Rùnaire a' Chaibineit airson Cùisean Dùthchail, Biadh agus an Àrainneachd
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The Scottish Government
Riaghaltas na h-Alba

LEGACY 2014
XX COMMONWEALTH GAMES
SCOTLAND

Rob Gibson MSP
The Convener
Rural Affairs, Climate Change & Environment Committee
Scottish Parliament
Edinburgh
EH99 1SP

8th May 2015

Dear Rob,

THE ANIMALS AND ANIMAL PRODUCTS (EXAMINATION FOR RESIDUES AND MAXIMUM RESIDUE LIMITS) (ENGLAND AND SCOTLAND) REGULATIONS 2015

1. I am writing to advise the Committee that I have agreed to the introduction of the above legislation by the Secretary of State for the Environment Food and Rural Afairs under section 57(1) of the Scotland Act 1998.

2. The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015, laid on 18 March 2015, was made in exercise of the powers conferred under section 2(2) of the European Communities Act 1972 to implement EU legislation. It revokes and consolidates, without significant change, the Animals And Animal Products (Examination For Residues And Maximum Residue Limits) Regulations 1997 (As Amended), and will come into force on the 1st of July.

Background

3. The Animals And Animal Products (Examination For Residues And Maximum Residue Limits) Regulations 1997 (As Amended) implemented two pieces of EU legislation introduced in 1996. Council Directive 96/22/EC prohibits the use of certain substances as growth promoters in the production of food producing animals, which the Commission used to underpin their ban on the import from third countries of meat reared using these substances – particularly hormonal substances.

4. The second piece of legislation is Council Directive 96/23/EC, which requires Member States to carry out surveillance for residues of authorised veterinary medicinal products and prohibited substances in food producing animals.

5. The 1997 Regulations have been amended on five occasions. Two of the amending SIs implemented changes to Directive 96/22 following the extension of the hormones ban by the Commission. Others have implemented relatively minor but necessary changes to ensure that the domestic legislation mirrors the EU law if a prosecution is needed. All amendments, including those made post-devolution, have been made on a GB basis. This legislation is very technical and the amendments make it difficult to follow. The 2015 Regulations consolidate al SIs into one instrument.

6. While the purpose of this piece of legislation is to protect food safety, and the subject is therefore considered devolved, the Regulations are primarily about veterinary medicines, their uses, and surveillance required to identify their unauthorised presence. Veterinary medicines is a reserved area.

7. There are no policy differences between the administrations, and there are clear advantages in having common legislation applying across GB.Both food and veterinary medicines industry have expressed their desire for a consistent approach to regulation and favour GB legislation. However, Wales has decided to introduce their own Statutory Instrument. On that basis, the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015 was prepared so as to apply across England and Scotland only.

RICHARD LOCHHEAD