

REGULATORY APPRAISAL

AGRICULTURE, WALES

ANIMAL HEALTH

THE SALMONELLA IN LAYING FLOCKS (SURVEY POWERS) (WALES) REGULATIONS 2005

Purpose and intended effect

Issue

1. The Zoonoses Directive 2003/99/EC and the Zoonoses Regulations 2160/2003/EC were adopted in December 2003 and have applied in Member States since June 2004. The purpose of the Directive is to ensure that zoonoses (infections naturally transmitted between vertebrate animals and man), zoonotic agents and related antimicrobial resistance (the resistance against antibiotics or vaccine) are properly monitored, and that food-borne outbreaks receive proper epidemiological investigation, to enable the collection in the European Community of the information necessary to evaluate relevant trends and sources. The Directive also requires that Member States collect data on the occurrence of zoonoses and zoonotic agents and antimicrobial resistance. Such data will then be used by the Commission (under the terms of Regulation 2160/2003/EC) to set Community targets for the reduction of the prevalence of zoonoses and zoonotic agents (in this instance, *Salmonella*).

Objective

2. In July 2004 a Decision was agreed with Member States (2004/665/EC) requiring Member States to carry out random surveys of flocks of laying hens to establish a baseline level of *Salmonella* of public health significance throughout the Community. The survey will take place over the course of a year, which began on 1 October 2004 with Member States submitting a final report of their findings to the Commission by 15 October 2005. It is necessary to bring into force the powers of entry as there is a possibility of non co-operation by producers. Until the legislation is in place inspectors are dependent on the good will of farmers to gain access for the purpose of this Survey. Once these reports have been submitted, the Commission will use them to set a level for reduction of these *Salmonellas* across the Community. The UK is required to sample at least 436 holdings to achieve a statistically valid result; to allow for any problems that may arise. 450 holdings will be selected for sample at random, of which 35-40 will be in Wales.

Risk Assessment

3. This Statutory instrument aims to provide the Veterinary officers with the powers to carry out their role as inspectors.

Options

Identification of options

4. There are only two options:
 - a) **Do nothing:** This has the potential to cause problems with the effective implementation of the survey.
 - b) **Make the Legislation:** which will enable inspectors to enter premises where flocks of laying hens are present for the purpose of the survey. This legislation is needed to allow for the non-co-operation of some producers.

Benefits

5. Option a) – do nothing. There is currently no legal basis in UK law to require producer co-operation with the survey: we would be reliant on the recommendations of members' from industry bodies and the goodwill of producers to participate on a voluntary basis. Non-implementation could result in infraction proceedings against the Assembly.
6. The option of doing nothing is therefore unacceptable.
7. **Option b)** – This is the preferred option. Industry bodies have been positive about the survey and the need for continued measures to ensure consumer confidence in the egg industry. The holdings are randomly selected for the survey and to achieve statistical valid results inspectors require the power to enter all holdings selected.

Business sectors affected

8. Producers will be the main business sector affected. However, the burden will be reduced by ensuring that surveys are incorporated as part of routine inspections.

Issues of equity and fairness

9. There are no issues of equity or fairness; the proposals apply equally to all premises where flocks of laying hens are present.

Costs

Compliance costs

10. None.

Other costs

11. Apart from the administrative costs of making the Regulations, which will be met from the existing Animal Health Division Publicity budget, there are no financial implications for the Assembly. Veterinary costs for sampling will be incurred by

the Department for the Environment, Food and Rural Affairs (Defra). There will be no expense to the producer except that of the time spent assisting with the survey.

Consultation with small businesses: the Small Firms' Impact Test

12. There are no issues specifically related to small businesses.

Enforcement and sanctions, monitoring and review

13. Defra will arrange the sampling protocol and selection arrangements as they have the staff resources and analytical data available to them in order to select the premises to be surveyed. Defra funded inspectors will carry out the surveys.

Results of Consultation Exercise

With Stakeholders

14. Defra conducted a public consultation on the Zoonoses Directive and Regulation between October 2001 – January 2002 (see Annex A), the responses of which were used to inform negotiations between the UK Government and the EU Commission on the Zoonoses Directive. It was therefore not considered necessary to undertake a separate consultation on this SI.

