II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 7 March 1988

prohibiting the use in livestock farming of certain substances having a hormonal action

(88/146/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,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas the administration to farm animals of certain substances having a hormonal action is at present regulated in different ways in the Member States; whereas while their immediate effect on animals from the farmer's point of view is clear, assessments of their effect on human health vary and this is reflected in the regulations governing their use; whereas this divergence distorts the conditions of competition in products that are the subject of common market organizations and is a serious barrier to intra-Community trade;

Whereas these distortions of competition and barriers to trade must therefore be removed by ensuring that all consumers are able to buy the products in question under largely identical conditions of supply and that these products correspond to their anxieties and expectations in the best possible manner; whereas such a course of action is bound to bring about an increase in consumption of the product in question;

Whereas the use of hormonal substances for fattening purposes should therefore be prohibited; whereas the use of certain substances for therapeutic purposes may be authorized but must be strictly controlled in order to prevent any misuse of them;

Whereas, furthermore, since it would be difficult to be certain of correct operation of the scheme as a whole if animals so treated and the meat from such animals were to be traded, this should as a general rule be prohibited; whereas, however, derogations from this rule may be allowed where satisfactory guarantees can be provided;

Whereas as part of the adoption of harmonized rules in the Community arrangements for importation from third countries that offer equivalent guarantees should be introduced; whereas these guarantees can be required under Directives 72/462/EEC (3) and 85/358/EEC (4);

Whereas in order to ensure that the provisons of this Directive can be implemented effectively the latest date for introduction of the provisions of Directive 85/358/EEC should be made to fall before that for introduction of the provisions of this Directive; whereas Community control measures should ensure uniform application in all Member States of the rules applicable on administration of substances having a hormonal or thyrostatic action,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of implementation of this Directive the definitions of meats and of farm animals given in Article 1 of Directive 81/602/EEC (5) shall apply.

(1) OJ No C 288, 11. 11. 1985, p. 158.
(2) OJ No C 44, 15. 2. 1985, p. 14.
(3) OJ No L 302, 31. 12. 1972, p. 28.
(4) OJ No L 191, 23. 7. 1985, p. 46.
(5) OJ No L 222, 7. 8. 1981, p. 32.