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FINAL REPORT OF A MISSION
CARRIED OUT IN PORTUGAL
FROM 16 TO 20 FEBRUARY 2004
CONCERNING PROTECTIVE MEASURES AGAINST
BOVINE SPONGIFORM ENCEPHALOPATHY (BSE)

*Please note that factual errors in the draft report have been corrected in bold, italic type.
Clarifications provided by the Portuguese authorities are given in bold, italic, type, to the
relevant part of the report.*



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EXECUTIVE SUMMARY

This report describes the outcome of a mission carried out by the Food and Veterinary Office (FVO) in Portugal, from 16 to 20 February 2004.

The overall objective of the mission was to evaluate the implementation of certain protective measures against BSE and the system of identification, registration and traceability of live bovine animals. More in particular, it concerned the measures put in place, and their application, to give effect to EU rules in force for the prevention, control and eradication of certain TSEs, as laid down in the Regulation (EC) No 999/2001 of the European Parliament and of the Council, as amended, and specifically addressing:

- both active and passive BSE epidemio-surveillance,*
- removal and handling of Specified Risk Material (SRM),*
- the prohibition of feeding processed animal proteins to farmed animals, and exceptions applicable to this total feed ban.*

In terms of scope, the mission focused on bovine identification and registration, BSE epidemio-surveillance in bovine animals, removal and disposal of SRM and the feed ban, including the control and supervisory measures in place.

The report overall concludes that BSE surveillance in mainland Portugal has further progressed due to improvements in the bovine identification and registration system, providing more reliable data and allowing a better assessment of the rate of testing in the different sub-populations in all regions. However, sampling of all fallen stock remained problematic in 2003, in particular in Açores. Corrective measures have already been taken, notably as regards improved supervision, resulting in noticeable progress in 2004. Systems in place for removal, processing and disposal of SRM meet EU requirements, although deficiencies were found in their supervision. As regards the feed ban, and despite improvements, some shortcomings still remain in relation with planning and implementation of official controls.

As a potential consequence of the incomplete sampling of falling stock in the 2nd semester of 2003, calculation of the true overall BSE incidence in Portugal would be hindered. However, from January 2004, the problem seems to be largely solved, except for Açores. Additionally, the current control plan for the total feed ban cannot fully demonstrate the efficacy of the latter.

The report makes a number of recommendations addressed to the Portuguese competent authorities, aimed at rectifying the identified shortcomings and/or further enhancing the implementing and control measures in place.

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ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

BSE	Bovine Spongiform Encephalopathy
CA	Competent authority
CCA	Central competent authority
DGV	<i>Direcção Geral de Veterinária</i> , the Directorate General for Veterinary Services (CCA)
DRAs	<i>Direcções Regionais de Agricultura</i> , the Regional authorities
Fallen stock	Bovine animals that have died on the farm or during transport
FVO	Food and Veterinary Office
INGA	<i>Instituto Nacional de Intervenção e Garantia Agrícola</i> , the National Agriculture Intervention and Guarantee Institute
LNIV	<i>Laboratório Nacional de Investigação Veterinária</i> , the National Laboratory for Veterinary Investigations
MAT	Microscopic analysis test, as set out in Directive 98/88/EC
NRL	National reference laboratory for TSEs
OPPs	<i>Organizações de Produtores Pecuárias</i> , the livestock producers' associations
Report 9120/2003	Report on a previous mission carried out in Portugal from 12 to 16 May 2003, concerning protective measures against TSEs
Report 9162/2003	Report on a previous mission carried out in Portugal from 10 to 14 November 2003, in order to evaluate the implementation of EC measures in the field of animal nutrition regarding the official inspections and the approval and registration of certain establishments and intermediaries
Report 9271/2003	Report on a previous mission carried out in Portugal from 20 to 24 October 2003, in order to evaluate the operation of controls over the traceability of beef and beef products
SIRCA	System for the collection and sampling of fallen stock
SRM	Specified Risk Material
TSEs	Transmissible Spongiform Encephalopathies

1. INTRODUCTION

The mission was carried out in Portugal from 16 to 20 February 2004. The mission team comprised two inspectors of the Food and Veterinary Office (FVO), and was accompanied throughout the mission by representatives from the central competent authorities (CCA), the Directorate General for Veterinary Services (*Direcção Geral de Veterinária* [DGV]). An opening meeting was held on 16 February 2004 with the CCA during which the mission objectives and itinerary were confirmed, and additional information required for its satisfactory completion requested.

