



STATUTORY INSTRUMENTS.

**S.I. No. 156 of 2018**



EUROPEAN UNION (TRANSMISSIBLE SPONGIFORM  
ENCEPHALOPATHIES) (AMENDMENT) REGULATIONS 2018

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ENCEPHALOPATHIES) (AMENDMENT) REGULATIONS 2018

I, Michael Creed, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001<sup>1</sup> as amended by Commission Regulation (EC) No 1234/2003 of 10 July 2003<sup>2</sup>, Commission Regulation (EC) No 2245/2003 of 19 December 2003<sup>3</sup>, Commission Regulation (EC) No 36/2005 of 12 January 2005<sup>4</sup>, Commission Regulation (EC) No 260/2005 of 16 February 2005<sup>5</sup>, Regulation (EC) No 932/2005 of the European Parliament and of the Council of 8 June 2005<sup>6</sup>, Commission Regulation (EC) No 657/2006 of 10 April 2006<sup>7</sup>, Regulation (EC) No 1923/2006 of the European Parliament and of the Council of 18 December 2006<sup>8</sup>, Commission Regulation (EC) No 722/2007 of 25 June 2007<sup>9</sup>, Commission Regulation (EC) No 727/2007 of 26 June 2007<sup>10</sup>, Commission Regulation (EC) No 1275/2007 of 29 October 2007<sup>11</sup>, Commission Regulation (EC) No 357/2008 of 22 April 2008<sup>12</sup>, Commission Regulation (EC) No 571/2008 of 19 June 2008<sup>13</sup>, Commission Regulation (EC) No 162/2009 of 26 February 2009<sup>14</sup>, Regulation (EC) No 220/2009 of the European Parliament and of the Council of 11 March 2009<sup>15</sup>, Commission Regulation (EU) No 56/2013 of 16 January 2013<sup>16</sup>, Commission Regulation (EU) No 630/2013 of 28 June 2013<sup>17</sup>, Commission Regulation (EU) No 1148/2014 of 28 October 2014<sup>18</sup>, Commission Regulation (EU) 2015/728 of 6 May 2015<sup>19</sup>, Commission Regulation (EU) 2015/1162 of 15 July 2015<sup>20</sup>, Commission Regulation (EU) 2016/27 of 13 January 2016<sup>21</sup>, Commission Regulation (EU) 2016/1396 of 18 August 2016<sup>22</sup>, Commission Regulation (EU) 2017/110 of 23

<sup>1</sup>OJ L 147, 31.5.2001, p. 1

<sup>2</sup>OJ L 173, 11.7.2003, p.6

<sup>3</sup>OJ L 333, 20.12.2003, p.28

<sup>4</sup>OJ L 10, 13.1.2005, p.9

<sup>5</sup>OJ L 46, 17.2.2005, p.31

<sup>6</sup>OJ L 163, 23.6.2005, p.1

<sup>7</sup>OJ L 116, 29.4.2006, p.9

<sup>8</sup>OJ L 404, 30.12.2006, p.1

<sup>9</sup>OJ L 164, 26.6.2007, p.7

<sup>10</sup>OJ L 165, 27.6.2007, p.8

<sup>11</sup>OJ L 284, 30.10.2007, p.8

<sup>12</sup>OJ L 111, 23.4.2008, p.3

<sup>13</sup>OJ L 161, 20.6.2008, p.4

<sup>14</sup>OJ L 55, 27.2.2009, p.11

<sup>15</sup>OJ L 87, 31.3.2009, p. 155

<sup>16</sup>OJ L 21, 24.1.2013, p.3

<sup>17</sup>OJ L 179, 29.6.2013, p.60

<sup>18</sup>OJ L 308, 29.10.2014, p.66

<sup>19</sup>OJ L 116, 7.5.2015, p.1

<sup>20</sup>OJ L 188, 16.7.2015, p.3

<sup>21</sup>OJ L 9, 14.1.2016, p.4

<sup>22</sup>OJ L 225, 19.8.2016, p.76

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 18th May, 2018.*

January 2017<sup>23</sup>, Commission Implementing Regulation (EU) 2017/736 of 26 April 2017<sup>24</sup> and Commission Regulation (EU) 2017/893 of 24 May 2017<sup>25</sup> and Commission Decision 2007/453/EC of 29 June 2007<sup>26</sup> as amended by Commission Implementing Decision (EU) 2015/1356 of 4 August 2015<sup>27</sup> and Commission Implementing Decision (EU) 2016/1100 of 5 July 2016<sup>28</sup> and Commission Decision 2009/719/EC of 28 September 2009<sup>29</sup> as amended by Commission Implementing Decision 2011/358/EU of 17 June 2011<sup>30</sup> and Commission Implementing Decision 2013/76/EU of 4 February 2013<sup>31</sup> hereby make the following regulations:

1. These Regulations may be cited as the European Union (Transmissible Spongiform Encephalopathies) (Amendment) Regulations 2018.

