

**EXPLANATORY MEMORANDUM TO**  
**THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS)**  
**(ENGLAND) (NO. 4) (AMENDMENT) REGULATIONS 2005**

**2005 No. 3386**

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 This instrument amends Schedule 1 to the Products of Animal Origin (Third Country Imports) (England) (No 4) Regulations 2004 to add in Commission Decision 2005/760/EC as amended by Commission Decision 2005/862/EC. These Regulations give effect to EU animal health controls on imports of animal products in UK law.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 The 21-day rule has been breached for this SI as it is implementing an temporary emergency Community measure to put restrictions on imports of certain bird products which could carry the highly pathogenic avian influenza virus.
- 3.2 Commission Decision 2005/760/EC was adopted on 27 October 2005. The aspects of that Decision that apply to the importation of live birds have already been implemented. 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 on 30 November 2005 of Commission Decision 2005/862/EC that it has been made clear which types of products are intended to be banned.
- 3.3 Therefore, even though 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 point of view that we give effect to Decisions 2005/760/EC and 2005/862/EC as soon as possible.

4. **Legislative Background**

- 4.1 The Products of Animal Origin (Third Country Imports) (England) (No 4) Regulations 2004 are being amended as the Community health conditions for imports of animal products are implemented in England by this instrument.
- 4.2 The purpose of the updates to Part VIII of Schedule 1 to those Regulations (contained in paragraphs 4 and 18) is to reflect the restrictions in Commission

Decisions 2005/760/EC and 2005/862/EC on certain imports of animal products of bird origin.

## **5. Extent**

5.1 The Regulations apply in England. Scotland, Wales and Northern Ireland will introduce similar legislation.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 Defra has responsibility for the legal implementation of EU animal health import controls.

7.2 Action has been taken by the EU due to the continuing global spread of the highly pathogenic avian influenza virus. The ban is part of the wider measures to restrict imports of birds and their products (other than poultry) which could carry the highly pathogenic avian influenza virus.

7.3 Overall, the assessment is that the likelihood of further geographical spread of the virus is high. This in turn increases the risk to the UK as it increases the opportunities for the introduction of the virus via migrating birds, trade in live birds and products derived from birds and movement of people.

7.4 We will continue to monitor developments and, with our EU partners, will reassess the situation when additional information becomes available.

7.5 We have not consulted industry groups about this ban as it is considered to be an emergency safeguard measure.

## **8. Impact**

8.1 Regulatory Impact Assessment has not been prepared for this instrument as it has no significant impact on business, charities or voluntary bodies due to the temporary nature of the ban.

## **9. Contact**

Elaine Connolly at the Department for Environment, Food and Rural Affairs Tel: 020 7904 6575 or e-mail: [elaine.connolly@defra.gsi.gov.uk](mailto:elaine.connolly@defra.gsi.gov.uk) can answer any queries regarding the instrument.