

## **Animal Health: Commission takes France to Court for not complying with EU line on scrapie control**

*The European Commission has decided to refer France to the Court of Justice of the European Union because it has not withdrawn national measures obstructing the trade of sheep and goat milk and products derived from such milk. France refuses to apply [Regulation \(EC\) No 103/2009](#) arguing that EU measures on scrapie control were not complete and thus it had to adopt its own national rules.*

[Regulation \(EC\) No 103/2009](#) amending Annexes VII and IX to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies adjusts the EU measures to the [current scientific knowledge provided by the European Food Safety Authority](#) (EFSA).

France refuses to apply this regulation arguing that it had to adopt its own national rules because Union measures were not complete. [Decision 2009/726/EC](#) calls on France to suspend these rules at least until the Court ruled on [case T-257/07 France v Commission](#). The ruling concerns the proportionality of precautionary measures related to scrapie.

The Commission initiated an infringement procedure according to Article 258 of the Treaty on the Functioning of the European Union (TFEU). With its "Reasoned Opinion" of 25 November 2010 the Commission formally requested France to take action to comply with Union law. France has not taken such action and the Commission refers the case to the Court of Justice of the European Union.

The rules laid down in Regulation (EC) No 103/2009 are based on an appropriate assessment of the possible risks for human and animal health and take into account existing scientific evidence. They do not create unjustified burdens to the EU farming sector and do not disrupt trade unnecessarily while ensuring the highest possible level of food safety for the consumer.

France, by adopting its own national rules not only is not adding anything to actual food safety but it also deviates resources of the control authorities. Furthermore, by refusing to apply the Decision, France limits access to its market of the sheep and goat milk and their products from other Member States and deprives predominantly small farmers from business opportunities in the internal market.

Tracing animals and animal products in a free market of 27 Member States requires sophisticated systems, and the European Union has come a long way in its efforts to reinforce Animal Health and Food Safety. France's denial to apply the rules will keep consumers unnecessarily away from the free choice of food.

## **Background**

Scrapie is an incurable disease affecting the nervous system of sheep and goats. It is one of the transmissible spongiform encephalopathies (TSEs) – the sheep-and-goat equivalent of BSE, or "mad cow disease," which is the most well-known and infamous TSE that affects cattle. Scrapie has been present in Europe for centuries.

Precautionary measures against scrapie were initially taken during the BSE crisis due to the relatedness of the scrapie agent with that of BSE. Even though some uncertainties persist, scientific evidence produced and evaluated in the aftermath of the BSE crisis shows that the agent causing the disease will not provoke food borne disease in humans.

Following the [TSE Road Map review](#) exercise the initial precautionary measures related to scrapie were reassessed in order to tailor them to the actual needs and to ensure that they are proportionate to the risk as assessed today.

**For more information on the infringement procedure, please see:**

[MEMO/11/312](#)

**For more information on the TSE Road Map and other relevant topics, please visit:**

[http://ec.europa.eu/food/food/biosafety/tse\\_bse/index\\_en.htm](http://ec.europa.eu/food/food/biosafety/tse_bse/index_en.htm)

[http://ec.europa.eu/food/food/biosafety/tse\\_bse/docs/roadmap\\_en.pdf](http://ec.europa.eu/food/food/biosafety/tse_bse/docs/roadmap_en.pdf)

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