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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Directives 89/608/EEC, 90/425/EEC and 91/496/EEC as regards references to
zotechnical legislation**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The proposal aims at removing references to Union zootechnical legislation from the text of Council Directives 89/608/EEC, 90/425/EEC and 91/496/EEC.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

No consultation with interested parties or any impact assessment was carried out, because the proposed amendments are the direct consequence of the recent adoption by the Commission of a proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [COM(2013) 327] [*Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material*], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation).

That new Regulation is intended to repeal Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules and Directives 89/608/EEC, 90/425/EEC, 91/496/EEC and 97/78/EC. It is also intended to incorporate certain of the rules laid down in Regulation (EC) No 882/2004 and in those Directives, with the necessary adaptations. However, the breeding of animals is not intended to fall within its scope.

It was thus necessary to include provisions on official controls on breeding animals in the proposed Regulation of the European Parliament and of the Council on the zootechnical and genealogical conditions for trade in and imports from third countries of breeding animals and their germinal products.

However, the rules hereby proposed mirror those laid down in the Commission proposal for a new Regulation on official controls that is currently discussed in the European Parliament and in the Council. In order to prevent inconsistencies between the two texts and to ensure a harmonised approach in the field of controls, the Commission will closely follow the evolution of the discussions on the two texts, and will make the necessary proposals in due time in order to ensure that the provisions on official controls in the field of zootechnics are included in the forthcoming Regulation on official controls.

3. LEGAL ELEMENTS OF THE PROPOSAL

For legal clarity and certainty and pending the repeal of Directives 89/608/EEC, 90/425/EEC and 91/496/EEC by the new Regulation referred to in recital 5 of this Directive, it is necessary to delete the references to "zootechnical" from Directives 89/608/EEC, 90/425/EEC and 91/496/EEC.

4. BUDGETARY IMPLICATION

None.

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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 42 and Article 43(2) thereof,

Having regard to the proposal from the European Commission¹,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee²,

Having obtained the opinion of the Committee of the Regions³,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Directive 88/661/EEC of 19 December 1988 on the zootechnical standards applicable to breeding animals of the porcine species⁴, Council Directive 89/361/EEC of 30 May 1989 concerning pure-bred breeding sheep and goats⁵, Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae⁶, Council Directive 91/174/EEC of 25 March 1991 laying down zootechnical and pedigree requirements for the marketing of pure-bred animals and amending Directives 77/504/EEC and 90/425/EEC⁷, Council Directive 94/28/EC of 23 June 1994 laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species⁸ and Council Directive 2009/157/EC of 30 November 2009 on pure-bred breeding animals of the bovine species⁹ lay down the Union legislative framework on the breeding of pure-bred breeding animals of the bovine, porcine, ovine, caprine and equine species and hybrid breeding pigs.
- (2) Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter

¹ OJ C [...], [dd/mm/yyyy], p. [...].

² OJ C [...], [dd/mm/yyyy], p. [...].

³ OJ C [...], [dd/mm/yyyy], p. [...].

⁴ OJ L 382, 31.12.1988, p. 36.

⁵ OJ L 153, 6.6.1989, p. 30.

⁶ OJ L 224, 18.8.1990, p. 55.

⁷ OJ L 85, 5.4.1991, p. 37.

⁸ OJ L 178, 12.7.1994, p. 66.

⁹ OJ L 323, 10.12.2009, p. 1.

and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters¹⁰ lays down certain minimum requirements for cooperation and mutual assistance between competent authorities in Member States.

- (3) Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable to intra-Community trade in certain live animals and products with a view to the completion of the internal market¹¹ provides amongst others for zootechnical checks to be carried out on breeding animals and products intended for intra-Union trade.
- (4) In accordance with Article 9 of Council Directive 94/28/EC, Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC¹² and Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries¹³ apply respectively to imports into the Union of breeding animals and their semen, oocytes and embryos which are covered by Directives 88/661/EEC, 89/361/EEC, 90/427/EEC, 91/174/EEC and 2009/157/EC.
- (5) The Commission adopted recently a proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, [COM(2013) 327] [*Office of Publications, please insert number of Regulation laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material*], and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation)¹⁴. That new Regulation is intended to repeal Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules¹⁵ and Directives 89/608/EEC, 90/425/EEC, 91/496/EEC and 97/78/EC. It is also intended to incorporate certain of the rules laid down in Regulation (EC) No 882/2004 and in those Directives, with the necessary adaptations. However, the breeding of animals is not intended to fall within its scope.
- (6) The Commission has also submitted to the European Parliament and the Council a proposal for a Regulation of the European Parliament and of the Council on the zootechnical and genealogical conditions for trade in and imports into the Union of breeding animals and their germinal products¹⁶.
- (7) For the effective application of Union rules on the zootechnical and genealogical conditions for trade in and imports into the Union of breeding animals and their germinal products laid down in that Regulation, provisions on official controls on

