

Consultation on the proposed Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2012

May 2012

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Part I - Background

Background to the Regulations

1.1 Transmissible Spongiform Encephalopathies (TSEs) are fatal brain diseases which include classical scrapie in sheep and goats and bovine spongiform encephalopathy (BSE) in cattle. Exposure to BSE through the consumption of infected meat is believed to be the primary cause of variant Creutzfeldt-Jakob Disease (vCJD) in humans. The European Food Safety Authority (EFSA) and the European Centre for Disease Prevention and Control jointly [advised](#) in 2011 that BSE is the only animal TSE which has been shown to be a risk to human health and that there is no epidemiological evidence to suggest that classical scrapie is a risk to human health.

1.2 The Government needs to implement TSE controls, in line with European Union (EU) requirements. The proposed amendments to the Transmissible Spongiform Encephalopathies (England) Regulations 2010 (“the 2010 Regulations”) contribute to TSE controls which are based on scientific advice and are proportionate to the risk to public and animal health in line with the European Commission’s [TSE Roadmap](#).

What is the purpose of this consultation?

1.3 To seek your views on the proposed Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2012 (“the 2012 Regulations”), which would update and amend the 2010 Regulations.

1.4 The 2010 Regulations came into force on 6 April 2010. They provide the powers necessary to administer and enforce the provisions of Regulation (EC) No. [999/2001](#) which lays down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (the “EU TSE Regulation”).

1.5 Since 2006 the compensation rates paid for BSE cattle under the TSE Regulations have been aligned with those paid under the Cattle Compensation (England) Order 2006 which sets out the table valuation system for compensation for bovines killed under the Animal Health Act 1981 in its application to bovine tuberculosis (BTb), brucellosis, and exotic bovine leukosis (EBL). Table valuations are determined on a monthly basis, using market data, and are published on the Defra website.

1.6 A recent review of the Order has identified some anomalies in the current system, which are to be addressed in the Cattle Compensation (England) Order 2012, which will come into force on 1 July 2012. The Government wishes to consult on aligning the table valuations for cattle killed under the 2010 Regulations with the changes to be implemented in the Cattle Compensation (England) Order 2012. During the recent consultation on the proposed changes to cattle compensation under the Cattle Compensation (England) Order 2012, industry representatives expressed the view that the existing table valuation for calved dairy cattle is too broad as it covers all ages of calved animals. They advised that it is unfair to compensate owners of younger productive stock at the same level as owners of older unproductive animals. We therefore propose to split the category into two, with owners of younger stock being compensated at a higher level.

1.7 Classical scrapie has been recognised in the United Kingdom for over 250 years. The genetic make-up of sheep (polymorphism at the prion protein gene) determines their susceptibility to classical scrapie and genotyping and selective breeding have been used as control tools for the disease. In contrast to the genetic variability recognised in sheep, goats are uniformly susceptible to classical scrapie.

1.8 In 2007, the EU first agreed more proportionate controls for sheep flocks and goat herds with classical scrapie. It introduced the option of (i) reducing genotyping requirements to 50 sheep per flock; (ii) monitoring classical scrapie-affected sheep flocks and goat herds for two years following the detection of the latest case, instead of killing and destroying genetically susceptible animals over 3 months of age (approximately 25% of sheep and 100% of goats); (iii) allowing meat from genetically susceptible animals into the food chain subject to a negative post-mortem TSE test on animals over 18 months of age, and the removal of specified risk material (SRM); and (iv) TSE testing all fallen animals over 18 months of age.

1.9 The French government challenged the proportionate controls on classical scrapie and the EU General Court suspended the contested provisions pending final judgement in the legal case (T-257/07). The UK intervened in the legal case in support of the Commission. In its judgement of 9 September 2011, the EU General Court dismissed the French government's challenge and reinstated the suspended provisions.

1.10 The Government proposes to update the 2010 Regulations to reflect the full range of options available for controlling classical scrapie, and to take the option of not killing and destroying genetically susceptible animals from classical scrapie-affected flocks and herds ("the monitoring option") as our default position for existing and future cases. This is the most proportionate response to the risk of classical scrapie to public and animal health.

