

limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

4. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

5. If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

#### Article 10

1. The Commission shall carry out regular on-the-spot checks to ensure that the eradication plan is being applied.

The Commission shall inform the Member States within the Committee of developments regularly, at least once a year, in the light of the information provided by the Italian authorities, who shall submit a progress report to the Commission together with the applications for payment and any reports from experts who, acting on behalf of the Community and appointed by the Commission, have made on-the-spot visits.

2. Should the eradication plan require amendment in the course of its execution, a new decision approving it shall be taken in accordance with the procedure laid down in Article 9.

#### Article 11

This Decision is addressed to the Italian Republic.

### Proposal for a COUNCIL REGULATION (EEC) on animal health conditions governing the placing of rodents on the market in the Community

COM(89) 500 final

(Submitted by the Commission on 30 October 1989)

(89/C 327/10)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 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 rodents, in particular rabbits, hares, mice and rats, are, as live animals, included among the products listed in Annex II to the EEC Treaty;

Whereas, in order to ensure the harmonious development of the production of rodents and thus raise productivity in that sector, it is advisable to lay down common rules regarding the placing of rodents on the market in the Community;

Whereas the breeding and rearing of rodents, and in particular of rabbits is generally regarded as a type of

farming; whereas it constitutes a source of income for part of the farming population;

Whereas, with a view to encouraging intra-Community trade in rodents, it is advisable to remove disparities between Member States as regards animal health restrictions;

Whereas, if they are to be placed on the market, rodents must meet certain animal health requirements designed to avoid the spread of contagious diseases;

Whereas reference should be made, as regards the organisation and follow-up of the checks to be carried out by the Member State of destination and as regards the protective measures to be introduced, to the general rules laid down in Council Regulation (EEC) concerning veterinary controls in intra-Community trade with a view to the completion of the internal market <sup>(1)</sup>;

Whereas provision should be made for allowing the Commission to conduct its own independent checks,

<sup>(1)</sup> OJ No C 225, 31. 8. 1988, p. 4.

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down the animal health conditions governing the placing of rodents on the market in the Community.

*Article 2*

For the purposes of this Regulation:

1. 'rodents' means animals of the order of rodents, including lagomorphs;
2. 'domestic rodents' means rodents born, bred and kept in captivity;
3. 'wild rodents' means rodents born and living in their natural habitat.

*Article 3*

Without prejudice to Article 8, all rodents may be placed on the market in the Community, provided they are not subject to a prohibition as laid down in Articles 5 and 6.

*Article 4*

The presence or suspected presence of the following diseases must be reported to the official veterinarian:

- rabies,
- myxomatosis,
- haemorrhagic disease,
- tularemia.

*Article 5*

1. The removal of domestic rodents from a holding shall be prohibited if they come from or if they have been in contact with animals from a holding where one of the diseases referred to in Article 4 and to which they are susceptible is present or is suspected of being present.

2. The period of prohibition after the last recorded case must, where the animals of susceptible species have not been slaughtered and the premises have not been disinfected, be at least:

- one month in the case of rabies,
- two months in the case of myxomatosis,

- two months in the case of haemorrhagic disease,
- three months in the case of tularemia.

*Article 6*

1. The placing of wild rodents on the market shall be prohibited if they come from a zone of a radius of 10 kilometres, in which one of the disease referred to in Article 4 is present or is suspected of being present.

2. The period of prohibition after the last recorded case must be at least three months.

*Article 7*

Regulation (EEC) shall apply, in particular as regards the organization of and the follow-up to the checks carried out by the Member State of destination, and the safeguard measures to be applied.

*Article 8*

Pending the application of the Community rules concerned, the conditions applicable to the import of rodents from third countries must not be more favourable than those governing intra-Community trade.

*Article 9*

Veterinary experts of the Commission may, where required in the interests of the uniform application of this Regulation, carry out on-the-spot inspections. The Commission shall inform the Member States of the results of the inspections carried out.

The Member States on whose territory the inspections are carried out shall provide the experts with all the assistance required to perform their work.

The Commission shall lay down general rules for the application of this Article and adopt a code of rules in respect of the inspections referred to in this Article.

*Article 10*

This Regulation shall enter into force on the 30th day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.