Commission Regulation (EU) 2020/772 of 11 June 2020 amending Annexes I, VII and VIII to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards eradication measures for transmissible spongiform encephalopathies in goats and endangered breeds (Text with EEA relevance)

COMMISSION REGULATION (EU) 2020/772

of 11 June 2020

amending Annexes I, VII and VIII to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards eradication measures for transmissible spongiform encephalopathies in goats and endangered breeds

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies[(1)], and in particular the first paragraph of Article 23 and Article 23a(m) thereof,

Whereas:

(1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals.

(2) Chapter B of Annex VII to that Regulation lays down the measures to be undertaken following the confirmation of the presence of a case of TSE in bovine, ovine and caprine animals. When a classical scrapie case is confirmed in an ovine or caprine animal, the holding is to be subject to the conditions set out in one of the three options provided in point 2.2.2 of Chapter B of Annex VII.

(3) Option 2 requires the killing and complete destruction of all ovine and caprine animals of the holding except those ovine animals having a prion protein genotype that is resistant to classical scrapie.

(4) On 5 July 2017, the European Food Safety Authority (EFSA) adopted a scientific opinion[(2)] on the genetic resistance to TSE in goats. According to the EFSA opinion, field and experimental data are robust enough to conclude that the K222, D146 and S146 alleles confer genetic resistance against classical scrapie strains known to occur naturally in the EU goat population. The EFSA opinion concludes that outbreak management for classical scrapie in goat herds could be based on the selection of genetically resistant animals, in a similar way as currently laid down in Regulation (EC) No 999/2001 for ovine animals.

(5) It is therefore appropriate to amend Chapter B of Annex VII to Regulation (EC) No 999/2001 in order to introduce the possibility to restrict the killing and destruction of

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caprine animals to only those which are susceptible to classical scrapie. The Member States should determine in each case which animals should be exempted from killing and destruction in accordance with their genetic resistance to the disease.

(6) The EFSA opinion highlights that while breeding for resistance can be an effective tool for controlling classical scrapie in goats, given the low frequencies of presence of these alleles in most breeds, high selection pressure would likely have an adverse effect on genetic diversity. The opinion therefore recommends that measures to build up genetic resistance in a caprine population be adopted at Member State level depending on the breed concerned[(3)]. The Member States should therefore be able to design their breeding strategy based on the frequency of presence of alleles conferring genetic resistance against classical scrapie in their goat population.

(7) Following EFSA recommendation, in the event of a scrapie outbreak in a holding keeping goats, the Member States should decide, based on the breeding strategy, the particular measures which should be implemented in order to build up the genetic resistance in the caprine population of that holding.

(8) Council Directive 89/361/EEC[(4)] has been repealed by Regulation (EU) 2016/1012 of the European Parliament and of the Council[(5)] as from 1 November 2018. That Regulation, in its Article 2(24), lays down a definition for ‘endangered breed’, which means a local breed, recognised by a Member State to be endangered, genetically adapted to one or more traditional production systems or environments in that Member State and where the endangered status is scientifically established by a body possessing the necessary skills and knowledge in the area of endangered breeds.

(9) It is therefore appropriate to amend point 1 of Annex I to Regulation (EC) No 999/2001 accordingly and to replace, in Chapter B of Annex VII and Chapter A of Annex VIII to that Regulation, the references to Directive 89/361/EEC with references to Regulation (EU) 2016/1012 and the expression ‘local breed in danger of being lost to farming’ as laid down in Article 7(2) and (3) of Commission Delegated Regulation (EU) No 807/2014[(6)] with the expression ‘endangered breed’ as defined in Article 2(24) of Regulation (EU) 2016/1012.

(10) Annexes I, VII and VIII to Regulation (EC) No 999/2001 should therefore be amended accordingly.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, VII and VIII to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union.*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 June 2020.

