
STATUTORY INSTRUMENTS

2008 No.

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Transmissible Spongiform Encephalopathies (No. 2)
(Amendment) Regulations 2008**

<i>Made</i> - - - -	2008
<i>Laid before Parliament</i>	2008
<i>Coming into force</i> - -	2008

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972(a).

The Secretary of State has been designated for the purposes of that section in relation to measures in the veterinary and phytosanitary fields for the protection of public health(b).

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c) there has been open and transparent public consultation during the preparation of the following Regulations.

Title, application and commencement

1. These Regulations may be cited as the Transmissible Spongiform Encephalopathies (No.2) (Amendment) Regulations 2008, apply in relation to England only and come into force on [] 2008.

Amendment of the Transmissible Spongiform (Encephalopathies) (No. 2) Regulations 2006

2.—(1) The Transmissible Spongiform Encephalopathies (No.2) Regulations 2006(d) are amended in accordance with paragraphs (2) to (4).

(2) In the definition of “cutting plant” in paragraph (1) of regulation 2 (interpretation) for the reference to paragraph 10(2)(c) of Schedule 6 there is substituted a reference to paragraph 9(2)(c) of that Schedule.

(a) 1972 c.68.

(b) S.I. 1999/2027.

(c) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p.3).

(d) S.I. 2006/1228, amended by S.I. 2007/1998.

(3) For Schedule 6 (specified risk material, mechanically separated meat and slaughtering techniques) there is substituted the Schedule set out in the Schedule to these Regulations.

(4) In Schedule 7 (restrictions on dispatch to other member States and to third countries) for paragraph 2 (exports to third countries) there is substituted the following paragraph—

“2. Any person who fails to comply with point 10.3 of Annex V to the amended Community TSE Regulation is guilty of an offence.”.

Revocation

3. The Beef Bones Regulations 1997(a) are revoked in as far as they apply in relation to England.

Signed by authority of the Secretary of State for Health

2008

Name
Minister of State,
Department of Health

(a) S.I. 1997/2959.

THE SCHEDULE

Regulation 2(3)

SCHEDULE SUBSTITUTED FOR SCHEDULE 6 TO THE TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES (NO. 2) REGULATIONS 2006

“SCHEDULE 6

Regulation 5

Specified risk material, mechanically separated meat and slaughtering techniques

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Appointment of the Food Standards Agency as the competent authority

1.—(1) The Food Standards Agency must carry out the duties on the member State in point 11.1 and point 11.2 of Annex V to the Community TSE Regulation as amended by Regulation 722/2007 and Regulation [] (“the amended Community TSE Regulation”) in relation to this Schedule and may grant authorisations for the purposes of point 4.3(a) of that Annex.

(2) For the purposes of this Schedule, within a slaughterhouse or cutting plant an inspector is—

- (a) an official veterinarian who is qualified in accordance with Regulation 854/2004 to act in such a capacity and is appointed by the Food Standards Agency;

- (b) an official auxiliary who is qualified in accordance with Regulation 854/2004 to act in such a capacity, is appointed by the Food Standards Agency and works under the authority and responsibility of an official veterinarian; or
- (c) any other person appointed for the purpose by the Food Standards Agency.

(3) An appointment as an inspector may be limited to powers and duties specified in the appointment.

(4) Any person exercising the powers of an inspector under this Schedule has the protection specified in regulation 14(3).

Training

2. The occupier of any slaughterhouse or cutting plant where specified risk material is removed must—

- (a) ensure that staff receive any training necessary to ensure that the occupier complies with his duties in this Schedule; and
- (b) keep records of each person's training for as long as that person works there,

and failure to do so is an offence.

Mechanically separated meat

3.—(1) Any person who fails to comply with point 5 of Annex V to the amended Community TSE Regulation (measures concerning mechanically separated meat) is guilty of an offence.

(2) Any person who uses any mechanically separated meat produced in contravention of that point in the preparation of any food for sale for human consumption or of any feedingstuff is guilty of an offence.

(3) In this paragraph “mechanically separated meat” means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure.

Pithing

4. Any person who fails to comply with point 6 of Annex V to the amended Community TSE Regulation (measures concerning laceration of tissues) is guilty of an offence.

Tongue harvesting

5. Any person who fails to comply with point 7 of Annex V to the amended Community TSE Regulation (harvesting of tongues from bovine animals) is guilty of an offence.

Head meat harvesting

6. Any person who fails to comply with point 8.1 of Annex V to the amended Community TSE Regulation (harvesting of bovine head meat) is guilty of an offence.

Removal of specified risk material

7. Any person who removes specified risk material in any premises other than premises in which that specified risk material may be removed under point 4.1 or point 4.3(a) of Annex V to the amended Community TSE Regulation is guilty of an offence.

(2) In the case of a cutting plant, it is an offence to remove—

- (a) any part of the vertebral column that is specified risk material from any bovine animal unless the plant is authorised under paragraph 12(1)(a); or

- (b) the spinal cord from any sheep or goat aged over 12 months at slaughter or which has a permanent incisor erupted through the gum, unless the plant is authorised for the purpose of such removal under paragraph 12(1)(b).

Bovine animals in a slaughterhouse

8.—(1) When a bovine animal is slaughtered, the occupier of the slaughterhouse must remove all specified risk material (other than those parts of the vertebral column that are specified risk material) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) He must as soon as is reasonably practicable after slaughter consign any meat containing those parts of the vertebral column that are specified risk material to a cutting plant authorised under paragraph 12(1)(a) or to another member State in accordance with point 10.2 of Annex V to the amended Community TSE Regulation.

(3) He must identify meat containing vertebral column that is not specified risk material in accordance with point 11.3(a) of Annex V to the amended Community TSE Regulation and provide information in accordance with point 11.3(b) of that Annex.

(4) No person may include a blue stripe in the label referred to in Article 13 of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(a) as last amended by Regulation 1791/2006, except in accordance with point 11.3(a) of Annex V to the amended Community TSE Regulation.

(5) Failure to comply with this paragraph is an offence.

Sheep and goats in a slaughterhouse

9.—(1) When a sheep or goat is slaughtered, the occupier of a slaughterhouse must remove all specified risk material (other than the spinal cord) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) In the case of a sheep or goat aged over 12 months at slaughter, or which has a permanent incisor erupted through the gum, he must as soon as is reasonably practicable after slaughter—

- (a) remove the spinal cord at the slaughterhouse before the post-mortem inspection;
- (b) send the meat to a cutting plant authorised under paragraph 12(1)(b); or
- (c) in accordance with point 10.1 of Annex V to the amended Community TSE Regulation, send the meat to a cutting plant in another member State provided that the Food Standards Agency has entered into a written agreement with the competent authority of the receiving member State, and the dispatch is in accordance with that agreement.

(3) In sub-paragraph (2)(c), “cutting plant” means premises—

- (a) approved or conditionally approved as such under Article 31(2) of Regulation 882/2004; or
- (b) operating as such under Article 4(5) of Regulation 853/2004 pending such approval.

(4) Failure to comply with this paragraph is an offence.

Young lamb and goat stamps

10.—(1) An inspector may stamp a sheep or goat in a slaughterhouse with a young lamb stamp or a young goat stamp if the animal does not have a permanent incisor erupted

(a) OJ No. L 204, 11.8.2000, p.1.

through the gum and the documentation, if any, relating to the animal does not indicate that it is aged over 12 months at slaughter.

(2) The stamp must mark the meat with a circular mark 5 centimetres in diameter with the following in capital letters 1 centimetre high—

- (a) “MHS”; and
- (b) in the case of a sheep, “YL”; or
- (c) in the case of a goat, “YG”.

(3) It is an offence for any person other than an inspector to apply the stamp or a mark resembling the stamp, or to possess equipment for applying it.

(4) It is an offence to mark a sheep or goat with a stamp that is or resembles a young lamb stamp or a young goat stamp unless it is an animal permitted to be marked in accordance with sub-paragraph (1).

Removal of spinal cord from sheep and goats

11. It is an offence to remove the spinal cord or any part of it from a sheep or goat aged over 12 months at slaughter or that had one or more permanent incisors erupted through the gum (other than for the purposes of veterinary or scientific examination) except by—

- (a) longitudinally splitting the whole vertebral column; or
- (b) removing a longitudinal section of the whole vertebral column including the spinal cord.

Authorisation of cutting plants by the Food Standards Agency

12.—(1) The Food Standards Agency may authorise a cutting plant to remove –

- (a) those parts of the vertebral column of bovine animals that are specified risk material; or
- (b) spinal cord from sheep and goats aged over 12 months at slaughter or which have a permanent incisor erupted through the gum,

if the Agency is satisfied that the provisions of Annex V to the amended Community TSE Regulation and this Schedule will be complied with.

(2) The procedures in regulations 6, 8, 9 and 10 apply, but all references to the Secretary of State must be construed as references to the Agency.

Removal of specified risk material at a cutting plant authorised under paragraph 12(1)

13. The occupier of a cutting plant authorised under paragraph 12(1) commits an offence if he does not, as soon as is reasonably practicable after arrival at the plant of meat, and in any event before the meat is removed from the plant, remove from the meat all specified risk material of a kind to which the authorisation relates.

Meat from another member State

14. For the purposes of point 10.1 and point 10.2 of Annex V to the amended Community TSE Regulation, where meat containing those parts of the vertebral column of a bovine animal that are specified risk material is brought into England from another member State, the importer must send it directly to a cutting plant authorised under paragraph 12(1)(a), and failure to do so is an offence.

Staining and disposal of specified risk material

15.—(1) The occupier of any premises where specified risk material is removed who fails to comply with point 3 of Annex V to the amended Community TSE Regulation (marking and disposal) is guilty of an offence.

(2) For the purposes of that point—

- (a) staining involves treating the material (whether by immersion, spraying or other application) with—
 - (i) a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No 42051(a)), or
 - (ii) such other colouring agent as may be approved in writing by the Secretary of State or the Food Standards Agency; and
- (b) the stain must be applied in such a way that the colouring is and remains clearly visible—
 - (i) over the whole of the cut surface and the majority of the head in the case of the head of a sheep or goat, and
 - (ii) in the case of all other specified risk material, over the whole surface of the material.