2. The European Union (Transmissible Spongiform Encephalopathies) Regulations 2015 (S.I. No. 532 of 2015) are amended by—

(a) in Regulation 2, substituting for the definition of “TSE Regulation” the following-

“ ‘TSE Regulation’ means Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 as amended by Commission Regulation (EC) No 1234/2003 of 10 July 2003, Commission Regulation (EC) No 2245/2003 of 19 December 2003, Commission Regulation (EC) No 36/2005 of 12 January 2005, Commission Regulation (EC) No 260/2005 of 16 February 2005, Regulation (EC) No 932/2005 of the European Parliament and of the Council of 8 June 2005, Commission Regulation (EC) No 657/2006 of 10 April 2006, Regulation (EC) No 1923/2006 of the European Parliament and of the Council of 18 December 2006, Commission Regulation (EC) No 722/2007 of 25 June 2007, Commission Regulation (EC) No 727/2007 of 26 June 2007, Commission Regulation (EC) No 1275/2007 of 29 October 2007, Commission Regulation (EC) No 357/2008 of 22 April 2008, Commission Regulation (EC) No 571/2008 of 19 June 2008, Commission Regulation (EC) No 162/2009 of 26 February 2009, Regulation (EC) No 220/2009 of the European Parliament and of the Council of 11 March 2009, Commission Regulation (EU) No 56/2013 of 16 January 2013, Commission Regulation (EU) No 630/2013 of 28 June 2013, Commission Regulation (EU) No 1148/2014 of 28 October 2014, Commission Regulation (EU) 2015/728 of 6 May 2015, Commission Regulation (EU) 2015/1162 of 15 July 2015, Commission Regulation (EU) 2016/27 of 13 January 2016, Commission Regulation (EU) 2016/1396 of 18 August 2016., Commission Regulation (EU) 2017/110 of 23 January 2017, Commission Implementing Regulation (EU)

<sup>23</sup>OJ L 18, 24.1.17, p.42

<sup>24</sup>OJ L 100, 27.4.2017, p. 2

<sup>25</sup>OJ L 138, 25.5.2017, p. 92

<sup>26</sup>OJ L 172, 30.6.2007, p. 84

<sup>27</sup>OJ L 209, 6.8.2015, p.5

<sup>28</sup>OJ L 182, 7.7.2016, p.47

<sup>29</sup>OJ L 256, 29.9.2009, p. 35

<sup>30</sup>OJ L 161, 21.6.2011, p.29

<sup>31</sup>OJ L 35, 6.2.2013, p.6

2017/736 of 26 April 2017, and Commission Regulation (EU) 2017/893 of 24 May 2017;”,

- (b) deleting paragraph (2)(d) in Regulation 3,
- (c) in Regulation 7 (2) substituting for “point 3” “Part I, point 3.1”,
- (d) substituting for Regulation 13 the following-

“13. (1) Subject to paragraph (2), where a TSE has been confirmed in an ovine or caprine on a holding and the TSE is—

- (a) atypical scrapie, a person shall not move an ovine or caprine animal aged 18 months or more off the holding without a permit issued by the Minister in the period of 2 years following completion of the actions required under Regulation 15 and in accordance with Article 13 of the TSE Regulation, or
- (b) a TSE other than atypical scrapie, a person shall not move an ovine or caprine animal on or off the holding without a permit issued by the Minister in the period of 2 years following completion of the actions required under Regulation 15 and in accordance with Article 13 of the TSE Regulation.

(2) Subject to paragraph (3), a person may move an ovine or caprine animal onto or off a holding where a TSE has been officially confirmed in an ovine or caprine animal in the preceding 2 years without a permit where—

- (a) the TSE confirmed is atypical scrapie,
- (b) the holding is not subject to restriction for any other reason than the confirmation of the TSE, and
- (c) the ovine or caprine animal concerned is under the age of 18 months.

(3) The Minister may—

- (a) extend the periods mentioned in paragraph (1), or
- (b) decide not to apply paragraph (2)

where the Minister is of the opinion that it is appropriate to do so.”,

(e) in Regulation 18—

- (i) in paragraph (1) inserting “for the purposes of point 4.3 (b) of Annex V to the TSE Regulation” following “may grant an authorisation”, and
- (ii) inserting after paragraph (4) the following:

“(5) A person shall not—

- (a) remove bovine SRM vertebral column in a butcher’s shop, or
- (b) have beef or beef products containing specified risk material on a premises

other than in accordance with an authorisation issued under paragraph (1).”,

(f) in Regulation 31(1)(d), inserting after “17,” “ 18,” and

(g) in Regulation 32(1), inserting after “Minister” “, the Health Service Executive, the Food Safety Authority of Ireland or a local authority”.



Given under my Official Seal,  
28 March 2018.

MICHAEL CREED,  
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

*(This note is not part of the instrument and does not purport to be a legal interpretation.)*

This amendment to S.I. No 532 of 2015 is designed to improve official oversight in the event of the occurrence of TSEs.

It empowers the Minister to extend or reduce movement and restriction periods imposed for the control of TSEs in ovine and caprine animals.

It sets out a requirement for approval of the removal of bovine vertebral column from over-30-month animals in a butcher's shop, and the presence of specified risk material (SRM).

The amendment also extends powers of prosecution to the Health Service Executive, the Food Safety Authority of Ireland and local authorities.

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