To: Interested Parties

14 December 1998

Dear Sir/Madam

EXPORT OF BEEF FROM THE UNITED KINGDOM: DATE-BASED EXPORT SCHEME

1. On 25 November the European Commission adopted a Decision which amends Council Decision 98/256/EC to allow for exports of beef from the United Kingdom under the Date-Based Export Scheme (DBES). This letter seeks comments by 22 January 1999 on the detailed proposals for implementing this Decision.

2. I would first like to thank all those who have commented on the various drafts of the Commission’s proposals over the past months. These comments have been very helpful to us in framing our policy and trying to get the details right, even though we have not been able to meet all the points put to us.

3. I enclose with this letter the following:


   Paper detailing proposals for operating the DBES up to the point of slaughter

   Draft of the Bovines and Bovine Products (Trade) (Amendment) Regulations 1999

   Draft Regulatory Appraisal

The draft statutory instrument (Annex C) also includes a number of minor changes to the administrative and enforcement provisions of The Bovines and
Bovine Products (Trade) Regulations 1999 which are not directly related to implementation of the DBES.

I should be glad to receive your comments on Annexes B to D and on the points mentioned below by 22 January 1999.

**General principles**

4. The purpose of the scheme is to facilitate exports. It is inevitable that some beef from eligible animals will end up on the domestic market, but the main aim is to make sure that supplies under the scheme can meet export demand. A sharp focus on exports will also help to keep down costs and hence charges to exporters.

   **Question 1.** Can your organisation give any information on the likely scale of exports that is realistically to be expected over the first two years of the scheme and the throughput for which the scheme should therefore be designed to cope?

**Outline of scheme**

5. We now propose that the scheme should operate in the following way:

   (a) DBES approved slaughterhouses would collect details of animals on farms;

   (b) they would submit applications for these animals to a central DBES unit in MAFF;

   (c) this unit would check which animals were eligible for export and notify the slaughterhouse;

   (d) when the animals were brought to the slaughterhouse, the Meat Hygiene Service would confirm that the animals had been checked and were still eligible;

   (e) the slaughterhouse would have to be dedicated to animals eligible for export (i.e. it could *not* slaughter any cattle that were ineligible);

   (f) after slaughter, DBES meat would have to be cut and processed in plants dedicated to products eligible for export.

**Eligibility of animals**

6. The eligibility conditions, both for animals and for slaughterhouses and other premises, are set out in the EC Decision and must be taken as given. Comments are not being sought on them. Compliance is not a straightforward
matter. However, departments believe that if the details of an animal are submitted it should be possible to check whether it is eligible in the following way:

- the animal is not the offspring of a BSE case or suspect: check against the MAFF/DANI BSE databases;

- the animal is aged between 6 and 30 months: check against the cattle passports/cattle tracing databases;

- the dam was alive six months after the birth of the animal: three possibilities:-

  (a) search of official computer databases (cattle passports/cattle tracing; over thirty months scheme; suckler cow premium);

  (b) if requested, search of official manual records (e.g. tuberculin test);

  (c) at owner’s initiative, provision of a certificate from a veterinarian confirming that the animal is alive on a certain date.

7. From a preliminary trial, departments believe that for animals approaching slaughter age it should be possible to confirm the survival of the dam in about 50% of cases through the search of official computer databases (mainly because by then the dam will have had another calf and will be recorded on its passport). This would appear to give an ample supply of animals to meet export demand. It is not clear whether individual owners would be anxious to establish eligibility for animals which cannot be confirmed by this first test.

**Question 2. Does your organisation know of any cases where there may be requests to prove dam survival other than through a search of official computer databases?**

**Eligibility of slaughterhouses, cutting and processing plants**

8. Slaughterhouses and other plants which wished to be approved under the DBES would have to apply to the Agriculture Departments, which would arrange inspections to ensure that the plant was dedicated to animals, meat or meat products eligible for export and that the necessary veterinary supervision could be provided. Plants would be subject to the controls currently applying to XAP premises, but - unlike XAP plants at present - they would not be permitted to process export eligible products at different times from non-eligible products (although this may appear inconsistent, it has to be accepted as part of the EU rules).
9. I am writing separately to all full throughput cattle slaughterhouses to seek expressions of interest in participating in the scheme and to identify practical issues which should be taken into account.

Charges

10. The Government intends to meet the start-up costs of the DBES, but to make charges to cover its running costs. It is proposed that the charges should take the form of a charge per animal for every application submitted to the DBES unit for checking that it is eligible for export (whether or not it is confirmed as eligible) and a charge per plant for the approval of slaughterhouses and other plants as dedicated under the DBES. Slaughterhouses would also be charged for the extra MHS staff presence required and for approval and audit inspections.

11. The charges will depend on the actual costs of running the scheme. Our first rough estimates are that the charges could be of the order of £1.50 - £2.00 per animal and around £18,000 per annum per slaughterhouse, depending on throughput. These estimates will however be revised in the light of experience.

Question 3. Is this system for recovering costs the best that can be devised or is any alternative preferable?

Regulatory Appraisal

12. The draft Regulatory Appraisal at Annex D is a preliminary assessment of the impact of the proposed scheme. Inevitably the figures shown are tentative estimates.

Question 4. Does the draft Regulatory Appraisal give a fair indication of the impact of the proposed regulations and how can it be improved?

Timescale

13. The Commission Decision does not fix the date from which exports under the DBES may start; instead, Article 6.5 of Council Decision 98/256/EC (as amended) specifies that the European Commission shall fix such a date after inspecting and reporting on our application of all the provisions of the Decision. One of the most important provisions is that we should first kill and incinerate all identified offspring of BSE cases which were born after 1 August 1996 to BSE cases confirmed before 25 November 1998. This is likely to take some time, but we have been operating the cull on a voluntary basis since August 1998. We expect to lay regulations very soon to make the cull compulsory and hope that it will be possible to set a date for exports to resume in spring 1999.

14. In the meantime we propose to prepare for the resumption of exports in two ways. We shall make the legislation to give us legal powers to approve plants
and to check animals for eligibility as soon as possible after the consultation period.

15. We shall also prepare more detailed guidance on the operation of the Scheme. We plan to issue a booklet describing the procedures and answering basic questions.

**Question 5. Are there particular issues which need to be covered in the planned guidance?**

16. In line with the Government's policy of openness, MAFF intends to make publicly available, at the end of the consultation period, copies of the comments received. The main MAFF library at 3 Whitehall Place, London SW1A 2HH (Telephone: 0645 335577 - local call rates will be charged) will supply, on request, copies to personal callers or telephone inquiries. It will be assumed, therefore, that your reply can be made publicly available in this way, **unless you indicate clearly that you wish all or part of it to be excluded from this arrangement.** If you have no objection to your reply being made available for public examination in this way, please supply an additional copy.

17. For those wishing to obtain copies of comments an administrative charge to cover copying and postage will be made. To enable requests to be dealt with efficiently, and to avoid undue delay for those calling at the library in person, it would be appreciated if personal callers could give the library at least 24 hours notice of their requirements.

Yours faithfully

Stan Sadowski
AH(BSE&IT) Beef Export Task Force
DATE BASED EXPORT SCHEME - INTERESTED ORGANISATIONS

ADAS
Association of British Abattoirs Owners
Association of Meat Inspectors
Association of Port Health Authorities
British BSE Affected Herds Association
British Cattle Veterinary Association
British Institute of Agricultural Consultants
British Meat Manufacturers' Association
British Retail Consortium
British Veterinary Association
Central Association of Agricultural Valuers
Cold Storage and Distribution Federation
Consumers’ Association
Consumers in the European Community Group
Country Landowners Association
Dairy Industry Federation
Farming Collaboration
Federation of Agricultural Co-operatives
Federation of Fresh Meat Wholesalers
Food and Drink Federation
Institute of Trading Standards Administration
International Meat Trade Association
Joint Consultative Council for Meat Trade
Livestock Auctioneers Association
LACOTS
Local Government Association
Meat and Livestock Commission
National Animal Health and Welfare Panel
National Association of Catering Butchers
National Beef Association
National Cattle Association
National Consumer Council
National Farmers' Union
National Federation of Consumer Groups
National Federation of Meat and Food Traders
National Milk Records
Petfood Manufacturers’ Association
Q Guild
Quality Meat and Livestock Alliance
Royal Association of British Dairy Farmers
Royal College of Veterinary Surgeons
Small Abattoirs’ Federation
Tenant Farmers’ Association
UK Association of Frozen Food Producers
UK Provision Trade Federation
Veterinary Public Health Association
Women's Farming Union
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COMMISSION OF THE EUROPEAN COMMUNITIES

25 -11- 1998

Brussels,
C(1998) 3773 final

COMMISSION DECISION 25 -11- 1998

amending Decision 98/255/EC as regards certain emergency measures to protect against bovine spongiform encephalopathy

C(1998) 3773 final
COMMISSION DECISION 25-11-1998
amending Decision 98/256/EC as regards certain emergency measures to protect against
bovine spongiform encephalopathy

(Text with EEA relevance)