(3) This paragraph does not apply in relation to any specified risk material which is destined for use as provided in Article 1(2)(b) and (c) of the Community TSE Regulation.

Scheme animals

16.—(1) After the specified risk material has been removed from a bovine animal slaughtered for the purposes of Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom(b) as last amended by Commission Regulation (EC) No. 2109/2005 amending Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom(c), the remainder (excluding the hide) must immediately be stained in accordance with paragraph 15 in such a way that the colouring is and remains clearly visible over the whole surface of the material.

(2) Failure to comply with this paragraph is an offence.

Security of specified risk material

17.—(1) Pending consignment or disposal from the premises on which it was removed, the occupier of the premises must ensure that specified risk material is adequately separated from any food, feedingstuff or cosmetic, pharmaceutical or medical product and held in an impervious covered container that is labelled as either—

- (a) containing specified risk material; or
- (b) Category 1 animal by-products and including the words “For disposal only”.

(2) He must ensure that the container is thoroughly washed as soon as is reasonably practicable each time that it is emptied, and disinfected before use for any other purpose.

(3) Failure to comply with this paragraph is an offence.

(a) Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.
(b) OJ No. L 99, 20.4.1996, p.14.
(c) OJ No. L337, 22.12.2005, p.25.

Prohibition on the dispatch of heads and un-split carcasses to other member States

18. Subject to point 10.2 of Annex V to the amended Community TSE Regulation, any person who, in the absence of an agreement of the kind specified in point 10.1 of that Regulation, dispatches any head or un-split carcass containing specified risk material to another member State commits an offence.

Prohibition on the supply of specified risk material for human consumption

19. It is an offence to sell or supply—

- (a) any specified risk material, or any food containing specified risk material, for human consumption; or
- (b) any specified risk material for use in the preparation of any food for human consumption.

Definitions of Community legislation

20. In this Schedule—

“Directive 2004/41” means Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(a);

“Regulation 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(b) as last amended by Regulation 1791/2006 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(c) as last amended by Regulation 1791/2006 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005;

“Regulation 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(d) as last amended by Regulation 1791/2006 and as read with Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 1688/2005” means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(e);

“Regulation 2074/2005” means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and

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- (a) OJ No. L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).
 - (b) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26).
 - (c) OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26).
 - (d) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.29).
 - (e) OJ No. L271, 15.10.2005, p.17.

amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(a) as amended by Regulation 1664/2006;

“Regulation 2075/2005” means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(b) as amended by Regulation 1665/2006;

“Regulation 2076/2005” means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(c) as last amended by Regulation 479/2007;

“Regulation 1664/2006” means Commission Regulation (EC) No. 1664/2006 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures(d);

“Regulation 1665/2006” means Commission Regulation (EC) No. 1665/2006 amending Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(e);

“Regulation 1791/2006” means Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania(f);

“Regulation 479/2007” means Commission Regulation (EC) No. 479/2007 amending Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(g);

Regulation 722/2007” means Commission Regulation (EC) No. 722/2007 amending Annexes II, V, VI, VIII, IX and XI to Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(h); and

“Regulation []” means Commission Regulation (EC) No. []/[] amending Annex V to Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(i).”.

(a) OJ No. L338, 22.12.2005, p.27.

(b) OJ No. L338, 22.12.2005, p.60.

(c) OJ No. L338, 22.12.2005, p.83.

(d) OJ No. L320, 18.11.2006, p.13.

(e) OJ No. L320, 18.11.2006, p.46.

(f) OJ No. L363, 20.12.2006, p.1.

(g) OJ No. L111, 28.4.2007, p.46.

(h) OJ No. L164, 26.6.2007, p.7.

(i) OJ No. L[].

Summary: Intervention & Options

Department/Agency: Food Standards Agency	Title: Impact Assessment of The Transmissible Spongiform Encephalopathies (TSE) Regulations 2006	
Stage: Consultation	Version: 3	Date: 19 October 2007
Related Publications:		

Available to view or download at:

<http://www.food.gov.uk>

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What is the problem under consideration? Why is government intervention necessary?

Changes to EU rules need to be reflected in the domestic Regulations which provide enforcement powers in England. EU rules for the prevention, control and eradication of Transmissible Spongiform Encephalopathies (TSEs) are enforced under domestic law by the TSE Regulations (No 2) 2006 (as amended) (the domestic Regulations). The proposals will maintain proportionate consumer protection from BSE related risk without adding to industry or enforcement costs.

What are the policy objectives and the intended effects?

In line with our strategic plan objective to deliver proportionate TSE controls based on scientific knowledge and compliance with EU law/obligations, the proposal on vertebral column SRM would see the age limit at which bovine vertebral column is classified as Specified Risk Material (SRM) increase from 24 to 30 months (the UK position before May 2006). Proposals on revocation of the Beef Bones Regulations 1997 and on rules on EU trade will keep UK rules in line with Community law. Proposed amendment to Schedule 7 would update the references to the Community Regulations

What policy options have been considered? Please justify any preferred option.

