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COUNCIL DIRECTIVE 97/12/EC

of 17 March 1997

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

(OJ L 109, 25.4.1997, p. 1)

Amended by:

		Official Journal		
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►**M1**	Council Directive 98/99/EC of 14 December 1998	L 358	107	31.12.1998

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COUNCIL DIRECTIVE 97/12/EC

of 17 March 1997

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

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 Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas important progress has been made in the harmonization of the veterinary field, in particular through the adoption by the Council of Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market [4], 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/EEC [5], Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease [6], and Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease [7];

Whereas the Council in its resolution 94/C 16/01 of 22 December 1993 on the strengthening of veterinary epidemiological surveillance measures [8] agreed to do everything in its power to ensure rapid implementation of the principles of that resolution in the context of the amendment of Directive 64/432/EEC of 26 June 1964 on health problems affecting intra-Community trade in bovine animals and swine [9];

Whereas it is necessary, in the light of this situation, to amend Directive 64/432/EEC in particular as regards the period of residence in a Member State prior to movement, rules for trade in animals under 15 days old, rules for control of certain diseases and rules applicable to assembly centres, transporters and dealers;

Whereas for the purpose of rapid and accurate tracing of animals for animal health reasons each Member State should create a computerized database which shall record the identity of the animals, all holdings on their territory and the movements of the animals;

Whereas Directive 64/432/EEC has been substantially amended on a number of occasions; whereas for the sake of clarity that Directive should be updated,

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(1) OJ No C 33, 2. 2. 1994, p. 1.
(2) OJ No C 128, 9. 5. 1994, p. 105.
(3) OJ No C 133, 16. 5. 1994, p. 31.
(4) OJ No L 224, 18. 8. 1990, p. 29. Directive as last amended by Directive 92/118/EEC (OJ No L 62, 15. 3. 1993, p. 49).
(5) OJ No L 268, 24. 9. 1991, p. 56. Directive as last amended by Directive 96/43/EC (OJ No L 162, 1. 7. 1996, p. 1).
(6) OJ No L 315, 26. 11. 1995, p. 11. Directive as last amended by the 1994 Act of Accession.
(7) OJ No L 62, 15. 3. 1993, p. 69. Directive as last amended by the 1994 Act of Accession.
(8) OJ No C 16, 19. 1. 1994, p. 1.
(9) OJ No 121, 29. 7. 1964, p. 1977/64. Directive as last amended by Directive 95/25/EC (OJ No L 243, 11. 10. 1995, p. 16).

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HAS ADOPTED THIS DIRECTIVE:

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Article 1

The Articles of and the Annexes B, C, D (Chapter II) and E to Directive 64/432/EEC shall be replaced by the text annexed to this Directive, the Annexes A, D (Chapter I) and F shall be replaced by the text annexed to Directive 98/46/EC.

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Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive ►M1 not later than 1 July 1999 ◄. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of domestic 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.

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ANNEX

DIRECTIVE 64/432/EEC

(amendment and updating of the Articles and the Annexes)

Article 1

This Directive shall apply to intra-Community trade in bovine animals and swine with the exception of feral pigs as defined in Article 2 (e) of Directive 80/217/EEC [1] without prejudice to the provisions laid down in Directives 80/215/EEC [2], 85/511/EEC, 88/407/EEC [3], 89/608/EEC [4], 90/425/EEC, 90/429/EEC [5], 90/667/EEC [6], 91/496/EEC, 91/628/EEC [7], 92/102/EEC [8], 92/119/EEC and Decision 90/424/EEC [9].

Article 2

1. The definitions given in Article 2 of Directive 90/425/EEC and Article 2 of Directive 91/628/EEC shall apply.

2. In addition the following definitions apply for the purposes of this Directive:

(a) *herd* means an animal or group of animals kept on a holding (within the meaning of Article 2 (b) of Directive 92/102/EEC) as an epidemiological unit; if more than one herd is kept on a holding, each of these herds shall form a distinct unit and shall have the same health status;

(b) *animal for slaughter* means a bovine animal (including the species *Bison bison* and *Bubalus bubalus*) or swine intended to be taken to a slaughterhouse or assembly centre from which it may only move to slaughter;

(c) *animals for breeding or production* means bovine animals (including the species *Bison bison* and *Bubalus bubalus*) and swine other than those referred to in (b), including those intended for breeding, milk or meat production, or draft purposes, shows or exhibition with the exception of animals taking part in cultural and sporting events;

(d) *officially tuberculosis-free bovine herd* means a bovine herd which satisfies the conditions laid down in ►**M1** Annex A.I, paragraphs 1 and 2 ◄;

