Council Directive of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species (89/556/EEC)

COUNCIL DIRECTIVE

of 25 September 1989

on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species

(89/556/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 use of embryos of domestic animals of the bovine species is part of an efficient breeding policy which leads to better productivity and increased margins in this sector; whereas, in addition, the free movement of such embryos should encourage a rational development by taking into account the use of optimum production factors;

Whereas the 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 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 embryos;

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 embryos of bovine animals;

Whereas in the context of intra-Community trade in embryos, the Member State where the embryos are collected should be under an obligation to ensure that such embryos have been collected and processed by approved and supervised embryo collection teams, that they have been obtained from animals whose health status is such as to ensure that the risk of spread of

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animal disease is eliminated, that they have been collected, processed, stored and transported in accordance with the rules which preserve their health status and are accompanied during transport to the country of destination by an animal health certificate in order to ensure that this obligation has been fulfilled;

Whereas the difference in the policies pursued within the Community with regard to vaccination against foot-and-mouth disease justifies the maintenance, for fresh embryos, of derogations, limited in time, authorizing the requirement by the Member States of additional protection against that disease;

Whereas a list of third countries should be drawn up, taking into account animal health criteria, from which embryos may be imported into the Community; whereas without prejudice to such a list the Member States must not authorize importation unless the embryos have been collected, processed and stored by embryo collection teams 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 on-the-spot checks may be carried out in order to verify compliance with those standards;

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

Whereas, in the case of internal transit, the measures to be taken by Member States after such controls must be defined;

Whereas the Commission should be entrusted with taking certain measures for implementing this Directive; whereas to that end procedures should be established for cooperation between the Commission and the Member States;

Whereas this Directive does not affect trade in embryos obtained, treated or stored before the date on which the Member States must comply with it,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

General provisions

Article 1

1 This Directive defines the animal health conditions governing intra-Community trade in and importation from third countries of fresh and frozen embryos of domestic animals of the bovine species.

[[F1]2 This Directive shall not apply to embryos derived by transfer of nuclei.**]**

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Textual Amendments

F1 Substituted by Council Directive 93/52/EEC of 24 June 1993 amending Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species.

Article 2

For the purposes of this Directive, the definitions contained in Article 2 of Directive 64/432/EEC and Article 2 of Directive 72/462/EEC shall apply as necessary.

Moreover:

(a) ‘embryo’ means the initial stage of development of a domestic animal of the bovine species while it is capable of being transferred to a recipient dam;

(b) ‘embryo collection team’ means an officially approved group of technicians or structure supervised by a team veterinarian competent to perform the collection, processing and storage of embryos according to the conditions set out in Annex A;

(c) ‘team veterinarian’ means the veterinarian responsible for the supervision of an embryo collection team in accordance with the conditions laid down in Annex A;

(d) ‘consignment of embryos’ means a quantity of embryos removed in one operation from a single donor and covered by a single certificate;

(e) ‘country of collection’ means the Member State or third country in which embryos are produced, collected, processed and, where necessary, stored, and from which they are sent to a Member State;

(f) ‘approved diagnostic laboratory’ means a laboratory situated in the territory of a Member State or third country approved by the competent veterinary authority to carry out the diagnostic tests laid down in this Directive**[**[F1]**;]**

(g) ‘**[**[F2]embryo production team’ means an officially approved embryo collection team for *in vitro* fertilization in accordance with the conditions laid down in the relevant Annex.**]**

Textual Amendments

F1 Substituted by Council Directive 93/52/EEC of 24 June 1993 amending Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species.

F2 Inserted by Council Directive 93/52/EEC of 24 June 1993 amending Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species.

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CHAPTER II

Rules for intra-Community trade

Article 3

Each Member State shall ensure that embryos shall not be sent from its territory to that of another Member State unless they meet the following conditions:

(a) **[**F1they must have been conceived as a result of artificial insemination or *in vitro* fertilization with semen from a donor sire standing at a semen collection centre approved by the competent authority for the collection, processing and storage of semen or by semen imported in accordance with Directive 88/407/EEC(8).**]**

In accordance with the procedure laid down in Article 18, the Commission may authorize trade in embryos of certain specific species conceived as a result of natural service by bulls whose health status complies with Annex B to that Directive;

(b) they must have been collected from domestic animals of the bovine species whose health status complies with Annex B of this Directive;

(c) they must have been collected, processed and stored by an embryo collection team approved in accordance with Article 5 (1);

(d) they must have been collected, processed and stored by the embryo collection team in accordance with Annex A of this Directive;

(e) they must be accompanied, during transport to the Member State of destination, by an animal health certificate complying with Article 6 (1).

Textual Amendments

F1 Substituted by Council Directive 93/52/EEC of 24 June 1993 amending Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species.

F3Article 4

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Textual Amendments

F3 Deleted by Council Directive 93/52/EEC of 24 June 1993 amending Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species.

Article 5

1 Approval of an embryo collection team as provided for in Article 3 (c) shall be granted only where the provisions of Annex A, Chapter I are observed and where the embryo collection team is able to satisfy the other provisions of this Directive.

Any major change in the organization of the team is to be notified to the competent authority.

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The approval of the team shall be renewed whenever the team veterinarian is replaced or whenever any major changes are made in its organization or the laboratories or equipment at its disposal.

The official veterinarian shall supervise observance of the provisions outlined above. Approval shall be withdrawn where one or more of the provisions is no longer observed.

[F4 2 The competent authority of each Member State concerned shall register embryo collection teams and give a veterinary registration number to each team.

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

[F5 . . . . .

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F5 . . . . .**]**

The veterinary experts must be nationals of a Member State other than those involved in the dispute.

[F2 2a Approval of an embryo production team for embryos derived by *in vitro* fertilization shall be granted only where the provisions of the relevant Annex to this Directive are observed and where the embryo production team is able to satisfy the other relevant provisions of this Directive and in particular the provisions of paragraphs 1 and 2 of this Article, which shall apply *mutatis mutandis*.**]**

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

Textual Amendments

F2 Inserted by Council Directive 93/52/EEC of 24 June 1993 amending Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species.

F4 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).

F5 Deleted by Council Directive 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 (90/425/EEC).

Article 6

1 An animal health certificate drawn up by an official veterinarian of the Member State of collection on a form conforming to the specimen in Annex C shall accompany each consignment of embryos. A separate certificate shall be issued for each consignment.

2 The animal health certificate must:

a consist of a single form and be drawn up in at least the official language(s) of the Member State of destination;