II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 17 May 1988

on trade in animals treated with certain substances having a hormonal action and their meat, as referred to in Article 7 of Directive 88/146/EEC

(88/299/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 88/146/EEC of 7 March 1988 prohibiting the use in livestock farming of certain substances having a hormonal action (1), and in particular Article 7 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 88/146/EEC prohibited the use in livestock farming of certain substances having a hormonal action, while permitting those exceptions already laid down in Article 4 of Council Directive 81/602/EEC of 31 July 1981, concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action (2), as last amended by Directive 85/358/EEC (3);

Whereas, in order to ensure the correct operation of the scheme as a whole, trade in animals which have treated, and of their meat has, in general, been prohibited; whereas, however, pursuant to Article 7 of Directive 88/146/EEC, derogations may be allowed in respect of intra-Community trade and importation from third countries of animals intended for reproduction and reproductive animals at the end of their career, which, in the course of their existence, have been treated under Article 4 of Directive 81/602/EEC and in respect of meat from those various animals;

Whereas such derogations may be allowed where satisfactory guarantees can be provided such as would not cause distortions of trade; whereas these guarantees must be given as regards the products which may be used, the conditions of their use and the control of such conditions in particular, regarding compliance with the necessary waiting period; whereas these requirements should be established in accordance with a Community procedure;

Whereas equivalent guarantees must be accepted, in accordance with a Community procedure, in respect of importations from third countries, taking into account the guarantees given by the third country concerned,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down the conditions for applying the derogations provided for in Article 7 of Directive 88/146/EEC from the prohibition on trade in certain categories of animals and their meat.

Article 2

Notwithstanding Article 5 of Directive 88/146/EEC, Member States shall authorize trade in animals intended for reproduction and reproductive animals at the end of their career which, during their reproductive career, have undergone one of the treatments referred to in Article 4 of Directive 81/602/EEC, or shall authorize the affixing of the Community stamp to meat from such animals, provided the following conditions are complied with:

(1) OJ No L 70, 16. 3. 1988, p. 16.
(2) OJ No L 222, 7. 8. 1981, p. 32.
(3) OJ No L 191, 23. 7. 1985, p. 46.