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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 intoxications

(OJ L 62, 15.3.1993, p. 38)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Directive 97/22/EC of 22 April 1997	L 113	9	30.4.1997
►**M2**	Directive 1999/72/EC of the European Parliament and of the Council of 29 July 1999	L 210	12	10.8.1999
►**M3**	Council Regulation (EC) No 806/2003 of 14 April 2003	L 122	1	16.5.2003

Amended by:

►**A1**	Act of Accession of Austria, Sweden and Finland	C 241	21	29.8.1994
	(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	1	1.1.1995

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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 ([1]),

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

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

Whereas live animals and products of animal origin appear on the list in Annex II to the Treaty; whereas livestock farming and the placing on the market of products of animal origin constitute an important source of income for the farming population;

Whereas the rational development of this sector and an improvement in its productivity may be achieved by the implementation of veterinary measures aimed at protecting and raising the level of public and animal health in the Community;

Whereas it is necessary to prevent and reduce, by appropriate measures, the appearance of zoonoses which pose a threat to human health in particular, through food of animal origin;

Whereas the Community has already undertaken action for the eradication of certain zoonotic diseases and in particular bovine tuberculosis, bovine brucellosis, brucellosis in sheep and goats, and rabies; whereas it is advisable to collect epidemiological information on those diseases;

Whereas those measures should apply without prejudice to Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs ([4]);

Whereas, in order to assess the priorities for preventive action, it is necessary to collect information in the Member States on the incidence of zoonotic diseases in the human population, in domestic animals, in animal feedingstuffs and wildlife;

Whereas the Commission should follow the development of the epidemiological situation so as to propose the appropriate measures;

Whereas the situation with respect to salmonellosis justifies the adoption of immediate control measures for certain types of farming at risk;

Whereas the harmonization of the essential requirements concerning the protection of public health presupposes prior designation of Community liaison and reference laboratories and the implementation of technical and scientific actions;

Whereas detailed rules governing the Community's financial contribution towards certain actions laid down in this Directive have been laid down by Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ([5]);

Whereas it is appropriate to make provision for a procedure establishing close effective cooperation between the Member States and the Commission for the adoption of implementing measures,

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([1]) OJ No C 253, 27. 9. 1991, p. 2.
([2]) OJ No C 326, 16. 2. 1991, p. 223.
([3]) OJ No C 79, 30. 3. 1992, p. 6.
([4]) OJ No L 186, 30. 6. 1989, p. 23.
([5]) OJ No L 224, 18. 8. 1990, p. 19. Decision as amended by Decision 91/133/EEC (OJ No L 66, 13. 3. 1991, p. 18).

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HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down rules for the collection of information on zoonoses and zoonotic agents and the relevant measures to be taken in the Member States and at Community level.

Article 2

For the purposes of this Directive:

1. *zoonosis* means any disease and/or infection which is likely to be naturally transmitted from animals to man;
2. *zoonotic agent* means any bacterium, virus or parasite which is likely to cause a zoonosis;
3. *approved national laboratory* means a laboratory approved or recognized by the competent authority of a Member State to carry out examinations of official samples in order to detect a zoonotic agent;
4. *sample* means a sample taken by the owner of or person responsible for the establishment or the animals, or taken on his behalf, to be examined for a zoonotic agent;
5. *official sample* means a sample taken by the competent authority to test for a zoonotic agent. The official sample bears a reference to the species, the type, the amount and the method of collection, and the identification of the origin of the animal or the product of animal origin; this sample is to be taken without prior warning;
6. *competent authority* means the central authority or authorities of a Member State which is/are responsible for monitoring provisions concerning public health, animal health or other veterinary matters arising from this Directive, or any other authority to which such responsibility has been delegated by the central authority.

Article 3

1. Each Member State shall ensure that measures taken in accordance with this Directive by the competent authority are coordinated at national and local level, in particular in relation to epidemiological surveys.

2. The competent authority at local level shall be assisted by approved national laboratories.

3. Each Member State shall designate the approved national reference laboratories for the zoonoses and zoonotic agents listed in Annex I, point I, at which the identification of a zoonotic agent or final confirmation of its presence may be carried out.

Article 4

1. Member States shall ensure that:

(a) the operators or managers of establishments approved in accordance with Directives 64/433/EEC ([1]), 71/118/EEC ([2]) and 77/99/EEC ([3]) are obliged to keep for a minimum period to be specified by the competent authority and to communicate to the latter at its request, the results of examinations for the presence of the zoonoses listed in Annex I, point I;

([1]) OJ No 121, 29. 7. 1964, p. 2012/64. Directive as last amended by Directive 91/497/EEC (OJ No L 268, 24. 9. 1991, p. 69).
([2]) OJ No L 55, 8. 3. 1971, p. 23. Directive as last amended and updated by Directive 92/116/EEC (see page 1 of this Official Journal).
([3]) OJ No L 26, 31. 1. 1977, p. 85. Directive updated by Directive 92/5/EEC (OJ No L 57, 2. 3. 1992, p. 1), and last amended by Directive 92/45/EEC (OJ No L 268, 14. 9. 1992, p. 35).

