

EXPLANATORY MEMORANDUM TO

The Eggs and Chicks Regulations (Northern Ireland) 2010 S.R. 2010 No. 125

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development.

1.2 The Statutory Rule is made in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972 and the Food Safety (Northern Ireland) Order 1991 and is subject to the negative resolution procedure.

1.3 The Rule complies with the 21 day rule and will come into operation on 28 April 2010.

2. Purpose

2.1 This Rule provides enforcement powers for the obligations which the National Control Programme (NCP) for *Salmonella* places on the operators of laying flocks. This will enable government to enforce the controls of the *Salmonella* NCP for laying flocks through the egg marketing standards. The Eggs and Chicks Regulations (Northern Ireland) 2010 also update the Eggs and Chicks (No. 2) Regulations (Northern Ireland) 2008.

3. Background

3.1 Zoonoses are diseases which are transmissible between animals and man. Directive 2003/99/EC of the European Parliament and of the Council on the monitoring of zoonoses and zoonotic agents and Regulation (EC) No. 2160/2003, provide for the protection of human health against zoonoses and zoonotic agents in animals and products of animal origin.

3.2 Commission Regulation (EC) No. 1168/2006 implementing Regulation (EC) No. 2160/2003 sets an annual target for the reduction of the prevalence of *Salmonella* Enteritidis or *Salmonella* Typhimurium in laying hens. In Northern Ireland this is implemented by the NCP for *Salmonella* in laying flocks. This Rule supports the requirement of the NCP that eggs from flocks affected by *Salmonella* are considered as Class B and cannot be sold for human consumption unless heat treated/pasteurised to guarantee elimination of all *Salmonella* serotypes of public health significance.

3.3 The Eggs and Chicks Regulations (Northern Ireland) 2010 will revoke and replace the Eggs and Chicks (No. 2) Regulations (Northern Ireland) 2008.

3.4 Guidance for the industry will be provided by the Department's Quality Assurance Branch who is responsible for enforcing the Regulations.

4. Consultation

4.1 The consultation on implementation of the Eggs and Chicks Regulations (Northern Ireland) 2010 ran from July to August 2009.

5. Equality Impact

5.1 In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the Rule have been assessed. The Department considers that the Rule will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment has not been prepared for these Regulations as they have no impact on business.

7. Financial Implications

7.1 The Rule does not have any financial implications for the Department or stakeholders.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Rule deals with egg marketing issues and does not have any human rights implications, nor is it incompatible with EU law. The Rule is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 The Rule makes new provision for the enforcement of EC controls for *Salmonella* in relation to the marketing and use of eggs in shell for human consumption.

10. Parity or Replicatory Measure

10.1 England already has legislation in place and similar legislation will be introduced in Scotland and Wales.

11. Contact

11.1 Siobhan Thompson at the Department of Agriculture and Rural Development. Telephone: 028 9052 0858 or e-mail: siobhan.thompson@dardni.gov.uk