[F1ANNEX III

MONITORING SYSTEM

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 2245/2003 of 19 December 2003 amending Annex III to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards monitoring of transmissible spongiform encephalopathies in ovine and caprine animals.

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).

[F2 2. Monitoring in animals slaughtered for human consumption

2.1. All bovine animals over 24 months of age shall be tested for BSE where they have undergone:

— emergency slaughter in accordance with point 1 of Chapter VI of Section I of Annex III to Regulation (EC) No 853/2004 [(1)] , or

— an ante mortem inspection with observations concerning accidents, or serious physiological and functional problems, or signs in accordance with point 2 of Part B of Chapter II of Section I of Annex I to Regulation (EC) No 854/2004 [(2)] .

2.2. All healthy bovine animals over 30 months of age slaughtered normally for human consumption shall be tested for BSE.**]**

Textual Amendments

F2 Substituted by Commission Regulation (EU) No 630/2013 of 28 June 2013 amending the Annexes to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (Text with EEA relevance).

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 [(3)] ,

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

— slaughtered for human consumption,

shall be tested for BSE.

[F3 3.2. Point 3.1 does not prevent the exercise by the appropriate authority of any power to disapply the requirement for testing under that point in remote areas with a low animal density, where no collection of dead animals takes place, provided that when taken

with other such exclusions not more than 10% of the bovine population in the United Kingdom is excluded from that requirement.**]**

Textual Amendments

F3 Annex 3 Ch. A Pt. 1 point 3.2 substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(20)(a)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

[F4 4. Monitoring in animals purchased for destruction pursuant to Regulation (EC) No 716/96

All animals born between 1 August 1995 and 1 August 1996 killed for destruction pursuant Regulation (EC) No 716/96 shall be tested for BSE.**]**

Textual Amendments

F4 Substituted by 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).

5. Monitoring in other animals

In addition to the testing referred to in points 2 to 4, **[**F5 the appropriate authority may test other bovine animals**]**, 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.

Textual Amendments

F5 Words in Annex 3 Ch. A Pt. 1 point 5 substituted (31.12.2020) by The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170), regs. 1, **2(21)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

[F6 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 **[**F7 Article 18(4) of Regulation (EU) No 2017/625**]** shall not be carried out on the carcase of that animal until a negative result to the rapid test has been obtained.

Textual Amendments

F7 Words in Annex 3 Ch. A Pt. 1 point 6.1 substituted (31.12.2020) by S.I. 2019/170, **reg. 2(21)(aa)** (as inserted by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(a), **20(2)(i)**)

6.2. **[**F8 The appropriate authority need not comply with**]** 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.

Textual Amendments

F8 Words in Annex 3 Ch. A Pt. 1 point 6.2 substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(20)(b)(i)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

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 disposed of in accordance with Article 12(a) or (b) of Regulation (EC) No 1069/2009, or unless its fats are processed in accordance with Regulation (EU) No 142/2011 and used in accordance with Article 12(e) of Regulation (EC) No 1069/2009 or used for the manufacture of derived products referred to in Article 36 of that Regulation.

6.4. All parts of the body of an animal found positive or inconclusive to the rapid test including the hide shall be disposed of in accordance with Article 12(a) or (b) of Regulation (EC) No 1069/2009, apart from material to be retained in conjunction with the records provided for in Chapter B, Part III of this Annex, and apart from the fats obtained from such a body, provided that these fats are processed in accordance with Regulation (EU) No 142/2011 and used in accordance with Article 12(e) of Regulation (EC) No 1069/2009 or used for the manufacture of derived products referred to in Article 36 of that Regulation.

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

By way of derogation from the first paragraph of this point, **[**F9The appropriate authority may decide not to destroy the carcases mentioned in the first paragraph unless**]** the result of the rapid test is confirmed to be positive or inconclusive by confirmatory examinations referred to in Annex X, Chapter C, point 3.1(b).

