



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

of

amending Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine

(presented by the Commission)

EXPLANATORY MEMORANDUM

Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine, was as last amended by Directive 98/99/EC with regard to the date from which on the provisions are applicable. Prior to the adoption by the Council of Directive 98/99/EC, Directive 64/432/EEC had been amended and updated by Council Directive 97/12/EC with regard to the articles and Annexes B, C, D (Chapter II) and E, and by Directive 98/46/EC with regard to Annexes A, D (Chapter I) and F.

The provisions of Directive 64/432/EEC as amended are applicable as from 1 July 1999 and implementation problems have been encountered that require transitional measures to avoid disturbances in trade in live animals of the bovine and porcine species.

It is the purpose of this proposal to provide for a legal basis to adopt transitional measures by the Commission in accordance with Standing Veterinary Committee procedures, to introduce certain transitional measures as considered necessary by Member States to continue trade in live bovine animals and to align certain provisions of that directive so as to ensure coherence with Community law.

It is furthermore the purpose to modify this Directive in the light of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission taking into account that certain provisions have implications both for the protection of public health and animal health.

Proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

of

amending Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37 and 152 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

- (1) Whereas Directive 64/432/EEC¹ on health problems affecting intra-Community trade in bovine animals and swine, as last amended by Directive 98/99/EC², has been amended and updated by Council Directive 97/12/EC³ with regard to the articles and Annexes B, C, D (Chapter II) and E, and by Directive 98/46/EC⁴ with regard to Annexes A, D (Chapter I) and F;
- (2) Whereas the provisions of Directive 64/432/EEC as amended are applicable as from 1 July 1999; whereas implementation problems have been encountered that require transitional measures to avoid disturbances in trade in live animals of the bovine and porcine species;
- (3) Whereas moreover Directive 64/432/EEC, as amended and updated by Council Directive 97/12/EC and Council Regulation (EC) N° 820/97⁵ establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products refer to the creation of

¹ OJ 121, 29.7.1964, p. 1977/64.

² OJ L 358, 31.12.1998, p. 107.

³ OJ L 109, 25.4.1997, p. 1.

⁴ OJ L 198, 15.7.1998, p. 22.

⁵ OJ L 117, 7.5.1997, p. 1.

computer databases, inter alia for bovine animals, to store information on animals and their movements;

- (4) Whereas problems have been encountered with the application of the animal health conditions and in particular in relation to the link with identification and registration of animals;
- (5) Whereas Directive 64/432/EEC must be amended to ensure coherence of Community rules and to allow the Commission to adopt transitional measures allowing the Member States to adapt to the new trade conditions,
- (6) Whereas as a consequence it is appropriate to delay the entry into force of certain provisions in the said Directive,
- (7) Whereas since the measures for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁶, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 64/432/EEC is amended as follows:

1. In Article 6 (2) the following new paragraph is added:
 - “(e) Until 31 December 2000 by way of derogation from (a) and (b) above, not be subject to the test requirements laid down respectively in Article 6, 2., (a) or (b) in the case of bovine animals aged less than 30 months intended for meat production which:
 - come from a herd officially tuberculosis-free and officially brucellosis-free,
 - are accompanied by an animal health certificate with paragraph 7 in Section A of Annex F Model 1 duly completed,
 - remain under supervision until their slaughter,
 - have not come into contact during transport with bovine animals not coming from herds officially free from those diseases,
- and provided that:

⁶ OJ L 184, 17.7.1999, p. 23.

- these arrangements are restricted to trade between Member States or regions of Member States with the same health status with regard respectively to tuberculosis or brucellosis,
 - the Member State of destination takes all necessary measures to avoid any contamination of indigenous herds;”
2. In Article 6 (3) second paragraph, the date "31 December 1999" is replaced by the date "31 December 2000".
 3. In Article 16 the following new paragraph is added:
 - “3. Where necessary to facilitate the changeover to the new arrangements provided for in this Directive, the Commission, acting in accordance with the procedure laid down in Article 17A, may adopt transitional measures applicable for a period of not more than three years.”
 4. Article 17 is replaced by the following:

“Article 17

1. The Commission shall be assisted by the Standing Veterinary Committee established by Decision 68/361/EEC in accordance with the procedure laid down in paragraph 2 below.
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the measures within a time-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 205(2) of the Treaty in the case of decisions for 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.
3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.
4. 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.
5. The Council, acting by qualified majority, shall act on the proposal within three months from the date of referral to the Council.

If, within that period, the Council indicates by qualified majority that it opposes the proposal, the Commission shall reconsider it. It may present an amended proposal to the Council, re-submit the same proposal or present a legislative proposal on the basis of the Treaty.

If the Council has not adopted the proposed implementing measures or has not indicated its opposition to the proposed implementing measures by the expiry of the time limit, they shall be adopted by the Commission.”

5. A new Article 17A is inserted as follows:

“ *Article 17A*

1. The Commission shall be assisted by the Standing Veterinary Committee established by Decision 68/361/EEC in accordance with the procedure laid down in paragraph 2 below.
2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time-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 205(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.
3. If the European Parliament indicates, in a Resolution setting out the grounds on which it is based, that draft implementing measures, the adoption of which is contemplated and which have been submitted to a committee pursuant to the present Directive adopted under Article 251 of the Treaty, would exceed the implementing powers provided for in this Directive, the Commission shall re-examine the draft measures. Taking the Resolution into account and within the time-limits of the procedure under way, the Commission may submit new draft measures to the committee, continue with the procedure or submit a proposal to the European Parliament and the Council on the basis of the Treaty. The Commission shall inform the European Parliament and the committee of the action which it intends to take on the Resolution of the European Parliament and of its reasons for doing so.
4. The Commission shall, without prejudice to paragraph 3, 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 and shall inform the European Parliament.
6. If the European Parliament considers that a proposal submitted by the Commission pursuant to the Directive adopted in accordance with the procedure laid down in Article 251 of the Treaty exceeds the

implementing powers provided for in this Directive, it shall inform the Council of its position.

7. The Council may, where appropriate in view of any such position, act by qualified majority on the proposal, within three months from the date of referral to the Council.

If within that period the Council has indicated by qualified majority that it opposes the proposal, the Commission shall re-examine it. It may submit an amended proposal to the Council, re-submit its proposal or present a legislative proposal on the basis of the Treaty.

If on the expiry of that period the Council has neither adopted the proposed implementing act nor indicated its opposition to the proposal for implementing measures, the proposed implementing act shall be adopted by the Commission.”

6. In Annex A, I, 2., paragraph (c), third indent the word “ or” is inserted between the points (1) and (2).

7. In Annex A, I, 4. and in Annex A, II, 7. paragraph (b) is replaced respectively by the following:

“(b) each bovine animal is identified in accordance with Community legislation, and ”

8. In Annex F Model 1 Section A the following new paragraph is inserted:

“7.³ is an animal less than 30 months old intended for meat production originating from a herd which is officially tuberculosis, brucellosis and leukosis free, and is dispatched in accordance with Article 6 (2)(e) of Directive 64/432/EEC under licence N°.....”

Article 2

1. Member States shall adopt the laws, regulations or administrative provisions required for compliance with this Directive by 1 December 1999. They shall immediately inform the Commission thereof.

The measures adopted by the Member State shall contain a reference to this Directive or shall be accompanied by such reference at the time of their publication. The procedure for making such reference shall be adopted by the Member States.

2. Member States shall forward to the Commission the text of the main provisions of national law which they adopt in the field governed by this Directive.

Article 3

This Directive shall enter into force on the day of 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 European Parliament
The President

For the Council
The President