

## II

*(Non-legislative acts)*

## REGULATIONS

**COMMISSION REGULATION (EU) 2022/175****of 9 February 2022****amending Annex IX to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards import conditions for movements of ovine and caprine animals intended for breeding from Great Britain into Northern Ireland****(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 <sup>(1)</sup>, and in particular Article 23a, introductory phrase and point (m), thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals, including classical scrapie.
- (2) More specifically, Chapter E of Annex IX to Regulation (EC) No 999/2001 lays down the requirements for the importation into the Union of ovine and caprine animals. Those requirements provide that such imports are to be accompanied by an animal health certificate attesting, inter alia, that ovine and caprine animals for breeding imported into the Union must come from a holding with a negligible or controlled risk of classical scrapie or, for ovine animals, be of the ARR/ARR prion protein genotype, which confers resistance to classical scrapie.
- (3) 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, apply to and in the United Kingdom in respect of Northern Ireland after the end of the transition period provided for in the Withdrawal Agreement. Accordingly, live animals shipped from Great Britain to Northern Ireland are now subject to the regime applicable to imports from any third country.
- (4) Until the entry into force of the Withdrawal Agreement, there was an estimated annual intra-national movement of around 8 000 breeding sheep, mainly of the Scottish Blackface breed, from Great Britain to Northern Ireland, not subject to the rules on intra-Union trade and importation into the Union. Many of the holdings usually trading sheep between Great Britain and Northern Ireland are not currently recognised as having a negligible or controlled risk of classical scrapie. In addition, only a low proportion of the Scottish Blackface sheep population is of the ARR/ARR prion protein genotype. The traditional trade of breeding sheep from Great Britain to Northern Ireland has therefore been severely impacted by the entry into force of the Withdrawal Agreement.

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

- (5) It is necessary to ensure that Northern Ireland breeders continue to have access to the ovine and caprine genetic resources available in Great Britain, until the holdings in Great Britain can comply with the requirements for export to the Union of ovine and caprine animals for breeding. Chapter E of Annex IX to Regulation (EC) No 999/2001 should therefore be amended to allow the importation of ovine and caprine animals for breeding from Great Britain to Northern Ireland from holdings which are not recognised as having a controlled risk of classical scrapie. This possibility should be made available only to the holdings in Great Britain which applied, before 1 January 2022, to the official scheme for the recognition of holdings having a controlled risk of classical scrapie in accordance with the conditions laid down in Annex VIII, Chapter A, Section A, point 1.3, to that Regulation, and which comply with the conditions laid down in points (a) to (i) thereof at the time of import into Northern Ireland. In addition, this possibility should remain temporary and expire on 31 December 2024, thus allowing a sufficient time period from the date of the entry into force of the Withdrawal Agreement for those holdings in Great Britain to achieve the recognition as holdings having a controlled risk of classical scrapie.
- (6) Classical scrapie is a transmissible spongiform encephalopathy (TSE) which is not considered a zoonotic disease, as concluded by the European Food Safety Authority and the European Centre for Disease Prevention and Control in their Joint Scientific Opinion on any possible epidemiological or molecular association between TSEs in animals and humans, adopted on 9 December 2010 <sup>(2)</sup>. In addition, the limited nature of the proposed amendments to Annex IX to Regulation (EC) No 999/2001, and the implementation of the rules applicable to the intra-Union trade of ovine and caprine animals laid down in Union legislation provide reasonable guarantees that the level of animal health in the Union will not be compromised by the proposed amendments to that Annex.
- (7) Annex IX to Regulation (EC) No 999/2001 should therefore be amended accordingly.
- (8) Given the importance for the Northern Irish breeding sector of trade in ovine and caprine animals for breeding from Great Britain, it is important that the amendments to be made to Regulation (EC) No 999/2001 by this Regulation take effect as soon as possible.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex IX to Regulation (EC) No 999/2001 is amended in accordance with the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 February 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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<sup>(2)</sup> <https://doi.org/10.2903/j.efsa.2011.1945>

## ANNEX

In Annex IX to Regulation (EC) No 999/2001, in Chapter E, point (5) is replaced by the following:

- ‘(5) For ovine and caprine animals for breeding imported into the Union and intended for Member States other than those with a negligible risk of classical scrapie or those with an approved national scrapie control programme listed in Annex VIII, Chapter A, Section A, point 3.2, the following conditions have been complied with:
- (a) the imported ovine and caprine animals come from a holding or holdings that have complied with the conditions laid down in Annex VIII, Chapter A, Section A, point 1.3; or
  - (b) they are ovine animals of the ARR/ARR prion protein genotype, and they come from a holding or holdings where no official movement restriction has been imposed due to BSE or classical scrapie during the last 2 years; or
  - (c) for ovine and caprine animals from Great Britain imported into Northern Ireland until 31 December 2024, the imported ovine and caprine animals come from a holding or holdings:
    - (i) where no official movement restriction has been imposed due to BSE or classical scrapie during the last 3 years; and
    - (ii) which have applied, before 1 January 2022, to the official scheme for the recognition of holdings having a controlled risk of classical scrapie in accordance with the conditions laid down in Annex VIII, Chapter A, Section A, point 1.3, and which comply with the conditions laid down in points (a) to (i) thereof at the time of import into Northern Ireland.’
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