

EXPLANATORY MEMORANDUM TO
THE POULTRY BREEDING FLOCKS AND HATCHERIES (ENGLAND) ORDER
2007
2007 No 405

1. This explanatory memorandum has been prepared by 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**

- 2.1 This instrument provides powers to enter breeding flock holdings with 250 or more domestic fowl to supervise, audit and collect samples required by the National Control Programme for Salmonella. The instrument also provides powers to require that operators of breeding flocks notify the Secretary of State when the birds arrive at their holding and when they will be moved to the laying phase or laying unit.

3. **Matters of special interest to the [Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments]**

- 3.1 None

4. **Legislative Background**

- 4.1 This instrument implements monitoring and controls for breeding flocks required in *EU Regulation 2160/2003 on the control of salmonella and other specified food-borne zoonotic agents* and *EU Commission Regulation 1003/2005 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks*. These Regulations expand upon and replace monitoring and controls for breeding flocks implemented by the Poultry Breeding Flocks and Hatcheries Order 1993.

5. **Extent**

- 5.1 This instrument applies to England.

6. **European Convention on Human Rights**

Not applicable.

7. **Policy background**

- 7.1 Zoonoses are diseases which are transmissible between animals and man. The EU Zoonoses Directive 2003/99/EC on the monitoring of zoonoses and zoonotic agents and EU Regulation 2160/2003 on the control of salmonella and other food-borne zoonotic agents, provide for the protection of human health against zoonoses

and zoonotic agents in animals and products of animal origin. Commission Decision 1003/2005 made under Regulation 2160/2003 sets a Salmonella reduction target for all adult breeding flocks (comprising at least 250 birds) to 1% or less by 31 December 2009. The National Control Programme for breeding flocks sets out the framework of controls described in Regulation 2160/2003 to meet the target and sampling described in Regulation 1003/2005 to verify that the target has been met.

8. Impact

8.1 A Regulatory Impact Assessment is attached to this memorandum which describes in detail the impact and associated costs on the public and private sectors.

9. Contact

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Tel 020 7904 6117 or e-mail: john.conway@defra.gsi.gov.uk can answer any queries regarding the instrument.

Initial Regulatory Impact Assessment

Title of the legislation and timetable

The Poultry Breeding Flocks and Hatcheries Order 2007 ('The Breeding Flocks Order').

The Breeding Flocks Order implements the UK NATIONAL CONTROL PROGRAMME FOR BREEDERS (*Gallus gallus*)

This National Control Programme (NCP) will come into effect on or before 01 January 2007 as required by the Zoonoses Regulation 2160/2003.

Legislation implemented by The Breeding Flocks Order

- The Zoonoses Regulation 2160/2003 on the control of *Salmonella* and other specified foodborne zoonotic agents.
- Commission Regulation 1003/2005 (implementing Regulation 2160/2003) on a Community target for the reduction of the prevalence of certain *Salmonella* serotypes in breeding flocks of *Gallus gallus* and amending the Zoonoses Regulation 2160/2003.

Definition

A **zoonosis** is any disease and/or infection which is naturally transmissible directly or indirectly between animals and humans.

A **zoonotic agent** means any virus, bacterium, fungus, parasite or other biological entity which is likely to cause a zoonoses.

A **National Control Programme** (NCP) is a framework of measures required by Zoonoses Regulation 2160/2003 for the control and monitoring of zoonoses and zoonotic agents which must be implemented by all EU Member States. The NCP for breeding flocks is attached.

A **flock** means all poultry of the same health status kept on the same premises or in the same enclosure and constituting a single epidemiological unit; in the case of housed poultry, this includes all birds sharing the same airspace.

A **breeding flock** for the purposes of this Regulatory Impact Assessment (RIA) comprises at least 250 poultry of the species *Gallus gallus* (domestic fowl) that are reared or kept for the production of hatching eggs. Turkeys, ducks and geese are not required to be tested under The Breeding Flocks Order.

Official control sampling means sampling which takes place under the Competent Authority (CA)

Competent Authority (CA) means a government body, or agency of the government body responsible for the implementation and enforcement of the legislation.

Other legislation referred to in the Regulatory Impact Assessment

The Zoonoses Regulation 2160/2003 the "The Zoonoses Regulation"

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2003/l_325/l_32520031212en00010015.pdf

Regulation (EC) No 1003/2005

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_170/l_17020050701en00120017.pdf

The Animal Health Act 1981 “The Animal Health Act”

The Poultry Breeding Flocks and Hatcheries Order 1993 “PBFHO 1993”

The Poultry Breeding Flocks and Hatcheries Fees Order 2003 “The Poultry Fees Order”

The Zoonoses Order 1989

The Animal by Products Regulations 2005

EU legislation can be viewed at:

http://eur-lex.europa.eu/RECH_legislation.do?ihmlang=en

legislation can be viewed at:

www.defra.gov.uk

Or printed copies of both EU and UK legislation can be obtained from (or emailed by):

ricky.o.doghor@DEFRA.GSI.GOV.UK tel: 020 7904 6146

Purpose and intended effect

The Objective:

1. The NCP was submitted to the Commission in 2005 and has been approved. The purpose of NCP is to meet the requirements of EU legislation which seeks to ensure that *Salmonellas* of human health significance are detected and controlled in breeding flocks and their environment in order to reduce the threat they pose to human health further along the food chain. These are *Salmonella* Enteritidis, *Salmonella* Hadar, *Salmonella* Infantis, *Salmonella* Typhimurium and *Salmonella* Virchow.
2. The Zoonoses Regulation on the control of *Salmonella* and other specified zoonotic agents provides for the setting of Community targets for reducing the prevalence of *Salmonella* serovars (infections) of public health significance in pigs and poultry. In December 2005 the NCP was submitted to the Commission within 6 months of the setting of a Community target by Regulation 1003/2005.
3. Over the next four years, separate NCPs will be drawn up for layer and broiler flocks of domestic fowl, for turkeys and for fattening and breeding pigs. These will be subject to separate RIAs.

Detail: Regulation 1003/2005

- Requires the reduction and/or maintenance of the prevalence of *Salmonellas* of public health significance in breeding flocks of *Gallus gallus* to a target level of 1 % or less of adult breeding flocks remaining positive by 31 December 2009.
- Sets out requirements and testing methods for official control sampling to verify the achievement of the Community target.
- Requires that samples are submitted to a laboratory authorised by the Competent Authority (CA), which applies quality assurance systems that conform to the requirements of the current EN/ISO standard.

Detail: The Zoonoses Regulation

Sets a general framework for control plans which this NCP integrates. This covers:

- Minimum sampling requirements detailing the phases of production which sampling must cover (Annex II, B).
- The relevant guides for good animal husbandry practice and other guidelines such as rodent control to reduce the risk of the introduction of *Salmonella* into the flock, the prevention of between-flock transmission (for instance through rodents) and the monitoring of feed production.
- The respective responsibilities of the Competent Authorities (CA) and food and feed business operators.
- The control measures to be taken following the detection of zoonoses and zoonotic agents, to protect public health. This includes the specific measures laid down in Annex II of the Zoonoses Regulation 2160/2003 when a breeding flock is suspected of being infected with *S* Enteritidis and *S* Typhimurium.

Application and scope

4. This National Control Programme will be implemented throughout the UK. Although this RIA is intended to cover implementation in England only, figures have been presented for the devolved administrations within GB.
5. Defra is the Competent Authority (CA) for implementation of this NCP. It will be supported by the Veterinary Laboratories Agency, the State Veterinary Service and Food Standards Agency.
6. The Breeding Flocks Order will apply new legislation in England and it will be necessary to make it under the powers of the Animal Health Act 1981.

