EXPLANATORY MEMORANDUM TO

THE MEAT PREPARATIONS (AMENDMENT AND TRANSITORY MODIFICATION) (ENGLAND) (EU EXIT) (AMENDMENT) (NO. 2) REGULATIONS 2021

2021 No. 972

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 makes an amendment to the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 (S.I. 2020/1666) to extend the temporary removal of the requirement for meat preparations imported from the European Economic Area ("EEA") into England to be deep frozen to a temperature of -18 °C until 31st December 2021. The temporary removal of this requirement is due to expire on 30th September 2021. This approach presents a low biosecurity risk as the UK currently imports these goods from the EEA.

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 only.

4.2 The territorial application of this instrument is England only.

5. European Convention on Human Rights

5.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 The European Union (Withdrawal) Act 2018 ("the Withdrawal Act") retains Commission Decision 2000/572/EC relating to the imports of meat preparations as direct retained EU legislation. This instrument amends regulation 3 of the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020, which in turn modifies Article 3.3 of Decision 2000/572/EC laying down animal and public health conditions and veterinary certification for imports of meat preparations, with the effect of removing the requirement for meat preparations imported from the EEA to be deep frozen at not more than – 18 °C. This instrument uses powers in paragraph 11A of Schedule 2 to the Trade in Animals and Related Products Regulations 2011 (S.I. 2011/1197), inserted by the Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631). It allows the Secretary of State to regulate to

impose special import conditions in respect of imports of products of animal origin intended for human consumption, having regard the animal health situation of the country or countries concerned.

7. Policy background

What is being done and why?

7.1 Prohibitions and restrictions ("P&R") are trade requirements based in EU law that prevent or restrict the export and import of certain goods where the EU believes there is a potential for them to present a level of risk to animal, plant or public health. This instrument will extend that temporary suspension of P&R on chilled meat preparations from EEA countries until 31st December 2021.

Explanations

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

7.2 To ensure continuity after the transition period, Defra introduced The Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 on 31st December 2020 to permit the import of certain prohibited Products of Animal Origin ("POAO") affected by P&R from EEA into England from 1st January to 31st March 2021. Equivalent powers and amendments are applied in Scotland and Wales.

7.3 A further SI was laid (The Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) (Amendment) Regulations 2021) to extend the suspension of the prohibition until 30th September 2021. It enabled existing import rules to apply to chilled meat preparations until 30th September 2021 in accordance with the Government's announced 'phased approach' to import controls.

Why is it being changed?

7.4 Without this legislation it would be illegal for traders to import chilled meat preparations from 1st October 2021. This could adversely affect select businesses and the end consumer in Great Britain as the availability of certain products could be limited.

What will it now do?

7.5 The temporary removal of P&R on POAO is a proportionate measure to ensure trade continuity as these goods present a low biosecurity risk. We currently import these goods from the EEA and do not have public health concerns over these products, and this is unlikely to change on 1st October 2021.

8. European Union Withdrawal and Future Relationship

8.1 This instrument is not being made under the European Union (Withdrawal) Act but relates to the withdrawal of the United Kingdom from the European Union because of powers given to the Secretary of State under EU exit legislation.

9. Consolidation

9.1 Consolidation is not required.

10. Consultation outcome

10.1 A consultation was not necessary because there is no policy change from the requirements which applied to internal EU movements before the end of the transition period, and continued after the Meat Preparations (Amendment and Transitory Modification) (England) (EU Exit) Regulations 2020 came into force on 1st January 2021. However, stakeholder consultations will take place before a permanent decision is taken.

11. Guidance

11.1 Defra will publish accompanying guidance on GOV.UK detailing import requirements until 31st December 2021.

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 An Impact Assessment has not been prepared for this instrument because this instrument relates to maintenance of existing regulatory standards.

13. Regulating small business

13.1 This instrument applies equally to all businesses importing chilled meat preparations, including small businesses.

13.2 To minimise the impact on small businesses (employing up to 50 people), this instrument will maintain the current procedure for imports from the EEA until 31st December 2021.

14. Monitoring & review

14.1 The regulation does not include a statutory review clause as this instrument only applies for a time limited period.

15. Contact

15.1 Johanna Asmussen at the Department for Environment, Food and Rural Affairs. Email: Johanna.Asmussen@defra.gov.uk can be contacted with any queries regarding this instrument.

15.2 Peter Jinks, Deputy Director for 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, Parliamentary Under Secretary of State for Environment and Rural Affairs, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.