

**EXECUTIVE NOTE**

**THE BLUETONGUE (SCOTLAND) ORDER 2012**

**SSI 2012/199**

The above instrument was made in exercise of the powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972 and by sections 1, 7(1), 8(1), 15(4), 17(1), 23, 25, 28, 32(2), 35(3), 72, 83(2), 87(2) and 88(2) of the Animal Health Act 1981. The instrument is subject to negative procedure.

**Policy Objectives**

Bluetongue is a disease affecting ruminants (such as cattle, sheep and goats) and is transmitted by insect vectors. It is regulated at EU level by Council Directive 2000/75/EC, which lays down specific provisions for the control and eradication of the disease. That Directive is implemented in Scotland by the Bluetongue (Scotland) Order 2008 (SSI 2008/234 as amended by SSI 2008/234, 2008/327, 2012/177 and 2012/184).

When the Council Directive was initially drafted, the only vaccines that were available were live attenuated vaccines. These had an associated risk of disease spread and so the Directive only allowed vaccination within a bluetongue protection zone (PZ) (that is, an area which was already subject to restrictions as a result of the confirmation of bluetongue).

Vaccines that do not have that associated risk (stable inactivated vaccines) are now widely available and the European Union has recently implemented changes to the Council Directive (through Directive 2012/5/EU) which allows the use of inactivated vaccine within a bluetongue free area, should a Member State authorise its use. Vaccination with inactivated vaccines is now widely accepted as the preferred tool for the control of bluetongue. The Directive also provides discretion for the use of live attenuated vaccines in a bluetongue free area under certain circumstances. Where that is done, it is a requirement that a PZ and a surrounding surveillance zone are declared.

This Order implements the amendments made by Directive 2012/5/EU. Article 24 provides the Scottish Ministers the discretion to declare that in a free area (or part of a free area) voluntary vaccination against bluetongue is permitted. This is in accordance with Article 5(1) of the Council Directive 2000/75/EC as amended. Where the use of live attenuated vaccines is permitted, Article 24 provides, in accordance with Article 5(2) of the Directive, for the declaration of the appropriate zones.

Discussions between Scottish Government and the Scottish livestock industry support allowing the use of any EU or UK approved inactivated vaccine within a bluetongue free area to allow livestock producers the opportunity to protect the health of their animals.

However live attenuated vaccines may result in undesired local circulation of the vaccine virus in unvaccinated animals. It is therefore neither Scottish Government's or the livestock industry's current desire to permit the use of live attenuated vaccines.

As the Bluetongue (Scotland) Order 2008 has already been amended on three occasions, this Order restates, with amendments, that Order. Accordingly, this Order implements anew Council Directive 2000/75/EC (“the Directive”) laying down specific provisions for the control and eradication of bluetongue and enforces Commission Regulation 1266/2007. Other than in relation to vaccination, the approach to implementation remains the same. The opportunity has been made in restating to make some minor drafting changes.

Directive (EU) No 5/2012 was published in the Official Journal of the European Union on 21 March 2012. The Scottish Government is required to apply the provisions within the Directive by 24 September 2012, which is when this Order comes into force.

A business and regulatory impact assessment has been prepared in relation to the Order.

**Scottish Government**  
**Animal Health Welfare Division: Animal Disease Control**

**June 2012**