

# COMMISSION DECISION

of 29 June 2007

establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk

(notified under document number C(2007) 3114)

(Text with EEA relevance)

**2007/453/EC**

(OJ No. L 172, 30.06.2007, p. 84)

amended by 2008/829/EC (OJ No. L 294, 01.11.2008, p. 14)

amended by 2009/830/EC (OJ No. L 295, 12.11.2009, p. 11)

amended by 2010/749/EU (OJ No. L 318, 04.12.2010, p. 47)

amended by 2012/111/EU (OJ No. L 50, 23.02.2012, p. 49)

amended by 2012/489/EU (OJ No. L 231, 28.08.2012, p. 13)

amended by (EU) No 519/2013 (OJ No. L 158, 10.06.2013, p. 74)

amended by 2013/429/EU (OJ No. L 217, 13.08.2013, p. 37)

amended by 2014/732/EU (OJ L 302, 22. 10 2014, p. 58)

amended by (EU) 2015/1356 (OJ No. L 209, 06.08.2015, p. 5)

amended by (EU) 2016/600 (OJ No. L 103, 19.04.2016, p. 41)

amended by (EU) 2016/701 (OJ No. L 121, 11.05.2016, p. 22)

amended by (EU) 2016/1100 (OJ No. L 182, 07.07.2016, p. 47)

amended by (EU) 2017/1396 (OJ No. L 197, 28.07.2017, p. 9)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 (<sup>1</sup>), and in particular Article 5(2) thereof,

## Whereas:

### **2007/453/EC**

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals. According to Article 1 of that Regulation it applies to the production and placing on the market of live animals and products of animal origin. For that purpose, the bovine spongiform encephalopathy (BSE) status of Member States or third countries or regions thereof (countries or regions) is to be determined by classification into one of three categories depending on the BSE risk as laid down in Article 5(1) of that Regulation.
- (2) The objective of categorising countries or regions according to their BSE risk is to establish trade rules for each BSE risk category in order to provide the necessary guarantees for protecting animal and public health.
- (3) Annex VIII to Regulation (EC) No 999/2001 sets out the rules for intra-Community trade and Annex IX to that Regulation sets out the rules relating to imports into the Community. They are based on the rules laid down in the Terrestrial Animal Health Code of the World Organisation for Animal Health (OIE).
- (4) The OIE plays a leading role in the categorisation of countries or regions according to their BSE risk.
- (5) During the OIE General Session in May 2007, a Resolution was adopted relating to the BSE status of different countries. Pending a final conclusion on the BSE risk status of the Member States and taking into account the harmonised stringent BSE protective measures applied within the Community, the Member States should be provisionally recognised as countries with a controlled BSE risk.
- (6) In addition, awaiting the final conclusion on the BSE risk status concerning Norway and Iceland and taking into account the results of the most recent risk assessments concerning those third countries, they should be provisionally recognised as countries with a controlled BSE risk.
- (7) Pursuant to Article 23 of Regulation (EC) No 999/2001, transitional measures were taken for a period ending on 1 July 2007. Those measures are to cease to apply immediately following the date of adoption of a decision on classification in accordance with Article 5 of that Regulation. A decision should therefore be taken to classify countries or regions according to their BSE risk before that date.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

**2008/829/EC**

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals. It applies to the production and placing on the market of live animals and products of animal origin. For that purpose, the bovine spongiform encephalopathy (BSE) status of Member States or third countries or regions thereof ('countries or regions') is to be determined by classification into one of three categories depending on the BSE risk involved, namely a negligible BSE risk, a controlled BSE risk and an undetermined BSE risk.
- (2) The Annex to 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 lists countries or regions according to their BSE risk status.
- (3) Pending the final conclusion on the BSE risk status of the Member States, all Member States were provisionally recognised as countries with a controlled BSE risk as laid down in Decision 2007/453/EC. During the OIE General Session in May 2008, a Resolution was adopted relating to the BSE status of different countries. The Annex to Decision 2007/453/EC should therefore be brought in line with the recommendations of the Resolution of the OIE. Pending a final conclusion on the BSE risk status of certain Member States and taking into account the harmonised stringent BSE protective measures applied within the Community, those Member States should remain provisionally recognised as countries with a controlled BSE risk.
- (4) Decision 2007/453/EC should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

