Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC

COUNCIL DIRECTIVE 92/65/EEC

of 13 July 1992

laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC

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 proposals 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 are included in the list of products in Annex II to the Treaty; whereas the placing on the market of such animals and products constitutes a source of income for part of the farming population;

Whereas in order to ensure the rational development in this sector and increase productivity, animal health rules for the animals and products should be laid down at Community level;

Whereas the Community must adopt the measures intended to establish the internal market progressively over a period expiring on 31 December 1992;

Whereas in view of the abovementioned objectives the Council has laid down animals health rules applicable to cattle, swine, sheep and goats, equidae, poultry and hatching eggs, fish and fish products, bivalve molluscs, semen of bulls and boars, ovine embryos, fresh meat, poultrymeat, meat products, game meat and rabbit meat;

Whereas animal health rules should be adopted for the placing on the market of animals and products of animal origin which are not yet covered by the abovementioned rules;

Whereas provision should be made for applying this Directive without prejudice to Council Regulation (EEC) No 3626/82 of 3 December 1982 on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora[(4)];

Whereas, as regards certain technical aspects, reference must be made to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in

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bovine animals and swine[(5)] and Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease[(6)];

Whereas, in respect of the organization of checks and the follow-up thereto, as well as the safeguard measures to be implemented, reference must be made to the general rules laid down in Council 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[(7)];

Whereas, save where otherwise provided, trade in animals and products of animal origin must be liberalized, without prejudice to recourse to possible safeguard measures;

Whereas, given the significant risk of the spread of diseases to which animals are exposed, for certain animals and products of animal origin particular requirements should be specified to be imposed when they are placed on the market for the purposes of trade, particularly when intended for regions with a high health status;

Whereas the specific situation pertaining in the United Kingdom of Great Britain and Northern Ireland and in Ireland given the insular position of those countries, and the fact that they have been free of rabies for a considerable period of time, warrants particular provisions to ensure that the placing on the market in the United Kingdom and Ireland of dogs and cats which do not originate in those countries does not involve a risk of introducing rabies into those States, without however affecting the abolition of veterinary checks at the frontiers between Member States;

Whereas a health certificate is the most appropriate means of guaranteeing and monitoring compliance with these requirements;

Whereas, to maintain the health situation in the Community, when the animals and products of animal origin referred to in this Directive are placed on the market, they should be made subject to the minimum requirements laid down for trade and compliance therewith monitored in accordance with the principles and rules laid down in Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries[(8)];

Whereas provision should be made for a procedure establishing close co-operation between the Member States and the Commission within the Standing Veterinary Committee;

Whereas the deadline for transposition into national law, set at 1 January 1994 in Article 29, should not affect the abolition of veterinary checks at frontiers on 1 January 1993,

HAS ADOPTED THIS DIRECTIVE:

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CHAPTER I

General provisions

Article 1

[[F1]**[**[X1]This Directive lays down the animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to the animal health requirements laid down in the specific Community acts referred to in Annex F.**]]**

This Directive shall apply without prejudice to the provisions adopted pursuant to Regulation (EEC) No 3626/82.

This Directive shall not affect the national rules applicable to pet animals, although their retention may not jeopardize the abolition of veterinary checks at the frontiers between Member States.

Editorial Information

X1 Substituted by Corrigendum to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC (Official Journal of the European Union L 139 of 30 April 2004).

Textual Amendments

F1 Substituted by Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC (Text with EEA relevance).

Article 2

1 For the purposes of this Directive:

(a) ‘trade’ trademeans trade as defined by Article 2 (3) of Directive 90/425/EEC;

(b) ‘animals’ means specimens of animal species other than those referred to in Directives 64/432/EEC, 90/426/EEC[(9)], 90/539/EEC[(10)], 91/67/EEC[(11)], 91/68/EEC[(12)], 91/492/EEC[(13)] and 91/493/EEC[(14)];

(c) ‘approved body, institute or centre’ means any permanent, geographically limited establishment, approved in accordance with Article 13, where one or more species of animal are habitually kept or bred, whether or not for commercial ends, and exclusively for one or more of the following purposes:

— display of the animals and education of the public

— conservation of the species;

— basic or applied scientific research or breeding of animals for the purposes of such research;

(d) ‘notifiable diseases’ means the diseases listed in Annex A.