2. OBJECTIVES OF THE MISSION

The **objective** of the mission was to evaluate:

1. The implementation of certain EU protective measures against Bovine Spongiform Encephalopathy (BSE). In particular, it concerned those measures to give effect to the requirements laid down in Regulation (EC) No. 999/2001^(1,2) of the European Parliament and of the Council, and specifically addressing:
 - Active and passive BSE epidemio-surveillance.
 - Removal and handling of Specified Risk Material (SRM).
 - The prohibition of feeding processed animal proteins (PAP) to farmed animals (hereafter: total feed ban), and exceptions applicable to this ban;
2. The systems for identification and registration (I&R) and traceability of bovine animals.
3. The measures taken and planned in response to the recommendations made on foot of previous FVO missions, which addressed the above issues (see Section 4. below).

In terms of **scope**, the mission focused on the application of the relevant EU requirements in respect of bovine animals, including their control and supervision. The review of bovine I&R systems was limited to those aspects which are directly relevant to the BSE protective measures.

The mission itinerary in pursuit of the above objectives can be summarised as follows:

COMPETENT AUTHORITY VISITS			Comments
Competent authority	Central	√	Opening and closing (de-briefing) meeting A specific meeting with the INGA
	Regional / Local	√	Discussions held in the course of visits to premises. A specific meeting with a group of veterinarians responsible for 4 livestock producers' associations
LABORATORY VISITS			
Central/reference		√	The NRL for TSEs and MAT in Lisbon
ANIMAL PRODUCT PROCESSING SITES (non-human consumption)			
Animal waste premises		√	1 SRM rendering plant
Animal feed processors/ manufacturers		√	1 double stream feed mill producing feed for ruminant and non-ruminant animals, using fishmeal
FOOD PROCESSING ESTABLISHMENTS			
Abattoirs		√	2 cattle slaughterhouses

⁽¹⁾ Legal acts quoted in this report refer, where applicable, to the last amended version.

⁽²⁾ 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 - OJ L 147, 31.5.2001, p. 1.

3. LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation and, in particular:

1. Article 21 of Regulation (EC) No. 999/2001;
2. Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States⁽³⁾.

4. BACKGROUND

The previous mission concerning BSE epidemio-surveillance, feed ban and SRM was undertaken in May 2003. A mission concerning the evaluation of the operation of controls over the traceability of beef and beef products was undertaken in October 2003, while a mission carried out in November 2003 evaluated the implementation of EU measures in the field of animal nutrition as regards official inspections and the approval and registration of establishments and intermediaries. The reports on these missions are available under reference numbers DG(SANCO) 9120/2003-MR-Final (hereafter: report 9120/2003), DG(SANCO) 9271/2003-MR-Final (hereafter: report 9271/2003) and DG(SANCO) 9162/2003-MR-Final (hereafter: report 9162/2003) in the DG (Health and Consumer Protection) Internet site at:

http://europa.eu.int/comm/food/fs/inspections/vi/reports/Portugal/index_en.html

Important deficiencies were noted in relation with cattle I&R and in relation to fallen stock. The reports made a number of recommendations for action to the CCA which, where appropriate, are outlined in more detail in the relevant parts of Section 5.

5. MAIN FINDINGS

5.1. EPIDEMIO-SURVEILLANCE IN BOVINE ANIMALS

5.1.1. Identification and registration

The mission team noted the following:

- The percentage of the cattle population correctly identified and registered at the end of 2003 has increased; some 600.000 eartags have been distributed during this year.
- The CCA advised the mission team that, although all herds with identified problems have been "flagged" in the central database for follow-up, legal enforcement procedures are slow and burdensome, complicating improvements with enforcement. Awareness campaigns on bovine I&R have been put in place, which are now followed by enhanced enforcement actions.
- Since 1 January 2004, it is forbidden for all animals eligible for movement or premia to bear hand-written eartags, and all instances of non-compliance will immediately be followed by an inspection of the herd concerned. Clear guidelines exist for the officials to proceed with the infringements noted with cattle I&R.
- Substantial I&R deficiencies still exist in *Açores*. The percentage of herds inspected during 2003 was less than 6% and the planning for 2004 is not yet defined since

⁽³⁾ OJ L 38, 12.02.1998, p.10.

Açores, as an autonomous region, is not covered by the central inspection programme (see report 9271/2003) ⁽⁴⁾.

- In relation to the programme of inspections at farm level for 2004:
 - A co-ordinating committee held its first meeting in February 2004. Personnel in charge of its implementation highlighted limited availability of staff for the very demanding inspection schedule, and outstanding training needs.
 - The priority criteria for targeting the inspection effort in 2004 have not been definitively established, as neither the programme itself or the training plan have yet been approved⁽⁵⁾. The CCA stated that these issues will be solved before the end of February 2004.
 - The plan takes account of deficiencies noted during inspections and mistakes in notifications to the central database, in 2003⁽⁶⁾.
 - The programme will cover 12% of farms; 1/3 of inspections will cover herds not inspected so far with a number of animals higher than the regional average.