Background

7. A programme for the control of the two most important *Salmonellas* of public health significance, *Salmonella* Enteritidis and *Salmonella* Typhimurium in breeding flocks of *Gallus gallus* has been in operation in the UK since 1989, and in its present form since 1993. Under the Poultry Breeding Flocks and Hatcheries Order 1993 (which implements the sampling requirements of the Directive 92/117) official controls are conducted at the hatchery for each parent breeding supply flock each 8 weeks during egg production (or each 4 weeks if the breeding flock is at the grandparent level or above). Operator controls in line with Directive 92/117 are carried out on breeding flocks by taking samples at day old, when the birds are 4 weeks of age and approximately 2 weeks before the birds come into lay. The NCP describes the current progress in the reduction of *Salmonellas* of human health significance in detail (1.1.10 and 1.1.6). Zoonoses Regulation 2160/2003 is intended to harmonise the reduction of *Salmonellas* of public health significance in breeding flocks across the Community.
8. The UK breeding flock sector is already meeting many of the NCP's requirements. Calculations prior to setting the target in Regulation 1003/2005 found that the occurrence of the five relevant *Salmonella* serovars in breeding flocks in the UK was 0.4%.

(Report on results of monitoring/control of *Salmonella* in breeding flocks of *Gallus gallus* in the European Union and Norway in 2004 SANCO 1143/2005 http://ec.europa.eu/food/food/biosafety/salmonella/impl_reg_en.htm).

9. In recognition of this achievement by industry we are seeking to identify an approach to implementation which avoids undue financial burdens while still complying with EU obligations. The implementation options considered below and feedback from consultations with industry both support this approach.
10. Relevant current national legislation is described in paragraph 1.9.0 of the NCP. This will be amended when the new implementing legislation has been published. The structure and organisation of the relevant Competent Authorities (CAs) is described in paragraph 1.3.0 of the NCP.

Rationale for government intervention

11. To continue implementation of England's obligations under the Zoonoses Regulation and Directive which were agreed by the Secretary of State in 2003. This legislation was in response to the opinion on zoonoses adopted on 12 April 2000 by the Scientific Committee on Veterinary Measures relating to public health. That opinion found that the measures in place at the time to control food-borne zoonotic infections were insufficient and that the epidemiological data that Member States were collecting was incomplete and not fully comparable.
12. By January 2007 all Member States will be required to have a NCP for *Salmonella* monitoring in domestic fowl in place which matches the standards of Regulation 2160/2003 and 1003/2005. This should ensure a consistent approach to the reduction of *Salmonellas* of public health significance and the protection of human health from poultry meat and eggs imported from countries which have not reduced *Salmonella* prevalence in breeding flocks as successfully as the UK.
13. It is important that *Salmonella* is controlled in the breeding flock sector to limit or reduce the spread of *Salmonella* to the egg and meat production sectors. The NCP should ensure that chicks and hatching eggs are from breeding flocks which have been tested free of *Salmonella* Enteritidis and *Salmonella* Typhimurium. The testing regime required by the NCP is recognised as being more sensitive than that is currently required and should reduce the risk of *Salmonellas* of public health significance reaching the hatcheries, where it can be difficult to eliminate from the environment and provide a source of contamination for chicks hatched from other breeding flocks.

Devolution

14. It is intended that The Breeding Flocks Order should apply to England only. Separate national legislation will be introduced by the other devolved administrations in the UK.

Risk Assessment

15. The immediate risk is that the failure to bring The Breeding Flocks Order into force could result in the absence of powers to enforce the official control sampling, operator sampling, and auditing required to implement the NCP. Without these powers government could fail to verify the achievement of the target for the reduction of *Salmonellas* of human health significance and to confirm that operators are observing the general requirements of the

NCP. It would also prevent government and industry from ensuring that *Salmonella* does not reach the hatcheries and spread to the wider food chain with subsequent adverse effect on human health. We would also fail to support the overarching objective of the EU Commission to reduce or maintain the low prevalence of *Salmonellas* of human health significance in breeding flocks of domestic fowl in Member States.

16. There would also be significant risk of failing to maintain the success of the breeding flock sector in reducing the occurrence of the five *Salmonella* serovars in the control programme to below the 1% target set by the Commission and enabling the sector to turn this success to its economic advantage. This could prejudice confidence in the high quality of UK produced chicks and hatching eggs and have a possible impact on exports and trade of day old chicks and hatching eggs which must originate from breeding flocks operating to the requirements of the NCP. The current value of live fowl exports from the UK to the EU is around £29 million.

Consultation

17. Regular meetings have been held with major stakeholders in the UK poultry industry (including British Poultry Council, British Egg Industry Council and National Farmers Union) to discuss the requirements and implications of Regulation 1003/2005 for the breeding flock sector. These stakeholders and Defra officials have worked in partnership to produce this NCP, along with colleagues in the devolved administrations, technical experts at the Veterinary Laboratories Agency and other relevant departments, in particular the Food Standards Agency, which have also contributed to this document.

Sampling and testing requirements of the National Control Programme

Sampling at the Initiative of the Operator

18. Under Regulation 1003/2005 sampling at the initiative of the operator can take place at the hatchery or at the holding according to which option is preferred by the Member State. After consulting with industry representatives it was agreed that sampling at the initiative of the operator should take place at the holding.
19. This decision is to prevent, as far as possible, the placement on farms of day old chicks originating from infected flocks. Sampling on farm allows detection of an infected flock at an earlier date than sampling the hatched chicks which will have originated from eggs laid some weeks previously. With the future control plans to reduce the prevalence of *Salmonellas* of public health significance in layers and broiler flocks coming into effect in 2008 and 2009, there will be an even greater need to seek to ensure that these chicks originate from breeding flocks which are negative for *S. Enteritidis* and *S. Typhimurium*. Furthermore, the specific requirements in Regulation 2160/2003 for the heat treatment of eggs from flocks of laying hens, where *S. Enteritidis* or *S. Typhimurium* is either suspected or detected from 2010, also emphasises the need to control these serotypes at the earliest stage possible. Sampling the breeding flock sector on farm reduces the risk to the industry of the challenges and expense of controlling a potential *Salmonella* infection which has travelled beyond the hatcheries.

Frequency of sampling at the initiative of the operator

20. Operator samples are defined as samples which are collected by the operator (or their staff) without direct supervision from the CA and then sent to a Defra authorized laboratory to carry

out the necessary tests. When the NCP comes into force the operator of a breeding flock of domestic fowl will be responsible for taking samples on the holding as required in the Annex to the Zoonoses Regulation 2160/2003:

- Day old, 4 weeks and 2 weeks before coming into lay.
NB: The type of sample to be taken by the operator during the rearing stage of breeding flocks is not specified. The details of this sampling will be finalised within the Defra-industry working groups mentioned above.
- Then every 2 weeks during the egg laying phase.
NB: The type of samples to be collected every two weeks by the operator should be as described in Annex 2.2.2 of Regulation 1003/2005.

21. This sampling requirement is similar to that placed on hatcheries of domestic fowl operators by PBFHO 1993 which required that samples are collected from parent flocks supplying eggs to the hatchery every 14 days (7 days for grandparent flocks). This sampling is currently done at the hatchery. For the reasons explained above it will move to the farm.

Official Control Sampling

22. Official control samples are defined as samples which are collected under the control of the CA. Regulation 1003/2005 requires that official control samples are taken on three separate occasions during the egg laying phase (or after moving to the egg laying unit). It also specifies the type of samples which should be collected and the testing methods. Paragraph 1.6.5 of the NCP describes these requirements in detail.

