Commission Regulation (EU) 2017/1972 of 30 October 2017 amending Annexes I and III to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards a surveillance programme for chronic wasting disease in cervids in Estonia, Finland, Latvia, Lithuania, Poland and Sweden and repealing Commission Decision 2007/182/EC (Text with EEA relevance)

COMMISSION REGULATION (EU) 2017/1972

of 30 October 2017

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(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 thereof,

Whereas:

(1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSE) in bovine, ovine and caprine animals. It applies to the production and placing on the market of live animals and products of animal origin and in certain specific cases to exports thereof.

(2) Chronic wasting disease (CWD) is a TSE affecting cervids, which is widespread in North America. To date, CWD has not been reported in the Union territory; however it was detected for the first time in Norway in April 2016, in a reindeer. Norway subsequently intensified its surveillance programme for CWD in cervids and detected a number of other cases of CWD in reindeers and in moose.

(3) On 2 December 2016, the European Food Safety Authority (EFSA) adopted a scientific opinion on chronic wasting disease in cervids ('the EFSA opinion')[(2)]. The EFSA opinion provides recommendations for the implementation of a three-year surveillance programme for CWD in cervids in Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Poland and Sweden, which are the Union and EEA countries with a reindeer and/or a moose population. The EFSA opinion highlights that the objectives of such a three-year CWD monitoring programme are to confirm or exclude the presence of CWD in countries where the disease has never been detected and in countries where CWD has been detected (only Norway so far), in order to estimate the prevalence and geographical spread of CWD.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2017/1972. (See end of Document for details)*

(4) Article 6(1) of Regulation (EC) No 999/2001 provides that each Member State is to carry out an annual monitoring programme for TSEs based on active and passive surveillance in accordance with Annex III to that Regulation.

(5) Requirements for a three-year surveillance programme for CWD in Estonia, Finland, Latvia, Lithuania, Poland and Sweden should therefore be added in Chapter A of Annex III to Regulation (EC) No 999/2001, based on the recommendations included in the EFSA opinion. These requirements should be considered as minimum requirements to be complied with by the Member States concerned. These Member States may however further refine their CWD surveillance programme to adapt to their particular situation.

(6) In addition, the laboratory protocols and testing methods to be used for the CWD monitoring programme as well as the measures to be taken following CWD testing should be clarified in Part III of Chapter A Annex III.

(7) As recommended in the EFSA opinion, the three-year monitoring programme for CWD should target, on the one-hand, farmed and captive cervids, and on the other hand, wild and semi-domesticated cervids. In order to ensure legal certainty, definitions of 'farmed and captive cervids', 'wild cervids' and 'semi-domesticated cervids' should be inserted in Annex I to Regulation (EC) No 999/2001.

(8) Article 6(4) of Regulation (EC) No 999/2001 provides that Member States are to submit to the Commission an annual report on their TSE monitoring activities. Part I(A) of Chapter B of Annex III to that Regulation lays down the information which the Member States are to include in their annual report, via regular submissions to the EU TSE database and/or inclusion in the annual report. Part II of that Chapter provides that the EFSA is to analyse the information included by the Member States in their annual report and to publish annually a report on the trends and sources of TSE in the Union. Reporting requirements covering the three-year CWD surveillance programme should be inserted in Part I(A) of Chapter B to Annex III in order to ensure that the data obtained from this programme is submitted by the Member States concerned to the EU TSE database and thus enable their inclusion and analysis in the EU annual summary report for TSE monitoring, to be produced by EFSA in accordance with Part II of that Chapter.

(9) Commission Decision 2007/182/EC[3] provides requirements for a survey on CWD in cervids which was carried out from 2007 to 2010. As this survey has been completed, and in order to avoid diverging definitions relevant for CWD monitoring between those laid down in Annex I to that Decision and those laid down by this Regulation, Decision 2007/182/EC should be repealed. 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 and III of Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2017/1972. (See end of Document for details)*

Article 2

Decision 2007/182/EC is repealed.

Article 3

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, 30 October 2017.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2017/1972. (See end of Document for details)*

ANNEX

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

1. In Annex I the following items are added to point 2:

(o) 'farmed and captive cervids' means animals of the family *Cervidae* which are kept by humans in an enclosed territory.

(p) 'wild cervids' means animals of the family *Cervidae* which are not kept by humans.

(q) 'semi-domesticated cervids' means animals of the family *Cervidae* which are kept by humans although not in an enclosed territory.

2. Annex III is amended as follows:

(a) In Chapter A, Part III is replaced by the following:

III. MONITORING IN CERVIDS

A. **Three-year monitoring programme for chronic wasting disease (CWD)**

1. General

1.1. The Member States which have a wild and/or farmed and/or semi-domesticated population of moose and/or reindeer (Estonia, Finland, Latvia, Lithuania, Poland and Sweden) shall carry out a three-year monitoring programme for CWD in cervids, from 1 January 2018 to 31 December 2020. The TSE tests performed for the purpose of this monitoring programme shall take place between 1 January 2018 and 31 December 2020, however, the collection of samples for the purpose of the monitoring programme may, however, start in 2017.

1.2. The three-year CWD monitoring programme shall cover the following cervid species:

— Eurasian tundra reindeer (*Rangifer tarandus tarandus*);
— Finnish forest reindeer (*Rangifer tarandus fennicus*);
— Moose (*Alces alces*);
— Roe deer (*Capreolus capreolus*);
— White-tailed deer (*Odocoileus virginianus*);
— Red deer (*Cervus elaphus*).

1.3. By way of derogation from point 1.2, a Member State may, based on a documented risk assessment submitted to the European Commission, select for the three-year CWD monitoring programme a subset of the species listed in that point.

2. Sampling design

2.1. The Member States referred to in point 1.1 shall identify Primary Sampling Units (PSU), which shall cover all territories in which cervid populations are present, using at least the following elements:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2017/1972. (See end of Document for details)*

(a) for farmed and captive cervids, each farm and each facility in which cervids are kept in an enclosed territory shall be considered as a PSU.

(b) for wild and semi-domesticated cervids, PSU shall be defined geographically based on the following criteria:

(i) the areas in which wild and semi-domesticated animals of a species covered by the monitoring programme gather in at least a certain period of the year;

(ii) if no gathering takes place for a species, the areas delimited by natural or artificial barriers in which animals of the species covered by the monitoring programme are present;

(iii) the areas in which animals of the species covered by the monitoring programme are hunted and areas connected to other relevant activities related to the species covered by the monitoring programme.

2.2. The Member States referred to in point 1.1 shall select farmed, captive, wild and semi-domesticated cervids for TSE testing using the following two-stage sampling approach:

(a) in the first stage, those Member States shall:

(i) for farmed and captive cervids:

— select, on a random basis ensuring geographical representativeness, and if relevant taking into account relevant risk factors identified in a documented risk assessment carried out by the Member State, 100 PSU to be covered over the three-year period of the monitoring programme, or

— if the Member State was unable to identify 100 PSU for farmed and captive cervids, select all PSU identified.

(ii) For wild and semi-domesticated cervids:

— select, on a random basis ensuring geographical representativeness, and if relevant taking into account relevant risk factors identified in a documented risk assessment carried out by the Member State, 100 PSU to be covered over the three-year period of the monitoring programme, or

— if the Member State was unable to identify 100 PSU for wild and semi-domesticated cervids, select all PSU identified.

(b) in the second stage:

(i) for farmed and captive cervids: