



Department
for Environment
Food & Rural Affairs

Consultation on proposals to amend the Transmissible Spongiform Encephalopathies (England) Regulations 2010 and the Transmissible Spongiform Encephalopathies (Wales) Regulations 2008

**Summary of responses, government response
and next steps**

May 2018



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Contents

| | |
|--|----|
| Introduction | 1 |
| Response to the consultation..... | 2 |
| Part 1: Proposed changes in England and Wales..... | 3 |
| Part 2: Proposed changes in England | 13 |
| Part 3: Proposed changes in Wales..... | 15 |
| Part 4: General proposals | 17 |
| Next steps..... | 18 |

Introduction

1. On 2 November 2017, the UK and Welsh Governments consulted on proposals to amend the Transmissible Spongiform Encephalopathies (England) Regulations 2010 and the Transmissible Spongiform Encephalopathies (Wales) Regulations 2008. The consultation closed on 10 January 2018.
2. Transmissible Spongiform Encephalopathies (TSEs) are fatal brain diseases that include Bovine Spongiform Encephalopathy (BSE) in cattle and scrapie in sheep and goats. Exposure to BSE through the consumption of infected or contaminated meat is believed to be the primary cause of variant Creutzfeldt - Jakob disease (vCJD) in humans. The European Food Safety Authority (EFSA) has advised that BSE is the only animal TSE that has been shown to be a risk to human health.
3. Thanks to strict implementation of the feed ban, the UK is making good progress towards the eradication of BSE. Following a peak of over 37,000 clinical cases in 1992, the number of new cases now detected by active and passive surveillance continues to decline year on year, with only 1 case confirmed in the UK in 2014 and 2 cases in 2015. No further cases have been confirmed since 2015 but government remain vigilant to the threat posed by BSE and the following key controls, that protect public and animal health, remain in force
 - the ban on feeding those animal proteins which could present a risk of spreading BSE to farmed animals,
 - removing specified risk material (SRM) – the most risky parts of animals – from the food chain at slaughter to protect consumers
 - Surveillance to monitor the level of BSE over time and thereby check on the continued effectiveness of BSE controls
4. TSEs are regulated under EU law by Regulation (EC) No. 999/2001 (as amended) (the EU TSE Regulation) and in domestic law by the Transmissible Spongiform Encephalopathies (England) Regulations 2010 (the 2010 Regulations) and the Transmissible Spongiform Encephalopathies (Wales) Regulations 2008 (the 2008 Regulations).
5. The consultation covered several proposed changes to the TSE Regulations in England and Wales, of which the majority simply implement changes to the EU TSE Regulation into domestic legislation. The key amendments:
 - (i) Responsibility and Cost Sharing: A national measure to transfer the cost of taking samples for BSE testing from fallen cattle (animals which die, or are killed, other than for human consumption) aged over 48 months from the taxpayer to industry at an estimated cost to industry of £473,000 per year (an average of £12.50 per cattle holding).

- (ii) TSE Compensation: A national measure to amend the provisions in TSE legislation in England for the payment of compensation for sheep and goats killed as TSE suspects or following the confirmation of classical scrapie on a holding, by amending the existing “table values” to reflect current average market values for these animals, and to remove the existing option for individual valuation. This should give a fairer balance of cost between taxpayer and farmer.
- (iii) Amendments to TSE feed controls: Three proposals to amend domestic TSE legislation on England and Wales to reflect recent amendments to the EU TSE Regulation. These include enabling the feed industry in England and Wales to use processed animal protein (PAP) derived from insects in feed for aquaculture, and permitting the export from England and Wales, to third countries of PAP derived from ruminants, both subject to certain conditions. These changes would reduce the burden on industry in line with reduced risks from BSE.
- (iv) Specified Risk Material (SRM): To amend domestic TSE legislation in England and Wales to reflect three amendments to the EU TSE Regulation relating to the control of SRM.
- (v) Plus four miscellaneous and technical amendments.

Full details of all proposals are available in our consultation document at https://consult.defra.gov.uk/plant-and-animal-health/tseconsultation/supporting_documents/TSE%20Consultation%20%2024171019_TSE%20Consultation%20Defra.pdf

Response to the consultation

6. 17 responses were received. A list of respondents is given at Annex A.
7. A summary of the responses received to each question and government’s conclusions and proposed way forward, taking account of these responses, is set out in the following pages.
8. Some consultees raised issues which were not covered by the consultation. These comments have been noted but are not detailed in the summary below, which is restricted to comments relevant to this consultation.

Part 1: Proposed changes in England and Wales

Sharing the cost of BSE sampling between the farming industry and the taxpayer

Question 1: Have you any comments on the proposal to transfer the cost of sampling fallen stock cattle from the taxpayer to the businesses in England and Wales, which benefit from the service?

- The majority of the eleven consultees who responded to this question were opposed to this proposal on the grounds that that this cost should be borne by government because TSE is a public health issue and BSE is a notifiable disease for which government makes and enforces the rules and that farmers already bear too much of the cost. One commented that farmers should not bear the cost of sampling because there is no derived benefit from fallen stock and no saleable commodity at the end of the process.
- Two expressed concern that the sampling costs could increase beyond the price of £6.25 quoted in the consultation document and that no assessment had been made of the sustainability of the current charging structure. They requested that this proposal be deferred until a comprehensive impact assessment is carried out to assess the wider impact of this proposal on the beef and dairy bovine sectors and the sustainability of the current charging structure.
- One suggested that the charge could be supported by a levy imposed on all slaughtered animals.
- Two suggested that farmers might lie about the ages of their animals or simply fail to have them tested, to avoid the sampling cost.
- Two supported the proposal but one queried how the costs would be recovered.

Government response

- Currently the cost of taking this sample is borne by the government (taxpayer). We propose to achieve a more equitable sharing of the cost of the BSE surveillance between the farming industry and the taxpayer by transferring the costs of taking fallen stock samples from the taxpayer to those businesses that receive and benefit from the programme, while continuing to safeguard public and animal health in a proportionate way. The intended effect is to transfer this cost to those farm businesses where the cattle have died. This proposal is made in the context of the Responsibility and Cost Sharing initiative, on which industry

was initially consulted in December 2007, as set out in paragraph 2.3 of the current consultation document.

- BSE testing benefits the farming community as a whole because it monitors the national herd for disease and provides early warning of any recurrence. It is therefore equitable for the costs of sampling and testing to be shared between government and industry. Government will continue to cover the cost of BSE testing (including transporting the samples to the testing laboratory)
- Approximately 1.4% of the national herd is sampled and tested per year as fallen stock aged over 48 months. On average, holdings with less than 100 animals could be expected to have at most one fallen bovine requiring sampling per year at a maximum cost of £6.25. Holdings with 100-149 animals per year would have 1-2 fallen bovines requiring sampling at a maximum cost of £12.50, and holdings with over 150 animals would have 4-5 fallen bovines per year at a maximum cost of £31.25. Therefore, even for larger holdings, the proposed addition to farms' total annual production costs is expected to be very small and would not be expected to lead to any impacts on their competitive positions.
- The sampling fee is not currently expected to rise except in line with inflation. As disposal sites will be competing to provide the service, it is possible that the fee could fall below its current level of £6.25. Under existing arrangements, disposal sites invoice farmers for the costs of collection and disposal of carcasses. The sampling fee would be added to the invoice. There would therefore be no additional invoice to or separate payments from the farmers and the additional administrative costs for sampling sites would be minimal.
- Testing of fallen cattle aged over 48 months is mandatory under EU and UK law. Cross-checking exercises are carried out between the Cattle Tracing Service and the Animal and Plant Health Agency (APHA) testing database to identify any animals aged over 48 months which have died without being tested. It would not therefore be possible for farmers to avoid having their animals tested.

(ii) Proposal to permit the feeding of pig and poultry processed animal protein to farmed fish

Question 2: At present no feed manufacturers in the UK utilise the derogation to use pig and poultry processed animal protein (PAP) in feed for farmed fish which was introduced on 1 June 2013. If you work in the farmed fish industry in England or Wales, do you intend to take up this derogation in the future? What would your reasons be for doing so or not doing so?

Two consultees replied to this question. Both said “No” without stating their reasons for not taking up the derogation.

Government response

Noted.

Question 3: Have you any other comments on the derogation to use pig and poultry processed animal protein in feed for farmed fish in England and Wales?

Four consultees responded to this proposal. Two supported it and two opposed it, one commenting that any possible revision of the feed ban should only occur where rigorous and scientific analyses conclusively prove that such a relaxation would have minimal impact on animal and human health, and the other commenting that the proposal looks and feels wrong.

Government response

- The EU has banned the feeding of all processed animal protein (PAP) to farmed livestock since 2001. This ban was introduced to prevent the spread of BSE via intra-species recycling (i.e. ruminants eating ruminant protein). Feed contamination has been identified as the principal vector of BSE transmission. Now that BSE has declined to very low levels worldwide, the EU is considering ways of relaxing the feed ban to reintroduce the feeding of pig and poultry PAP to farmed livestock under strict conditions, while retaining the strict ban on feeding ruminant PAP to farmed livestock.
- As a first step, and following independent scientific advice from the European Food Safety Authority (EFSA), EU law was amended on 1 June 2013 to permit the feeding of pig and poultry PAP to farmed fish. This has been made possible now that the EU has validated a test capable of detecting very low levels of ruminant material in feed, which means that pig and poultry PAP can be safely differentiated from ruminant PAP. Also, pigs, poultry and fish are not known to be able to contract or pass on BSE naturally.

(iii) Amendments to on-farm scrapie controls

Question 4: What are your views on the amendments to on-farm controls for holdings in England and Wales where classical scrapie or atypical scrapie has been confirmed?

Four consultees responded and all were in favour of the proposals. One expressed concern about the practicality and cost implications for farmers obliged to source rams genetically resistant to classical scrapie, while another commented that the options for goat farmers remain limited due to limited understanding of scrapie in goats, compounded by the lack of availability in the UK of goats genetically resistant to classical scrapie.

Government response

- No new sheep holdings have been confirmed with classical scrapie since 2013. When new holdings are affected, the farmer is advised to consult breed societies and other holdings with the same breeds of sheep to identify sources of rams genetically resistant to classical scrapie.
- At present the EU TSE Regulation does not recognise genetic resistance to classical scrapie in goats and therefore the only options available to affected herds are monitoring until no new cases have been confirmed for two years, or killing the entire herd. EFSA has carried out a study on genetic resistance to classical scrapie in goats and is reporting to the EU. The UK will take account of any subsequent changes to EU law.

Question 5: If you are in the sheep or goat industry in England or Wales, what effects, if any, have these changes had upon your business since they were introduced?

One consultee responded to this question, who was not aware of any members of the sheep and goat industry affected by these changes.

Government response

Noted.

(iv) Removal of the requirement for abattoirs slaughtering cattle that require BSE testing to have a required method of operation (RMOP)

Question 6: Have you any comments on the proposal to remove the requirement for abattoirs in England and Wales slaughtering cattle that require BSE testing to have a Required Method of Operation?

Four consultees responded to this question. Three supported the proposal, with one querying the difference between the approval procedures for Required Methods of Operation (RMOPs) and Standard Operating Procedures (SOPs). The fourth suggested that this change should be published and publicised so that farmers can understand the reduced cost of operating in the abattoir with a view to seeking reduced deductions by the abattoir.

Government response

The difference in approval procedures is that RMOPs include a legal requirement for approval at Ministerial level whereas SOPs can be approved at a lower level. Neither RMOPs nor SOPs involve any cost to farmers: the benefit from this proposal will be a reduction in bureaucracy. There would be no impact on food safety.

(v) Amendments to the definition of bovine specified risk material (SRM)

Question 7: If you work in the meat industry in England or Wales, have you implemented the change introduced on 26 May 2015, which permits the utilisation of the duodenum, the colon and the small intestine (except for the last four metres)? If not, do you plan to take up this measure in the future? What would your reasons be for doing so or not doing so?

One consultee responded to this question, stating that the change was not permitted in abattoirs because the mesentery and mesocolon could not be removed.

Government response

The mesentery in cattle is the membrane that anchors the intestines to the abdominal wall, and has fat attached. The mesentery (including the mesocolon, which supports the colon) is designated as SRM and as the complete removal of the mesentery and its fat from the small intestine is not easily achievable, the

harvesting of small intestines for human consumption is not currently allowed. Only methods which the Food Standards Agency (FSA) considers effective, safe and efficient will be authorised.