2 In addition, the definitions, other than those of approved centres and bodies, contained in Article 2 of Directives 64/432/EEC, 91/67/EEC and 90/539/EEC shall apply *mutatis mutandis*.

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CHAPTER II

Provisions applicable to trade

Article 3

The Member States shall ensure that the trade referred to in Article 1, first paragraph, is not prohibited or restricted for animal health reasons other than those arising from the application of this Directive or from Community legislation, and in particular any safeguard measures taken.

[[F2]**[**[F3]Pending Community provisions on the matter, Sweden may maintain its national rules as regards snakes and other reptiles consigned to it.**]]**

Textual Amendments

F2 Inserted by Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (94/C 241/08).

F3 Substituted by Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union (95/1/EC, Euratom, ECSC).

Article 4

Member States shall take the necessary measures to ensure that, for the purposes of applying Article 4 (1) (a) of Directive 90/425/EEC, the animals referred to in Articles 5 to 10 of this Directive may without prejudice to Article 13 and to the particular provisions to be adopted in implementation of Article 24, be the subject of trade only if they satisfy the conditions laid down in Articles 5 to 10 and come from the holdings or businesses referred to in Article 12 (1) and (3) of this Directive which are registered by the competent authority and which undertake to:

— have the animals held examined regularly in accordance with Article 3 (3) of Directive 90/425/EEC,

— notify the competent authority, aside from the outbreak of notifiable diseases, of the outbreak of the diseases referred to in Annex B for which the Member State concerned has drawn up a control or monitoring programme,

— comply with the specific national measures to control a disease which is of particular importance to a given Member State and is covered by a programme drawn up in accordance with Article 14 or a decision under Articles 15 (2),

— place on the market for the purposes of trade only animals which show no signs of disease and which come from holdings or areas not subject to any ban on animal health grounds and with respect to animals not accompanied by a health certificate or a commercial document provided for in Articles 5 to 11, only animals accompanied by self-certification by the operator stating that the animals in question do not at the time of dispatch show any obvious signs of disease and that his holding is not subject to any animal-health restrictions,

— comply with the requirements ensuring the welfare of the animals held.

Article 5

1 Member States shall ensure that trade in apes (simiae and prosimiae) is restricted solely to animals consigned from and to a body, institute or centre approved by the competent

authorities of the Member States in accordance with Article 13 and that such animals are accompanied by a veterinary certificate corresponding to the specimen in Annex E, the declaration in which must be completed by the official veterinarian of the body, institute or centre of origin to guarantee the animals' health.

2 The competent authority of a Member State may, by way of derogation from paragraph 1, authorize the acquisition by an approved body, institute or centre of apes belonging to an individual.

Article 6

A. Without prejudice to Article 14 and 15, Member States shall ensure that ungulates of species other than those referred to in Directives 64/432/EEC, 90/426/EEC and 91/68/EEC may be the subject of trade only if they meet the following requirements:

1. in general they:

(a) must be identified in accordance with Article 3 (1) (c) of Directive 90/425/EEC;

(b) must not be intended for slaughter under a programme for the eradication of an infectious disease;

(c) must not have been vaccinated against foot-and-mouth disease and must satisfy the relevant requirements of Directive 85/511/EEC and Article 4a of Directive 64/432/EEC;

(d) must come from a holding referred to in Article 3 (2) (b) and (c) of Directive 64/432EEC which is not the subject of animal health measures, particularly those taken under Directives 85/511/EEC, 80/217/EEC[(15)] and 91/68/EEC and have been kept therein permanently since birth or for the last thirty days before dispatch;

(e) [F1[X1must be accompanied by a certificate corresponding to the specimen given in Annex E part 1, bearing the following declaration:

Declaration

I, the undersigned (official veterinarian), certify that the ruminant(s) (1)/suida(e) (1) other than that (1
covered by Directive 64/432/EEC:

i) ..... belong/belongs (1) to the (species)

ii) at the time of examination, do (1)/does not (1) show any clinical sign of any disease
it (1)/they (1) is (1)/are (1) susceptible;

iii) come(s) from an officially tuberculosis-free (1)/officially brucellosis-free (1) or bruce
herd (1)/holding (1) not subject to swine fever restrictions or from a holding where it
was (1)/were (1) subjected with negative results to the test(s) laid down in Article
Directive 92/65/EEC.

(1) Delete where inapplicable;

(f) [F4. . . . .]

2. in the case of ruminants: