



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.10.1995
COM(95) 491 final

95/0255 (CNS)

Proposal for a

COUNCIL DIRECTIVE

amending Directive 92/117/EEC concerning measures for protection against specified zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications

(presented by the Commission)

EXPLANATORY MEMORANDUM

I Council Directive 92/117/EEC concerning measures for protection against specified zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications¹ provides mainly for the following:

- i) the collection of epidemiological information and yearly reporting by Member States to the Commission on the trends and sources of zoonotic infections;
- ii) an obligation on Member States to submit the national measures they are taking to achieve the objectives of the Directive and their plans with regard salmonella in fowl to the Commission. The latter plans must be in accordance with the criteria laid down in Annexes II and III of the Directive and must comply with the minimum requirements of Annex III (monitoring and control of salmonella in poultry breeding flocks);
- iii) the possibility of a Community financial contribution for slaughter, destruction, official monitoring and for the Community Reference Laboratories in accordance with Council Decision 90/424/EEC;
- iv) an obligation on third countries to present a plan providing details of the guarantees afforded as regards inspections for zoonoses and zoonotic agents. In the absence of a Commission decision approving the latter plans, imports from these third countries shall be suspended.

The Directive sought to establish a reliable reporting system on the incidence of zoonoses generally, and to monitor, control and ultimately eradicate some invasive serotypes of salmonella in poultry breeding flocks. It was recognised that the prevention of zoonoses was a complex question and that further measures, for example in relation to laying flocks, as well as measures beyond the production stage, would be necessary to bring the problem under control.

¹ OJ N° L 62, 15.3.1993, p. 38

II The control and prevention of zoonoses becomes more and more important. In addition to Council Directive 92/117/EEC as such, several Directives engage the Community to lay down additional provisions, especially with regard to salmonella. This commitment was reinforced during the negotiations for the accession of Finland and Sweden. In this respect reference should be made in particular for fresh meat to Article 5, paragraph 3 of Council Directive 64/433/EEC², for fresh poultrymeat to article 5, paragraph 3 of Council Directive 71/118/EEC³, and for life poultry to Articles 9a, 9b and 10b of Council Directive 90/539/EEC⁴, and for eggs for human consumption to Annex II, Chapter 2 first indent of Council Directive 92/118/EEC⁵. Moreover, in accordance with article 129 of the Treaty, the Community must contribute towards ensuring a high level of human health protection.

III Furthermore the experience of the implementation of the provisions of Directive 92/117/EEC shows that some of the date limits prescribed for measures by Member States and by third countries were over-optimistic, and that certain technical provisions of the Directive need to be re-examined.

IV Accordingly, it is considered appropriate to carry out a wider review of the further measures needed at Community level to prevent zoonoses posing a threat to human health, which will include also the technical aspects mentioned. Having regard to the complexity of the issues to be examined, this review is expected to take upwards of 18 months. Meanwhile, it is proposed to extend certain date limits prescribed in the Directive in relation to:

- the provisions concerning new rules for the reporting system for zoonosis
- the establishment of methods for collecting samples and for carrying out examinations
- the implementation and the approval of certain national measures, and presentation and approval of plans from third countries.

² OJ N° 121, 29.7.1964, p. 2012/64

³ OJ N° L 55, 8.3.1971, p. 23

⁴ OJ N° L 303, 31.10.1990, p. 6

⁵ OJ N° L 62, 15.3.1993, P. 49

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Having regard to the opinion of the Economic and Social Committee³,

Whereas in the light of the experience acquired and the importance accorded to the prevention and control of zoonoses it is necessary to carry out a substantial review of the provisions of Council Directive 92/117/EEC of 17 December 1992 concerning measures for protection against specified zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications⁴, as amended by the Act of Accession of Austria, Finland and Sweden;

¹ OJ N° C

² OJ N° C

³ OJ N° C

⁴ OJ N° L 62, 15.3.1993, p. 38

Whereas, pending this substantial review of directive 92/117/EEC, it is appropriate to provide for a report on the provisions concerning new rules for the reporting system of zoonoses, the establishment of methods for collecting samples and carrying out examinations, on the implementation and approval of certain national measures, and on plans to be submitted by third countries,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Directive 92/117/EEC is amended as follows:

1. Article 5 (3) is deleted.
2. In Article 6, point b), the words "In the case of salmonella this shall be done before the date laid down in Article 17;" are deleted.
3. Article 8 is amended as follows:
 - (a) In paragraph 1, "1 October 1993" is replaced by "1 October 1997",
 - (b) In paragraph 2, "1 January 1994" is replaced by "1 January 1998",
 - (c) In the first indent of paragraph 3, the words "not later than six months after their submission" are deleted.
4. Article 10 is amended as follows:
 - (a) In the first subparagraph of paragraph 1, "1 January 1994" is replaced by "1 January 1998",
 - (b) In the second subparagraph of paragraph 1, "1 January 1994" is replaced by "1 January 1998",
 - (c) The third and fourth subparagraphs of paragraph 1 are deleted,
 - (d) Paragraph 2 is deleted.
5. In Article 14 (2), "31 December 1995" is replaced by "31 December 1998".
6. In Article 15, the second paragraph is deleted.

7. The following Article 15a is inserted:

"Article 15a

1. The Commission shall, before 1 October 1997, submit a report to the Council and to the European Parliament concerning the measures to be implemented for the control and the prevention of zoonoses. This report shall refer in particular to new rules for the reporting system of zoonoses, the control of salmonella in poultry laying flocks, measures to combat zoonosis other than Salmonellosis and the control of salmonella in poultry breeding flocks and in compound feedingstuffs for poultry.

2. The report referred to in paragraph 1 shall be accompanied by appropriate proposals concerning zoonoses, especially in the context of amendments of this Directive."

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1995. They shall immediately inform the Commission thereof.

When Member States adopt these measures, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels

For the Council
The President

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