(e) *officially tuberculosis-free Member State* or *region of a Member State* means a Member State or part of a Member State which satisfies the conditions laid down in ►**M1** Annex A.I, paragraphs 4 and 5 ◄;

(f) *officially brucellosis-free bovine herd* means a bovine herd which satisfies the conditions laid down in ►**M1** Annex A.II, paragraphs 1 and 2 ◄;

(g) *officially brucellosis-free region* means a region of a Member State which satisfies the conditions laid down in Annex A.II, paragraphs 7, 8 and 9;

(h) *officially brucellosis-free Member State* means a Member State which satisfies the conditions laid down in ►**M1** Annex A.II, paragraphs 7, 8 and 9 ◄;

(i) *brucellosis-free bovine herd* means a bovine herd which satisfies the conditions laid down in ►**M1** Annex A.II, paragraphs 4 and 5 ◄;

(j) *officially enzootic-bovine-leukosis-free herd* means a herd which satisfies the conditions laid down in Annex D, Chapter I, Sections A and B;

(k) *officially enzootic-bovine-leukosis-free Member State* or *region* means a region or Member State which meets the requirements laid down in ►**M1** Annex D, Chapter I, Sections E and F ◄;

(l) *official veterinarian* means the veterinarian appointed by the competent authority of the Member State;

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(1) OJ No L 47, 21. 2. 1980, p. 11. Directive as last amended by Directive 93/384/EEC (OJ No L 166, 8. 7. 1993, p. 34).
(2) OJ No L 47, 21. 2. 1980, p. 4. Directive as last amended by Directive 91/687/EEC (OJ No L 377, 31. 12. 1991, p. 16).
(3) OJ No L 194, 22. 7. 1988, p. 10. Directive as last amended by Directive 93/60/EEC (OJ No L 186, 28. 7. 1993, p. 28).
(4) OJ No L 351, 2. 12. 1989, p. 34.
(5) OJ No L 224, 18. 8. 1990, p. 62. Directive as last amended by the 1994 Act of Accession.
(6) OJ No L 363, 27. 12. 1990, p. 51. Directive as last amended by Directive 92/118/EEC.
(7) OJ No L 340, 11. 12. 1991, p. 17. Directive as last amended by Directive 95/29/EC (OJ No L 148, 30. 6. 1995, p. 52).
(8) OJ No L 355, 5. 12. 1992, p. 32. Directive as last amended by the 1994 Act of Accession.
(9) OJ No L 224, 18. 8. 1990, p. 19. Decision as last amended by Decision 94/370/EC (OJ No L 168, 2. 7. 1994, p. 31).

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(m) *approved veterinarian* means any veterinarian approved by the competent authority in accordance with the provisions of Article 14 (3) (B);

(n) *compulsorily notifiable diseases* means the diseases listed in Annex E (I);

(o) *assembly centre* means holdings, collection centres and markets, at which bovine animals or swine originating from different holdings are grouped together to form consignments of animals intended for trade. These assembly centres must be approved for trading purposes and meet the requirements laid down in Article 11;

(p) *region* means that part of a Member State's territory which is at least 2 000 km^2 in area and which is subject to inspection by the competent authorities and includes at least one of the following administrative regions:

— Belgium:	province — provincie
— Germany:	Regierungsbezirk
— Denmark:	amt or island
— France:	département
— Italy:	provincia
— Luxemburg	—
— Netherlands:	rrv-kring
— United Kingdom:	England, Wales and Northern Ireland: county Scotland: district or island area
— Ireland:	county
— Greece:	νομός
— Spain:	provincia
— Portugal:	continente: distrito, and other parts of Portugal's territory: região autónoma
— Austria:	Bezirk
— Sweden:	län
— Finland:	lääni/län;

(q) *dealer* means any natural or legal person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of these animals and who within a maximum of 30 days of purchasing animals resells them or relocates them from the first premises to other premises not within his ownership and meets the conditions laid down in Article 13.

Article 3

1. Each Member State shall ensure that only animals that fulfil the relevant conditions laid down in this Directive are sent from its territory to that of another Member State.

2. Bovine animals and swine covered by this Directive must:

(a) be subjected:

— to an identity check, and

— to a clinical inspection within 24 hours of departure by an official veterinarian and show no clinical sign of disease;

(b) not have been obtained from a holding or an area which for health reasons is subject to prohibition or restriction affecting the species involved in accordance with Community and/or national legislation;

(c) be identified as provided for in Directive 92/102/EEC;

(d) not be animals which are to be slaughtered and not be restricted under a contagious or infectious disease eradication programme of a Member State or region;

(e) comply with the provisions of Articles 4 and 5.

Article 4

1. Bovine animals and swine covered by this Directive must at no time between leaving the holding of origin and arriving at destination come into