



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.3.2003
COM(2003) 103 final

2003/0046 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Regulation (EC) No 999/2001 as regards the extension of the period for
transitional measures**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The proposal is an amendment to Article 23 of 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. Its purpose is to postpone the end of transitional measures established under article 23 of that Regulation.

Regulation (EC) No 999/2001 establishes rules for the determination of country BSE status. This status in turn determines certain measures concerning the control of BSE and concerning trade and importation of certain live animals and animal products. Prior to the determination of that status, transitional measures are in force. The Regulation specifies that these transitional measures shall be adopted for a maximum period of two years. Commission Regulation (EC) No 1326/2001 of 29 June 2001 laying down transitional measures to permit the changeover to Regulation (EC) No 999/2001 applies from 1 July 2001. Therefore the transitional measures shall apply until at the latest 30 June 2003.

The assessment of dossiers of Member States and Third countries started at the end of 2001. It soon became evident that some modifications to the categorization criteria were necessary to achieve an appropriate categorization, reflecting the BSE risk. The criteria had been taken over from the International Animal Health Code of the World Organization for Animal Health (OIE). The Community made a proposal amending the categorization criteria to the OIE. However, the current criteria remain unchanged. It also appears that the OIE will not come forward with a proposed list of BSE free countries in the near future.

Also, the scientific risk assessments of all countries have not been fully concluded. For only one third of the countries requesting the determination of the BSE status the Scientific Steering Committee has adopted a final opinion.

It is therefore proposed to prolong the transitional measures with two years, until 1 July 2005.

The prolongation will maintain the present level of public health protection as the transitional measures on specified risk material (SRM) and slaughter methods will be maintained within the EU and in respect of third countries. In the absence of prolongation of these transitional measures the above risk management measures cannot be maintained.

The two year extension of time is designed for the Commission to continue its attempts to reach an agreement at international level (OIE) on the determination of BSE status of countries on the basis of risk. The Commission would at the same time conclude the scientific risk assessments.

Due to the urgency of the matter it will be necessary to have the modification of the principal Regulation adopted by the Parliament and Council by June 2003

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 999/2001 as regards the extension of the period for transitional measures

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular point (b) of Article 152(4) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴

Whereas:

- (1) 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 encephalopathies⁵, provides a single legal basis for all legislation regarding transmissible spongiform encephalopathies in the Community.
- (2) Regulation (EC) No 999/2001 establishes rules for the determination the Bovine Spongiform Encephalopathy (BSE) status of a Member State, third country or one of their regions. That status determines certain measures concerning the control of BSE and trade and the importation of certain live animals and animal products. The Regulation provides that prior to the determination of that status, transitional measures are to be adopted for a maximum period of two years.
- (3) Commission Regulation (EC) No 1326/2001⁶, provides for transitional measures which are to apply for a maximum period of two years from 1 July 2001.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ C [...], [...], p. [...].

⁵ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 1494/2002 (OJ L 225, 22.8.2002, p. 3).

⁶ OJ L 177, 30.6.2001, p. 60. Regulation as amended by Regulation (EC) No 270/2002 (OJ L 45, 15.2.2002, p. 4).

- (4) Certain problems have been encountered in using the criteria laid down in Regulation (EC) No 999/2001 to determine BSE status. The Commission has discussed, with Member States, possible amendments to those criteria in order to produce a better alignment of status and risk. The outcome of those discussions may be significantly influenced by developments in the BSE Chapter in the International Animal Health Code of the International Office of Epizootics.
- (5) It is necessary to prolong the period of application of the transitional measures to allow those discussions to be concluded.
- (6) Regulation (EC) No 999/2001 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

In Article 23 of Regulation (EC) No 999/2001, the second paragraph is replaced by the following:

“In accordance with that procedure, transitional measures shall be adopted for a period ending on 1 July 2005 at the latest, to permit the change-over from the current arrangements to the arrangements established by this Regulation.”

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President