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Department  
for Environment  
Food & Rural Affairs

## **Consultation on exotic diseases of pigs – new regulations**

### **Summary of responses to the public consultation**

**July 2014**



Llywodraeth Cymru  
Welsh Government



The Scottish  
Government



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## Background

1. The GB-wide public consultation on the new regulations for exotic diseases of pigs was held from 28 April until 27 May 2014.
2. The consultation proposal was to consolidate legislation for the control of disease during an outbreak of African Swine Fever (ASF), Classical Swine Fever (CSF) or Swine Vesicular Disease (SVD) in GB in to a single Statutory Instrument, replacing 11 existing Statutory Instruments.
3. This legislation will implement EU law (namely Directive 2001/89/EC for CSF, Directive 2002/60/EC for ASF and Directive 92/119/EC for SVD), which require EU Member States to take strict control measures to eradicate disease quickly and effectively if an outbreak occurs in its territory.
4. The new legislation will be clear and transparent about the measures to be taken during an outbreak of one of these diseases in GB, which should reduce the impact of any outbreak by aiding compliance and enforcement of controls. In addition, the legislation will improve the transposition of the EU law. Government needs the appropriate legal powers to deliver a fast and effective response to any outbreak of CSF, ASF or SVD. The overall aim is to reduce the total costs and burdens of the disease outbreak to businesses and taxpayers.
5. Prior to the public consultation, the draft Regulations had been informally consulted on with a number of stakeholders during the drafting process. Also the consultation draft of the Regulations had taken on board lessons identified from a Tier 2 UK-wide CSF emergency exercise, Exercise Walnut held in 2013. This exercise was undertaken to assess the readiness to respond to an outbreak of CSF and employed an advanced draft of the Regulations.

## Responses

6. Eight responses were received via the Defra consultation portal and emails from the following:

British Meat Processors Association (BMPA)

British Pig Executive (BPEX)

EPIC – Centre of Expertise on Animal Disease Outbreaks

Hybu Cig Cymru – Meat Promotion Wales (HCC)

Local Authorities and the National Animal Health and Welfare Panel (NAHWP)

National Farmers Union Scotland (NFUS)

National Pig Association (NPA)

Pig Veterinary Society (PVS)

## Responses to the questions in the consultation

**Question 1: To what extent do you agree that there is benefit in consolidating the legislation for these three pig diseases?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Not answered
12.5%	87.5%	0%	0%	0%	0%

7. All agreed that the consolidation of the legislation for these three pig diseases is a benefit as it simplifies the legislation. Several commented that the consolidation is in line with reducing the regulatory burden for businesses. We also note this is a commitment that Defra made under the Red Tape Challenge, the principle of which is accepted by the Welsh Government in its response to the Working Smarter report.

**Question 2: As noted in section 4, the OIE is considering removal of the requirement to notify the OIE if a case of SVD occurs. Do you agree that if either the OIE confirms this will happen or we have a strong indication this will happen, we should remove SVD from these proposed regulations and continue to rely on the existing domestic legislation until such time that the European Commission repeal legislation for the control of SVD?**

Yes	No	Undecided	Not answered
37.5	50%	12.5%	0%

8. Respondents were split on this issue. One respondent commented that the value of consolidating the legislation for SVD, ASF and CSF, meant that we should continue to include SVD within the new legislation.
9. Several respondents expressed reservations about the potential for the removal of EU requirements to control SVD.

**Question 3: As noted in section 5, the optional powers available under EU law to permit limited derogation from culling certain special categories of pig have been included within the proposed Diseases of Swine Regulations. This was not**

previously available for ASF or CSF, but was available for SVD. Do you agree that this option should be available for all three diseases?

Yes	No	Undecided	Not answered
100%	0%	0%	0%

10. All respondents supported including this potential derogation from culling for certain special categories of pigs, for all three diseases within the new Regulations. Respondents recognised that such a decision would be taken on a case-by-case basis and be dependent on disease control not being jeopardised and consideration of wider issues and impacts, including on trade.

**Question 4: Section 7.1 of the consultation document confirms that existing legislation gives powers to apply movement controls over a wider area if it is considered a proportionate response in the circumstances of the outbreak concerned. Do you agree that the proposed Diseases of Swine Regulations do not need to duplicate the existing legislation listed in this section?**

Yes	No	Undecided	Not answered
75%	12.5%	12.5%	0%

11. The majority agreed that the Diseases of Swine Regulations did not need to duplicate existing legislation subject to it providing sufficient powers to control movement over a wider area, if it is determined that such a control measure is proportionate during a disease outbreak. One respondent, however, felt there would be benefit in terms of transparency and ease of use to repeat these powers within the Diseases of Swine Regulations. Another respondent also noted that these controls should not be inadvertently affected in the future by any changes to the existing legislation.

**Question 5: Do you agree that since the policy for controlling these diseases (outlined in Section 1.4 of the Consultation Document) is not changing, there will be no significant familiarisation costs for these new regulations across the sector? Please expand on your response if you wish, to indicate what familiarisation costs are anticipated.**

Yes	No	Undecided	Not answered
75%	0%	25%	0%

12. The majority agreed that there should not be any significant familiarisation costs to the sector.

**Question 6: Do you have any other comments or suggestions on the proposed Disease of Swine Regulations?**

13. Four respondents made a number of detailed comments on the draft Regulations. One included comments on drafting points, including that it would be helpful to add a definition for an “occupier” to remove ambiguity in Regulation 3 and elsewhere. One respondent commented on the expected role of local authority inspectors during a pig notifiable disease outbreak and sought clarity on whether some of the licensing provisions were intended to apply to local authorities.
14. There were a number of miscellaneous comments received from a couple of respondents which related to the control of these diseases. Additionally, the issue of other potential disease threats to pig herds, such as Porcine Epidemic Diarrhoea, was raised. It was emphasized that we need to look ahead and consider what controls might be necessary for other swine diseases.

## What we are doing following the consultation

15. Defra, Scottish Government and Welsh Government have considered the comments made on the proposed Regulations and welcome the support received. As a result a number of technical amendments will be made to the Diseases of Swine Regulations. It is anticipated that the Regulations will come into force in August 2014, subject to ministerial clearance.
16. In particular, as a result of consultation comments, the definition of “occupier” will be more clearly defined within the Regulations to remove ambiguity about who the obligations and controls apply to. We will also review the use of “veterinary inspector”, “inspector” and “officer of the appropriate authority” through-out the Regulations to ensure that we correctly identify who would be responsible for granting the various licences and notices available under the Regulations.
17. Since the consultation has closed, the World Organisation for Animal Health (OIE) has confirmed that it intends to remove from the OIE Terrestrial Animal Health Code the requirement to notify the OIE if a case of SVD occurs. The nature and timetable for changes to the European legislation relating to the notification and control of SVD are yet to be set-out. We noted industry concerns about the potential removal of controls for SVD and we will take this into account in our discussions with the European Commission. Notwithstanding any forthcoming changes, there was a balance of support for retaining the drafted text on SVD. This, together with the benefits of a single regulatory framework, has led to the decision to include SVD within these Regulations.
18. We plan to reissue the GB swine fever control strategies to reflect these Regulations when they come into force and to ensure that they clearly reflect the outcome of the Tier 2 national disease exercise, [Exercise Walnut](#), held in 2013. In making these changes we will take account of the broader comments received in response to this consultation to make the strategy as helpful as possible.
19. Defra, Scottish Government and Welsh Government recognise industry concerns regarding Porcine Epidemic Diarrhoea and are monitoring developments of the disease and working with industry to agree a proportionate response.