



COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(1998) 338 final

98/0194(COD)

Proposal for a
European Parliament and Council Directive
amending 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

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Directive 64/432/EEC from 26 June 1964 on health problems affecting intra-Community trade in bovine animals and swine¹ has recently been amended and updated by Directive 97/12/EC². Article 16, 1(a) of the updated Directive requested the Commission to make proposals to adapt Annexes A, D (Chapter I) and F with particular regard to technological and scientific developments. The requested proposal³ was submitted to the Council in July 1997 to enable the Council to decide on the proposal by a qualified majority before 1 January 1998 as indicated in Article 16 (1)(a).

The timetable provided for by Council Directive 97/12/EC concerning the decision-making process related to the adoption of amendments has been difficult to adhere to due to an in-depth examination and thorough deliberation of technical issues.

The objective of this proposal is to allow adequate time for transposing the new rules for monitoring and surveillance of bovine tuberculosis, bovine brucellosis and enzootic bovine leukosis.

¹ OJ No 121, 29.07.1964, p.1977/64
² OJ No L 109, 25.04.1997, p.1
³ COM (97) 404 final

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular the Articles 43 and 100A thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 189B of the Treaty¹

Whereas rules concerning the trade in bovine and porcine species have implications for the protection of public health, animal health and the functioning of the internal market, Articles 100A and 43 of the Treaty should be taken as legal bases;

Whereas the adoption of 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 swine² provided an improved legal basis for implementation of measures to prevent spread of animal diseases via trade in live bovine animals and swine;

Whereas the provisions of Council Directive 97/12/EC contained special requirements for further updating of the criteria for defining the health status of animal populations at herd.

¹ Opinion of the European Parliament (OJ No C of)
Opinion of the Council (OJ No C ... of)
Decision of the European Parliament of
Council Decision of
² OJ No L 109, 25.04.1997, p.1

region and Member State level as regards bovine tuberculosis, bovine brucellosis and enzootic bovine leukosis; whereas the updating of these criteria should, based on a proposal submitted to the Council before July 1997, be decided before 1 January 1998

Whereas the review carried out by the Council of diagnostic procedures of importance for implementation of effective surveillance and monitoring programmes for bovine tuberculosis, bovine brucellosis and enzootic bovine leukosis included in-depth examination of laboratory testing methods and resulted in time-consuming deliberations;

Whereas the changes required for updated monitoring and surveillance programmes cannot be implemented in the field at short notice;

Whereas it is necessary, in the light of this situation, to amend Council Directive 97/12/EC in particular as regards the period made available for Member States to transpose and introduce new rules for disease monitoring and surveillance;

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Council Directive 97/12/EC, Article 1 is replaced by the following text:

"Article 1

As from 1 July 1998 the Articles and as from 1 January 1999 the Annexes to Directive 64/432/EEC are replaced by the text annexed to this Directive."

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 July 1998. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of domestic law which they adopt in the field governed by this Directive.

Article 3

The Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President



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