### **2009/830/EC**

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals. For that purpose, the bovine spongiform encephalopathy (BSE) status of Member States or third countries or regions thereof (countries or regions) is to be determined by classification into one of three categories depending on the BSE risk involved, namely a negligible BSE risk, a controlled BSE risk and an undetermined BSE risk.
- (2) The Annex to 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 lists countries or regions according to their BSE risk status.
- (3) The World Organisation for Animal Health (OIE) plays a leading role in the categorisation of countries or regions according to their BSE risk. The list in the Annex to Decision 2007/453/EC takes account of Resolution No XXI — Recognition of the Bovine Spongiform Encephalopathy Status of Members — adopted by the OIE in May 2008 regarding the BSE status of Member States and third countries.
- (4) Decision 2007/453/EC currently lists Finland and Sweden as having a negligible BSE risk and all other Member States as having a controlled BSE risk. It also lists the BSE status of third countries. In May 2009, the OIE adopted Resolution No XXII — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Members. That Resolution recognised Chile as having a negligible BSE risk and Colombia and Japan as having a controlled BSE risk. The list in Decision 2007/453/EC should therefore be amended to be brought into line with that Resolution as regards those three third countries. However, pending a final conclusion of the OIE on the BSE risk status of all Member States and taking into account the harmonised stringent BSE protective measures applied within the Community, no changes should at present be made as regards the recognised BSE status of the Member States.
- (5) Decision 2007/453/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

### **2010/749/EU**

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals. For that purpose, the bovine spongiform encephalopathy (BSE) status of Member States or third countries or regions thereof (countries or regions) is to be determined by classification into one of three categories depending on the BSE risk involved, namely a negligible BSE risk, a controlled BSE risk and an undetermined BSE risk.
- (2) The Annex to 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 lists countries or regions according to their BSE risk status.
- (3) The World Organisation for Animal Health (OIE) plays a leading role in the categorisation of countries or regions according to their BSE risk. The list in the Annex to Decision 2007/453/EC takes account of Resolution No XXII — Recognition of the Bovine Spongiform Encephalopathy Status of Members — adopted by the OIE in May 2009 regarding the BSE status of Member States and third countries.
- (4) In May 2010, the OIE adopted Resolution No 18 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Members. That Resolution recognised India and Peru as having a negligible BSE risk and Panama and South Korea as having a controlled BSE risk. The list in the Annex to Decision 2007/453/EC should therefore be amended to be brought into line with that Resolution as regards those third countries.
- (5) Decision 2007/453/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

### **2012/111/EU**

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals. For that purpose, the bovine spongiform encephalopathy (BSE) status of Member States or third countries or regions thereof ('countries or regions') is according to Article 5(1) and Annex II to Regulation (EC) No 999/2001 to be determined by classification into one of three categories depending on the BSE risk involved, namely a negligible BSE risk, a controlled BSE risk and an undetermined BSE risk.

- (2) *The Annex to 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 lists countries or regions according to their BSE risk status.*
- (3) *The World Organisation for Animal Health (OIE) plays a leading role in the categorisation of countries or regions according to their BSE risk and employs criteria equivalent to those established in Annex II to Regulation (EC) No 999/2001. The list in the Annex to Decision 2007/453/EC takes account of Resolution No 18 – Recognition of the Bovine Spongiform Encephalopathy Risk Status of Members – adopted by the OIE in May 2010 regarding the BSE status of Member States and third countries.*
- (4) *In May 2011, the OIE adopted Resolution No 17 – Recognition of the Bovine Spongiform Encephalopathy Risk Status of Members. That Resolution recognised Denmark and Panama as having a negligible BSE risk. The list in the Annex to Decision 2007/453/EC should therefore be amended to be brought into line with that Resolution as regards those countries.*
- (5) *Decision 2007/453/EC should therefore be amended accordingly.*
- (6) *The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,*