5.1.2. Sampling in the native population

The CCA provided data updated to 31 December 2003 on the reference native cattle population, data on the population of animals older than 24 and 30 months of age slaughtered for human consumption during 2003, and on the animals tested and categorised during the 1st and 2nd semester of 2003 in the sub-populations contained in Annex III to Regulation (EC) No. 999/2001, including the number of confirmed positive cases:

Table I: Reference bovine populations (census and slaughtered animals) in 2003

REGION	Census (CS) of cattle population and slaughtered animals (SA) split by age (older than 24 and 30 months)			
	CS>24 m	CS >30m	SA >24m	SA>30m
Açores	144,416	133,947	28,132	25,002
All regions, including Açores	905,627	848,754	111,072	90,069

⁽⁴⁾ *In their response to the draft report the Portuguese authorities stated that even though inspections on cattle I&R in Açores are not integrated in the common control programme implemented by the CCA in mainland Portugal, particularly as regards non involvement of the group of inspectors dedicated specially to this purpose in this area, planning of inspections in all DRA, including Açores, is still responsibility of the CCA.*

⁽⁵⁾ *In their response to the draft report the Portuguese authorities stated that a training session has already been organised the 25/03/04 for 180 members of the staff dedicated to cattle I&R inspections.*

⁽⁶⁾ *In their response to the draft report the Portuguese authorities stated that special attention have been given to those holdings where specific sanitary problems were found in relation with the infectious diseases' eradication programmes and BSE. The regional authorities in Açores have been asked by the CCA to provide them with detailed data on which criteria are they using and which holdings will be inspected accordingly.*

Table II: Number of bovines tested for BSE and confirmed positive results during the 1st and 2nd semesters of 2003

REGION		Bovines tested within the sub-populations included in Annex III to Regulation (EC) 999/2001 and clinical suspects ¹				
		Healthy slaughtered	Special emergency. slaughtered ²	Found sick at <i>ante-mortem</i> . inspection ³	Fallen stock	Clinical suspects
Açores	1 st sem.	13,456 (0)	656 (0)	1,304 (0)	118 (0)	0
	2 nd sem.	8,889 (1)	520 (0)	618 (1)	534 (0)	0
All regions, including Açores	1 st sem.	43,569 (21)	856 (1)	3,857 (7)	6,906 (23)	48 (14)
	2 nd sem.	38,104 (23)	706 (3)	1,664 (7)	12,933 (20)	62 (14)
	Total 2003	81,673⁴ (44)	1,562 (4)	5,521 (14)	19,839 (43)	110 (28)

1: In brackets: the number of positive cases confirmed.

2: As defined in Article 2(n) of Council Directive 64/433/EEC⁷.

3: 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 programme.

4: This figure includes 189 imported animals. One positive case was confirmed.

As additional information regarding these data, the mission team noted:

- In addition, 1,271 animals were slaughtered as a result of BSE eradication provisions. The percentage of this sub-population older than 30 months of age was unknown. No positive case was found⁽⁸⁾.
- Animals tested are to be classified in their regions of origin, corresponding to the herd from which the last movement was reported. However, a comparison of the regional distribution of the number of healthy animals older than 30 months of age slaughtered for human consumption reported to the I&R database with the one of those that have been eventually sampled revealed some discrepancies. The CCA indicated that this happens because some private laboratories attached to slaughterhouses have been reporting results indicating the region where they are situated, rather than that of the origin of the animals. The CCA is aware of the situation and corrective measures will be in place shortly⁽⁹⁾.
- Detailed data on the number of animals older than 30 months of age categorised in the sub-populations of animals slaughtered as an emergency, those found sick at the *ante mortem* inspection and those slaughtered under BSE eradication provisions were lacking. Therefore, comparison of the number of animals older than 30 months of age that have been reported as slaughtered to the cattle I&R central database and available data on animals eventually sampled and tested shows that a small percentage may not have been tested.
- The CCA stated that the percentage of animals older than 30 months of age that are being sent for slaughter is lower than might be expected. Due to the low prices currently paid, producers opt for keeping the animals in the farms longer, which means that many old cattle die on farm.

⁽⁷⁾ Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat - OJ P 121, 29.7.1964, p. 2012.

⁽⁸⁾ *In their response to the draft report the Portuguese authorities stated that out of these 1,271 animals, a percentage in excess of 95% were older than 30 months of age.*

⁽⁹⁾ *In their response to the draft report the Portuguese authorities stated that immediate notification has been forwarded to the laboratories concerned in order to notify all animals tested indicating their regions of origin.*

- The number of animals sampled in the sub-population of "sick at *ante mortem* inspection" has gone down from 3,857 in the 1st semester to 1,664 in the 2nd. The cause appears to be that animals without any clinical symptom slaughtered under eradication programmes are no longer included in this sub-population.
- Even though the number of fallen stock tested during the 2nd semester of 2003 has almost doubled figures in comparison with the 1st semester, the number of positive cases confirmed during this period was lower (23, and 20 respectively).

With regard to the correct classification of the animals in the BSE testing programme in the respective sub-populations as laid down in Annex III to Regulation (EC) No 999/2001, the mission team noted:

- Guidelines addressed to the *Direcções Regionais de Agricultura* (the Regional authorities, DRAs) and inspectors at slaughterhouses are in place for over a year. In addition, a new supervisory initiative focused specifically on this topic was launched on 24 November 2003, including:
 - Regular random visits to all slaughterhouses carried out by DRA inspectors. All slaughterhouses must be visited at least twice a year.
 - All DRAs must inform monthly the DGV on the results of such inspections.
- During supervisory inspections, DRA officials pay particular attention to all that concerns animal identity checks carried out by official inspectors in the slaughterhouses. Reporting procedures for samples taken from risk animals operate largely in line with existing provisions.
- The classification of animals slaughtered in the framework of eradication campaigns complies with EU provisions on BSE epidemio-surveillance, following timely instructions on this issue by the CCA.
- In the two regions visited, the system for monitoring the correct identification and classification of the animals was already in place and after minor shortcomings detected during supervisory inspections by DRA, some recommendations had been already given to the official inspectors in the slaughterhouses.

As regards the sub-population of fallen stock over 24 months of age, the system for their collection and sampling (SIRCA) is in operation since 1 February 2003, and described in report 9120/2003. The system continues to operate as described. If an animal cannot be collected, the farmer is obliged to notify to the practitioners of the *Organizações de Produtores Pecuárias* (the livestock producers' associations, OPPs) who then perform the sampling.

- The bovine population in the current "remote areas" includes approx. 11% of the total cattle population over 24 months in mainland Portugal⁽¹⁰⁾.
- The situation in *Açores* continues to be worrying: out of 6,539 fallen stock notified to the cattle I&R central database during 2003 (2,452 in the 2nd semester), only 652 have been tested (534 in the 2nd semester). The CCA stated to be well aware of this problem, and that initiatives are taken to enhance their legal enforcing powers vis-à-vis the regional authority in respect of BSE epidemio-surveillance.

⁽¹⁰⁾ *In their response to the draft report the Portuguese authorities stated that remote areas account now for a 8,51% of the cattle population older than 24 months of age.*

Data on the system for collection, sampling and testing of fallen stock older than 24 months of age, involving the SIRCA and OPPs' practitioners and excluding data from *Madeira and Açores*, is outlined in the following table:

Table III: Number of fallen animals notified, collected, tested and positive.

Fallen animals	July 03	August 03	Sept. 03	Oct. 03	Nov. 03	Dec. 03
Notified to the I&R central database ¹	2,136	2,162	2,759	3,265	3,129	3,239
Notified to the SIRCA	1,885	2,220	2,314	2,740	2,620	3,062
Collected by the SIRCA ²	1,721 (80,6%)	1,904 (80,1%)	2,052 (74,4%)	2,474 (75,8%)	2,390 (76,4%)	2,541 (78,5%)
Tested ^{2,3}	1,659 (77,7%)	1,436 (66,4%)	1,807 (65,5%)	2,409 (73,8%)	2,102 (67,2%)	2,967 (91,6%)
Positive	2	2	3	3	4	6

1: It includes both animals from remote areas and those dead animals that are not notified to the SIRCA and are exceptionally notified directly to the central database by the producers. OPPs' practitioners normally sample these animals. Additionally, till September some delays would affect the notification of data to the database during the same month that corresponds to animals' death. Since this date, monitoring of these figures was dramatically improved.

2: In brackets, percentage in respect of the fallen stock notified to the cattle I&R central database.

3: Including analyses of samples collected by OPPs' practitioners.

Comparison of relevant data in the I&R central database with the census of the cattle population older than 24 months of age, appears to offer a reliable picture as regards cattle mortality in 2003 (3 to 5% depending on the region).

The *Instituto Nacional de Intervenção e Garantia Agrícola* (the national agriculture intervention and guarantee institute, INGA) stated that no major problems occurred in the 2nd semester of 2003 as regards the time between death and notification to SIRCA or the time between the death and collection.