- (1) Maintain the current Regulations (Do nothing)
- (2) Adopt the proposed changes (amend the Regulations)

Option (2) is preferred as it would ensure that SRM rules in England are in line with EU rules and would assist the UK industry as it will reinstate the UK position before May 2006; this will also increase consumer choice as consumers again will have the option of buying bone-in beef sourced from 24-30 months old cattle.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? April 2010

Ministerial/CEO Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister/Chief Executive*:



Date: 26 October 2007.

Summary: Analysis & Evidence

Policy Option: 2	Description: Amend existing SRM controls and change Regulations as soon as they come into force in Member States
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups'		
	One-off (Transition) Yrs			
	£ 0			
	Average Annual Cost (excluding one-off)			
	£ 0	Total Cost (PV)	£ 0	
Other key non-monetised costs by 'main affected groups'				

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' Cutting plants (CPs) and authorised butchers will no longer be required to remove, stain and dispose of vertebral column (VC) of 24 -30 month bovines as SRM. The Meat Hygiene Service and local authorities will no longer need to enforce SRM controls in relation to VC from 24 - 30 month bovines in cutting plants and butchers respectively.		
	One-off Yrs			
	£ 0			
	Average Annual Benefit (excluding one-off)			
	£ 2 million	Total Benefit (PV)	£ 2 million	
Other key non-monetised benefits by 'main affected groups' Bones (including vertebral column) from cattle deboned in the UK could be used in the manufacture of processed food products instead of being disposed off as animal by-product. Butchers, cutting plants and slaughterhouses would benefit. In addition, there would be an increase in consumer choice.				

Key Assumptions/Sensitivities/Risks

Price Base Year 2007	Time Period Years 1	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £ 2 million
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What is the geographic coverage of the policy/option?	England			
On what date will the policy be implemented?	Early 2008			
Which organisation(s) will enforce the policy?	MHS/LAs			
What is the total annual cost of enforcement for these organisations?	£ Small decrease			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£ negligible			
What is the value of changes in greenhouse gas emissions?	£ N/A			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro -£3,500	Small -£3,500	Medium	Large
Are any of these organisations exempt?	No	No	No	No

Impact on Admin Burdens Baseline (2005 Prices)				(Increase - Decrease)
Increase	£	Decrease	£ 130,000	Net £ -130,000

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form. Click once on the grey area below and type. Format using EB styles from the toolbar above.

1. Introduction and legislative background

(a) Transmissible Spongiform Encephalopathies (TSEs) are fatal brain diseases suffered by a variety of species, the most common of which are BSE (Bovine Spongiform Encephalopathy) in cattle and Scrapie in sheep and goats. Exposure to BSE through the consumption of infected meat products is thought to be the most likely cause of vCJD (variant Creutzfeldt-Jakob Disease) in humans. As at 2 October 2007, there have been 161 deaths from probable vCJD in the United Kingdom (UK).

(b) Measures for the prevention, control and eradication of TSEs within the European Union are provided by Regulation (EC) No 999/2001 of the European Parliament and the Council (the Community TSE Regulations). The Transmissible Spongiform Encephalopathies (No. 2) Regulations 2006 (as amended) (the domestic Regulations) provide for the administration and enforcement of the Community TSE Regulations in England.

(c) Under Regulation (EC) 999/2001 (as amended), the vertebral column of bovine animals over 24 months of age at slaughter is designated specified risk material (SRM) and must therefore be removed, stained and destroyed. As such it must not enter the human food or animal feed chains. This requirement is implemented in England by the domestic Regulations.

(d) In May 2006, following the UK attaining the same controlled BSE risk status as other Member States, SRM controls in the UK were harmonised with those applicable in other Member States, when the ban on the export of UK beef and beef products was lifted. Prior to that time, the UK had a derogation to classify VC as SRM only in animals over 30 months of age at slaughter. The Spongiform Encephalopathies Advisory Committee (SEAC), the UK independent advisory committee advised at that time that there was negligible risk benefit in moving to 24 months. When harmonisation took place in May 2006, the 24 months limit became applicable to the UK, this meant that the age at which bovine VC was classified as SRM changed from 30 months to 24 months.

(e) To help reduce the impact of this change on industry the Food Standards Agency (FSA) agreed to take advantage of a derogation provided under EU law to also allow the removal of bovine VC from 24-30 month old animals in specifically authorised butcher shops.

(f) As part of the EU TSE road map, which aims at maintaining a high level of consumer protection while reviewing SRM rules based on new and evolving scientific knowledge, the European Food Safety Authority (EFSA) Biohazard panel was invited to provide an opinion on the assessment of the likelihood of the infectivity in SRM derived from infected cattle at different age groups. The Opinion published on 11 May 2007 provided evidence to support a change to increase the age at which bovine VC is classified as SRM. Following publication of the opinion, the Commission put forward a formal proposal to the Standing Committee on the Food Chain and Animal Health (SCoFCAH). On 3 October SCoFCAH voted unanimously in favour of the increase in the age at which bovine VC is classified as SRM from 24 to 30 months. The proposal is now subject to a three month scrutiny period by the European Parliament and Council. If the outcome of the scrutiny procedure is positive, the proposal should come into force in early 2008.

