Council Directive of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (64/432/EEC)

COUNCIL DIRECTIVE

of 26 June 1964

on animal health problems affecting intra-Community trade in bovine animals and swine

(64/432/EEC)

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

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 Regulation No 20 on the progressive establishment of a common organisation of the market in pigmeat[(3)] is already in force and a similar regulation is to be adopted for beef and veal and whereas these regulations also concern trade in live animals;

Whereas Regulation No 20 substitutes for the numerous traditional means of protection at the frontier a single system designed in particular to facilitate intra-Community trade; whereas the regulation to be adopted for beef and veal is also designed to eliminate obstacles to such trade;

Whereas, so long as intra-Community trade in bovine animals and swine is hindered by differences between the health requirements of Member States, the implementation of the above-mentioned regulations will not have the desired effect;

Whereas, to eliminate those differences, measures must be taken within the framework of the common agricultural policy and in line with regulations already adopted or in preparation on the progressive establishment of a common organisation of markets; whereas the animal health provisions of Member States must therefore be approximated;

Whereas the right of Member States under Article 36 of the Treaty to continue to apply prohibitions or restrictions on imports, exports or goods in transit justified on grounds of the protection of health and life of humans and animals nevertheless does not exempt them from the obligation to approximate the provisions on which those prohibitions and restrictions are based, in so far as the differences between those provisions hinder the implementation and functioning of the common agricultural policy;

Whereas, in the context of such approximation, the exporting country must be required to ensure that bovine animals and swine for breeding, production or slaughter intended for intra-Community trade, the places from which those animals come and are shipped and the means

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of transport used satisfy certain animal health requirements so as to ensure that the animals are not a source of contagious or infectious disease;

Whereas, so that Member States may be sure that these requirements are satisfied, provision must be made for the issue by an official veterinarian of a health certificate which will accompany the animals to their destination;

Whereas Member States must have the right to prohibit the introduction into their territory of bovine animals and swine if they are found to be suffering or are suspected of suffering from a contagious or infectious disease, if they may spread such disease without actually suffering from it or if they do not comply with Community animal health provisions;

Whereas there is no reason to allow Member States to prohibit the introduction of bovine animals and swine into their territory for reasons other than those of animal health and whereas, therefore, the consignor should at his own request or upon request of his representative be allowed to return the animals to the country of export unless there are reasons to the contrary;

Whereas, in case of prohibition or restriction, the reasons therefor should be made known to the consignor of the animals or his representative and to the competent central authority of the country of export so that they be aware of the reasons why such measures were imposed;

Whereas in the event of dispute between himself and the authority of the Member State of destination as to the justification for prohibition or restriction, the consignor should be enabled to obtain the opinion of a veterinary expert whom he may select from a panel drawn up by the Commission;

Whereas in some cases and for certain categories of animals it appears that the general provisions of this Directive may be relaxed without involving any health risk, by allowing consignee Member States to grant general or special derogations;

Whereas, in certain fields presenting special problems, the provisions in Member States cannot be approximated until a more thorough study has been made;

Whereas a simplified amendement procedure may be provided for Annexes B to D since the rules contained in those Annexes are of a technical nature and liable to change; whereas the Commission should therefore be entrusted with making such amendments after consulting the Member States;

HAS ADOPTED THIS DIRECTIVE:

I[F1 Article 1

This Directive shall apply to intra-Community trade in bovine animals and swine with the exception of feral pigs as defined in Article 2 (e) of Directive 80/217/EEC[(4)] without prejudice to the provisions laid down in Directives 80/215/EEC[(5)], 85/511/EEC, 88/407/EEC[(6)], 89/608/EEC[(7)], 90/425/EEC, 90/429/EEC[(8)], 90/667/EEC[(9)], 91/496/EEC, 91/628/EEC[(10)], 92/102/EEC[(11)], 92/119/EEC and Decision 90/424/EEC[(12)].

Textual Amendments

F1 Substituted by Council Directive 97/12/EC of 17 March 1997 amending and updating Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine.