1.11 The French government has appealed against the EU General Court's judgement, but no decision (i.e. re-suspension of the contested controls for classical scrapie) has yet been made. If the Court decides to re-suspend the controls prior to the making of the 2012 Regulations, the Government would be unable to proceed with the amendments to controls for classical scrapie in Schedule 4 of the 2010 Regulations pending the outcome of the appeal. If the controls are re-suspended or removed after the 2012 Regulations come into force, the Government would amend the relevant parts of the domestic legislation as necessary.

1.12 The Government also wishes to consult on a number of technical amendments which will fulfil Government requirements on better regulation, clarify enforcement procedures, limit unqualified appeals against killing of cattle under the Regulations, and remove an obligation and an offence.

Who will be affected by the proposals in this consultation?

1.13 Certain sectors of the cattle, sheep and goat industries, principally the keepers of sheep and goats on holdings where classical scrapie has been confirmed, and the keepers of certain categories of cattle killed in pursuit of BSE eradication.

Are there any previous consultations on this subject?

1.14 The initial version of the Transmissible Spongiform Encephalopathies (England) Regulations, which came into force in 2002, was updated and replaced in 2006, 2008 and 2010. Consultations were carried out in respect of all proposals regarding these Regulations.

How do I comment on these proposals?

1.15 We are seeking your views on the proposals described in Part II of this document. Specific questions have been highlighted throughout Part II and are listed at Annex A.

1.16 The consultation package includes a draft of the proposed new Regulations and a partial Impact Assessment. This provides further detail on the proposals in terms of their impact upon stakeholders. Both documents are available at www.defra.gov.uk/consult

We invite your comments on the proposed changes plus any additional estimates on benefits and costs likely to arise from the proposed changes, especially with regard to small businesses.

1.17 We aim to put the new Regulations into effect in **December 2012**. The closing date for comments on the proposals set out in this consultation is **13 September 2012**. All responses received by this date will be taken into account when finalising the Regulations. Government will publish its response within twelve weeks of the closing date of the consultation.

How do I respond?

1.18 Please send responses **to arrive by 13 September 2012** to either:

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5A Millbank
C/O 17 Smith Square
SW1P 3JR
Tel: 020 7238 6535
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Or email: tseamendmentregulations@defra.gsi.gov.uk

1.19 When responding, please state whether you are responding as a private individual or on behalf of an organisation or company.

Part II – Proposed Amendments to the Transmissible Spongiform Encephalopathies (England) Regulations 2010 in the Transmissible Spongiform Encephalopathies (England) (Amendment) Regulations 2012

Proposed change to the Regulations

Regulation 15

2.1 Regulation 15 sets out the circumstances in which inspectors may serve a notice under the Regulations; what prohibitions and/or requirements the notice may contain; and lays down that the notice must state how it is complied with, and the time limits for serving a notice. It is proposed to add a new Regulation 15A which clarifies how notices under the Regulations may be served, e.g. by delivering it to a person, leaving it at the person's proper address, or sending it by post to the person's proper address.

Q.1. Do you have any comments on the proposals for the new Regulation 15A?

Proposed changes to the Schedules

Schedule 2 (TSE Monitoring)

2.2 Schedule 2, Paragraph 1 includes a statutory requirement for goat keepers to notify the Secretary of State about fallen goats aged eighteen months and over. This requirement ceased on 31 December 2010. Since that date, carcasses have been randomly selected for TSE sampling at animal by-products plants, based on quotas provided by the Animal Health Veterinary Laboratories Agency (AHVLA). It is therefore proposed that this requirement, and the associated offence for failing to report a fallen goat, should be removed.

2.3 Schedule 2, Paragraph 10 (1) currently allows the Secretary of State (SoS) to approve private laboratories to test bovine samples taken at abattoirs. It is proposed to expand this provision to cover the approval of private laboratories for all bovine categories of rapid testing of samples for BSEs. This is necessary as technically approved laboratories could not test cattle other than healthy slaughter, and sometimes these laboratories are expected to test 'fallen stock' e.g. which died in lairage.

Q.2 Do you have any comments on the proposals to amend the provisions for TSE monitoring?