For the Commission

The President

Ursula VON DER LEYEN

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2020/772. (See end of Document for details)*

ANNEX

Annexes I, VII and VIII to Regulation (EC) No 999/2001 are amended as follows:

(1) in Annex I, point 1 is amended as follows:

(a) the introductory sentence is replaced by the following:

1. For the purpose of this Regulation, the following definitions set out in Regulation (EC) No 1069/2009 of the European Parliament and of the Council[7], Commission Regulation (EU) No 142/2011[8], Regulation (EC) No 178/2002 of the European Parliament and of the Council[9], Regulation (EC) No 767/2009 of the European Parliament and of the Council[10], Council Directive 2006/88/EC[11] and Regulation (EU) 2016/1012 of the European Parliament and of the Council[12] shall apply:;

(b) the following point (f) is added:

(f) the definition of "endangered breed" in Article 2(24) of Regulation (EU) 2016/1012.;

(2) in Annex VII, Chapter B is amended as follows:

(a) in point 2.2.2, the introductory paragraph is replaced by the following:

If BSE and atypical scrapie are excluded in accordance with the laboratory methods and protocols set out in Annex X, Chapter C, Part 3, point 3.2, the holding shall be subject to the conditions set out in point (a). In addition, pursuant to the decision of the Member State responsible for the holding, the holding shall be subject to the conditions of either option 1 set out in point (b), or option 2 set out in point (c), or option 3 set out in point (d). In case of a holding with a mixed ovine and caprine flock, the Member State responsible for the holding may decide to apply the conditions of one of the options to the ovine animals of the holding and a different option to the caprine animals of the holding:;

(b) in point 2.2.2, the penultimate paragraph of point (b) is replaced by the following:

Movement of animals mentioned in points (i) and (ii) from the holding to the slaughterhouse shall be allowed.;

(c) in point 2.2.2, point (c) is replaced by the following:

(c) Option 2 – killing and complete destruction of the susceptible animals only

The prion protein genotyping of all ovine and caprine animals present in the holding, except lambs and kids less than three months old provided that they are slaughtered for human consumption not later than when they are three months of age.

Killing and complete destruction, without delay, of all ovine and/or caprine animals, embryos and ova identified by the inquiry referred to in the second and third indents of point 1(b), with the exception of:

— breeding rams of the ARR/ARR genotype,

— breeding ewes carrying at least one ARR allele and no VRQ allele and, where such breeding ewes are pregnant at the time of the inquiry, the lambs subsequently born, if their genotype meets the requirements of this subparagraph,

— ovine animals carrying at least one ARR allele which are intended solely for human consumption,

— caprine animals carrying at least one of the following alleles: K222, D146 and S146,

— if the Member State responsible for the holding so decides, lambs and kids less than three months old provided that they are slaughtered for human consumption not later than when they are three months of age.

The animals over 18 months of age killed for destruction, shall be tested for the presence of TSE in accordance with the laboratory methods and protocols set out in Annex X, Chapter C, Part 3, point 3.2, as laid down in Annex III, Chapter A, Part II, point 5.

By way of derogation from the conditions set out in the first and second paragraph of option 2, Member States may decide instead to carry out the measures listed in (i), (ii) or (iii):

(i) to replace the killing and complete destruction of the animals referred to in the second paragraph of option 2 by their slaughtering for human consumption, provided that:

— the animals are slaughtered for human consumption within the territory of the Member State responsible for the holding,

— all animals over 18 months of age slaughtered for human consumption shall be tested for the presence of TSE in accordance with the laboratory methods and protocols set out in Annex X, Chapter C, Part 3, point 3.2;

(ii) to delay the genotyping and subsequent killing and complete destruction or slaughtering for human consumption of the animals referred to in the second paragraph of option 2, for a period not exceeding three months. This derogation can be applied in situations where the index case is confirmed close to the commencement of the lambing and/or kidding season, provided that the ewes and/or goats and their new-born are kept isolated from ovine and/or caprine animals of other holdings during the whole period;

(iii) to delay the killing and complete destruction or slaughtering for human consumption of the animals referred to in the second paragraph of option 2 for a maximum period of three years from the date of