23. Under the PBFHO 1993 official control samples have been taken at hatcheries under the supervision of the SVS every 28 days for grandparent flocks and every 56 days for parent flocks. In practice a hatchery supplied with eggs from grandparent flocks can expect 12 visits per annum. A hatchery supplied by eggs from parent flocks can expect 6 visits per annum. On occasions additional visits and samples are taken to ensure that all the breeding flocks supplying the hatchery with eggs are included. This is probably off set by a reduction in visits when a breeder flock has not been immediately replaced on the holding following depopulation.

24. Under the NCP a breeding flock operator of parent and grandparent flocks could expect 3 visits per annum from the SVS to supervise or conduct the collection of official control samples from each flock on the holding. In GB, there are 538 holdings with an estimated 2,000 breeding flocks on which these visits would have to be conducted. This compares to 55 hatcheries under the existing PBFHO 1993.

25. Industry representatives have expressed serious concern about the possible increase in costs associated with the new requirements, in particular the collection of the official control samples by the CA. The implementation options explore ways to control the potential costs of the official control sampling whilst meeting the obligations of the legislation. For detailed breakdown of costs see the Benefits section.

Sampling at the initiative of the operator

26. Regulations 1003/2005 and 2160/2003 set out specific minimum sampling requirements for sampling at the initiative of the operator to ensure that the monitoring and control of *Salmonella* is comparable across all Member States. It is to the advantage of the operator to

know the prevalence of *Salmonella* in their own breeder flocks in order to provide assurance to the customer receiving hatching eggs or day old chicks, and to enable corrective action to be taken at an early stage should a breakdown occur.

27. Regulations 2160/2003 requires that sampling at the initiative of the operator must take place when the chicks are a day old, four weeks old, two weeks before moving to laying phase or the laying unit and then every second week during the laying period. The laying period for fertilised eggs can begin at about 22 weeks and sometimes continue for up to 60 weeks. (Normally breeder flocks on the meat production side are depopulated at around 60 weeks of age, and on the egg production side at around 72 weeks of age.) Therefore to meet the requirements of this legislation it is likely that not more than 22 samples will be taken during the lifespan of a breeding flock. It is recognised, however, that some Farm Assurance Schemes might require operators to take more samples than is required in the legislation.
28. To estimate the *annual* costs of sampling at the initiative of the operator we have assumed that a year covers the beginning of the production period when a flock of day old chicks arrives on a holding until 30 weeks into the production period at the end of the year. (This assumes that all the breeder birds on a rearing unit will form one adult breeding flock which will not always be the case but is a useful assumption for the purposes of this RIA).
29. During this period the legislation would require the collection of 3 samples during the rearing phase and 15 production period samples. Therefore, a total of 18 samples per year per flock needs to be collected. Three of the samples collected during the production period are to be collected as part of the official controls. Therefore, there are 15 samples per year per flock which are taken at the initiative of the operator.
30. Forthcoming controls on layer and broiler flocks with the aim of reducing the levels of *S. Enteritidis* and *S. Typhimurium* mean that hatchery operators are likely to require assurance that breeding flocks supplying eggs for hatching are complying with the NCP's monitoring requirements. Government enforcement of operator sampling will most probably take the form of monitoring records of operator sampling when conducting farm visits, results of testing carried out by authorised laboratories, and monitoring available results from industry operated bodies.

Costs and benefits of sampling at the initiative of the operator

31. The costs and benefits of sampling at the initiative of the operator are the same for each option 2 to 5 considered below.

Benefits to operators

32. The benefits to operators of sampling at their own initiative under the legislation are:
 - Detection of *Salmonellas* of public health significance during the breeder rearing phase as early as possible is important to ensure that infected birds do not produce hatching eggs.
 - During production to detect *Salmonellas* of public health significance at an early stage so that spread to the next generation is minimised, and to minimise the risk of spread to other flocks on the site.
33. Forthcoming EU legislation will impose controls on *Salmonellas* of public health significance in flocks laying eggs for human consumption, and on chickens produced for meat. It is vital

that these producers can have assurance that the birds in their flocks did not originate from infected breeder flocks or become contaminated at the hatchery.

34. In addition, there would be human health benefits to society as a whole of effective sampling practice and action as detailed in the legislation to reduce the risk of *Salmonellas* of public health significance entering the food chain.

Costs to operators

35. Costs to operators of sampling at their own initiative under the legislation are:
- Cost of familiarising themselves with the new legislation and sampling requirements
 - Cost of collection of samples (3 during rearing phase and 12 during production phase)
 - Cost of testing samples.
36. It is anticipated that these costs would be borne by the operator and not by government. The total costs of sampling at the initiative of the operator (which are the same under all options 2 to 6) are summarised in the following table. It is possible that there will be a 10% increase in costs laid out in the current Poultry Breeding Flocks Fees Order, covering cost of tests and SVS visits. Therefore costs are shown with prices as they are in the current Fees Order, and with a 10% increase in those prices.

	England	Wales	Scotland	GB Total
Current Fees Order costs				
Total common costs to operators	£1.1 million	£21,000	£98,000	£1.2 million
10% increase in current Fees Order costs				
Total common costs to operators	£1.2 million	£22,000	£103,000	£1.3 million

Options

37. For reasons explained above the implementation options focus on the requirement for official control sampling in Regulation 1003/2005.

Assumptions of the options

38. The agent of the Competent Authority (CA) with overall responsibility for monitoring the implementation of the NCP, undertaking and supervising the collection of both operator sampling and official control sampling in England will be staff from the State Veterinary Service (SVS). Possible options for collection of official control samples are presented below.

Option 1 – do nothing (continue with sampling and testing under current PBFHO 1993).

Option 2 – for the Competent Authority to be responsible for the official control sampling and for government officials to collect and despatch all the official control samples for testing at the national reference laboratory.

Option 3 – for operators/owners of breeding flock holding to be accredited as the official control body and to conduct the collection of official control samples for testing at the national reference laboratory.

Option 4 – for operators/owners of breeding flock holdings to be accredited as the official control body for official control sampling and to collect and despatch all official control samples for testing at the national reference laboratory, under the direct supervision of government officials.

Option 5 – for the Competent Authority to be responsible for the official control sampling and be fully responsible for collecting and despatching the samples to the national reference laboratory, with a proportion of this work conducted by approved operators acting on the Competent Authorities behalf.

Option 6 – for the Competent Authority to delegate responsibility for official control sampling to an accredited control body.

Option 1 – do nothing (continue with PBFHO 1993).

39. The controls and testing required by the Zoonoses Regulation and Regulation 1003/2005 cannot be implemented through administration and current legislation. Failure to comply with these – or implementation which might be perceived to be partial compliance – would be a potential threat to public health and a breach of Community obligations. Furthermore, if testing by government and industry were to continue under PBFHO 1993 it would not be on a consistent basis with the control measures being implemented in the rest of the EU. This is not considered an acceptable option.

Option 2 – for the Competent Authority to be responsible for the official control sampling and for government officials to collect and despatch all the official control samples for testing at the national reference laboratory.

40. This option would fulfil the requirements of the relevant legislation.

41. If this option were adopted it is difficult to see how official control sampling under the complete control of the CA could be implemented without an increase in resources to the SVS. Under the current PBFHO 1993 SVS officers visit 55 hatcheries to oversee the collection of official samples on average at least 12 times per annum. Under this option they would be required to visit 564 breeding holdings 3 times per annum.

42. In addition there are logistical problems. SVS staff work to the highest biosecurity standards and should not present a breach in the biosecurity of holdings visited. However it will be difficult to have suitable staff always available to visit holdings where the biosecurity is maintained at a very high level, as is the case in the grandparent/elite breeder sector on a routine basis.

Option 3 – for operators/owners of breeding flock holdings to be accredited as the official control body and to conduct the collection of official control samples for testing to the national reference laboratory.

