EXPLANATORY MEMORANDUM TO

THE TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES (NO. 2) REGULATIONS 2006

2006 No. 1228

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 This instrument revokes and remakes with amendments the Transmissible Spongiform Encephalopathies Regulations 2006, which enforce 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. In particular these Regulations implement the amendments made to Regulation (EC) No 999/2001 by Commission Regulation 657/2006 which revokes the EU ban on the export of cattle and bovine products from the UK and applies to the UK the same controls on bovine Specified Risk Material (SRM) as apply in other EU Member States. These Regulations therefore revoke the Bovines and Bovine Product (Trade) Regulations 1999 which implement the EU export ban in England. These Regulations apply in England.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The 21-day rule has been breached for these Regulations. This SI implements an EU measure which lifts the ban on the export of cattle and bovine products from the UK with effect from 2 May 2006. The UK livestock and meat industries are anxious to resume exports of these products as soon as possible. This is particularly the case following the return of beef from cattle born on or after 1 August 1996 and aged more than 30 months to the UK market in November 2005.

4. Legislative Background

4.1 The Bovines and Bovine Product (Trade) Regulations 1999 are being revoked and the Transmissible Spongiform Encephalopathies Regulations 2006 are being amended to implement this EU Regulation in England.

4.2 This will enable exports of bovines and bovine products, other than those specified in the EU Regulation (see 7.2 below), to resume in accordance with the EU rules which apply to all member states. Implementing the EU Regulation also involves making amendments to the UK's rules on SRM - see 7.3 below.

5. Extent

5.1 The Regulations apply in England. Scotland, Wales and Northern Ireland are introducing similar legislation on the same timescale so that exports of bovines and bovine products may resume from all parts of the UK as soon as possible.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Defra has responsibility for the implementation of EU rules pertaining to the export of bovines and bovine products. The Food Standards Agency has responsibility for SRM controls as applied to fresh meat. A comprehensive ban on the export of bovines and bovine products from the UK was imposed by the EU in March 1996 as a consequence of the potential link between bovine spongiform encephalopathy (BSE) in cattle and variant Creutzfeldt Jacob's Disease (vCJD) in humans. Defra has implemented and enforced this export ban, whilst working with the UK industry and the European Commission to create the conditions necessary for the ban to be lifted. SRM controls in abattoirs are enforced by the Meat Hygiene Service, an agency of the FSA. Enforcement in butcher's shops is the responsibility of local authorities.

7.2 On 8 March of this year EU member states approved a Commission proposal which would revoke the general ban on such exports and permit the export from the UK, on the same basis as other EU member states, of:

- cattle born or imported into the UK on or after 1 August 1996;
- products derived from bovine animals slaughtered in the UK on or after 15 June 2005;
- bovine vertebral column or products containing bovine vertebral column derived from bovines slaughtered on or after the date that the EU measure enters into force (2 May 2006).

7.3 As a consequence of the lifting of the export ban, it is also necessary to bring our controls on bovine SRM into line with the rules that apply in the rest of the EU. The most significant changes are that vertebral column in cattle aged over 24 months (instead of aged over 30 months) will be classed as SRM (a more restrictive requirement) but that bovine headmeat will no longer be classified as SRM.

8. Impact

8.1 A Regulatory Impact Assessment has been prepared for this instrument which will have a significant beneficial impact on the UK meat and livestock industries.

9. Contact

Stan Sadowski at the Department for Environment, Food and Rural Affairs (Telephone 0207 904 6313 or e-mail: stan.sadowski@defra.gsi.gov.uk) can answer any queries regarding the instrument.