Council Directive of 26 June 1990 on trade in equidae intended for competitions and laying down the conditions for participation therein (90/428/CEE)

COUNCIL DIRECTIVE

of 26 June 1990

on trade in equidae intended for competitions and laying down the conditions for participation therein

(90/428/CEE)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 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 equidae, being live animals, are included in the list of products in Annex II to the Treaty;

Whereas in order to ensure the rational development of equidae production, thereby increasing productivity in the sector, rules governing intra-Community trade in equidae intended for competitions must be laid down at Community level;

Whereas the breeding and rearing of equidae and in particular of horses is generally included in the farming sector; whereas it constitutes a source of income for part of the farming population;

Whereas there are disparities in the Community as regards the rules for access to competitions; whereas those disparities constitute a barrier to intra-Community trade;

Whereas trade in equidae intended for competitions and participation in such competitions may be jeopardized by disparities existing in the rules concerning the allocation of a percentage of the prize money or profits for the safeguard, development and improvement of breeding in the Member States; whereas introducing free access to the competitions presupposes harmonization of these rules;

Whereas, pending such harmonization, in order, in particular, to maintain or increase productivity in that sector, Member States should be authorized to reserve a percentage of prize money or profits for the safeguard, development and improvement of their breeding activities; whereas, however, a ceiling should be fixed for that percentage;

Whereas it is advisable to adopt implementing measures regarding certain technical aspects; whereas, for the purposes of the planned measures, provision should be made for close

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and effective cooperation between Member States and the Commission within the Standing Committee on Zootechnics,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down the conditions governing trade in equidae intended for competitions and the conditions governing their participation therein.

Article 2

For the purposes of this Directive, the definitions set out in Article 2 of Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae[(4)] shall apply.

Furthermore, 'competition' means any equestrian competition, including horse racing, show-jumping, eventing, dressage, events reserved for horse-drawn vehicles and showing classes.

Article 3

1 The rules of competitions may not discriminate between equidae which are registered in the Member State in which the competition is being held and equidae registered in another Member State.

2 The rules of competitions may not discriminate between equidae originating in the Member State in which the competition is being held and equidae originating in another Member State.

Article 4

1 The obligations set out in Article 3 shall apply in particular to:

a the requirements for entering the competition, in particular the minimum or maximum requirements;

b the judging of the competition;

c the prize money or profits which may accrue from the competition.

[F1 2 However,

— the obligations referred to in Article 3 shall not affect the organisation of:

(a) competitions reserved for equidae registered in a specific stud book for the purpose of permitting the improvement of the breed;

(b) regional competitions with a view to selecting equidae;

(c) historic or traditional events.

Member States intending to avail themselves of these possibilities shall make this intention and the justifications thereof available to the other Member States and to the public beforehand;

— for each competition or type of competition Member States shall be authorised to reserve, through the bodies officially approved or recognised for that purpose, a certain percentage of the prize money or profits referred to in paragraph 1(c) for the safeguard, development and improvement of breeding.

The percentage may not exceed 20 % from 1993.