EXECUTIVE NOTE

THE SALMONELLA IN BROILER FLOCKS (SAMPLING POWERS) (SCOTLAND) REGULATIONS 2005 (SSI 2005/496)

The above instrument was made in exercise of powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to negative resolution procedure.

Policy Objectives

The Zoonoses Directive 2003/99/EC and the Zoonoses Regulation 2160/2003/EC were adopted in December 2003 and have applied in Member States since June 2004. Their purpose is to ensure the proper monitoring, and collection of data, on the occurrence of zoonoses, zoonotic agents and related antimicrobial resistance, to enable the collection in the European Community of the information necessary to evaluate relevant trends and sources. Such data will then be used by the Commission to set community targets for the reduction of the prevalence of zoonoses and zoonotic agents (in this instance, Salmonella).

To this end, in September 2005 the European Commission issued Decision 2005/636/EC requiring Member States to carry out a survey involving the random sampling of flocks of broiler chickens to establish a baseline level of *Salmonellas* of public health significance throughout the Community. This survey will take place over the course of a year and the Commission will use the findings to set a level for reduction of these *Salmonellas* across the Community.

There is currently no legal basis in Scottish law to require producer co-operation with this survey and, without it, we would be reliant on the recommendations of members' compliance from the industry bodies and the goodwill of producers. This has the potential to cause problems with the effective implementation of the survey and it is felt, therefore, that legislation is required to allow for the possible non-cooperation of some producers.

Consultation

A full consultation on the Directive and Regulation was held between October 2001 and January 2002 during their proposal stage. The responses of this consultation were used to inform the UK Government's negotiating line in Brussels. Interested organisations have been kept informed of ongoing requirements.

Financial Effects

This legislation will impose no expense on the producer except that of time spent assisting with the survey. No Regulatory Impact Assessment has been prepared.

Scottish Executive Environment and Rural Affairs Department
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