

COMMISSION DECISION

of 29 January 1999

amending for the second time Decision 94/381/EC concerning certain protection measures with regard to bovine spongiform encephalopathy and the feeding of mammalian derived protein

(notified under document number C(1999) 198)

(Text with EEA relevance)

(1999/129/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 10(4) thereof,

Whereas Commission Decision 94/381/EC⁽³⁾ concerning certain protection measures with regard to bovine spongiform encephalopathy and the feeding of mammalian derived protein as amended by Decision 95/60/EC⁽⁴⁾, prohibits the feeding of protein derived from all mammalian species to ruminants; whereas certain animal products and by-products may be exempted from this prohibition;

Whereas the Scientific Steering Committee adopted a report and scientific opinion on the safety of hydrolysed proteins produced from bovine hides on 22 and 23 October 1998; whereas this opinion addresses the questions of under which conditions of sourcing of the material and/or of type of material used and/or production process can hydrolysed proteins, produced from bovine hides destined for animal consumption, be considered free of BSE infectivity; whereas the Scientific Steering Committee in the above opinions strongly recommends that hydrolysed proteins manufacturers implement and respect hazard analysis and critical control points procedures;

Whereas the Commission has adopted Decision 97/534/EC⁽⁵⁾ as last amended by Council Decision 98/745/EC⁽⁶⁾ on the prohibition of the use of material presenting

risks as regards transmissible spongiform encephalopathies;

Whereas the Commission has adopted Decision 98/272/EC⁽⁷⁾ on epidemio-surveillance for transmissible spongiform encephalopathies and amending Decision 94/474/EC; whereas this Decision lays down measures to be applied in case of animals suspected of having a transmissible spongiform encephalopathy (TSE);

Whereas the adoption of this proposal is without prejudice to the adoption of rules for the organisation of the prevention and control of transmissible spongiform encephalopathies;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Article 1(3), third indent of Decision 94/381/EC is replaced by the following:

‘— hydrolysed proteins with a molecular weight below 10 000 daltons which have been:

- (i) derived from hides and skins obtained from animals which have been slaughtered in a slaughterhouse and have undergone an *ante mortem* inspection by an official veterinarian in accordance with Chapter VI of Annex I to Directive 64/433/EEC and passed fit, as a result of such inspection, for slaughter for the purpose of that Directive,

and

- (ii) produced by a production process which involves appropriate measures to minimise

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.⁽³⁾ OJ L 172, 7. 7. 1994, p. 23.⁽⁴⁾ OJ L 55, 11. 3. 1995, p. 43.⁽⁵⁾ OJ L 216, 8. 8. 1997, p. 95.⁽⁶⁾ OJ L 358, 31. 12. 1998, p. 113.⁽⁷⁾ OJ L 122, 24. 4. 1998, p. 59.

contamination of hides and skins, preparation of the hides and skins by brining, liming and intensive washing followed by exposure of the material to a pH of > 11 for > three hours at temperature > 80 °C and followed by heat treatment of > 140 °C for 30 minutes at > 3,6 bar or a by an equivalent production process approved by the Commission after consultation of the appropriate Scientific Committee,

and

- (iii) come from establishments which carry out an own checks programme (HACCP).'

Article 2

Member States shall adopt the measures necessary to comply with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission
