EXPLANATORY MEMORANDUM TO

The Meat (Official Controls Charges) (Amendment) Regulations (Northern Ireland) 2019

SR 2019 No 219

1. Introduction

1.1. This explanatory memorandum has been prepared by the Food Standards Agency to accompany this Statutory Rule (SR) which is laid before the Northern Ireland Assembly.

1.2. The SR is made under powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972 and is subject to the negative resolution procedure.

1.3. The SR will come into operation on 14th December 2019.

2. Purpose

2.1. The purpose of the Meat (Official Control Charges) (Amendment) Regulations (Northern Ireland) 2019 is to amend the Meat(Official Controls Charges) Regulations (Northern Ireland) 2009 (SR 2009 No 247 in order to provide for the execution of powers and enforcement of Articles 78 to 85 of Regulation (EU) No. 2017/625 on official controls and other activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

2.2. This SR continues to permit the Food Standards Agency (FSA) to recover fees from the operators of approved meat establishments in Northern Ireland. The fees cover costs occasioned by meat hygiene official controls including costs incurred during verification of rules on animal welfare at time of slaughter performed at such establishments.

3. Background

3.1. The FSA is the central competent authority responsible for checks carried out on compliance with feed and food law including imported feed and food in Northern Ireland. The new EU Regulation, namely Regulation (EU) No.2017/625 will apply across the European Union from 14th December 2019. This is part of a wider initiative to harmonise and simplify existing EU legislation and to establish a more integrated approach to official controls in all areas across the agri-food chain.

3.2. Regulation (EU) 2017/625 sets out a framework of requirements for competent authorities in Member States which have responsibilities for organising and performing official controls and other official activities to verify compliance with agri-food chain legislation. The new EU Regulation broadens the scope of the original food and feed controls Regulation (EC) 882/2004 to cover plant health and animal by-products legislation (and other agricultural areas such as plant protection products and organic production) in order to introduce a more consistent approach to official controls along the entire agri-food chain.

3.3. The Regulations amend:

- Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC.

and repeal:

- Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/ EC and Council Decision 92/438/EEC ("Official Controls Regulation").

3.4. In addition, Regulation (EU) 2017/625 provides for a number of empowerments to set out more detailed rules in Commission tertiary legislation for the performance of official controls and other official activities.

3.5. Most of the provisions of Regulation (EU) 2017/625 clarify and simplify existing requirements and aim to introduce a more risk-based approach to controls. Therefore, existing enforcement arrangements in the UK are generally already aligned with the new requirements.

3.6. The amendments to domestic legislation in this SR are mechanical in nature to update the existing references to reflect the provisions of Regulations (EU) No 2017/625. This SR will breach the 21 day rule between the laying of the SR before the NI Assembly and the SR coming into operation on 14th December 2019. This to ensure there is a legal framework in Northern Ireland to recover fees from the operators of approved meat establishments on 14th December 2019 and to prevent a risk to public health by ensuring compliance with the feed and food safety statutory framework.

4. Consultation

4.1. A 6-week public consultation was conducted in Northern Ireland between 29th August and 11th October 2019 to provide stakeholders with an opportunity to comment on the enactment of Regulation (EU) 2017/625 and the draft impact assessment. 17 responses were received in relation to this consultation, and there was broad support for the proposal.

4.2. Some respondents acknowledged that there would be an increased scope of goods that will be subject to certain forms of harmonised import conditions for the first time, and they would welcome the impact of these proposed changes to be explained. Respondents also noted that training would be required for these activities.

4.3. A number of unpublished documents had been identified in the consultation and respondents requested further opportunity to comment on these documents when they are available. Several respondents also raised concerns that familiarisation costs had been underestimated. The FSA has taken account of stakeholder views on the familiarisation cost in the final impact assessment.

5. Equality Impact

5.1. This SR will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

6. Regulatory Impact

6.1. An impact assessment assessing the impacts on Northern Ireland, England and Wales was carried out. There is no significant impact on business as most businesses will not experience any material changes in the way official controls take place and/or are currently delivered. The only expected impact on business is a one- off familiarisation cost (such as reading and understanding the legislation) for affected food and feed business operators in the amount of £0.1m (or a one-off cost of £40 for each affected business).

6.2. The only expected impact on the public sector is a one-off transition cost of £0.05m, which is the cost of familiarisation to enforcement authorities involved in carrying out official controls and enforcement under the new EU Regulation.

7. Financial Implications

7.1. N/A

8. Section 24 of the Northern Ireland Act 1998

8.1. This SR will apply in equal measure to all groups. It is not expected that any of these changes will impact differentially across any as determined by Section 24.

9. EU Implications

9.1. N/A

10. Parity or Replicatory Measure

10.1. Separate, parallel legislation is being prepared in England, Scotland and Wales to enact Regulation (EU) 2017/625.

11. Additional Information

11.1. N/A