Question 8: The FSA would like to hear about any significant impacts (costs or benefits) that you may foresee as a result of the amendments to Annex V of the TSE Regulations.

One consultee responded to this question, expressing support for the proposals without identifying any significant impacts.

Government response

Noted.

(vi) Amendment to the requirements for spinal cord removal from sheep and goats slaughtered for human consumption

Question 9: If you work in the meat industry in England and Wales, would your business be interested in implementing an alternative method of spinal cord removal for sheep and goats aged over 12 months, should an effective alternative become available?

Have you any idea of the cost, including any supporting evidence, to your business of implementing an alternative method, e.g. in purchase of new equipment and training of staff?

Two consultees responded to this question. Both supported the proposal. One noted that any alternative method has to be proved to work consistently and effectively, with CA approval to ensure alternative methods are effective and safe. At present no effective alternative to splitting the carcass is available for removal of the spinal cord. The cost would depend on the method used and each Food Business Operator (FBO) would make a commercial decision accordingly.

Government response

Any alternative method to splitting the carcass would require approval by the FSA. Only methods which the FSA consider to be effective and safe would be considered for approval.

Question 10: Have you any other comments on the criteria to be taken into account when consideration is being given to an alternative method of spinal cord removal?

Five consultees responded to this question and supported the proposed provision of a statutory mechanism by which food business operators can apply to the FSA for approval to use an alternative method of spinal cord removal should an effective, safe and tested alternative method become available. One noted that the splitting of the carcase should remain the default method.

Government response

Splitting of the carcase will remain the default method for removal of spinal cord from sheep.

(vii) Clarification on SRM removal in slaughterhouses

Question 11: Have you any comments on the proposed changes to wording relating to the removal of SRM in a slaughterhouse?

Three consultees responded to this question. Two agreed we should implement the change already made in the EU TSE Regulation while the third considered this to be an unnecessary technical alteration to the SRM Schedule that does not allow flexibility.

Government response

The FSA has carefully considered all consultation responses and the majority suggest that the proposed amendments represent a useful clarification of the requirements relating to the removal of SRM before post-mortem inspection.

(viii) Removal of the requirement for written bilateral agreements to authorise the export of PAP derived from non-ruminant animals

Question 12: Have you any comments on the proposal to remove the requirement for written bilateral agreements for the export of non-ruminant processed animal protein?

Two consultees responded to this question. Both supported the proposal without offering comments.

Government response

Noted.

ix) Extension to the scope of 'aquatic animals' permitted for use in processing fishmeal and inclusion in feed for aquaculture animals

Question 14: Have you any comments on the proposal to extend the definition of aquatic animals used for feed in aquaculture?

One consultee responded to this question. They supported the proposal on the understanding that the use of meal produced from wild starfish and farmed aquatic invertebrates other than molluscs and crustaceans, in feed for non-ruminant animals is not considered to represent a higher risk for the transmission of TSEs than the use of fishmeal.

Government response

Noted.

(x) Proposal to enable the feed industry to use processed animal protein derived from insects in feed for aquaculture

Question 18: Have you any comments on the proposal to permit the use of PAP derived from insects in feed for aquaculture?

One consultee responded to this question. They supported the proposal on the basis that EFSA scientific opinion has concluded that the occurrence of prions in non-processed insects is expected to be equal or lower to current protein sources as long as insects are fed on substrates that do not harbour material of ruminant or human origin. As the processing of insects may further reduce the occurrence of biological hazards they believe that the proposal is proportionate to risk.

Government response

Noted.

(xi) Proposal to permit the import and export of processed animal protein derived from ruminants

Question 21: Have you any comments on the proposal to amend English and Welsh legislation for the import and export of ruminant PAP?

Four consultees responded to this question.

- One noted that that ruminant PAP will be exported to third countries because there is insufficient capacity in EU markets and queried whether exports of PAP would be restricted to leaving the UK via EU Border Inspection Post (BIP) ports, or whether they could leave via a non-BIP port for clearance at an EU BIP abroad.
- One expressed concern that ruminant PAP exported could return to the food chain either in animal feed or in meat from animals that have been fed the ruminant PAP and that this appears to open the door for animals to be fed potentially infected feed.
- One sought clarification as to how conditions would ensure that imported and exported products do not contain meat-and-bone meal. Would it be supported by an effective control system, including risk-based checks?
- One recommended keeping ruminant PAP excluded from the UK food chain on the grounds that government would not be able to guarantee that there would be no illegal inclusion in cattle feed and that third country importers might not trust the safety of UK product.

