

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

CHAPTER IV

**CONTROL AND ERADICATION OF TSEs**

*Article 11*

**Notification**

[<sup>F1</sup>Any person who suspects an animal of being infected by a TSE must immediately notify the relevant competent authority.]

The competent authority shall without delay take the measures laid down in Article 12 of this Regulation, together with any other necessary measures.

**Textual Amendments**

- F1** Words in Art. 11 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(8)**; 2020 c. 1, Sch. 5 para. 1(1)

*Article 12*

**Measures with respect to suspect animals**

[<sup>F2</sup>Any animal suspected of being infected by a TSE shall be either placed under an official movement restriction until the results of a clinical and epidemiological examination carried out by the competent authority are known, or killed for laboratory examination under official control.

If a TSE is officially suspected in a bovine animal at a holding <sup>F3</sup>..., all other bovine animals at that holding shall be placed under an official movement restriction until the results of the examination are available. If a TSE is officially suspected in an ovine or caprine animal at a holding <sup>F3</sup>..., all other ovine and caprine animals at that holding shall be placed under an official movement restriction until the results are available.

However, if there is evidence that the holding where the animal was present when the TSE was suspected is unlikely to be the holding where the animal could have been exposed to the TSE, the competent authority may decide that only the animal suspected of being infected shall be placed under an official movement restriction.

If considered necessary, the competent authority may also decide that other holdings or only the holding of exposure shall be placed under official control depending on the epidemiological information available.

[<sup>F4</sup>To the extent provided for under paragraph 4, an appropriate authority may make regulations to permit exemptions from implementing movement restrictions where it

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is satisfied that equivalent safeguards based on an assessment of the possible risks to human and animal health are applied.]]

2 Where the competent authority decides that the possibility of infection with a TSE cannot be ruled out, the animal shall be killed, if it is still alive; its brain and all other tissues as the competent authority may determine shall be removed and sent to an officially approved laboratory<sup>F5</sup> ... for examination in accordance with the testing methods laid down in Article 20.

[<sup>F23</sup> All parts of the body of the suspect animal shall be either retained under official control until a negative diagnosis has been made, or disposed of in accordance with Regulation (EC) No 1774/2002.]

[<sup>F64</sup> The appropriate authority may by regulations prescribe rules for the implementation of this Article.]

#### Textual Amendments

- F2** Substituted by Regulation (EC) No 1923/2006 of the European Parliament and of the Council of 18 December 2006 amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (Text with EEA relevance).
- F3** Words in Art. 12(1) omitted (31.12.2020) by virtue of The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(10)(a)(i)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 12(1) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(10)(a)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 12(2) omitted (16.11.2022) by virtue of The Animals, Food, Plant Health, Plant Propagating Material and Seeds (Miscellaneous Amendments etc.) Regulations 2022 (S.I. 2022/1090), regs. 1(1), **5(3)**
- F6** Art. 12(4) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(10)(b)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

### Article 13

#### Measures following confirmation of the presence of a TSE

1 When the presence of a TSE has been officially confirmed, the following measures shall be applied as soon as possible:

- [<sup>F2a</sup> all parts of the body of the animal shall be disposed of in accordance with Regulation (EC) No [<sup>F7</sup>1069/2009] except for material retained for records in accordance with Annex III, Chapter B, of this Regulation.]
- b an inquiry shall be carried out to identify all animals at risk in accordance with Annex VII, point 1;
- [<sup>F2c</sup> all animals and products thereof at risk, as listed in Annex VII, point 2, of this Regulation, identified by the inquiry referred to in point (b) of this paragraph shall be killed and disposed of in accordance with Regulation (EC) No [<sup>F7</sup>1069/2009].]

[<sup>F8</sup>On the basis of a favourable risk assessment that takes relevant control measures into account, an appropriate authority may, to the extent provided for under paragraph 6, either allow the use of bovine animals until the end of their productive lives or apply other means of offering an equivalent level of protection.]

2 Pending the implementation of the measures referred to in paragraph 1(b) and (c), the holding on which the animal was present when the presence of a TSE was confirmed shall be placed under official control and all movement of animals susceptible to TSEs and products of

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animal origin derived from them from or to the holding shall be subject to authorisation by the competent authority, with a view to ensuring immediate tracing and identification of the animals and products of animal origin concerned.

If there is evidence that the holding where the affected animal was present when the TSE was confirmed is not likely to be the holding where the animal was exposed to the TSE, the competent authority may decide that both holdings or only the holding of exposure shall be placed under official control.

[<sup>F9</sup>3 To the extent provided for under paragraph 6, an appropriate authority that has implemented a substitute scheme offering equivalent safeguards may, in derogation from the requirements of paragraph 1(b) and (c), be exempted from the requirement to apply official restrictions on the movement of animals and from the requirement to kill or destroy animals.]

4 Owners shall be compensated without delay for the loss of the animals that have been killed or products of animal origin destroyed <sup>F10</sup>....

<sup>F11</sup>5 .....

[<sup>F12</sup>6 The appropriate authority may by regulations make rules for the implementation of this Article.]

#### Textual Amendments

- F2** Substituted by Regulation (EC) No 1923/2006 of the European Parliament and of the Council of 18 December 2006 amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (Text with EEA relevance).
- F7** Words in Art. 13(1)(a)(c) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(11)(a)(i)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 13(1) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(11)(a)(ii)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Art. 13(3) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(11)(b)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 13(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, **2(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Art. 13(5) 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(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 13(6) substituted (31.12.2020) by The Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588), regs. 1, **4(11)(c)** (with reg. 12); 2020 c. 1, Sch. 5 para. 1(1)

<sup>F13</sup>Article 14

### Contingency plan

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### Textual Amendments

- F13** Art. 14 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(10)**; 2020 c. 1, Sch. 5 para. 1(1)

**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 IV.