



Department
for Environment
Food & Rural Affairs

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[REDACTED]

Our ref: FOI 5618
Date: 15 July 2013

Dear [REDACTED]

REQUEST FOR INFORMATION: EU DIRECTIVE STATING EXPLICIT REQUIREMENT FOR A BADGER CULL OR DOCUMENTARY EVIDENCE OF PRESSURE FROM THE EU OR BRUSSELS TO BRING BOVINE TUBERCULOSIS UNDER CONTROL

Thank you for your request for information about which EU Directive states the explicit requirement for a badger cull or documentary evidence of pressure from the EU or Brussels to bring bovine tuberculosis (bTB) under control, which we received on 18 June 2013. We have handled your request under the Freedom of Information Act 2000 (FOIA).

The information you requested is as follows:

1. The United Kingdom is required by Council Directive 77/391/EEC to have an accelerated bTB Eradication Plan. In order to qualify for a financial contribution from the EU, the plan must satisfy minimum criteria in Council Directive 78/52/EEC. Neither Directive states the explicit requirement for a badger cull.

Copies of these Directives are available at

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1977:145:0044:0047:EN:PDF>

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1978:015:0034:0041:EN:PDF>

Compared to the 1970s when these Directives were adopted, there is now more evidence for the role of the badger in the epidemiology of bTB; the European Commission's recent proposal on an Animal Health Law (2013/0136 (COD)) to replace these Directives includes scope for rules to be laid down for disease control and eradication measures in wild animals where needed.

2. In a letter of 8 November 2011 to former Food and Farming Minister the Rt. Hon Jim Paice MP, former DG-SANCO Commissioner John Dalli wrote:



"Dear Jim

Following our meeting on the 7th of November regarding the approval of the TB eradication programme for 2012, please find in annex the remaining issues for the Commission concerning the renewal of funding of this programme.

I take note of your commitment yesterday to revise the programme in order to tackle the issues raised by Commission services.

I would appreciate that you confirm me before the vote in the SCFCAH that the problems mentioned in the annex will be tackled and that a revised TB programme for 2012 will be provided to the Commission services by July for approval.

I also expect that the UK will give the appropriate follow up to the FVO inspection report that is currently being finalised.

Yours sincerely,

John Dalli

Annex

- As the UK considers that badgers are a key factor for spreading the disease, a policy decision concerning this issue must be taken without further delay and implemented rapidly."

3. The report of the bTB Sub-Group of the EU Task Force for Monitoring Animal Disease Eradication mission to the UK on 27-28 March 2012 concluded that:

"It is...of utmost importance that there is a...commitment to long-term strategies to combat TB in badgers as well as in cattle...there is considerable evidence to support the removal of badgers in order to improve the TB status of both badgers and cattle."

The report recommended that:

"While the need to deal with wildlife is recognised, the focus on TB in cattle must be maintained."

A copy of the report is available at

http://ec.europa.eu/food/animal/diseases/docs/tb_subgroup_uk_2012_en.pdf

4. In his letter of 14 January 2013 to Secretary of State for Environment, Food and Rural Affairs the Rt. Hon Owen Paterson MP, DG-SANCO Commissioner Tonio Borg wrote:

"In the past four years the Commission has allocated considerable funds to support the UK bTB programmes (EUR 116,3 Mio in total). We therefore expect significant improvements in the epidemiological situation in 2013 that show efficient use of Union funds. This is absolutely necessary in view of a further renewal of the EU financial support to this programme."

A copy of the letter is available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183229/bovinetb-letter-paterson.pdf

5. Section 3.10 of the Working Document on the Eradication of Bovine Tuberculosis in the EU accepted by the bTB Sub-Group of the EU Task Force for Monitoring Animal Disease Eradication in 2013 (SANCO/10067/2013) advises that:

"It has been demonstrated that the persistence of an infected animal reservoir that enters into contact with cattle is a major obstacle to the eradication of TB. This obstacle should be addressed in tandem with the measures implemented in relation to the cattle population."

A copy of the Working Document is available at

http://ec.europa.eu/food/animal/diseases/eradication/tb_workingdoc2006_en.pdf

In keeping with the spirit and effect of the FOIA, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely,

Defra TB Programme
Ccu.correspondence@defra.gsi.gov.uk

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office

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Water Lane
Wilmslow
Cheshire
SK9 5AF