COUNCIL DIRECTIVE

of 12 June 1985

amending Directive 72/461/EEC as regards certain measures relating to classical swine fever and African swine fever

(85/322/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 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 72/461/EEC (4), as last amended by Directive 84/643/EEC (5), lays down the health requirements to be fulfilled by animals from which meat is obtained for intra-Community trade;

Whereas, in view of the development of classical swine fever in certain parts of the territory of the Community, the measures relating to trade should be strengthened and the circumstances in which the status of the officially swine-fever-free regions should be altered in the event of an outbreak of the disease should be more clearly defined;

Whereas, even if it occurs only exceptionally in certain parts of the territory of the Community, African swine fever constitutes a danger of contamination to the pig herds of the Member States; whereas rules should therefore be established laying down protective measures to be applied in intra-Community trade in fresh pigmeat,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 72/461/EEC is hereby amended as follows:

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

'However, when the disease in question is African swine fever, Article 8a shall apply.'

2. The following Article is inserted:

'*Article 8a*

1. A Member State in whose territory African swine fever has been recorded within the previous 12 months shall not export fresh pigmeat to the territory of the other Member States.

It may be decided, in accordance with the procedure laid down in Article 9, that the provisions of the first subparagraph shall not apply to one or more parts of the territory of the Member State concerned. This derogation shall not preclude recourse to Article 6 should one or more cases of African swine fever reoccur in the above part or parts of territory.

2. Where there is an outbreak of African swine fever in the territory of a Member State where the disease has not been recorded for at least 12 months, it may be decided, in accordance with the procedure laid down in Article 9, that the provisions of paragraph 1 shall apply exclusively to a part of territory concerned. Pending this decision, and without prejudice to Article 8, the Member State concerned shall ensure the immediate prohibition of export to the other Member States of fresh pigmeat from the part of territory in which the epizootic disease has been recorded. The criteria laid down in Article 8b (2) shall be taken into account in determining that part of the territory.

One or more cases of African swine fever on a part of a Member State's territory which is not geographically linked to the main part of that Member State's territory shall not prevent the application of the first subparagraph.

The conditions prerequisite to the application of the first subparagraph shall still be deemed to be fulfilled if the following conditions have been fulfilled:

(i) the outbreak or outbreaks recorded on the occurrence of African swine fever referred to in the first sub-paragraph was or were eradicated in the shortest possible period of time;

(ii) the new outbreak, which forms the subject of a fresh request for a decision, as provided for in the first subparagraph, is not connected epidemiologically with the outbreak or outbreaks referred to in (i).

(1) OJ No C 272, 12. 10. 1984, p. 6.
(2) OJ No C 12, 14. 1. 1985, p. 127.
(3) OJ No C 44, 15. 2. 1985, p. 4.
(4) OJ No L 302, 31. 12. 1979, p. 24.
(5) OJ No L 339, 27. 12. 1984, p. 27.