

EXECUTIVE NOTE

THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS) (SCOTLAND) AMENDMENT REGULATIONS 2006 SSI/2006/156

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 2006/7/EC as amended by Commission Decision 2006/183/EC. These are measures taken to protect the European Community from the spread of the Highly Pathogenic Avian Influenza Virus H5N1 by banning the import from all non-EU countries of unprocessed feathers.

On 9 January 2006 the European Commission adopted Commission Decision 2006/7/EC. This banned the import of unprocessed feathers from a number of named countries where H5N1 had been detected or was suspected. The restrictions applied by this Decision were implemented by administrative means.

Commission Decision 2006/7/EC has now been amended by Commission Decision 2006/183/EC which extends the ban on imports on unprocessed feather to all non-EU countries irrespective of their disease status. This is a protection measure which will require to be implemented by an amendment to the principal Regulations. The amended Decision was adopted on 28 February 2006 and it is essential from a disease control standpoint that we give effect to it as soon as possible. **For this reason the decision has been taken to breach the 21 day rule bringing the Regulations in to force immediately, otherwise it would reduce the effectiveness of the ban.**

We have also taken this opportunity to amend the principal Regulations to update the reference to Commission Decision 2005/760/EC, which bans the import of live birds (except pet birds and poultry) and products derived therefrom, to give effect to the amending Commission Decision 2006/79/EC. Although the Decision extending the ban was made on 31 January 2006, it was decided not to make a separate amendment for this alone but to wait for the first convenient opportunity. Any risk involved in delaying formal implementation of the amending Decision was considered to be minimal because stakeholders had been informed about the extension of the ban.

Consultation

There has been no consultation on this amendment.

Financial Effects

There are no cost implications for Central Government arising from the making of these Regulations. We do not expect there to be any significant economic impact on industry from the imposition of this ban.

Scottish Executive Environment and Rural Affairs Department