THE COMMISSION OF EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

checks in intra-Community trade with a view to the completion of the internal market, as last
amended by Directive 92/118/EEC, and in particular Article 9(4) thereof,

measures to protect against bovine spongiform encephalopathy, amending
Decision 94/474/EC and repealing Decision 96/239/EC, as amended by
Commission Decision 98/564/EC, provided for a step-by-step approach to the lifting
of the ban on the dispatch to other Member States and third countries of products from
bovine animals slaughtered in the United Kingdom; whereas the first step was the
lifting of the prohibitions on the dispatch of products from bovine animals
slaughtered, cut, processed and stored in establishments exclusively used for products
designed for dispatch to other Member States and third countries, and located in
Northern Ireland; whereas subsequent steps will include the lifting of the prohibition
on the processing of eligible meat from Northern Ireland in Great Britain, under
conditions which will be laid down at a later stage; whereas the Commission will
immediately start investigating, with the authorities of the United Kingdom, by what
means and under what conditions those restrictions may be further relaxed;

(2) Whereas the date on which the dispatch of products under the Export Certified
Herds Scheme (ECHS) could commence was set at 1 June 1998 by
Commission Decision 98/351/EC;

(3) Whereas the United Kingdom put forward a first proposal for a Date-Based Export
Scheme (DBES) with a view to permitting, subject to certain conditions, the
dispatch of products from animals born after a certain date to the Commission on
2 October 1997; whereas the Scientific Steering Committee concluded at its meetings
of 8 and 9 December 1997 and 22 and 23 January 1998 that that proposal was not
adequate; whereas the United Kingdom put forward a modified proposal dated
27 January 1998; whereas the Scientific Steering Committee issued an opinion on that

revised proposal on 20 February 1998 stating that the revised proposal responded to the suggestions and questions formulated by the Scientific Steering Committee;

(4) Whereas the feeding of ruminant protein to ruminants has been illegal in the United Kingdom since January 1989; whereas a total ban on the feeding of mammalian meat-and-bone meal was introduced in 1994; whereas the feeding of any mammalian meat-and-bone meal to all farmed livestock was banned on 4 April 1996; whereas by 1 August 1996 all feed containing mammalian meat-and-bone meal in the United Kingdom had been recalled and premises in which it had been stored were required to be cleansed and disinfected; whereas from that date it became a legal offence to sell or supply any mammalian meat-and-bone meal for incorporation into livestock feed or to feed livestock any feed containing mammalian meat-and-bone meal or to possess mammalian meat-and-bone meal wherever farm feed was stored or prepared; whereas the monitoring programme, in existence since 1 February 1996, to check that no mammalian meat-and-bone meal was being incorporated in livestock feed after 1 August 1996 has been extended; whereas the results of that programme demonstrated adequate compliance with the prohibition on incorporating mammalian meat-and-bone meal or protein in ruminant feedingstuffs from 1 August 1996; whereas therefore, adequate guarantees have been given that cattle born after 1 August 1996 have not been exposed to a risk of infection in feed;

(5) Whereas a mission of the Veterinary and Phytosanitary Inspection and Control Office of the Commission to the United Kingdom from 22 to 26 July 1996 assessing the effectiveness of the feed ban and the feed recall scheme confirmed that adequate guarantees on compliance were given;

(6) Whereas the United Kingdom is required to ensure that all offspring born after 1 August 1996 of bovine spongiform encephalopathy (BSE) cases are slaughtered and destroyed with a view to subsequent incineration before dispatch under the DBES can commence, whereas the United Kingdom is also required to ensure that the dams of eligible animals have not contracted BSE at the time of slaughter of the eligible animal and have been alive for six months after the birth of the eligible animal; whereas those measures adequately address the risk of maternal transmission of BSE to an eligible animal;

(7) Whereas the United Kingdom has introduced a bovine passport system in Great Britain for bovine animals born on or after 1 July 1996; whereas that system allows accurate verification of the identity of eligible animals, their date of birth and their dam; whereas the veterinary inspection services of the Commission assessed the effective implementation of that passport system during a mission from 30 September to 4 October 1996; whereas the United Kingdom intends to introduce a system of official controls and evidence provided by farmers to verify the survival of dams for six months;

(8) Whereas this Decision should lay down a system of special approval of meat plants participating in the DBES; whereas an establishment approved under the DBES should not be allowed to slaughter bovine animals and process and handle meat ineligible for dispatch to the other Member States or third countries under the rules concerning the DBES, the ECHS and the redispacht of meat from animals slaughtered
outside the United Kingdom; whereas cold-stores approved under the DBES should store meat eligible for dispatch in dedicated chambers;

(9) Whereas the strict control provisions, including the additional health mark laid down in Decision 98/256/EC for the processing and dispatch of imported meat and for the ECHS should also apply to meat and meat products eligible under the DBES;

(10) Whereas the United Kingdom has guaranteed that at least one official veterinarian will be permanently present in slaughterhouses approved under the DBES throughout ante-mortem and post-mortem examinations; whereas the United Kingdom has undertaken to ensure the daily presence of an official veterinarian in cutting-plants approved under the DBES;

(11) Whereas the Food and Veterinary Office of the Commission conducted a mission to the United Kingdom from 20 to 24 July to assess the DBES; whereas the mission report recommended that the United Kingdom clarify the method of verification of the survival of the dam for six months, and the information becoming available after slaughter which would render the meat and products thereof ineligible; whereas the United Kingdom has agreed to further improvements to comply with those recommendations; whereas it was also recommended that the conditions of the proposal be clarified with respect to the offspring cull in order to take into account both the intention of the UK to directly incinerate the animals and the foreseeable fact that not all offspring (100%) will be traceable; whereas minor amendments have been made to the proposal to comply with those recommendations;

(12) Whereas the measures for implementation of the DBES and the offspring cull will be examined by a mission of the Food and Veterinary Office of the Commission before the dispatch of meat and meat products may commence; whereas if that examination is satisfactory the Commission will set the date on which dispatch may commence;

(13) Whereas animals presented for slaughter under the ECHS or the DBES must meet all of the relevant conditions laid down in this Decision; whereas, if it is discovered after slaughter of an animal under one of those schemes that it should have been considered ineligible, the competent authority must take the necessary measures to prevent the dispatch of products from that animal; whereas if any product from an animal subsequently found to be ineligible has been dispatched, the measures laid down in Article 9 of Directive 89/662/EEC must be applied;

(14) Whereas it is therefore appropriate to lay down the rules for the DBES as a step to lifting the prohibition on the dispatch of fresh deboned meat and certain products made from that fresh deboned meat, from bovine animals slaughtered in the United Kingdom;

(15) Whereas a revision of the Animal Health Code of the Office International des Epizooties (OIE) on BSE (OIE Code on BSE) was adopted in the general assembly of the OIE in Paris on 29 May 1998; whereas Article 3.2.13.9. of that Code recommends conditions for the import of deboned meat and meat products from cattle from a country or zone with a high incidence of BSE; whereas the conditions laid down in this Decision are in conformity with that Article of the OIE Code on BSE;
(16) Whereas Article 3.2.13.9. of the OIE Code on BSE requires Veterinary Administrations, when goods are imported from a country or zone with a high incidence of BSE, to require the presentation of an international certificate attesting that the conditions of that Article are complied with; whereas adequate guarantees should be provided on re-entry into the Community of meat originating from bovine animals slaughtered in the United Kingdom that when the corresponding consignments were exported, the Community requirements were met; whereas, therefore, the certificate referred to in Article 3.2.13.9. of the OIE Code on BSE should accompany the consignment on exportation;

(17) Whereas, in view of the low level of risk, it is appropriate to authorise, subject to certain conditions, the dispatch of food for domestic carnivores;

(18) Whereas the scope of the provisions relating to cold store chambers, to the separation requirements for eligible animals and products during slaughter, cutting, processing and cold storage, and to identification of serial numbers should be clarified;

(19) Whereas Decision 98/256/EC should therefore be amended accordingly;

(20) Whereas the Standing Veterinary Committee has not given a favourable opinion; whereas the Commission has therefore proposed these measures to the Council on 13 November 1998 in accordance with Article 17 of Directive 89/662/EEC, the Council being required to act within 15 days;

(21) Whereas, however, the Council has not acted within the required time limit; whereas the Council has not decided against the proposed measures by simple majority within the same time limit; whereas these measures should now be adopted by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

Decision 98/256/EC is amended as follows:

(1) Article 6 is replaced by the following:

"Article 6

1. By way of derogation from Article 3, the United Kingdom may authorise the dispatch to other Member States or to third countries of the following products derived from bovine animals born and reared in the United Kingdom which have been slaughtered in the United Kingdom in slaughterhouses which are not used for the slaughter of any ineligible bovine animal, in accordance with the conditions laid down in this Article, Article 7, Articles 9 to 12 and Annex II or, as appropriate, Annex III:

(a) 'fresh meat' as defined by Directive 64/433/EEC;"
(b) 'minced meat' and 'meat preparations' as defined by Council Directive 94/65/EC;

(c) 'meat products' as defined by Council Directive 77/99/EEC;

(d) food which is destined for domestic carnivores.
2. The fresh meat referred to in paragraph 1(a) shall be deboned and all
adherent tissues, including obvious nervous and lymphatic tissues,
shall be removed in cutting plants in the United Kingdom which are
not used for cutting any ineligible bovine products. Cold storage shall
take place in the United Kingdom in chambers which are not used for
storing any ineligible bovine products and are kept locked under the
seal of the competent authority when the latter is not present. Cutting,
storage and transport shall be carried out in accordance with the
conditions laid down in Article 7, Articles 9 to 12 and Annex II or, as
appropriate, Annex III.

3. The fresh meat referred to in paragraph 1(a) may be used for the
production of products referred to in paragraph 1(b), (c) and (d) in
establishments in the United Kingdom which are not used for the
production of any ineligible bovine products, in accordance with the
conditions laid down in this Article, in Article 7, Articles 9 to 12 and
Annex II or, as appropriate, Annex III.

4. For the purposes of this Article, eligible products means products
referred to in paragraph 1 and products derived from bovine animals
not slaughtered in the United Kingdom which comply with the
conditions laid down in Article 9 to 13.

5. The Commission, after having verified the application of all the
provisions of this Decision on the basis of Community inspections and
after having informed the Member States, shall set the date on which
dispatch of the products referred to in Annex III may commence.

6. The Commission shall review the provisions of this Article at least
every three months and shall take appropriate measures in accordance
with the procedure laid down in Article 17 of Directive 89/662/EEC.

7. For the purpose of this Decision “chamber” shall mean a room or any
other structure within a room which provides a secure lockable
physical barrier.

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In the second subparagraph the words "their serial numbers in the consignment" are replaced by the words "the relevant numbers in the consignment ensuring traceability of each individual unit";

In the third subparagraph the words "their serial numbers in the consignment" are replaced by the words "the relevant numbers in the consignment ensuring traceability of each individual unit";

The following subparagraph is added:

"Where those products are dispatched to third countries, they shall be accompanied by a health certificate, issued by an official veterinarian, stating that the conditions laid down in Decision 98/256/EC have been complied with."

(3) Annex II is replaced by the text in Annex I to this Decision.

(4) Annex III, as set out in Annex II to this Decision, is added.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 -11- 1998 For the Commission

Franz Fischler

Member of the Commission

CERTIFIED COPY
The Secretary General,

Carlo TROJAN
ANNEX II

EXPORT CERTIFIED HERDS SCHEME (ECHS)

1. Deboned fresh meat and products referred to in Article 6(1)(b), (c) and (d) from that meat derived from bovine animals slaughtered in Northern Ireland may be dispatched from the United Kingdom in application of the provisions of Article 6 when obtained from ECHS-eligible animals which originate from ECHS-eligible herds.

ECHS-eligible herds

2. A herd is a group of animals forming a separate and distinct unit, that is a group of animals which were managed, housed and kept separately from any other group of animals and which were identified with unique herd and animal identification numbers.

3. A herd is ECHS-eligible when for at least eight years, there has been no confirmed case of BSE, nor a suspect case for which the diagnosis of BSE has not been ruled out, in any animal which was still in or had moved through or from the herd.

4. A herd that has been in existence for less than eight years may be considered ECHS-eligible, after a thorough epidemiological investigation by the competent veterinary authority, on condition that:

(a) all animals born or moved into the newly established herd complied with the conditions set out in point 6(a), (c), (d) and (e); and,

(b) the herd has complied with the conditions set out in point 3 during its entire existence.

5. If a herd is newly established on a holding which experienced a confirmed case of BSE in any animal which was still in or had moved through or from a herd on that holding, the newly established herd can only be ECHS-eligible after a thorough epidemiological investigation by the competent veterinary authority, taking into account compliance with each of the following conditions to the satisfaction of the competent veterinary authority:

(a) all animals of the affected herd previously established on the same holding have been removed or killed;

(b) all feed has been removed and destroyed and all feed containers thoroughly cleansed;

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(c) all buildings have been emptied and thoroughly cleansed before the new animals were admitted;

(d) all conditions set out in point 4 have been complied with.

**ECHS-eligible animals**

6. A bovine animal is ECHS-eligible if it has been born and reared in Northern Ireland and at the time of slaughter:

(a) the animal has been clearly identifiable throughout its life, enabling it to be traced back to the herd and dam of origin; all records of its birth, identity and movements are recorded on an official computerised tracing system;

(b) it is more than six months but less than 30 months of age, determined by reference to an official computer record of its date of birth;

(c) its dam has lived for at least six months after its birth;

(d) its dam has not developed BSE and is not suspected of having contracted BSE;

(e) the herd of birth of the animal and all herds through which it has ever moved are ECHS-eligible.

7. The official computerised tracing system referred to in point 6(a) will be accepted only where it has been in operation for sufficient time to contain all the information relating to the lifetime and movements of the animals needed to check compliance with the requirements of this Decision, and only in respect of animals born after the system came into operation. Historical data loaded into a computer for any period before the system was operational will not be accepted for this purpose.

**Controls**

8. If any animal presented for slaughter or any circumstance surrounding its slaughter does not meet all of the requirements of this Decision, the animal must be automatically rejected. If that information becomes available after slaughter, the competent authority must immediately cease issuing certificates, and cancel issued certificates. If dispatch has already taken place, the competent authority must notify the competent authority of the place of destination. The competent authority of the place of destination must take the appropriate measures.

9. Slaughter of ECHS-eligible animals must take place in slaughterhouses, in Northern Ireland, which are not used for slaughter of any bovine animal which is not eligible under the Date-based Export Scheme (DBES) or under the ECHS.
10. The competent authority must ensure that procedures used in the cutting plants ensure that the following lymph nodes have been removed:

Popliteal, ischiatic, superficial inguinal, deep inguinal, medial and lateral iliac, renal prefebromal, lumbar, costocervical, sternal, prescapular, axillary and caudal deep cervical.

11. Meat must be traceable back to the herd of the ECHS-eligible animal, or after cutting, to the animals cut in the same batch, by means of the computerised tracing system until the time of slaughter. After slaughter, labels must be capable of tracing fresh meat and products referred to in Article 6(1)(b) and (c) back to the herd to enable the consignment concerned to be recalled. Food for domestic carnivores must be traceable by means of accompanying documents and records.

12. All approved ECHS-eligible carcasses must have individual numbers correlated with the ear tag number.

13. The United Kingdom must have detailed protocols in place covering:

(a) tracing and controls prior to slaughter;
(b) controls during slaughter;
(c) controls during processing of food for domestic carnivores;
(d) all labelling and certification requirements after slaughter to the point of sale.

14. The competent authority must set up a system for recording checks on compliance so that control can be demonstrated.

The establishment

15. To obtain approval, the establishment must, in addition to all other requirements of this Decision, devise and implement a system whereby the ECHS-eligible meat and/or ECHS-eligible product is identifiable and all meat can be traced back to its herds of origin, or after cutting, to the animals cut in the same batch. The system must facilitate full traceability of the meat or products at all stages and records must be retained for at least two years. Details of the system to be employed must be given, in writing, by the management of the establishment to the competent authority.

16. The competent authority must assess, approve and monitor the system provided by the establishment in order to ensure that it provides full segregation and traceability both backwards and forwards.”
ANNEX II

"ANNEX III

DATE-BASED EXPORT SCHEME (DBES)

1. Deboned fresh meat and products referred to in Article 6(1)(b), (c) and (d) from that meat derived from bovine animals slaughtered in the United Kingdom may be dispatched from the United Kingdom in application of the provisions of Article 6 when obtained from DBES-eligible animals born after 1 August 1996.

2. Before dispatch pursuant to point 1 may commence, the United Kingdom must have implemented and effectively enforced a programme for the killing and incineration of all offspring born after 1 August 1996 of dams in which BSE has been confirmed before 25 November 1998, and must have killed and incinerated all cattle found alive which were identified under this programme.

Should confirmation take place after 25 November 1998, offspring born after 1 August 1996 of dams in which BSE has been confirmed, must be identified, slaughtered and incinerated without delay.

DBES-eligible animals

3. A bovine animal is DBES-eligible if it has been born and reared in the United Kingdom and at the time of slaughter the following conditions are shown to have been met:

(a) the animal has been clearly identifiable throughout its life, enabling it to be traced back to the dam and herd of origin; its unique ear-tag number, date and holding of birth and all movements after birth are recorded either in the animal's official passport or on an official computerised identification and tracing system; the identity of its dam is known;

(b) the animal is more than six months but less than 30 months of age, determined by reference to an official computer record of its date of birth, and in the case of animals from Great Britain, the animal's official passport;

(c) the competent authority has obtained and verified positive official evidence that the dam of the animal has lived for at least six months after the birth of the eligible animal;

(d) the dam of the animal has not developed BSE and is not suspected of having contracted BSE.
Controls

4. If any animal presented for slaughter or any circumstance surrounding its slaughter does not meet all of the requirements of this Decision, the animal must be automatically rejected. If that information becomes available after slaughter, the competent authority must immediately cease issuing certificates, and cancel issued certificates. If dispatch has already taken place, the competent authority must notify the competent authority of the place of destination. The competent authority of the place of destination must take the appropriate measures.

