# Council Directive of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species (88/407/EEC)

## COUNCIL DIRECTIVE

## of 14 June 1988

## laying down the animal health requirements applicable to intra-Community trade in and imports of[F1 deep-frozen] semen of domestic animals of the bovine species

## (88/407/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 Regulation (EEC) No 3768/85(5); whereas in addition, Directive 72/462/EEC(6), as last amended by Regulation (EEC) No 3768/85 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 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 bovine 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 semen 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 without prejudice to 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, on-the-spot checks may be carried out;

Whereas a procedure should be provided for the purpose of settling any disputes which arise between Member States as to whether approval of a collection centre is justified;

Whereas the Member States may refuse a consignment of semen where it has been established that it does not comply with the provisions of this Directive; whereas it must be possible to return such semen if this is not contrary to considerations of animal health and if the consignor or his representative so requests; whereas the consignor or his representative should be allowed to know the reasons for a prohibition or restriction and to obtain the opinion of an expert;

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

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:

**Textual Amendments**

**F1** Deleted by Council Directive 93/60/EEC of 30 June 1993 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species and extending it to cover fresh bovine semen.

## 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 **[**[F1]deep-frozen**]** semen of domestic animals of the bovine species.

**[**[F2]This Directive shall not affect Community and/or national zootechnical provisions governing the organisation of artificial insemination in general and the distribution of semen in particular.**]**

**Textual Amendments**

**F1** Deleted by Council Directive 93/60/EEC of 30 June 1993 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species and extending it to cover fresh bovine semen.

**F2** Inserted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen 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) ‘semen’ means the prepared or diluted ejaculate of a domestic animal of the bovine species;

(b) — **[**[F3]‘semen collection centre’ means an officially approved and officially supervised establishment situated in the territory of a Member State or third country, in which semen is produced for use in artificial insemination;

— ‘semen storage centre’ means an officially approved and officially supervised establishment situated in the territory of a Member State or third country in which semen is stored for use in artificial insemination;**]**

(c) ‘official veterinarian’ means the veterinarian designated by the competent central authority of a Member State or a third country;

(d) ‘centre veterinarian’ means the veterinarian responsible for day-to-day compliance in the centre with the requirements laid down in this Directive;

(e) ‘consignment’ means a quantity of semen covered by a single certificate;

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(f) 'country of collection' means the Member State or third country in which semen is collected and from which it is sent to a Member State;

(g) 'approved laboratory' means a laboratory situated in the territory of a Member State or third country designated by the competent veterinary authority to carry out the tests laid down in this Directive;

(h) 'collection' means a quantity of semen taken from a donor at any time.

**Textual Amendments**

**F3** Substituted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.

## CHAPTER II

## Intra-Community trade

*Article 3*

Each Member State shall ensure that only semen meeting the following general conditions is sent from its territory to the territory of another Member State;

(a) **[**F3it must have been collected and processed and/or stored if need be in a collection or storage centre or centres approved for the purpose in accordance with Article 5(1), with a view to artificial insemination and for the purposes of intra-Community trade;**]**

(b) it must have been collected from domestic animals of the bovine 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;

(d) it must be accompanied, during transport to the country of destination, by an animal health certificate complying with Article 6 (1).

**Textual Amendments**

**F3** Substituted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.

*Article 4*

F4 1 . . . . . .

F4 2 . . . . . .

**[**F5 3 Member States may not oppose the admission of semen from bulls vaccinated against foot-and-mouth disease. However, where the semen was obtained from a bull which had been vaccinated against foot-and-mouth disease during the 12 month period prior to collection, 5 % of the semen from each collection (with a minimum of five straws) intended for sending to another Member States shall be subjected, in a laboratory in the Member State of destination

or in a laboratory designated by it, to a virus isolation test for foot-and-mouth disease, with negative results.**]**

**Textual Amendments**

**F4** Deleted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.

**F5** Substituted by Council Directive 93/60/EEC of 30 June 1993 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species and extending it to cover fresh bovine semen.

*Article 5*

1 The Member State on whose territory the **[**F3semen collection or storage centre is situated shall ensure that the approval provided for in Article 3 (a) is granted only where the provisions of Annex A are observed and where the semen collection or storage centre**]** is able to satisfy the other provisions of this Directive.

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

**[**F6 2 All semen collection or storage 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 or storage centres and their veterinary registration numbers and make it available to the other Member States and to the public.

3 Detailed rules for the uniform application of this Article may be adopted in accordance with the procedure referred to in Article 18(2).**]**

**Textual Amendments**

**F3** Substituted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.

**F6** 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 make the admission of semen conditional upon submission of an animal health certificate drawn up by an official veterinarian of the Member State of collection in accordance with Annex D.

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;