



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.03.1998
COM(1998) 213 final

Proposal for a

COUNCIL DECISION

repealing 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

Commission Decision 97/534/EC, as amended by Decision 97/866/EC, bans, with effect from 1 April 1998, the use for any purpose of brain, spinal cords and eyes from cattle, sheep and goats over one year of age and spleens from sheep and goats of any age. It includes measures for banning imports from third countries of products containing or derived from these tissues.

The Commission has made several attempts to amend the Decision in the light of new scientific evidence and to take into account of possible problems in the supply of essential pharmaceutical products, with the aim of establishing a Community regime on SRMs compatible with international obligations, achieving a high degree of human and animal health. These have not been accepted by the Member States.

A draft Decision repealing Decision 97/534/EC was submitted to the Standing Veterinary Committee on 27 March 1998 for an opinion.

The Commission, not having received a favourable opinion from the Standing Veterinary Committee, is required under Article 17 of Directive 89/662 to submit a proposal to the Council without delay.

Proposal for a
COUNCIL DECISION

of

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

(Text with EEA relevance)

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 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁴, as last amended by Directive 96/43/EC⁵, and in particular Article 19 thereof,

¹ OJ No L 395, 30.12.1989, p.13.

² OJ No L 62, 15.3.1993, p. 49.

³ OJ No L 224, 18.8.1990, p. 29.

⁴ OJ No L 373, 31.12.1990, p. 1.

⁵ OJ No L 162, 1.7.1996, p. 1.

Having regard the proposal of the Commission,

Whereas the Commission has adopted on 30 July 1997 Decision 97/534/EC on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies⁶; whereas that Decision applies from 1 April 1998;

Whereas, however, developments since the adoption of that Decision lead to the conclusion that its application is no longer appropriate, whereas, therefore, it should be repealed;

Whereas the Standing Veterinary Committee has not given a favourable opinion,

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 97/534/EC of 30 July 1997 is hereby repealed,

Article 2

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

⁶ OJ No L 216, 8.8.1997, p. 95. Decision amended by Commission Decision 97/866/EC, OJ No L 351, 23.12.1997, p. 69

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