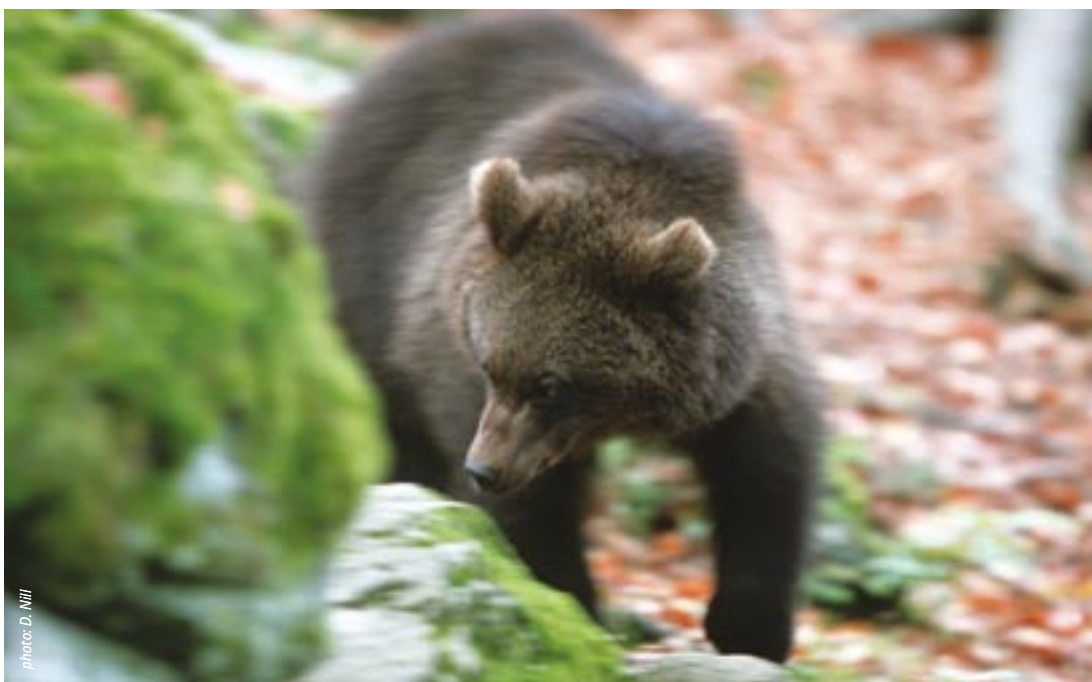


Feed for Scavengers

Analysis of the EU-Regulation 1774/2002 and claims for the purpose of nature conservation and species protection

By EuroNatur and FAPAS
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photo: A. G. Saurisán

The EU-Regulation 1774/2002 threatens the survival of the last brown bears in Spain.

Summary:

As a result of the directives fixed in the EU-Regulation 1774/2002 of how to deal with carcasses of dead farm animals such as cattle, sheep and goats, there is a substantial lack of animal carrion to feed numerous scavengers such as large carnivores and omnivores and others, providing the ecologically needed amount of animal carrion to ensure the preservation of these species. In this context we refer to the case study from Spain (page 12 of this paper) as well as the study of Fapas³ concerning the impact on the brown bear population in the Spanish region of Cantabria due to the lack of animal carrion. At the same time, the number of TSE-infections has been drastically decreasing since the ban on feeding animal meal was introduced with EU-Regulation 999/2001 in 2001⁴.

„In the 15 older EU member states (EU 15), around 10 million cows are BSE quick-tested every year. The disease has however been constantly decreasing: according to EFSA (European Food Safety Authority) estimates, 149 cases of BSE were registered in the EU 15 during 2007, compared to 2.164 cases in 2001. According to EFSA experts, this decrease is a direct result of the EU-wide ban introduced in 2001, i.e. the ban on animal feedstuffs containing animal protein, namely animal meal. In addition, certain parts of cattle – including among others brain and medulla – were classified as hazardous and may not be processed.“⁵

There is no scientific proof leading to the conclusion that carcasses of dead farm animals, which are placed on traditional sites in remote areas, pose any risk of transmitting TSEs to farm animals or humans. At the most, a transmission to scavengers – necrophagous birds such as vultures, ravens, crows and large carnivores such as bears, wolves, foxes and rarely boars – is possible in theory. However, no case of a TSE-infection has been detected in any of these groups of animals until today. Contemplating this fact in connection with the rapid decrease of infection rates, you have to come to the conclusion that the permission of setting up unfenced carcass sites in areas that are important for the protection of biodiversity could be granted without implying any risk for humans. **For this reason, EuroNatur and Fapas call for prompt amendments of the EU-Regulation 1774/2002 and its implementing rules.** (S. 6 ff.).

In the meantime, the EU Commission is aware of the problem and is trying to find a solution together with the Spanish authorities, according to a letter by the Directorate-General for the Environment to EuroNatur dated July 28, 2008. However, to our opinion this problem is not confined to Spain, and the amendments should permit the implementing of measures required for the preservation of biodiversity in all EU-countries, giving the protection of the population against animal diseases top priority. That is also why our claims do by no means question the security measures against a TSE-infection; in fact we implicitly support the maintenance of the strict ban on the feeding of animal meal to ruminants pursuant to Article 7 of EU-Regulation 999/2001.

³ Fapas, Nov. 2006: Report about the importance of domestic cattle carrions for Cantabrian brown bears

⁴ Please also refer to EuroNatur, 2008: Origination and spreading of BSE in the EU

⁵ „Das Parlament“ (The Parliament), edition 32 of 4 August 2008, © „Deutscher Bundestag“ (Lower House of the German Parliament) and the „Bundeszentrale für politische Bildung“ (Federal Central Office for Political Education), 2008



Unfenced carcass sites in areas that are important for the protection of species like the Eurasian black vulture could be granted without implying any risk for humans.

List of Facts:

Fact: Since the introduction of the ban on the feeding of animal meal by the EU-Commission in 2001, the number of TSE-infections has decreased in over 96%.

Fact: The feeding of animal protein to cows, sheep and goats has been proven to be the cause of the spreading of TSE-infections in Europe.

Fact: No case of BSE has been detected in cattle that since birth has been raised and used according to the rules of organic farming and consequently has not been fed feedstuffs of animal origin, except milk products.

Fact: According to experts' opinion, the placing of carcasses of dead farm animals in wildlife habitats with scavenger populations (such as bears, wolves, vultures and ravens) does not imply any risk of communicating the TSE-virus to humans or farm animals.

Fakt: The population of various wildlife species protected by EU-Law is endangered due to the lack of carcasses of dead farm animals resultant from EU-Regulation 1774/2002.

Fact: The TSE-relevant EU-Regulations 999/2001 and 1774/2002 only forbid the placing of entire carcasses of cows, sheep or goats, but not that of horses, mules, pigs or other farm animals.

Fact: EU-Regulation 1774/2002 specifically allows the feeding of category 2 and 3⁶ animal by-products⁷ to wild animals the meat of which is not destined for human consumption⁸.

Fact: Until today, there is no evidence of TSE-infections in pigs or poultry⁹.

Fact: EU-Regulation 1774/2002 specifically allows the feeding of material according to category 1¹⁰ to protected or endangered species of necrophagous birds. Hence the corresponding implementing rule¹¹ from 2003 is a restriction of EU-Regulation 1774.

6 Explanations regarding the classification of animal by-products into category 1, 2 and 3:

According to EU-Regulation 1774/2002, Article 4–6, the classification into categories can be simplified with regard to the relevance of this paper as follows:

Category 1: Carcasses of TSE-suspicious animals or TSE-positive tested animals as well as carcasses containing „specified risk material“: In countries where a relevant number of TSE-cases has been confirmed (country-category 3, 4 and 5), entire bodies of dead cows, sheep and goats must consequently be classified as category 1, unless the specified risk material such as brain, eyes, palatine tonsils, spinal cord, bowels or milt has been removed. If the specified risk material has been removed following the requirement laid down in Attachment V, such carcasses belong to category 2.

Category 2: Dead bodies of all animals not classified as per category 1 and not slaughtered for human consumption, meaning also those carcasses of horses, mules and pigs that could be used to feed scavenging wild animals.

Category 3: Parts of slaughtered animals not destined for human consumption, raw milk, fish etc.

7 Definition „animal by-products“ pursuant to EU-Regulation 1774/2002, Article 2, Paragraph 1, Letter a): „entire bodies or parts of animals or products of animal origin referred to in Articles 4, 5 and 6 not intended for human consumption [...]“, Articles 4, 5 and 6 setting out the classification into materials of categories 1, 2 and 3.

8 1774/2002, Article 23, Paragraph 2 a): „Member states may also authorise the use of the animal by-products specified in subparagraph (b) for the feeding of the animals specified in subparagraph (c), under the supervision of the competent authorities and in accordance with the rules laid down in Annex IX.“ Letter b) contains category 2 and 3 material, letter c) under (v) „wild animals the meat of which is not destined for human consumption“.

9 EFSA (European Food Safety Authority) report of November 2007: „Until today, no case of TSE (Transmissible spongiform encephalopathy) infection has been detected in pigs or poultry under natural conditions.“

10 1774/2002, Article 23, Paragraph 2, Letter d): „In addition, Member states may authorise the use, under the supervision of the competent authorities, of category 1 material referred to in Article 4(1)(b)(ii) for the feeding of endangered or protected species of necrophagous birds in accordance with rules laid down under the procedure referred to in Article 33(2) after consultation of the European Food Safety Authority.“

11 (2003/322/EC) Commission Decision of 12 May 2003 concerning the implementation of EU-Regulation 1774/2002 as regards the feeding of certain necrophagous birds with specific category 1 material.



photo: D. Nili

Carcass sites for necrophagous birds (here bearded vultures) are already permitted – but obstacles like fencing and obligatory TSE–tests are very high.

Claims on EU-level:

1. Maintenance of the ban on the feeding of animal meal to ruminants:

The strict ban on the feeding of animal meal to ruminants (EU-Regulation 999/2001, Article 7) must be kept up. A relaxation of the ban should only be considered for the feeding of pigs, as up to now no TSE-infection has been detected in pigs, and because pigs are not scavengers by nature.

2. Admission of carcass sites in „remote areas“¹²:

According to EU-Regulation 1774/2002, Article 24, Paragraph 1, the burning and burial of entire animal carcasses in „remote areas“ is admissible. This permission should be amplified by the possibility to dispose of animal carcasses on carcass sites. This would not pose any risk of a TSE-infection, since scavengers that come into contact with animal carrion on such sites, are not consumed by humans, except boars. However, until today no case of a TSE-infection in pigs has been known (see above). In addition, the required disposal of carcasses by burial is often difficult or even impossible to be carried out in practice.

Proposed Action:

Amendment of EU-Regulation 1774/2002 as follows: Article 24 Paragraph 1 Letter b) shall be amended as follows (in bold):

„(1) The competent authority may, where necessary, decide that:

b) The following animal by-products originating in remote areas may be disposed of as waste by burning or burial on site **or by setting up carcass places in situ.**“

3. Application of the „Implementing Rule for the feeding of certain necrophagous birds¹²“ in all EU Member states and on all endangered mammalian species that feed on carrion, such as brown bears and wolves.

As already mentioned, the quoted implementing rule contains a restriction of the admissible feeding of carcasses to protected or endangered necrophagous birds pursuant to EU-Regulation 1774/2002 Article 23. In Annex Letter A, this rule confines the exception to certain Member states (Greece, Spain, France, Italy and Portugal), defining the related, country-specific species. These are: griffon vulture (*Gyps fulvus*), Eurasian black vulture (*Aegypius monachus*), bearded vulture (*Gypaetus barbatus*), Egyptian vulture (*Neophron percnopterus*), Spanish imperial eagle (*Aquila adalberti*), golden eagle (*Aquila chrysaetos*), red kite (*Milvus milvus*) and black kite (*Milvus migrans*). These restrictions urgently need to be amended or abolished altogether, since the requirements for the protection of necrophagous birds change from year to year and because further protected species as well as other member states are concerned as well. The following examples taken from projects of EuroNatur and its partners account for this fact:

- Protection of the Eastern imperial eagle (*Aquila heliaca*)
- Unnecessary obstacles concerning the supply of carcasses of dead animals to feed different necrophagous birds, in the context of wildlife conservation programmes in Bulgaria and Hungary,
- Unnecessary obstacles concerning the badly needed setup of feeding sites for vultures in Germany (Swabian Alb, Danube valley)

In our opinion, it is generally needless to apply restrictions to determined member states and species, since the specific requirements fixed in article 2 of

¹² Definition „remote areas“ pursuant to Regulation 1774/2002, Annex I, 49.: „remote areas“ means areas where the animal population is so small, and where facilities are so far away, that the arrangements necessary for collection and transport would be unacceptably onerous compared to local disposal.

¹³ (2003/322/EC) Commission Decision of 12 May 2003 concerning the implementation of Regulation (EC) No. 1774/2002 as regards the feeding of certain necrophagous birds with certain category 1 material



photo: H. Jegen

TSE-danger caused by wild boar? Until today, there is no evidence of TSE-infections in pigs or poultry.

the implementation rule prevent a malpractice of this rule anyway. For instance, Annex B determines that „feeding shall only take place in the context of an approved wildlife conservation programme“, which then could also imply specific conservation measures for brown bears, wolves and other protected mammalian animals feeding on carrion. According to Letter B, Paragraph 3, Letters a) and b) of the Annex, the person in charge of the feeding is requested to fence the feeding site and to provide evidence that a TSE-test has been carried out on the dead animals the carcasses of which are laid out for feed (see also text further below under „Proposed Action II“). These requirements are both unnecessary and impracticable and should therefore be deleted without replacement: Unnecessary, because the risk of communicating TSE on vulture feeding sites can be excluded (none of wild animals destined for human consumption feeds on carrion, except boars which, however, are not affected by TSE, see above); not practicable, because the high expenditure of time and cost to provide negative TSE-tests frustrates the setup of feeding sites in many cases. Even if the risk of transmitting a TSE existed in theory (for example should a pig be tested TSE-positive in future), such requirements are far away from being commensurable.

Proposed Action:

This requires the following modifications in the Annex of Decision 2003/322/EC:

I.)

Annex Letter A.: **Either inclusion of all member states and all mammalian wild animals that feed on carrion**, or deletion of the whole paragraph under Letter A.

II.)

Annex Letter B. 3. Letter a) and b):

The **two letters to be deleted without replacement** refer to restrictions preventing the maintenance of traditional carcass sites or the setup of new carcass sites within the scope of wildlife protection. Below the present wording of the passages to be deleted:

*„3. The person in charge of the feeding must
a) set up an enclosed and fenced area to ensure that no carnivorous animal other than birds have access to the feed;*

b) ensure that carcasses of bovine animals older than 24 months and carcasses of ovine and caprine animals older than 18 months intended to be used for feeding are tested for TSE using one of the tests specified in EU-Regulation 999/2001 with a negative result prior to using them as feedstuffs; and

c) [...]“



photo: A. G. Sacristan

Picos de Europa national park in northern Spain.

Claims on national level (Spain):

4. Increased promotion of organic farming in general¹⁴ and extensive pasture farming in special

This does not only imply the financial support of farmers who operate accordingly, but also to inform the population in detail about the manifold advantages of organic farming, to intensify education and research in this field and to strengthen the agricultural cycle from producer to consumer on a regional level. All these measures can significantly contribute to avoid TSE and other animal diseases.

Maintenance and re-establishment of traditional carcass sites

The regional authorities in Spain should urgently readmit traditional carcass sites in areas with bear and vulture populations to ameliorate the precarious situation of the wild species affected by the lack of carrion.

Exact demarcation of the „remote areas“ in Spain

Farmers need to know whether they do live in a „remote area“ pursuant to EU-Regulation 1774/200, Article 24, Paragraph 1, Letter b) („remote areas“¹⁵) or not. To this effect, the national authorities must establish accurate demarcations of such „remote areas“.

Consistent use of the permitted exceptions to provide populations of carrion-eating wild animals the best possible support

National and regional authorities should consistently translate the feeding of category 2 and 3 material admitted according to EU-Regulation 1774/2002, Article 23, Paragraph 2 („Feeding of wild animals“), which includes the carcasses of horses and mules, into national legislation. In this context, please also refer to the below case study in Spain of José María García de Francisco and claims listed in this study.