With regard to the data provided by the CCA, the mission team noted that:

- During the 2nd semester of 2003 the percentage of fallen stock collected and tested out of the total number of animals older than 24 months of age reported as dead to the I&R central database was still low, but increased to expected figures in December. Preliminary data for the first 6 weeks of 2004 confirm this progress.
- The CCA stated that, as the main reasons for not sampling an animal were identification problems, they decided not to sample in these cases since, should a positive result appear, they would be unable to comply with traceability provisions in EU legislation on BSE eradication. This approach is now under review and a decision on unconditional sampling of all fallen stock may be taken shortly⁽¹¹⁾.
- The CCA provided detailed information on fallen stock not sampled in one of the rendering plants, either due to having already been sampled by the OPP, to identification problems, or liquefied brains, as recorded at the initiative of the responsible official veterinarians. In the other plant, no such initiative was taken.
- Figures for the 2nd semester of 2003 in the rendering plant visited indicate that 547 out of 7,107 collected fallen stock (7,7%) were not sampled due to animal identification problems. Additionally, 718 animals (10,1%) were not sampled due to the unsuitable brain material. The number of samples sent from this plant declared unsuitable for testing by the *Laboratório Nacional de Investigação Veterinária* (National Laboratory for Veterinary Investigations, LNIV) was negligible during

⁽¹¹⁾ *In their response to the draft report the Portuguese authorities stated that since the percentage of the cattle population affected by this issue since January 2004 is negligible, this would no longer have an impact on BSE epidemio-surveillance.*

the same period (24), which meant a dramatic improvement in comparison with the 1st semester of 2003. The same applies to the other rendering plant.

- In January 2004, only 43 out of 1322 collected animals (3,3%) were not sampled in the rendering plant visited due to animal identification problems⁽¹²⁾.

5.1.3. Laboratory network

The national reference laboratory (NRL) continues to comply with EU requirements. In addition, the mission team noted that:

- The NRL pays special attention to verify the correct histopathological pattern of all BSE positive cases in order to detect new BSE strains if they would occur.
- A detailed recording system is in place to monitor the quality of samples taken from fallen stock. The records indicated that some 17% of samples were not totally suitable for a proper BSE diagnosis.
- Improved classification of animals in the sub-populations (see 5.1.2) allows the LNIV to correctly classify sampled animals, and to submit correct data to the DGV.
- Special attention is given to sustaining regular training for all laboratories authorised to use the rapid tests. Supervision of their performance is in place through regular proficiency tests. The NRL itself has successfully participated in several ring tests organised at EU level.

5.1.4. Supervision of BSE epidemio-surveillance

The National Co-ordinator for BSE continues to be responsible for ensuring the uniform and correct implementation of BSE provisions. To this end, DRAs have been provided with instructions and requests for information. The Co-ordinator indicated that direct access to all information, notably as regards SIRCA, is now possible.

The mission team noted that:

- Instructions have been sent to the DRAs on the implementation of the monitoring system at regional level.
- There are no arrangements to monitor the activities of the OPPs concerning passive surveillance and sampling of fallen stock. However, the activities of these organisations in the implementation of cattle disease eradication campaigns are regularly audited. The CCA stated that specific provisions on BSE epidemio-surveillance are to be shortly included in these audits.
- The CCA provided information on future refinements as regards timely availability of reliable data on all surveillance aspects, considered necessary to allow immediate response to detected irregularities.

5.2. TOTAL FEED BAN

5.2.1. Legal situation and administrative provisions

5.2.1.1. Implementing legislation

Decreto-Lei 76/2003 includes the national implementing measures as regards the feed ban (see report 9120/2003) and it has not been modified to include all amendments to

⁽¹²⁾ *In their response to the draft report the Portuguese authorities stated that during March 2004 only 0,3% of cattle older than 24 months of age collected (3 out of 1,083) in this rendering plant had not been sampled for this reason.*

EU requirements now laid down in Annex IV to Regulation (EC) No. 999/2001. As a consequence, additional misunderstandings as regards feed ban requirements might appear within the feed sector:

- For instance, while *Decreto-Lei* 76/2003 includes rules on the production of fat to be used in animal nutrition, no mention is made to the purity standards for rendered fats derived from ruminant animals as set out in Regulation (EC) No 1774/2002⁽¹³⁾.

The CCA stated that EU requirements laid down in a regulation prevail over national provisions and are directly applicable, but conceded that this could be misleading for the operators concerned⁽¹⁴⁾.

5.2.1.2. Official control programme and other instructions

The mission team noted that:

- The official control programme for 2004 (see report 9120/2003) was not modified, and continues to provide a mere list of samples to be taken from compound feedingstuffs (CFS) at feed mills and home-compounders, without considering the risks and previous experience as set out in Art 4 of Council Directive 95/53/EC⁽¹⁵⁾ and Commission Recommendation 2003/91/EC⁽¹⁶⁾.
- The sampling allocation to the regions within the context of the planning of the sub-programme of official controls at farms and intermediaries for 2003 foresaw that 70% of the samples from cattle farms were to be collected in regions with the higher census of cattle, and the greatest incidence of BSE. No further instructions were given to DRA official inspectors, nor was any guidance provided on how to prioritise factors in deciding when, where and from which materials to sample.
- Instructions were issued on the routine tests on ruminant feed in double stream feed mills and fishmeal in feed mills using it, and on cleaning standards applicable to means of transport for fishmeal and feedingstuffs containing fishmeal.
- Fishmeal aside, feed materials are not included in the official control programme.
- The joint committee for the monitoring of the sub-programme will shortly approve the proposal for 2004 and agree criteria on which the inspections are to be based⁽¹⁷⁾.