43. At NCP working group meetings industry representatives proposed this as an approach to be considered. It would be consistent with the food business operator taking on full responsibility for complying with the legislation. However, if government were to play a minimal role in the official control sampling we have serious reservations over whether it could be implemented in such a way as to meet this department's obligations under EU legislation and responsibilities for human and animal health for which government would ultimately be held accountable.

44. Although Regulation 1003/2005 does not provide a definition of 'official sampling' it anticipates that the CA will play a significant role in official control sampling. If operators are permitted to act as the control body, government would have to be satisfied that the official control samples were taken, handled and stored as specified and did not fall out of the control of the CA. This could raise difficult questions of impartiality and consistency that would have to be addressed.

Option 4 – for operators/owners of breeding flock holdings to be accredited as the official control body for official control sampling and to collect and despatch all official control samples for testing at the national reference laboratory, under the direct supervision of government officials.

45. This option is similar to option 2 but would require SVS staff to supervise as opposed to conduct the collection of official control samples on breeding flock holdings. An operator will have complied with the official sampling requirements of Regulation 1003/2005 if agents of the CA observe each collection of the official control samples and are satisfied that they have been taken as specified.
46. This option will nonetheless require a comprehensive role for the SVS in the official controls, with the likelihood of increased expenditure to government and industry. A cost recovery mechanism would have to be put in place and our objective would be to implement it in such a way that costs for industry were controlled. Limiting the SVS role to supervision of the collection would not necessarily substantially reduce the time spent on premises by government officials; it could, however, overcome to a large extent logistical problems in relation to biosecurity, as contact with the birds would be minimised.

Option 5 – for the Competent Authority to be responsible for the official control sampling and be fully responsible for the collecting and despatching the samples to the national reference laboratory, with a proportion of this work conducted by approved operators acting on the Competent Authority's behalf.

47. Under option 5 government will retain full responsibility for the official control sampling. However, not all official samples would be taken by government officials, but would remain under the control of the CA. Additional monitoring could be conducted on the samples taken by authorised official control samplers to provide assurance that they had been taken and handled appropriately. It would allow government officials to manage their resources more flexibly and to concentrate them on those areas where there was the greatest need.
48. In practice the SVS would manage the official control sampling which would be allocated to their staff or other government body or person authorised to take a target of official samples. Flock operators would be obliged to notify their local Divisional Veterinary Manager (DVM) when a breeding flock has been moved to the egg laying unit or has entered its production period and to make arrangements for the official sampling. The DVM would then make arrangements for the official sampling of the flock on three occasions during its production period. The SVS would always use its own staff (or other government officials) to take official samples where a risk based analysis indicated that the holding may have a *Salmonella* problem, for example, a positive *Salmonella* finding in an operator sample. Suspected infection with the five *Salmonellas* of public health significance would have an official sample taken by staff from the SVS or other government official.
49. For non-government personnel to be approved by Defra to collect official control samples, such persons would be required to apply to the SVS to be trained by staff from the SVS (or

possibly local VLA) in the sampling protocol set out in Regulation 1003/2005. This approval would be administered by a formal accreditation system and could be subject to renewal. Approval would only apply to the individual who has received the training and shown competence in it. There would be provision for removal and addition of authorised official control samplers from the accredited list.

50. A *Salmonella* outbreak in a breeding flock has serious ramifications for business, in particular if the infection reaches the hatchery. Most of the large breeding flock operators are considered to take the control of *Salmonella* in breeding flocks seriously, as demonstrated by the low levels of infection which have been achieved in breeding flocks in recent years.
51. We would not implement this option without reserving the right for government to take a larger role in the official control sampling if there were a change in the epidemiological situation or in response to concerns about the success of the scheme. Article 2 of Regulation 1003/2005 provides for a review of the target in the first year of implementation, and this would be an opportunity to consider the success of the NCPs and the need for any amendments.
52. In conclusion option 5 successfully identifies maximum flexibility within the legislation without compromising the monitoring and controls it puts in place and takes account of the economic situation of the poultry industry. During discussions with industry representatives this has emerged as an option which they are provisionally prepared to support.

Option 6 – for the Competent Authority to delegate responsibility for official control sampling to an accredited control body.

53. This is an option which would be similar to option 5 except that the SVS would audit and monitor a control body's management of the official control sampling as opposed to directly managing the official control sampling. Such a body would have to be independent of breeding flock companies and be contracted to work for the government.
54. The implementation of option 6 would mean that whilst Defra/SVS would act as the Competent Authority (CA) for the NCP they would accredit another organization to act as the control body for the day to day management of the sampling programme (both sampling at the initiative of the operator and official control sampling).
55. For this option to be adopted the prospective organisation would have to present a case which fulfilled the legislative requirements to be considered. Accreditation process would also be contingent on regular external appraisal by Defra/SVS. This would require the CA (probably the SVS) to ensure that the control body was conducting/supervising the sampling requirements to an acceptable standard, possibly through a programme of on the spot auditing at breeding flock farms.
56. Accreditation would require the organisation to demonstrate that it had the expertise and infrastructure to carry out the task delegated to it and was free from any conflict of interest with the companies it was over-seeing. There are precedents for the accreditation of non-government control bodies and it has become an accepted arrangement for some animal welfare in transport legislation. For instance some transport companies are accredited by government to act as a control body for the carriage of pets.
57. If the control body managed the sampling programme the farmer might still be authorised to collect a proportion of the official control samples, although authorisation would come from

the control body as opposed to the CA. In practical terms this could amount to the same thing, i.e. farmers will conduct a proportion of the official control sampling but under the risk-based supervision of (for instance) a farm assurance scheme. However this option would lead to a different relationship between farmers and the CA in the implementation and enforcement of the NCP.

58. The most likely organisation would be an existing farm assurance scheme which could extend its activities to act as the control body for the NCP, and was able to make a strong case for accreditation. At the moment no such body has come forward but this approach is feasible and would be considered.

Benefits

59. Whichever of the options from 2 to 6 we decide can be successfully implemented they will enable the breeding flock sector to be part of an integrated approach to food safety through adequate and harmonised monitoring and controls across the EU. In this way our industry and consumers should also be able to benefit from other Member States implementing this legislation and reaching their targets. By agreeing to meet the same criteria of the Member States – even though the prevalence of *Salmonella* in England is low – we agree to bear the same costs in return for the benefits to industry and consumers of standards and methods which are equal across the EU for the production of layers and broilers.

Option 1 – do nothing (continue with PBFHO 1993).

60. Under option 1, the current system of sampling and testing would continue under the PBFHO 1993. Therefore, no additional benefits over the current system would occur if this option were followed.

Option 2 – for the Competent Authority to be responsible for the official control sampling and for government officials to collect and despatch all the official control samples for testing at the national reference laboratory.

61. This system would fully meet all EU requirements, in particular meeting the preference for CAs to take a comprehensive role in sampling. Such a degree of control by the CA would avoid issues of partiality and consistency, achieving the greatest certainty that sampling procedures have been met. Certainty of sampling procedures infers the greatest degree of protection of both human and animal health from *Salmonella*.

Option 3 – for operators/owners of breeding flock holdings to be accredited as the official control body and to conduct the collection of official control samples for testing to the national reference laboratory.

62. This option produces the greatest benefits from limiting government intervention, and from limiting any potential biosecurity risk or staffing issues from repeated SVS visits by government officials.
63. The benefit of the reduction of the burden on government is the equivalent of 10,000 person-hours per year, worth £540,000 per year compared to current SVS costs under option 1.
64. Providing that the system operates effectively and can be verified that trained operators are conducting sampling in line with EU requirements, this option would also confer the same benefits as option 2.

Option 4 – for operators/owners of breeding flock holdings to be accredited as the official control body for official control sampling and to collect and despatch all official control samples for testing at the national reference laboratory, under the direct supervision of government officials.

65. This option confers all the same benefits as option 2 as the SVS will oversee collection of samples to ensure that EU requirements on procedures are being met. There is potential for saving time on visit costs if officials were not required to collect samples.

Option 5 – for the Competent Authority to be responsible for the official control sampling and be fully responsible for collecting and despatching the samples to the national reference laboratory, with a proportion of this work conducted by approved operators acting on the Competent Authorities behalf.

66. This option permits flexibility in who takes the samples while giving assurance that all official samples are taken as specified in the legislation. This option achieves all the benefits of options 2 and 4 in ensuring that sampling meets EU requirements, and some of the benefits of option 3 in allowing government to reduce its input.

Option 6 – for the Competent Authority to delegate responsibility for official control sampling to an accredited control body.

67. This option, like option 5, offers sufficient flexibility in the implementation of the NCP to enable industry to take a large part of the responsibility for official control sampling. By enabling a control body which is separate from the CA to manage the NCP (assuming proper auditing is in place) this option could allow all the benefits of options 2, 4, and 5 in ensuring that sampling meets EU requirements, as well as the benefits of option 3 and 5, by encouraging industry to be self-regulating as far as possible. By limiting the role of the CA to accrediting the control body, as opposed to approving operators for the collection of official control samples, there could be savings to government. There could also be potential savings to industry if the control body was able to operate sampling collection at lower costs than the SVS.

Costs

Cost Recovery

68. Currently, cost recovery is in place for official sampling and testing under the PBFHO 1993 (option 1). Under the NCP it is expected that full cost recovery will continue for the testing (the cost of sampling equipment and laboratory analysis) and collection of official control samples (although as already stated this will be the subject of separate legislation). There is also potential for government (or the control body) to recover the following costs from industry:

- Costs of training for the new sampling techniques
- Administration and running costs of checking systems (options 3 and 5)

69. Annex 2 sets out the costs to industry and government of full and partial cost recovery for the official control sampling in relation to the five options. Please note that this table is illustrative only and not necessarily an accurate reflection of the charges that would be made.

Option 1 – do nothing (continue with PBFHO 1993).

70. Despite continuation of sampling and testing under the PBFHO 1993 and farm assurance schemes, following the ‘do nothing’ option could lead to costs arising from two different strands of legal action taken against the government by the Commission. Firstly, legal action could be taken against the UK, for failing to implement the UK’s obligations. Secondly, failure to implement the sampling regime might be perceived to be a partial implementation of Regulations 1003/2005 and 2160/2003.
71. If sampling schemes were seen not to fulfil EU requirements, then there is a possible risk that the EU could refuse British breeding fowl exports. We cannot however, be sure whether the EU would succeed in attempting such restrictions.
72. There could also be costs of increased risk to human health and bird health as the testing required under the NCP is more sensitive than under the current system. The low *Salmonella* prevalence in UK breeding flocks, continuation of sampling and testing under the current regime and the likely continuation of farm assurance schemes mean that risks to human and animal health and risks of export bans if the Breeding Flocks Order 2007 is not implemented could be contained. However, failure to enforce the NCP would also have an impact on other sectors of the poultry sector which the breeding flocks supply – broilers and layers – whose own NCPs would be weakened without one in place at the beginning of the food chain.
73. The UK would also not be able to contribute data to the EU database on the health status of breeding flocks. Any potential benefits of improved EU-wide disease control would also be foregone under this option.
74. The costs of the current sampling and testing regime under PBFHO 1993 are as follows. There is full cost recovery under the PBFHO 1993 so that total costs are total costs to the operator. In all tables, small differences in totals are due to rounding.

	England	Wales	Scotland	GB Total
SVS supervision				
sample collection, supervision and testing costs	£706,000	£11,000	£57,000	£774,000
Initiative of the operator				
sample collection, supervision and testing costs	£652,000	£10,000	£53,000	£715,000
Total PBFHO costs	£1.4 million	£21,000	£110,000	£1.5 million

Option 2 – for the Competent Authority to be responsible for the official control sampling and for government officials to collect and despatch all the official control samples for testing at the national reference laboratory.

75. Options 2 and 4 would result in the highest costs to industry. Under option 2, the SVS will take the official control samples but it is expected that the operator will want to be present during the sampling process. During the official control sample visits, the SVS will also spend time checking documentation for sampling at the operator’s initiative.
76. The heavy reliance on the SVS in this option increases the burdens on SVS beyond those of the current system, under Option 1. An additional 4,000 person-hours per year is needed under option 2 compared to Option 1, which is the equivalent of at least two additional full-time members of staff employed by the SVS. Under cost recovery, total costs of option 2 reflects the additional cost of SVS time compared to option 1, which would be borne by

industry. However, estimations of additional recruitment or operating problems due to increased burdens on the SVS have not been calculated.

77. Total costs are the value of time that the SVS spends sampling and checking paperwork for all samples, plus the value of operator's time for the duration of each SVS visit. Assuming full cost recovery, the total costs to the operator are presented in the following table.

	England	Wales	Scotland	GB Total
Sampling at the initiative of the operator	£1.1 million	£21,000	£98,000	£1.2 million
Official control samples & testing	£0.9 million	£17,000	£78,000	£1 million
Total Option 2	£2 million	£38,000	£176,000	£2.2 million

Option 3 – for operators/owners of breeding flock holdings to be accredited as the official control body and to conduct the collection of official control samples for testing at the national reference laboratory.

78. This option entails the least involvement from the SVS and, as such, presents the lowest costs. As the SVS will not be taking or supervising sample collection, operators will be provided with guidance which they will need to familiarise themselves with. It is expected that each holding will identify one operator to collect the official control samples. One half-hour visit from the SVS will ensure that the operator is following the correct sampling method.
79. The submission of official control samples by trained, approved operators and the cross-checking of lab results will involve admin costs at both the local animal health office and in central Defra. These admin costs will be above those incurred under options 1, 2 and 4 where the SVS is in full control of all official control sampling. Under full cost recovery, the operator will bear these admin costs as well as the direct costs of training, sampling and testing.
80. As already stated EU Member States, and third countries, may not accept industry run official sampling unless there are sufficient verification procedures in place, despite the current low prevalence of *Salmonella* in UK breeding flocks. Therefore there could be the additional cost of the reduction in the value of exports to the breeding flocks sector (see the Risk section for further detail on value of exports).

	England	Wales	Scotland	GB Total
Sampling at the initiative of the operator	£1.1 million	£21,000	£98,000	£1.2 million
Official control samples training, collection & testing	£313,000	£6,000	£27,000	£345,000
Total Option 3	£1.4 million	£27,000	£125,000	£1.6 million

Option 4 – for operators/owners of breeding flock holdings to be accredited as the official control body for official control sampling and to collect and despatch all official control samples for testing at the national reference laboratory, under the direct supervision of government officials.

81. Operators will collect the official control samples, being observed or supervised by the SVS. Cost of the SVS time for the visit and operator time to collect the samples are the same as under option 2, where again both the SVS and the operator are present during official control sampling. Also as under option 2, the SVS will conduct admin checks on sampling at the initiative of the operator.

82. As option 4 requires the same amount of SVS presence as option 2 (even though the SVS is in an observational role), the additional burdens on staffing for the SVS are also the same.
83. Under full cost recovery, total costs to operators are the same as under option 2. These are the highest costs to industry.

	England	Wales	Scotland	GB Total
Sampling at the initiative of the operator	£1.1 million	£21,000	£98,000	£1.2 million
Official control samples & testing	£0.9 million	£17,000	£78,000	£1 million
Total Option 4	£2 million	£38,000	£176,000	£2.2 million

Option 5 – for the Competent Authority to be responsible for the official control sampling and be fully responsible for collecting and despatching the samples to the national reference laboratory with a proportion of this work conducted by approved operators acting on the Competent Authorities behalf.

84. This option seeks to balance rigor and certainty in collection of official control samples with a light touch approach and minimal burdens to industry. Therefore the costs of option 5 lie between those for option 3 and options 2 and 4.
85. As for option 3, one operator per holding will be trained and approved to collect official control samples. Again, this is done by the operator familiarising themselves with the guidelines, plus an additional half an hour of SVS time for verification. Under option 5 we have assumed, that the SVS will visit each flock once per year for supervising the collection of official control samples (rather than three times). It is expected that the SVS checks on the operator's training will take place at the beginning of this visit to reduce the number of visits made by the SVS. During the same visit, the SVS is expected to spend time checking samples taken at the initiative of the operator, as under options 2 and 4.
86. Administration of official control samples submitted by approved operators will lead to costs at both local animal health offices and at central Defra, as under Option 3. Additional administration costs over option 3 are for the assessment of risk per holding, which will be used to verify the number of SVS visits per year for supervision of official control sampling. Total costs to operators are presented in the following table.

	England	Wales	Scotland	GB Total
Sampling at the initiative of the operator	£1.1 million	£21,000	£98,000	£1.2 million
Official control samples training, collection & testing	£600,000	£11,000	£50,000	£600,000
Total Option 5	£1.7 million	£32,000	£148,000	£1.8 million

Option 6 – for the Competent Authority to delegate responsibility for official control sampling to an accredited control body.

87. This option would be implemented with the intention of taking a light touch approach to regulation (as in option 5) and to encourage industry to take as full responsibility as possible for its compliance with legislation (option 2). The specific tasks and associated costs which could be delegated to the prospective control body would be a matter for the control body and the farmers (assuming these arrangements met the requirements for accreditation set by

Defra/SVS). In these circumstances it is not possible to provide a reliable estimate of the costs of this option.

88. Although the administrative costs of the official control sampling would clearly have to be either fully or partially recovered by the control body instead of the CA, there would be costs to government associated with the accreditation and auditing of control bodies. If government was not prepared to meet these they could be recovered, most probably by charging for accreditation.
89. If breeding flocks operators were authorised by the control body to collect a proportion of the samples the structure of the costs to farmers, if not the actual costs, under option 6 might not be substantially different to those in option 5. Indeed, it is feasible that if implemented this option would not make a substantial difference to operator costs. However a farm assurance scheme control body by, for instance, combining management of the NCP, in particular the official control sampling, with other services it offers to members, might have potential to charge farmers less than the SVS.

Industry consultees may have strong views on this section and are invited to comment.

Sensitivity Analysis

90. As already explained, costs of SVS time and lab testing are taken from the Poultry Breeding Flocks Fees Order. It is possible that there will be an increase of 10% in these costs. This is not only due to inflation but differences in the testing methods required under the Breeding Flocks Order 2007 compared to the PBFHO 1993. Therefore, sensitivity analysis has been conducted, with these costs increased by 10%. Other costs (such as the local animal health office admin time) have used current cost data and so do not need to be increased. For this reason, total costs under the sensitivity analysis are not simply 10% higher than the total costs presented above.

	England	Wales	Scotland	GB Total*
Sampling at the initiative of the operator	£1.2 million	£22,000	£100,000	£1.3 million
Option 2				
Official control samples	£900,000	£17,000	£81,000	£1 million
Total costs all sampling & testing	£2.1 million	£39,000	£181,000	£2.3 million
Option 3				
Official control samples	£300,000	£6,000	£28,000	£334,000
Total costs all sampling & testing	£1.5 million	£28,000	£131,000	£1.7 million
Option 4				
Official control samples	£900,000	£17,000	£81,000	£1 million
Total costs all sampling & testing	£2.1 million	£39,000	£184,000	£2.4 million
Option 5				
Official control samples	£600,000	£11,000	£54,000	£665,000
Total costs all sampling & testing	£1.8 million	£34,000	£157,000	£2 million

*These figures include projected increase under the sensitivity analysis.

Costs Summary

91. The costs of options 2 to 5 can be compared to the cost of option 1 to show the expected increase in costs to industry. The following table compares total costs (i.e. all costs incurred by sampling and testing both at the initiative of the operator and for official control samples). The comparison is made for total costs using current Fees Order costs and using a 10% increase in Fees Order costs from the sensitivity analysis.

	England	Wales	Scotland	GB Total
Option 1 (PBFHO 1993)	£1.4 million	£20,000	£110,000	£1.5 million
Breeding Flocks 2007				
Option 2				
Fees Order costs	£2 million	£38,000	£175,000	£2.2 million
% total increase over option 1	50%	85%	59%	51%
Sensitivity Analysis – fees 10% increase	£2.1 million	£39,000	£184,000	£2.4 million
% total increase over option 1	57%	94%	67%	58%
Option 3				
Fees Order costs	£1.4 million	£27,000	£125,000	£1.6 million
% total increase over option 1	6%	32%	13%	7%
Sensitivity Analysis – fees 10% increase	£1.5 million	£28,000	£131,000	£1.7 million
% total increase over option 1	12%	38%	19%	13%
Option 4				
Fees Order costs	£2 million	£38,000	£175,000	£2.2 million
% total increase over option 1	50%	85%	59%	51%
Sensitivity Analysis – fees 10% increase	£2.1 million	£39,000	£184,000	£2.4 million
% total increase over option 1	57%	94%	67%	58%
Option 5				
Fees Order costs	£1.7 million	£32,000	£148,000	£1.9 million
% total increase over option 1	26%	56%	34%	27%
Sensitivity Analysis – fees 10% increase	£1.8 million	£34,000	£157,000	£2 million
% total increase over option 1	34%	66%	42%	35%

92. Taking GB totals, this summary shows that options 2 and 4 increase costs over option 1 by between 51% and 58%. Option 3 would increase costs over option 1 by between 7% and 13%. Option 5 would increase costs over option 1 by between 27% and 35%.

Summary of Options Costs and Benefits

93. The following table summarises costs and benefits under all options, compared to option 1. That is, the additional costs or benefits that would be incurred over the current costs of PBFHO 1993. The table shows that Option 5 achieves all the benefits of the Regulation without any of the risks and at the lowest cost.

	Option 2	Option 3	Option 4	Option 5
Benefits				
Increased protection of animal and human health	Yes	Yes – risk of partiality or inconsistency	Yes	Yes

EU requirements met <ul style="list-style-type: none"> ○ Avoided legal costs ○ Avoided export ban ○ GB contribution to EU-wide database 	Yes	Yes – risk of partiality or inconsistency	Yes	Yes
Costs				
GB costs (above option 1)	51% to 58% increase £760,000 to £870,000	7% to 13% increase £100,000 to £190,000	51% to 58% increase £760,000 to £870,000	27% to 35% increase £400,000 to £520,000
Burden on SVS capacity	Increased by 4,000 hours	Decreased by 10,000 hours	Increased by 4,000 hours	Decreased by 5,000 hours

Measures taken by the competent authorities with regard to animals or products in which zoonoses or zoonotic agents have been detected.