Schedule 3 (Control and eradication of BSE in cattle)

2.4 Schedule 3, Paragraph 5 (2) of the 2010 Regulations currently permits the owners of BSE cohort animals (cattle born up to twelve months before or after a confirmed case, which were reared and shared feed with it) to submit a general appeal against a decision to kill a cohort animal. It is proposed to amend this paragraph to limit appeals to the following specific criteria in the legislation:

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(i) Where the owner believes that the animal is not part of a BSE cohort because it did not have access to the same feed as the confirmed BSE case; and

(ii) Where the owner contends that the cohort animal is exempted from culling because it is a bull which is continuously kept at, and will not be removed from, a semen collection centre, and will be killed at the end of its productive life.

2.5 This amendment will limit unqualified appeals and prevent unnecessary delays to the culling process.

Q.3: Do you have any comments on the proposals to limit appeals against decisions to kill BSE cohort animals?

2.6 Schedule 3, Paragraph 8 of the 2010 Regulations sets out the requirements for the Secretary of State to pay compensation in respect of cattle killed on suspicion of being infected with TSE and for cattle killed in pursuit of BSE eradication. Paragraphs 4 and 5 set out the requirement to kill offspring aged two years and under of confirmed cases, and cohort animals (cattle born up to twelve months before or after the confirmed case which were reared and shared feed with it), in pursuit of BSE eradication. Paragraph 9 sets out the categories for compensation, as shown in Table 2.1 below. Since 2006, BSE compensation rates payable have been aligned with those laid down in the Cattle Compensation (England) Order 2006 for bovines killed under the Animal Health Act 1981 in its application to bovine tuberculosis (BTb), brucellosis, and exotic bovine leukosis (EBL).

Table 2.1 Categories for BSE compensation as set out in the TSE (England) Regulations 2010 and Cattle Compensation Order 2006

Male	Female
Beef Sector – non-pedigree animal	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 9 months	Over 6 months up to and including 9 months
Over 9 months up to and including 12 months	Over 9 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months	Over 20 months
Breeding bulls	Calved
Other	Not calved
Dairy Sector – non-pedigree animal	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 12 months	Over 6 months up to and including 12 months

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	months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months	Over 20 months
	Calved
	Not calved
Beef Sector – pedigree animal	
6 months up to and including 12 months	6 months up to and including 12 months
Over 12 months up to and including 24 months	Over 12 months up to and including 24 months
	Over 24 months (not calved)
	Calved under 36 months
	Over 24 months
	Calved 36 months and over
Dairy Sector – pedigree animal	
Up to and including 2 months	Up to and including 2 months
Over 2 months up to and including 12 months	Over 2 months up to and including 10 months
Over 12 months up to and including 24 months	Over 10 months up to and including 18 months
Over 24 months	Over 18 months (not calved)
	Calved under 36 months
	Calved 36 months and over

The valuations are calculated and published monthly, using market data, and are published on the Defra website.

2.7 The Cattle Compensation (England) Order 2006 is shortly to be updated and revised to increase the number of cattle categories in the table from 47 to 51 (a net effect of four additional categories), to correct certain anomalies in the text, and make other changes only relevant to compensation for BTb. We are proposing to maintain the existing harmonised approach to cattle compensation by aligning the 2010 TSE Regulations with the Cattle Compensation (England) Order 2012, which will come into force on 1 July 2012. The main relevant changes are as follows:

- (i) Introduce new categories for young pedigree beef animals 0-6 months of age.
- (ii) Revise the text so that it is clear that only animals with a full pedigree certificate receive pedigree compensation and owners of steers will not receive compensation at pedigree rates.
- (iii) Clarify the period over which sales data is collected to calculate table values, i.e. 1 month sales data collection period, lasting from the 21st of the month until the 20th of the following month for non-pedigree cattle and a rolling period of 6 months lasting from the 21st of the month until the 20th of the sixth following month for pedigree cattle.

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- (iv) Define the sales price data used to calculate the average market price for compensation purposes, i.e. data in relation to domestic cattle from store markets, prime markets, rearing calf sales, breeding sales and dispersal sales in Great Britain.
- (v) Limit compensation payments to cattle with the legally required ID documentation.
- (vi) Split the current single category for non-pedigree dairy calved females into two age bands, over 20 months up to 84 months, and over 84 months, so that compensation more accurately reflects market values.
- (vii) Split the current single category for pedigree dairy calved females into two age bands, over 36 months up to 84 months, and over 84 months, so that compensation more accurately reflects market values.
- (viii) Reduce compensation for owners of herds with BTb breakdowns disclosed through significantly overdue tests (this amendment is not relevant for cattle affected by BSE).

