EXPLANATORY MEMORANDUM TO

THE WINDSOR FRAMEWORK (NON-COMMERCIAL MOVEMENT OF PET ANIMALS) REGULATIONS 2024

2024 No. [XXXX]

1. Introduction

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

2. Declaration

2.1 Baroness Hayman of Ullock, Parliamentary Under-Secretary of State at the Department for Environment, Food and Rural Affairs, confirms that this Explanatory Memorandum meets the required standard.

2.2 Michael Tant, Deputy Director for Service Design and Delivery, Northern Ireland Directorate, at the Department for Environment, Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Lisa Mills at the Department for Environment, Food and Rural Affairs. Telephone: 020 7714 2423 or email: lisa.mills@defra.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument provides a legislative basis for the Northern Ireland Pet Travel Scheme. This was agreed as part of the Windsor Framework announced by the United Kingdom ("UK") government and the European Union ("EU") on 27 February 2023.

4.2 The Northern Ireland Pet Travel Scheme allows the smooth and straightforward movement of pet dogs (including assistance dogs), cats and ferrets from Great Britain ("GB") to Northern Ireland ("NI"), while ensuring that any pet movements into Ireland or other EU Member States are subject to relevant EU law requirements.

4.3 The scheme recognises the high biosecurity standards and the disease-free status of the UK with regard to rabies and tapeworm, meaning these pets no longer have to undergo costly treatments before travel. It also allows pet owners from GB to use a single, lifelong pet travel document, which confirms that a pet is microchipped and will not move into the EU. NI pet owners will not face any requirements beyond the need for a microchip.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 The original Northern Ireland Protocol required that all pets travelling from GB to NI were subject to the requirements for 'third countries' under Regulation (EU) 576/2013.

5.2 These requirements would have meant significant administrative and financial burdens, particularly for those persons who travel frequently with their pets or who rely on the services of an assistance dog to travel independently. Those same burdens would have impacted movements of pets for other reasons, such as young assistance dogs being moved to NI for training or the movement of police or military working dogs from GB to NI.

5.3 The Windsor Framework made fundamental changes to the old Northern Ireland Protocol. These changes include a new, sustainable and durable framework for pet movements.

5.4 Specifically, the Northern Ireland Pet Travel Scheme enables owners of GB-based pets to travel to and from NI with their pet animal without the need for pet health treatments or the complex single-use EU pet travel certificates. There are no requirements (beyond the need for the pet to be microchipped) on NI pet owners when they travel with their pets from GB to NI

What was the previous policy, how is this different?

5.5 Under Regulation (EU) 576/2013, all pets travelling from GB to NI must be microchipped (or have a legible tattoo applied before 3 July 2011), be vaccinated against rabies (with a 21-day wait following a primary vaccination), dogs must be treated against tapeworm and every pet must be presented at a specific entry point in NI (a Traveller's Point of Entry) for mandatory compliance checks.

5.6 In addition, all pets are required to be accompanied by an EU Animal Health Certificate. EU Animal Health Certificates can only be issued by specially trained 'official veterinarians'. A new certificate is needed for every journey. These treatments and certificates are subject to veterinary fees for pet owners and assistance dog users.

5.7 This instrument sets out the terms for GB-based pets to instead be able to move via the Northern Ireland Pet Travel Scheme. It confirms that pets must be microchipped. This is already a legal requirement for domestic ownership of pet dogs in GB by virtue of The Microchipping of Dogs (England) Regulations 2015, The Microchipping of Dogs (Scotland) Regulations 2016 and The Microchipping of Dogs (Wales) Regulations 2015 and a requirement of cat ownership in England by virtue of The Microchipping of Cats and Dogs (England) Regulations 2023. Dog microchipping is also a requirement for pet owners to obtain a dog licence under The Dogs (Licensing and Identification) Regulations (Northern Ireland) 2012.

5.8 The instrument sets out that pet owners of GB-based pets will be able to move their pets by acquiring a pet travel document which is valid for the lifetime of the pet animal. In order to receive a document, as well as confirming the relevant pet details, a pet owner will need to confirm that the pet will not be subsequently moved into the EU (where, under Regulation (EU)576/2013 as above, different requirements apply).

That confirmation (or declaration, as it is referred to in Regulation (EU) 2023/1231 or "the SPS Regulation"), is part of the pet travel document. No requirements beyond the need for a microchip will be placed on NI pet owners (as set out in the SPS Regulation), who will be able to travel to and from GB without the need for a pet travel document or any other process.