Government response

- Previously the EU TSE Regulation prohibited the export of PAP derived from ruminants to third countries. This requirement was originally intended to control the spread of BSE at a time when the disease was rife in the United Kingdom and other countries (to a lesser extent) and when the European continent was the main part of the world affected by the epidemic. However, the BSE situation has since then significantly improved to the extent that 25 EU Member States and two zones of the United Kingdom are now recognised as having a negligible BSE risk status.
- The EU has therefore removed the prohibition on the import and export of PAP derived from ruminants, subject to certain conditions to ensure that the products exported do not contain meat-and-bone meal, which carries a higher BSE risk. Therefore the risk to public health is very low. The PAP derived from ruminants would be transported in sealed containers directly from the producing processing plant to the point of exit from the EU via a border inspection post, in

order to permit official controls. The European Commission has also said it will consider the need for risk-based checks on ruminant PAP leaving the EU to help ensure the international standards of the World Organisation for Animal Health (OIE) which prohibit the feeding of ruminant PAP to ruminants are adhered to and will consider intelligence reports of use of PAP for prohibited purposes in third countries to target those checks.

Question 23: Defra and the Welsh Government would like to capture any significant impacts (costs or benefits) that you may foresee as a result of this proposal. Would you be able to quantify the annual potential benefit to your business?

One consultee responded to this question, who noted that there would be a financial impact from the administration costs of checking container seals at EU Border Inspection Posts: however this could be minimised by limiting inspections to 1 container per consignment.

Government response

We note this suggestion. Routine risk based checks would be carried out at EU borders when the containers leave the EU.

(xii) Miscellaneous and technical amendments

Question 24: Have you any comments on the proposal to amend the 2010 Regulations to replace the existing requirement for animals falling within the pedigree category for BSE compensation to have a zootechnical certificate, with a requirement for a pedigree certificate?

Two consultees responded to this question. One supported the proposal on the basis that legal advice has indicated that a pedigree certificate provides all the information necessary to determine the pedigree status of the animal. The other said “Yes” without offering comments.

Government response

Comments noted. This proposed change is for the purpose of deciding the appropriate scale for compensation.

Question 25: What are your views on the proposal to empower the Secretary of State to select slaughterhouses for the annual EU TSE sheep abattoir survey?

Three consultees responded to this question, one of whom supported the proposed amendment while the others requested that the time carcasses are held back pending test results the next day is kept to an absolute minimum.

Government response

It is appreciated that the retention of carcasses pending test results may affect their value, especially to the hot meat trade. For this reason the time carcasses are held pending test results is kept as low as possible.

Part 2: Proposed changes in England

(i) Amendments to TSE compensation for sheep and goats

Question 26: Do you consider that the proposed table values represent realistic replacement values for sheep and goats killed as TSE suspects or in pursuit of TSE eradication? Please give evidence to support your view.

Four consultees responded to this question:

- One supported the proposals.
- One requested clarification as to why the values for sheep killed on suspicion of infection should differ from those that had confirmed infection. The reason being that we don't want to deter keepers from volunteering information that may result in early detection of disease.
- One commented that the proposed table value of £150 for rams is too low
- One expressed concern that the proposed table values for both sheep and goats are not aligned with Schedule 1 of The Tuberculosis (Non-bovine animals) Slaughter and Compensation (England) Order 2017 which came into force on 2 January 2018. They proposed that, to avoid confusion, and the potential for negotiation or confrontation which could lead to delays in the disease control process, it would seem prudent to apply some degree of consistency in compensation values.

Government response

- The 2010 Regulations currently include two separate compensation tables, one for sheep and goats killed on suspicion of being infected by a TSE, and one for animals killed to eradicate TSE on an affected holding. We propose to replace them with a single set of table values, which reflect average market values, for all TSE compensation for sheep and goats. This should give a fairer balance of cost between taxpayer and farmer.
- We accept that it would be more consistent to align table values for TSE compensation with those set out in Schedule 1 of the non-bovine TB compensation order. Our original proposal is therefore amended to replace our proposed table values with the table values in the non-bovine TB compensation order, as set out in the Tables below.
- The value of £150 originally quoted in the consultation document was for an adult male goat rather than a ram. The table values for a ram or a stud male goat aged over 1 year old are £350.00.

Proposed table values for sheep killed as suspects or killed in pursuit of TSE eradication following confirmation of a TSE on their holding

| Category | Table values |
|-----------------------------------|---------------------|
| Breeding ram aged over 1 year old | £350.00 |
| Breeding ewe aged over 1 year old | £130.00 |
| Lambs aged 1 year or younger | £80.00 |

Proposed table values for goats killed as suspects or following confirmation of a TSE on their holding

| Category | Table Values |
|--------------------------------------|---------------------|
| Stud male aged over 1 year old | £350.00 |
| Breeding female aged over 1 year old | £250.00 |
| Non-breeding aged over 1 year old | £160.00 |
| 1 year old or younger | £80.00 |

Part 3: Proposed changes in Wales

(i) Amendment to domestic legislation regarding on-farm controls for classical scrapie

Question 27: What are your views on the proposed amendment to Welsh domestic legislation regarding on-farm controls for classical scrapie, which were introduced administratively in Wales on 1 July 2013? Since 1 July 2013, what effect has the introduction of the monitoring option had upon your business where classical scrapie has been detected?

Four consultees responded to the question. Three supported the proposals and one queried why the controls and compensation are different in England and Wales.

One commented that the regulations are too prescriptive and do not easily allow for holdings under surveillance to move from Option 3 to Option 2, noting that flexibility is required to ensure that businesses under surveillance are not disadvantaged financially over a long period of controls, e.g. prohibitions on selling breeding stock. Some farmers prefer Option 2 as being better for maintaining genetic resistance. They suggested that additional funding for genotyping would be well warranted.

Government response

- The Welsh Government introduced these proposals administratively on 1 July 2013, to ensure that the full range of options available for controlling classical scrapie in European legislation could be applied in Wales.
- The Welsh Government consider Option 3 to be the most proportionate in terms of risk posed, and provides a flexible approach that provides holdings with the opportunity to have restrictions lifted, provided there are no further positive cases are confirmed at the holding. Option 2 poses additional restrictions to the holding as it imposes restrictions on the use of the milk and milk products.
- Assistance payments are available for the genotyping of replacement rams under Option 3 and as such will facilitate the development of genetic resistance within the flock.

(ii) Amendments to the table of compensation categories for BSE in Wales

Question 28: Do you consider that the proposed additional table categories will provide greater accuracy and increase fairness in the assignment of valuations for TSE compensation purposes in Wales?

Two consultees responded to this question. One agreed the proposal, while the other opposed it on the grounds that table valuations based on the age of an animal may not represent an appropriate value for the animal. They proposed that, to ensure appropriate compensation, all BSE compensation should be by individual valuation.

Government response

- The Welsh Government's proposal to increase the number of table categories within the Table Valuation for bovines for BSE purposes, would provide a more accurate series of compensation categories, reflecting the wide bovine market in Wales. The increased number of categories would also provide clarity on the sales data, upon which valuations are based and to avoid ambiguity as to what the valuation of a single bovine might be, as reflected in the current market, therefore reducing the need for individual valuation.
- Whilst individual valuation will remain an option in cases where the owner feels the table valuation provided is not accurate, the process of individual valuation, may cause delays to the process, delaying payment of compensation to the owner. Market information is clearly defined within the proposal to demonstrate the sales price data used to calculate the average market price. In addition, the time period for the data is specified, as one month sales data collection (from 21st of the month to the 20th of the following month) for non-pedigree cattle and 6 months rolling market data (from 21st of the month to 20th of the 6th month following) for pedigree cattle. This ensures the accuracy of the data used reflecting the sale price of the bovine at that time, reducing the impact of seasonal fluctuations and other anomalies, or at least allowing them to be identified more clearly.

(iii) Amendment to the source of independent valuers for compensation purposes

Question 29: Do you consider that the inclusion of independent valuers as appointed by the President of the Central Association of Agricultural Valuers will provide a more specific valuation or additional flexibility in valuation of animals and animal products for the purposes of TSE compensation in Wales?

