II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 26 June 1990

amending Directive 64/432/EEC as regards enzootic bovine leukosis

(90/422/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 Directive 88/406/EEC (4), which amends Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (5), as last amended by Directive 89/662/EEC (6), lays down common health guarantees regarding enzootic bovine leukosis as applicable to certain categories of bovine animals intended for intra-Community trade which will apply from 1 July 1990;

Whereas Article 4 of Directive 88/406/EEC requires that proposals be made to lay down the criteria permitting a Member State or part of the territory of a Member State to be recognized as being free from enzootic bovine leukosis, the conditions to be implemented to guarantee the maintenance of such status and the rules applicable to trade conducted from such regions;

Whereas, from surveys carried out to date, it would appear that certain Member States and regions are free from enzootic bovine leukosis whereas it is necessary to define, on a Community basis, how these areas shall be defined and the conditions under which they shall be maintained as being free from enzootic bovine leukosis and the conditions in relation to trade;

Whereas it appears necessary that Member States be granted an additional period of time in order to conform to the requirements of Directive 64/432/EEC as thus amended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 64/432/EEC is hereby amended as follows:

1. Article 2 (s) is replaced by the following:

   '(s) "Enzootic bovine leukosis free herd" shall mean a herd which satisfies the conditions laid down in Annex G, Chapter I, section A.'

2. The following is added to Article 2:

   '(t) "enzootic bovine leukosis free Member State or region" shall mean a region or Member State which meets the requirements laid down in Annex G, Chapter I, section B.'

3. Article 3 (3) (e) is replaced by the following:

   '(e) in addition to the condition under (d), where they are over 12 months of age and come from a region or Member State which does not have enzootic bovine leukosis free status, have reacted negatively to an individual test carried out in accordance with Annex G, Chapter II, during the 30 days before they were loaded;'

(1) OJ No C 17, 24. 1. 1990, p. 11.
(2) OJ No C 113, 7. 5. 1990, p. 205.
(3) OJ No C 112, 7. 5. 1990, p. 31.
(4) OJ No L 194, 22. 7. 1988, p. 1.
(5) OJ No 121, 29. 7. 1964, p. 1977/64.
(6) OJ No L 395, 30. 12. 1989, p. 13.

4. The following paragraph is added to Article 3:

'15. By way of derogation from the requirements laid down in Annex G, Chapter I, section B (2), a Member State or region of a Member State declared enzootic bovine leukosis free within the meaning of Article 2 (t) may be authorized, in accordance with the procedure laid down in Article 12, to lower the inspection level in respect of animals more than two years of age provided that tests have shown that the following requirements are met:

— no case of enzootic bovine leukosis has been recorded in a proportion of one herd out of 10 000 for at least three years,

— all cattle which have reacted positively to an immuno-diffusion test have been slaughtered and the herd has remained subject to restrictions until re-establishment of its status pursuant to Annex G, Chapter I, C (1) or (2),

— all cattle slaughtered within the territory of that Member State or region have been submitted to a post mortem examination by an official veterinarian who must issue notification of all tumours with a view to laboratory examination.

If one of the conditions provided for in the first subparagraph ceases to be fulfilled — especially in the case provided for in Annex G, Chapter I, section C (3) — the Commission, after assessing the circumstances of the recrudescence of enzootic bovine leukosis, and if its assessment gives grounds for so doing, shall adopt a decision in accordance with the same procedure to rescind the derogation decision taken in respect of that Member State or region(s) of that Member State.'

5. In Article 8 (2), the second sentence of the second subparagraph is replaced by the following:

'However, such guarantees shall not be required upon the introduction of animals from an enzootic bovine leukosis free Member State, region or holding.'

6. The following subparagraph is added to Article 8a (1) (b):

'This test shall not be required in respect of animals from an enzootic bovine leukosis free Member State or region or holding.'

7. The present wording of Annex G becomes Chapter II of the said Annex; section A (2) (j) of Chapter II is replaced by the following:

'(j) Spain: Subdirrección general de sanidad animal. Laboratorio de sanidad y producción animal ALGETE (Madrid);'

8. The Annex to this Directive is incorporated as Chapter I of Annex G.

Article 2

In Articles 2 and 5 of Directive 88/406/EEC, '1 July 1990' is replaced by '1 July 1991'.

However, from 1 July 1990 to 30 June 1991, Member States which have thus qualified all or part of their herds are authorized — in order to maintain that qualification — to make introduction into enzootic bovine leukosis free herds subject, in respect of animals of the bovine species other than slaughter animals, to the following conditions:

(a) the animals must come from an enzootic bovine leukosis free herd; or

(b) the animals must have been born and raised in a herd in which all the bovine animals over 24 months of age at the time of the test and forming part of the bovine herd from which the animals come have reacted negatively during the last 12 months to a test carried out pursuant to Annex G.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 July 1990 as far as Article 2 is concerned and not later than 1 October 1990 as concerns the other provisions. They shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 26 June 1990.

For the Council

The President

M. O'KENNEDY