2. Proposal on VC age limit:

- (a) This amendment would allow cutting plants and butchers to be able to operate in the way they did before SRM controls were first harmonised in May 2006. Cutting plants and authorised butchers would make some savings on SRM disposal as they would no longer need to stain and dispose of up to 30 month VC as SRM. This is estimated by the Meat and Livestock Commission (MLC) to be around £3500 per butcher per year. There are 509 authorised butchers in England so the potential savings to butchers of approximately £1.8 million could accrue.
- (b) Cutting plants should also benefit from reduced costs as a result of the change, but we are unable to estimate the value of this. We would welcome stakeholders views or evidence on the value of the benefits that would be created from this proposal.
- (c) The industry have maintained that the rule change in May 2006 has caused a two tier market for animals less than 24 months of age and those between 24 -30 months of age with a decrease in price being paid for the latter. The Meat Trades Journal of 12 October 2007 estimated this at 25p/kg (dead weight), and that this could mean an additional cost of up to £100 per animal. The return to the 30 month age limit would remove this price differential.
- (d) In addition, local authorities will make some savings as they would no longer be required to authorise butchers for VC SRM removal. This is estimated at around £60 per inspection visit and it is assumed that 2 visits are made per annum; the total savings therefore is:
$$£60 \times 2 \times 509 = £61,000 \text{ per annum.}$$
- (e) An important unquantifiable benefit is the removal of the restrictions on movement of bone in beef carcasses from animals less than 30 months at slaughter. This will allow much more flexibility in the market and allow much greater movement between cutting plants, wholesalers and butchers thereby aiding businesses. In addition, butchers will once again be able to trade in beef on the bone (e.g. t-bone steaks) from traditional breeds of slower maturing cattle.
- (f) Further more, the proposal would allow (in addition to sale of bone in cuts from bovine up to 24 months) bone in cuts from 24 – 30 month to be sold to the public thereby increasing consumer choice, with negligible increase in BSE risk.

3. Proposal on EU rules on trade:

- (a) This amendment implements an existing Community requirement on intra-Community trade that is not included in the current domestic regulations but would now be included in Schedule 6. This will have a minor impact on Food Business Operators (FBOs). If an FBO wishes to export bovine heads or meat containing SRM (un-split sheep carcasses over 12 months of age, for example) to another MS they must ask the FSA to obtain the required agreement of the competent authority in the receiving Member State to receive the material.
- (b) We appreciate that this procedure may impose a small administrative burden on businesses. However this is not a new requirement as it was already included in the EU legislation, it is just a case of correcting the domestic legislation to ensure it reflects the EU rules. We do not believe the procedures will be onerous for businesses. The FSA has only received one request from a business wanting to trade carcasses containing SRM to a Member State over the last four years and we are not aware of any businesses currently making use of the provision. **Nevertheless we would welcome views from businesses on the potential**

uptake of this provision and in particular, if information could be provided on the burden it might impose and the potential cost.

4. Proposal to revoke the Beef Bone Regulations 1997:

- (a) The Beef Bones Regulations¹ impose a ban on the use of UK beef bones in manufactured and processed food, and are the last remaining piece of national legislation introduced to protect consumers from BSE before the Community TSE Regulations were adopted. Much of the public health risk linked with beef bones comes from the dorsal root ganglia associated with vertebral column which are subject to the EU SRM controls. The beef bones ban goes beyond the measures required by the Community TSE Regulations and can no longer be considered to make a significant contribution to public health protection (see Annex 7 of the consultation documents).
- (b) Revocation of the ban would mean the bones could be used in manufactured and processed food. We have been unable to quantify the benefit of this proposal. However, enquiries made from time to time as to the use of UK beef bones indicate a market for UK beef bones. We would welcome views from businesses on the potential uptake of this provision.

5. Proposed amendment to Schedule 7 Regulations:

Paragraph 2 of Schedule 7 is being amended to refer to the correct section in the Community Regulations. Currently that paragraph refers to annex XI of the Community Regulations, which has been revoked and replaced with a new annex V. This change will not impose additional burdens on industry or any other stakeholders as the requirements of the regulation are unchanged.

6. General view

The proposed amendments to the Regulations would provide industry savings to the UK of around £2 million per annum. In addition, there is a potential small reduction in enforcement costs and an increase in consumer choice.

¹ [Beef Bones Regulations 1997 \(SI No. 2959\)](#), as amended by the [Beef Bones \(Amendment\) \(England\) Regulations 1999 \(SI No. 3371\)](#)

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	Yes
Small Firms Impact Test	No	Yes
Legal Aid	No	No
Sustainable Development	No	Yes
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	Yes	No
Race Equality	No	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	Yes
Rural Proofing	No	No

EU Annex

[Use this space to set out BRIEFLY the background and current EU position. Click once on the grey area below and type. Format using EB styles from the toolbar above]

The European Community legislation, Regulation EC 999/2001 (as amended) lays down the rules for prevention, control and eradication of certain TSE. These rules are implemented in the UK by the Transmissible Spongiform Encephalopathies (No 2) Regulations 2006 (as amended) (the Regulations); and require the removal of specified risk material (SRM) which are those parts of cattle that are most likely to contain infectivity in infected animals. SRM is removed at slaughterhouses, cutting plants or authorised butcher's shops (as specified in the Regulations), stained and sent for destruction. This measure is estimated to remove almost all of infectivity from infected animals if such an animal was to enter the food chain. However, the risk of an infected animal entering the food chain is very small. No animal showing symptoms of BSE is permitted to enter the food chain.

Furthermore, there is also a requirement for BSE testing in older cattle. Cattle aged over 30 months at slaughter must test negative for BSE before they are allowed to enter the food supply. Any cattle that do not test negative are banned from the food chain and destroyed. All cattle born before the introduction of the reinforced feed ban in August 1996 continue to be excluded from the food chain. There is also control on animal feed.

These TSE controls are based on current scientific knowledge and are designed to reduce the risk to consumers to an extremely low level. The EU has drawn up a TSE road map which sets out its short, medium and long term BSE strategy for future policy development. These include different areas such as the definition of SRM, the age of testing and the feed ban.

"< Use this space to explain your consideration of AT LEAST the following Specific Impact Tests>"

Competition Assessment

The proposals would not distort competition.

The change in age limit and revocation of the Beef Bone Regulations are deregulatory measures that should increase competition in the relevant sectors while the rules on trade aim to create a level-playing field across the EU and will help foster EU-wide competition. The proposal on VC age change will eliminate the present price differential between under 24 month beef and over 24 month beef which the industry believes has existed since the harmonisation measures were introduced in May 2006.

Small Firms Impact Test

The proposal on VC age limit will be beneficial to small businesses and would provide a saving of around £2 million per annum to the meat industry (through reduction in burden on butchers) as estimated by the Meat and Livestock Commission. The FSA worked closely with key industry representative organisations such as the Association of Independent Meat Suppliers, National Farmers Union, Independent Meat Traders Association, British Meat Processors Association and National Federation of Meat and Food Traders in taking the proposal to increase age limit at which bovine vertebral column is classified as SRM forward. These organisations strongly support the proposal and have advised that it would particularly benefit small to medium sized businesses although no figures were provided.

Sustainable development

The proposed amendment to the Regulations is in accordance with the shared UK (and Agency's) principles of sustainable development. The proposals would have positive economic impact, and help to sustain local, specialised businesses. However, there would be no significant social (as risk to public health would be negligible) or environmental impact.

Race equality issues

The proposed amendment to the Regulations would not impose any restriction or involve any requirement which a person of a particular racial background would find difficult to comply with. The rules apply equally to all individuals and businesses involved in the activities covered by the proposed amendment irrespective of their race.

Gender equality issues

The proposed amendment to the Regulations would not impose any restriction or involve any requirement which a person of a particular gender would find difficult to comply with. The rules apply equally to all individuals and businesses involved in the activities covered by the proposed amendment to the Regulations.

Disability equality issues

The proposed amendment to the Regulations would not impose any restriction or involve any requirement which a person of a particular disability would find difficult to comply with. The rules apply equally to all individuals and businesses involved in the activities covered by the proposed amendment to the Regulations.

We therefore believe that the benefits of implementing the proposals significantly outweigh the costs.

The Beef Bones Regulations

Background

The Beef Bones Regulations 1997 prohibited not only the sale of bone-in beef to the consumer but also the use of beef bones for manufacturing food products. In 1999 the regulations were amended to lift the ban on the sale of bone-in beef and beef bones direct to the consumer, but kept the ban on the use of beef bones and bone-in beef in manufactured and processed products.

Keeping the manufacturing ban was considered prudent as it was thought bone marrow might be infective and that consumers wishing to avoid any associated risk should be protected in circumstances where they might be unable to make a fully-informed choice.

In November 2005 the ban on OTM cattle entering the food supply was replaced by BSE testing which means that OTM cattle that test negative for BSE may enter the food supply. Measures that manage any risk from dorsal root ganglia associated with the vertebral column have been taken at EU level with the designation of bovine vertebral column (from cattle aged over 24 months) as SRM. In principle, therefore, the UK bones ban deals with any risk from infectivity in bone marrow.

Risk considerations

- *SEAC do not discount that infectivity may occasionally occur in the bone marrow of clinically affected cattle*
- *Clinically affected cattle are removed from the food chain*
- *The number of infected cattle entering the food chain is very low*
- *Any infected cattle not exhibiting clinical signs but close to clinical disease should be identified by BSE testing*
- *The risk from dorsal root ganglia associated with vertebral column is dealt with under the EU SRM controls*
- *Any remaining risk from bone marrow, if any, is extremely low*
- *The ban prohibits the use of UK bones but not imported bones, which may come from countries with the same BSE-risk status as the UK*
- *The ban is illegal under EU law and therefore could be subject to infraction procedures*

SEAC

SEAC reviewed data on infectivity in bone marrow in November 1998, which at that point derived from the Veterinary Laboratory Agency's pathogenesis study using mouse bioassay on cattle orally infected with BSE. SEAC suggested three possible alternative interpretations for the results, which were positive for bone marrow samples taken at 38 months after exposure, when clinical disease was evident in the cattle, but negative for samples taken at earlier or later times:

- *infectivity may occur occasionally in the bone marrow of clinically affected animals;*
- *the test is able to detect infectivity only above a certain level and, for BSE infectivity in the bone marrow of cattle, it is operating on the borderline of its sensitivity;*

- the positive in the case of the group of cattle killed at 38 months may have been due to accidental contamination during post mortem procedures.

SEAC concluded that there was insufficient evidence to determine which of the interpretations is correct, but that the risk, if any, from bone marrow is likely to be very small and does not have the same significance as infectivity in dorsal root ganglia.

The FSA put the issue back to SEAC in November 2003, in the light of results which had become available from the BSE pathogenesis study using cattle bioassay, which is estimated to be approximately 500-fold more sensitive than the mouse bioassay. Bone marrow samples taken at 32 and 36 months (plus those taken at 22 and 26 months) post exposure had been inoculated into five 4-months old cattle which were at that point still alive at 55-56 months post inoculation with no clinical signs of disease (and subsequently remained so).

The negative evidence from the more sensitive cattle bioassay did not cause the Committee to discount the single positive result from the mouse bioassay. However, SEAC did conclude that the risk estimate had been reduced by the results from the cattle bioassay.

Links

FSA Guidance Notes on the Beef Bones Regulations

www.food.gov.uk/foodindustry/guidancenotes/meatregsguid/beefbonesregseng

Beef Bones Regulations 1997: www.opsi.gov.uk/si/si1997/19972959.htm

Beef Bones (Amendment)(England) Regulations 1999:

www.opsi.gov.uk/si/si1999/19993371.htm

Public Summary of SEAC meeting 9 November 1998 and Report to Ministers "A review of infectivity in bone marrow and Dorsal Root Ganglia in cattle infected with BSE"

www.seac.gov.uk/summaries/summ_1198.htm

Public Summary of SEAC meeting 26 November 2003 (Agenda Item 3)

www.seac.gov.uk/minutes/final80.pdf

List of Interested Parties

Aberdeen University
Agricultural Industries Confederation
Al-Khoie Foundation
All Red Meat Cutting Plants and Slaughter Houses
An-Nisa Society
Arfon Meat Company
ASDA Stores Limited
Association of British Abattoir Owners
Association of Convenience Stores
Association of Independent Meat Suppliers
Association of Jamaicans
Association of Licensed Multiple Retailers
Association of Livestock Exporters
Association of Meat Inspectors (UK) Ltd
Association of Port Health Authorities
Babylicious Ltd
Bakkavor Group
Bernard Matthews Foods Ltd
Birds Eye Walls Ltd
Board of Deputies of British Jews
Booker Ltd
Boon Bros Ford Heath
Boots PLC
Border Stick dressers Association
Bradford Council Of Mosques
British Beer & Pub Association
British Cattle Veterinary Association
British Deer Farmers Association
British Food Importers & Distributors Assoc
British Frozen Food Federation
British Heart Foundation
British Hospitality Association
British Institute of Agricultural Consultants
British Meat Processors Association
British Medical Association
British Organic Farmers
British Retail Consortium (BRC)
British Society of Animal Science
British Veterinary Association
Cabinet Office
Campaign for the Protection of Shechita
Campden and Chorleywood Food
Research Association
CDB Meats
Central Association of Agricultural Valuers
Cereal Ingredient Manufacturers Association
Chartered Institute of Environmental Health
Chartered Institute of Wastes Management
Cheale Meats
Chilled Food Association Ltd
City of London Superintendent's Office
CJD Support Network
Cold Storage & Distribution Federation
Commerce and Employment Department
Compass Group UK & Ireland
Compassion In World Farming
Confederation of African Organisations
Confederation of Indian Organisations
Confederation of Sunni Mosques
Consumer Policy Institute
Cooks The Bakery
Council for the Protection of Rural England
Council of British Pakistanis
Country Land & Business Association
Countryside Alliance
Covington & Burling
Dairy UK Ltd
Dept for Business, Enterprise & Regulatory Reform
Department of Haematology Cambridge University
Department of Health
Department for Innovation, Universities and Skills
Derbyshire Chilled Foods Ltd
DNV Consulting
EBLEX
Eden Valley Group
EFSIS Certification Limited
Environmental Agency
Environmental Services Association
ERICA
ESCA Food Solutions Ltd
Euro Environmental Containers
Eurofins Laboratories Ltd
European Food Safety Authority
European Natural Sausage Casings
Association
European Research into Consumer Affairs
Farm Animal Welfare Council
Fearing International
Federation of Muslim Organisations
Federation of Small Businesses
Federation of Small Businesses (Head Office)
Federation of Wholesale Distributors
Feed Fat Association
Food & Drink Federation (FDF)
Food & Health Research
Food and Environmental Division LGC
Limited
Food Commission (UK) Ltd
Food Ethics Council
Food From Britain
Food Policy Update
Foodaware
FoodSafety Experts Limited
FOSFA International
Grain and Feed Trade Association
Greendale Veterinary Diagnostics Ltd
Greggs Plc
Guild of Master Craftsmen
H J Heinz Ltd
H M Treasury
Halal Food Authority
Halal Monitoring Committee
Harder Bros Ltd
Heads of Environmental Health Services
(England)
Health and Safety Executive
Health Food Manufacturers Association
Health Protection Agency
Hipp Nutrition UK Limited
Hospital Caterers Association
Hotel & Catering Institutional Management
Association
Human BSE Foundation
Humane Slaughter Association
Humane Slaughter Association & Universities
Federation for Animal Welfare
Ice Fresh Foods Ltd
IGD
Imams & Mosques Council UK
Imperial College School of Medicine
Independent Casings Company
Independent Food Retailers Confederation
Independent Meat Trade Association
Indian Workers Association
Infant & Dietetic Foods Association (IDFA)
Institute of Food Research
Institute of Food Science & Technology

