II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 24 January 1979

amending Directive 64/432/EEC as regards brucellosis

(79/109/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,

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

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

Whereas Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (3), as last amended by Directive 77/98/EEC (4), lays down common standards on anti-brucellosis measures applicable to animals intended for intra-Community trade ;

Whereas equivalent measures for the diagnosis and control of bovine brucellosis are, by way of derogation, still applicable in the new Member States ; whereas in order to ensure the continuation of free trade in bovine animals and swine within the Community, it is necessary to adapt the technical provisions of Directive 64/432/EEC which relate to brucellosis in order to take account of this situation ;

Whereas, in view of new scientific knowledge and technical developments in the diagnosis and control of bovine brucellosis, an adjustment of existing Community measures in this field is necessary,

HAS ADOPTED THIS DIRECTIVE :

Article 1

In Article 2 of Directive 64/432/EEC, the following point shall be added :

'(o) "Region" means that part of a Member State's territory which is at least 2 000 km² in area and which is subject to inspection by the competent authorities and includes at least one of the following administrative areas :

— Belgium : province/provincie,

— Germany : Regierungsbezirk,

— Denmark : Amt or island,

— France : département,

— Italy : provincia,

— Luxembourg : —,

— Netherlands : provincie,

— United Kingdom :

  — England, Wales and Northern Ireland : county,

  — Scotland : district or island area,

— Ireland : county.'

(1) OJ No C 266, 7. 11. 1977, p. 45.
(2) OJ No C 18, 23. 1. 1978, p. 35.
(3) OJ No 121, 29. 7. 1964, p. 1977/64.
(4) OJ No L 26, 31. 1. 1977, p. 81.

Article 2

In Article 3 of Directive 64/432/EEC, the following paragraphs shall be added :

'13. By way of derogation from Annex A (II) (A) (1) (c) (ii) it may be decided, under the procedure laid down in Article 12, that in a Member State, or part of a Member State composed of several adjacent regions, where at least 99·8 % of the bovine herds have been declared officially brucellosis-free within the meaning of Article 2 (e) for at least 10 years, and where no case of abortion due to a brucella infection has been recorded for at least three years, the inspections for determining whether this status is to be preserved may be carried out in a manner and in regions to be decided under the same procedure.

If one of the conditions provided for in the first subparagraph ceases to be fulfilled, the Commission — after assessing the circumstances in which the brucellosis has reappeared — shall submit to the Standing Veterinary Committee a proposal for a decision to rescind the derogation decision taken in respect of that Member State or of that part thereof composed of several adjacent regions.

It may also be decided, under the procedure laid down in Article 12, that the provisions of Annex A (II) (A) (1) (c) (iii) may be applied to a part of a Member State comprising several adjacent regions.'

Article 3

Annex A (II) (A) (1) (c) (i) of Directive 64/432/EEC shall be replaced by the following :

'(i) have shown a brucella count lower than 30 international units of agglutination per millilitre when given two official sero-agglutination tests at intervals of at least three months and at most 12 months, carried out in accordance with Annex C ; however :

— the first sero-agglutination test may be replaced by three ring-tests carried out at three-monthly intervals provided that the second sero-agglutination test is carried out at least six weeks after the third ring-test ;

— the first sero-agglutination test referred to in the first indent may be replaced by a buffered brucella antigen test carried out in accordance with Annex C (D) ;'.

Article 4

In Annex A (II) (A) (1) (d) (i) of Directive 64/432/EEC, in the introductory sentence, the words 'or a part of a Member State comprising several adjacent regions' shall be inserted after the words 'in Member States'.

Article 5

In Annex A (II) (A) (1) (c) of Directive 64/432/EEC, the following subparagraphs shall replace the existing subparagraph (ii) :

'(ii) are checked annually to establish that brucellosis is not present by three ring-tests carried out at intervals of at least three months or two ring-tests at an interval of at least three months and one serological test (sero-agglutination test or buffered brucella antigen test or plasma-agglutination test or plasma ring-test) carried out not less than six weeks after the second ring-test. If ring-tests are not carried out, two serological tests (sero-agglutination test or buffered brucella antigen test or plasma-agglutination test or plasma ring-test) shall be carried out each year at intervals of at least three months and not more than six months ;

Where, in a Member State or region thereof in which all bovine herds are subject to official operations to combat brucellosis, not more than 1 % of bovine herds is infected, it shall be sufficient to carry out each year two ring-tests at an interval of at least three months, or one serological test (sero-agglutination test or buffered brucella antigen test or plasma-agglutination test or plasma ring-test) ;

(iii) derogations may be permitted from the requirements laid down in (ii) regarding annual checks that brucellosis is not present in any Member State where at least 99·8 % of bovine herds have been recognized as officially brucellosis-free for at least four years ; in this case, the interval between checks may be extended to two years and the checks must be carried out using one of the serological tests referred to in (ii) ;'.