5. Slaughter of DBES-eligible animals must take place in slaughterhouses which are not used for slaughter of any bovine animal which is not eligible under the DBES when located in Great Britain, or under the DBES as well as under the ECHS when located in Northern Ireland. Slaughter of DBES-eligible animals originating from Great Britain in Northern Ireland, or, vice versa, originating from Northern Ireland in Great Britain, is only authorised if access to all relevant data is ensured.

6. The competent authority must ensure that procedures used in the cutting plants ensure that the following lymph nodes have been removed:

Popliteal, ischiatic, superficial inguinal, deep inguinal, medial and lateral iliac, renal prefemoral, lumbar, costocervical, sternal, prescapular, axillary and caudal deep cervical.

7. Meat must be traceable back to the DBES-eligible animal, or after cutting, to the animals cut in the same batch, by means of an official tracing system until the time of slaughter. After slaughter, labels must be capable of tracing fresh meat and products referred to in Article 6(1)(b) and (c) back to the eligible animal to enable the consignment concerned to be recalled. Food for domestic carnivores must be traceable by means of accompanying documents and records.

8. All approved DBES-eligible carcasses must have individual numbers correlated with the ear tag number.

9. The United Kingdom must have detailed protocols in place covering:

   (a) tracing and controls prior to slaughter;
   (b) controls during slaughter;
   (c) controls during processing of food for domestic carnivores;
   (d) all labelling and certification requirements after slaughter to the point of sale.

10. The competent authority must set up a system for recording checks on compliance so that control can be demonstrated.
The establishment

11. To obtain approval, the establishment must, in addition to all other requirements of this Decision, devise and implement a system whereby the DBES-eligible meat and/or DBES-eligible product is identifiable and all meat can be traced back to the DBES-eligible animal, or after cutting, to the animals cut in the same batch. The system must facilitate full traceability of the meat or products at all stages and records must be retained for at least two years. Details of the system to be employed must be given, in writing, by the management of the establishment to the competent authority.

12. The competent authority must assess, approve and monitor the system provided by the establishment in order to ensure that it provides full segregation and traceability both backwards and forwards."
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DATE-BASED EXPORT SCHEME - PRE-SLAUGHTER
OPERATION (APPLICATIONS)

1. This paper sets out the proposed procedures for operation of the Date-based Export Scheme (DBES) pre-slaughter. These procedures are designed to ensure that the requirements of Council Decision 98/256/EC (as amended by the Commission’s Decision of 25 November making provision for the DBES) are met.

Criteria

2. Council Decision 98/256/EC (as amended) permits the export of deboned beef and certain products derived from animals fulfilling the following criteria:

- they are more than six months and less than thirty months old at time of slaughter
- they were born and reared in the UK after 1 August 1996;
- at the time of slaughter they are not the offspring of a BSE case or suspect BSE case;
- their dam has survived for 6 months after their birth; and
- they have been clearly identifiable throughout their lives; their dates of birth and the identities of their dams are known and all movements are recorded either on an animal passport or a computerised tracing system.

We have carried out trials of the systems which we will be operating to verify that the dam survival criterion has been fulfilled by reference to a series of official databases (see paragraph 7). These trials have confirmed that the success rate for animals under 12 months is very low (less than 10%). This was to be expected because the main source of evidence that the dam was still alive 6 months after the animal’s birth is a record on the Cattle Tracing System database that the dam has had a subsequent calf. We therefore propose to operate a 12 month minimum age limit for applications for DBES eligibility. This should maximise the positive results from the database checks and will help to keep the scheme charges down.
Proof of Dam Survival

3. The ‘dam survival’ requirement - i.e. that the dams lived for at least six months after the birth of the animal intended for slaughter for export- is the most difficult to prove. (It is designed to remove the remote possibility that a cow might have passed on BSE to its calf before birth and then died or been killed before showing clinical symptoms of disease.)

4. In Great Britain there is no simple way of proving that dams were alive on a certain date. It would not be possible to immediately establish dam survival at the slaughterhouse. Therefore, in order to check dam survival, we will require that applications for eligibility checks for animals intended for slaughter for export are submitted in advance of the animals’ proposed date of slaughter. In addition, because slaughterhouses must be dedicated to export animals, it is necessary to prevent ineligible animals being presented at the slaughterhouse.

5. Council Decision 98/256/EC (as amended) requires that the Agriculture Departments have obtained and verified positive official evidence of dam survival. We propose to do this by a search of Agriculture Department databases for an entry proving dam survival or by written evidence from an official source.

6. In the longer term we will use the Cattle Tracing System as the means to check eligibility.

Official databases

7. The official databases we will search are:
   a) Cattle Tracing System/Cattle Passports System - for proof that the dam was alive because her ID is on the passport of a subsequent calf; the dam died or was moved on a certain date;
   b) OTMS Database - dam was slaughtered under the OTMS on a certain date;
   c) Subsidy Databases (suckler cow premium and hill livestock compensatory allowance) - there was a subsidy claim for the dam on a certain date;
   d) Selective Cull Database - dam was slaughtered under the cull on a certain date;
   e) Notifiable Diseases Database - dam’s details are on the database as a TB reactor on a certain date.
**Written Evidence**

8. If no evidence of dam survival or of the dam’s death is found through the database check, then the applicant will be offered the option of providing written evidence if he/she wishes to pursue the application for that animal.

9. The written evidence we will accept is:
   a) a reference to a TB test undertaken by an Agriculture Department Official; or
   b) a statement from a veterinarian who is a ministry Local Veterinary Inspector that they saw the dam alive on a date 6 months or more after the birth of the animal whose meat is intended for export.

**Pre-slaughter Applications**

10. The application process is detailed below.
   a. The slaughterhouse submits an application for the cattle it wishes to slaughter for export (which would still be on farms) to the DBES Unit based in Gloucester. These can be in electronic form. The application contains the following details (taken from the animal’s passport):
      (i) Animal’s Official Ear number
      (ii) Identity of the Animal’s Dam (and any previous identifiers)
      (iii) Current location of the animal (CPH)
   b. The animals’ details are entered on the DBES IT system and the system checks them against the Scheme criteria (paragraph 2) this includes:
      (i) a check against the details held for the animal on CTS. We will reject any mismatches and animals for which passports were applied for late
      (ii) a search on the Offspring Cull database
      (iii) a search of official databases (see paragraph 7) to see if they can confirm dam survival;
   c. If the database search does not confirm dam survival written evidence may be accepted instead (see paragraph 8).
d. Animals found to be eligible will be registered on the DBES IT system. The slaughterhouse and owner of the animals will be notified which animals have passed or failed the eligibility checks;

e. When an animal is presented at slaughter, Meat Hygiene Service staff at the DBES approved slaughterhouse will verify, through direct access to the IT system, that it is on the database and is still eligible. This check is to eliminate the possibility that the animal’s dam may have become a BSE case between the animal’s registration on the DBES IT system and its presentation at the slaughterhouse.

MAFF
December 1998

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The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, acting jointly in exercise of the powers conferred on them by that section, hereby make the following Regulations:-

Title, commencement and extent

1. These Regulations may be cited as the Bovines and Bovine Products (Trade) (Amendment) Regulations 1999, shall come into force on [ ] 1999 and shall extend to Great Britain.

Amendment of the Bovines and Bovine Products (Trade) Regulations 1998

(*) S.I. 1972/1811.
(ß) 1972 c.68.
2.- (1) The Bovines and Bovine Products (Trade) Regulations 1998(\textsuperscript{a}) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1)-

(a) the definition of “additional mark” shall be replaced by the following definition-

“ “additional mark” in relation to any relevant goods means a mark conforming with Schedule 2 below, in relation to any DBES goods means a mark conforming with Schedule 2A below and in relation to any ECHS goods means a mark conforming with Schedule 4 to the Northern Ireland Regulations;”;

(b) the definition of “the Council Decision” shall be replaced by the following definition-

“ “the Council Decision” means Council Decision 98/256/EC(\textsuperscript{b}) concerning emergency measures to protect against bovine spongiform encephalopathy as amended by Commission Decision 98/564/EC(\textsuperscript{c}) and Commission Decision 98/[ ]/EC(\textsuperscript{d});”;

(c) after the definition of “controlled bovine by-product” the following definitions shall be inserted-

“ “DBES” means the date based export scheme referred to in Annex III to the Council Decision;

“DBES eligible animal” means a bovine animal which satisfies the conditions set out in paragraph 3 of Annex III to the Council Decision;

“DBES goods” means any fresh meat, minced meat, meat preparation, meat product or food for domestic carnivores derived

\textsuperscript{(*)} S.I. 1998/1135.
\textsuperscript{(*)} OJ No. L 113, 15.4.98, p.32.
\textsuperscript{(*)} OJ No. L 273, 9.10.98, p.37.
\textsuperscript{(*)} OJ No. L [ ], [ .98], p.[ ].
from DBES eligible animals and intended for despatch from Great Britain to a member State or third country;”;

(d) the definition of “eligible goods” shall be revoked and the following definition substituted-

““ECHS goods” means any fresh meat, minced meat, meat preparation, meat product or food for domestic carnivores derived from bovine animals which-

(a) satisfy the conditions set out in paragraphs 6 and 7 of Annex II to the Council Decision; and

(b) originated in a herd which satisfies the conditions set out in paragraphs 2 to 5 of Annex II to the Council Decision;”;

(e) in the definition of “inspector” paragraph (c) shall be deleted; and

(f) in the definition of “prepare”, for the words “relevant goods” there shall be substituted the words “relevant goods, DBES goods or ECHS goods”.

