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Delegations will find attached document D060710/03.

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EUROPEAN  
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Brussels, **XXX**  
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[...](2019) **XXX** draft

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

**of **XXX****

**amending Annexes I, VII and VIII to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards eradication measures for transmissible spongiform encephalopathies in goats and endangered breeds**

(Text with EEA relevance)

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

of **XXX**

**amending Annexes I, VII and VIII to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards eradication measures for transmissible spongiform encephalopathies in goats and endangered breeds**

(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 encephalopathies<sup>1</sup>, 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 (TSEs) in animals.
- (2) Chapter B of Annex VII to that Regulation lays down the measures to be undertaken following the confirmation of the presence of a case of TSE in bovine, ovine and caprine animals. When a classical scrapie case is confirmed in an ovine or caprine animal, the holding shall be subject to the conditions set out in one of the three options provided in point 2.2.2 of Chapter B of Annex VII.
- (3) Option 2 requires the killing and complete destruction of all ovine and caprine animals of the holding except those ovine animals having a prion protein genotype that is resistant to classical scrapie.
- (4) On 5 July 2017, the European Food Safety Authority (EFSA) adopted a scientific opinion<sup>2</sup> on the genetic resistance to TSE in goats. According to the EFSA opinion, field and experimental data are robust enough to conclude that the K222, D146 and S146 alleles confer genetic resistance against classical scrapie strains known to occur naturally in the EU goat population. The EFSA opinion concludes that outbreak management for classical scrapie in goat herds could be based on the selection of genetically resistant animals, in a similar way as currently laid down in Regulation (EC) No 999/2001 for ovine animals.
- (5) It is therefore appropriate to amend Chapter B of Annex VII to Regulation (EC) No 999/2001 in order to introduce the possibility to restrict the killing and destruction of caprine animals to only those which are susceptible to classical scrapie. The Member States should determine in each case which animals should be exempted from killing and destruction in accordance with their genetic resistance to the disease.

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<sup>1</sup> OJ L 147, 31.5.2001, p. 1.

<sup>2</sup> EFSA Journal 2017;15(8):4962.

- (6) The EFSA opinion highlights that while breeding for resistance can be an effective tool for controlling classical scrapie in goats, given the low frequencies of presence of these alleles in most breeds, high selection pressure would likely have an adverse effect on genetic diversity. The opinion therefore recommends that measures to build up genetic resistance in a caprine population be adapted at Member State level depending on the breed concerned<sup>3</sup>. The Member States should therefore, be able to design their breeding strategy based on the frequency of presence of alleles conferring genetic resistance against classical scrapie in their goat population.
- (7) Following EFSA recommendation, in the event of a scrapie outbreak in a holding keeping goats, the Member States should decide, based on the breeding strategy, the particular measures which should be implemented in order to build up the genetic resistance in the caprine population of that holding.
- (8) Council Directive 89/361/EEC<sup>4</sup> has been repealed by Regulation (EU) 2016/1012 of the European Parliament and of the Council<sup>5</sup> as from 1 November 2018. That Regulation, in its Article 2(24), lays down a definition for ‘endangered breed’, which means a local breed, recognised by a Member State to be endangered, genetically adapted to one or more traditional production systems or environments in that Member State and where the endangered status is scientifically established by a body possessing the necessary skills and knowledge in the area of endangered breeds.
- (9) It is therefore appropriate to amend point 1 of Annex I to Regulation (EC) No 999/2001 accordingly and to replace, in Chapter B of Annex VII and Chapter A of Annex VIII to that Regulation, the references to Directive 89/361/EEC with references to Regulation (EU) 2016/1012 and the expression ‘local breed in danger of being lost to farming’ as laid down in Article 7(2) and (3) of Commission Delegated Regulation (EU) No 807/2014<sup>6</sup> with the expression ‘endangered breed’ as defined in Article 2(24) of Regulation (EU) 2016/1012.
- (10) Annexes I, VII and VIII to Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (11) 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, VII and VIII to Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

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<sup>3</sup> EFSA Journal 2017;15(8):4962, p. 4.

<sup>4</sup> Council Directive 89/361/EEC of 30 May 1989 concerning pure-bred breeding sheep and goats (OJ L 153, 6.6.1989, p. 30).

<sup>5</sup> Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding (‘Animal Breeding Regulation’) (OJ L 171, 29.6.2016, p. 66).

<sup>6</sup> Commission Delegated Regulation (EU) No 807/2014 of 11 March 2014 supplementing Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and introducing transitional provisions (OJ L 227, 31.7.2014, p. 1).

*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 Commission*  
*The President*  
*Jean-Claude JUNCKER*