Textual Amendments

F9 Words in Annex 3 Ch. A Pt. 1 point 6.5 substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(20)(b)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

6.6. **[**F10The appropriate authority may decide not to destroy the carcases mentioned in**]** point 6.5 where a system is in place in the slaughterhouse preventing contamination between carcases.**]**

Textual Amendments

F10 Words in Annex 3 Ch. A Pt. 1 point 6.6 substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(20)(b)(iii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

F6 Substituted by Commission Regulation (EU) 2016/1396 of 18 August 2016 amending certain Annexes to Regulation (No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (Text with EEA relevance).

7. Revision of the annual monitoring programmes concerning BSE (BSE monitoring programmes), as provided for in Article 6(1b)

F11 ...

Textual Amendments

F11 Annex 3 Ch. A Pt. 1 point 7 omitted (31.12.2020) by virtue of The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170), regs. 1, **2(21)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**

[F12[F13II. 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).

[F22. Monitoring in ovine and caprine animals slaughtered for human consumption

(a) [F14The appropriate authorities shall test] a minimum annual sample of 10 000 ovine animals slaughtered for human consumption [F15within Great Britain];

Textual Amendments

F14 Words in Annex 3 Ch. A Pt. 2 point 2(a) substituted (31.12.2020) by S.I. 2019/170), regs. 1, **2(22)(a)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)

F15 Words in Annex 3 Ch. A Pt. 2 point 2(a) inserted (31.12.2020) by S.I. 2019/170, regs. 1, **2(22)(a)(i)(bb)** (as substituted by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(a), **20(2)(j)(i)**); 2020 c. 1, Sch. 5 para. 1(1)

(b) F16 ...

Textual Amendments

F16 Annex 3 Ch. A Pt. 2 point 2(b) omitted (31.12.2020) by virtue of The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170), regs. 1, **2(22)(a)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**

(c) [F17The Secretary of State, with the consent of the other appropriate authorities,] may choose to replace a maximum of:

— 50 % of its minimum sample size of ovine and caprine animals slaughtered for human consumption set out in points (a) and (b) by testing dead ovine or caprine animals over the age of 18 months at the ratio of one to one and in addition to the minimum sample size set out in point 3;

— 10 % of its minimum sample size set out in points (a) and (b) by testing ovine or caprine animals killed in the framework of a disease eradication campaign over the age of 18 months at the ratio of one to one.**]**

Textual Amendments

F17 Words in Annex 3 Ch. A Pt. 2 point 2(c) substituted (31.12.2020) by The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170), regs. 1, **2(22)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

3. Monitoring in ovine and caprine animals not slaughtered for human consumption

[[F18]The appropriate authorities**]** shall test, in accordance with the sampling rules set out in point 4 and the minimum sample sizes indicated in Table A and Table B, ovine and caprine animals which have died or been killed, but which were not:

Textual Amendments

F18 Words in Annex 3 Ch. A Pt. 2 point 3 substituted (31.12.2020) by The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170), regs. 1, **2(22)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

— killed in the framework of a disease eradication campaign, or

— slaughtered for human consumption.

TABLE A

F20 **...Population of ewes and ewe lambs put to the ram**	**Minimum sample size of dead ovine animals** [a]
> 750 000	10 000
100 000 - 750 000	1 500
40 000 - 100 000	100 % up to 500
< 40 000	100 % up to 100

a Minimum sample sizes are set to take account of the size of the ovine populations [F19]... and are intended to provide achievable targets.

Textual Amendments

F19 Words in Annex 3 Ch. A Pt. 2 point 3 Table A omitted (31.12.2020) by virtue of S.I. 2019/170, **reg. 2(22)(b)(iii)** (as inserted by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(a), **20(2)(j)(ii)**)

F20 Words in Annex 3 Ch. A Pt. 2 point 3 Table A substituted (31.12.2020) by The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170), regs. 1, **2(22)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

TABLE B

F22 **...Population of goats which have already kidded and goats mated**	**Minimum sample size of dead caprine animals** [a]
> 750 000	10 000
250 000 - 750 000	1 500
40 000 - 250 000	100 % up to 500
< 40 000	100 % up to 100

a Minimum sample sizes are set to take account of the size of the caprine population [F21]... and are intended to provide achievable targets.