2.8 The proposed changes would amend the valuation table as shown in Table 2.2. **New and amended categories are shown in italics.**

Table 2.2 Categories for BSE compensation as set out in the Cattle Compensation Order 2012 and the proposed TSE (England) (Amendment) Regulations 2012

Male	Female
Beef Sector – non-pedigree animal	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 9 months	Over 6 months up to and including 9 months
Over 9 months up to and including 12 months	Over 9 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months, breeding bulls	Over 20 months, calved
Over 20 months, <i>non-breeding bulls</i>	Over 20 months, not calved
Dairy Sector – non-pedigree animal	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 12 months	Over 6 months up to and including 12 months
Over 12 months up to and including 16	Over 12 months up to and including 16

months	months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months	<i>Over 20 months up to and including 84 months, calved</i>
	<i>Over 20 months up to and including 84 months, not calved</i>
	<i>Over 84 months</i>
Beef Sector – pedigree animal	
<i>Up to and including 6 months</i>	<i>Up to and including 6 months</i>
Over 6 months up to and including 12 months	Over 6 months up to and including 12 months
Over 12 months up to and including 24 months	Over 12 months up to and including 24 months
Over 24 months	Over 24 months, not calved
	Over 24 months up to and including 36 months, calved
	Over 36 months, calved
Dairy Sector – pedigree animal	
Up to and including 2 months	Up to and including 2 months
Over 2 months up to and including 12 months	Over 2 months up to and including 10 months
Over 12 months up to and including 24 months	Over 10 months up to and including 18 months
Over 24 months	Over 18 months, not calved
	Over 18 months up to and including 36 months, calved
	<i>Over 36 months up to and including 84 months, calved</i>
	<i>Over 84 months, calved</i>

Q.4. Do you have any comments on the proposed changes to the categories for table valuation for BSE compensation?

Schedule 4 (Control and eradication of TSE in sheep and goats)

2.9 Under paragraphs 6 and 7 of Schedule 4 of the 2010 Regulations, following detection of classical scrapie in a sheep flock or goat herd, the holding is placed under movement restriction and the Government pays for the blood sampling and genotyping of all sheep over three months old. There is a labour cost to industry of assisting with mandatory genotyping. Government pays for the killing, compensation and disposal of all initial cull animals which are genetically susceptible to classical scrapie (typically about 25% of a sheep flock and all goats). This includes the cost of transporting animals to be killed, the cost of TSE testing initial cull animals over 18 months of age, and the cost of supervision by the Animal Health Veterinary Laboratories Agency (AHVLA). Initial movement restrictions remain in place until AHVLA has removed the most genetically susceptible animals. Once the initial genotyping and culling action has been completed, there is a movement restriction period for two years following the detection of the last case during which the following controls apply:

- (i) All sheep and goats on the holding must be identified.
- (ii) The Government pays for the collection, brain sampling and disposal and TSE testing of all fallen animals over 18 months of age.
- (iii) The Government pays for the transport of a quota of 'annual cull' animals over 18 months of age to pre-arranged abattoirs; for them to be sampled by the Food Standards Agency (FSA) Operations Group; and for these samples to be dispatched to the AHVLA laboratory in Newcastle for TSE testing.
- (iv) Only Type 1 rams, and Type 1 or 2 ewes, may be introduced onto the holding. Goats may be introduced, provided that no type 3, 4 or 5 sheep are present on the holding and all animal housing has been thoroughly cleaned and disinfected following destocking.
- (v) Only semen from Type 1 rams, and Type 1 or 2 embryos, may be used on the holding.
- (vi) Sheep known to be Type 1 may be moved from the holding without restriction. Sheep known to be Type 2 or 4 may only be moved from the holding to go directly for slaughter or destruction: however, ewes known to be Type 2 may also be moved to other holdings which are under movement restriction following confirmation of classical scrapie. Goats may be moved to holdings which are subject to intensified TSE monitoring, including the testing of all goats over 18 months of age which are slaughtered for human consumption, or die or are killed on the holding other than for human consumption. No other movements off the holding are allowed, except by a formal arrangement to allow the fattening of store lambs or kids.
- (vii) Government pays AHVLA to monitor compliance with the rules.
- (viii) Government also provides 'assistance payments' for genotyping of replacement stock, and for the purchase of replacement rams for breeding purposes.
- (ix) There is a labour cost to industry of restocking.