5.9 The instrument allows the relevant competent authority to request certain information from commercially owned pet microchip database operators to operate the scheme. This includes a pet's microchip record and specific information relating to the details contained in the pet travel document, including certain pet owner and pet details (such as the pet owner address, pet microchip number and the pet's breed and colour). If a request from the competent authority is not met by a pet microchip database operator (such as refusal to provide information), then penalties can be imposed on commercially owned pet microchip database operators, so as to ensure the effective operation of the scheme.

5.10 It also provides for the ability of the competent authority to carry out relevant checks on GB-based pets. In the event of non-compliance with the scheme, the instrument enables competent authorities to require pet owners to present their animal at a relevant sanitary and phytosanitary ("SPS") inspection facility in NI. Non-compliance may also lead to suspension from the scheme – recognising the importance of tackling disease and smuggling risks.

5.11 Pets based in NI can travel to, and return from, GB without needing any pet travel documentation and will not be subject to any checks. Movements to Ireland and the rest of the EU will continue to be on the basis of EU law requirements.

5.12 The Northern Ireland Pet Travel Scheme does not apply to those persons not resident in the UK, for example, those whose journey originates outside of the UK that are travelling to NI via GB or those that are intending onward travel to the EU. The Northern Ireland Pet Travel Scheme also does not apply to the movement of dogs, cats and ferrets for commercial reasons, including where there is a change in ownership or sale. In those cases, the full EU third country requirements apply.

6. Legislative and Legal Context

How has the law changed?

6.1 When the old Northern Ireland Protocol was introduced, the non-commercial movement of pets moving from GB to NI became subject to full EU third country requirements on 1 January 2021 following the end of the Transition Period. These requirements are established by Regulation (EU) 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals.

6.2 In order to implement the Windsor Framework, the EU has adopted Regulation (EU) 2023/1231 of the European Parliament and of the Council ("the SPS Regulation"). This incorporates the arrangements agreed between the UK and the EU on the non-commercial movement of pet animals from GB to NI.

Why was this approach taken to change the law?

6.3 This instrument has been introduced in order to implement the pet-related aspects of the Windsor Framework on a domestic basis and allow pet animals to move from GB to NI without meeting the requirements of Regulation (EU) 576/2013.C

7. Consultation

Summary of consultation outcome and methodology

7.1 In drafting this instrument, the UK Government has considered and reflected engagement with interested stakeholders through user research with pet owners, ferry and airline companies operating travel routes between GB and NI, and commercially owned pet microchip database operators.

7.2 This instrument concerns SPS matters which are a devolved matter in the UK. Therefore, the Department for Environment, Food and Rural Affairs has developed this instrument alongside the Scottish Government, Welsh Government and the Department of Agriculture, Environment and Rural Affairs and obtained the relevant legislative consent as per the commitment made by the UK Government during the passage of the EU (Withdrawal) Act 2018 where relevant.

7.3 As a consequence of the introduction of the Windsor Framework (Implementation) Regulations 2024, it is not relevant to obtain consent to this instrument from the Department of Agriculture, Environment and Rural Affairs.

8. Applicable Guidance

8.1 The Department for Environment, Food and Rural Affairs has published, and continues to publish, guidance for schemes resulting from the Windsor Framework. This guidance can be found here: https://www.gov.uk/government/collections/the-windsor-framework-further-detail-and-publications

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment for this instrument has not been completed because the annual costs to businesses are below the de minimis threshold. The de minimis assessment shows there will be large net benefits of the scheme compared to the original requirements of the NI Protocol. Benefits of this instrument accrue to pet owners and travellers, with little cost to businesses (i.e. ferry operators) beyond ordinary familiarisation costs. Whilst most costs fall to the Government in implementing this scheme, there is a significant reduction compared to the costs associated with implementing the old Northern Ireland Protocol.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the legislation is only related to dog, cat and ferret movements for non-commercial purposes.

9.3 The legislation does not impact small or micro businesses.

9.4 There is, no, or little impact, aside from scheme operation costs, to the public sector in terms of operating the Northern Ireland Pet Travel Scheme.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 No specific monitoring arrangements are needed.

10.2 As this instrument is made under the relevant European Union Acts (as defined at 13.1), no review clause is required.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Baroness Hayman of Ullock has made the following statement regarding Human Rights:

"In my view the provisions of the Windsor Framework (Non-Commercial Movement of Pet Animals) Regulations 2024 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not being made to address a deficiency in retained EU law. It relates to the withdrawal of the United Kingdom from the European Union and is being made under section 8C of the European Union (Withdrawal) Act 2018. This instrument relates to the implementation of the Windsor Framework, as agreed between the UK and the EU on 27 February 2023.