Council Directive of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (90/429/EEC)

COUNCIL DIRECTIVE

of 26 June 1990

laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species

(90/429/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 provisions relating to animal health problems in intra-Community trade in bovine animals and swine appear in Directive 64/432/EEC[(4)], as last amended by Directive 89/360/EEC[(5)]; whereas in addition, Directive 72/462/EEC[(6)], as last amended by Directive 89/227/EEC[(7)] contains provisions relating to veterinary inspection problems encountered upon importation of bovine animals and swine from third countries;

Whereas the abovementioned provisions have ensured, with regard to intra-Community trade and imports into the Community of bovine animals and swine from third countries, that the country of provenance guarantees that animal health criteria have been fulfilled so that the risk of animal disease spreading has been virtually eliminated; whereas there is nevertheless a certain risk of the spread of such disease in the case of trade in semen;

Whereas in the context of the Community policy of harmonizing national animal health provisions governing intra-Community trade in animals and animal products, it is now necessary to create a harmonized system for intra-Community trade and imports into the Community of semen of porcine animals;

Whereas, in the context of intra-Community trade in semen, the Member State where the semen is collected should be under an obligation to ensure that such semen has been collected and processed at approved and supervised collection centres, has been obtained from animals whose health status is such as to ensure that the risk of spread of animal disease is eliminated, has been collected, processed, stored and transported in accordance with rules which preserve its health status and is accompanied during transport to the country of destination by an animal health certificate in order to ensure that this obligation has been fulfilled;

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Whereas the difference in the policies pursued within the Community with regard to vaccination against certain diseases justifies the maintenance of derogations, limited in time, authorizing the requirement by the Member States, in respect of certain diseases, of additional protection against those diseases;

Whereas for imports of semen into the Community from third countries a list of third countries should be drawn up taking into account animal health criteria; whereas independently of such a list the Member States should authorize importation of semen only from semen collection centres which reach certain standards and which are officially supervised; whereas, in addition, in respect of countries on that list, specific animal health conditions should be laid down according to circumstances; whereas, in order to verify compliance with these standards, it must be possible to carry out on-the-spot checks;

Whereas the rules and procedures for checks laid down in Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market[8] should be extended to cover this Directive;

Whereas in order to prevent the transmission of certain contagious diseases, import controls should be carried out when a consignment of semen arrives on the territory of the Community, except in the case of external transit;

Whereas a Member State should be permitted to take emergency measures in the event of an outbreak of a contagious disease in another Member State or in a third country; whereas the dangers associated with such diseases and the protective measures they necessitate should be assessed in the same way throughout the Community; whereas to that end, an emergency Community procedure under which the necessary measures must be taken should be instituted within the Standing Veterinary Committee;

Whereas the Commission should be entrusted with taking certain measures for implementing this Directive; whereas to that end, a procedure should be established for close and effective cooperation between the Commission and the Member States within the Standing Veterinary Committee;

Whereas this Directive does not affect trade in semen produced before the date on which the Member States must comply with it,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

General provisions

Article 1

This Directive lays down the animal health conditions applicable to intra-Community trade in and imports from third countries of semen of domestic animals of the porcine species.

Article 2

For the purposes of this Directive, the definitions contained in Article 2 of Directives 64/432/EEC, 72/462/EEC, 80/407/EEC[(9)] and 90/425/EEC[(10)] shall apply as necessary.

Moreover, 'semen' means the ejaculate of a domestic animal of the porcine species, in the unaltered state or prepared or diluted.

CHAPTER II

Intra-Community trade

Article 3

Each Member State shall ensure that only semen, meeting the following general conditions, is intended for trade:

(a) it must have been collected and processed, for the purpose of artifical insemination, in a collection centre approved from the point of view of animal health for the purposes of intra-Community trade in accordance with Article 5 (1);

(b) it must have been collected from domestic animals of the porcine species whose health status complies with Annex B;

(c) it must have been collected, processed, stored and transported in accordance with Annexes A and C.

Article 4

1 Until 31 December 1992, Member States in which all collection centres contain only animals which have not been vaccinated against Aujeszky's disease giving a negative reaction to the serum neutralization test, or to the ELISA test for Aujeszky's disease, in accordance with the provisions of this Directive:

— may refuse admission to their territory of semen from collection centres which do not have that status,

— may not prohibit the admission of semen from boars which have been vaccinated in the collection centre with the GI deleted vaccine, provided that:

  — such vaccination has only been carried out on boars that were serum-negative with regard to the virus of Anjeszky's disease,

  — serological examinations carried out at the earliest three weeks after vaccination of such boars do not reveal the presence of antibodies induced by the disease virus.

  In this event a sample of semen from each daily collection intended for trade may be subjected to a virus isolation test in an approved laboratory in the Member State of destination.