⁽¹³⁾ Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002, laying down health rules concerning animal by-products not intended for human consumption - OJ L 273, 10.10.2002, p. 1.

⁽¹⁴⁾ *In their response to the draft report the Portuguese authorities stated that immediate clarification on this issue (circular note) was sent to all stakeholders involved in the feed sector.*

⁽¹⁵⁾ Council Directive 95/53/EC of 25 October 1995 fixing the principles governing the organisation of official inspections in the field of animal nutrition - OJ L 265, 8.11.1995, p. 17.

⁽¹⁶⁾ Commission Recommendation 2003/91/EC on the co-ordinated inspection programme in the field of animal nutrition for the year 2003 in accordance with Council Directive 95/53/EC - OJ L 34, 11.2.2003, p. 20.

⁽¹⁷⁾ *In their response to the draft report the Portuguese authorities stated that the annual control plan for 2004 was approved the 27 of February and special emphasis is given to further controls on double-stream establishments producing for ruminants and non-ruminants using fishmeal, the own-control programmes and cleaning of transport. Additionally, provisions were given to personnel responsible for sampling to follow the guidelines laid down in Commission recommendation on the co-ordinated inspection programme in the field of animal nutrition for 2004.*

5.2.2. Application and supervision in practice

5.2.2.1. Official on-the-spot inspections

The mission team noted that:

- Sampling continues to be carried out in the absence of instructions on targeting (see above) and inspections at feed mills are limited to sampling without controls on the auto-control programmes or the means of transport. Some single line feed mills using fishmeal have never been visited for authorisation purposes (see report 9162/2003). Conversely, home-compounders using fishmeal are registered by the competent authorities (CA) ⁽¹⁸⁾.
- Private companies have been contracted to audit feed mills and home-compounders twice a year. However, this activity is limited to a basic control on the feed materials used and feedingstuffs produced, and is not supervised by the CA.
- As the approval of the 2003 control programme was delayed, it was implemented from June to December that year.
- Some regions have asked the CCA to provide criteria for sampling at farm level.
- There is no guidance, nor controls, on measures to prevent cross feeding at mixed farms, apart from sampling feed from ruminants and non-ruminants.

5.2.2.2. Laboratories

The mission team noted that:

- In 2003, the LNIV participated satisfactorily in two ring tests on the use of the microscopic analysis test (MAT) provided for in Commission Directive 98/88/EC⁽¹⁹⁾. In addition, an internal ring test with the delegation of the LNIV in Porto was carried out with satisfactory results, and it started using MAT in November 2003.
- Delays of up to two months occurred in the provision of MAT results during 2003, due to the significant backlog of samples, and the priority given to samples from auto-control programmes, in some cases. However, results are expected to be produced in time in 2004 as there is currently no backlog, the LNIV in Porto is operational in this respect, results of MAT are provided without waiting for other, time consuming, analyses, and priority will be given to the official samples.

5.3. SPECIFIED RISK MATERIALS (SRM)

5.3.1. Application in practice and supervision

Following the entry into force of Regulation (EC) No 1774/2002, *Decreto-Lei* 244/2003 of 7.10.2003 lays down provisions applicable to all stakeholders concerned with animal

⁽¹⁸⁾ *In their response to the draft report the Portuguese authorities stated that specific guidance on own-control programmes, cleaning of transport and, in a more detailed document, particularly on all the general legal requirements in the feed sector to comply with have been sent to all stakeholders in the feed sector.*

⁽¹⁹⁾ Commission Directive 98/88/EC of 13 November 1998 establishing guidelines for the microscopic identification and estimation of constituents of animal origin for the official control of feedingstuffs - OJ L 318, 27.11.1998, p. 45. Repealed by Commission Directive 2003/126/EC of 23 December 2003 on the analytical method for the determination of constituents of animal origin for the official control of feedingstuffs - OJ L 339, 24.12.2003, p. 78 - to be transposed by Member States before 1 July 2004.

by-products. The costs of processing or destruction of products are being transferred from the INGA to the stakeholders, over a period of 2 years.

Provisions are included as regards compulsory weighting of the different categories produced by stakeholders in order to monitor payment of taxes and final destiny of each category. INGA has issued an implementing guide for all stakeholders, and the DGV has prepared a detailed manual for all inspectors at slaughterhouses and officials of the DRAs responsible for the supervision of by-products disposal.

