

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2020/2212

of 22 December 2020

amending the Annex to Decision 2007/453/EC as regards the BSE status of the United Kingdom and the Crown Dependency of Jersey

(notified under document C(2020) 9453)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular the third subparagraph of Article 5(2) thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 provides that Member States, third countries or regions thereof are to be classified according to their bovine spongiform encephalopathy (BSE) status into one of three categories: negligible BSE risk, controlled BSE risk and undetermined BSE risk.
- (2) The third subparagraph of Article 5(2) of Regulation (EC) No 999/2001 provides that if the World Organisation for Animal Health (OIE) has placed an applicant country in one of the three BSE categories, a re-assessment of the BSE categorisation at Union level may be decided.
- (3) Commission Decision 2007/453/EC ⁽²⁾ lists the BSE status of countries or regions according to their BSE risk in Parts A, B or C of the Annex to that Decision. The countries and regions listed in Part A of that Annex are regarded as having a negligible BSE risk, those listed in Part B thereof are regarded as having a controlled BSE risk, while Part C of that Annex provides that countries or regions not listed in Part A or B are to be regarded as having an undetermined BSE risk.
- (4) Northern Ireland and Scotland currently fall within Part A of the Annex to Decision 2007/453/EC as regions with a negligible BSE risk, while the United Kingdom with the exception of Northern Ireland and Scotland currently falls within Part B of that Annex as a country with a controlled BSE risk.
- (5) On 28 May 2019, during its General Session, the OIE World Assembly of Delegates adopted Resolution No 19 on the Recognition of the Bovine Spongiform Encephalopathy Risk Status of Members ⁽³⁾, in view of an entry into force on 31 May 2019. That Resolution recognised Scotland as having a controlled BSE risk. After reassessment of the situation at Union level, stemming from that OIE Resolution, the Commission has considered that the new OIE BSE status of Scotland should be reflected in Decision 2007/453/EC.

⁽¹⁾ OJ L 147, 31.5.2001, p. 1.

⁽²⁾ Commission Decision 2007/453/EC of 29 June 2007 establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk (OJ L 172, 30.6.2007, p. 84).

⁽³⁾ http://www.oie.int/fileadmin/Home/eng/Animal_Health_in_the_World/docs/pdf/Resolutions/2019/A_R19_BSE_risk.pdf.

- (6) On 29 May 2020, the OIE World Assembly of Delegates adopted Resolution No 11 (*) recognising Jersey as having a negligible BSE risk, in accordance with the Terrestrial Animal Health Code of the OIE. After reassessment of the situation at Union level, stemming from that OIE Resolution, the Commission has considered that the new OIE BSE status of Jersey should be reflected in Decision 2007/453/EC.
- (7) The United Kingdom submitted an application to the Commission for its BSE status and that of the Crown Dependency of Jersey. This application was accompanied by the relevant information for the United Kingdom and the Crown Dependency of Jersey on the criteria and potential risk factors referred to in Article 5(2) of Regulation (EC) No 999/2001 and set out in Chapters A and B of Annex II to that Regulation. Taking into account the information provided by the United Kingdom, that third country should be included in Part B of the Annex to Decision 2007/453/EC, while the Crown Dependency of Jersey should be included in Part A of that Annex.
- (8) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement), and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, Regulation (EC) No 999/2001, as well as the Commission acts based on it, applies to and in the United Kingdom in respect of Northern Ireland after the end of the transition period provided for in the Withdrawal Agreement. For that reason, at the end of the transition period only Northern Ireland should be listed as a region of a Member State in Part A of the Annex to Decision 2007/453/EC.
- (9) The Annex to Decision 2007/453/EC should therefore be amended accordingly.
- (10) As the transition period provided for in the Withdrawal Agreement ends on 31 December 2020, this Decision should apply from 1 January 2021.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2007/453/EC is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision shall apply from 1 January 2021.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 December 2020.

For the Commission
Stella KYRIAKIDES
Member of the Commission

(*) https://www.oie.int/fileadmin/Home/eng/About_us/docs/pdf/Session/2020/A_RESO_2020.pdf

ANNEX

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LIST OF COUNTRIES OR REGIONS

A. Countries or regions with a negligible BSE risk*Member States*

- Belgium
- Bulgaria
- Czechia
- Denmark
- Germany
- Estonia
- Spain
- Croatia
- Italy
- Cyprus
- Latvia
- Lithuania
- Luxembourg
- Hungary
- Malta
- Netherlands
- Austria
- Poland
- Portugal
- Romania
- Slovenia
- Slovakia
- Finland
- Sweden

Regions of Member States ()*

- Northern Ireland

European Free Trade Association countries

- Iceland
- Liechtenstein
- Norway
- Switzerland

Third countries

- Argentina
- Australia
- Brazil
- Chile

- Colombia
- Costa Rica
- India
- Israel
- Japan
- Jersey
- Namibia
- New Zealand
- Panama
- Paraguay
- Peru
- Serbia (**)
- Singapore
- United States
- Uruguay

B. Countries or regions with a controlled BSE risk

Member States

- Ireland
- Greece
- France

Third countries

- Canada
- Mexico
- Nicaragua
- South Korea
- Taiwan
- United Kingdom with the exception of Northern Ireland

C. Countries or regions with an undetermined BSE risk

- Countries or regions not listed in Parts A or B.

(*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex references to Member States include the United Kingdom in respect of Northern Ireland.

(**) As referred to in Article 135 of the Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part (OJ L 278, 18.10.2013, p. 16).'