¹⁴ Please also refer to the joint statement made by the German „Bundesinstitut für Risikobewertung“ (Federal Institute for Risk Assessment) and the Friedrich-Loeffler Institute of 9 February 2006. In this statement, animal protein and feedstuffs containing such protein are called the main sources of infection. Further on, it says: „No case of BSE-infection has been detected in cattle that since birth has been raised and used according to the rules of organic farming and consequently has not been fed feedstuffs of animal origin, except milk products (Kamphues, J. 1998)“.

¹⁵ Definition „remote areas“ pursuant to Regulation 1774/2002, Annex I, 49.: „remote areas“ means areas where the animal population is so small, and where facilities are so far away, that the arrangements necessary for collection and transport would be unacceptably onerous compared to local disposal.“



photo: A. G. Sacristan

Transhumance – the traditional seasonal livestock movement contributes significantly to the conservation of biodiversity.

Case Study Spain

from José María García de Francisco

Member of the National Veterinary Corps, currently
Technical Advisor to the Spanish Ministry of the
Environment and Rural and Marine Affairs

Effects of Regulation (EC) 1774/2002 on the availability of carrion in the habitat of the Cantabrian Brown Bear. Background to the situation, analysis of the permitted exceptions and proposals for action.

Translation from Spanish original

In order to understand the absence of carrion in the Cantabrian bear regions, and its impact on the two bear populations that remain in the mountain range, we have to look at the background to the situation, because only by understanding the causes we can make progress in establishing a solid strategy to pursue the search for appropriate and effective solutions from a wider and multidisciplinary perspective. Maintaining biodiversity, public health and animal health are issues of general concern and it is up to European, national and regional public authorities to ensure that these objectives are achieved. For this reason, national and European policies are established that use legislative instruments (regulations, decisions, royal decrees, ministerial orders, decrees, regional orders, etc.) as tools which must be complied with. In this sense, conservation of the Cantabrian Brown Bear and the absence of carrion in its habitat are challenges requiring solutions which are satisfactory to all the public interests involved.

1996 and 2000 saw the worst health, media and political crises in the field of food safety that the European Union and probably the world had ever experienced. They were known as the mad cow crises. The serious social impact resulted from a series of concurrent factors which continue to have an impact today, albeit to a lesser extent. The message which was conveyed ad nauseam and in alarmist terms was that it was a degenerative and fatal disease transmitted to man by eating beef, for which there was no possible cure. There was also scientific and technical uncertainty about important issues such as the methods of diagnosis, the prevalence of the disease among livestock, the effectiveness of the various health measures proposed or the potential magnitude of the epidemic among the human population. The present situation is different because, in recent years, a great deal of progress has been made in acquiring knowledge about the disease and combating it.

The *mad cow crisis*, together with the dioxine in food contamination and the foot-and-mouth epidemic in the United Kingdom, was one of the triggers for the new focus placed on food safety in the European Union, which resulted in the Commission's white paper on food safety, published in 2000. The document included principles such as: a global and integrated focus on the whole food chain; the traceability of food destined for animal and human consumption; risk analysis, including the evaluation, management and communication of these risks; the independence, excellence and transparency of scientific reports; as well as the application of the *principle of precaution* to risk management.



Griffon vulture, Egyptian vulture and Brown bear – endangered European scavengers.

The *white paper on food safety* included an Action Plan in its appendix detailing 84 measures to be adopted in order to achieve the objectives set by this new health policy. Measure 30 referred to *animal by-products not destined for human consumption*, stating the need to draw up new legislation focused on recasting previous legislation, clarifying responsibilities, ensuring the traceability of by-products and establishing official controls. This measure 30 was the source of the current Regulation 1774/2002, which *lays down health rules concerning animal by-products not intended for human consumption* (Spanish acronym SANDACH), which was published in October 2002. **One of the side-effects of the SANDACH Regulation is the current lack of livestock carrion in the bear regions of the Cantabrian mountain range, and the potential negative impact this has on the conservation of Cantabrian Brown Bear populations.**

In order to facilitate the application in Spain of the complex European Regulation, Royal Decree 1429/2003 was issued in November 2003. This legislation created the *National commission for animal by-products not intended for human consumption*, known in Spain as the *SANDACH Commission*. This is a joint interministerial and multidisciplinary body attached to the Spanish *Ministry of Agriculture, Fisheries and Food* (Spanish acronym MAPA), now the *Ministry of the Environment and Rural and Marine Affairs* (Spanish acronym MARM), and consists of representatives of the State, regional and local authorities. Its objective is to monitor application of the Regulation, as well as to give advice, present proposals or collect information. The functions of the Commission include drawing up a *SANDACH Integral National Plan*, which attempts to provide a global answer to the problems created by the management of animal by-products not intended for human consumption along the entire chain of their production, processing, use or destruction.

