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To:	General Secretariat of the Council
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Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annexes I and III to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards a surveillance programme for chronic wasting disease in cervids in Estonia, Finland, Latvia, Lithuania, Poland and Sweden and repealing Commission Decision 2007/182/EC

Delegations will find attached document D050237/03.

Encl.: D050237/03



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[...](2017) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Annexes I and III to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards a surveillance programme for chronic wasting disease in cervids in Estonia, Finland, Latvia, Lithuania, Poland and Sweden and repealing Commission Decision 2007/182/EC

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 encephalopathies¹, and in particular the first paragraph of Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSE) in bovine, ovine and caprine animals. It applies to the production and placing on the market of live animals and products of animal origin and in certain specific cases to exports thereof.
- (2) Chronic wasting disease (CWD) is a TSE affecting cervids, which is widespread in North America. To date, CWD has not been reported in the Union territory; however it was detected for the first time in Norway in April 2016, in a reindeer. Norway subsequently intensified its surveillance programme for CWD in cervids and detected a number of other cases of CWD in reindeers and in moose.
- (3) On 2 December 2016, the European Food Safety Authority (EFSA) adopted a scientific opinion on chronic wasting disease in cervids ('the EFSA opinion')². The EFSA opinion provides recommendations for the implementation of a three-year surveillance programme for CWD in cervids in Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Poland and Sweden, which are the Union and EEA countries with a reindeer and/or a moose population. The EFSA opinion highlights that the objectives of such a three-year CWD monitoring programme are to confirm or exclude the presence of CWD in countries where the disease has never been detected and in countries where CWD has been detected (only Norway so far), in order to estimate the prevalence and geographical spread of CWD.
- (4) Article 6(1) of Regulation (EC) No 999/2001 provides that each Member State is to carry out an annual monitoring programme for TSEs based on active and passive surveillance in accordance with Annex III to that Regulation.

¹ OJ L 147, 31.5.2001, p. 1.

² Scientific Opinion on Chronic wasting disease (CWD) in cervids, *The EFSA Journal* (2017);15(1):46.

- (5) Requirements for a three-year surveillance programme for CWD in Estonia, Finland, Latvia, Lithuania, Poland and Sweden should therefore be added in Chapter A of Annex III to Regulation (EC) No 999/2001, based on the recommendations included in the EFSA opinion. These requirements should be considered as minimum requirements to be complied with by the Member States concerned. These Member States may however further refine their CWD surveillance programme to adapt to their particular situation.
- (6) In addition, the laboratory protocols and testing methods to be used for the CWD monitoring programme as well as the measures to be taken following CWD testing should be clarified in Part III of Chapter A Annex III.
- (7) As recommended in the EFSA opinion, the three-year monitoring programme for CWD should target, on the one-hand, farmed and captive cervids, and on the other hand, wild and semi-domesticated cervids. In order to ensure legal certainty, definitions of 'farmed and captive cervids', 'wild cervids' and 'semi-domesticated cervids' should be inserted in Annex I to Regulation (EC) No 999/2001.
- (8) Article 6(4) of Regulation (EC) No 999/2001 provides that Member States are to submit to the Commission an annual report on their TSE monitoring activities. Part I(A) of Chapter B of Annex III to that Regulation lays down the information which the Member States are to include in their annual report, via regular submissions to the EU TSE database and/or inclusion in the annual report. Part II of that Chapter provides that the EFSA is to analyse the information included by the Member States in their annual report and to publish annually a report on the trends and sources of TSE in the Union. Reporting requirements covering the three-year CWD surveillance programme should be inserted in Part I(A) of Chapter B to Annex III in order to ensure that the data obtained from this programme is submitted by the Member States concerned to the EU TSE database and thus enable their inclusion and analysis in the EU annual summary report for TSE monitoring, to be produced by EFSA in accordance with Part II of that Chapter.
- (9) Commission Decision 2007/182/EC³ provides requirements for a survey on CWD in cervids which was carried out from 2007 to 2010. As this survey has been completed, and in order to avoid diverging definitions relevant for CWD monitoring between those laid down in Annex I to that Decision and those laid down by this Regulation, Decision 2007/182/EC should be repealed. The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and III of Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

Article 2

Commission Decision 2007/182/EC is repealed.

³ Commission Decision 2007/182/EC of 19 March 2007 on a survey for chronic wasting disease in cervids (OJ L 84, 24.3.2007, p. 37).

Article 3

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 Commission
The President
Jean-Claude JUNCKER