Article 2

1 The definitions given in Article 2 of Directive 90/425/EEC and Article 2 of Directive 91/628/EEC shall apply.

2 In addition the following definitions apply for the purposes of this Directive:

a *herd* means an animal or group of animals kept on a holding (within the meaning of Article 2 (b) of Directive 92/102/EEC) as an epidemiological unit; if more than one herd is kept on a holding, each of these herds shall form a distinct unit and shall have the same health status;

b *animal for slaughter* means a bovine animal (including the species *Bison bison* and *Bubalus bubalus*) or swine intended to be taken to a slaughterhouse or assembly centre from which it may only move to slaughter;

c *animals for breeding or production* means bovine animals (including the species *Bison bison* and *Bubalus bubalus*) and swine other than those referred to in (b), including those intended for breeding, milk or meat production, or draft purposes, shows or exhibition with the exception of animals taking part in cultural and sporting events;

d *officially tuberculosis-free bovine herd* means a bovine herd which satisfies the conditions laid down in **[**[F2]Annex A.I, paragraphs 1 and 2**]**;

e *officially tuberculosis-free Member State* or *region of a Member State* means a Member State or part of a Member State which satisfies the conditions laid down in **[**[F2]Annex A.I, paragraphs 4 and 5**]**;

f *officially brucellosis-free bovine herd* means a bovine herd which satisfies the conditions laid down in **[**[F2]Annex A.II, paragraphs 1 and 2**]**;

g *officially brucellosis-free region* means a region of a Member State which satisfies the conditions laid down in Annex A.II, paragraphs 7, 8 and 9;

h *officially brucellosis-free Member State* means a Member State which satisfies the conditions laid down in **[**[F2]Annex A.II, paragraphs 7, 8 and 9**]**;

i *brucellosis-free bovine herd* means a bovine herd which satisfies the conditions laid down in **[**[F2]Annex A.II, paragraphs 4 and 5**]**;

j *officially enzootic-bovine-leukosis-free herd* means a herd which satisfies the conditions laid down in Annex D, Chapter I, Sections A and B;

k *officially enzootic-bovine-leukosis-free Member State* or *region* means a region or Member State which meets the requirements laid down in **[**[F2]Annex D, Chapter I, Sections E and F**]**;

l *official veterinarian* means the veterinarian appointed by the competent authority of the Member State;

m *approved veterinarian* means any veterinarian approved by the competent authority in accordance with the provisions of Article 14 (3) (B);

n *compulsorily notifiable diseases* means the diseases listed in Annex E (I);

o *assembly centre* means holdings, collection centres and markets, at which bovine animals or swine originating from different holdings are grouped together to form consignments of animals intended for trade. These assembly centres must be approved for trading purposes and meet the requirements laid down in Article 11;

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p *region* means that part of a Member State's territory which is at least 2 000 km^2 in area and which is subject to inspection by the competent authorities and includes at least one of the following administrative regions:

—	Belgium:	province —provincie
—	Germany:	Regierungsbezirk
—	Denmark:	amt or island
—	France:	département
—	Italy:	provincia
—	Luxemburg	—
—	Netherlands:	rrv-kring
—	United Kingdom:	England, Wales and Northern Ireland: county Scotland: district or island area
—	Ireland:	county
—	Greece:	νομός
—	Spain:	provincia
—	Portugal:	continente: distrito, and other parts of Portugal's territory: região autónoma
—	Austria:	Bezirk
—	Sweden:	län
—	Finland:	lääni/län**[F3**;**]**
[F4—	Czech Republic:	kraj
—	Estonia:	maakond
—	Cyprus:	επαρχία (district)
—	Latvia:	rajons
—	Lithuania:	apskritis
—	Hungary:	megye

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—	Malta:	—
—	Poland:	powiat
—	Slovenia:	območje
—	Slovakia:	kraj [F5;]]
[F6—	Bulgaria:	област
—	Romania:	județ [F7;]]
[F8—	Croatia:	županija ;]

q *dealer* means any natural or legal person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of these animals and who within a maximum of 30 days of purchasing animals resells them or relocates them from the first premises to other premises not within his ownership and meets the conditions laid down in Article 13.

Textual Amendments

F1 Substituted by Council Directive 97/12/EC of 17 March 1997 amending and updating Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine.

F2 Substituted by Council Directive 98/99/EC of 14 December 1998 amending Directive 97/12/EC amending and updating Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine.

F3 Deleted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.

F4 Inserted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.

F5 Deleted by Council Directive 2006/104/EC of 20 November 2006 adapting certain Directives in the field of agriculture (veterinary and phytosanitary legislation), by reason of the accession of Bulgaria and Romania.

F6 Inserted by Council Directive 2006/104/EC of 20 November 2006 adapting certain Directives in the field of agriculture (veterinary and phytosanitary legislation), by reason of the accession of Bulgaria and Romania.

F7 Deleted by Council Directive 2013/20/EU of 13 May 2013 adapting certain directives in the field of food safety, veterinary and phytosanitary policy, by reason of the accession of the Republic of Croatia.

F8 Inserted by Council Directive 2013/20/EU of 13 May 2013 adapting certain directives in the field of food safety, veterinary and phytosanitary policy, by reason of the accession of the Republic of Croatia.

Article 3

1 Each Member State shall ensure that only animals that fulfil the relevant conditions laid down in this Directive are sent from its territory to that of another Member State.