COMMISSION REGULATION (EC) No 260/2003

of 12 February 2003

amending Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the eradication of transmissible spongiform encephalopathies in ovine and caprine animals and rules for the trade in live ovine and caprine animals and bovine embryos

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 [1], as last amended by Directive 92/118/EEC [2], and in particular Article 10 thereof,

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 [3], as last amended by Commission Regulation (EC) No 1494/2002 [4], and in particular Article 23 thereof,

Whereas:

(1) In its opinion of 4 and 5 April 2002 on safe sourcing of small ruminant materials the Scientific Steering Committee (SSC) recommended that where a case of scrapie is diagnosed in a small ruminant holding, the entire flock should be culled. The SSC indicated however that culling sheep of the ARR/ARR prion protein genotype would carry little risk-reducing benefit. In order to avoid discouraging the reporting of the disease and to safeguard breeds which may have a low level of resistance, this culling should be achieved gradually.

(2) In the interests of consistency with such rules for the culling of sheep, the rules for intra-Community trade in breeding sheep should be amended to remove scrapie-related restrictions from trade in sheep of the ARR/ARR genotype.

(3) In its opinion of 16 May 2002 on the safety of bovine embryos, the SSC concluded that there is no need for measures other than those prescribed by the International Embryo Transfer Society Protocols. In its general session of May 2002, the World Animal Health Organisation (Office International des Epizooties (OIE)) decided on similar scientific grounds to delete all trade conditions related to bovine embryos and ova. BSE-related trade conditions for bovine embryos and ova in Regulation (EC) No 999/2001 should therefore be deleted, and Commission Decision 92/290/EEC of 14 May 1992 concerning certain protection measures relating to bovine spongiform encephalopathy (BSE) in the United Kingdom [5], as amended by the Act of Accession of Austria, Finland and Sweden, should be repealed.

(4) Regulation (EC) No 999/2001 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Decision 92/290/EEC is repealed.

Article 3

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Point 2(b) of Annex VII and point (a)(iii) of part I of Chapter A of Annex VIII shall apply from 1 October 2003.

[1] OJ L 224, 18.8.1990, p. 29.
[2] OJ L 62, 15.3.1993, p. 49.
[3] OJ L 147, 31.5.2001, p. 1.
[4] OJ L 225, 22.8.2002, p. 3.
[5] OJ L 152, 4.6.1992, p. 37.

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

Done at Brussels, 12 February 2003.

For the Commission
David BYRNE
Member of the Commission