

**EXPLANATORY MEMORANDUM TO**  
**THE AUJESZKY'S DISEASE ORDER (NORTHERN IRELAND) 2012**

**S.R. 2012 No. 65**

**1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development for Northern Ireland to accompany the Statutory Rule (details above) which is laid before The Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by the Diseases of Animals (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.
- 1.3 The Order shall comply with the 21 day rule and will come into operation on 19th March 2012.

**2. Purpose**

- 2.1 The Aujeszky's Disease Order (NI) 2012 in conjunction with the Aujeszky's Disease Scheme Order (NI) 2012 provides for routine surveillance and monitoring of AD in breeding and finished pigs and for the control of AD in the event of an outbreak in pigs.

**3. Background**

- 3.1 In 1990 the EU proposed that intra-community trade in breeding and production pigs should be restricted to pigs free of Aujeszky's Disease (AD). Other Member States including the UK (with the exception of the Northern Ireland) were able to demonstrate that they were AD free or had an approved eradication programme in place. Consequently, pigs from here had to meet certain additional trading requirements in respect of AD. To facilitate trade, the Department introduced an Aujeszky's Disease Eradication Scheme (ADES) which was compulsorily applied to the whole industry.
- 3.2 Following a review of the ADES in September 2003, the Aujeszky's Disease Working Group (ADWG) was established, which is comprised of representatives from the UFU, pig producers, DARD, AFBI, Private Veterinary Practitioners and meat plant processors.
- 3.3 Through a partnership approach with the industry, good progress was made to eradicate AD through vaccination of pigs and industry incentives

such as price penalties at the processing plant and additional voluntary monitoring of finished pigs. All of this enabled the Department to successfully apply through Defra to Europe for recognition of the ADES in 2009 i.e. to be listed in Annex II of EU Commission Decision 2008/185.

- 3.4 The ADO and ADSO will allow Northern Ireland to apply to be listed in Annex I of EU Commission Decision 2008/185 as AD free. A voluntary vaccination ban to facilitate this application came into force in July 2010. This voluntary ban must be made statutory before an Annex I application can be put to the EU.

#### **4. Consultation**

- 4.1 A full 12 week consultation on two Aujeszky's Disease Orders and the Pigs (Records, Identification and Movement) Order was launched on the 16 December 2010. The consultation was accompanied by a draft Partial Regulatory Impact Assessment (RIA) which set out an assessment of the costs and benefits of the proposals.
- 4.2 We received 7 responses to the consultation. Respondents expressed either no comment or welcomed the introduction of this legislation as the way forward to achieving EU recognition for Aujeszky's Disease freedom.

#### **5. Equality Impact**

- 5.1 In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Orders have been assessed and do not have an equality dimension and therefore an Equality Impact Assessment is not considered necessary.

#### **6. Regulatory Impact / Better Regulation**

- 6.1 A Regulatory Impact Assessment was carried out and published as part of the public consultation. If the current legislation were not updated then the Department would be unable to apply to the EU Commission for Annex 1 recognition.
- 6.2 A regulatory impact assessment of the effect that this statutory rule will have on the costs of business is available from Animal Identification, Legislation and Welfare Division of the Department of Agriculture and Rural Development, Room 916, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB.

#### **7. Financial Implications**

- 7.1 An outbreak of AD would generate costs in relation to the cost of slaughter (including disposal if appropriate), movement controls, additional sampling, increased biosecurity requirements, and possibly vaccination costs.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 The Orders deal with animal traceability and disease control and do not have any human rights implications, nor are they deemed incompatible with EU law. The Orders are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1 N/A

## **10. Parity or Replicatory Measure**

- 10.1 Great Britain is already recognised by the EU as having achieved Annex 1 status i.e. Official AD Freedom.
- 10.2 The Department of Agriculture Food and the Marine (DAFM) achieved Annex II status in April 2010. Officials north and south have been working closely with the aim of applying for freedom status at the same time. It is expected that the applications will be submitted in the next couple of months.

## **11. Additional Information**

- 11.1 Not applicable

## **12. Contact**

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