(3) In regulation 3-

(a) in paragraph (3) the words “Subject to paragraphs (4) and (5) below” shall be replaced by the words “Subject to paragraphs (4), (5), (5A) and (5B) below”;

(b) in paragraph (4) for the words “eligible goods”, in both places where they appear, there shall be substituted the words “ECHS goods”;

(c) after paragraph (5) there shall be inserted the following paragraphs-

“(5A) The prohibitions in paragraph (3) shall not apply in relation to any DBES goods where-
(a) the DBES eligible animals from which the goods have been derived were slaughtered-

(i) in a slaughterhouse in Great Britain approved under regulation 6A below; and

(ii) in accordance with the requirements of that regulation;

(b) each stage of the preparation of the goods which took place in Great Britain took place in an establishment-

(i) approved by the Minister under regulation 7 below; and

(ii) under the supervision of a veterinary surgeon appointed by the Minister;

(c) each stage of the preparation of the goods which took place in Northern Ireland took place in an establishment-

(i) approved by the Department under regulation [ ] of the Northern Ireland Regulations; and

(ii) under the supervision of a veterinary surgeon appointed by the Department;

(d) in the case of fresh meat, the goods are accompanied by a health certificate issued by a veterinary inspector which-

(i) states that the goods comply with the conditions referred to articles 6 and 7 and 9 to 13 of the Council Decision;
(ii) identifies the establishments in which they were prepared; and

(iii) bears the words “produced in accordance with Council Decision 98/256/EC” and, in the “identification of meat” section of the health certificate referred to in Annex IV to Council Directive 64/433/EEC, identifies all the labels affixed to the goods and their serial numbers;

(e) in the case of fresh meat, the goods were obtained in accordance with article 6(2) of the Council Decision;

(f) in the case of minced meat, meat preparations and meat products, they are accompanied by a health certificate issued by the veterinary surgeon who supervised their preparation which-

(i) states that the goods comply with the conditions referred to in articles 6 and 7 and 9 to 13 of the Council Decision;

(ii) identifies the establishments in which they were prepared; and

(iii) identifies all the labels affixed to the goods and their serial numbers;

(g) in the case of minced meat, meat preparations and meat products, the goods were obtained in accordance with article 6(3) of the Council Decision;
(h) the Commission of the European Communities has carried out the inspections referred to in article 6(5) of the Council Decision and has set the date referred to in that article, and that date has passed; and

(i) the goods are despatched in accordance with the relevant provisions of the Products of Animal Origin (Import and Export) Regulations 1996(*)

(5B) The prohibitions in paragraph (3) above shall not apply in relation to any sample, derived from a bovine animal slaughtered in the United Kingdom and destined for use for the purpose of research into BSE and BSE diagnostic tests, which is despatched from the Veterinary Laboratory Agency Weybridge to an institute in a member State or third country approved by the competent authority of the member State or third country for the purpose of article 4(1)(c) of the Council Decision.

(d) in paragraph (6)(b) the words “veterinary surgeon appointed by the Minister or, in the case of a stage of preparation taking place in Northern Ireland, by the Department” shall be replaced by “veterinary inspector or, in the case of a stage of preparation taking place in Northern Ireland, by a veterinary surgeon appointed by the Department;”; and

(e) in paragraph (6)(d) the words “in respect of any XAP relevant goods, the goods are accompanied by a health certificate issued by a veterinary surgeon appointed by the Minister or, in the case of goods prepared in Northern Ireland, by the Department” shall

(*) S.I. 1996/3124.
be replaced by “in respect of any XAP relevant goods, the goods are accompanied by an official health certificate issued by a veterinary inspector or, in the case of goods prepared in Northern Ireland, by a veterinary surgeon appointed by the Department;”.

(4) After regulation 6 there shall be inserted the following regulation-

“Slaughter of DBES eligible animals

6A.- (1) No person shall use any premises for the slaughter of any DBES eligible animal from which any DBES goods will be derived unless-

(a) the premises are an establishment approved by the Minister under this regulation for the slaughter of DBES eligible animals; and

(b) the Minister has given notice to the operator of the establishment that the date referred to in article 6(5) of the Council Decision has been set by the Commission and has passed.

(2) The Minister on an application made to him for the approval of an establishment under this regulation-

(a) shall approve the establishment to which the application relates if, following an inspection of that establishment by a veterinary inspector, he is satisfied that the establishment complies with the requirements of paragraph (3) below; or

(b) shall refuse to approve that establishment if he is not so satisfied.

(3) The requirements for the approval of an establishment for the slaughter of DBES eligible animals under this regulation are-
(a) the establishment is licensed as a slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995(*);

(b) the establishment has sufficient computer facilities to enable the operator to check whether any animal to be slaughtered at the establishment from which DBES goods may be derived is a DBES eligible animal;

(c) there is in operation in the OVS room a computer facility sufficient to enable an inspector to carry out official checks in relation to an animal from which DBES goods may be derived for the purpose of determining whether the animal is a DBES eligible animal; and

(d) in respect of the preparation at the establishment of any description of DBES goods from DBES eligible animals (whether slaughtered there or not)-

   (i) that the establishment is approved under regulation 7 below for the preparation of DBES goods of that description; and

   (ii) the methods of operation in respect of the DBES goods comply with the requirements in Schedule 1A to these Regulations.

(4) An application for approval of an establishment under this regulation shall be made in writing to the Minister by the operator of the establishment to which the application relates.

(5) The Minister shall notify the applicant in writing of his decision on the application; and, if he refuses to approve the establishment, he shall notify the applicant in writing of his reasons for refusal.

(*) S. I. 1995/539, to which there are amendments not relevant to these Regulations.
(6) If a bovine animal is slaughtered at an establishment in contravention of any of the requirements of this regulation, the operator of the establishment shall ensure that the carcase of the animal, or any meat or product derived from the carcase at the establishment, is not consigned from the establishment for any purpose in relation to the despatch abroad of that carcase, meat or product.

(7) If a bovine animal is slaughtered at an establishment in contravention of any of the requirements of this regulation and the carcase of the animal or any meat or product derived from the carcase at the establishment has already been consigned from the establishment, the operator of the establishment shall, immediately after he has become aware of the contravention-

(a) notify an inspector; and

(b) take such further action as the inspector may require-

(i) for the purpose of preventing the despatch abroad of the carcase or any such meat or product; or

(ii) where the carcase or any such meat or product has already been despatched abroad, for the purpose of enabling the competent authority of the place of destination to take the measures referred to in paragraph 4 of Annex III to the Council Decision.

(8) The operator of an establishment approved under this regulation shall ensure that-

(a) any person employed by him, and any person invited to the establishment, complies with the requirements of this regulation relating to the approval of the establishment;

(b) at each stage of the slaughter of any bovine animal at the establishment the requirements of these Regulations relating
to the slaughter of DBES eligible animals are complied with; and

(c) any inspector, and any person acting under the responsibility of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations in relation to the establishment and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for that purpose.

(9) The operator of an establishment approved under this regulation shall give the Minister written notice of, and shall obtain his agreement to, any material change he intends to make to-

(a) any part of the system referred to in paragraph (3)(c) above in operation at the establishment and in relation to which it has been approved; or

(b) any facilities or processes used at that establishment in relation to the slaughter of DBES eligible animals,

before making any such change.

(10) Where, in relation to any establishment approved under this regulation the Minister is satisfied that-

(a) any requirement in relation to the approval of the establishment has not been complied with;

(b) the operator of the establishment has failed to give notice to the Minister as required under paragraph (9) above; or

(c) DBES eligible animals are no longer being slaughtered there,
the Minister may withdraw the approval relating to that establishment and, where he does so, he shall give notice to the operator in writing that the approval is withdrawn and of the reason for withdrawing it.”. 
(5) Regulation 7 shall be revoked and the following regulation substituted—

“Approval of establishments for the preparation or despatch of relevant goods, DBES and ECHS goods

7.- (1) No person shall use any premises—

(a) for any stage of preparation of any type of XAP relevant goods, DBES goods or ECHS goods which are destined for despatch from Great Britain to a member State or a third country; or

(b) for the production of any relevant goods of a type referred to in paragraph (e) of the definition of relevant goods in regulation 2(1) above (whether or not those goods are destined for despatch to a member State or a third country), unless those premises are an establishment approved by the Minister under this regulation for the preparation of relevant goods, DBES goods or ECHS goods of that type.

