

REGULATORY APPRAISAL

ANIMALS, WALES

ANIMAL HEALTH

THE ENZOOTIC BOVINE LEUKOSIS (WALES) ORDER 2006

Purpose and intended effect of the measure

1. The Enzootic Bovine Leukosis (Wales) Order 2006 revokes and re-enacts, with amendments, the Enzootic Bovine Leukosis Order 1997 as it applies to Wales. Enzootic Bovine Leukosis (EBL) is a transmissible disease caused by the bovine leucovirus. It can be transmitted from both, mother to calf, and cow to cow, causing leukaemia and multiple tumours. It is not currently thought to transmit to humans. Clinical signs are found in cattle between 4 and 8 years of age. These include chronic ill health, progressive loss of condition, weakness, anaemia and anorexia. EBL can also cause tumour formation. Orders with similar effect were introduced in England on 1 September 2000 and Scotland on 1 November 2000.
2. This Order continues to implement certain provisions of EU Directives 64/432/EEC and 77/391/EEC on bovine animal disease and eradication programmes and on intra community trade in bovine animals. The 1997 Order stated that milk testing should be carried out every four months, whereas the 2006 Order specifies the current frequency of testing, which is 20% of the herds to be tested each year so all herds are tested over five years.
3. In addition, the Order requires that the National Assembly for Wales must be notified within 24 hours if a sample has tested positive for EBL and the responsibility for approving laboratories is given to the National Assembly for Wales. Schedule 1 in the 1997 Order that contained the list of approved laboratories has been removed.
4. The changes will make it easier to amend the list of approved laboratories, clarify the approval criteria and bring the Order in line with devolution.

Risk Assessment

5. The Enzootic Bovine Leukosis Order 1997 already implements parts of two Council Directives aimed at protecting the animal health status of the EU. In particular, the Order implements into domestic law some of the provisions relating to diseases in bovines of EU Directives 64/432/EEC (as amended) and 77/391/EEC (as amended). These Directives require the operation of a monitoring and testing programme in order to maintain officially enzootic bovine leukosis-free status of Great Britain under Council Directive 64/432/EEC.
6. Reducing the level of testing for EBL will increase the risk that the disease might be re-introduced and remain undetected for longer. However, the transmission rate is slow and incidence is generally low in the countries from which the UK imports. Veterinary advice is that the risk of re-introduction remains low and that the slow transmission rate of the disease will not lead to massive breakdowns in

the animal health status of Welsh herds should the disease be re-imported. EBL has no public health implications, but unchecked spread of the disease would be costly to individual farmers and eventually the public purse and detrimental to the health and welfare of infected animals.

Options

Option 1 - Do nothing

7. Retain existing requirements i.e. no change to the status quo. If this option was adopted the current levels of testing required under the legislation would be higher than set out in EU legislation, and the Schedule to the Order would require updating every time new contracts were issued.

Option 2 –Make the legislation

8. Reduce testing to a level more in line with EU requirements and facilitate swifter updating of the list of approved laboratories to take account of change. Against this any reduction in testing must increase the risk of re-introduced disease going undetected for longer. Removal of the list of approved laboratories from the Order would enable the list to be swiftly updated and promulgated to take account of changes due to new players entering the field or approved laboratory failure or cessation of trading. Changes are also made to bring the Order in line with devolution as the powers relating to testing and monitoring are now required by the Welsh Assembly rather than the Secretary of State for Defra as in the previous legislation.

Benefits

9. Reducing the level of testing would reduce the burden on the industry. This would ensure the industry in Wales could continue to be subject to a level of testing equal to what is required under EU law and some of their competitors. The option would also allow the removal of the list of approved laboratories from the Schedule to the Order. The Assembly would fully use its powers relating to EBL. This Order would provide a legislative framework for testing that has been carried out in practice since 2000.