11 working groups were created within the Commission to carry out an in-depth analysis of the current situation regarding animal by-products not intended for human consumption in Spain. The working groups involved both public authorities and representatives of the sectors affected. One of the working groups focused on analysing the impact of removing corpses from livestock farms. The result of this analysis was the extensive *SANDACH White Paper* published by MAPA in 2007, which is an essential tool for gaining an in-depth understanding of the management of animal by-products not intended for human consumption in Spain. Ultimately the white paper served as a basis for drawing up the *SANDACH Integral National Plan*, which was approved by Agreement of the Council of Ministers and published in the Official Journal of the Spanish State on 27 February 2008.

Since Regulation (EC) 1774/2002 came into effect six years ago, all animals that die on livestock farms must be removed by special authorised vehicles to be processed or destroyed in authorised plants. This rule establishes three categories for by-products depending on the potential risk they present to public and animal health. Therefore, depending on their age, the corpses of domestic ruminants (cows, goats and sheep) are mostly classified as category I materials, which is the highest risk category. The corpses of monogastric animals, such as horses, donkeys, mules, pigs and poultry, belong to a lower category (category II materials). Lastly, category III materials are those suitable for human consumption but which, for various reasons, are not used for this purpose.



photos: FAPAS



The Guardia Civil supports conservationists in the Cantabrian mountains protecting bears and vultures.

Article 23 of the Regulation allows category II and category III animal by-products not intended for human consumption to be used to feed wild animals (article 23.1, paragraph 5). Carrion birds can also be fed category I material (animals of the bovine, ovine and caprine species). The exception provided for carrion birds has been subsequently developed, though the committee process, by the publication of two European Commission Decisions (2003 and 2005), following a report issued in November 2002 by the Scientific Steering Committee. In Spain, these two decisions of the European Commission led to the enactment of *Royal Decree 664/2007*, which governs the use of animal by-products not intended for human consumption to feed predatory carrion birds. This legislation was welcomed by environmental NGOs, WWF/Adena and SEO/Birdlife, which issued a joint communiqué on 6 June 2007, celebrating the publication of the new Royal Decree, while demanding specific measures be taken for the Cantabrian Brown Bear.

The carrion-feeding habits of the Brown Bear of the Cantabrian mountains have been well-known for many years by country dwellers, as well as by scientists and mountain rangers. It does, however, seem reasonable to demand that any measure taken with regard to the management of carrion be justified, and for this reason to have a technical analysis carried out to quantify the loss of the *carrion biomass* as a trophic resource and evaluate its effects on the bears. An important part of this is the report drawn up by the *Asturian Fund for Wildlife Conservation* (Spanish acronym FAPAS), based on data supplied by the Animal Health and Epidemiological Monitoring Service of the Livestock Farming Directorate and Natural Resources Directorate of the Principality of Asturias, and on the data gathered by the organisation itself using camera trapping technique.

