EXPLANATORY MEMORANDUM TO

THE AFRICAN SWINE FEVER (IMPORT CONTROLS) (ENGLAND AND SCOTLAND) ORDER 2022

2022 No. 926

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs ("Defra") and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument introduces restrictions on the import of certain pork products to Great Britain from European Union Member States, European Free Trade Association States, Greenland and Faroe Islands for the purpose of preventing the incursion of African Swine Fever into Great Britain. These restrictions prohibit imports of certain pork products unless they have been produced to relevant EU commercial standards or are for personal consumption or use and under 2kg in weight. These measures are necessary to protect the domestic pig herd in the United Kingdom from the risk of African Swine Fever.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England, Scotland and Wales.

4.2 The territorial application of this instrument is England and Scotland.

5. European Convention on Human Rights

5.1 As the instrument is not subject to parliamentary procedure, no statement is required.

6. Legislative Context

6.1 Article 12A of Commission Delegated Regulation (EU) 2019/2122 suspends certain restrictions on goods moving into Great Britain for personal consumption or use from countries subject to transitional staging arrangements during the transitional staging period under Annex 6 to Regulation (EU) 2017/625.

6.2 Prior to this instrument coming into force, there were limited restrictions on personal imports of pork and pork products from the European Union single market area, which meant that certain products were being introduced without restriction and presenting a risk in respect of movements from regions affected by African Swine Fever.

6.3 This instrument introduces restrictions on imports of certain pork products from relevant EEA and associated countries, by requiring that they are produced to EU commercial standards, with an exemption for products under 2kg in weight for

personal consumption or use. This means it is no longer possible to import large quantities of high-risk home-slaughtered or wild pork and pork products.

7. Policy background

What is being done and why?

7.1 This instrument restricts imports of certain pork products from EU Member States, European Free Trade Association States, Greenland and Faroe Islands to mitigate against the risk of incursion of African Swine Fever into the Great Britain. These restrictions prohibit certain pork products being imported to Great Britain from the European Union single market area unless they have been produced to relevant European Union commercial standards, with an exemption for imports under 2kg and for personal consumption.

7.2 These measures are necessary in order to protect the domestic pig herd in Great Britain from the risk arising from people importing non-commercial and unregulated pork products into Great Britain from the European Union single market area.

7.3 African Swine Fever is a significant animal health risk and is moving across Europe towards the United Kingdom. A recent risk assessment carried out by Animal and Plant Health Agency has highlighted that non-commercial imports of pork and pork products, such as from home slaughtered pigs or wild caught boar, are the highest risk route of entry of African Swine Fever into Great Britain. Imports of pork and pork products that meet European Union commercial production standards remain low risk.

Explanations

What did any law do before the changes to be made by this instrument?

7.4 Article 12A of Commission Delegated Regulation (EU) 2019/2122 suspends certain restrictions on goods moving into Great Britain for personal consumption or use in from countries subject to transitional staging arrangements during the transitional staging period under Annex 6 to Regulation (EU) 2017/625.

7.5 Prior to this instrument coming into force, there were limited restrictions on personal imports of pork and pork products from the European Union single market area, which meant that certain products were being introduced without restriction and presenting a risk in respect of movements from regions affected by African Swine Fever.

Why is it being changed?

7.6 A recent risk assessment carried out by Animal and Plant Health Agency has highlighted that non-commercial imports of pork and pork products are the highest risk route of entry of African Swine Fever into Great Britain, and that existing import controls are not adequate to decrease this risk. Additional measures are therefore required to mitigate against the risk of African Swine Fever incursion into Great Britain in order to protect animal health, and potentially prevent an African Swine Fever outbreak.

What will it now do?

7.7 This instrument introduces restrictions on imports of certain pork products by requiring that they are produced to EU commercial standards, with an exemption for products under 2kg in weight for personal consumption or use.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 There are no current plans for consolidation.

10. Consultation outcome

10.1 No formal public consultation has been carried out in relation to this instrument. The Scottish Government and the Welsh Government have been consulted and are in agreement that these measures are necessary to protect animal health in Great Britain. The Scottish Government has agreed to the restrictions in this instrument in relation to its application in Scotland, and a separate instrument will be introduced in Wales.

11. Guidance

11.1 No guidance has been produced to accompany this instrument.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because no, or no significant, impact on the private, voluntary or public sector is foreseen.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is through the course of normal departmental business.

14.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 the Parliamentary Under Secretary of State (Minister for Rural Affairs and Biosecurity) at the Department for Environment, Food and Rural Affairs, Lord Benyon, has made the following statement:

"In my view the provisions of the African Swine Fever (Import Controls) (England and Scotland) Order 2022 have no net impact on business".

15. Contact

15.1 Anthony Laing at the Department for Environment, Food and Rural Affairs Telephone: 02080269250 or email: anthony.laing@defra.gov.uk can be contacted with any queries regarding the instrument.

15.2 Peter Jinks, Deputy Director for Sanitary and Phytosanitary (SPS) and Imports, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

15.3 Lord Benyon at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.