Five consultees responded to this question, all of whom supported the proposal. One suggested that independent valuations should be allowed for all livestock.

Government response

Noted. The default position for the purpose of valuation should always be table valuation, which provides the average market value of the animal, made with the assumption the animal was not affected by TSE. The amended Order in Wales provides greater clarity and transparency on the exact data used to calculate the average market value. Only in circumstances, where there is insufficient data to calculate the relevant table valuation should independent valuers be used. Provided the conditions of a lack of sufficient market data is met, the use of independent valuation is available for cattle, sheep, goats and milk and milk products. The sourcing of independent valuers may delay the valuation of the animal and subsequent compensation payment to the owner. The cost of the independent valuation must be bore by the owner. The use of table valuations therefore, provides benefits to both the owner of the affected animal and the taxpayers who fund the compensation.

Part 4: General proposals

(i) Revocations

Question 30: Have you any comments on our proposal to revoke the Transmissible Spongiform Encephalopathies (No 2) (Amendment) Regulations 2008 and in Wales the Bovine Hides Regulations 1997 and the Selective Cull (Enforcement of Community Compensation Conditions) Regulations 1996?

One consultee responded to this question and welcomed the proposal.

Government response

Noted.

(ii) General comments

Question 31: Have you any other comments not covered by the above?

Eight consultees responded to this question. Some of the comments did not relate to Defra's proposals. Those relevant to the consultation were:

- Looks as though one set of regulations is being replaced with another. All changes should be the same for England and Wales. The existence of devolved administrations doesn't do much for harmony in legislation. Farmers operate in all areas of the UK so consistent legislation and interpretation of it is essential. Will this lead to the lifting of the moratorium on the production of DSM/MSM?
- Supportive of the proposals which appear to be proportionate to the risk to public and animal health and in line with the European Commission's TSE Roadmap.

Government response

- We have consulted on proposals to update legislation to take account of recent changes to the EU TSE Regulation, which lays down rules for the prevention, control and eradication of TSEs in all EU Member States. These changes include relaxations to TSE controls (e.g. controls on feeding to ruminants and controls on Specified Risk Materials), which take into account the worldwide decline in the incidence of BSE and classical scrapie in recent years. However it is not possible to unilaterally 'abolish' TSE legislation as this would adversely impact on the UK's international trade in cattle, sheep, goats and their products.
- While the EU TSE Regulation provides overarching rules for the prevention, control and eradication of TSEs, it is not prescriptive and Member States have autonomy on some issues, e.g. levels of compensation. Within the UK, devolved administrations, i.e. Wales, Scotland and Northern Ireland, have powers to determine their own policy on areas where rules are not laid down in the EU TSE Regulation. They can also develop policies based on the evidence available on the industries within their localities, to ensure that their delivery is tailored to the issues faced and flexibility required within their countries.
- This consultation does not affect the moratorium on the production of desinewed meat (DSM) in relation to mechanically separated meat (MSM) requirements.

Next steps

Following the consultation we have adjusted our proposals to take into account comments received from consultees with regard to amendments to TSE

compensation for sheep and goats in England (the response to question 26 above refers).

Both the English and Welsh governments now plan to consolidate our proposals into domestic TSE legislation with a view to revoking and replacing the respective 2010 and 2008 Regulations later in 2018.

Annex A: List of respondents

- The Association of Independent Meat Suppliers (AIMS)
- The British Meat Processors Association (BMPA)
- The Farmers' Union of Wales (FUW)
- The Foodchain and Biomass Renewables Association (FABRA)
- The Grain and Feed Trade Association (GAFTA)
- The Licensed Animal Slaughterers & Salvage Association (LASSA)
- Merricroft Farming
- The National Farmers' Union (NFU)
- The National Farmers' Union Cymru (NFU Cymru)
- The National Sheep Association (NSA)
- Townsend Meat Ltd
- One confidential response
- Four responses from private individuals
- One joint response from seven veterinary organisations: The British Veterinary Association (BVA), The Veterinary Public Health Association (VPHA), The Goat Veterinary Society (GVS), The Sheep Veterinary Society (SVS), The Association of Government Veterinarians (AGV), The British Cattle Veterinary Association (BCVA), and the Fish Veterinary Society (FVS).