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(b) the isolation and identification of zoonotic agents or the establishment of any other evidence of their presence rests with the person responsible for the laboratory or, where the identification is carried out elsewhere than at a laboratory, with the person responsible for the examination;

(c) the diagnosis and identification of a zoonotic agent are reported to the competent authority;

(d) the competent authority collects information on any zoonotic agents the presence of which has been confirmed in the course of the tests or examinations carried out and on any clinical cases in humans or animals of the zoonoses listed in Annex I, point I;

(e) the other Member States are regularly informed within the Standing Veterinary Committee set up by Decision 68/361/EEC ([1]) of clinical cases recorded in accordance with (d).

2. In accordance with the procedure laid down in Article 16, the provisions of this Article may be extended to cover the zoonoses and zoonotic agents listed in Annex I, points II and III.

Article 5

1. The competent authority shall evaluate the information collected in accordance with Article 4 (1) (d). It shall report to the Commission, by ►M1 31 May ◄ each year, the trends and sources of the zoonotic infections recorded during the previous year.

2. Paragraph 1 shall not rule out more frequent reporting to the Commission by Member States, or requests from the Commission for additional information, where the circumstances warrant. The Commission shall evaluate the information supplied by Member States and shall report to the Standing Veterinary Committee before ►M1 1 November ◄ each year.

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Article 6

The Commission shall follow the development of the situation in relation to zoonoses in the Community, particularly on the basis of the information collected pursuant to Articles 5 and 8, and:

(a) shall conduct specific studies, in particular in relation to the evaluation of risks from zoonotic agents, diagnostic procedures and control measures, in collaboration with the competent national laboratories, the Community reference laboratories referred to in Article 13 and the Scientific Veterinary Committee set up by Decision 81/651/EEC ([2]);

(b) shall, in accordance with the procedure laid down in Article 16, establish the methods of collecting samples and carrying out examinations in the national laboratories referred to in Article 3 (2) and (3). ►M1 ——————— ◄;

(c) shall establish guidelines for measures to combat zoonoses.

Article 7

The systems for tracing the movement of farm animals laid down in Commission Decision 89/153/EEC ([3]) shall be enforced in relation to the measures for zoonoses and zoonotic agents laid down in this Directive.

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([1]) OJ No L 255, 18. 10. 1968, p. 23.

([2]) OJ No L 233, 19. 8. 1981, p. 32. Decision as amended by Decision 86/105/EEC (OJ No L 93, 8. 4. 1986, p. 14).

([3]) OJ No L 59, 2. 3. 1989, p. 33.

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Article 8

1. Member States shall submit to the Commission before ►M1 1 March 1998 ◄ the national measures which they are taking to achieve the objectives of this Directive in respect of the zoonoses listed in Annex I, points I and II, with the exception of those already being taken for brucellosis and tuberculosis under plans already approved within the framework of Community legislation.

They may include measures to detect the zoonoses and zoonotic agents listed in Annex I, point III.

Member States which have national plans for the detection of the zoonoses listed in Annex I, point II, may submit them to the Commission as the information required in accordance with the first subparagraph.

Member States shall forward to the Commission, every year, a report on the epidemiological situation for trichinosis.

The Commission shall examine the measures communicated by the Member States to determine whether they are compatible with the objectives of this Directive. It shall inform the Member States, meeting in the Standing Veterinary Committee, of its conclusions.

2. In the case of salmonella in fowls, Member States must forward to the Commission before 1 January 1994 plans drawn up in accordance with the criteria laid down in Annexes II and III. These plans must:

(a) specify as regards salmonella the measures taken to comply with the minimum requirements laid down in Annex III;

(b) take into account the specific situation in each Member State;

(c) indicate the number of approved national laboratories at which examination and identification of salmonella will take place and the approval procedures for those laboratories.

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However, pending the review provided for in Article 15a, the obligation to submit plans to the Commission shall be suspended in the case of those Member States which have not yet submitted such plans with regard to salmonella in poultry.

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3. In accordance with the procedure laid down in Article 16:

— the plans referred to in paragraph 2, amended if necessary, shall be approved not later than six months after their submission,

— amendments or additions may be made to a plan previously approved in order to take account of developments in the situation in the Member State concerned or in one of its regions.

Article 9

1. Detailed rules governing the Community's financial contribution towards the measures for slaughter and destruction and official sampling imposed pursuant to Annex III, Section I, point V and towards the operation of the laboratories listed in Annex IV shall be laid down in accordance with Decision 90/424/EEC.

As regards the measures provided for in Annex III, the financial contribution provided for in Decision 90/424/EEC must not benefit breeders who have contravened the requirements of this Directive.

50 % of the cost of applying the slaughter and destruction measures referred to in the first subparagraph shall be met from the aforementioned Community financial contribution.

2. In Article 4 of Decision 90/424/EEC the following paragraph 3 shall be added:

‘3. The provisions of Article 3, with the exception of the fourth indent of paragraph 2 and the second indent of paragraph 5, shall apply when a zoonosis listed in Directive 92/117/EEC occurs,