As we have already seen, the only option currently provided by the SANDACH Regulation for supplying carrion to bear habitats is to use corpses classified as category II material, i.e. the corpses of monogastric animals (pigs and equids mainly) and ruminants from which *specific risk materials* (Spanish acronym MER) have previously been removed. MER consists mainly of nerve and lymphatic tissue, including the encephalon, eyes, intestines, marrow and tonsils of ruminants. No prior authorisation from the European Commission is required to benefit from this exception, although notification has to be provided that includes a description of the control methods adopted. The Commission may then plan an inspection visit by the FVO¹ to verify the effectiveness of the official controls on the ground. It is therefore up to the autonomous regions of Spain to decide whether to take advantage of the exception, given that responsibilities for animal health, public health and nature conservation are devolved to them. The *Ministry of the Environment and Rural and Marine Affairs* (Spanish acronym MARM) is responsible for notifying the European Commission that Spain is making use of the exception provided for wildlife. However, despite the small size of the area populated by the Cantabrian Brown Bear, application of this measure could affect four of the autonomous regions in which the bear is present: Castilla y León, Asturias, Cantabria and Galicia. For this reason, if a decision were made to adopt the exception in more than one autonomous region, uniform criteria would have to be established to allow coordinated management by the different autonomous authorities. This coordination work would have to be carried out by MARM, which, through its Brown Bear working group, could deal with issues such as: justifying the measure, the territory to which the exception would be applied, the biomass required to cover the trophic needs of the bears (in kilograms and in terms of the number of corpses anticipated), implementation timetables, etc.

¹ The European Commission Food and Veterinary Office based in Dublin (Ireland).



photo: G. Thielcke

Mountain village in the Cantabrian mountains.

The working group, which is coordinated by MARM, consists of technical staff from autonomous region and state authorities, as well as renowned experts in the ecology, management and conservation of the Brown Bear. The conclusions of the Working Group would have to be submitted to the National Flora and Fauna Committee and the National Flora and Fauna Commission. Furthermore, as we have already seen, it is the responsibility of the SANDACH Commission to monitor implementation of the Regulation.

The exception provided under article 23 may be insufficient or difficult to implement satisfactorily in the case of the Cantabrian Brown Bear. This is because it does not only restrict the use of carrion to a few species, such as pigs and equids which are not abundant in bear habitats, but also, in the case of ruminants, it requires removal of the MER before transferral of the corpses to the bear habitats, which undoubtedly makes the logistics much more difficult and expensive, as well as creating an artificial habitat necessitating continuous intervention by the Authorities. **This is, in my opinion, an unsustainable situation that can only be viewed as a temporary solution until the measures established by the regulation are made more flexible.** One option might be to create a system for providing a rapid means of advising of the presence of corpses in the territory, allowing an official vet, or one authorised by the autonomous region, to remove the MER, for which special containers are required, and allowing a sample to be taken for a quick diagnostic test in a laboratory. Another option could be to create centres for collecting corpses in the bear regions. These centres could collect the corpses of dead animals from the farms and remove the MER on site, so

that the MER-free corpses could be considered Category II material and be used according to the exception granted by article 23.2. What is certain is that with the current regulations we can go no further. For the feeding of carrion birds only, the SANDACH Regulation allows the use of ruminant corpses (category I material) and then only if they are under 24 months old in the case of cows, or under 18 months old in the case of sheep and goats. The corpses of older animals require a diagnostic test (quick test) of the corpse to be carried out in an official laboratory, in the case of cows, or by using a 4% sample of animals at the farm of origin, in the case of sheep and goats.

Any amendment of the SANDACH Regulation involves a complex procedure, given that it requires the approval of both the European Parliament and the Council, while the legislative initiative, i.e. the drafting of texts containing the proposed amendments, is the responsibility of the European Commission. It is worth pointing out in this respect that the European Commission is reviewing the legal framework of animal by-products not intended for human consumption. This may result in an overall amendment of the regulation during the second half of 2008, under the French presidency of the European Union. The time has therefore come to present concrete proposals that will solve the implementation problems that this regulation has always had.

In order to amend the regulation, evidence is required that allows guarantees to be given that the changes proposed will not lead to new risks arising in the food chain. Any measures adopted to guarantee standards of Public and Animal Health must be proportional to the risks that exist. A very promising development in this respect is the falling number of BSE cases recorded in Spain, which demonstrates the effectiveness of banning the use of bone meal in the feeding of ruminants, a measure which the European Union adopted in 2001. As a result, since the maximum annual figure of positive BSE cases was reached in 2003 (167 cases), there have been significant falls in the number of cases, which dropped to 39 cases in 2007. Just 8 cases of BSE were declared during the first six months of 2008. Predictions point to a disappearance of practically all cases of BSE from Spanish livestock farming within the next few years. **In view of these optimistic predictions of an end to BSE, it is worth reminding ourselves that another one of the principles of Community legislation is that the measures adopted must be proportional to the risk that exists.** In this case the risk is negligible, not only because of the foreseeable total absence of the disease within a few years, but also because of the impossibility for BSE prions to pass into the food chain, given that neither vultures nor bones are part of the Spanish diet. **It therefore seems reasonable to move towards making the exceptional measures more flexible, given the negative effect that the SANDACH Regulation is having on the conservation of biodiversity.**

