

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)

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)

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<sup>(1)</sup>, and in particular Article 6a(2) and Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the monitoring of transmissible spongiform encephalopathies in bovine, ovine and caprine animals and for eradication measures to be carried out following the confirmation of a transmissible spongiform encephalopathy (TSE) in ovine and caprine animals.
- (2) In October 2005 the European Food Safety Authority (EFSA) adopted an opinion on the classification of atypical TSE cases in small ruminants. In its opinion EFSA concludes that an operational definition of atypical scrapie is possible and provides the elements for a classification of scrapie cases. EFSA also recommends that surveillance programmes, including tests and sampling arrangements, be used so as to enable detection of all forms of TSE in small ruminants.
- (3) It appears appropriate, therefore, to introduce definitions for TSE in small ruminants, scrapie cases, classical scrapie cases and atypical scrapie cases.
- (4) Where an animal slaughtered for human consumption is found positive to a rapid test under the current rules, namely Annex III to Regulation (EC) No 999/2001, at least the carcass immediately preceding the test-positive carcass and two carcasses immediately following the test-positive carcass on the same slaughter line have to be destroyed, in addition to the test-positive carcass.
- (5) The complete destruction, on the same slaughter line, of the three carcasses adjacent to a rapid test-positive one is disproportionate with regard to the risk. These carcasses should

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only be destroyed if the result of a rapid test is confirmed positive or inconclusive after examination by the reference methods.

- (6) Regulation (EC) No 999/2001, as amended by Commission Regulations (EC) No 214/2005<sup>(2)</sup> and (EC) No 1041/2006<sup>(3)</sup> provide for increased monitoring programmes in caprine and ovine animals, following the detection of bovine spongiform encephalopathies (BSE) in a goat in 2005 and three unusual TSE cases in sheep where BSE could not be excluded. Those monitoring programmes should be reviewed in the light of the results of two years of intensified testing which have not led to the detection of any additional BSE case in ovine or caprine animals. In order to ensure an efficient implementation of the programmes the reviewed monitoring requirements should apply from 1 July 2007.
- (7) The monitoring programmes in ovine and caprine animals should be assessed and reviewed in the light of new scientific data.
- (8) In view of the results of the increased monitoring in ovine and caprine animals, the current strict culling and repopulation policy in TSE affected flocks appears to be disproportionate. In addition, several difficulties, in particular regarding repopulation of infected flocks, hamper the effective implementation of measures following the detection of a TSE in a flock.
- (9) On 8 March 2007 EFSA adopted an opinion on certain aspects related to the risk of TSEs in ovine and caprine animals. In its opinion, the Authority considers that there is no evidence for an epidemiological or molecular link between classical and/or atypical scrapie and TSEs in humans and that the BSE agent is the only TSE agent identified as zoonotic. In addition, the Authority considers that Current discriminatory tests as described in the EC legislation to be used for discrimination between scrapie and BSE are reliable for the differentiation of BSE from classical and atypical scrapie.
- (10) Additional factors which confirm the need to reappraise TSE eradication measures in small ruminants include the absence of scientific evidence to indicate that scrapie is transmissible to humans, the ruling out of BSE in cases of TSE in small ruminants and the detection of atypical TSE cases having a limited spread of infection within a flock but also emerging in sheep with genotypes considered resistant to BSE and classical scrapie.
- (11) The structure of the sheep and goat sector is notoriously different across the Community, Member States should therefore have the possibility to apply alternative policies, provided that harmonised rules are established.
- (12) The Commission's TSE roadmap, adopted on 15 July 2005, establishes as one of the strategic goals the review of the eradication measures for small ruminants taking into account the new diagnostic tools available but ensuring the current level of consumer protection.
- (13) On 13 July 2006 EFSA adopted an opinion on the Breeding Programmes for TSE resistance in sheep. In its opinion EFSA concludes that the breeding programmes increase the robustness of sheep populations against the currently known TSEs and

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therefore contributes to both improved animal health and consumer protection. EFSA also made recommendations on the determination of the prion protein genotype.

- (14) Article 6a of Regulation (EC) No 999/2001 provides that Member States may introduce breeding programmes to select for resistance to TSEs in their ovine populations. It is necessary to introduce harmonised minimum requirements for those breeding programmes.
- (15) Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (16) Commission Decision 2003/100/EC of 13 February 2003 laying down minimum requirements for the establishment of breeding programmes for resistance to transmissible spongiform encephalopathies in sheep<sup>(4)</sup> is obsolete as the provisions provided for therein are now to be replaced by provisions laid down in this Regulation. In the interests of clarity and legal certainty that Decision should be repealed.
- (17) 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:

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- (1) OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 1923/2006 (OJ L 404, 30.12.2006, p. 1).
- (2) OJ L 37, 10.2.2005, p. 9.
- (3) OJ L 187, 8.7.2006, p. 10.
- (4) OJ L 41, 14.2.2003, p. 41.

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