

Environment, Planning and Countryside Committee

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The Avian Influenza (Vaccination) (Wales) Regulations 2006

Purpose

At the request of the Business Committee this paper brings the above -named draft regulations to the attention of Members of the Environment, Planning and Countryside Committee.

Background

These draft regulations form part of the Welsh Assembly Government's proposals for implementing the new avian influenza Directive (2005/94 EC) adopted on 20 December 2005. These regulations will be made under the European Communities Act 1972 and will implement the vaccination provisions of the Directive. It is intended to partially transpose the Directive in early June the early summer by making these regulations and the Avian Influenza and Influenza of Avian Origin in Mammals (Wales) Order 2006.

The Directive includes an option for emergency and preventive vaccination in certain circumstances of disease threat. The regulations provide for emergency or preventive vaccination, if the National Assembly requires such action, following a risk assessment. There is provision for the declaration of vaccination zones in areas which contain poultry or other captive birds which the Assembly considers should be vaccinated to prevent the spread of avian influenza. There is also provision for vaccination notices to be served on premises where such birds are kept. Conditions are prescribed for movements of poultry, other captive birds and poultry products within, to and from vaccination zones. The regulations also contain stipulations in respect of meat from poultry kept within a vaccination zone or premises under notice.

Vaccination does not form part of the current UK avian influenza control strategy in view of their limitations and only one avian influenza vaccine has a marketing authorisation in UK and this is only 'provisional'. Vaccines that are currently available elsewhere in Europe are inactivated. They are delivered by injecting birds individually which is slow and presents high costs to the industry if done on a large scale.

Vaccines do help to prevent birds from becoming infected but it is known that a proportion of vaccinated birds can shed virus after being infected without showing clinical signs. This latter group could spread

infection and pose difficulties for disease surveillance. There may be a role in the UK for vaccination to protect zoological collections of rare endangered species. In addition, if the risk assessment so dictated, a decision might be taken to use emergency vaccination for unhusbanded food chain birds to contain a disease outbreak. It is therefore necessary to provide a legal base for vaccination.

Consultation

A consultation exercise on the proposals to implement the Directive ended on 14 April 2006. The legislation, including the draft Avian Influenza (Vaccination) (Wales) Regulations 2006, is being considered in the light of responses to the consultation.

Translation

In view of the tight timescale it has not been possible to have a Welsh version of the draft regulations for scrutiny by the committee.

Regulatory Appraisal and Explanatory Memorandum

These are not required as ministerial approval is being sought for use of full Executive procedure for making the legislation. This is because of its urgency to transpose partially the Avian Influenza Directive (2005/94EC) by 1 June 2006 to accord with England. Transposition has to be effected contemporaneously throughout the UK.

Compliance

The Regulations are to be made under section 2(2) of the European Communities Act 1972. Responsibility for issues relating to the content of the Regulations is delegated to the Minister for Environment, Planning and Countryside and therefore any functions introduced in or under the Regulations will stand delegated to the Minister.

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