EXPLANATORY MEMORANDUM TO

THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS) (ENGLAND) (NO. 4) (AMENDMENT) REGULATIONS 2004

2006 No. 844

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 update changes to EU law and in particular include Commission Decisions 2006/183/EC and 2006/79/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 emergency Community measure to ban any import from outside of the EU of untreated feathers and parts of feathers which could carry the highly pathogenic avian influenza (HPAI) virus. It is essential from a disease control point of view that we give effect to Decision 2006/183/EC as soon as possible in order to minimise risk to public and animal health.

3.2 Commission Decision 2006/183/EC was adopted on 28 February 2006. This Decision amends Commission Decision 2006/7/EC which banned imports of untreated feathers from Georgia, Azerbaijan, Armenia, Syria, Iran and Iraq until 30 April 2006. The Decision extends the ban to all countries outside of the EU until 31 July 2006.

3.3 The ban based on Decision 2006/7/EC was implemented by administrative measures, however we cannot do this for a general ban. Therefore we have prepared an amendment to the SI.

3.4 It is also important to implement Commission Decision 2006/79/EC as it extends the ban on products of captive birds until 31 May 2006. The other amendments to Schedule 1 are to implement EU law and give us powers to enforce the control measures they contain.

3.5 The amendment also revokes the previous amendment to the Regulations made on 7th Dec 2005.

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 changes to Schedule 1 to those Regulations is to update our import controls and in particular reflect the bans in Commission Decisions 2006/183/EC and 2006/79/EC.

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 due to concern by Member States that unprocessed feathers from all countries outside of the EU could carry the HPAI virus and pose a risk to human health.

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 A Regulatory Impact Assessment has not been prepared for this instrument as no significant impact on business, charities or voluntary bodies is foreseen.

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 can answer any queries regarding the instrument.