






Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision 2004/0270B(COD) procedure) Regulation	Procedure completed
Prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs) Amending Regulation (EC) No 999/2001 1998/0323(COD)	
Subject 3.10.08.05 Animal diseases 3.10.10 Foodstuffs, foodstuffs legislation 4.60.04.04 Food safety	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety	PSE ROTH-BEHRENDT Dagmar	20/01/2005
	Former committee responsible		
	 Environment, Public Health and Food Safety	PSE ROTH-BEHRENDT Dagmar	20/01/2005
	Former committee for opinion		
	 Agriculture and Rural Development	Verts/ALE GRAEFE ZU BARINGDORF Friedrich-Wilhelm	29/11/2005
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	2765	23/11/2006
European Commission	Commission DG	Commissioner	
	Health and Food Safety	KYPRIANOU Markos	


Key events			
06/12/2004	Legislative proposal published	COM(2004)0775	Summary
14/12/2004	Committee referral announced in Parliament, 1st reading		
25/04/2006	Vote in committee, 1st reading		Summary
03/05/2006	Committee report tabled for plenary, 1st reading	A6-0161/2006	

16/05/2006	Debate in Parliament		
17/05/2006	Results of vote in Parliament		
17/05/2006	Decision by Parliament, 1st reading	T6-0212/2006	Summary
23/11/2006	Council position published	14224/4/2006	Summary
29/11/2006	Committee referral announced in Parliament, 2nd reading		
29/11/2006	Vote in committee, 2nd reading		Summary
04/12/2006	Committee recommendation tabled for plenary, 2nd reading	A6-0445/2006	
12/12/2006	Decision by Parliament, 2nd reading	T6-0535/2006	Summary
18/12/2006	Final act signed		
18/12/2006	End of procedure in Parliament		
30/12/2006	Final act published in Official Journal		

Technical information

Procedure reference	2004/0270B(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 999/2001 1998/0323(COD)
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/42315

Documentation gateway

Legislative proposal		COM(2004)0775	06/12/2004	EC	Summary
Committee draft report		PE368.022	06/02/2006	EP	
Amendments tabled in committee		PE370.276	10/03/2006	EP	
Committee opinion		PE367.645	29/03/2006	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0161/2006	03/05/2006	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0212/2006	17/05/2006	EP	Summary
Commission response to text adopted in plenary		SP(2006)2902	22/06/2006	EC	
Council position		14224/4/2006 OJ C 311 19.12.2006, p. 0001-0009 E	23/11/2006	CSL	Summary
Commission communication on Council's position		COM(2006)0701	24/11/2006	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		A6-0445/2006	04/12/2006	EP	

Text adopted by Parliament, 2nd reading	T6-0535/2006	12/12/2006	EP	Summary
Draft final act	03681/2006	18/12/2006	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2006/1923](#)
[OJ L 404 30.12.2006, p. 0001](#) Summary

Prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs)

PURPOSE : to amend the TSE Regulation 999/2001/EC laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.

PROPOSED ACT : Regulation of the European Parliament and of the Council.

CONTENT : this proposal is an amendment to the TSE Regulation on various matters and in the light of new developments since the adoption of the Regulation. The main amendments suggested by the Commission concern the following issues :

- **Determination of BSE status :** Regulation 1128/2003/EC extended the application of the transitional measures under Article 23 of the TSE Regulation by two years, until 30 June 2005. The aim of this extension was to allow the Commission to continue its attempts to reach an agreement at international level on the determination of BSE status of countries. The World Organisation for Animal health (OIE) presented a proposal to simplify the current criteria for the categorisation of countries according to their BSE risk. Since the Members did not express major objections to the proposal, a proposal for possible adoption will be presented at the OIE General session in May 2005 at the earliest. The intention is to reduce the number of categories, possibly in a step-wise way. To avoid multiple amendments to the Articles of the TSE Regulation pending the final modifications to the number of categories, it is proposed to transfer references to individual categories from the Articles to the Annexes. Moreover, a Resolution was adopted at the OIE General Session in May 2003 according to which OIE will classify all countries into one or other of the defined categories. It may be assumed that OIE will not conclude the final categorisation of countries according to their BSE risk before 1 July 2005. Therefore it is proposed to prolong the period of application of the transitional measures. Therefore it is proposed to prolong the period of application of the transitional measures until 1 July 2007.

- **Prevention of TSE :** in March 2003, the Scientific Steering Committee (SSC) recommended to start a monitoring programme for TSEs in cervids. The TSE Regulation establishes a monitoring programme for BSE and scrapie. It is proposed to extend this provision to other TSEs, in particular in order to follow the SSC recommendation on cervids. Commission Decision No. 2003/100/EC introduced a harmonised breeding programme to select for resistance to TSEs in ovine animals as a transitional measure. It is proposed to introduce a permanent legal basis for the breeding programme in the TSE Regulation. The TSE Regulation prohibits the feeding of certain processed animal proteins to certain animals, with a possibility to extend the prohibition or lay down derogations in Annex IV. In order to make comprehensive amendments to the Annex, it is proposed to make certain technical amendments to the present wording of the corresponding Articles in order to develop the structure of the Annex. It is proposed to replace the present rules in the TSE Regulation on the disposal of specified risk materials and animals infected by TSEs with a reference to Regulation 1774/2002/EC laying down health rules concerning animal by-products not intended for human consumption. In addition, it is proposed to revise the present provisions on slaughter methods with a view to prohibit gas injection into the cranial cavity in connection with stunning. It is proposed to align the definition of mechanically recovered meat with the definition used in other Community legislation on food safety.

- **Control and eradication of TSEs :** in order to avoid that animals are moved from holdings where scrapie is officially suspected, it is proposed to lay down the same rules regarding movement restrictions as for bovine animals following the detection of a BSE suspect.

- **Placing on the Market :** To take account of possible emerging TSEs in other species it is proposed to introduce a possibility to extend the scope of the current provisions on the placing on the market and export of bovine, ovine and caprine animals, their semen, embryos and ova in order to cover other species. The Commission proposes to remove di-calcium phosphate from the list of products which the Regulation currently specifies shall not be subject to restrictions on placing on the market. Since no restrictions apply for milk for human consumption, the same derogation should apply for milk not intended for human consumption within the meaning of Regulation 1774/2002/EC. The list of products which shall not be subject to restrictions on placing on the market by the Regulation shall be modified accordingly.

- **Controls :** The TSE Regulation provides a legal basis for inspections by the Food and Veterinary Office (FVO) only within the Member States. The Commission considers it useful to lay down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in third countries. It is proposed to amend the Regulation to provide for such checks.

The proposal has no implications for the budget of the European Community.

Prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs)

The committee adopted the report by Dagmar ROTH-BEHRENDT (PES, DE) broadly approving the proposed regulation subject to a number

of amendments under the 1st reading of the codecision procedure:

- it should be stipulated that "the feeding to ruminants of protein derived from animals is prohibited", given that adult ruminants are herbivores and should not be fed at all with animal proteins, in forms not constituting part of the natural diet;
- however, a legal base should be introduced for defining tolerance levels for adventitious cross-contamination of feedingstuffs with "insignificant amounts" of animal proteins;
- the use of mechanically separated meat (MSM) for human consumption should be reviewed. Member States should report to the Commission by July 2009 on the use and production methods of MSM in their country. The Commission should thereafter submit a paper to Parliament and Council on "the future necessity and use of MSM in the European Union, including the information policy towards consumers";
- the reduction of BSE risk categories (from five to three) as adopted by the General Assembly of the OIE in May 2005 should be accompanied by comprehensive active and passive surveillance measures;
- breeding programmes for resistance to TSE should be introduced on a voluntary basis, rather than being compulsory, and the scientific results and overall consequences of such programmes should be evaluated regularly;
- the list of "specified risk material" (SRM) laid down in Annex V of the regulation should include "at least the brain, spinal cord, eyes and tonsils of bovine animals aged over 12 months";
- to avoid the slaughter of entire "cohorts", a provision should be introduced to allow the use of "cohort animals" until the end of their productive life, subject to strict control conditions. MEPs argued that there is no scientific proof that BSE is transmitted through milk or by cows to their calves;
- Parliament and the Council should have the right to object to decisions adopted by the relevant Standing Committee involving amendments to the extensive and detailed annexes to the regulation. Any decision adopted under the committee procedure should be revoked if Parliament or Council raises objections to it within a period of six months.

Prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs)

The European Parliament adopted a resolution drafted by Dagmar ROTH-BEHRENDT (PES, DE) and made some amendments to the Commission's proposal. (For a summary of the main amendments, please see the preceding document.)

Prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs)

The Council adopted, by qualified majority, a common position on the adoption of a Regulation of the European Parliament and of the Council amending Regulation 999/2001/EC laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.

In May 2006, an agreement was made at first reading on this report. In the meantime, the Council adopted Decision 2006/512/EC which introduced new provisions for the adoption of acts implementing Council and Parliament's legislation adopted via co-decision, the so-called "regulatory procedure with scrutiny", governed by the provisions laid down in the new Article 5a of Council Decision 1999/468/EC. This new procedure should be used for measures of a general scope which seek to amend non-essential elements of an adopted act according to the codecision procedure, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

Awaiting the adoption of the co-decision proposal on TSEs, the Council made the necessary changes to include, where appropriate, the regulatory procedure with scrutiny in the Articles referred in the Commission proposal.

Given the urgency of the matter, the Parliament and the Council should adopt the proposed Regulation no later than December 2006.

Prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs)

The common position adopted by the Council by qualified majority represents a balanced further elaboration of the Commission proposal, where various provisions requested by the Council were included, and in which several of the 1st Reading amendments of the European Parliament have been taken into account.

The Commission agrees with the Council's position regarding the provisions to be subject to the regulatory procedure with scrutiny and thus should endorse the Common position.

The Commission stated that it will only grant the authorisations referred to in Article 7 after examining the risks and at the same time will take into account the control tools in place to evaluate and ensure the proper implementation of these derogations. Related to the use of fish meal intended for young ruminants, certain restrictions could be envisaged linked to the production or type of those feedingstuffs.

As regards the derogation for fish meal, the Commission will use the results of the microscopic method of analysis which aim to differentiate fish proteins from those of mammals, as well as the results of the next proficiency-testing organised by the Community reference laboratory.

Prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs)

The committee adopted the report by Dagmar ROTH-BEHRENDT (PES, DE) approving unamended - under the 2nd reading of the codecision

procedure - the Council's common position on the proposed regulation amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.

Prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs)

The European Parliament adopted a resolution drafted by Dagmar ROTH-BEHRENDT (PES, DE) approving the Council's common position on the amendment of Regulation 999/2001/EC laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.

Prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs)

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