(2) The Minister on an application made to him for the approval of an establishment under this regulation—

(a) shall approve the establishment to which the application relates if, following an inspection of that establishment by a veterinary inspector, he is satisfied that the establishment complies with the requirements of paragraph (3) below; or

(b) shall refuse to approve that establishment if he is not so satisfied.

(3) The requirements for the approval of an establishment under this regulation are—

(a) there is in operation at the establishment a system which ensures it is possible—
(i) to identify the origin of the raw material contained in any relevant goods, DBES goods or ECHS goods despatched from that establishment and to trace that raw material through each stage of preparation of the goods at the establishment; and

(ii) to record all amounts of incoming and outgoing materials and cross-check consignments entering or leaving the establishment;

(b) in respect of an establishment approved for the preparation of DBES goods, that the establishment is not used for the preparation of any goods derived from bovine animals other than DBES goods, XAP goods or ECHS goods;

(c) that all relevant goods, DBES goods or ECHS goods are unloaded, processed or treated, stored, handled, loaded and transported separately, or at different times, from bovine products which do not comply with the conditions set out in articles 6 and 7 and 9 to 13 of the Council Decision;

(d) in respect of the preparation at the establishment of any XAP relevant goods, DBES goods or ECHS goods, that-

(i) each stage of their preparation takes place under official supervision;

(ii) the methods of operation in respect of XAP relevant goods comply with the requirements in Schedule 1 to these Regulations and the methods of operation in respect of DBES goods comply with the requirements in Schedule 1A to these Regulations;
(iii) they are stored in cold stores in chambers which are not used at the same time for storing any bovine products, by-products or materials which do not comply with the conditions set out in articles 6 and 7 and 9 to 13 of the Council Decision and are kept locked under the seal of a veterinary inspector when he is not present; and

(iv) they are transported in means of transport sealed by a veterinary inspector or a person acting under his responsibility;

(e) in respect of the preparation at the establishment of any relevant goods, DBES goods or ECHS goods, other than relevant goods of a type referred to in paragraphs (d) or (e) of the definition of “relevant goods” in regulation 2(1) above, and subject to paragraph (g) below, that they are marked or labelled with the additional mark;

(f) in respect of the preparation at the establishment of any fresh meat derived from DBES eligible animals, that the meat is deboned and all adherent tissues, including obvious nervous and lymphatic tissues, removed;

(g) in respect of the preparation at the establishment of any DBES goods, that they are prepared in accordance with the provisions of articles 7 and 9 to 12 of, and Annex III to, and the Council Decision; and

(h) that any relevant goods, DBES goods or ECHS goods prepared at the establishment which are destined for placing on the market in the United Kingdom do not bear the additional mark or, if they do, that it is removed or cancelled in accordance with paragraph (11) below.
(4) An application for approval of an establishment under this regulation shall be made in writing to the Minister by the operator of the establishment to which the application relates.

(5) The Minister shall notify the applicant in writing of his decision on the application; and, if he refuses to approve the establishment, he shall notify the applicant in writing of his reasons for refusal.

(6) In approving an establishment under this regulation-

(a) for the preparation of relevant goods, the Minister shall determine how the requirements set out in Schedule 1 to these Regulations are to apply to the establishment as indicated in that Schedule; and

(b) for the preparation of DBES goods, the Minister shall determine how the requirements set out in Schedule 1A to these Regulations are to apply to the establishment as indicated in that Schedule.

(7) The operator of an establishment approved under this regulation shall ensure that all relevant goods, DBES goods or ECHS goods prepared there, other than-

(a) relevant goods of a type referred to in paragraphs (d) and (e) of the definition of relevant goods in regulation 2(1) above; or

(b) relevant goods, DBES goods or ECHS goods destined for placing on the market in the United Kingdom,

are marked or labelled with the additional mark at the time they are prepared.

(8) The additional mark shall be applied by persons acting under the responsibility of a veterinary inspector; and no other persons shall apply
the additional mark or possess or use the instruments or labels intended for applying or bearing the additional mark.

(9) No person shall produce, modify, store, sell or otherwise supply, or offer, expose or advertise for sale or supply, or consign or despatch to any other person-

(a) an instrument intended for the application of the additional mark;
(b) any label or packaging bearing an additional mark; or
(c) an official seal,

except in accordance with the instructions of an inspector.

(10) An operator of an establishment approved under this regulation shall ensure that at the time any instrument, label, packaging or official seal is delivered to him or to the establishment, or otherwise to his order, he notifies an inspector for the purpose of enabling any inspector or person acting under the responsibility of an inspector to put the instrument, label, packaging or official seal into a store at the establishment (maintained under the responsibility of an inspector) or (in the case of an instrument, label or packaging) to give instructions for the use of the instrument, label or packaging at the establishment.

(11) The operator of an establishment approved under this regulation shall ensure, in respect of any relevant goods, DBES goods or ECHS goods prepared there which are destined for placing on the market in the United Kingdom and which bear the additional mark, that the mark is removed or cancelled at whichever of the following times is the first to occur-

(a) the time when, for any reason other than the removal of the additional mark, the goods cease to be eligible for despatch
from Great Britain to a member State or a third country in accordance with these Regulations; or

(b) the time when the goods leave the establishment.

(12) The operator of an establishment approved under this regulation shall ensure that-

(a) any person employed by him, or any person invited to the establishment, complies with the requirements of this regulation relating to the approval of the establishment;

(b) at each stage of the preparation of any type of relevant goods, DBES goods or ECHS goods at the establishment the requirements of these Regulations relating to the preparation of relevant goods, DBES goods or ECHS goods of that type at the establishment are complied with there; and

(c) any inspector, and any person acting under the responsibility of an inspector, is provided with adequate facilities so as to enable him to carry out his functions under these Regulations in relation to the establishment and that he is given such reasonable assistance and access to such records (including any records held in electronic form) as he may at any reasonable time require for that purpose.

(13) The operator of an establishment approved under this regulation shall give the Minister written notice of, and shall obtain his agreement to, any material change he intends to make-

(a) to any of the required methods of operation at the establishment in relation to which it has been approved; or

(b) of any facilities or processes used at that establishment in the preparation of relevant goods, DBES goods or ECHS goods,
before making any such change.

(14) Where, in relation to any establishment approved under this regulation the Minister is satisfied that-

(a) any requirement in relation to the approval of the establishment has not been complied with;

(b) the operator of the establishment has failed to give notice to the Minister as required under paragraph (13) above; or

(c) the preparation of relevant goods, DBES goods or ECHS goods at the establishment in respect of which it was approved is no longer being carried on there,

the Minister may withdraw the approval relating to that establishment and, where he does so, he shall give notice to the operator in writing that the approval is withdrawn and of the reason for withdrawing it.”.

(6) In regulation 8(1)(c) for the words “regulation 7 above” there shall be substituted the words “regulation 6A or 7 above”.

(7) In regulation 9-

(a) at the end of paragraph (1) there shall be added the words “and may inspect any commercial documents or health certificate accompanying any goods carried on the vehicle or vessel.”;

(b) in paragraph (2)-

(i) in sub-paragraph (b) for the words “relevant goods” there shall be substituted the words “relevant goods, DBES goods or ECHS goods”; and

(ii) at the end of the paragraph there shall be added the words “and may inspect any commercial documents or health certificate accompanying any goods carried on the vehicle or vessel.”;
(c) in paragraph (5), after sub-paragraph (b) there shall be inserted the following sub-paragraph-

“(bb) in the case of DBES goods-

(i) they have been prepared in contravention of any provision of these Regulations relating to the goods; or

(ii) they are being brought, despatched or consigned in contravention of regulation 3(5A) above;”; and

(d) paragraph (5)(c)(ii) shall be replaced by the following paragraph-

“(ii) they are being or have been brought, despatched or consigned in contravention of regulation 3(6) above;”.

(8) In regulation 11-

(a) in paragraphs (1)(b) and (8)(b) for the words “relevant goods” there shall be substituted the words “relevant goods, DBES goods or ECHS goods”;

(b) after paragraph (9)(b) there shall be inserted the following-

“(bb) in the case of a consignment of ECHS goods, it contains goods prepared in contravention of any provision of the Northern Ireland Regulations relating to the goods, and in the case of a consignment of DBES goods, it contains goods being brought, despatched or consigned in contravention of regulation 3(5A) above;”; and

(c) paragraph (9)(c)(ii) shall be replaced by the following paragraph-

“(ii) it contains goods which are being or have been brought, despatched or consigned in contravention of regulation 3(6) above;”.
(9) In regulation 12(2)(e) for the words “or any relevant goods” there shall be substituted the words “or any relevant goods, DBES goods or ECHS goods”.

(10) In regulation 14-

(a) in paragraph (1), for the words “relevant goods” there shall be substituted the words “relevant goods, DBES goods or ECHS goods”; and

(b) in paragraphs (4) and (5), the words “and any person who knowingly contravenes such a notice shall be guilty of an offence” shall be deleted.

(11) Regulation 16 shall be revoked and the following regulation substituted-

“Offences and penalties

16.- (1) No person shall slaughter a bovine animal for the purpose of deriving from the animal any meat or product for despatch from Great Britain to a member State or a third country otherwise than in an establishment approved for the slaughter of DBES eligible animals under regulation 6A above.

