Council Directive of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals (91/68/EEC)

COUNCIL DIRECTIVE

of 28 January 1991

on animal health conditions governing intra-Community trade in ovine and caprine animals

(91/68/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 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 the harmonious operation of the common organization of the market in ovine and caprine animals will not have the results expected of it as long as disparities between Member States as regards health conditions act as a restraint on intra-Community trade;

Whereas in order to encourage such trade it is advisable to remove those disparities and introduce Community-wide rules on the marketing of ovine and caprine animals in such trade; whereas that objective will also contribute to the completion of the single market;

Whereas in order to be eligible for intra-Community trade, ovine and caprine animals should meet certain animal health requirements designed to avoid the spread of infectious or contagious diseases;

Whereas the animal health requirements applicable should vary depending on the purpose for which the animals are traded;

Whereas the health situation for ovine and caprine animals is not the same throughout the territory of the Community; whereas reference should therefore be made to 'regions' as defined in Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine[(4)], as last amended by Directive 90/425/EEC[(5)], when dealing with parts of that territory;

Whereas there must be no barriers to trade between regions in which the animal health conditions are equivalent;

Whereas provision should be made for allowing the Commission to approve certain additional requirements in the light of the progress made by a Member State in eradicating certain diseases,

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

provided that those requirements in no case exceed those applied nationally by the Member State concerned;

Whereas in order to avoid the spread of infectious or contagious diseases, conditions should be laid down as regards the transportation of the animals to their place of destination;

Whereas in order to ensure that the requirements applicable are complied with, provision should be made for introducing a health certificate which would be issued by an official veterinarian and which would accompany ovine and caprine animals until they reach their place of destination;

Whereas reference should be made, as regards the organization and follow up of the checks to be carried out by the Member States and as regards the protective measures to be introduced, 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 of the completion of the internal market;

Whereas provision should be made for allowing the Commission to conduct its own checks;

Whereas a procedure should be introduced which provides for close and efficient cooperation between the Member States and the Commission within the Standing Veterinary Committee,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive defines the animal health conditions governing intra-Community trade in ovine and caprine animals.

[F1 Article 2

(a) The definitions given in Article 2 of Directive 90/425/EEC and in Article 2 of 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[6] shall apply as far as applicable.

(b) In addition, the following definitions apply for the purposes of this Directive:

1. ‘ovine or caprine animals for slaughter’ means animals of the ovine or caprine species intended to be taken either directly or via an approved assembly centre to a slaughterhouse in order to be slaughtered;

2. ‘ovine or caprine animals for breeding’ means ovine and caprine animals other than those mentioned in points 1 and 3 intended to be transported to the place of destination, either directly or via an approved assembly centre, for breeding and production purposes;

3. ‘ovine or caprine animals for fattening’ means ovine and caprine animals other than those mentioned in points 1 and 2 intended to be transported to the place of destination, either directly or via an approved assembly centre, in order to be fattened for subsequent slaughter;

4. ‘officially brucellosis-free ovine or caprine holding’ means a holding which satisfies the conditions laid down in Section I of Chapter 1 of Annex A;

5. ‘brucellosis-free ovine or caprine holding’ means a holding which satisfies the conditions laid down in Chapter 2 of Annex A;

6. ‘compulsorily notifiable disease’ means a disease listed under Section I of Annex B;

7. ‘official veterinarian’ means a veterinarian designated by the competent central authority of the Member State;

8. ‘holding of origin’ means any holding on which the ovine and caprine animals have been continuously present as required by this Directive and on which records are maintained demonstrating the residence of the animals which may be audited by the competent authorities;

9. ‘assembly centre’ means collection centres and markets, at which under the supervision of the official veterinarian ovine and caprine animals originating from different holdings are grouped together to form consignments of animals for national movement;

10. ‘approved assembly centre’ means premises on which ovine or caprine animals originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade;

11. ‘dealer’ means any natural or legal person who buys and sells animals commercially either directly or indirectly, who has a turnover of these animals and who within a maximum of 29 days of purchasing animals resells them or relocates them from the first premises to other premises or directly to a slaughterhouse not within his ownership;

12. ‘approved dealer's premises’ means premises operated by a dealer as defined in point 11 and approved by the competent authorities at which ovine or caprine animals originated from different holdings are grouped together to form consignments of animals intended for intra-Community trade;

13. ‘transporter’ means any natural or legal person referred to in Article 5 of Directive 91/628/EEC;

14. ‘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
— Luxembourg	—
— Netherlands:	RVV-kring
— United Kingdom:	

