POLICY NOTE

THE ANIMAL HEALTH (NOTIFICATION AND CONTROL MEASURES) (MISCELLANEOUS AMENDMENTS) (SCOTLAND) ORDER 2021

SSI 2021/130

The above instrument is made in exercise of the powers conferred by Sections 1, 7(1), 8(1), 15(4), 15(5)(b), 17(1), 23, 29, 72, 87(2) and 88(2) of the Animal Health Act 1981.

The instrument is to be laid only.

Purpose of the instrument:

The EU will implement its Animal Health Regulation (AHR) 2016/429 (as amended) on 21 April 2021. To ensure that ongoing trade with Northern Ireland and with the European Union is not disrupted, the Scottish Ministers must make the necessary legislative amendments to existing requirements regarding notifiable/reportable diseases. This will cover the requirement applying to imports into the European Union (under Article 6 of Commission Delegated Regulation (EU) 2020/692 supplementing the AHR) for third countries to require by law that any suspicion and confirmed case of certain diseases, in relation to certain species of animal, be notified and reported to the competent authority. It is also considered necessary to make organisms of the genus *Brucella* reportable in dogs.

Policy Objectives

Article 6 of Commission Delegated Regulation (EU) 2020/692 prohibits the importation of consignments of animals, germinal products and products of animal origin into the European Union from a third country or territory, unless the third country or territory requires by law that any suspicion and confirmed case of certain listed diseases, relevant for certain listed species of animals in the consignment or for the listed species of animals of origin of the germinal products or products of animal origin in the consignment authorised to enter the Union, be notified and reported to the competent authority. The listed diseases are found in Article 5 and Annex II of the AHR for the listed species of terrestrial animals in the Annex to Commission Implementing Regulation (EU) 2018/1882. Annex II of the AHR was substituted by Delegated Regulation (EU) 2018/1629.

Legislation is accordingly required to achieve the following:

- add non-zoonotic diseases to existing domestic legislation, making them either reportable or notifiable,
- add zoonotic organisms and diseases to existing domestic legislation, making them either reportable or notifiable,
- expand the species of animal in relation to which existing reporting and notification duties apply, and
- make various related amendments to existing legislation (such as extension of the definition of “disease” and “animal” for the purposes of the Animal Health Act 1981 in its application to various provisions of secondary legislation).

Legislation is also considered necessary to make organisms of the genus *Brucella* reportable in dogs, due to a series of *B.canis* incidents in the UK, involving mainly dogs imported directly from Romania by rehoming charities. The main intention is that persons must report positive test results, allowing better evidence to be gathered to support the public health response, improve diagnostic testing, inform future imports policy and, if necessary, to develop a control strategy.

The policy objective is to make the following diseases and organisms reportable or notifiable:

- The Zoonoses Order 1989:
  - *Coxiella burnetii* (Q fever) (reportable)
  - *Brucella* (reportable in dogs)

- The Specified Diseases (Notification) Order 1996:
  - *Batrachochytrium salamandrivorans* (notifiable in four-footed amphibians of the group Caudata)
  - Ebola virus (notifiable in non-human primates)
  - Contagious caprine pleuropneumonia (notifiable)
  - Infection with *Burkholderia mallei* (glanders) (notifiable)
  - Surra (*Trypanosoma evansi*) (notifiable)
  - Bovine genital campylobacteriosis (reportable)
  - Infection with porcine reproductive and respiratory syndrome virus (reportable)
  - Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis (reportable)
  - Paratuberculosis (reportable)
  - Trichomonosis (reportable)

- The Diseases of Poultry (Scotland) Order 2003:
  - Avian mycoplasmosis (infection with *Mycoplasma gallisepticum* and *M. meleagridis*) (reportable)
  - Avian chlamydiosis (reportable)

The amendments also apply various control measures (found in provisions of the Animal Health Act 1981) in relation to the presence of the organism *Coxiella burnetii* in any kind of mammal (except man), as if the presence of the organism were a disease to which the Animal Health Act 1981 applies.

Consultation

Similar legislative proposals are being prepared in the other GB Administrations to make the diseases mentioned above reportable or notifiable.

Consultation has taken place collectively with UK-wide stakeholders at industry Core Group meetings.

Impact Assessments

Full Impact Assessments have not been prepared for The Animal Health (Notification and Control Measures) (Miscellaneous Amendments) (Scotland) Order 2021, as the instrument is urgently required to ensure that ongoing trade with NI and the EU is not disrupted. The

amendments do not alter Scottish Government's current environmental policies and priorities and, therefore, do not have a significant impact on the environment. No Data Impact Assessment has been completed, as there have been no risks identified with data protection law.

Financial Effects

The Minister for Rural Affairs and the Natural Environment confirms that no BRIA is necessary, as the instrument has minimal financial effects on the Scottish Government, local government, and businesses, where laboratories and veterinary practices in particular are required to change their notification procedures to require notification of the above mentioned diseases.

Scottish Government
Agriculture and Rural Economy Directorate
March 2021