Provisions on official controls and arrangements for information exchange between the authorised rendering plants, DGV and INGA, are described in report 9120/2003. As regards controls on the channelling of SRM, the mission team noted that:

- Reconciliation between numbers of animals slaughtered and SRM produced and collected is not carried out regularly in the two slaughterhouses visited, although certain control measures were in place, the reliability of which is variable.
- Supervisory inspections by DRA officials are superficial, and no specific attention is given to reconciliation in the checklists used. The CCA indicated that weighting of all category 1 material will be compulsory from 1 May 2004 and that immediate improvement of the reconciliation procedures will be implemented on foot of the mission findings.
- In the rendering plant visited, an ongoing fraud in respect of declared amounts of category 1 material was detected, which revealed important shortcomings as regards control and supervision of the daily activities. It was established that the official in charge of controls did not follow the provisions of the DGV manual of procedures while at the same time, the records of supervisory activities by the responsible DRA did not indicate any irregularities for the last months. The CCA immediately initiated an investigation, and indicated that the supervisory activities carried out by the DRAs will be fully reviewed in all establishments handling category 1 materials. No evidence was found that the fraud resulted in a diversion of category 1 material into other categories.

5.3.2. Other observations

- The CCA, after consulting all slaughterhouses concerned and from January 2004, has decided not to avail any longer of the derogation from the destruction of carcasses contiguous to BSE positive cases in the slaughter line, as provided for in Annex III, Chapter A.I.6.6, of Regulation (EC) No. 999/2001. Instructions in this respect were provided to all stakeholders, including official inspectors in the slaughterhouses, and supervisory measures have been put in place accordingly.
- The supervision of the release of carcasses after reception of the results on BSE testing from the laboratories varies between DRA. Inspectors in one slaughterhouse visited had comprehensive documented evidence of their supervisory activities, whereas in the other one no such documented evidence was kept.
- Supervision of MBM stocks by the INGA appears to operate adequately. 64,300 tonnes of MBM from category 1 material were in store 31 January 2004. In relation with the fraud detected in the rendering plant as explained in point 5.3.1., the INGA stated that a new programme of supervision is now in place to monitor the correspondence of payment of taxes by stakeholders in relation with the category of the material delivered and the amounts of every category actually declared. When discrepancies are noted, audits on-the-spot will take immediately place.

6. CONCLUSIONS

6.1. EPIDEMIO-SURVEILLANCE

1. The reliability of the bovine I&R system has been enhanced, and the planning and coverage of inspection programme on its application for 2004 have improved. However, its approval and implementation as well as the definition of inspection criteria are delayed, while current administrative provision hamper effective and timely enforcement action in the event of identified infringements.
2. Testing of fallen stock improved substantially in mainland Portugal during the second semester of 2003, as a result of which the under-estimation of the number of BSE cases decreases. However, full testing has not being achieved yet due to a policy decision on not sampling unidentified collected fallen animals, which still represented an important percentage of this sub-population during this period.
3. Limited power by the CCA on *Açores* autonomous administration makes difficult guaranteeing the enforcement of all cattle identification and BSE epidemio-surveillance provisions, which is reflected in the very low percentage of fallen stock sampled.
4. The classification of the animals included in the monitoring of BSE and its regular supervision continue to improve; only minor shortcomings remain which, once solved, would allow the epidemio-surveillance figures to be considered reliable.
5. The NRL complies with EU requirements, and the framework aimed at ensuring adequate performance of authorised laboratories, including their supervision, is satisfactory.
6. The monitoring of the BSE testing programme has improved substantially and several initiatives taken in this field will enhance the efficacy of its implementation.

6.2. TOTAL FEED BAN

1. Even though EU provisions laid down in Regulation (EC) No. 999/2001 always prevail and are directly applicable, national implementing rules are not completely in line with EU requirements, which could be misleading for the operators in the feed sector.
2. The national control programmes are not yet able to demonstrate a fully satisfactory level of compliance with the total feed ban, due to shortcomings in their design and implementation (inspection criteria), coverage of the feed chain and limited supervision at feed mill level.
3. The performance of the feed laboratory is satisfactory, and the elements to ensure timely provision of MAT results are now in place.

6.3. SPECIFIED RISK MATERIALS

1. Removal, processing and disposal of SRM are in line with EU requirements. The official controls of the chain are underpinned by adequate instructions, but their application demonstrated shortcomings. At the same time, supervision by the DRA was not effective in ensuring their full and uniform application in all establishments. No evidence was, however, found of any diversion of SRM out of the processing and disposal chain.
2. The derogation with regard to the destruction of carcasses contiguous to BSE-positive cases in the slaughterline is not applied anymore by any Portuguese slaughterhouse, which, together with its supervision by the CA, ensures that cross contamination cannot occur.

