Department for Environment Food & Rural Affairs

Post Implementation Review (PIR) of The Animals and Animal Products Regulations of 2015

Evidence Analysis

Date: 31 July 2023

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We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.

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Introduction

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations of 2015 – termed AAPR herein – is a piece of retained EU law which enables the sampling of products of animal origin (POAO) in GB to test for residues of prohibited substances, veterinary medicines and contaminants.

Background

The programme of sampling and investigation as facilitated by the AAPR is a form of Official Controls as outlined in the retained Official Controls Regulation (2017/625). This activity provides important assurances to domestic consumers about the quality and safety of food and facilitates the export of GB produce.

The most recent iteration of the AAPR came into force on the 1st of July 2015 and consolidated the provisions of several already existing pieces of legislation – covering prohibitions on the use of hormonal, thyrostatic action and beta-agonists, approaches to monitoring of residues in foodstuffs, and procedures for establishing and setting Maximum Residue Limits (MRLs).

Summary of the Regulations' objectives

The primary objective of the AAPR is to ensure food safety, by providing a legislative framework to monitor domestically produced foodstuffs for residues of veterinary medicines, prohibited substances, and contaminants. It does so by:

- Specifying prohibitions on certain substances, aswell as the sale and slaughter of animals
- Outlining the powers Official Veterinarians (OVs) have for sampling and investigation
- Providing details on penalties, offences and enforcement relating to residues
- Outlining possible exceptions to the above, aswell as the responsibilities of producers

Scope of the PIR

In keeping with the 'Review' Regulation (34) of the AAPR, views were captured from direct and indirect users of the AAPR, aswell as stakeholders, to seek opinions on:

- Whether the legislation has met and continues to meet its objectives
- Which parts of the legislation are most relevant, and how often they are used
- Which parts are perceived to work well
- Which parts can be improved, and how this can be achieved

The review was sent to 55 contacts who were identified by the Veterinary Medicines Directorate (VMD) as key users and direct and indirect stakeholders of the legislation – the circulation list comprised of a mixture of direct contacts and shared mailboxes, including key delivery bodies such as the Animal and Plant Health Agency (APHA), Food Standards Agency (FSA), Food Standards Scotland (FSS) and Marine Scotland. Indirect users of the legislation such as food processors and farming unions were also invited to provide their views. Consumers of food

were not specifically consulted as this review is focused on the powers provided by the legislation framework, rather than food safety outcomes.

Analysis

Five responses were received on the PIR questionnaire, which was circulated to stakeholders and open for responses over a four week period. Four out of five respondents identified as government officials, the primary users of the legislation, and one respondent as 'other'.

The questionnaire identified that:

- The AAPR is seen as 'helpful' or 'very helpful' by users;
- With all areas of the Regulation working effectively and being commonly cited;
- With officials using it as regularly as once a month, but also less frequently.

No respondents identified a need to improve any areas of the AAPR, and no specific recommendations or written qualitative suggestions were received.

In the time since the AAPR was first published it has successfully facilitated the collection and testing of approximately 264,000 GB POAO samples (33,000 per annum) and subsequent investigation into circa 800 residue violations, under the VMD's National Surveillance Scheme – this wouldn't have been achievable without a clear legislative underpinning. Considering this evidence, and the lack of negative responses received, it can be concluded that the AAPR continues to meet its objectives and remains effective and relevant.

Next steps

The AAPR of 2015 is scheduled for reform by 2026 as part of Defra's REUL reform programme. Whilst the focus of this reform will be the consolidation and review of separate Regulations which the AAPR transposes, the outcomes of this exercise will be considered in policy decision making around options to maintain, update and/or improve the legislation.

Title: Animals & Animal Products Regulation	Post Implementation Review
PIR No: 2015 No. 787	**Date: 31/07/2023**
Original IA/RPC No: n/a	**Type of regulation: Domestic**
Lead department or agency: VMD	**Type of review: Statutory**
Other departments or agencies: Defra	**Date measure came into force:** 01/07/2015
	Recommendation: Keep
Contact for enquiries: residues@vmd.gov.uk	**RPC Opinion:** Choose an item.

Questions

1. What were the policy objectives of the measure?

This legislation outlines measures to facilitate the testing of products of animal origin (POAO) to check for residues of prohibited substances, veterinary medicines, and contaminants.

To enable this, it: describes prohibitions around the use of veterinary medicines, outlines the powers that government officials have to collect samples and conduct investigations, and defines what constitutes an offence against the Regulation.

2. What evidence has informed the PIR?

The PIR relates to England and Scotland only.

A CitizenSpace questionnaire was emailed to 55 stakeholders, comprising a mixture of key points of contact and shared mailboxes for onward distribution. The circulation list included primary users of the legislation (government veterinarians and officials) aswell as indirectly affected parties such as organisations which represent food processors. Five responses were received to the questionnaire over a four-week period, which represents a limited proportion of direct users of the legislation. Considering this limited response, the outputs of the AAPR have also been factored into the wider assessment on the effectiveness of the legislation. As facilitated by the AAPR since 2015, the VMD's National Surveillance Scheme for veterinary residues has since collected and tested approximately 264,000 GB POAO samples (approx. 33,000 per annum) and circa 800 investigations have subsequently been completed.

3. To what extent have the policy objectives been achieved?

The annual programme of sampling and testing facilitated by this legislation fulfils its objective of providing assurances to domestic consumers and international trading partners about the quality and safety of GB foodstuffs. In the time since the AAPR was first published it has successfully facilitated the collection of approximately 264,000 GB POAO samples (33,000 per annum) and subsequent investigation into circa 800 residue violations. This wouldn't be achievable without a clear legislative underpinning.

This achievement of policy objectives was supported by the questionnaire responses:

- The AAPR is seen as 'helpful' or 'very helpful' by users;
- With all areas of the Regulation working effectively and being commonly cited;
- With officials using it as regularly as once a month, but also less frequently

No respondents identified a need to improve any areas of the AAPR, and no specific recommendations or qualitative suggestions were received.

Further information sheet
Please provide additional evidence in subsequent sheets, as required.

Questions

4. What were the original assumptions?

When the Regulation was last updated in 2015 it was only updated with administrative changes, rather than any substantive or content changes. As such, the assumption for this PIR was that Regulation remained fit for purpose – as has been evidenced by the last decade's worth of successful monitoring and enforcement. The purpose of the PIR was to find out if this remained the case, and seek views on any potential areas for improvement.

5. Were there any unintended consequences?

None identified.

6. Has the evidence identified any opportunities for reducing the burden on business?

None identified (no responses from businesses were received).

7. How does the UK approach compare with the implementation of similar measures internationally, including how EU member states implemented EU requirements that are comparable or now form part of retained EU law, or how other countries have implemented international agreements?

Coming into force in 2015, this legislation is defined as retained EU law – therefore the UK approach to this programme of work remains equivalent with the way it is implemented in the EU. The approaches outlined by the Regulation also remain consistent with the expectations of other non-EU trading partners, who require the same level of food safety assurance on residues in POAO which this Regulation provides for.

Sign-off for Post Implementation Review: Chief economist/Head of Analysis and Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed: ***Rachel O'Brien*** Date: 20/07/2023

Signed: Richard Benyon. Date: 27/10/2023