2.10 Table 2.3 sets out scrapie genotypes and levels of resistance to classical scrapie as defined by the [National Scrapie Plan](#), with ARR/ARR or Type 1 being the most resistant and genotypes with no ARR alleles (Types 3 and 5), the least resistant.

Table 2.3 Genotypes as defined by the National Scrapie Plan				
Type 1	Type 2	Type 3	Type 4	Type 5
ARR/ARR	ARR/AHQ	AHQ/AHQ	ARR/VRQ	AHQ/VRQ
	ARR/ARH	AHQ/ARH		ARH/VRQ
	ARR/ARQ	AHQ/ARQ		ARQ/VRQ
		ARH/ARH		VRQ/VRQ
		ARH/ARQ		
		ARQ/ARQ		

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2.11 Following the decision by the EU General Court to reinstate options in the EU TSE Regulation for more proportionate controls on holdings where classical scrapie has been diagnosed, the Government proposes to update the 2010 Regulations to reflect the full range of options available, and to take the option of not killing and destroying genetically susceptible animals from scrapie-affected flocks and herds ("the monitoring option") as our default position for existing and future cases.

2.12 Under the monitoring option:

- (i) A maximum of 50 sheep over three months of age per flock would be genotyped.
- (ii) Genetically susceptible animals would not be killed or destroyed, and could be sent for slaughter for human consumption subject to a negative test for TSE if over 18 months of age.
- (iii) Assistance payments for genotyping replacement ewes, and for purchasing replacement rams, would cease, but would still be available for the genotyping of replacement rams.

2.13 Affected holdings would remain under a movement restriction period for two years following the detection of the last case of classical scrapie, during which the following controls would apply:

- All animals on the holding must be identified;
- Instead of genotyping all sheep over three months old, Government will arrange and pay for a maximum sample of 50 sheep per flock to be genotyped. Any further genotyping will be at the discretion of the keeper;
- Sheep which have been identified as genetically susceptible (Type 3 and Type 5) will no longer be collected from the farm for killing and disposed of with compensation. However, these animals should not be used for breeding. Owners are advised to send them to slaughter to reduce the likelihood of new scrapie cases;
- All lambs and kids may be sent for slaughter for human consumption;
- Sheep and goats over 18 months of age may also be slaughtered for human consumption but they need to be TSE tested, which is arranged and paid for by Government. This means that these animals have to be sent to selected abattoirs where they can be sampled for testing. Government will organise and pay for transport of these cull animals to the abattoir.
- Sheep and goats over 18 months of age which die or are killed on the farm other than for human consumption continue to require TSE testing. Government will continue to arrange and pay for carcase collection, sampling, testing and disposal;
- No other movements off the holding are allowed, except for slaughter or by a formal arrangement to allow the fattening of store lambs or kids. Sheep known to be Type 1 may be moved to other holdings which are under movement restriction following confirmation of classical scrapie;

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- Replacement goats and female sheep may be sourced from any unrestricted premises without regard for genotype. However, owners are advised to source genetically more resistant sheep (not Type 3 or 5) to reduce the likelihood of new scrapie cases;
- Male sheep may only be brought onto the holding if they are Type 1. Government will continue to offer financial assistance for genotyping in order to source replacement rams;
- No embryos or ova may be dispatched from the holding;
- Only semen from Type 1 rams, and Type 1 or 2 embryos, may be used on the holding;
- All sheep and goats on the holding shall be subject to common grazing restrictions, based on a reasoned consideration of all the epidemiological factors.

Q.5. Do you have any comments on the proposed amendments to controls for holdings on which classical scrapie has been confirmed?

2.14 Schedule 4, Sub-Paragraphs 11 (3) and (4) set out the length of time which the Secretary of State may delay the killing of a goat herd in which TSE has been confirmed, as five years for meat herds and eighteen months for dairy herds. Currently, the EU TSE Regulation sets the length of the deferral period as five years for meat herds, and extends the deferral period to 31 December 2012 for dairy herds where the index case was confirmed before 1 July 2011. We propose to insert an ambulatory clause to align the deferral periods in Schedule 4, Sub-Paragraphs 11(3) and (4) with current and future revisions to the EU TSE Regulation.

Q.6. Do you have any comments on the proposal to insert an ambulatory clause to align the deferral periods for the killing and destruction of goat herds in which TSE has been confirmed, with the EU TSE Regulation?

Schedule 6, Part 2 (Production of protein and feedingstuffs)

2.15 Under Schedule 6, Paragraph 18 (3) it is currently an offence to export fishmeal, products containing fishmeal and petfood without an agreement in writing between the Secretary of State and the third country receiving the products. This exceeds the requirements of the EU TSE Regulation, which does not require written agreement. We propose to insert an ambulatory clause which would align the requirements of the 2010 Regulations with the conditions and exemptions for these products as currently set out in Annex IV, Part II of the EU TSE Regulation (see Annex B) and with any future revisions.

Q.7 Do you have any comments on the on the proposal to insert an ambulatory clause the requirements relating to the export of fishmeal, products containing fishmeal and petfood with the EU TSE Regulation?

General Questions

Q.8 As a part of the consultation process, we are carrying out a Small Firms Impact Test to assess the potential impact of these proposals upon small businesses. To do this, we need the views of small businesses in the cattle, sheep and goat industries and of their key representatives.

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Do you anticipate that the proposals would have any impact upon the costs for your business? If so, please indicate what you expect the impact to be, e.g. financial impact (loss or gain to the value of your livestock or produce), environmental impact, impact upon competition, any other impact.

Annex A – List of Questions

Q.1. Do you have any comments on the proposals for the new Regulation 15A?

Q.2 Do you have any comments on the proposals to amend the provisions for TSE monitoring?

Q.3: Do you have any comments on the proposals to limit appeals against decisions to kill BSE cohort animals?

Q.4. Do you have any comments on the proposed changes to the categories for table valuation for BSE compensation?

Q.5. Do you have any comments on the proposed changes to controls for holdings on which classical scrapie has been confirmed?

Q.6. Do you have any comments on the proposal to insert an ambulatory clause to align the deferral periods for the killing and destruction of goat herds in which TSE has been confirmed, with the EU TSE Regulation?

Q.7 Do you have any comments on the on the proposal to insert an ambulatory clause the requirements relating to the export of fishmeal, products containing fishmeal and petfood with the EU TSE Regulation?

Q.8 As a part of the consultation process, we are carrying out a Small Firms Impact Test to assess the potential impact of these proposals upon small businesses. To do this, we need the views of small businesses in the cattle, sheep and goat industries and of their key representatives.

Do you anticipate that the proposals would have any impact upon the costs for your business? If so, please indicate what you expect the impact to be, e.g. financial impact (loss or gain to the value of your livestock or produce), environmental impact, impact upon competition, any other impact.

Annex B – Conditions in the EU TSE Regulation for the use of fishmeal and feedingstuffs containing fishmeal

Extract from Annex IV, Part II, Point B of Regulation (EC) No. 999/2001 of the European Parliament and the Council (as amended).

Supporting information for the technical change to Schedule 6, paragraph 2 (paragraph 2.13)

The following conditions shall apply for the use of fishmeal referred to in point A(b)(i) and feedingstuffs containing fishmeal in the feeding of non-ruminant farmed animals (not applicable to the feeding of carnivorous fur producing animals):

- (a) the fishmeal shall be produced in processing plants dedicated exclusively to the production of fish derived products;
- (b) before release for free circulation in the Community, each consignment of imported fishmeal shall be analysed by microscopy in accordance with Directive 2003/126/EC;
- (c) feedingstuffs containing fishmeal shall be produced in establishments which do not produce feedingstuffs for ruminants and which are authorised for this purpose by the competent authority.

By way of derogation from point (c):

(i) a specific authorisation for the production of complete feedingstuffs from feedingstuffs containing fishmeal shall not be required for home compounders:

- registered by the competent authority,
- keeping only non-ruminants,
- producing complete feedingstuffs for use only in the same holding, and
- provided that the feedingstuffs containing fishmeal used in the production contain less than 50 % crude protein;

(ii) the production of feedingstuffs for ruminants in establishments which also produce feedingstuffs containing fishmeal for other animal species may be authorised by the competent authority subject to the following conditions:

- bulk and packaged feedingstuffs destined for ruminants are kept in facilities physically separate from those for bulk fishmeal and bulk feedingstuffs containing fishmeal during storage, transport and packaging,
- feedingstuffs destined for ruminants are manufactured in facilities physically separate from facilities where feedingstuffs containing fishmeal are manufactured,

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- records detailing the purchases and uses of fishmeal and the sales of feedingstuffs containing fishmeal are kept available to the competent authority for at least five years, and
- routine tests are carried out on feedingstuffs destined for ruminants to ensure that prohibited proteins including fishmeal are not present.

(d) the commercial document accompanying consignments of feedingstuffs containing fishmeal and any packaging containing such consignments, must be clearly marked with the words 'contains fishmeal — must not be fed to ruminants'.

(e) Bulk feedingstuffs containing fishmeal shall be transported by means of vehicles which do not at the same time transport feedingstuffs for ruminants. If the vehicle is subsequently used for the transport of feedingstuffs intended for ruminants, it shall be thoroughly cleaned in accordance with a procedure approved by the competent authority to avoid cross-contamination.

(f) The use and storage of feedingstuffs containing fishmeal shall be prohibited in farms where ruminants are kept.

By way of derogation from that condition, the competent authority may permit the use and storage of feedingstuffs containing fishmeal in farms where ruminants are kept, if it is satisfied that on-farm measures are implemented to prevent that feedingstuffs containing fishmeal are fed to ruminants.

Annex C – Glossary

Glossary		
Acronym	Term	Definition
AHVLA	Animal Health Veterinary Laboratory Agency	Defra agency, formed on 1 April 2011 following the merger of Animal Health and the Veterinary Laboratories Agency (VLA).
(none)	Allele	An alternative form of a gene that is located at a specific position on a specific chromosome. These DNA codings determine distinct traits that can be passed from parents to offspring.
(none)	Brucellosis	An infectious disease that occurs from contact with animals carrying Brucella bacteria.
BSE	Bovine Spongiform Encephalopathy	TSE in cattle.
BTb	Bovine Tuberculosis	A chronic infectious disease which affects a broad range of mammalian hosts including humans, cattle, deer, llamas, pigs, domestic cats, mustelids (mammals of the weasel family), rodents, and wild carnivores including badgers and foxes.
(none)	Classical Scrapie	A TSE in sheep, to which certain genotypes are susceptible.
(none)	Cohort	Group of cattle born up to twelve months before or after a confirmed case of BSE, which shared feed with it.
(none)	Cohort animal	An animal from a cohort.
EBL	Enzootic Bovine Leukosis	A viral disease in adult cattle.
EC	European Commission	The executive body of the European Union.
EFSA	European Food Safety Authority	The EU risk assessment body for food and feed safety.
EU	European Union	The economic and political union of 27 Member States.
(none)	EU General Court	A jurisdictional instance of the Court of the European Union: an independent court attached to the European Court of Justice.
(none)	Fallen animals	Animals which die or are killed other than for human consumption.
FSA	Food Standards Agency	Non-Ministerial Government Department, responsible for protecting public health in relation to food.
(none)	Genotyping	A test on a sheep's DNA to determine its genetic resistance or susceptibility to scrapie. Usually carried out using blood samples.

(none)	Lairage	Animal handling facilities at sale yards or abattoirs.
NSP	National Scrapie Plan	A joint initiative of British agricultural departments, launched in 2001 with the principal objective of increasing the level of resistance to TSEs in the national sheep flock.
(none)	Offspring	Offspring of a confirmed BSE cow.
(none)	Scrapie	TSE in sheep and goats.
(none)	Polymorphism	A occurrence in which two or more clearly different phenotypes exist in the same population of a species.
(none)	Prion protein	A small glycoprotein found in high quantity in the brains of animals infected with certain degenerative neurological diseases, such as scrapie, BSE and CJD.
(none)	TB Reactor	An animal which has failed the tuberculin skin test.
TSE	Transmissible Spongiform Encephalopathy	Fatal brain disease suffered by a variety of species, including cattle, sheep, goats, deer and cats.
(none)	TSE Roadmap	The European Commission's strategy paper on TSEs.
vCJD	Variant Creutzfeldt-Jakob Disease	TSE-like disease in humans.