

**EXPLANATORY MEMORANDUM TO**  
**THE ANIMAL AND ANIMAL PRODUCTS (IMPORT AND EXPORT) (ENGLAND)**  
**(AMENDMENT) REGULATIONS 2008**

**2008 No. 3203**

**1.**

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 Her Majesty.

**2 Purpose of the instrument**

2.1. The Animal and Animal Products (Import and Export) (England) (Amendment) Regulations 2008 amend Schedules 2 3 and 7 of the Animals and Animal Products (Import and Export) (England) Regulations 2006 to give effect to EU law concerning the import of animals and animal products from third countries and make the Schedules ambulatory so that future amendments to EU legislation already included within the Schedules will be directly applicable without need to amend the Schedules.

**3. Matters of special interest to the [Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments**

3.1. These Regulations correct a technical defect identified by the JCSI in the previous Regulations.

**4. Legislative Context**

4.1. These Regulations are made under section 2(2) of the European Communities Act 1972, and in respect of charges made by the Secretary of State, under section 56(1) and (2) of the Finance Act 1973. In outline (and this has not changed in the new Regulations), they implement Directive 90/425/EEC relating to intra-Community trade in live animals and animal products (semen, ova and embryos) and Directive 91/496/EEC relating to imports of live animals from non-EU countries.

4.2. The AAP Regulations require that, to be eligible for intra-Community trade, animals and genetic material must meet the provisions of the EU legislation listed in Part I of Schedule 3, and any additional requirements specified in that list. Consignments must also be accompanied to their destination by a valid health certificate, signed by a government-approved veterinarian.

4.3. The Regulations require that animals imported from non-EU countries must comply with Council Directive 91/496/EC and the EU legislation set out in Schedule 7. Such animals must enter the Community via an approved Border Inspection Post (BIP) (approved BIPs are listed in Schedule 2), where they are checked to ensure they meet Community requirements. (Animals imported from other Member States may enter England at any port in Great Britain.)

4.4. These Regulations are generally enforced by local authorities; however the Secretary of State may direct that he will enforce them instead.

## **5. Territorial Extent and Application**

5.1. The Regulations apply in England.

5.2. Similar legislation will be introduced in Scotland, Wales and Northern Ireland.

## **6. European Convention on Human Rights**

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

## **7. Policy background**

7.1. The objective of Directives 90/425/EEC and 91/496/EEC and the related legislation implemented through the Regulations is to protect the health of animals within the European Community.

## **8. Consultation outcome**

8.1. There has been no consultation as the changes in the import conditions are as a result of the need to implement EU rules and keep up to date the legislative base for enforcement.

## **9. Guidance**

9.1. Guidance is available on the Defra website for the rules on importing animals and animal products.

## **10. Impact**

10.1. A Regulatory Impact Assessment (RIA) was prepared for the Animal and Animal Products (Import and Export) Regulations 2000. The changes to the Regulations since then have been to implement EU rules which in many cases make only technical amendments or give statutory effect to existing non-statutory arrangements. No IA has been prepared for these Regulations.

10.2. No impact on the public sector is foreseen.

## **11. Regulating small business**

11.1. No special measures are foreseen for small businesses.

## **12. Monitoring and Review**

12.1. These Regulations implement changes to EU rules. As they are now ambulatory the Schedules will only need to be amended if a quoted piece of EU legislation is repealed and replaced. New EU legislation will be monitored and the Schedules updated as and when necessary.

### **13. Contact**

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