It is worth pointing out that the SANDACH Regulation includes other exceptions, in article 24, to the removal of corpses from farms for their destruction in a processing plant. These must be incinerated or buried in situ, under official control. These exceptions relate to the corpses of pets, livestock from remote areas and livestock that have died or been culled due to a serious disease, when there is a risk of the disease spreading.

As we can see, exceptions to the removal of corpses from farms are provided for cases in which they originate from remote areas. These are understood to be areas where the animal population is so small and where the services are so distant that the necessary procedures for collecting and transporting them would be excessively expensive compared to elimination in situ. In these cases, the corpses are to be incinerated and buried under official control and do not therefore constitute a biomass that can be used by carrion-eating fauna. Declaring areas as remote has been considered by some conservationists as a potential solution to the bear's problems. Even though declaring areas that overlap with bear-inhabited areas as remote may make sense, because of the difficulty and expense of reaching corpses with a special vehicle, in mountain areas, during most of the year, it does not guarantee the trophic availability of corpses, given that they have to be incinerated or buried. Even though plantigrades are consummate excavators, I do not think it is a serious conservation option to make the availability of carrion conditional on insufficiently strict compliance with rules regarding the depth of the burial hole or the amount of pressure exerted by official controls. Therefore, regardless of whether remote areas that include existing or potential territories inhabited by bears can be declared, I believe that if a special action area for the Brown Bear is proposed it must NOT be called a remote area, because of the confusion this could generate. It would be preferable to call it a *Bear Management Unit* (Unidad de Gestión Osera - UGO), for which provision is made in the *National strategy for the conservation of the Cantabrian Brown Bear*, an official document that establishes the guiding principles for conservation of the species, and which was approved by the *National Nature Conservation Commission* in October 1999.

The absence of exceptions to the regulation for the declaration of remote areas in a country like ours, which is the most mountainous in the European Union and includes two archipelagos, is surprising. **The remote areas may allow financial savings to be made by public authorities and the livestock farming sector.** This is because the removal of corpses from farms is subsidised by the authorities, which involves considerable public expense and has significant financial repercussions on the livestock farming sector, the profit and loss account of which is affected by the expense of having to pay for insurance for corpse removal. In this respect it is worth pointing out that a large part of Scotland, the Highlands and Islands, was declared to be a remote area just six months after the SANDACH Regulation came into effect. The need to declare remote areas in Spain is stated in the *SANDACH White Paper*. I would insist, however, that this measure is designed to mitigate a logistical problem: the difficulty of reaching corpses, as well as a financial one: the cost of removing them, but it should not under any circumstances be considered to be a conservation measure aimed at providing carrion that may favour the bear. The conservation of the Cantabrian Brown Bear is an end in itself, which is guaranteed by the Habitats Directive (Directive 92/43/EEC) and by Law 42/2007 of 13 December on Natural Heritage and Biodiversity.

Lastly, I would like to highlight the important role that extensive livestock farming has had and must continue to have in maintaining and conserving nature. Once again it has been demonstrated that the value of the extensive farming system cannot be quantified exclusively in terms of its contribution to Final Livestock Farming Production. There are other less tangible, but equally important, contributions, one of them being the production of food for the Brown Bear and carrion birds in the form of carrion biomass. But there are others too, such as the prevention of fires resulting from close grazing, which prevents shrub encroachment, the creation of singular landscapes, like mountain meadows and pastures, retention of the rural population in the environment, production of quality food, conservation of zoogenetic resources by maintaining native species, making the most of grazing resources, such as stubble fields, the value of which would otherwise be lost, fertilisation of the soil from excretions or the maintenance of livestock trails. **The role of the livestock farmer as a producer of food, of the landscape and of biodiversity must be valued and made known to society as a whole.**

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photo: J. Schneider

Griffon vulture is an important part of the European natural heritage.



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