**HAS ADOPTED THIS DECISION:**

## **2012/489/EU**

- (1) *Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals. For that purpose, the bovine spongiform encephalopathy (BSE) status of Member States or third countries or regions thereof ('countries or regions') is to be determined by classification into one of three categories depending on the BSE risk involved, namely a negligible BSE risk, a controlled BSE risk and an undetermined BSE risk.*
- (2) *The Annex to 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 lists countries or regions according to their BSE risk status.*
- (3) *The World Organisation for Animal Health (OIE) plays a leading role in the categorisation of countries or regions according to their BSE risk. The list in the Annex to Decision 2007/453/EC takes account of Resolution No 17 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Members — adopted by the OIE in May 2011 regarding the BSE status of Member States and third countries.*
- (4) *In May 2012, the OIE adopted Resolution No 16 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Member Countries. That Resolution recognised Austria, Belgium, Brazil and Colombia as having a negligible BSE risk, and Croatia and Nicaragua as having a controlled BSE risk. The list in the Annex to Decision 2007/453/EC should therefore be amended to be brought into line with that Resolution as regards those Member States and third countries.*
- (5) *Decision 2007/453/EC should therefore be amended accordingly.*
- (6) *The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,*

**HAS ADOPTED THIS DECISION:**

## **(EU) No 519/2013**

- (1) *Pursuant to Article 50 of the Act of Accession, where acts of the institutions adopted prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in the Act of Accession or its Annexes, the Commission, if the original act was adopted by the Commission, shall, to this end, adopt the necessary acts.*
- (2) *The Final Act of the Conference which drew up the Treaty of Accession indicated that the High Contracting Parties had reached political agreement on a set of adaptations to acts adopted by the institutions required by reason of accession and invited the Council and the Commission to adopt these adaptations before accession, completed and updated where necessary to take account of the evolution of the law of the Union.*
- (3) *The following Commission Regulations should therefore be amended accordingly:*
  - *in the field of the free movement of goods: Regulations (EC) No 1474/2000, (EC) No 1488/2001, (EC) No 706/2007, (EC) No 692/2008, (EU) No 406/2010, (EU) No 578/2010, (EU) No 1008/2010, (EU) No 109/2011, (EU) No 286/2011 and (EU) No 582/2011,*
  - *in the field of competition policy: Regulations (EC) No 773/2004 and (EC) No 802/2004,*
  - *in the field of agriculture: Regulation (EEC) No 120/89, (EC) No 1439/95, (EC) No 2390/98, (EC) No 2298/2001, (EC) No 2535/2001, (EC) No 462/2003, (EC) No 1342/2003, (EC) No 1518/2003, (EC) No 793/2006, (EC) No 951/2006, (EC) No 972/2006, (EC) No 1850/2006, (EC) No 1898/2006, (EC) No 1301/2006, (EC) No 1964/2006, (EC) No 341/2007, (EC) No 533/2007, (EC) No 536/2007, (EC) No 539/2007, (EC) No 616/2007, (EC) No 1216/2007, (EC) No 1385/2007, (EC) No 376/2008, (EC) No 402/2008, (EC) No 491/2008, (EC) No 543/2008, (EC) No 555/2008, (EC) No 589/2008, (EC) No 617/2008, (EC) No 619/2008, (EC) No 720/2008, (EC) No 889/2008, (EC) No 1235/2008, (EC) No 1295/2008, (EC) No 1296/2008, (EC) No 147/2009, (EC) No 436/2009, (EC) No 442/2009, (EC) No 607/2009, (EC) No 612/2009, (EC) No 828/2009, (EC) No 891/2009, (EC) No 1187/2009, (EU) No 1272/2009, (EU) No 1274/2009, (EU) No 234/2010, (EU) No 817/2010 and Implementing Regulations (EU) No 543/2011, (EU) No 1273/2011, (EU) No 29/2012 and (EU) No 480/2012,*
  - *in the field of food safety, veterinary and phytosanitary policy: Regulations (EC) No 136/2004, (EC) No 911/2004, (EC) No 504/2008, (EC) No 798/2008, (EC) No 1251/2008, (EC) No 1291/2008, (EC) No 206/2009, (EU) No 206/2010, (EU) No 605/2010 and (EU) No 547/2011,*
  - *in the field of fisheries: Regulations (EC) No 2065/2001, (EC) No 2306/2002 and (EC) No 248/2009,*
  - *in the field of transport policy: Regulation (EU) No 36/2010,*
  - *in the field of energy: Regulations (Euratom) No 302/2005 and (EC) No 1635/2006,*
  - *in the field of taxation: Regulation (EC) No 684/2009 and Implementing Regulation (EU) No 79/2012,*
  - *in the field of statistics: Regulations (EC) No 1358/2003, (EC) No 772/2005, (EC) No 617/2008, (EC) No 250/2009, (EC) No 251/2009, (EU) No 88/2011 and (EU) No 555/2012,*
  - *in the field of environment: Implementing Regulation (EU) No 757/2012,*
  - *in the field of customs union: Regulations (EEC) No 2454/93, (EC) No 1891/2004 and Implementing Regulations (EU) No 1224/2011 and (EU) No 1225/2011,*
  - *in the field of external relations: Regulations (EC) No 3168/94 and (EC) No 1418/2007,*
- (4) *The following Commission Decisions should therefore be amended accordingly:*
  - *in the field of the freedom of movement of persons: Decision 2001/548/EC,*

