COUNCIL REGULATION (EC) No 1040/2003
of 11 June 2003
amending Regulation (EC) No 1255/97 as regards the use of staging points

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC [1], and in particular Article 13(2) thereof,

Having regard to the proposal from the Commission [2],

Whereas:

(1) According to Directive 91/628/EC, in the course of the transport of livestock the animals are to be unloaded, rested, watered and fed at prescribed intervals.

(2) Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC [3], provides for health measures in order to prevent the possible transmission of diseases. It also lays down an obligation of recording the movements of animals.

(3) Certain outbreaks of foot and mouth disease declared in the Community in 2001 were linked with the commingling of animals at a staging point. The investigation of those outbreaks revealed that the health measures and the obligation to record the movements of animals had been disregarded.

(4) Commission Decision 2001/327/EC [4], temporarily suspended the use of staging points to prevent the possible extension of the epidemic of foot and mouth disease within the Community. This measure being temporary in nature, it is necessary to replace it by appropriate permanent measures.

(5) The use of staging points may represent an animal health risk, in particular where the points are not operated properly from an animal health point of view. Consequently the animal health rules applicable to staging points should be reinforced in particular in relation to cleansing and disinfection.

(6) In the light of the experience gained it appears also necessary to provide that staging points be transited only by animals complying with the Community health requirements for the species for which the staging point is approved and which after the completion of a compulsory residence on a single holding have transited only through a single approved assembly centre.

(7) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of the protection of the animal health status of the Community to lay down rules on the use of staging points. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued in accordance with the third paragraph of Article 5 of the Treaty.

(8) Developments in the animal health situation of the Community may require adaptation of the conditions under which staging points are used. It is appropriate to provide for a procedure by which the technical provisions in Regulation (EC) No 1255/97 may be adapted to take account of the animal health situation of the Community.

(9) The measures necessary for the implementation of Regulation (EC) No 1255/97 should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [5].

(10) The Member States should lay down rules on penalties applicable to infringements of the provisions of Regulation (EC) No 1255/97 and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

(11) Regulation (EC) No 1255/97 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1255/97 is hereby amended as follows:

1. Article 3(3) shall be replaced by the following:

'3. The competent authority shall issue an approval number to each staging point. Such approval may be limited to a particular species or to certain categories of animal and health status.

[1] OJ L 340, 11.12.1991, p. 17. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).
[2] OJ C 291, 26.11.2002, p. 179.
[3] OJ L 174, 2.7.1997, p. 1.
[4] OJ L 115, 25.4.2001, p. 12. Decision as last amended by Decision 2002/1004/EC (OJ L 349, 24.12.2002, p. 108).
[5] OJ L 184, 17.7.1999, p. 23.