Commission Decision of 28 September 2009 authorising certain Member States to revise their annual BSE monitoring programmes (notified under document C(2009) 6979) (Text with EEA relevance) (2009/719/EC)

COMMISSION DECISION

of 28 September 2009

authorising certain Member States to revise their annual BSE monitoring programmes

(notified under document C(2009) 6979)

(Text with EEA relevance)

(2009/719/EC)

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 the second subparagraph of Article 6(1b) thereof,

Whereas:

(1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals and requires each Member State to carry out an annual monitoring programme for TSEs based on active and passive surveillance, in accordance with Annex III to that Regulation.

(2) Those annual monitoring programmes are to cover as a minimum certain sub-populations of bovine animals as provided in Regulation (EC) No 999/2001. Those sub-populations are to include all bovine animals above 24 or 30 months of age, the age limit depending on categories laid down in points 2.1, 2.2 and 3.1 of Part I of Chapter A of Annex III to Regulation (EC) No 999/2001.

(3) Article 6(1b) of Regulation (EC) No 999/2001 says that Member States which can demonstrate an improvement in their epidemiological situation, according to certain criteria, may apply for their annual monitoring programmes to be revised.

(4) Annex III (Chapter A, Part I, Point 7) to Regulation (EC) No 999/2001 says which information has to be submitted to the Commission and which epidemiological criteria have to be complied with by Members States wishing to revise their annual monitoring programmes.

(5) On 17 July 2008, the European Food Safety Authority (EFSA) published a scientific opinion[(2)] which provided an assessment on the level of additional risk to human

and animal health following the implementation of a revised bovine spongiform encephalopathy (BSE) monitoring regime in the 15 countries which were members of the Community before 1 May 2004. The opinion concluded that less than one BSE case would be missed annually in those Member States if the age of bovine animals covered by the programme was increased from 24 months to 48 months.

(6) Commission Decision 2008/908/EC of 28 November 2008 authorising certain Member States to revise their annual BSE monitoring programme[(3)] was adopted, based on that EFSA opinion, as well as on the assessment of individual applications by those 15 Member States.

(7) On 1 September 2008, Slovenia submitted to the Commission an application to revise its annual BSE monitoring programme.

(8) The Food and Veterinary Office (FVO) carried out an inspection in that Member State in January 2009 in order to verify compliance with the epidemiological criteria laid down in point 7 of Part I of Chapter A of Annex III to Regulation (EC) No 999/2001.

(9) The results of that inspection acknowledged the proper implementation in Slovenia of the rules on protective measures laid down in Regulation (EC) No 999/2001. In addition, all the requirements laid down in the third subparagraph of Article 6(1b) and all the epidemiological criteria set out in point 7 of Part I of Chapter A of Annex III to Regulation (EC) No 999/2001 were checked and found to be met by Slovenia.

(10) On 29 April 2009, EFSA published a new scientific opinion on the updated risk for human and animal health related to the revision of the BSE monitoring regime in some Member States[(4)]. That opinion also assessed the situation in Slovenia and concluded that less than one BSE case would be missed annually in those Member States if the age of the bovine animals covered by the BSE monitoring was increased from 24 months to 48 months.

(11) In view of all available information, the application submitted by Slovenia to revise its annual BSE monitoring programme has been favourably evaluated. It is therefore appropriate to authorise Slovenia to revise its annual monitoring programme and to lay down 48 months as the new age limit for BSE testing in that Member State.

(12) For epidemiological reasons, it should be provided that the revised monitoring programmes may only be applied to bovine animals which were born in a Member State that is authorised to revise its monitoring programme.

(13) In order to ensure the uniform application of Community legislation, it is appropriate to lay down rules on the age limit for testing in the case of bovine animals born in one Member State but tested in a second one.

(14) In the interest of clarity and consistency of Community legislation, Decision 2008/908/EC should be repealed and replaced by this Decision.

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

HAS ADOPTED THIS DECISION:

[F1 Article 1 U.K.

(1) The appropriate authority may revise their annual monitoring programmes as provided for in Article 6(1b) of Regulation (EC) No 999/2001.

(2) In this Decision, "appropriate authority" means:

a in relation to England, the Secretary of State;

b in relation to Wales, the Welsh Ministers;

c in relation to Scotland, the Scottish Ministers.]

Textual Amendments

F1 Art. 1 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)(a), **4(2)** (as amended by S.I. 2020/1388, regs. 1, **20(4)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**

[F2 Article 2 U.K.

1 The revised annual monitoring programmes shall apply only to bovine animals born in the [F3countries and territories] listed in the Annex and shall cover at least the following categories:

a all bovine animals above 72 months of age subject to normal slaughter for human consumption, or slaughtered in the context of a disease eradication campaign but showing no clinical signs of disease, as referred to in point 2.2 of Part I of Chapter A of Annex III to Regulation (EC) No 999/2001;

b all bovine animals above 48 months of age subject to emergency slaughter or with observations at ante mortem inspection as referred to in point 2.1 of Part I of Chapter A of Annex III to Regulation (EC) No 999/2001;

c all bovine animals above 48 months of age, as referred to in point 3.1 of Part I of Chapter A of Annex III to that Regulation, which have died or been killed but which were not:

(i) killed for destruction pursuant to Commission Regulation (EC) No 716/96[5];

(ii) killed in the framework of an epidemic, such as foot-and-mouth disease;

(iii) slaughtered for human consumption.

2 When bovine animals belonging to the animal categories referred to in paragraph 1 and born in one of the [F4countries or territories] listed in the Annex are tested for BSE [F5, the age limits for testing in force in Great Britain, the Channel Islands and the Isle of Man] shall apply.

[F6 3 By way of derogation from point (a) of paragraph 1, from [F7the appropriate authority] may decide not to test animals in the subpopulation referred to in that point.]]

Textual Amendments

F2 Substituted by Commission Implementing Decision of 17 June 2011 amending Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes (notified under document C(2011) 4194) (Text with EEA relevance) (2011/358/EU).

F3 Words in Art. 2(1) 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, **4(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F4 Words in Art. 2(2) 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, **4(3)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F5 Words in Art. 2(2) 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, **4(3)(b)(ii)** (as amended by S.I. 2020/1388, regs. 1(2)(a), **20(4)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

F6 Substituted by Commission Implementing Decision of 4 February 2013 amending Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes (notified under document C(2013) 435) (Text with EEA relevance) (2013/76/EU).

F7 Words in Art. 2(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, **4(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

F8 Article 3 U.K.

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Textual Amendments

F8 Art. 3 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, **4(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F9 Article 4 U.K.

. . . . . .

Textual Amendments

F9 Art. 4 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, **4(4)**; 2020 c. 1, Sch. 5 para. 1(1)

[F2ANNEX U.K.

List of [F10countries] and territories authorised to revise their BSE annual monitoring programmes

Textual Amendments

F10 Word in Annex heading 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, **4(5)**; 2020 c. 1, Sch. 5 para. 1(1)

— Belgium
— Czech Republic
— Denmark
— Germany
— Estonia
— Ireland
— Greece
— Spain
— France
— [F11Croatia]
— Italy
— Cyprus
— Latvia
— Lithuania
— Luxembourg
— Hungary
— Malta
— Netherlands
— Austria
— Poland
— Portugal
— Slovakia
— Slovenia
— Finland
— Sweden
— United Kingdom and the Channel Islands and the Isle of Man]

Textual Amendments

F11 Inserted by Commission Implementing Decision (EU) 2016/851 of 26 May 2016 amending the Annex to Decision 2009/719/EC as regards the authorisation for Croatia to revise its BSE annual monitoring programme (notified under document C(2016) 3097) (Text with EEA relevance).

(**1**) OJ L 147, 31.5.2001, p. 1.

(**2**) 'Scientific Opinion of the Panel on Biological Hazards on a request from the European Commission on the risk for human and animal health related to the revision of the BSE monitoring regime in some Member States', *The EFSA Journal* (2008) 762, p. 1.

(**3**) OJ L 327, 5.12.2008, p. 24.

(**4**) 'Scientific Opinion of the Panel on Biological Hazards on a request from the European Commission on the updated risk for human and animal health related to the revision of the BSE monitoring regime in some Member States', *The EFSA Journal* (2009) 1059, p. 1.

(**5**) **[**[F2]OJ L 99, 20.4.1996, p. 14.**]**

Textual Amendments

F2 Substituted by Commission Implementing Decision of 17 June 2011 amending Decision 2009/719/EC authorising certain Member States to revise their annual BSE monitoring programmes (notified under document C(2011) 4194) (Text with EEA relevance) (2011/358/EU).

Changes to legislation:
There are outstanding changes not yet made to Commission Decision of 28 September 2009 authorising certain Member States to revise their annual BSE monitoring programmes (notified under document C(2009) 6979) (Text with EEA relevance) (2009/719/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

– Annex Indent addition by EUDN 2016/851 Decision