Dear Sir/Madam

BSE: LIFTING THE EXPORT BAN AND HARMONISING SRM CONTROLS APPLICABLE IN THE UK WITH THOSE IN OTHER MEMBER STATES

1. The purpose of this letter is to open formal consultations on potential amendments to UK legislation to:
   - implement the possible lifting of the EU ban on the export of bovines and bovine products from the UK; and
   - implement consequential changes to the rules for the removal of bovine vertebral column (VC) and other controls on bovine Specified Risk Materials (SRM).

2. The export from the UK of bovine animals and their products was banned by the European Union in March 1996 due to fears about the risk to human health from BSE in cattle. Since then the incidence of BSE in UK cattle has declined markedly and is now below the internationally agreed threshold for moderate BSE risk status. The food borne risk to human health is also reduced in line with the reduction in BSE cases. Also, on 28 September the European Commission’s Food and Veterinary Office published a satisfactory report on UK BSE controls. This means that the UK has met the two conditions set by the Commission for beginning discussions with Member States on lifting the export ban.

3. Subject to those discussions, we expect the Commission to submit to the Member States a proposal to lift the ban in relation to live cattle born after July 1996 and products derived from them. Cattle born before August 1996 - i.e. before the UK ban on feeding mammalian meat and bone meal to all farm livestock was fully enforced - will remain permanently excluded from the food and feed chain. From the time that the export ban was applied, it has been UK Government policy to seek its removal for products permitted for sale on our domestic market. If EU legislation to lift the export ban is adopted, we will need to amend our legislation, the Bovines and Bovine Products (Trade) Regulations 1999, to bring UK law into line with EU law.

4. We cannot be sure when or whether EU Member States and the Commission will agree to lift the export ban, but the purpose of this letter is to launch a formal consultation on the amendments to UK export controls which would be needed to allow the export of live cattle born after July 1996 and beef and bovine products derived from them. At the same time, the current
Date-based Export Scheme (DBES) for UK beef and the export approved scheme (XAP Scheme) for beef of foreign origin would come to an end. The UK would apply all the provisions of EU law relevant to normal trade between Member States, including the rules to protect the welfare of cattle during transport.

5. As the UK will have attained the same moderate BSE risk status as other Member States we expect that the Commission will also propose bringing controls on SRM applicable in the UK into line with those applicable in other Member States. In particular, the Standing Committee for the Food Chain and Animal Health agreed on 5 October a change to EU rules to require the removal of bovine VC from animals aged over 24 months at slaughter, rather than at 12 months as has been the requirement to date. Whilst the UK currently has a derogation to classify VC as SRM only in animals over 30 months of age, we anticipate that the 24 months limit would apply to the UK should the export ban be lifted. This would mean that the age for VC removal in the UK would change from 30 months to 24 months. This change would, of course, also apply to animals and carcases imported into the UK from other Member States. This letter also opens a formal consultation on the implementation of this potential change by an amendment to the TSE (England) Regulations.

6. The application of the 24 month age limit in the UK would be to ensure the harmonisation of controls across the EU, rather than to respond to any perceived increase in the level of risk.

7. EU legislation requires that VC, deemed to be SRM, be removed in licensed cutting plants but allows Member States who wish to do so to permit the removal of VC in butcher shops “specifically authorized, monitored and registered for this purpose”. Currently the Food Standards Agency (FSA) requires removal at cutting plants to enable a more robust system of enforcement by the Meat hygiene Service (MHS). At present this system affects only a small number of grass reared Beef Assurance Scheme (BAS) animals that are over thirty months at slaughter, and a larger number of imported animals and carcases slaughtered at over 12 months of age. With the expected introduction of the over thirty months testing regime in early November this system relating to VC removal will be applicable to those over thirty months animals that are allowed into the food chain after BSE testing. The consequence of coming into line with a 24 month age limit, should beef export controls be lifted, is that a new sector of the UK cattle population i.e. those 24 - 30 months of age, will require VC removal as SRM.

8. Some 50% of UK cattle are slaughtered before they are aged over 24 months, Smaller abattoirs without a linked cutting plant or with only a small cutting plant and butchers will, therefore, have continued unrestricted access to a significant supply of UK cattle. However, the FSA recognise that a requirement to remove VC from 24 - 30 months animals in cutting plants could have an adverse impact on those who produce extensively reared cattle, particularly from traditional breeds, and on small abattoirs as well as craft butchers. The FSA is therefore exploring whether it should take up the derogation to remove VC from this age group of animals in butcher’s shops. As a contribution to this debate the FSA would welcome detailed comments
providing the comparative costs and benefits of removal of VC as SRM at cutting plants only or at a combination of butcher’s shops and cutting plants. It is probable that if butcher’s shops were allowed to remove VC from 24 - 30 month animals the authorisation, inspection and enforcement regime would be the responsibility of local authorities. In line with procedures at slaughterhouses and cutting plants, once the SRM is removed, butchers will be required to stain it and arrange for its collection and disposal as a category 1 animal by-product.

9. Harmonisation with other Member States would also involve a number of other changes to UK bovine SRM controls. These are set out in Appendix 1 to this letter. Therefore this letter also opens the formal consultation required by law on the implementation of these changes to SRM controls by amendments to the TSE (England) Regulations.

10. We would also welcome your comments on the potential benefits and drawbacks of the other probable SRM changes set out in the Appendix 1 to this letter. In particular your views are sought on the harvesting of head meat and whether removal should be confined to slaughterhouses or the potential derogation to also allow its removal in cutting plants should be applied. At present the FSA is minded to allow removal only in slaughterhouses to avoid the risks associated with transportation of heads containing SRM and the stringent regulation of the process that would necessarily be required.

11. Attached at Appendix 2 is a draft Regulatory Impact Assessment (RIA) which addresses the potential changes described above. This RIA is still at an early stage of development and any comments you may have, particularly with regard to costs and benefits, especially in relation to options for dealing with SRM controls, would be very welcome.

12. Any change to EU law will be applicable in the UK as soon as it comes into force and this could be as early as the beginning of next year. With apologies for the short-dead line, please provide comments on the expected lifting of the export ban and on anticipated amended controls on vertebral column and other probable SRM changes, if at all possible by 12 December 2005. Although the consultation period will not end until 4 January 2006 the sooner responses are received the more time we will have to analyse all the points being made.

13. Comments on exports should be sent to BSE Division at 1A Page Street, London SW1P 4PQ. Comments on the removal of vertebral column and other probable changes to SRM controls should be sent to TSE Division at the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

14. In line with Defra’s policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses. If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request. You should also be aware
that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.

15. The Information Resource Centre will supply copies of consultation responses to personal callers or in response to telephone or e-mail requests (tel: 020 7238 6575, e-mail: defra.library@defra.gsi.gov.uk <mail>. Wherever possible, personal callers should give the library at least 24 hours' notice of their requirements. An administrative charge will be made to cover photocopying and postage costs.

16. Any comments or complaints that you may have about this consultation process (as opposed to comments on the issues which are the subject of this consultation) should be addressed to Defra’s Consultation Co-ordinator, Area 7D, Nobel House, 17 Smith Square, London SW1P 3JR.

17. Government guidance on the consultation process can be found at www.defra.gov.uk/corporate/consult/default.asp.

18. If you are aware of any organisations or individuals that might be interested in seeing and commenting on this issue but who have not received it, please let us know and a copy will be sent to them.

19. If you have any queries, please ring the Defra helpline on 08459 33 55 77 or email helpline@defra.gsi.gov.uk

Yours faithfully

Defra BSE Division
OTHER POTENTIAL CHANGES TO UK BOVINE SRM CONTROLS

- The entire head may no longer be SRM from 6 months of age. Instead skull, excluding the mandible but including the brain and eyes may be SRM from 12 months of age.

- This means it may once again be possible to harvest head meat from animals over 12 months of age. The Community Regulations require that head meat be removed in the slaughterhouse. However by way of derogation Member States may decide to allow removal of head meat in specifically authorised cutting plants. Both slaughterhouses and cutting plants must harvest in accordance with the strict conditions laid down in Annex XI Paras 7 and 10 (c) of the Community TSE Regulation, EC 999/2001 (as amended). (A copy is available at the following web address; http://europa.eu.int/eur-lex/en/consleg/index.1.html and enter the Regulation number.) If you would like a printed copy please get in touch with FSA at the address given in the cover letter.

- Spinal cord may be SRM in animals over 12 months of age (currently SRM in animals over 6 months)

- Trigeminal ganglia, thymus and spleen may no longer be classified as SRM.

- Tonsils, intestine from the duodenum to the rectum, and the mesentary may remain SRM in animals of all ages