- in the field of right of establishment and freedom to provide services: Decision 2009/767/EC,
  - in the field of company law: Decision 2011/30/EU,
  - in the field of food safety, veterinary and phytosanitary policy: Decisions 92/260/EEC, 93/195/EEC, 93/196/EEC, 93/197/EEC, 97/4/EC, 97/252/EC, 97/467/EC, 97/468/EC, 97/569/EC, 98/179/EC, 98/536/EC, 1999/120/EC, 1999/710/EC, 2001/556/EC, 2004/211/EC, 2006/168/EC, 2006/766/EC, 2006/778/EC, 2007/25/EC, 2007/453/EC, 2007/777/EC, 2009/821/EC, 2010/472/EU, 2011/163/EU and Implementing Decision 2011/630/EU,
  - in the field of fisheries: Implementing Decision 2011/207/EU,
  - in the field of transport policy: Decision 2007/756/EC,
  - in the field of statistics: Decisions 91/450/EEC, Euratom and 2008/861/EC,
  - in the field of social policy and employment: Decisions 98/500/EC and 2008/590/EC,
  - in the field of environment: Decisions 2000/657/EC, 2001/852/EC, 2003/508/EC, 2004/382/EC, 2005/416/EC, 2005/814/EC, 2009/875/EC, 2009/966/EC and Implementing Decision 2012/C 177/05,
  - in the field of foreign, security and defence policy: Decision 2001/844/EC, ECSC, Euratom,
- HAS ADOPTED THIS REGULATION:

#### **2013/429/EU**

- (1) Regulation (EC) No 999/2001 provides that Member States, third countries or regions thereof ('countries or regions') 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 Annex to Commission Decision 2007/453/EC lists countries or regions according to their BSE status.
- (3) The World Organisation for Animal Health (OIE) plays a leading role in the categorisation of countries or regions according to their BSE risk. The list in the Annex to Decision 2007/453/EC takes account of Resolution No 16 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Members — adopted by the OIE in May 2012.
- (4) In May 2013, the OIE adopted Resolution No 20 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Member Countries. That Resolution recognised Israel, Italy, Japan, the Netherlands, Slovenia and the United States as having a negligible BSE risk, and Costa Rica as having a controlled BSE risk. The list in the Annex to Decision 2007/453/EC should therefore be amended to be brought into line with that Resolution as regards those countries.
- (5) Decision 2007/453/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

#### **2014/732/EU**

- (1) Regulation (EC) No 999/2001 provides that Member States, third countries or regions thereof ('countries or regions') 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 Annex to Commission Decision 2007/453/EC<sup>(2)</sup> lists countries or regions according to their BSE status.
- (3) The World Organisation for Animal Health (OIE) plays a leading role in the categorisation of countries or regions according to their BSE risk. The list in the Annex to Decision 2007/453/EC takes account of Resolution No 20 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Member Countries — adopted by the OIE in May 2013.
- (4) In May 2014, the OIE adopted Resolution No 18 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Member Countries<sup>(3)</sup>. In addition to the Member States already listed in the Annex to Decision 2007/453/EC, that Resolution recognised Bulgaria, Estonia, Croatia, Latvia, Luxembourg, Hungary, Malta, Portugal, Romania and Slovakia as having a negligible BSE risk.
- (5) In June 2014, the OIE suspended<sup>(4)</sup> the negligible BSE risk status for Romania, with effect from 27 June 2014, following a report received from the OIE Delegate of Romania on the detection of a BSE case in Romania.
- (6) The list in the Annex to Decision 2007/453/EC should therefore be amended to be brought into line with the Resolution No 18 adopted by the OIE in May 2014 and to take account of the subsequent OIE decision to suspend the negligible BSE risk status for Romania.
- (7) Decision 2007/453/EC should therefore be amended accordingly.
- (8) 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:

