EXPLANATORY MEMORANDUM

Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations (Northern Ireland) 2013

S.R. 2013 No. 122

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development ('the Department') to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under section 2(2) and paragraph 1A of Schedule 2 of the European Communities Act 1972 and Articles 15(1)(a),(b) and (f), 15(3), 16(1) and (2), 25(1) and 47(2) of, and paragraph 7 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991 (as amended) and is subject to the negative resolution procedure.

1.3 The Rule complies with the 21 day rule and will come into operation on 31 May 2013.

2. Purpose

2.1 The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations (Northern Ireland) 2013 ('the Regulations') make administrative amendments to existing legislation to implement EU Regulations 470/2009 and 37/2010, which have the effect of repealing and replacing EU Regulation 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin.

3. Background

3.1 Regulation 470/2009 of the European Parliament and Council replaced Council Regulation 2377/90 which established procedures for setting Maximum Residue Limits (MRLs) for veterinary medicinal products (vmps) in foodstuffs of animal origin. In the years following the introduction of Regulation 2377/90 it became apparent that the approval procedures were too stringent for companies to seek authorisations for some products, particularly for minor species, and these were removed from the market.

3.2 In a bid to increase the availability of vmps, Regulation 470/2009 introduced a number of new measures to try and increase the number of substances with MRLs without reducing consumer safety. These include, for example, the EU adopting Codex MRLs as EU MRLs where the EU agrees the science, and allowing bodies other than pharmaceutical companies to put forward applications for substances to be assessed for MRLs. The Regulation also attempts to address problems in enforcing controls on food of animal origin imported from third countries that contain residues of substances that are not authorised in the European Union, and which therefore should not be present in imports, through Reference Points for Action.

3.3 The current national legislation needs to be updated to change a number of restrictions and prohibitions containing references to the revoked European Regulation 2377/90 and its Annexes to maintain our ability to enforce the controls effectively. The amendment will also introduce references to Commission Regulation 37/2010, which sets out a very helpful alphabetical list of substance MRLs and replaces the rather confusing categorisation system previously contained in Regulation 2377/90.

4. Consultation

4.1 A 12 week public consultation was carried out in respect of these Regulations from 5 July to 27 September. Responses were received from the British Veterinary Association and Disability Action and neither had any substantive comments on the proposals.

5 Equality Impact

5.1 In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. The Department considers that the Regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

6.1 As the proposed Regulations only make administrative amendments to the principal Regulations, it is considered there is no impact on business. Therefore, a Regulatory Impact Assessment has not been completed.

7. Financial Implications

7.1 The are no financial implications associated with the introduction of these Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Regulations do not have any human rights implications, nor are they incompatible with EU law. The Rule is therefore deemed to comply with the requirements of Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 The Regulations implement EU Regulations 470/2009 and 37/2010.

10. Parity or Replicatory Measure

10.1 The Northern Ireland Regulations replicate the GB Regulations.

11. Additional Information

11.1 Not applicable.