

**Proposal for a Council Directive amending directive 91/68/EEC as regards reinforcement of controls on movements of ovine and caprine animals**

(2002/C 331 E/45)

(Text with EEA relevance)

COM(2002) 504 final — 2002/0218(CNS)

(Submitted by the Commission on 12 September 2002)

**EXPLANATORY MEMORANDUM**

The animal health conditions for trade in ovine and caprine animals are laid down in Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-community trade in ovine and caprine animals

Since 1991, the animal health conditions governing intra-Community trade in other livestock such as bovine animals and swine have been modified in order to take account of the evolution of the livestock sector in the Community and trade in livestock under the conditions of the single market. In particular, Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine.

Ovine and caprine animals, as well as bovine animals and swine, are susceptible to a common range of diseases and are frequently kept under similar conditions. It is therefore appropriate to apply similar animal health standards to ovine and caprine animals as for bovines and swine.

During the 2001 foot-and-mouth disease epidemic in certain parts of the Community sheep primarily contributed to the spread of disease due to lack of clear clinical signs in combination with frequent movements. The Commission therefore adopted specific protective measures in order to reinforce the control on movement of and trade in sheep and goats. These measures are at present laid down in Decision 2001/327/EC.

An International Conference on the Prevention and Control of foot-and-mouth disease was organised jointly by the Belgian Presidency of the Council and the Commission in December 2001 after the closing of the foot-and-mouth disease crisis, in order to draw the first conclusions from the 2001 outbreak. The Conference called on the Commission to submit suitable proposals for legislative activities to prevent such outbreaks in future and, if they would occur, to minimise the adverse effects. Amongst others it was requested that the movement of susceptible animals should be controlled more efficiently with regard to the health guarantees offered.

The purpose of the present proposal is to reinforce the controls on intra-Community trade in sheep and goats so as to align these requirements to those approved for animal species susceptible to the same diseases and managed in a similar system of animal husbandry.

This proposal is part of a package of legislative activities of the Commission to prevent the spread of major infectious diseases, if they would occur in the Community.

This proposal has no financial implications for the budget of the European Community.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas:

- (1) Council Directive 91/68/EEC <sup>(1)</sup> lays down animal health conditions governing intra-community trade in ovine and caprine animals.
- (2) Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine <sup>(2)</sup> was subsequently amended and updated by Directive 97/12/EC <sup>(3)</sup> in order to take account of the developments in the livestock sector in the Community.
- (3) Sheep and goats share with bovine animals and swine, not only similar husbandry systems, but also susceptibility to a common range of diseases.
- (4) Sheep largely contributed to the spread of foot-and-mouth disease in certain parts of the Community during the epidemic in 2001. The animal health conditions for intra-Community trade in sheep and goats have therefore been reinforced by Commission Decision 2001/327/EC of 24 April 2001 concerning restrictions to the movement of animals of susceptible species with regard to foot-and-mouth disease and repealing Decision 2001/263/EC <sup>(4)</sup>.
- (5) When the foot-and-mouth disease crisis of 2001 came to an end, an International Conference on the Prevention and Control of Foot-and-Mouth Disease was organised jointly by the Belgian Presidency of the Council and the Commission in December 2001 in order to draw the first conclusions from the 2001 outbreak. The Conference called upon the Commission to submit suitable proposals for Community legislation to prevent such outbreaks in the future, and in the event of their occurrence, to minimise the adverse economic effects. Amongst other things, it was requested that the movement of susceptible animals be controlled more efficiently with regard to the health guarantees offered.

(6) Therefore, this Directive aims to reinforce the controls on movement of sheep and goats in order to strengthen the health guarantees offered by Member States for intra-Community trade in animals of these species in line with Directive 64/432/EEC.

(7) It is necessary to provide a legal basis for the changes to be made to the health certificates in accordance with the procedure of the Standing Committee on the Food Chain and Animal Health and Directive 91/68/EEC needs to be amended accordingly.

(8) The measures provided for in this Directive must be read in conjunction with the following:

— Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals <sup>(5)</sup>;

— Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC <sup>(6)</sup>;

— Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(7)</sup>.

(9) The provisions of Directive 91/68/EEC concerning the Committee procedure should be amended to take account of the replacement of the Standing Veterinary Committee by the Standing Committee on the Food Chain and Animal Health.

(10) Directive 91/68/EEC should therefore be amended,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

Directive 91/68/EEC is amended as follows:

1. Point 9 of Article 2 is replaced by the following:

‘9. approved assembly centre means premises as defined in point (o) of Article 2 (2), and meeting the requirements referred to in Article 11, of Directive 64/432/EEC;’

<sup>(1)</sup> OJ L 46, 19.2.1991, p. 19. Directive as last amended by Commission Decision 2002/261/EC (OJ L 91, 6.4.2002, p. 31).

<sup>(2)</sup> OJ 121, 29.7.1964, p. 1977/64. Directive as last amended by Commission Regulation (EC) No 535/2002 (OJ L 80, 23.3.2002, p. 28).

<sup>(3)</sup> OJ L 109, 25.4.1997, p. 1.

<sup>(4)</sup> OJ L 115, 25.4.2001, p. 12. Decision as last amended by Commission Decision 2002/242/EC (OJ L 82, 26.3.2002, p. 18).

<sup>(5)</sup> OJ L 355, 5.12.1992, p. 32. Directive as last amended by the Act of Accession of Austria, Finland and Sweden.

<sup>(6)</sup> OJ L 174, 2.7.1997, p. 1.

<sup>(7)</sup> OJ L 31, 1.2.2002, p. 1.

2. Article 4 is replaced by the following:

*'Article 4*

1. Member States shall ensure that ovine and caprine animals:

(a) are identified and registered in accordance with Directive 92/102/EEC;

(b) are inspected by an official veterinarian during the 48 hours preceding the loading of the animals, and show no clinical sign of disease;

(c) do not come from a holding, or have been in contact with animals from a holding which is the subject of a prohibition on animal health grounds; the period of such prohibition shall last after the slaughter of the last animal suffering from or susceptible to one of the diseases referred to in points (i), (ii), or (iii), for at least:

(i) 42 days in the case of brucellosis;

(ii) 30 days in the case of rabies;

(iii) 15 days in the case of anthrax;

(d) do not come from a holding or have been in contact with animals from a holding situated in an area which for health reasons is subject to a prohibition or restriction affecting the species involved in accordance with Community and /or national legislation.

2. Member States shall ensure that the following are not the subject of trade:

(a) ovine and caprine animals which may have to be slaughtered under a national programme for the eradication of diseases not referred to in Annex C to Directive 90/425/EEC or in Chapter I of Annex B to this Directive;

(b) ovine and caprine animals which cannot be marketed on their own territory for health or animal health reasons justified by Article 30 of the Treaty.

3. Member States shall ensure that ovine and caprine animals shall:

(a) either have been born and reared since birth in the Community; or

(b) have been imported from a third country in accordance with Community legislation.'

3. The following Articles are inserted:

*'Article 4a*

1. Member States shall ensure that the conditions set out in paragraphs 2 and 3 are applied to intra-Community trade in all ovine and caprine animals.

2. The animals shall not be outside their holding of origin for more than six days before arriving in the certified holding of destination in another Member State.

In the case of transport by sea, the time limit of six days shall be prolonged by the time of the sea journey.

In the case of transit through a staging point in accordance with the provisions of Regulation (EC) No 1255/97, the time limit of six days shall be prolonged by the resting time spent in the staging point.

3. The animals may transit through only one approved assembly centre which shall be in the Member State of origin.

However, animals for slaughter may in addition transit through one single approved assembly centre in a Member State of transit before being consigned to the Member State of destination.

*Article 4b*

1. Member States shall ensure that the conditions set out in paragraphs 2 and 3 are applied to intra-Community trade in ovine and caprine animals for breeding and fattening.

2. The animals shall have remained on a single holding of origin for a period of at least 30 days prior to loading, or since birth in the holding of origin where the animals are less than 30 days old.

3. No animal of the ovine or caprine species shall have been introduced into the holding of origin during the last 21 days of the period prior to loading and no biungulate animal imported from a third country shall have been introduced into the holding of origin during the 30 days prior to dispatch from the holding of origin, unless the introduced animal has been completely isolated from all other animals on the holding.'

4. Article 8(a) is deleted.

5. Article 13 is deleted.

6. Article 14 is replaced by the following:

*'Article 14*

1. The Annexes shall be amended in accordance with the procedure referred to in Article 15.

2. Detailed rules necessary for the implementation of this Directive shall be adopted in accordance with the procedure referred to in Article 15.'

7. Article 15(1) is replaced by the following:

'1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health established by Article 58 of Regulation (EC) No 178/2002.'

8. Article 16 is deleted.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 31 December 2002. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of domestic law which they adopt in the field governed by this Directive.

*Article 3*

This Directive shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

This Directive is addressed to the Member States.

---