(2) No person shall slaughter a bovine animal for the purpose of deriving from the animal any meat or product for despatch from Great Britain to a member State or a third country unless the animal complies at the time of slaughter with the conditions set out in paragraph 3 of Annex III to the Council Decision.

(3) A person contravening or failing to comply with paragraph (1) or (2) above shall be guilty of an offence and shall be liable-

(a) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both;
(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(4) A person contravening or failing to comply with any other provision of these Regulations shall be guilty of an offence and shall be liable-

(a) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.”.

(12) In Schedule 1 to the Regulations-

(a) in paragraph 7, after the word “establishment” there shall be inserted “for placing on the market in the United Kingdom”;

(b) in paragraph 8 the words “serially numbered health mark labels” shall be deleted; and

(c) in paragraph 9 the words “instruments or labels for applying the additional mark” shall be replaced with “instruments intended for application of the additional mark, labels or packaging bearing an additional mark and official seals”.

(13) After Schedule 1 to the Regulations there shall be inserted the following Schedule-

“SCHEDULE 1A

Required methods of operation for the preparation of DBES goods

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<tr>
<td>1. All bovine animals for slaughter must meet the requirements of the</td>
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date based export scheme (DBES).

All DBES eligible animals must have a kill number tag.

2. There must be a system at the establishment to ensure that after slaughter meat must be traceable back to the DBES eligible animal; offals may be traceable back to a specified batch of DBES eligible animals.

3. There must be a system for recording all DBES eligible animals slaughtered and outgoing fresh meat which ensures that it is possible to cross check consignments entering or leaving the establishment.

4. All coldstore chambers must be capable of sealing so that product cannot be added or removed without breaking the seal.

5. All DBES fresh meat must be marked with an additional mark in the form prescribed in Schedule 2A of the Regulations.

6. The additional mark must be removed from fresh meat when it is despatched for use on the UK market or is found to be ineligible for export. This description must include a procedure to ensure removal of the mark when product is diverted onto the UK market. The additional mark must not be removed prior to despatch under DBES controls.

7. Instruments intended for application of the additional mark, labels or bearing an additional mark and serially numbered healthmark labels may be ordered only
with the authorisation of the official veterinarian.

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<tr>
<th>8. All new supplies of instruments or labels for applying the additional mark must be delivered into the control of an inspector and maintained and applied under the control of an inspector.</th>
<th>This description must include a procedure to ensure control of serially numbered additional mark and healthmark labels</th>
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<td>9. DBES meat must be transported in means of transport sealed with an official seal.</td>
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<td>10. There must be adequate facilities to enable an inspector to carry out his functions under these Regulations</td>
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(14) After Schedule 2 to the Regulations there shall be inserted the following Schedule-

**SCHEDULE 2A**

**Additional Mark for DBES goods**

Regulations 2(1) and 7(3)(d),(e) and (g), (7), (8), (9) and (11)

1. The additional mark for application to meat using a marking instrument shall consist of an elongated hexagonal mark, with two parallel straight sides of 4.5 cm length, 4.5 cm apart and joined by two shorter sides of equal length to form a point at each end, so that the mark is 8.5 cm long from point to point; bearing on the upper part the initials DBES and in the lower part the DBES number of the establishment at which the mark is applied, e.g. 31/1, the letters and figures being at least 1.0 centimetre high, legible and indelible. An example follows:

![DBES 31/1](image)

2. (1) The additional mark to be borne on labels to be applied to bulk packaging shall consist of a mark in the form described in paragraph 1 of this Schedule together with the following statement “the contents of this package/box were produced in accordance with Council Decision 98/256/EC”; and each such label shall have a unique sequential serial number.

(2) An additional mark to be borne on labels to be applied to bulk packaging must be applied in such a way that they are destroyed when the package is
opened or the packaging must be constructed so that it may not be re-used once opened.

3. (1) The additional mark to be borne on labels to be applied to packaging of goods intended for supply direct to the final consumer shall, subject to the following provisions of this paragraph, consist of a mark in the form described in paragraph 1 of this Schedule; and each such label shall have a unique sequential serial number.

(2) The dimensional requirements described in paragraph 1 above do not apply and the additional statement required for bulk packaging is not required.

(3) An additional mark to be borne on labels to be applied to the packaging must be applied in such a way that it is destroyed when the package is opened, or the packaging must be constructed so that it may not be re-used once opened.

4. (1) The additional mark to be applied to the wrapper of an individually wrapped product, or the packaging of an individually wrapped and packaged product, by pre-printing, ink stamping or branding, shall, subject to the following provisions of this paragraph, consist of a mark in the form described in paragraph 1 of this Schedule.

(2) The dimensional requirements described in paragraph 1 of this Schedule do not apply, the additional statement required for bulk packaging is not required and the sequential serial numbering referred to in paragraphs 2 and 3 of this Schedule is not required; but the mark must be applied in such a way that it is destroyed when the wrapper or package is opened, or the wrapper or packaging must be constructed so that it may not be re-used once opened.
(3) An individually wrapped and packaged product marked with an additional mark which does not bear a sequential serial number shall be despatched in bulk packaging which is sealed with serially numbered health mark labels and an additional mark as described in paragraph 2 of this Schedule.”.
EXPLANATORY NOTE
(This note is not part of the Regulations)

These Regulations amend the Bovines and Bovine Products (Trade) Regulations 1998 (S.I. 1998 No. 1135). They give effect in Great Britain to Commission Decision 98/[]/EC amending Council Decision 98/256/EC (OJ No. L113, 15.4.98, p. 32) on emergency measures to protect against bovine spongiform encephalopathy in relation to the despatch to third countries and member States of bovine animals and embryos and meat and other products and by-products derived from bovine animals. Together with equivalent amending Regulations in Northern Ireland, the Regulations make provision for derogations from the despatch abroad prohibitions contained in the Council Decision in respect of the United Kingdom meat and products eligible for the Date Based Export Scheme (DBES). There are also some changes to administrative and enforcement provisions.

The amendments make provision for-

(a) new definitions of “additional mark”, “DBES eligible animal”, “DBES goods” and “ECHS goods”;
(b) a new regulation 3(5A) to permit the despatch abroad of DBES goods prepared in accordance with the requirements of the DBES in the Council Decision;

(c) a new regulation 6A for the approval of establishments for the slaughter of DBES eligible animals;

(d) a new regulation 7 for the approval of establishments for the preparation of relevant goods and DBES goods;

(e) amendments to regulations 8, 9, 11, 12 and 14 consequential upon the introduction of the DBES;

(f) a new regulation 16 which provides offences and penalties. Regulation 16(1) provides a new offence of slaughtering a bovine animal for the purpose of deriving from it any meat or product for despatch from Great Britain to a member State or a third country, otherwise than in an establishment approved for the slaughter of DBES eligible animals under regulation 6A above. Regulation 16(2) provides a new offence of slaughtering a bovine animal for the purpose of deriving from it any meat or product for despatch from Great Britain to a member State or a third country, unless the animal complies at the time of slaughter with the conditions set out in paragraph 3 of Annex III to the Council Decision. Regulation 16(3) provides that contravention or failure to comply with those provisions is an offence and provides penalties. Regulation 16(4) provides the penalties for contravening or failing to comply with the other provisions of the Regulations;

(g) a new Schedule 1A for the required methods of operation for the preparation of DBES goods; and

(h) a new Schedule 2A for the additional mark for DBES goods.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the International Trade Unit of the Animal Health (BSE) Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings. Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.
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DRAFT REGULATORY IMPACT ASSESSMENT

1. **Title**

The Bovines and Bovine Products (Trade) (Amendment) Regulations 1999

2. **Purpose and intended effect of the measure**

2. (i) **issue and objective**

Council Decision 98/256/EC has been amended by a Commission Decision 98/*/EC of 25 November 1998 [no number yet allocated] to allow for the export of boneless beef and beef products from the UK under the Date Based Export Scheme (DBES). This Decision is not directly applicable in UK law and stipulates criteria for exports which require new UK Regulations. Specifically, there are eligibility criteria for animals to be slaughtered for export under the DBES and requirements for slaughterhouses, cutting plants and other meat processing establishments to deal exclusively with export approved meat and meat products. Participation in the DBES is voluntary.

The Bovines and Bovine Products (Trade) (Amendment) Regulations 1999 will:
- apply to all animals for which DBES eligibility is sought;
- apply to all slaughterhouses that are approved for slaughtering cattle under the DBES;
- apply to all cutting plants and other meat processing establishments approved for the preparation and despatch of DBES goods;
- set out offences and penalties for breaches of the Regulations;

2. (ii) **risk assessment**

The amendments to the Regulations are necessary to enable beef exports from the UK under the DBES and to enable enforcement action to be taken against any keeper of cattle, slaughterhouse or meat processing establishment which contravenes the requirements of Council Decision 98/256/EC (as amended by Commission Decision 98/*/EC). If these Regulations are not implemented, British beef will not be able to be exported. Exports of beef from the UK were worth £600 million in 1995. There is no prospect of recovering any of this export revenue in the short term in Great Britain without these Regulations.

