Commission Regulation (EC) No 657/2006 of 10 April 2006 amending Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the United Kingdom and repealing Council Decision 98/256/EC and Decisions 98/351/EC and 1999/514/EC (Text with EEA relevance)

COMMISSION REGULATION (EC) No 657/2006

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(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 Article 23 thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market[(2)], and in particular Article 10(4) thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market[(3)], and in particular Article 9(4) thereof,

Having regard to Council Decision 98/256/EC of 16 March 1998 concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision 94/474/EC and repealing Decision 96/239/EC[(4)], and in particular Article 6(5) thereof,

Whereas:

(1) Decision 98/256/EC is preserved as a transitional measure by Annex XI to Regulation (EC) No 999/2001.

(2) Decision 98/256/EC prohibits the export from the United Kingdom of live cattle and of products derived from cattle slaughtered in the United Kingdom which are liable to enter the food or feed chain or which are destined for use in cosmetics or medical or pharmaceutical products. Some derogation is provided, notably for the export of beef and beef products under the date-based export scheme (DBES).

(3) The two conditions to be met before the possible lifting of the United Kingdom embargo could be envisaged, were an incidence of less than 200 BSE cases per million adult bovine animals and a positive conclusion from the Food and Veterinary Office (FVO) inspection as to the enforcement of BSE controls in the United Kingdom, and its

state of preparedness to comply with Community legislation particularly in relation to identification and registration of bovine animals and testing.

(4) At its General Session in May 2003, the World Organisation for Animal Health (OIE) altered the criteria defining the limit between moderate risk (category 4) and high risk (category 5) countries. The limit was set at 200 BSE cases per million adult animals in the population, for countries carrying out active surveillance.

(5) In June 2003, on the basis that BSE incidence in the United Kingdom was now approaching the figure of 200, and that for this reason it should no longer be considered an OIE high risk country, the United Kingdom asked to be allowed to trade under the same rules as other Member States. In support of this claim, the United Kingdom submitted documentation including estimates of an absolute incidence based on the results of the partial testing regime in force in the United Kingdom.

(6) The opinion of the Scientific Panel on biological hazards of the European Food Safety Authority (EFSA) of 21 April 2004 on the scientific justification for proposing amendments to the United Kingdom date-based export scheme (DBES) and to the Over Thirty Months (OTM) rule concludes that cattle born or reared in the United Kingdom before 1 August 1996 should be kept out of the food and feed chains, because of the higher BSE incidence in that group. For cattle born after that date, the opinion concludes that the BSE risk to consumers is in a range comparable with that in other Member States. From 1 August 1996, all mammalian meat and bone meal was banned from feed to all farmed animals in the United Kingdom.

(7) On 12 May 2004, the EFSA published its opinion on the moderate risk status. That opinion indicates that the incidence in the United Kingdom should fall below 200 between July and December 2004. At its plenary meeting on 9 and 10 March 2005, the EFSA concluded that the surveillance data from the second half of 2004 confirmed the conclusions of its opinion of May 2004 and that according to the OIE classification the United Kingdom can be considered a country with a moderate risk status in terms of BSE for its whole cattle population.

(8) On 19 July 2004, the FVO published the report of a mission to Great Britain and Northern Ireland from 26 April to 7 May 2004 concerning a general review as regards protective measures against BSE. The report concluded that the system in place in Northern Ireland was largely satisfactory but shortcomings were noted in various areas in Great Britain which would require further improvements.

(9) On 28 September 2005, the FVO published the report of a mission to Great Britain from 6 to 15 June 2005 concerning protective measures against BSE. The follow-up mission concluded that satisfactory progress was noted in most areas.

(10) On 7 November 2005, the United Kingdom replaced the OTM rule by the pre-1996 rule. Bovine animals born before 1 August 1996 will be permanently excluded from the food and feed chain. Since October 2004, the United Kingdom applies the same monitoring programme as the other Member States for the bovine population born after 31 July 1996. The current monitoring programme applicable to the animals under the previous destruction scheme provided for pursuant to Commission Regulation (EC) No

716/96 of 19 April 1996 adopting exceptional support measures for the beef market in the United Kingdom[5] should be amended.

(11) In view of the moderate risk status of the cattle population and the favourable FVO mission reports, the BSE related restrictions on the trade of bovine animals and their products may be lifted.

(12) The conditions for the lifting of the embargo were fully fulfilled on 15 June 2005, the date of the end of the FVO mission to Great Britain. Therefore the effect of this Regulation on meat and other products derived from slaughtered animals should be limited to meat and products derived from animals slaughtered after that date.

(13) Decision 98/256/EC should, therefore, be repealed and the rules as laid down in Regulation (EC) No 999/2001 should become fully applicable.

(14) Pursuant to Commission Decision 2005/598/EC[6], the United Kingdom is prohibited from placing on the market products derived from bovine animals born or reared within the United Kingdom before 1 August 1996. Similarly, the United Kingdom should ensure that bovine animals born or reared in the United Kingdom before 1 August 1996 are not dispatched from its territory to other Member States or third countries.

(15) Under Regulation (EC) No 999/2001, the vertebral column of bovine animals over the age of 24 months is considered as specified risk material. The United Kingdom benefits from a derogation allowing the use of vertebral column derived from bovine animals under the age of 30 months. In addition, that Regulation establishes for the United Kingdom an extended list of specified risk material.

(16) Following the lifting of the current restrictions, the age limit for the removal of the vertebral column of bovine animals and the list of specified risk materials applicable in the other Member States should also apply in the United Kingdom. Regulation (EC) No 999/2001 should be amended accordingly.

(17) In view of the current difference of the age limit for the removal of vertebral column as specified risk material in the United Kingdom and the other Member States, for control reasons the immediate effects of this Regulation should not apply to vertebral column from bovine animals born or reared in the United Kingdom after 31 July 1996 and slaughtered before the coming into force of this Regulation. Such vertebral column and products derived from such vertebral column should not be dispatched from the United Kingdom to other Member States or third countries.

(18) In the interest of clarity and the coherence of Community legislation, Commission Decision 98/351/EC of 29 May 1998 setting the date on which dispatch from Northern Ireland of bovine products under the Export Certified Herds Scheme may commence by virtue of Article 6(5) of Council Decision 98/256/EC[7] and Commission Decision 1999/514/EC of 23 July 1999 setting the date on which dispatch from the United Kingdom of bovine products under the date-based export scheme may commence by virtue of Article 6(5) of Council Decision 98/256/EC[8] should be repealed.

(19) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 657/2006. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

Article 1

Annexes III and XI to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

Article 2

Decisions 98/256/EC, 98/351/EC and 1999/514/EC are repealed.

Article 3

This Regulation shall enter into force on the third 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, 10 April 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission