COMMISSION REGULATION (EC) No 1494/2002

of 21 August 2002

amending Annexes III, VII and XI to Regulation (EC) No 999/2001 of the European Parliament and the Council as regards monitoring of bovine spongiform encephalopathy, eradication of transmissible spongiform encephalopathy, removal of specified risk materials and rules for importation of live animals and products of animal origin

(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], as last amended by Commission Regulation (EC) No 270/2002 [2], and in particular Article 23 thereof,

Whereas:

(1) Rules for monitoring of bovine spongiform encephalopathy (BSE) in bovine animals, for destruction of bovine embryos and ova of BSE cases, for trade in bovine embryos and ova, and for removal of specified BSE risk material are laid down in Regulation (EC) No 999/2001.

(2) When the BSE monitoring programme in bovine animals was amended by Commission Regulation (EC) No 1248/2001 [3], provision was made for a review of the monitoring programme in the light of the results obtained during the first six months.

(3) During the second half of 2001, more than five million bovine animals were tested for BSE, 457 of which were positive. Most positive cases were found in dead-on-farm animals, emergency slaughtered animals and animals the slaughter of which was deferred due to a suspected disease or disorder of their general conditions.

(4) To ensure the uniform application of the monitoring programme, it is necessary to clarify under Annex III, Chapter A.I.2, the definition of animals the slaughter of which was deferred due to a suspected disease or disorder of their general conditions.

(5) All dead-on-farm animals over 24 months of age have been tested for BSE during a one-year statistical survey set out as a transitional measure in Regulation (EC) No 999/2001. To ensure the effective detection of BSE cases, all dead-on-farm animals above 24 months of age should continue to be tested on a permanent basis. To avoid disproportionate costs, a derogation should be provided for animals dying in remote areas where no collection of dead animals has been organised.

(6) It is important to follow the evolution of the BSE epidemic in animals born after the introduction of the reinforced feed ban in the United Kingdom. To this end the testing of animals slaughtered and destroyed under the Over Thirty Months Scheme should be expanded to cover all animals born after the feed ban. However, the detection of positive cases in animals below 42 months of age is highly unlikely and it would, therefore, be disproportionate to require the testing of healthy animals below that age intended for destruction under the exceptional scheme provided for by Commission Regulation (EC) No 716/96 of 19 April 1996 adopting exceptional support measures for the beef market in the United Kingdom [4] as last amended by Regulation (EC) No 1176/2000 [5].

(7) It is necessary to clarify the rules on health marking of carcasses selected for testing for transmissible spongiform encephalopathy.

(8) To avoid disproportionate costs in the monitoring programme for small ruminants, a derogation should be provided for animals dying in remote areas where no collection of dead animals has been organised.

(9) The provisions regarding voluntary monitoring programmes in animal species other than bovine, ovine and caprine animals should be clarified.

(10) In its opinion of 16 May 2002 on the safety of bovine embryos, the Scientific Steering Committee (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. The provisions on the destruction of bovine embryos and ova from BSE cases and the BSE-related trade conditions for bovine embryos and ova should therefore be repealed.

(11) It is necessary to clarify the rules on the removal and control of specified risk material.

[1] OJ L 147, 31.5.2001, p. 1.
[2] OJ L 45, 15.2.2002, p. 4.
[3] OJ L 173, 27.6.2001, p. 12.
[4] OJ L 99, 20.4.1996, p. 14.
[5] OJ L 131, 1.6.2000, p. 37.

(12) In its opinion of 27 June 2002 on the Geographical BSE Risk of certain third countries, the SSC concluded that, in addition to previously evaluated countries, the occurrence of BSE in native cattle is highly unlikely in Iceland and in Vanuatu. Therefore Iceland and Vanuatu should be exempt from the trade conditions related to live bovine animals and products of bovine, ovine and caprine origin.

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

(14) 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 III, VII and XI 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 third day following that of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 21 August 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

1. Annex III is replaced by the following:

'ANNEX III

MONITORING SYSTEM

CHAPTER A

I. **Monitoring in bovine animals**

1. *General*

Monitoring in bovine animals shall be carried out in accordance with the laboratory methods laid down in Annex X, Chapter C, point 3.1(b).

2. *Monitoring in animals slaughtered for human consumption*

2.1. All bovine animals over 24 months of age:

— subject to "special emergency slaughtering" as defined in Article 2(n) of Council Directive 64/433/EEC [1], or

— slaughtered in accordance with Annex I, Chapter VI, point 28(c), to Directive 64/433/EEC, except animals without clinical signs of disease slaughtered in the context of a disease eradication campaign,

shall be tested for BSE.

2.2. All bovine animals over 30 months of age:

— subject to normal slaughter for human consumption, or

— slaughtered in the context of a disease eradication campaign in accordance with Annex I, Chapter VI, point 28(c), to Directive 64/433/EEC, but showing no clinical signs of disease,

shall be tested for BSE.

2.3. By way of derogation from point 2.2, and with regard to bovine animals born, reared and slaughtered on its territory, Sweden may decide to examine only a random sample. The sample shall comprise at least 10 000 animals per year.

3. *Monitoring in animals not slaughtered for human consumption*

3.1. All bovine animals over 24 months of age which have died or been killed but which were not:

— killed for destruction pursuant to Commission Regulation (EC) No 716/96 [2],

— killed in the framework of an epidemic, such as foot-and-mouth disease,

— slaughtered for human consumption,

shall be tested for BSE.

3.2. Member States may decide to derogate from the provisions of point 3.1 in remote areas with a low animal density, where no collection of dead animals is organised. Member States making use of this derogation shall inform the Commission thereof, and submit a list of the derogated areas. The derogation shall not cover more than 10 % of the bovine population in the Member State.

4. *Monitoring in animals purchased for destruction pursuant to Regulation (EC) No 716/96*

4.1. All animals subject to casualty slaughter or found sick at ante-mortem inspection shall be tested for BSE.

4.2. All animals over 42 months of age born after 1 August 1996 shall be tested for BSE.

4.3. A random sample comprising at least 10 000 animals annually of animals not covered by points 4.1 or 4.2 shall be tested for BSE.

[1] OJ 121, 29.7.1964, p. 2012/64.
[2] OJ L 99, 20.4.1996, p. 14.

5. *Monitoring in other animals*

In addition to the testing referred to in points 2 to 4, Member States may on a voluntary basis decide to test other bovine animals on their territory, in particular where those animals originate from countries with indigenous BSE, have consumed potentially contaminated feedingstuffs or were born or derived from BSE infected dams.

6. *Measures following testing*

6.1. Where an animal slaughtered for human consumption has been selected for testing for BSE, the health marking provided for in Chapter XI of Annex I to Directive 64/433/EEC shall not be carried out on the carcass of that animal until a negative result to the rapid test has been obtained.

6.2. Member States may derogate from the provisions of point 6.1 where an official system is in place in the slaughterhouse ensuring that no parts of examined animals bearing the health mark leave the slaughterhouse until a negative result to the rapid test has been obtained.

6.3. All parts of the body of an animal tested for BSE including the hide shall be retained under official control until a negative result to the rapid test has been obtained, unless they are destroyed in accordance with Annex V, point 3 or 4.

6.4. All parts of the body of an animal found positive to the rapid test including the hide shall be destroyed in accordance with Annex V, point 3 or 4, apart from material to be retained in conjunction with the records provided for in Chapter B, section III.

6.5. Where an animal slaughtered for human consumption is found positive to the rapid test, at least the carcass immediately preceding the test-positive carcass and two carcasses immediately following the test-positive carcass on the same slaughter line shall be destroyed in accordance with point 6.4, in addition to the test-positive carcass.

6.6. Member States may derogate from the provisions of point 6.5 where a system is in place in the slaughterhouse preventing contamination between carcasses.

II. **Monitoring in ovine and caprine animals**

1. *General*

Monitoring in ovine and caprine animals shall be carried out in accordance with the laboratory methods laid down in Annex X, Chapter C, point 3.2(b).

2. *Monitoring in animals slaughtered for human consumption*

Animals over 18 months of age or which have more than two permanent incisors erupted through the gum and which are slaughtered for human consumption shall be tested in accordance with the sample size indicated in the table. The sampling shall be representative for each region and season. The sample selection shall be designed with a view to avoid the over-representation of any group as regards the origin, species, age, breed, production type or any other characteristic. The age of the animals shall be estimated based on dentition, obvious signs of maturity or other reliable information. Multiple sampling in the same flock shall be avoided, where possible.

Member State	Minimum annual sample size Slaughtered animals (*)
Belgium	3 750
Denmark	3 000
Germany	60 000
Greece	60 000
Spain	60 000
France	60 000
Ireland	60 000
Italy	60 000
Luxembourg	250