Allegations of infringements or maladministration in the application of Community law on BSE

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'Confidence can only be restored by establishing the truth... this first temporary committee of inquiry has worked successfully', stated the chairman of the temporary committee of inquiry into BSE, Reimer BOEGE (EPP,D). 'It has allowed us to discover much more than we could have hoped. The Commission must make proposals and give a real commitment to measures to eliminate any risk of disease and to protect the consumer. We expect to see the Commission on 19 February during the debate in Strasbourg. In view of the inability of certain departments of the Commission to draw lessons, it has to be said very clearly to the Commission that we are prepared to go very far.' 'This vote has not gone all that well', noted Mr BOEGE with regret, however. 'As for the amendment providing, where necessary, for a censure motion to be tabled in December in the event of the Commission not having acted on Parliament's requests, I would not be surprised if it were to be retabled in plenary in Strasbourg if the political groups decided to adopt a resolution...' The rapporteur, Manuel MEDINA ORTEGA (PES ,E) felt that 'a great deal of work had been done in seeking to get at the truth. The findings will be of great use to Parliament which must now draw the conclusions. If the political groups so wish, they may table resolutions.' Of the 254 amendments tabled, many were adopted. On 19 February the report will be put to plenary which will simply be able to take note of it; it will not have the opportunity to amend it. RESPONSIBILITY OF THE UK The UK is singled out in the report as the main party responsible for the BSE crises. The report notes that the UK is in breach of the terms of Article 5 of the Treaty (principle of Community loyalty) since it did not implement in appropriate form the undertakings entered into at the European Council of 6 and 7 June 1990. The UK had at that time promised to put in place surveillance arrangements for herds with a view to eradicating BSE. The UK government must honour the commitments at Florence (selective culling plan) and introduce a 'secure system for the registration and certification of animals and their movements and of herds.' The UK has also committed a breach of Community law (1995 inter-institutional agreement) with Mr HOGG's refusal to give evidence to the committee of inquiry as he was invited to do. The Commission, which has sole responsibility for this procedure, is asked to institute legal proceedings against the UK on the basis of article 169 of the Treaty. It is urged 'to take a very careful look at any legal opportunities which may exist in order to get the UK to face up to its responsibilities. 'Administrative proceedings (brought by the Commission) against the UK for repayment of all sums allocated in previous years for the purpose of eradicating BSE' are also envisaged. RESPONSIBILITY OF THE COMMISSION The Commission tried to 'downplay' the BSE problem despite a wide variety of scientifc discussions. 'The competent services failed to display the requisite level of vigilance and the necessary political decisions were not taken (to protect the health of infants)'. The Commission's approach is considered to be 'minimalist'. The committee of inquiry notes that 'the Commission is guilty of serious errors and omissions...the Commissioner's, particularly Mr Mac SHARRY and Mr STEICHEN in the period 1990 - 1994 ... bore a clear political responsibility.'. The Commission is urged 'to take disclipinary action against those officials who failed to carry out their duties.' RECOMMENDATIONS FOR THE FUTURE On animal feeds, the committee of inquiry recommends the holding of a scientific conference on a total ban on meal on animal feedstuffs. There must be a ban on feeding ruminants with animal feeds and a prohibition on feeding carcasses or offal of sick animals to any animal. Absolute priority must be given to transparency. To this end, the list of members of the Commission advisory scientific committees and the criteria for their appointment and the allocation of the specific areas of responsibility should be made public. Committees of all kinds (comitolegy) have shown serious shortcomings. The Commission must submit a proposal for reforming the system and give Parliament a seat on the standing committees. It must propose a system which guarantees the independence of the scientific committees 'from the influence of Member States' and the Commission. The neutral composition of scientific committees shall be

guaranteed by an impartial and interdisciplinary science council which shall appoint their members. The Commission and Parliament must set up a 'joint body', with a fixed term of office, to monitor and review on a continuing basis the implementation of the measures set out in the report of the committee of inquiry. The Commission must submit 'a proposal for compensating nv CJD victims and their relatives and shall enter the relevant appropriations in the preliminary draft 1998 budget.' Several amendments also seek to boost funding for research into CJD. The Commission must establish an overall coordination unit for public health matters. It must propose as a matter of urgency a harmonised system for the certification of meat in order to restore consumer confidence in the industry.