

Prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs)

2004/0270B(COD) - 06/12/2004 - Legislative proposal

PURPOSE : to amend the TSE Regulation 999/2001/EC laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.

PROPOSED ACT : Regulation of the European Parliament and of the Council.

CONTENT : this proposal is an amendment to the TSE Regulation on various matters and in the light of new developments since the adoption of the Regulation. The main amendments suggested by the Commission concern the following issues :

- Determination of BSE status : Regulation 1128/2003/EC extended the application of the transitional measures under Article 23 of the TSE Regulation by two years, until 30 June 2005. The aim of this extension was to allow the Commission to continue its attempts to reach an agreement at international level on the determination of BSE status of countries. The World Organisation for Animal health (OIE) presented a proposal to simplify the current criteria for the categorisation of countries according to their BSE risk. Since the Members did not express major objections to the proposal, a proposal for possible adoption will be presented at the OIE General session in May 2005 at the earliest. The intention is to reduce the number of categories, possibly in a step-wise way. To avoid multiple amendments to the Articles of the TSE Regulation pending the final modifications to the number of categories, it is proposed to transfer references to individual categories from the Articles to the Annexes. Moreover, a Resolution was adopted at the OIE General Session in May 2003 according to which OIE will classify all countries into one or other of the defined categories. It may be assumed that OIE will not conclude the final categorisation of countries according to their BSE risk before 1 July 2005. Therefore it is proposed to prolong the period of application of the transitional measures. Therefore it is proposed to prolong the period of application of the transitional measures until 1 July 2007.

- Prevention of TSE : in March 2003, the Scientific Steering Committee (SSC) recommended to start a monitoring programme for TSEs in cervids. The TSE Regulation establishes a monitoring programme for BSE and scrapie. It is proposed to extend this provision to other TSEs, in particular in order to follow the SSC recommendation on cervids. Commission Decision No. 2003/100/EC introduced a harmonised breeding programme to select for resistance to TSEs in ovine animals as a transitional measure. It is proposed to introduce a permanent legal basis for the breeding programme in the TSE Regulation. The TSE Regulation prohibits the feeding of certain processed animal proteins to certain animals, with a possibility to extend the prohibition or lay down derogations in Annex IV. In order to make comprehensive amendments to the Annex, it is proposed to make certain technical amendments to the present wording of the corresponding Articles in order to develop the structure of the Annex. It is proposed to replace the present rules in the TSE Regulation on the disposal of specified risk materials and animals infected by TSEs with a reference to Regulation 1774/2002/EC laying down health rules concerning animal by-products not intended for human consumption. In addition, it is proposed to revise the present provisions on slaughter methods with a view to prohibit gas injection into the cranial cavity in connection with stunning. It is proposed to align the definition of mechanically recovered meat with the definition used in other Community legislation on food safety.

- Control and eradication of TSEs : in order to avoid that animals are moved from holdings where scrapie is officially suspected, it is proposed to lay down the same rules regarding movement restrictions as for bovine animals following the detection of a BSE suspect.

- Placing on the Market : To take account of possible emerging TSEs in other species it is proposed to introduce a possibility to extend the scope of the current provisions on the placing on the market and export of bovine, ovine and caprine animals, their semen, embryos and ova in order to cover other species. The Commission proposes to remove di-calcium phosphate from the list of products which the Regulation currently specifies shall not be subject to restrictions on placing on the market. Since no restrictions apply for milk for human consumption, the same derogation should apply for milk not intended for human consumption within the meaning of Regulation 1774/2002/EC. The list of products which shall not be subject to restrictions on placing on the market by the Regulation shall be modified accordingly.

- Controls : The TSE Regulation provides a legal basis for inspections by the Food and Veterinary Office (FVO) only within the Member States. The Commission considers it useful to lay down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in third countries. It is proposed to amend the Regulation to provide for such checks.

The proposal has no implications for the budget of the European Community.