List of Interested Parties

Institute of Grocery Distribution (IGD)
Institute of Hospitality
Institute of Refrigeration
International Meat Traders Association
Islamic Cultural Centre
Islamic Food & Nutrition Council
Islamic Forum of Europe
Islamic Foundation
Islamic Shariah Council (Leyton)
Islamic Shariah Council (Brent)
J Sainsbury plc
Kanco Ltd
Kashrus Committee of the Union of Orthodox
Hebrew Congregations
Kashrut Division
KMB Caterers
Kwik Save Group Ltd
LACORs
League of British Muslims
League of Jewish Women
Licensed Animal Slaughterers & Salvage
Association
Livestock Auctioneers Association
Livestock Traders Association of Great
Britain Ltd
Margarine & Spreads Association
Marks & Spencer plc
McDonald's Restaurants Ltd
Meat & Livestock Commission
Meat & Wool New Zealand
Meat Hygiene Service
Meat Trades Journal
Meat Training Council
Meatlinc Sheep Co
Millenium Catering Management Ltd
Milupa Ltd
Murex Biotech Ltd
Muslim College
Muslim Council of Britain
Muslim Doctor & Dentist Association UK
Muslim Education Co-ordinating Council UK
NACC (National Association of Care Catering)
National Association of British Market Authorities
National Association of Catering Butchers
National Beef Association
National Cattle Association (Dairy)
National Consumer Council
National Consumer Federation (NCF)
National Council of Women
National Farmers' Markets & Retail Association
National Farmers Union (NFU)
National Federation of Meat & Food Traders
National Federation of Women's Institutes
National Public Health Communicable Disease
Surveillance Centre
National Renderers Association
National Sausage Casings Association - Harder
Bros
National Trust
Nationwide Caterers Association
Natural England
Nestle UK Ltd
Northern Counties Meat Grp Ltd
Northern Foods plc
Nutricia Ltd
Nurittech Consultancy
Office of Science & Innovation
Organic Farmers & Growers Ltd
Organix Brands Ltd
Palethorpes
Perimax Meat Co(Wotton)
Premier Rolls
Prosper de Mulder
Provision Trade Federation
Pura Food Products Ltd
Rare Breeds Survival Trust
Restaurant Association Great Britain
RHM Culinary Brands
RHM Technology Ltd
Road Haulage Association Ltd
Royal Veterinary College
Royal Agricultural Society of England
Royal Association of British Dairy Farmers
Royal College of Physicians
Royal College of Veterinary Surgeons
Royal Institute for Public Health
Royal Society for the Prevention of Cruelty to
Animals
Rural Payments Agency
Seven Seas Ltd
Small & Family Farms Alliance
Small Abattoir Federation (SAFE)
Small Farmers Association
Smithfields Market Tenants' Association
Somerfield Stores Ltd
Standing Conference of West Indian
Organisations in GB (SCWIGB)
Sustain - The Alliance for Better Food &
Farming
Sutton & Merton PCT Merton Locality
Tenant Farmers Association
Tesco Stores plc
The Association of Catering Excellence
The Babraham Institute
The Graham Bolton Planning Partnership Ltd
The Royal Society
The Royal Society for the Promotion of Health
Trading Standards Institute
Traditional Breeds Meat Marketing Co Ltd
Trouw (UK) Ltd
Truuuly Scrumptious Baby Food Ltd
UK Halal Corporation Ltd
UK Leather Federation
UK Renderers Association Ltd
UK Retailers Association
UKPHA
UK Rep EU
Unilever UK Legal Department
Union of Muslim Organisations of UK & Eire
UNISON
University of Bristol
University of Reading
VEGA (Vegetarian Economy & Green
Agriculture)
Veterinary Laboratory Agency
Veterinary Public Health Association
VIVA
Western Group Environmental Health
William Morrison Supermarket PLC
WHICH?
Whitbread plc
Wiral Foods Ltd
Women's Food and Farming Union
Worshipful Company of Butchers
Yorkshire Agricultural Society
Zwanenberg Food Group Ltd
One private individual