#### **(EU) 2015/1356**

- (1) Regulation (EC) No 999/2001 provides that Member States, third countries or regions thereof ('countries or regions') 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 Annex to Commission Decision 2007/453/EC lists countries or regions according to their BSE status.
- (3) The World Organisation for Animal Health (OIE) plays a leading role in the categorisation of countries or regions according to their BSE risk. The list in the Annex to Decision 2007/453/EC takes account of Resolution No 18 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Member Countries — adopted by the OIE in May 2014.
- (4) In May 2015, the OIE adopted Resolution No 21 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Member Countries. In addition to the Member States and European Free Trade Association countries already listed in the Annex to Decision 2007/453/EC, that Resolution recognised Cyprus, the Czech Republic, France, Liechtenstein and Switzerland as having a negligible BSE risk.
- (5) The list of countries in the Annex to Decision 2007/453/EC should therefore be amended to be brought in line with the Resolution No 21 adopted by the OIE in May 2015.
- (6) Decision 2007/453/EC should therefore be amended accordingly.
- (7) 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:

**(EU) 2016/600**

- (1) Regulation (EC) No 999/2001 provides that Member States, third countries or regions thereof ('countries or regions') 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 Annex to Commission Decision 2007/453/EC lists countries or regions according to their BSE status.
- (3) The World Organisation for Animal Health (OIE) plays a leading role in the categorisation of countries or regions according to their BSE risk.
- (4) In May 2014, the OIE General Assembly decided to grant 'negligible BSE risk' status to Romania in its Resolution No 18 — Recognition of the Bovine Spongiform Encephalopathy Risk Status of Member Countries . On 27 June 2014, the OIE Scientific Commission for Animal Diseases suspended that negligible BSE risk status due to the notification by Romania on 20 June 2014 of an atypical BSE case.
- (5) In May 2015, the OIE General Assembly amended the BSE Chapter of the OIE Terrestrial Animal Health Code ('the Code'), by adding the following sentence in Article 11.4.1 of the Code: 'For the purpose of official BSE risk status recognition, BSE excludes "atypical BSE" as a condition believed to occur spontaneously in all cattle populations at a very low rate'.
- (6) As the negligible BSE risk status of Romania had been suspended because of the detection of an atypical BSE case and as the new version of the Code excludes atypical BSE for the purpose of official BSE risk status recognition, the OIE Scientific Commission for Animal Diseases decided, with effect as from 8 December 2015, to reinstate the negligible BSE status of Romania.
- (7) To reflect that decision, the list of countries in the Annex to Decision 2007/453/EC should therefore be amended.
- (8) Decision 2007/453/EC should therefore be amended accordingly.
- (9) 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:

**(EU) 2016/701**

- (1) Regulation (EC) No 999/2001 provides that Member States, third countries or regions thereof ('countries or regions') 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 Annex to Commission Decision 2007/453/EC lists countries or regions according to their BSE status.
- (3) The World Organisation for Animal Health (OIE) plays a leading role in the categorisation of countries or regions according to their BSE risk.
- (4) On 26 May 2015, the OIE General Assembly adopted Resolution No 21 on the Recognition of the BSE Risk Status of Member Countries, which recognised France as having a negligible BSE risk status. On 4 August 2015, Decision 2007/453/EC was amended by Commission Implementing Decision (EU) 2015/1356 to reflect the negligible BSE risk status of France, and other countries, in EU law.
- (5) On 24 March 2016, France notified the Commission, the other Member States and the OIE of the detection of a case of classical BSE, in a bovine animal in France that was born in April 2011.
- (6) According to Article 11.4.3 of the OIE Terrestrial Animal Health Code, one of the conditions for granting and maintaining the negligible BSE risk status of a country is that, if there has been a classical BSE indigenous case in the country, every classical BSE indigenous cases was born more than 11 years ago. Therefore, following the notification by France confirming a case of classical BSE in a 5-year-old bovine animal, the OIE Scientific Commission for Animal Diseases suspended the negligible BSE risk status of France, as recognised by Resolution No 21, and reinstated France's previous status as a country with a controlled BSE risk, with effect from 25 March 2016.
- (7) To reflect that decision, the list of countries in the Annex to Decision 2007/453/EC should therefore be amended.
- (8) Decision 2007/453/EC should therefore be amended accordingly.
- (9) 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:

**(EU) 2016/1100**

- (1) Regulation (EC) No 999/2001 provides that Member States, third countries or regions thereof ('countries or regions') 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 Annex to Commission Decision 2007/453/EC lists the BSE status of countries or regions according to their BSE risk.
- (3) The World Organisation for Animal Health (OIE) plays a leading role in the categorisation of OIE Member Countries and zones by their BSE risk, according to the provisions of its Terrestrial Animal Health Code (Terrestrial Code).
- (4) On 27 May 2016, the OIE World Assembly of Delegates adopted Resolution No 20 titled 'Recognition of the Bovine Spongiform Encephalopathy Risk Status of Member Countries' (<sup>4</sup>). In addition to the countries previously recognised as having a negligible BSE risk status, that Resolution recognised Costa Rica, Germany, Lithuania, Namibia and Spain as having a negligible BSE risk.
- (5) The list of countries or regions in the Annex to Decision 2007/453/EC should therefore be amended to recognise the negligible BSE risk status of these countries.
- (6) The Annex to Decision 2007/453/EC should therefore be amended accordingly.
- (7) 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:

**(EU) 2017/1396**

- (1) Regulation (EC) No 999/2001 provides that Member States, third countries or regions thereof (countries or regions) 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 categories of BSE status, a reassessment of the Union categorisation may be decided.

- (3) *The Annex to Commission Decision 2007/453/EC lists the BSE status of countries or regions according to their BSE risk. Poland and the United Kingdom are currently listed in point B thereof under countries or regions with a controlled BSE risk.*
- (4) *The OIE plays a leading role in the categorisation of OIE Member Countries and zones by their BSE risk, in accordance with the provisions of its Terrestrial Animal Health Code (Terrestrial Code ).*
- (5) *On 23 May 2017, the OIE World Assembly of Delegates adopted Resolution No 26 on the Recognition of the Bovine Spongiform Encephalopathy Risk Status of Member Countries, in view of an entry into force on 26 May 2017. That Resolution recognised Poland, and also two zones of the United Kingdom, namely Northern Ireland and Scotland, as having a negligible BSE risk.*
- (6) *The list of countries or regions in the Annex to Decision 2007/453/EC should therefore be amended so that Poland and Northern Ireland and Scotland are listed in point A under countries or regions with a negligible BSE risk.*
- (7) *The Annex to Decision 2007/453/EC should therefore be amended accordingly.*
- (8) *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 BSE status of countries or regions according to their BSE risk is set out in the Annex.

#### ***Article 2***

This Decision shall apply from 1 July 2007.

#### ***Article 3***

This Decision is addressed to the Member States.

Done at Brussels, 29 June 2007.

*For the Commission  
Markos KYPRIANOU  
Member of the Commission*

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<sup>(1)</sup> OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 1923/2006 (OJ L 404, 30.12.2006, p. 1).

*ANNEX*  
*LIST OF COUNTRIES OR REGIONS*

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

*Member States*

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

*Regions of Member States*

- Northern Ireland
- Scotland

*European Free Trade Association countries*

- Iceland
- Liechtenstein
- Norway
- Switzerland

*Third countries*

- Argentina
- Australia
- Brazil
- Chile
- Colombia
- Costa Rica
- India
- Israel
- Japan
- Namibia
- New Zealand
- Panama
- Paraguay
- Peru

- Singapore
- United States
- Uruguay

**B. Countries or regions with a controlled BSE risk**

Member States

- Ireland
- Greece
- France
- United Kingdom with the exception of the regions of Northern Ireland and Scotland

*Third countries*

- Canada
- Mexico
- Nicaragua
- South Korea
- Taiwan

**C. Countries or regions with an undetermined BSE risk**

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