II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 12 May 1981

establishing measures necessary for the implementation of Directive 77/489/EEC on the protection of animals during international transport

(81/389/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 Council Directive 77/489/EEC of 18 July 1977 on the protection of animals during international transport (1), and in particular Article 7 thereof,

Having regard to the proposal from the Commission (2),

Having regard to the opinion of the European Parliament (3),

Having regard to the opinion of the Economic and Social Committee (4),

Whereas Article 7 of Directive 77/489/EEC provides for the adoption by the Council of the provisions necessary for the implementation of that Directive;

Whereas the issue of an international transport certificate in respect of domestic animals of the bovine, ovine, caprine and porcine species and domestic solipeds, as referred to in Article 3 (2) of Directive 77/489/EEC, provides the best means of ensuring that the requirements of the said Directive are complied with; whereas to that end the certificate must, in particular, accompany the animals to their final destination and contain at every stage details of the conditions under which the animals are being transported;

Whereas implementation of Directive 77/489/EEC will not have all the desired effects as long as disparities exist between the Member States with regard to the application of certain provisions on the protection of animals during international transport; whereas it is therefore necessary to adopt Community provisions in this field;

Whereas it is necessary to provide for recourse to the procedure referred to in Article 7 of Directive 77/489/EEC for the purpose of authorizing certain Member States at their request not to apply point 1 of Chapter I of the Annex to the said Directive; whereas such exemption must, however, be subject to guarantees relating to transport, by requiring, where necessary, a special certificate to be issued; whereas the advisability of granting this exemption and the conditions on which it is granted must be determined by a Community procedure,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall authorize the international transport of the animals referred to in Chapter I of the Annex to Directive 77/489/EEC by land, water or air only if such animals are accompanied throughout their journey by a certificate which conforms to the specimen in the Annex to this Directive.

(1) OJ No L 200, 8. 8. 1977, p. 10.
(2) OJ No C 41, 14. 2. 1979, p. 4.
(3) OJ No C 140, 5. 6. 1979, p. 131.
(4) OJ No C 171, 9. 7. 1979, p. 20.

However. in the case of animals. trade in which is governed by Community Directives, the consigning Member State may prescribe that, instead of the said certificate, the appropriate particulars included in the Annex to this Directive, to the extent that they do not appear on one of the health certificates provided for in the Annex to Directive 64/432/EEC and in Article 11 (2) of Directive 72/462/EEC, be added to one of the said certificates or that the said certificate be supplemented accordingly.

2. Member States shall ensure that:

(a) the certificate conforming to the specimen in the Annex and the particulars are drafted in the official language or in at least one of the official languages of the consigning country, the country of destination and, if appropriate, the country of transit;

(b) the certificate consists of a single sheet of paper.

3. If, as a result of a delay, the particulars supplementing the health certificate are no longer valid, and must consequently be revalidated before departure, the health certificate must be supplemented by a duly completed certificate conforming to the specimen in the Annex.

Article 2

1. The Member States of transit and of destination shall ensure that at the time when the animals are brought into their territories:

— officials of the competent authority shall ascertain that the animals are accompanied by one of the certificates provided for in Article 1 and that the conditions laid down in Directive 77/489/EEC are actually met,

— officials of the competent authority shall indicate on such certificate, where appropriate, that, in their judgement. the animals are not being transported in accordance with Directive 77/489/EEC.

2. If, pursuant to the second indent of paragraph 1, comments have been entered on the certificate, the competent authority of the Member State where the journey ends shall send such certificate to the competent authority of the country of dispatch.

Article 3

1. Where a Member State finds in the conditions under which the transport is being effected one or more irregularities which jeopardize the welfare of the animals, the competent authority of that State shall forthwith prescribe the measures required to remedy the situation. If the person responsible for transport fails to comply with the instructions of the competent authority, the latter shall immediately have the measures in question carried out and shall recover the costs incurred by such measures in the appropriate manner.

2. In the event of repeated irregularities in applying Directive 77/489/EEC, appropriate measures may be decided upon under the procedure laid down in Article 7 of this Directive.

Article 4

By way of derogation from Articles 1 and 2, Member States may, in accordance with the procedure laid down in Article 7, be authorized not to apply points 1 (a), (b) and (c) of Chapter I of the Annex to Directive 77/489/EEC to certain categories of animals if it has been proved that compliance with the said points 1 (a), (b) and (c) is not necessary.

Article 5

Pursuant to the procedure under Article 7, conditions may be determined whereby animals may be accompanied, during transport, instead of the certificate provided for in the Annex, by a document which:

— enables the animals to be clearly identified,

— is drafted in the official language or in at least one of the official languages of the consigning country, the country of destination and, if appropriate, the country of transit,

— consists of a single sheet of paper,

— is valid until international transport has been completed,

— specifies the grounds for the exemption.

Article 6

Additional rules of application aimed at bringing about uniform implementation of Directive 77/489/EEC may be adopted in accordance with the procedure laid down in Article 7 of this Directive.

To this end, particular account will be taken of:

— the biological, physiological and ethological requirements of the animals before, during and after transport,

— the nature of the means of transport and the method of loading and unloading,

— the care of the animals.