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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.11.2006
SEC(2006) 1527

COMMISSION STAFF WORKING DOCUMENT

**Commission staff working paper on future legislative actions in the field of transmissible
spongiform encephalopathies - Work Programme on TSE**

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On 15 July 2005 the European Commission adopted a reflection paper, the TSE Roadmap, providing an outline of possible future changes to EU measures on TSE in the short, medium and long-term. Over the past few years, there has been a significant decrease in the number of positive cases of BSE detected in the EU, due to the stringent risk reducing measures at EU-level. In light of this positive trend, and new developments in science and technology, the TSE Roadmap considers possible amendments to certain TSE measures currently in place **while still making food safety and consumer protection the highest priority**. Other legislation also contributes to the overall protective measures, in particular the Animal By-Products legislation which includes the ban on intra-species recycling (cannibalism), stringent rendering standards, and the complete exclusion of SRMs from the food and feed chains.

The TSE Road map was the subject of a wide consultation round with the Member States, the European Parliament and stakeholders.

On 11 November 2005 at the working group of the Advisory Group for the Food Chain, different associations representing the different stages along the food and feed chain expressed their views on the TSE Road map.

On 15 December 2005 the AGRI Council endorsed a document summarising the discussion on the TSE Road map at Council level defining the priorities of the Member States regarding the future amendments of the current TSE measures.

The purpose of this paper is to elaborate, based on the TSE Roadmap, the Work Programme (2006-2007) for future legislative actions by the Commission on TSE taking into account science, public health and the comments received during the wide consultation round with the Member States, the European Parliament and stakeholders.

1. COUNTRY CATEGORISATION (TSE ROAD MAP, POINT 2.4)

The measures laid down in Regulation (EC) No 999/2001 (the “TSE Regulation”) are based on the categorisation of countries. Pending final categorisation, transitional measures apply until 1 July 2007.

Based on this new international standard the current provisions under the TSE Regulation should be amended. Following adoption of the new categorisation criteria the countries should be categorised starting with the major trading partners. If OIE does not succeed in categorising the countries before 1 July 2007 the Community should categorise the countries according to the new international standard. DG SANCO will closely monitor the work done at OIE.

Major trading partners should be categorised before 1 July 2007.

2. MONITORING IN CATTLE (TSE ROAD MAP, POINT 2.3.1)

An EU-wide reduction in the current monitoring programme will not be considered in the near future. The new amended TSE regulation however allows Member States to take the initiative to ask the Commission to consider their application for a revision of their national active monitoring programme. Any such application by a Member State will be based on the national epidemiological situation, whereby certain strict conditions must be met before the application can be considered (low number of BSE cases, total feed ban and full traceability for six years). Furthermore, the sensitivity within the Member States towards a review of the monitoring programme may also influence its decision to apply.

Conditions to allow a review of the national monitoring programme in bovine animals, insofar as is allowed within the legal framework of Regulation (EC) No 999/2001, will be discussed. Taking into account the complexity and epidemiological differences between Member States, in particular in the new and future Member States, discussions will be initiated at Commission working group level in the second half of 2006 – beginning 2007.

3. ERADICATION MEASURES IN SHEEP AND GOATS (TSE ROAD MAP, POINT 2.5)

The current eradication measures do not differentiate between the detection of BSE, scrapie or atypical scrapie in small ruminants detected in a flock. Since no public health risk has ever been linked to scrapie and with the availability of new diagnostic tools to differentiate between scrapie and BSE, the current eradication measures seem disproportionate, since they imply destruction of numerous animals even when BSE can be excluded.

The discussion at Commission working group level will take place on a proposal to review the current eradication measures in small ruminants (second half 2006).

4. MONITORING IN SHEEP AND GOATS (TSE ROAD MAP, POINT 2.3.2)

Since the confirmation of BSE in a goat in the beginning of 2005 and the finding of three unusual cases of TSE in sheep in March 2006, the monitoring in sheep and goats was stepped up.

At the beginning of 2007, discussions will begin on a review of the monitoring in sheep and goats based on the results of the increased monitoring in 2005-2006 if there are no new TSE cases diagnosed in sheep or goats where BSE cannot be excluded.

5. MONITORING IN CERVIDS (DEER) (TSE ROAD MAP, POINT 2.3.3)

At the moment no measures are foreseen within EU regarding Chronic Wasting Disease (CWD) which is a prion disease found in North American deer.

Because of the limited surveillance data in EU, a survey will be started during the hunting season in 2006. Discussions during 2005 and the first half of 2006 to design the survey and to establish a risk management strategy in case a positive case is detected formed the basis for the Commission proposal which will be presented for an opinion of the Member States following the coming into force of the Regulation (EC) 999/2001, as amended through the co-decision procedure.

6. SPECIFIED RISK MATERIAL (TSE ROAD MAP, POINT 2.1)

Further discussion to bring the current SRM list in line with the international Terrestrial Animal health Code (OIE) should continue subject to scientific evidence and risk assessment ensuring close cooperation between the EFSA and National Risk assessments bodies.

An opinion of the EFSA opinion is expected at the end of 2006. Based on the outcome of that opinion, a change in the age limit for the removal of the vertebral column as specified risk material from 24 up to 30 months may be considered. Further modifications, in particular on intestines, will be considered based on new scientific knowledge.

7. FEED BAN (TSE ROAD MAP, POINT 2.2)

A total mammalian to farmed animals feed ban is in force since 1 January 2001, with certain derogations e.g. allowing fish meal to non-ruminants.

The new amended TSE regulation will allow the introduction of a tolerance level on the presence of animal proteins, including fish meal in all feeding stuffs based on a risk assessment (extension of the current derogation for sugar beet pulp). The EFSA opinion on the “Quantitative risk assessment of the animal BSE risk posed by meat and bone meal with respect to the residual BSE risk” adopted on 12-13 July 2005 will also be taken into account.

- (1) Within the legal framework of Regulation (EC) No 999/2001, discussions will be initiated (second half 2006) to introduce a tolerance level for insignificant amounts of animals proteins, including fish meal, in feeding stuffs caused through adventitious (e.g. rodents/birds) and technically unavoidable contamination (e.g. fishmeal).**
- (2) Within the legal framework of Regulation (EC) No 999/2001 discussions will be initiated (2007) to consider the use of fishmeal in animal feed for young ruminants.**
- (3) Within the legal framework of Regulation (EC) No 999/2001 discussions will be initiated (2007) to consider a general tolerance level with regard to a small presence of mammalian meat and bone meal in animal feed for farmed animals.**

8. COHORT CULLING (TSE ROAD MAP, POINT 2.6)

The current legislation on TSE foresees the killing and complete destruction (culling) of the cohort animals linked to a positive BSE case.

- (1) Discussions on the possibility to defer the culling and destruction until the end of the productive life , as foreseen within the International Terrestrial Animal Health Code (OIE), will be initiated in the second half 2006.**
- (2) Based on the scientific advice on the use of hides of cohort animals for leather, a discussion on an amendment to Regulation (EC) No 999/2001 may be launched in the second half of 2006.**

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