3. **Options**

3. (i) **identify options**
Three options have been identified:

Option 1: do nothing until BSE declines significantly. British beef cannot be exported from the UK other than in accordance with the Export Certified Herds Scheme which is only applicable in Northern Ireland.

Option 2: amend existing law. The Bovines and Bovine Products (Trade) Regulations 1999 can be amended to implement Council Decision 98/256/EC (as amended by Commission Decision 98/***/EC) and so allow the resumption of exports of boneless beef and beef products from the UK. That is the purpose of the Regulations which are the subject of this assessment.

Option 3: wait until we can get a better deal.

3. (ii) issues of equity and fairness

None.

4. Benefits

4. (i) identifying the benefits

Option 1: no benefits

Option 2: increased revenue for farmers, and the meat industry once the export market is reopened; the DBES is voluntary and provides a choice for producers between the domestic and export markets;

Option 3: none in the short term. In the long term may secure a more relaxed scheme.

4. (ii) quantity and value

Option 1: the UK will continue to lose revenue from the loss of the beef export market. Exports of beef in 1995 were worth £600 million and accounted for 28% of UK beef production.

Option 2: the UK will regain revenue from the beef export market although it is unlikely that the former export volumes and values will be fully recovered in the short term.

Option 3: as Option 1 in the short term.
5. **Compliance costs for business**

The DBES is a voluntary scheme and therefore the meat industry and keepers of cattle who do not wish to participate in the DBES will not face any new costs. The rest of section 5 deals with additional costs for those who do choose to participate and relate to option 2. Options 1 and 3 present no new costs.

It is planned that a proportion of the running costs of the administrative structure which is necessary to support the DBES should be recovered through a charge for applications for assessment of animals DBES eligibility. It is estimated that this charge will be £1.50 - £2.00 per animal. The higher figure has been used in the calculations for this regulatory impact assessment. The actual costs will be affected by many factors, currently unknown, such as the use of electronic mail.

The DBES requires that the dam of a DBES eligible animal must have lived for at least 6 months following the birth of the calf. We intend to establish dam survival by means of checks on a range of official databases which may provide the necessary evidence. We currently estimate that this check will provide sufficient information to check whether or not the dam survival criterion has been met for upwards of 50% of applications for DBES eligibility. It is expected that this figure will increase by 5% each subsequent year. This will mean that each year fewer applicants will need to provide evidence of dam survival. Where the DBES dam survival criterion is not confirmed by the database checks, then the applicant will have the option of providing documentary evidence of dam survival which can be verified. There are 2 forms of acceptable evidence:-

(a) reference to official records of TB tests on the dam,
(b) a statement from a Local Veterinary Inspector that the dam was seen alive on a specified day.

5. (i) **Business sectors affected**

The beef livestock industry, the meat industry (slaughterhouses, cutting plants and other meat processing establishments) and petfood industry will be affected.

5. (ii) **Compliance costs for a typical business**

All costs are estimates and are for the first year of the Scheme after which it is anticipated that costs will fall due to the increase in the success of the database checks. (See Annex I for the calculations of these costs).

**Recurring costs:**

Figures are based on one slaughterhouse with a throughput of 18,500 animals
• slaughterhouses: Total £ 87,000
• cattle keepers: Total £ 92,000

**Non-recurring costs:-**
• Slaughterhouses: £ 3,400
• Cattle keepers: None.

These are estimates only. It may be possible to reduce charges for those slaughterhouses applying by electronic mail.

**5. (iii) total compliance costs**

Total costs are dependent on uptake of the Scheme and are accordingly multiples of the costs in 5(ii) (Annex I). The costs will depend on the distribution of export trade between businesses: if a single plant could satisfy export demand the scheme would be cheaper, but if export orders are widely spread among several businesses it will cost more.

**6. Impact on small business**

Keepers of cattle:

Options 1 & 3: The effects of a reduced market size suppressing the sale value of cattle will continue. Smaller businesses are less able to absorb this loss than larger businesses.

Option 2: The cost of applying to the DBES is proportional to the number of animals applied for, therefore smaller businesses with fewer animals will pay less than larger businesses applying for many animals.

Slaughterhouses:

Option 1 & 3: The effects of a reduced market size suppressing the sale value of meat will continue. There will be few opportunities for expansion of the market without exports.

Option 2: Slaughterhouses are required in Council Decision 98/256/EC (as amended by Commission Decision 98/***/EC) to be dedicated to exports, in order to process DBES meat. The costs specified in 5 (ii) are applicable to large and small businesses. The DBES is voluntary and it will be for the individual slaughterhouse to decide whether the cost of becoming DBES approved and losing the input of non-DBES animals, outweighs the potential gains of the export market.
7. **Other costs**

Options 1 & 3  
There are no other costs attached to this option.

Option 2  
The set up cost to MAFF for year 1999/2000 is estimated at £ 1,190,000. We intend to recover operational costs in full.

8. **Results of consultation**

The consultation on the proposed amendments to the regulations has not yet been completed.

9. **Summary and recommendations**

It is recommended that option 2, amending the Bovines and Bovine Products (Trade) Regulations 1999 to enable exports of beef and beef products from the UK to European Union Member States and third countries, be adopted.

10. **Enforcement, sanctions, monitoring and review**

The Regulatory amendments will be enforced through verification of applications for DBES status by MAFF officials. Slaughterhouses will undertake monthly internal audits by the OVS using an official audit checklist. These reports must be retained for independent official audits which will take place every 3 months. Some of these Regulatory amendments will also impact on other meat processing and storage establishments. The existing controls on such establishments which handle export eligible beef will continue.

Sanctions faced by a person contravening or failing to comply with any provision of these Regulations are:-

(a) on summary conviction a fine not exceeding the statutory maximum or imprisonment for a term not exceeding three months or both;

(b) on conviction on indictment, a fine or imprisonment for a term not exceeding two years or both.

It is intended to monitor these Amendments to the Regulations in terms of the number of applications which are made, the number which are successful and the development of the beef export trade.

Article 6 of Council Decision 98/256/EC (as amended by Commission Decision 98/***/EC), which sets out the rules for the DBES, must be reviewed by the
European Commission every 3 months. These Amendments to the Regulations will be modified as necessary in line with the results of these reviews.
Declaration:

I have read the Regulatory Impact Assessment and I am satisfied that the balance between cost and benefit is the right one in the circumstances.

Signed by the responsible Minister
...........................................................................................................

Date
...........................................................................................................

Contact point: Mr S Sadowski
Rm B131,
Beef Export Task Force
Animal Health (BSE & IT) Exports Task Force
Tel: 0181 330 8423
Fax: 0181 330 8414
5. (ii) compliance costs for a typical business

Recurring costs:-
Figures based on one slaughterhouse with a throughput of 18,500 animals. This will require approximately 31,000 applications. Approximately 50% of the animals will be found on the computer databases. The remaining animals are eligible for the DBES if evidence of dam survival is provided i.e. either confirmation of a visit from an official for a TB test or a veterinary certificate from an official veterinary surgeon. Approximately 26% of herds will have been the subject of TB testing in the course of a year. We estimate that of those animals not passing the database check, 10% (1,550 animals) will submit an official veterinary certificate as evidence of dam survival and 50% of those who have been TB tested i.e. 13% of those not passing the database check (2,015 animals) will provide evidence of dam survival.

- slaughterhouses:
  - Application fees (£2.00 x 31,000) £ 62,000
  - Cost of data entry and collation[^6] £ 7,000
  - Meat Hygiene Service Staff £ 17,000
  - Veterinary Field Staff audit inspections £ 1,000

Total £ 87,000

- cattle keepers:
  - Cost of providing cattle information[^1][^2] £ 85,000
  - Postage (3,100 x £0.20) £ 600
  - Cost of recording TB visit[^1][^3] £ 2,000
  - Cost of veterinary declaration[^4] £ 4,000
  - Postage of evidence £ 400

Total £ 92,000

Non-recurring costs:-
- Slaughterhouses:
  - Cost of initial inspection £ 400
  - Suitable IT hardware £ 3,000

- Cattle keepers: None.

[^1]: Farmer labour costs are calculated using minimum farm manager Grade 1 rate £5.57 from the Agriculture Wages Board x 2 for full economic cost i.e. £11 per hour.
[^2]: It has been estimated that it will take cattle keepers 15 minutes to provide details for each animal.
[^3]: It is estimated that it will take 5 minutes to provide the information for each animal to obtain confirmation of a TB test visit i.e. £0.92 per animal.
[^4]: The average cost of a veterinary visit is estimated to be £25. It is assumed that this will cover 10 animals on average.
[^5]: Estimated that 50% of animals run through the database checks will automatically be accepted/rejected from the DBES.
[^6]: It is estimated that it takes 1.70 minutes data entry/collation per animal at £7.70 per hour (approximately 22p per animal).
[^7]: Postage is calculated assuming that 10 animals providing veterinary evidence are posted together and that TB test evidence is posted individually. Postage is calculated using a second class stamp (20p).
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