EXPLANATORY MEMORANDUM TO THE

THE SALMONELLA IN LAYING FLOCKS (SURVEY POWERS) (ENGLAND) REGULATIONS 2004

2004 No.2885

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.

2. Description

2.1 The statutory instrument provides powers of entry and related p*owers* for the purpose of carrying out a survey to ascertain levels of zoonotic Salmonella within laying flocks of domestic fowl.

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

3.1 None.

4. Legislative background

4.1 The statutory instrument is being made in order to provide powers to implement Decision 2004/665/ECwhich requires Member States of the European Union to conduct surveys to assess the prevalence of salmonella in flocks of laying hens. It gives inspectors, powers of entry, powers to take samples and other related powers. Appropriate offences are created, penalties for these offences fixed and a duty imposed on local authorities for their enforcement. This SI also designates the Secretary of State as the authority responsible for selecting the holdings for inspection.

5. Extent

5.1 The statutory instrument applies to England.

6. European Convention on Human Rights

6.1 It is the view of Defra that these Regulations are compatible with the Convention rights.

7. Policy background

7.1 The Zoonoses Directive 2003/99/EC and the Zoonoses Regulation 2160/2003/EC replace and expand upon existing measures for protection against zoonoses and zoonotic agents in animals and products of animal origin.

7.2 The above legislation followed a European Commission report which concluded that changes were needed to control zoonoses and improve the way Member States were required to monitor and reduce levels of certain common

pathogens. This was because traditional pathogens like *Salmonella* remained high and new pathogens were emerging.

7.3 Under the Zoonoses Regulation 2160/2003/EC, the Commission is to set Community targets for the reduction of the prevalence of zoonoses and zoonotic agents (in this instance, *Salmonella*).

7.4 In order to set these targets, the European Commission issued Decision 2004/665./EC requiring Member States to take samples from holdings with flocks of laying hens and examine these samples, in accordance with Technical Specifications laid down by the Commission, and report back to the Commission. Once these reports have been submitted, the Commission will set target levels for reduction of this zoonosis across the Community. Member States will then be obliged to draw up national control plans, for approval by the Commission, to achieve this target.

7.5 The survey must take place over the course of a year, beginning on 1st October 2004, with Member States submitting a final report of their findings to the Commission by 15 October 2005.

7.6 The UK is required to sample at least 436 holdings, selected in accordance with the Technical Specifications, to achieve a statistically valid result. To ensure that it is possible for inspectors to gain access to the selected holdings, powers of entry and the other powers provided in this SI are required.

8. Impact

8.1 Minimal. There will be no expense to the producer except that of time spent assisting with the survey. The costs incurred by Defra will be minimal as sampling visits will be combined with other visits as far as is reasonably practicable. Following advice from the Defra Better Regulation Unit there is therefore no requirement for a Regulatory Impact Assessment.

9. Contact

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