

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 512 final

Brussels, 17 October 1989

Proposal for a

COUNCIL DIRECTIVE

amending Directive 85/511/EEC introducing Community  
measures for the control of foot and mouth disease

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(presented by the Commission)

200/107

EXPLANATORY MEMORANDUM

The Council by adopting Directive 85/511/EEC on 26 November 1985 introduced Community measures for the control of foot and mouth disease (FMD) (1). This Directive has been reasonably successful in its aim of promoting a greater uniformity in the control of FMD amongst the Member States.

Nevertheless the Directive took into account the differential system which exists between the Member States in that four (Denmark, Greece, Ireland and United Kingdom) do not practise vaccination against FMD while the remaining six vaccinate in a systematic manner. The latter Member States can for example opt for a partial rather than total "stamping out" (slaughter and destruction) policy and can apply somewhat less rigid control measures.

The effect of the differential system is also apparent in trading arrangements between the two groups. The non-vaccination states when importing cattle and pigs from vaccinating states may require that animals are not vaccinated against FMD and that a system of isolation and quarantine coupled with pre-export testing is applied.

Apart from its obligations to review the provisions of Directive 85/511/EEC before the end of 1989 and to examine current trading arrangements referred to above the Commission formed the opinion that a more fundamental study of the control of FMD was opportune due to the approach of the internal market.

It was clear to the Commission that the current differential system could not continue after 1992 in view of the objective of free trade without restriction between Member States.

The Commission report of the study has been forwarded to Council. Its principal conclusion is that the Community as a whole should move to a non-vaccination policy.

This Proposal to amend Directive 85/511/EEC provides that a uniform system of control based on non-vaccination and full "stamping out" be adopted because it is cheaper and safer. In particular it is proposed that emergency vaccination be only adopted in extreme situations; that the rules on separate production units of a holding be strengthened; that the general availability of FMD virus and vaccine in the Community be prohibited and subsequently be permitted by derogation on a case-by-case basis where security standards are on the highest plane and that the situation be kept under continuous review by the Commission.

It should be noted that the Commission intends to revise trading rules from third countries, to set up vaccine reserves and to propose to Council a measure to set up a veterinary fund to cover increased financial participation in matters relating to FMD and other diseases and situations, and to the management of the movement of animals and animal products in the internal market. In addition, it is proposed to modify the provisions concerning the delegation of competence by the Council to the Commission by deleting the "contre-filet" clause in the Regulatory Committee procedure.

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(1) OJ No L 315, 26.11.1985, p. 11.

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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 Council Directive 85/511/EEC (1) introduced Community measures for  
the control of foot and mouth disease;

Whereas in view of the approach of the internal market on 1 January 1993, it  
is necessary to amend the measures already taken at Community level to control  
foot and mouth disease in the entire Community; whereas it is essential that a  
similar policy applies throughout the Community;

Whereas a Commission study on control of foot and mouth disease has shown that  
the adoption of a non-vaccination policy for the Community as a whole will be  
cheaper and safer than a vaccination policy; whereas it has been concluded  
that a risk exists in the manipulation of virus in laboratories due to the  
possibility of escape to local susceptible animals and in the use of vaccine  
if inactivation procedures do not ensure its safety;

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(1) OJ No L 315, 26.11.1985, p. 11.

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Whereas the Commission's study as regards a vaccination policy has clearly shown that an official withdrawal of vaccination against the disease should be implemented from a given date; whereas this analysis has also shown that a total slaughter and destruction (stamping out) policy should be implemented at the same time;

Whereas Commission Decision 88/397/EEC of 12 July 1988 coordinating rules laid down by Member States in application of Article 6 of Council Directive 85/511/EEC(2) has already provided for a minimum set of rules to be applied in all Member States when granting exceptions from total slaughter on an infected holding;

Whereas matters related to increased risks to the Community in implementing the new policy will be the subject of further provisions particularly in respect of trade from third countries in animals and animal products;

Whereas in extreme situations where an epizootic disease threatens to become extensive it may be necessary to have recourse to emergency vaccination; whereas in this case it is necessary to lay down conditions under which this vaccination may be implemented;

Whereas Community vaccine reserves and vaccine banks for the above-mentioned purpose should be established by means of a separate measure;

Whereas financial support to Member States concerning slaughter and destruction and other emergency actions should be laid down in separate measures;

Whereas the functioning of the new measures shall be kept under the constant review of the Commission who shall report to the Council on their implementation,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Directive 85/511/EEC is hereby amended as follows :

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(2) OJ No L 189, 20.7.1988, p. 25.

1. Article 1 is replaced by the following:

"Article 1

This Directive defines the Community control measures to be applied in the event of outbreaks of foot and mouth disease, whatever the type of virus concerned."

2. In Article 2, second paragraph, (b) is deleted.
3. In Article 5(2) the phrase "(a) in Member States or regions where vaccination is prohibited" is deleted.
4. Article 5(2)(b) is deleted.
5. In the first sentence of Article 6(1) the words "and (2)(b)(i)" are deleted.
6. Article 6(2) is replaced by the following : " When recourse is had to paragraph 1 Member States shall apply the measures as laid down in Decision 88/397/EEC .<sup>(\*)</sup>

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<sup>(\*)</sup> OJ No L 189, 20.7.1988, p. 25."

8. Article 9(2)(a) first indent is replaced by the following :

"- a census of all holdings having animals of susceptible species and the animals shall be taken; these holdings shall be visited daily;"

9. Article 13 is replaced by the following :

"Article 13

1. Member States shall prohibit the manipulation, manufacture, storage, sale or use of foot and mouth disease virus, anti-serum or vaccines in their territories.

2. In accordance with the procedure laid down in Article 17 it may be decided on a case-by-case basis to waive the provisions of paragraph 1 in respect of establishments engaged in the manipulation, manufacture, storage and sale of foot and mouth disease virus, vaccines or antiserum.

In this case special consideration shall be given to security systems in the establishment concerned and to the purpose of the production.

In accordance with the same procedure it may be decided to adopt a uniform code of practice in relation to security systems in those establishments to which an exception has been granted."

3. Notwithstanding the provisions of paragraph 1 concerning the use of foot and mouth disease vaccine it may be decided in accordance with the provisions of Article 16, in a Member State or States in which foot and mouth disease has been confirmed and when the epizootic threatens to become extensive, that emergency vaccination may be introduced. In this case the measures taken shall include :

- the extent of the geographical area in which emergency vaccination is to be carried out,
- the species and the age of the animals to be vaccinated,
- the duration of the vaccination campaign,
- a specific standstill of vaccinated animals and their products,
- the positive identification of the vaccinated animals,

and other matters appropriate to the emergency situation.

10. Article 14(1)(2) and (4) are deleted.

11. Article 15 is deleted.

12. At the end of Article 16 the words "unless the Council has voted against the said measures by a simple majority" are deleted.

13. At the end of Article 17 the words "unless the Council has voted against the said measures by a simple majority" are deleted.

14. Article 18 is replaced by the following :

**"Article 18**

On the basis of a report from the Commission on the experience gained in the application of this Directive, accompanied by proposals where appropriate, the Council shall review the situation by 31 December 1992."

**Article 2**

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1991. They shall forthwith inform the Commission thereof.

The provisions adopted pursuant to the first paragraph shall make express reference to this Directive.

**Article 3**

This Directive is addressed to the Member States.

Done at Brussels,

For the Council





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# DOCUMENTS

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