94. The NCP requires that if infection with *Salmonella* Enteritidis or *Salmonella* Typhimurium is confirmed, the owner will be required to have the birds slaughtered in accordance with Community legislation on food hygiene. Infection with *S. Typhimurium* and *S. Enteritidis* will be confirmed by samples taken by the Competent Authority (CA) as detailed in with Annex 2.2.2.1 of Regulation (EC) 1003/2005.
95. Under existing measures in the Animal Health Act 1981 compulsory slaughter is mandatory when these serovars are confirmed in layer breeding flocks. When they are detected in a broiler breeding flock compulsory slaughter is not automatic, although it is one of the options available to government on the advice of local veterinary inspectors.
96. When the NCP comes into force it is feasible but by no means certain that the enhanced testing and confirmatory methods of Regulation 1003/2005 could lead to the detection of these zoonoses in a higher number of flocks. However as the controls in the NCP are implemented we would expect the incidents of *S. Enteritidis* and *S. Typhimurium* to either return to their current low levels or possibly decline. For the purposes of this RIA we will assume that existing data on the number of incidents is a reliable indicator of future trends and that one breeding flock per annum will be compulsorily slaughtered due to infection with either of these serovars.
97. Defra pays compensation for birds which are compulsorily slaughtered. The amount of compensation is evaluated according to the market value of the birds at the time of slaughter. In the first three months of 2006 the average price of a broiler breeder from day old to 60 weeks was £6.03 and that of a layer breeder was £7.32. According to Farm Census data the average breeding holding has 10,000 birds and there are four flocks per holding. Therefore the value of flocks for which compulsory slaughter could be required is estimated as:
- | | |
|------------------|----------|
| Broiler breeders | £15, 075 |
| Layer breeders | £18, 300 |
98. We expect the payment of compensation for birds potentially infected with *S. Enteritidis* or *S. Typhimurium* to continue under the NCP for a limited number of years and so there is no additional cost to operators in the short term. In the longer term it is envisaged that the costs will be passed to industry which will of course be the subject for further consultation. However, under the NCP when a breeding flock is suspected of being infected with *S. Hadar*, *S. Infantis*, or *S. Virchow*, the operator/owner of the flock will be required to draw up a plan in consultation with his/her veterinarian and the CA for the monitoring and control of the

infection. The NCP does not require flocks in which these serovars are detected to be slaughtered. Industry representatives have expressed concern that a possible long term consequence of these actions, and the enhanced control and monitoring measures in the NCP, is that hatchery operators could refuse to accept eggs from flocks infected with these serovars and that the birds would have to be slaughtered.

99. If we assume that on an annual basis poultry was slaughtered from holdings where *S. Virchow*, *S. Hadar* and *S. Infantis* were detected, as well *S. Enteritidis* and *S. Typhimurium*, it is feasible that on average birds from 4 additional breeding flock holdings a year might need to be slaughtered. These flocks would have an average yearly value of:

Broiler breeders	£60, 300
Layer breeders	£73, 200

Removal of hatching eggs

100. The NCP also requires that non-incubated eggs from the infected flock must be heat treated if intended for human consumption or destroyed. That eggs which are present in the hatchery, must (from the time the infection was suspected) be destroyed or treated in accordance with the EU requirements for animal by-products (Regulation 1774/2002). The costs of the measures will depend on the current market value of hatching eggs.

Small Firms Impact Test

101. The recommended policy option aims to enable normal business to continue for all firms in the industry while minimising the risks of *Salmonella* to animal and human health. A key consideration in analysing the options has been recognition of industry achievements in controlling *Salmonella* which supports a light touch approach.
102. Policy design has avoided unwarranted burdens on small firms and keepers of breeding flocks. The target of 1% or less of adult breeding flocks remaining positive by 31 December 2006 applies only to flocks of 250 birds or more. There are 5.1 million birds in the breeding fowl industry in England. 97% of these birds are kept on just 0.4% of the total number of all holdings with breeding fowl in England. On these holdings where there are over 250 birds, the average number of birds per holding is around 12,000¹.
103. As such, it is not anticipated that there will be a disproportionate impact on small firms. Consultation on this issue will continue.

Issues of equity and fairness

104. The NCP does not introduce any questions of equity or fairness.

Competition Assessment

Domestic Competition

105. The Breeding Flocks Order applies to all breeding flocks holdings with 250 birds or more whose flocks could contribute to the prevalence of *Salmonella*. It has been checked against the competition filter. Options 2-6 are not likely to have a negative effect on competition in any primary production sector or lead to higher start up costs for primary producers.

¹ June 2005 Agricultural and Horticultural Survey (England)

106. This RIA looks in detail at costs. The sampling and testing requirements are specifically set out to ensure that costs fall evenly across the breeding flock sector.

International Competition

107. Currently, there is only one target in place, which relates to *Salmonella* in breeding flocks of *Gallus gallus*, as described above. As the UK has already achieved the target of 1% incidence in the adult breeding flocks of *Gallus gallus* due to existing monitoring and disease reducing schemes, it is in a much more competitive position compared to other EU countries where *Salmonella* incidence exceeds this target. The Zoonoses Regulation and Regulation 1003/2005 are intended to ensure that monitoring and controls in the breeding flock sector are even across the EU, which might help UK producers exploit such a competitive advantage.

Enforcement and Sanctions

108. The Breeding Flocks Order will be enforced by Local Authorities. The Secretary of State may however in relation to a case of a particular description or circumstance direct that enforcement activities are discharged by Defra. Since under the NCP monitoring will switch from hatcheries to holdings it is very difficult to estimate the precise costs to enforcement agencies. However Defra has not experienced any serious non-compliance problems with PBFHO 1993 and it is difficult to see why The Breeding Flocks Order should suddenly lead to resistance from farmers. To refuse to co-operate with the NCP would be ultimately self-defeating for primary producers since it would gradually exclude them from their largest markets.

109. Local Authorities will be consulted on The Breeding Flocks Order via LACORS.

Please would enforcement authorities inform us of any costs/burdens associated with these proposals.

Implementation and delivery plan

110. The consultation period for the Breeding Flocks Order began 11 August and will end 3 November 2006. This section will then be completed.

Post Implementation Review

111. The Zoonoses Regulation includes an amendment clause under which certain provisions could be changed to take account of technical and scientific progress. The Zoonoses Regulation requires that the progress made under the National Control Plans are assessed at the end of their three year life span. Regulation 1003/2005 includes an amendment that the EU Commission will review the reduction target in the light of the first year of implementation.

Annex 1

List of consultees

Consultation on the Poultry Breeding Flocks and Hatcheries Order 2007

- ADAS
- Agricultural Industries Confederation (AIC)
- Anglian Poultry Processors Action Group
- Animal Health Trust
- Asda
- Association of British Abattoir Operators
- Assured Chicken Production
- Assured Food Standards
- Avaigen Group

- Babcock Hubbard ISA Ltd
- Bernard Matthews Foods Ltd
- British Chambers of Commerce
- British Chicken Information Service
- British Egg Industry Council
- British Free Range Egg Producers Association
- British Poultry Council
- British Veterinary Association
- British Veterinary Poultry Association

- Campden & Chorleywood FRA
- Chartered Institute of Environmental Health
- Cobb Breeding Company Limited
- Compassion in World Farming (CIWF)
- Country Fresh Pullets Limited
- Country Land & Business Association
- Crown Chicken

- DARDNI
- Deans Foods Limited
- Direct Laboratories Ltd

- Economic & Social Committee
- Eurogroup for Animal Welfare

- Farm Animal Care Trust
- Farm Animal Welfare Council (FAWC)
- Farm Animal Welfare Network
- Federation of City Farms & Community Gardens
- Federation of Small Businesses
- Food Animal Initiative
- Food Certifications Scotland
- Food Commission

- Food Standards Agency (FSA)
- Foodaware
- Forum of Private Business
- Frank Bird Poultry Limited
- Fresh From Cornwall Ltd
- Fridays Ltd

- G Rowley
- Gridfeed-Thornber Limited

- Halal Food Authority
- Harper Adams - Agricultural University
- Hatchers Poultry
- Humane Slaughter Association
- Hy-line UK Ltd

- Iceland
- Institute for Animal Health
- Institute of Trading Standards
- International Meat Trade Association
- International Poultry Service Limited
- Intervet
- Islamic Cultural Centre

- J Marley
- J Murray
- JC Carter

- LACORS
- Local Government Association

- Maple Leaf Chicks Limited
- Marks and Spencer
- Meat Hygiene Service (MHS)
- Meat Training Council
- Merial Animal Health Ltd
- Moy Park Limited (NI)
- Muslim Council of Britain (MCB)

- National Animal Health & Welfare Panel
- National Assembly of Wales Agriculture Dept
- National Association of British Market Authorities
- National Consumer Council
- National Consumer Federation
- National Council of Schechita Board (NCSB)
- National Council of Women (GB)
- National Egg Marketing Association
- National Farmers Union (NFU)
- National Federation of Wholesale Poultry Merchants
- National Federation of Women's Institutes

- National Federation of Young Farmers' Clubs
- National Game Dealers Association
- National Gamekeepers Organisation
- National Institute of Poultry Husbandry
- National Office of Animal Health (NOAH)
- National Poultry Association

- O' Kane Poultry
- Organic Farmers and Growers Ltd

- Poultry Club of Great Britain
- Poultry First Limited

- Quaker Concern for Animals

- Royal Agricultural Society of England
- Royal College of Veterinary Surgeons (RCVS)
- Royal Veterinary College
- RSPCA

- Sainsburys
- SE Kneill
- SEERAD
- Small Business Service
- Small Farms Association
- Soil Association
- Somerfield
- Spar
- SPR Poultry Limited
- State Veterinary Service (SVS)
- Summers Poultry Products Ltd

- Tenant Farmers Association
- Tom Barron Limited
- Townswomen's Guilds
- Trading Standards Institute

- UK Egg Producers Retail Association
- University of Bristol
- University of Cambridge
- University of Glasgow Veterinary School
- University of Leeds
- University of Liverpool
- University of Nottingham
- University of Reading

- Vegetarian Economy and Green Agriculture (VEGA)
- Vegetarian International Voice for Animals (VIVA)
- Veterinary Laboratories Agency (VLA)
- Veterinary Public Health Association

- W J Watkins and Sons Ltd
- W1 Country Market Ltd
- Waitrose
- West County Eggs
- Which? Head Office
- Womens Food and Farming Union
- Women's National Commission
- World Poultry Science Association (WPSA)
- World Society for the Protection of Animals (WSPA)

Annex 2

Cost Recovery options

OPTION 2	England	Wales	Scotland	GB Total
FULL COST RECOVERY				
Costs to industry				
Sampling at the initiative of the operator (sampling and testing costs)	£1.1 million	£21,000	£98,000	£1.2 million
Operator presence during SVS collection	£99,000	£2,000	£9,000	£110,000
SVS visit costs	£700,000	£13,000	£60,000	£773,000
Testing official control samples (x3)	£103,000	£2,000	£9,000	£114,000
Total	£2 million	£38,000	£175,000	£2.2 million
PARTIAL COST RECOVERY				
Costs to industry				
Sampling at the initiative of the operator (sampling and testing costs)	£1.1 million	£21,000	£98,000	£1.2 million
Operator presence during SVS collection	£99,000	£2,000	£9,000	£110,000
Testing official control samples (x3)	£103,000	£2,000	£9,000	£114,000
Industry total	£1.3 million	£25,000	£115,000	£1.5 million
Costs to government				
SVS visit costs	£700,000	£13,000	£60,000	£773,000
% total cost to industry	66%	66%	66%	66%
% total cost to government	34%	34%	34%	34%

OPTION 3	England	Wales	Scotland	GB Total
FULL COST RECOVERY				
Costs to industry				
Sampling at the initiative of the operator (sampling and testing costs)	£1.1 million	£21,000	£98,000	£1.2 million
Operator costs of training	£8,000	£200	£700	£9,000
Operator cost of collecting samples	£99,000	£2,000	£9,000	£110,000
SVS training visit (1/2 hour)	£14,000	£300	£1,000	£15,000
gov administrative costs	£88,000	£2,000	£8,000	£98,000
Testing official control samples (x3)	£103,000	£2,000	£9,000	£114,000
Total	£1.4 million	£27,000	£125,000	£1.6 million
PARTIAL COST RECOVERY				
Costs to industry				
Sampling at the initiative of the operator (sampling and testing costs)	£1.1 million	£21,000	£98,000	£1.2 million
Operator costs of training	£8,000	£200	£700	£9,000
Operator cost of collecting samples	£99,000	£2,000	£9,000	£110,000
Testing official control samples (x3)	£103,000	£2,000	£9,000	£114,000
Industry total	£1.3 million	£25,000	£116,000	£1.5 million
Costs to government				
SVS training visit (1/2 hour)	£14,000	£300	£1,000	£15,000
gov administrative costs	£88,000	£2,000	£8,000	£98,000
Government total	£101,000	£2,000	£9,000	£112,000
% total cost to industry	93%	93%	93%	93%
% total cost to government	7%	7%	7%	7%

OPTION 4	England	Wales	Scotland	GB Total
FULL COST RECOVERY				
Costs to industry				
Sampling at the initiative of the operator (sampling and testing costs)	£1.1 million	£21,000	£98,000	£1.2 million
Operator official control sampling	£99,000	£2,000	£9,000	£110,000
SVS visit for supervised collection	£700,000	£13,000	£60,000	£773,000
Testing official control samples (x3)	£103,000	£2,000	£9,000	£114,000
Total	£2 million	£38,000	£175,000	£2.2 million
PARTIAL COST RECOVERY				
Costs to industry				
Sampling at the initiative of the operator (sampling and testing costs)	£1.1 million	£21,000	£98,000	£1.2 million
Operator official control sampling	£99,000	£2,000	£9,000	£110,000
Testing official control samples (x3)	£103,000	£2,000	£9,000	£114,000
Industry total	£1.3 million	£25,000	£115,000	£1.5 million
Costs to government				
SVS visit for supervised collection	£700,000	£13,000	£60,000	£773,000
% total cost to industry	66%	66%	66%	66%
% total cost to government	34%	34%	34%	34%

OPTION 5	England	Wales	Scotland	GB Total
FULL COST RECOVERY				
Costs to industry				
Sampling at the initiative of the operator (sampling and testing costs)	£1.1 million	£21,000	£98,000	£1.2 million
Operator costs of training	£8,000	£200	£700	£9,000
Operator cost of collecting samples	£99,000	£2,000	£9,000	£110,000
SVS training visit (1/2 hour)	£14,000	£300	£1,000	£15,000
SVS visit for one official control sample	£220,000	£4,000	£19,000	£243,000
gov administrative costs	£109,000	£2,000	£9,000	£120,000
Testing official control samples (x3)	£103,000	£2,000	£9,000	£114,000
Total	£1.7 million	£31,000	£145,000	£1.9 million
PARTIAL COST RECOVERY				
Costs to industry				
Sampling at the initiative of the operator (sampling and testing costs)	£1.1 million	£21,000	£98,000	£1.2 million
Operator costs of training	£8,000	£200	£700	£9,000
Operator cost of collecting samples	£99,000	£2,000	£9,000	£110,000
Testing official control samples (x3)	£103,000	£2,000	£9,000	£114,000
Industry total	£1.3 million	£25,000	£116,000	£1.5 million
Costs to government				
SVS training visit (1/2 hour)	£14,000	£300	£1,000	£15,000
SVS visit for one official control sample	£220,000	£4,000	£19,000	£243,000
gov administrative costs	£109,000	£2,000	£9,000	£120,000
Government total	£342,000	£6,000	£30,000	£378,000
% total cost to industry	80%	80%	80%	80%
% total cost to government	20%	20%	20%	20%