



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.12.1999
COM(1999) 711 final

Proposal for a

COUNCIL DECISION

**amending Decision 97/534/EC on the prohibition of the use of material presenting risks
as regards transmissible spongiform encephalopathies**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The proposed decision postpones the entry into force of Commission Decision 97/534/EC laying down the rules on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies (SRM) for 3 months.

On 24 November the College of Commissioners agreed to submit 2 proposals to the Standing Veterinary Committee (SVC) for discussion and opinion, depending on the progress made. The first substantive proposal replaces and repeals the provisions of 97/534/EC and respects the invitation to the Commission of the Council of March 1998 to base an appropriate proposal in the field of SRMs on the OIE Code on BSE. The second smaller proposal postpones the coming into effect, for three months, of the existing Commission Decision (97/534/EC) to ban SRMs if there is progress on the above. On 26 November these proposals were first discussed with the Member States in a working group of the SVC, which resulted in various amendments to the larger substantive proposal. On 8 December both proposals, the substantive one in amended form, were presented to the SVC. Although most Member States considered the substantive proposal a good base for future SRM rules they objected, asking for postponement of Decision 97/534/EC instead. No vote was taken on the substantive proposal. Finally, the SVC gave a negative opinion on the smaller 3 months postponement proposal again stating that the delay should allow for taking account of the next OIE general assembly in Paris in May.

The results of the vote were:

In favour: DK, ES, IR, PO, SV, UK

Against: DE, EL, FR, IT, LU, NL, OS, FIN

Abstain: BE

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**amending Decision 97/534/EC on the prohibition of the use of material presenting risks
as regards transmissible spongiform encephalopathies**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market¹, as last amended by Directive 92/118/EEC², and in particular Article 9 (4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market³, as last amended by Directive 92/118/EEC, and in particular Article 10(4) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁴, and in particular Article 22 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Commission adopted on 30 July 1997 Decision 97/534/EC on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies⁵, as last amended by Council Decision 98/745/EC⁶. Decision 97/534/EC is to apply from 31 December 1999.
- (2) However, more time is needed to review the implications of that Decision for a wide range of products and to review new scientific advice. The date from which Decision 97/534/EC is to apply should therefore be deferred.
- (3) The Standing Veterinary Committee has not given a favourable opinion.

¹ OJ L 395, 30.12.1989, p.13.

² OJ L 62, 15.3.1993, p. 49.

³ OJ L 224, 18.8.1990, p. 29.

⁴ OJ L 24, 30.1.1998, p. 9.

⁵ OJ L 216, 8.8.1997, p. 95.

⁶ OJ L358, 31.12.1998, p. 113.

HAS ADOPTED THIS DECISION:

Article 1

In Article 10 of Decision 97/534/EC, “31 December 1999” is replaced by “31 March 2000”.

Article 2

This Decision shall apply from 31 December 1999.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*