

EXECUTIVE NOTE

THE PRODUCTS OF ANIMAL ORIGIN (THIRD COUNTRY IMPORTS) (SCOTLAND) (AMENDMENT) (NO.2) REGULATIONS 2006 SSI/2006/419

The above Instrument was made in exercise of powers conferred by Section 2(2) of the European Communities Act 1972.

Policy Objectives

The objective of this Instrument is to implement Commission Decisions 2006/522/EC and 2006/521/EC amending Commission Decisions 2005/760/EC and 2006/7/EC respectively restrict the import into Scotland of live captive birds (except pet birds and poultry), and products derived therefrom, from third countries. The latter Decision added untreated feathers to the list of restricted products. These are measures taken to protect the European Community from the spread of the Highly Pathogenic Avian Influenza Virus H5N1.

The restrictions imposed by Commission Decision 2005/760/EC, dated 27 October 2005, were due to expire on 30 November 2005 but were subsequently extended by further Decisions to 31 January 2006, and then to 31 May 2006. These Decisions were implemented by amendments to the above Regulations. Before the extension to 31 May 2006 expired, a further Decision was issued extending the restrictions to 31 July 2006. This Decision was not implemented at that time as it was expected that a further Decision extending the restrictions for a lengthier period would be issued shortly thereafter. Accordingly, it was not considered appropriate to make further amendments to the above Regulations which would shortly be superseded as a result of the subsequent Decision.

The restrictions imposed by Commission Decision 2006/7/EC, dated 9 January 2006, were due to expire on 30 April 2006 which date was subsequently extended to 31 July 2006 by Commission Decision 2006/183/EC. These Decisions were also implemented by amendments to the above Regulations.

The expected Decisions extending all of the restrictions, now to 31 December 2006, were not, in fact, published until 27 July 2006.

The Decisions extending the restrictions were not published until 27 July 2006 and have to take effect immediately. Any delay in bringing the implementing Regulations into force would reduce the effectiveness of the restrictions. Accordingly, it is considered necessary to breach the 21 day rule.

Consultation

There has been no consultation on this amendment.

Financial Effects

There are no cost implications for Central Government arising from the making of these Regulations. We do not expect there to be any significant economic impact on industry from the continued imposition of this ban.

Scottish Executive Environment and Rural Affairs Department