Costs

10. There are no financial implications for the Assembly as a result of the making of the proposed Statutory Instrument.
11. There are no additional compliance costs for industry. Since primary milk purchasers must still submit samples for quality testing for other animal health monitoring and milk hygiene purposes the less frequent submission of milk for EBL tests is unlikely to deliver significant savings.

Issues of equality and fairness

12. The changes proposed would fall equally on all primary purchasers of raw milk (who are required to submit samples for testing at their own expense) and all approved laboratories (which are required to notify results). Any increase in risk would fall on farmers (whose herds would be restricted as a result of confirmed re-imported disease).

Consultation

With Stakeholders

13. The proposed changes will bring the legislation in line with European legislation therefore it is unlikely that the Welsh Assembly Government would be in a position to act on suggestions raised as a result of any consultation responses. Therefore, no consultation was undertaken. However, stakeholders were informed of the proposed legislation, via letter on 14 December 2005. A list of recipients is attached at Annex A. No responses to the letter have been received.

With Subject Committee

14. This Order was notified to the Environment, Planning and Countryside Committee (EPC(2)-04-05(p.3) Annex 1 item No.14) and has remained on the list ever since. The Order was not identified for detailed scrutiny.

Enforcement and sanctions, monitoring and review

15. Enforcement of the Order and sanctions under it remain, as before, with the local authorities. The submission of samples is subject to close monitoring and missing samples or results are followed up.

Summary and recommendation

16. This proposal to implement this Order reduces the burden on industry while retaining an acceptable degree of surveillance against a known animal health risk. It enables the introduction of an approval list system that can respond more swiftly to change.

Annex A – List of Recipients

Agri food Partnership for Wales
Associated Meat Co Ltd
British Veterinary Association North
British Veterinary Association South
Business Eye (previously Business Connect)
BWL George
Caernarfon Abattoir Ltd
Campaign for the Protection of Rural Wales
Cardigan Abattoir Ltd
Cig Mon Group
Cig Mon Meats Ltd
Cig Oen Caron
Competitive Meats
Conwy Valley Meats
Country Land and Business Association
Country Landowners and Business Association
Countryside Council for Wales
D & J Thomas
D&B Meats
D&J Thomas
Dairy Strategy Group
Dawn Pac Ltd
Direct Meat Supplies
DT Havard
Environment Agency Wales
ETJones, Sons & Daughter
Fairfield Meat Co Ltd
Farm Assured Welsh Livestock
Farmers for Action
Farmers Union of Wales
Farming & Livestock Concern UK

Federation of Small Businesses in Wales
Food Technology Centre
Fribo Foods Ltd
GR Evans
Guild of Welsh Lamb & Beef
Guild of Welsh Lamb & Beef Suppliers
Hamer International Limited
Hughes Meats
Hybu Cig Cymru
I&B Jones
J Williams & Son
JE Tudor & Sons Ltd
Jones Bros
LACORS Wales
Marks Meats Ltd
Messrs B&B Webster
Mid Glamorgan Provisions
Mr L H Phillips
National Beef Association (Wales)
National Farmers Union
O Roberts A'I Faib
Organic Farming Centre for Wales
Oriel Jones and Sons Ltd
Owen G Owen Ltd
Pembrokeshire Meat Company
R G B Webster & Sons Ltd
R W Kennard
Red Meat Strategy Group
Royal Society for the Prevention of Cruelty to Animals
Royal Welsh Agricultural Society
St Merryn Meat Ltd
Stanley Jones
T H Sutcliffe
TJ Thomas
Towers Thompson
TWM Ltd
Tywyn Wholesale Meat Co Ltd
W Lloyd Williams
WA James

Weeks Wholesale Meat Co Ltd
Welsh Black Cattle Society
Welsh Country Foods
Welsh Farm Organics
Welsh Food Alliance
Welsh Food Microbiological Forum
Welsh Food Promotions
Welsh Hook Meat Centre
Welsh Livestock Auctioneers Association
Welsh Meat Company
Welsh Meat Company
Women in Agriculture
Women's Food and Farming Union in Wales
WT Maddock