

**EXPLANATORY MEMORANDUM TO
THE SALMONELLA IN TURKEY FLOCKS AND SLAUGHTER PIGS (SURVEY
POWERS) (ENGLAND) REGULATIONS 2006**

2006 No. 2821

- 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**

This instrument provides powers to enter turkey holdings and slaughterhouses to take samples for the purpose of carrying out surveys to ascertain levels of Salmonella in turkey flocks and slaughter pigs; and creates offences for failure to assist survey personnel.

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

None.

- 4. Legislative Background**

This instrument implements two Commission Decisions of 29 September 2006 requiring surveys to be carried out in Member States to assess the prevalence of Salmonella in pigs and in turkeys by collecting certain samples. The surveys of pigs and turkeys cover a one year period from 1 October 2006.

- 5. Extent**

5.1 This instrument applies to England.

- 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 Directive 2003/99/EC on the monitoring of zoonoses and zoonotic agents and the Regulation 2160/2003 on the control of salmonella and other specified food-bourne zoonotic agents, provide for the protection of human health against zoonoses (diseases/infections which are transmissible between animals and humans) and zoonotic agents (organisms which are likely to cause a zoonosis) in animals and products of animal origin.

Commission Decision 2006/662/EC which covers turkey flocks and Commission Decision 2006/668/EC which covers fattening pigs are made under Regulation 2160/2003. The Regulation requires Member States to establish the prevalence of Salmonella in pigs and poultry. The Commission will then use this data for setting targets for the reduction of levels of Salmonella in these animals.

There is currently no legal basis in English law to require producer co-operation with these surveys and, without a Statutory Instrument, we would be reliant on the recommendations of members' compliance from the industry bodies and the goodwill of producers. Industry bodies have agreed to encourage their members to co-operate with the survey work and this is likely to be sufficient to ensure the co-operation of most of the selected turkey and slaughterhouse operators. This does not however ensure voluntary co-operation from all operators: in particular those involved in the seasonal production of turkeys, which has the potential to cause problems with the effective implementation of the survey.

Guidance

Discussions have been held with representatives of UK poultry and pig stakeholders to discuss the logistics of the survey work. A press release and article for the poultry industry newsletters explaining the assistance which inspectors will require to collect samples and relevant information for the questionnaires have been circulated. For the collection of samples from fattening pigs at abattoirs the Veterinary Laboratories Agency recently undertook "pilot" visits to all selected slaughterhouses to ensure that both their staff and government inspectors understood how the samples should be collected.

8. Impact

Minimal. Costs to those operators selected for the survey is in terms of time spent assisting inspectors. The costs incurred by Defra will be partly offset by a financial contribution from the Commission for laboratory testing.

8.2 A Regulatory Impact Assessment will not be conducted on this SI. The Regulation and Decisions oblige member states to carry out the surveys and clearly define the sampling protocol and testing methodologies to ensure parity across member states. The implementation of the survey work will not involve any direct expense by the individual producers and operators selected for sampling (except allowing access to the holding and/or providing information to complete a questionnaire which is un-quantifiable). There is no opportunity to influence the direction of the survey, and following advice from the Better Regulations Unit (BRU) it was decided that in these circumstances a public consultation would not be a valid exercise.

9. Contact

John Conway at the Department of Environment, Food and Rural Affairs. Tel: 020 7904 6117 or e-mail: john.conway@defra.gsi.gov.uk can answer any queries regarding the instrument.