Textual Amendments

F21 Words in Annex 3 Ch. A Pt. 2 point 3 Table B omitted (31.12.2020) by virtue of S.I. 2019/170, **reg. 2(22)(b)(iii)** (as inserted by The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1388), regs. 1(2)(a), **20(2)(j)(ii)**)

F22 Words in Annex 3 Ch. A Pt. 2 point 3 Table B substituted (31.12.2020) by The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170), regs. 1, **2(22)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

4. Sampling rules applicable to the animals referred to in points 2 and 3

The animals shall be over 18 months of age or have more than two permanent incisors erupted through the gum.

The age of the animals shall be estimated on the basis of dentition, obvious signs of maturity, or any other reliable information.

The sample selection shall be designed with a view to avoid the over-representation of any group as regards the origin, age, breed, production type or any other characteristic.

The sampling shall be representative for each region and season. Multiple sampling in the same flock shall be avoided, wherever possible. **[**[F23]The monitoring programmes must be designed by the Secretary of State, with the consent of each other authority which, in relation to any part of Great Britain, is the appropriate authority so as**]** to achieve, wherever possible, that in successive sampling years all officially registered holdings with more than 100 animals and where TSE cases have never been detected are subject to TSE testing.

Textual Amendments

F23 Words in Annex 3 Ch. A Pt. 2 point 4 substituted (31.12.2020) by S.I. 2019/588, **reg. 4(21)(a)(i)** (as substituted by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and

Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(3)(g)**)

The **[**F24appropriate authority**]** shall put in place a system to check, on a targeted or other basis, that animals are not being diverted from sampling.

Textual Amendments

F24 Words in Annex 3 Ch. A Pt. 2 point 4 substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(21)(a)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

[F25However, an appropriate authority may exclude from the sampling any remote areas with a low animal density and where no collection of dead animals takes place, provided that when taken with other such exclusions not more than 10% of the ovine and caprine population in the United Kingdom is excluded.**]**

Textual Amendments

F25 Words in Annex 3 Ch. A Pt. 2 point 4 substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(21)(a)(iii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

[F2 5. Monitoring in holdings under TSE control and eradication measures

Animals over 18 months of age which are killed for destruction in accordance with Annex VII, Chapter B, Part 2, point 2.2.1. and point 2.2.2.(b) or (c), 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.(b), based on the selection of a simple random sample, in accordance with the sample size set out in the following table.

Number of animals over 18 months of age killed for destruction in the herd or flock	**Minimum sample size**
70 or less	All eligible animals
80	68
90	73
100	78
120	86
140	92
160	97
180	101
200	105
250	112
300	117

350	121
400	124
450	127
500 or more	150**]**

6. Monitoring in other animals

In addition to the monitoring programmes set out in points 2, 3 and 4, **[**[F26]the appropriate authority**]** may on a voluntary basis carry out monitoring in other animals, in particular:

Textual Amendments

F26 Words in Annex 3 Ch. A Pt. 2 point 6 substituted (31.12.2020) by The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170), regs. 1, **2(22)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

— animals used for dairy production,
— animals originating from countries with indigenous TSEs,
— animals which have consumed potentially contaminated feedingstuffs,
— animals born or derived from TSE infected dams.

7. Measures following testing of ovine and caprine animals

7.1. Where an ovine or caprine animal slaughtered for human consumption has been selected for TSE testing in accordance with point 2, its carcase shall not be marked with the health marking provided for in Section I, Chapter III of Annex I to Regulation (EC) No 854/2004 until a negative result to the rapid test has been obtained.

7.2. **[**[F27]The appropriate authority may decide not to comply with point 7.1**]** where a system approved by the competent authority is in place in the slaughterhouse ensuring that all parts of an animal can be traced and that no parts of the animals tested bearing the health mark can leave the slaughterhouse until a negative result to the rapid test has been obtained.

Textual Amendments

F27 Words in Annex 3 Ch. A Pt. 2 point 7.2 substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(21)(b)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

[[F6]7.3. All parts of the body of a tested animal, including the hide, shall be retained under official control until a negative result has been obtained to the rapid test, unless they are disposed of in accordance with Article 12(a) or (b) of Regulation (EC) No 1069/2009, or unless its fats are processed in accordance with Regulation (EU) No 142/2011 and used in accordance with Article 12(e) of Regulation (EC) No 1069/2009 or used for the manufacture of derived products referred to in Article 36 of that Regulation.

7.4. All parts of the body of an animal found positive to the rapid test, including the hide, shall be directly disposed of in accordance with Article 12(a) or (b) of Regulation (EC) No 1069/2009, apart from the material to be retained in conjunction with the records

provided for in Chapter B, Part III of this Annex, and apart from rendered fats derived from such a body provided that these rendered fats are processed in accordance with Regulation (EU) No 142/2011 and used in accordance with Article 12(e) of Regulation (EC) No 1069/2009 or used for the manufacture of derived products referred to in Article 36 of that Regulation.**]**

[F28 8. Genotyping

The prion protein genotype for the codons 136, 154 and 171 shall be determined for each positive TSE case in sheep. TSE cases found in sheep of genotypes which encode alanine on both alleles at codon 136, arginine on both alleles at codon 154 and arginine on both alleles at codon 171 shall immediately be reported to the **[**F29 appropriate authority, which must immediately notify the other appropriate authorities**]**. Where the positive TSE case is an atypical scrapie case the prion protein genotype for the codon 141 shall also be determined.**]]**

Textual Amendments

F29 Words in Annex 3 Ch. A Pt. 2 point 8 substituted (31.12.2020) by The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170), regs. 1, **2(22)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

F28 Substituted by Commission Regulation (EU) 2017/894 of 24 May 2017 amending Annexes III and VII to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the genotyping of ovine animals (Text with EEA relevance).

Textual Amendments

F12 Substituted by Commission Regulation (EC) No 36/2005 of 12 January 2005 amending Annexes III and X to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards epidemio-surveillance for transmissible spongiform encephalopathies in bovine, ovine and caprine animals (Text with EEA relevance).

F13 Substituted by Commission Regulation (EC) No 727/2007 of 26 June 2007 amending Annexes I, III, VII and X to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (Text with EEA relevance).

[F30 III. MONITORING IN CERVIDS

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

F31 ...

Textual Amendments

F31 Annex 3 Ch. A Pt. 3 Ch. A omitted (31.12.2020) by virtue of The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170), regs. 1, **2(23)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

[F32 B. Monitoring in cervids

The appropriate authority may carry out monitoring for TSEs in cervids.**]]**

Textual Amendments

F32 Annex 3 Ch. A Pt. 3 Ch. B substituted (31.12.2020) by The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/170), regs. 1, **2(23)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

F30 Substituted by 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).

[F33IV. MONITORING IN OTHER ANIMAL SPECIES

Member States may on a voluntary basis carry out monitoring for TSE in animal species other than bovine, ovine, caprine and cervid animals.**]]]**

Textual Amendments

F33 Inserted by 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).

(1) **[**[F1][F2]OJ L 139, 30.4.2004, p. 55.**]]**

(2) **[**[F1][F2]OJ L 139, 30.4.2004, p. 206.**]]**

(3) **[**[F1]OJ L 99, 20.4.1996, p. 14.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 2245/2003 of 19 December 2003 amending Annex III to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards monitoring of transmissible spongiform encephalopathies in ovine and caprine animals.

F2 Substituted by Commission Regulation (EU) No 630/2013 of 28 June 2013 amending the Annexes to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (Text with EEA relevance).

Status:
Point in time view as at 31/12/2020.

Changes to legislation:
There are currently no known outstanding effects for the Regulation (EC) No 999/2001 of the European Parliament and of the Council, CHAPTER A .