

## EXECUTIVE NOTE

### THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS) (SCOTLAND) AMENDMENT (No 2) REGULATIONS 2005 SSI/2005/645

The above Instrument was made in exercise of powers conferred by Section 2(2) of the European Communities Act 1972.

#### Policy Objectives

The objective of this Instrument is to implement Commission Decision 2005/760/EC as amended by Commission Decision 2005/862/EC. These are measures taken to protect the European Community from the spread of the Highly Pathogenic Avian Influenza Virus by restricting the import from certain third countries of live birds and products derived therefrom.

Commission Decision 2005/760/EC was adopted on 27 October 2005. This banned the import of live birds (except pet birds and poultry), and products derived from birds. The aspects of the Decision applying to live birds do not, directly, affect Scotland as there is no approved route by which they can be imported directly into Scotland. The aspects of the Decision that apply to the importation of products derived from birds are being implemented now as it is only with the adoption, and subsequent publication on 5 December 2005, of Commission Decision 2005/862/EC that it has been made clear the types of products that are intended to be banned.

Therefore, although Decision 2005/760/EC was adopted a short while ago, the restrictions on products contained in that Decision (as amended by Decision 2005/862/EC) are being implemented at the earliest possible opportunity. It is essential from a disease control standpoint that we give effect to Decisions 2005/760/EC and 2005/862/EC as soon as possible. **For this reason the decision was taken to breach the 21 day rule bringing the Regulations in to force immediately, otherwise it would reduce the effectiveness of the ban and reduce, significantly, the length of time it is in force.**

#### Consultation

There has been no consultation on these amendments.

#### Financial Effects

There are no cost implications for Central Government arising from the making of these Regulations. Because the range of products covered by the ban is limited to species not usually used in industry we do not expect there to be any significant economic impact from this ban. The only sectors likely to be affected are museums and research facilities and, given the temporary nature of the ban, even these effects should to be minimal.

**Scottish Executive Environment and Rural Affairs Department**