With Subject Committee

15. The Instrument was included in the list of forthcoming legislation put to the Environment, Planning and Countryside committee on 6 October 2004 (paper EPC(2)-09-04(p.4) item No.6). It was not identified for formal scrutiny.

Summary and recommendation

16. It is recommended that Option (b) in section 3 be accepted. This will provide Inspectors with the powers to enter premises where flocks of laying hens are present, to obtain information and documentation for the purposes of selecting premises for sampling. It will also provide powers for inspectors on entering premises to make enquiries, examine and retain records, take samples, require assistance, be accompanied by other persons and take equipment and vehicles on to the premises, for the purpose of carrying out sampling under these Regulations.

Annex A

Consultation List

ADAS
ADAS (Gleadthorpe)
Advisory Committee on Animal Feedingstuffs
Advisory Committee on the Microbiological Safety of Food
Agricultural and Food Research Council
Animal Health Distributors Association (UK)Ltd
Animal Health Trade Association Group
Animal Health Trust
Association of Agriculture
Association of Port Health Authorities
ASDA Stores Ltd
Bacon & Meat Manufactures Association
Board of Deputies of British Jews
British Association of Canned & Preserved Food Importers & Distributors
British Association of Feed Supplement Manufacturers
British Bison Association
British Cattle Veterinary Association
British Breeders Club
British Commercial Rabbit Association
British Deer Farmers Association
British Domesticated Ostrich Association
British Egg Industry Council
British Free Range Egg Producers Association
British Frozen Food Federation
British Goat Society
British Meat Federation
British Medical Association
British Multiple Retailers Association
British Organic Farmers and Growers
British Pig Association
British Poultry Council
British Retail Consortium
British Society of Animal Production
British Veterinary Association
British Waterfowl Association
Campden Association
CCDD's
Consumer Association
Consumers Association
Consumers in Europe Group (UK)
Countryside Council for Wales
Countryside Agency
Dairy Industry Federation
Dairy Trade Federation
Domestic Fowl Trust
Environment Agency

Environment Agency Wales
Fancy Fowl
Farm Animal Welfare Council
Farm Welfare Council
Farmers Union of Wales
Federation of Agriculture Co-operatives
Federation of Oil, Seeds & Fats Association
Federation of Fresh Meat Wholesalers
Federation of Wholesales Distributors
Federation of Zoological Gardens of Great Britain and Northern Ireland
Food and Drink Association
Food Commission
Food from Britain
Grand Metropolitan Food (Europe)
Grain and Feed Trade Association
Guild of Welsh Lamb & Beef
Halal Food Authority
Hill Farming Advisory Committee for England, Wales and Northern Ireland
Institute of Food Science and Technology
J Sainsbury PLC
LACOTS
LANTRA
LACORS - WLGA
Leathread Food Research Association
Local Government Association
Marks & Spencer PLC
Meat & Livestock Commission
Meat & Livestock Commission - Wales
Milk Development Council
Wm Morrison Supermarkets PLC
National Animal Health & Welfare Panel
National Association of Agriculture Contractors
National Beef Association
National Consumers Council
National Egg Marketing Association
National Farmers Union
National Farmers Union for Wales
National Federation of City Farms
National Federation of Meat and Food Traders
National Federation of Young Farmers Clubs
National Federation of Women's Institute
National Food Alliance
National Office of Animal Health (NOAH)
National Pig Association
Natural Resource Institute
National Sheep Association
National Trust
National Parks Council
Poultry Club of Great Britain
Quality Meat and Livestock Alliance
Rare Breed Survival Trust Ltd

Royal Agricultural Society of England
Royal Association of British Dairy Farmers
Royal Collage of Veterinary Surgeons
Royal Veterinary Collage
Safeways Stores PLC
Specialist Cheese-maker Association
Soil Association
Somerfield Stores Ltd
Tesco PLC
The Incorporated National Association of British & Irish Millers
The National Federation of Consumers Group
The Small Farmers Association
Tenant Farmers Association
United Kingdom Egg Producers Association
UKASTA
UK Association of Fishmeal Manufactures
UK Federation of Milk Producer Organisations
UK Renders Association
UKROFS
Waitrose
Waste Food Feeders Association
Women's Farming Unions
Woman's Food and Farming Union
Young Farmers Union Wales
Zoowatch