  The provisions of this paragraph shall not come into effect until such time as the Commission, acting in accordance with Article 18, not later than 1 July 1991, has laid down the protocols for the tests to be used for these examinations following the opinion of the Scientific Veterinary Committee, in particular in connection with the frequency of the tests to be carried out in the centre, the virus isolation tests and the effectiveness and safety of the GI deleted vaccine.

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2 In accordance with the procedure referred to in Article 18, it may be decided to extend the provisions of paragraph 1 to part of the territory of a Member State if all the collection centres in that part of the territory contain only animals giving a negative reaction to the serum neutralization test or the ELISA test for Aujeszky's disease.

3 The Council shall, before 31 December 1992, review this Article on the basis of a report from the Commission, accompanied by any proposals.

Article 5

1 The Member State on whose territory the semen collection centre is situated shall ensure that the approval provided for in Article 3 (a) is granted only if it meets the conditions of Annex A and satisfies the other provisions of this Directive.

The Member State shall also ensure that the official veterinarian supervises the observance of those provisions. The official veterinarian shall propose that approval be withdrawn when one or more of the provisions is no longer observed.

[F1 2 All semen collection centres shall be registered, each centre being given a veterinary registration number.

Each Member State shall draw up and keep up to date a list of semen collection centres and their veterinary registration numbers and make it available to the other Member States and to the public.**]**

3 The general rules for applying this Article shall be adopted in accordance with the procedure laid down in Article 18.

Textual Amendments

F1 Substituted by Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields and amending Directives 64/432/EEC, 77/504/EEC, 88/407/EEC, 88/661/EEC, 89/361/EEC, 89/556/EEC, 90/426/EEC, 90/427/EEC, 90/428/EEC, 90/429/EEC, 90/539/EEC, 91/68/EEC, 91/496/EEC, 92/35/EEC, 92/65/EEC, 92/66/EEC, 92/119/EEC, 94/28/EC, 2000/75/EC, Decision 2000/258/EC and Directives 2001/89/EC, 2002/60/EC and 2005/94/EC (Text with EEA relevance).

Article 6

1 Member States shall ensure that each consignment of semen is accompanied by an animal health certificate drawn up in accordance with the specimen in Annex D by an official veterinarian of the Member State of collection.

This certificate must:

a be drawn up in at least one of the official languages of the Member State of collection and one of those of the Member State of destination;

b accompany the consignment to its destination in its original form;

c be drawn up on a single sheet of paper;

d be made out to a single consignee.

2 The Member State of destination may, in addition to measures provided for in Article 8 of Directive 90/425/EEC, take the necessary measures, including storage in quarantine, provided this does not affect the viability of the semen, in order to obtain definite proof in cases where semen is suspected of being infected or contamined by pathogenic organisms.

CHAPTER III

Imports from third countries

Article 7

1 A Member State may authorize importation of semen only from those third countries which appear on a list drawn up in accordance with the procedure laid down in Article 19. That list may be supplemented or amended in accordance with the procedure laid down in Article 18.

2 In deciding whether a third country may appear on the list referred to in paragraph 1, particular account shall be taken of:

a the state of health of the livestock, other domestic animals and wildlife in that country, with particular reference to exotic animal diseases, and of the environmental health situation in that country, which might endanger animal health in the Member States;

b the regularity and rapidity of the information supplied by that country concerning the existence of contagious animal diseases in its territory transmissible by semen, in particular those diseases mentioned in lists A and B of the International Office of Epizootic Diseases;

c that country's rules on animal disease prevention and control;

d the structure of the veterinary services in that country and their powers;

e the organization and implementation of measures to prevent and control contagious animal diseases; and

f the guarantees which that country can give with regard to compliance with this Directive.

3 The list referred to in paragraph 1 and all amendments thereto shall be published in the *Official Journal of the European Communities*.

I[F1] Article 8

1 Member States shall only authorise imports of semen dispatched from a semen collection centre situated in one of the third countries appearing on the list referred to in Article 7 and for which the competent authority of the third country concerned is able to give the guarantees that the following conditions are met:

a it meets the conditions:

(i) for the approval of semen collection centres set out in Chapter I of Annex A;

(ii) relating to the supervision of such centres set out in Chapter II thereof;

b it has been officially approved by the competent authority of the third country for exports to the Community;

c it is placed under the supervision of a centre veterinarian;

d it is subject to inspections by an official veterinarian of the third country concerned at least twice a year.

2 The list of semen collection centres that the competent authority of the third country appearing on the list referred to in Article 7 has approved in accordance with the conditions set out in paragraph 1 of this Article and from which semen may be dispatched to the Community shall be communicated to the Commission.

The approval of a semen collection centre must be immediately suspended or withdrawn by the competent authority of the third country where it no longer complies with the