¹⁰ OJ L 351, 21.12.1989, p. 34.

¹¹ OJ L 224, 18.8.1990, p. 29.

¹² OJ L 268, 24.9.1991, p. 56.

¹³ OJ L 24, 30.1.1998, p. 9.

¹⁴ COM(2013) 265.

¹⁵ OJ L 165, 30.4.2004, p. 1.

¹⁶ COM(2014) 5.

breeding animals and general rules on administrative assistance and cooperation, similar to those set out in Title IV of Regulation (EC) No 882/2004 have been laid down, with the necessary adaptations, in that Regulation.

- (8) For legal clarity and certainty and pending the repeal of Directives 89/608/EEC, 90/425/EEC, 91/496/EEC and 97/78/EC by the new Regulation referred to in recital 5 of this Directive, it is necessary to delete the references to "zootechnical" from Directives 89/608/EEC, 90/425/EEC and 91/496/EEC, while Directive 97/78/EC does not require such amendment.
- (9) Directives 89/608/EEC, 90/425/EEC and 91/496/EEC should therefore be amended accordingly.
- (10) In accordance with the Joint Political Declaration of Member States and the Commission of 28 September 2011 on explanatory documents¹⁷, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 89/608/EEC

Directive 89/608/EEC is amended as follows:

- (1) In the title, the words 'and zootechnical' are deleted;
- (2) In Article 1, the words 'and zootechnical' are deleted;
- (3) In Article 2(1), the second indent is deleted;
- (4) In Article 4(1), in the first indent, the words 'and zootechnical' are deleted;
- (5) In Article 5(1), the words 'or zootechnical' are deleted;
- (6) In Article 7, the words 'or zootechnical' are deleted;
- (7) In Article 8(2), in the introductory phrase, the words 'or zootechnical' are deleted;
- (8) In Article 8(2), in point (b), the words 'or zootechnical' are deleted;
- (9) In Article 9(1)(a), in the first indent, the words 'or zootechnical' are deleted;
- (10) In Article 9(2), the words 'or zootechnical' are deleted;
- (11) In Article 10(1), in the introductory phrase, the words 'or zootechnical' are deleted;
- (12) In Article 10(3), the words 'or zootechnical' are deleted;
- (13) In Article 11, in the introductory phrase, the words 'or the Standing Zootechnical Committee' are deleted;
- (14) In Article 15(2), in the first indent, the words 'or zootechnical' are deleted.

¹⁷ OJ C 369, 17.12.2011, p. 14.

Article 2
Amendments to Directive 90/425/EEC

Directive 90/425/EEC is amended as follows:

- (1) In the title the words 'and zootechnical' are deleted;
- (2) In Article 1, the second paragraph is deleted;
- (3) In Article 2, point 2 is deleted;
- (4) In Article 3(1), the second subparagraph of point (d) is replaced by the following:
"Those certificates or documents, issued by the official veterinarian responsible for the holding, centre or organization of origin must accompany the animals and products to their destination.";
- (5) Article 4 is amended as follows:
 - (a) In paragraph 1, points (a), the words 'or zootechnical' are deleted;
 - (b) In paragraph 3, the words 'or zootechnical' are deleted;
- (6) Article 19 is deleted;
- (7) In Annex A, Chapter II is deleted.

Article 3
Amendments to Directive 91/496/EEC

In Directive 91/496/EEC, in Article 12(5), the words 'and zootechnical' are deleted.

Article 4
Transposition

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive as of the first day of the eighteenth month following the date referred to in Article 5. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 5
Entry into force

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

Article 6
Addressees

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament
The President

For the Council
The President