported into Great Britain);

(b) Article 4a (power to specify an opening and closing date);

(c) in Article 5—

(i) paragraph 1(b) (requirement of additional guarantees);

(ii) paragraph 1(c) (specification of specific conditions);

(iii) paragraph 1(d) (specification of conditions relating to salmonella control);

(d) Article 10(a) (avian influenza control programme);

(e) Article 11(a) (vaccination against avian influenza).

3. Any assessment in respect of live poultry, hatching eggs (including specified pathogen free eggs), day-old chicks and poultry products which is relied upon for the purposes of paragraph 1 must have been approved by the Secretary of State, the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales), taking into account the animal health criteria, the public health criteria and the following matters—

(a) the assurances which the third country can give with regard to compliance with poultry health requirements in the third country;

(b) the degree of compliance with regulatory requirements in the United Kingdom relating to growth hormones and veterinary medicines.

4. Any assessment which is relied upon for the purposes of paragraph 1 must be appropriate to the circumstances and must have been approved by the Secretary of State, the Scottish Ministers (in relation to Scotland) and the Welsh Ministers (in relation to Wales).

5. Where the Scottish Ministers or the Welsh Ministers request that the Secretary of State exercise a power under a provision listed in paragraph 2 the Secretary of State must have regard to that request.

6. In this Article—

"animal health criteria" means the criteria set out in Schedule 1 to the Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019(**4**);

"public health criteria" means the criteria set out in Schedule 2 to those Regulations.".

(11) In Annex 1—

(a) in the heading to Part 1, omit ", territories, zones or compartments";

(b) in the table in Part 1 (list of third countries, territories, zones or compartments)—

(i) omit column 2 (code of third country, territory, zone or compartment);

(ii) omit column 3 (description of third country, territory, zone or compartment);

(iii) in column 4—

(aa) in the eighth row relating to "IL – Israel", omit "POU";

(bb) in the second row relating to "IS – Iceland", omit "EP, E";

(cc) in the first row relating to "UA – Ukraine", after "EP, E" insert "WGM, POU, RAT";

(dd) omit all the other rows relating to "UA – Ukraine";

(ee) in the first row relating to "US – United States", after "SPF" insert "EP, E, WGM, POU, RAT, BPP, BPR, DOC, DOR, HEP, HER, SRP, SRA, LT20";

(ff) omit all the other entries relating to "US – United States";

(iv) omit column 5 (Veterinary certificate – Additional Guarantees) (but not the heading "Veterinary certificate" to columns 4 and 5);

(**4**) S.I. 2019/1225; amended by S.I. 2020/1462.