6.4. OVERALL CONCLUSION

BSE surveillance in mainland Portugal has further progressed due to improvements in the bovine I&R, providing more reliable data and allowing a better assessment of the rate of testing in the different sub-populations in all regions. However, sampling of all fallen stock remained problematic in 2003, in particular in *Açores*. Corrective measures have already been taken, notably as regards improved supervision, resulting in noticeable progress in 2004. Systems in place for removal, processing and disposal of SRM meet EU requirements, although deficiencies were found in their supervision. As regards the feed ban, and despite improvements, some shortcomings still remain in relation with planning and implementation of official controls.

7. CLOSING MEETING

A closing meeting was held on 20 February 2004 with the representatives of the CCA, during which the main findings and preliminary conclusions were presented by the inspection team. The CCA agreed with the conclusions, and further advised the mission team on measures to be immediately put in place to fix the deficiencies found in the rendering plant visited and determine and act upon the persons held responsible for it. Additionally, they added that an imminent visit to *Açores* is considered a priority and is already foreseen in order to solve the deficiencies noted in this region.

8. RECOMMENDATIONS

The competent authorities are invited to provide details of the actions taken and planned, including deadlines for their completion within 20 working days following the receipt of the translated final report.

TO THE COMPETENT AUTHORITIES OF PORTUGAL

8.1. WITH REGARD TO BSE EPIDEMIO-SURVEILLANCE

1. To complete the definition of inspection criteria and accelerate their application together with all provisions included in the I&R inspection programme for 2004.
2. To review current provisions for infringements of I&R non-compliances in order to ensure timely corrective actions and sanctions where needed.
3. To ensure the systematic sampling of all fallen stock as laid down in Annex III to Regulation (EC) No. 999/2001, particularly in *Açores*, irrespectively if correctly identified or not.

8.2. WITH REGARD TO THE FEED BAN

1. To ensure that all operators in the feed sector are well aware of all provisions related with the feed ban as laid down in Annex IV to Regulation (EC) No. 999/2001.
2. To ensure that the national control programmes are drawn up and implemented taking account of all criteria set out in Art 4 of Directive 95/53/EC and the annual Commission Recommendation on the co-ordinated inspection programme in the field of animal nutrition as appropriate.
3. To ensure a regular and more comprehensive official control at feed mill level.

8.3. WITH REGARD TO SRM

1. To strengthen the supervision of controls aimed at ensuring full and uniform application of legal provisions and instructions on proper channelling of SRM from

all establishments where they are removed up to the final destruction of the material.

ADDENDUM

Response of the competent authorities to the recommendations

Comments from the Portuguese CCA on the draft report were received on 23 April 2004, and included an outline of some actions planned and/or undertaken to address certain recommendations contained in the report. These may be summarised as follows:

With regard to BSE epidemio-surveillance:

1. Progress has been made as regards setting of new criteria for the annual control plan of inspections being implemented during 2004. Further importance is given to those holdings where specific non-compliances with sanitary requirements were found as well as to those that have sent animals with identification problems to slaughterhouses. At the end of the first quarter more than a half of the inspections to be carried out during 2004 have been already decided and planned.
2. Current provisions for infringements of I&R non-compliances have been reviewed in order to ease up this process. Specific measures taken include a new module within the I&R database that generates automatically a notification procedure to proceed immediately with fining of the producer involved. In addition, a specific task force has been allocated to speed up all administrative procedures related with non-compliances in order to ensure timely corrective actions and sanctions where needed.
3. Systematic sampling of all fallen stock has been achieved and is being ensured since January 2004, having been the percentage of animals sampled already in excess of 99,7% in March. In *Açores*, and during the first quarter of 2004, 43% of the animals notified to the I&R database as dead on farm have been sampled, data which should be weighed against the lower number of BSE cases confirmed in this region.

With regard to the feed ban:

1. A specific circular letter on this issue was sent to all feed producers in order to clarify all provisions related with the feed ban as laid down in Annex IV to Regulation (EC) No. 999/2001.
2. The specific programme to control the feed ban has been amended and improved taking into account the provisions on this respect included in the annual Commission Recommendation on the co-ordinated inspection programme in the field of animal nutrition for 2004.

With regard to SRM:

1. Supervision of controls at slaughterhouses and rendering plants has been reinforced and specific inspections have already been carried out either by the DRA officials or the CCA themselves. Additional staff in charge of the daily monitoring of this issue has been allocated to the establishments concerned with transformation of category 1 material. The DGV manual of procedures is under review and new training will be provided shortly to all staff responsible for the supervision of the rendering plants.