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

England, Wales and Northern Ireland:	county
Scotland:	district or island area
— Ireland:	county
— Greece:	νομός
— Spain:	provincia
— Portugal:	
continent:	distrito
other parts of Portugal's territory:	região autónoma
— Austria:	Bezirk
— Sweden:	län
— Finland:	lääni/län**[**F2**.]**
[F3— Bulgaria:	област
— Romania:	județ**[**F4**.]]**
[F5— Croatia:	županija.**]]**

Textual Amendments

F1 Substituted by Council Directive 2003/50/EC of 11 June 2003 amending Directive 91/68/EEC as regards reinforcement of controls on movements of ovine and caprine animals.

F2 Deleted by Council Directive 2006/104/EC of 20 November 2006 adapting certain Directives in the field of agriculture (veterinary and phytosanitary legislation), by reason of the accession of Bulgaria and Romania.

F3 Inserted by Council Directive 2006/104/EC of 20 November 2006 adapting certain Directives in the field of agriculture (veterinary and phytosanitary legislation), by reason of the accession of Bulgaria and Romania.

F4 Deleted by Council Directive 2013/20/EU of 13 May 2013 adapting certain directives in the field of food safety, veterinary and phytosanitary policy, by reason of the accession of the Republic of Croatia.

F5 Inserted by Council Directive 2013/20/EU of 13 May 2013 adapting certain directives in the field of food safety, veterinary and phytosanitary policy, by reason of the accession of the Republic of Croatia.

[F1 Article 3

1 Ovine and caprine animals for slaughter may be the subject of trade only if they fulfil the conditions laid down in Articles 4, 4a, 4b and 4c.

2 Ovine and caprine animals for fattening may be the subject of trade only if they fulfil the conditions laid down in Articles 4, 4a, 4b and 5, without prejudice to any additional guarantees which may be required pursuant to Articles 7 and 8.

3 Ovine and caprine animals for breeding may be the subject of trade only if they fulfil the conditions laid down in Articles 4, 4a, 4b, 5 and 6, without prejudice to any additional guarantees which may be required pursuant to Articles 7 and 8.

4 By way of derogation from the provisions in paragraphs 2 and 3, the competent authorities of Member States of destination may grant general or limited derogations in respect

of movement of ovine and caprine animals for breeding and fattening, intended solely for temporary pasturing near internal borders of the Community. Member States making use of such derogation shall inform the Commission of the content of the derogations granted.

5 Ovine and caprine animals covered by this Directive must at no time between leaving the holding of origin and arriving at destination come into contact with cloven-hoofed animals other than animals that have the same health status.**]**

Textual Amendments

F1 Substituted by Council Directive 2003/50/EC of 11 June 2003 amending Directive 91/68/EEC as regards reinforcement of controls on movements of ovine and caprine animals.

[F1 Article 4

1 Member States shall ensure that ovine and caprine animals:

a are identified and registered in accordance with Community legislation;

b are inspected by an official veterinarian during the 24 hours preceding the loading of the animals, and show no clinical sign of disease;

c do not come from a holding, nor have been in contact with animals from a holding, which is the subject of a prohibition on animal health grounds; the period of such prohibition shall last after the slaughter and/or the disposal of the last animal suffering from or susceptible to one of the diseases referred to in points (i), (ii) or (iii), for at least:

(i) 42 days in the case of brucellosis,

(ii) 30 days in the case of rabies,

(iii) 15 days in the case of anthrax;

d do not come from a holding, nor have been in contact with animals from a holding, situated in an area which for health reasons is subject to a prohibition or restriction affecting the species involved in accordance with Community and/or national legislation;

e are not the subject of animal health restrictions pursuant to Community legislation on foot-and-mouth disease nor have they been vaccinated against foot-and-mouth disease.

2 Member States shall ensure that the following animals are not the subject of trade:

a ovine and caprine animals which may have to be slaughtered under a national programme for the eradication of diseases not referred to in Annex C to Directive 90/425/EEC or in Chapter I of Annex B to this Directive;

b ovine and caprine animals which cannot be marketed on their own territory for health or animal health reasons justified by Article 30 of the Treaty.

3 Member States shall ensure that ovine and caprine animals shall:

a either have been born and reared since birth in the Community, or

b have been imported from a third country in accordance with Community legislation.**]**

Textual Amendments

F1 Substituted by Council Directive 2003/50/EC of 11 June 2003 amending Directive 91/68/EEC as regards reinforcement of controls on movements of ovine and caprine animals.