

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 340 final.

Brussels, 29 June 1976.

Report presented by the Commission to the Council
concerning the derogations granted to Denmark,
Ireland and United Kingdom in the Veterinary field.

Proposal
for a Council Directive amending
Directives 64/432 of 26 June 1964, 72/461 of
12 December 1972 and 72/462 of 12 December 1972
on health and veterinary problems

(submitted to the Council by the Commission)

COM(76) 340 final.

SUMMARY

At the accession of the New Member States to the EEC some major problems in the veterinary field could not be solved due to the varying patterns of diseases in domestic animals and to traditional differences in the systems of disease control. Consequently a number of derogations were granted to Denmark, Ireland and United Kingdom concerning existing Community legislation in the veterinary field. At the same time it was decided to revise the situation on the basis of a report to be presented by the Commission to the Council before 1. July 1976. The present report is fulfilling this commitment and the formal proposals which carry out the conclusions drawn by the report are attached thereto.

The solutions proposed by the Commission may be summarized as follows:

- assure the free trade of animals and meat within the Community without compromising the animal health status already achieved by some countries;
- introduce a differentiation taking into consideration on the one hand live animals and meat and the health hazards, which they represent respectively, and on the other traditional trade patterns and specific national problems, while at the same time confirming the principle of free trade between countries and regions having the same animal health status.

The measures thus proposed will at a later stage be completed by initiatives aiming at eradication of certain contagious animal diseases, financially supported by the Community.

CHAPTER I

INTRODUCTION

- 1.1 At the time of the negotiations for the accession of Denmark, Ireland and the United Kingdom to the EEC certain important animal health problems emerged. These problems were related to veterinary control in trade of animals and meat between the new Member States and the original six, and reflected the difference in disease pattern and the traditional rules for disease control and eradication.

The problems of harmonising veterinary legislation had been partly solved among the six, while the negotiations made it clear that satisfactory solutions could not be achieved if the three new Member States were to take over this EEC legislation immediately. Consequently derogations were granted to allow the three to continue using their national legislation for protection against certain important diseases. As a result, free trade in live cattle and pigs and fresh meat was not achieved.

- 1.2 Article 106 of the Treaty of Accession stipulates that, before the expiry of the derogation period, a review of the situation in the Community as a whole and in the various parts shall be carried out in the light of developments in the veterinary field. Corresponding provisions are found in Article 13 of the Fresh Meat Directive (72/461/EEC) and Article 33 of the Third Country Directive (72/462/EEC).

By 1 July 1976 at the latest the Commission shall submit a report to the Council and, in so far as is necessary, appropriate proposals taking account of the developments.

In application of these provisions the Commission presents to the Council the present report and the proposals annexed thereto.

CHAPTER 2

2.1 THE DEROGATIONS

The derogations granted in the Treaty of Accession and the relevant Directives only applied in the field of animal health and were applicable to the following:

2.2 FRESH MEAT

- 2.2.1 Imports from other Member States - While required to comply with the general provisions of the EEC Treaty, the three new Member States were allowed to continue using their national rules concerning foot-and-mouth disease and swine fever as they apply to the importation of fresh meat of bovines, swine, sheep, goats and solipeds.
- 2.2.2 Exports to other Member States - No derogations were applied, that is exports of fresh meat of the above species shall take place under existing Community rules.

2.3 LIVE ANIMALS

- 2.3.1 Imports from other Member States - The three new Member States were allowed to apply their national rules governing the animal health aspects by the importation of bovines and swine.
No exception was made for imports into Denmark of bovine animals for immediate slaughter.
- 2.3.2 Exports to other Member States - The derogations from existing Community rules, granted in respect of bovines and swine, were the following:
The requirement to vaccinate all bovine animals over four months old against foot-and-mouth disease, prior to intra-Community trade, is waived until 31 December 1977, if certain conditions are fulfilled.
The new Member States were allowed to maintain their own methods of declaring their herds officially free of tuberculosis and free of brucellosis until 31 December 1977. However, when bovines or swine are traded they must be subjected to the tests for the relevant diseases required by the Directive, with the following exceptions:
- until 31 December 1977 the Republic of Ireland is allowed to export castrated bovines to the United Kingdom without reference to Community provisions on brucellosis,
 - until 31 December 1977 the Republic of Ireland is allowed to export bovines to United Kingdom by way of derogation from the Community rules on tuberculosis, by certifying that the exported animals originated in herds officially free of tuberculosis according to the methods in force in Ireland;
 - until 31 December 1977 the obligation to separate breeding and store cattle and those destined for immediate slaughter shall not be applicable as it concerns the trade from the Republic of Ireland to the United Kingdom;

- the Directive 64/432/EEC shall not apply to trade between the Republic of Ireland and Northern Ireland, i.e. national rules shall apply until the Directive is applied internally. This derogation, which has the object of treating the Republic of Ireland and Northern Ireland as one unit, has no precise time limit. Its expiry depends on the Community action which will establish provisions applying to national markets.

- 2.4 It should be noted that the derogations concerning meat (bovines, swine, goats, sheep and solipeds) relate only to national rules for the protection against foot-and-mouth disease and swine fever, whereas, as far as live animals are concerned (cattle and swine), the new Member States are in general allowed to maintain their national rules.

Another difference to be noted is that the derogations expire at different points of time, the expiry of the provisions on live animals being 31 December 1977, and the expiry of those for meat being 31 December 1976 (except for the protection of Ireland and Northern Ireland against foot-and-mouth disease, where the expiry date is fixed for the end of 1977).

- 2.5 The derogations granted for intra-Community trade, were completed by a provision in the Third Country Directive, allowing the new Member States, while respecting the general rules of the Treaty, to maintain until 31 December 1977 their national rules on imports of meat and animals from third countries.
- 2.6 Until 31 December 1975 Denmark was authorised to use "alttuberculin". This derogation has now expired without giving rise to any difficulties.

CHAPTER 3

3.1 THE PRESENT DISEASE SITUATION AND PROSPECTS FOR THE FUTURE

The disease pattern for the diseases which were included in the Treaty of Accession has not been changed fundamentally during the recent four years. The national control systems have managed to gradually reduce the general frequency of swine fever and foot-and-mouth disease. However, the differences in national eradication systems have not been changed. The epizootic character of these diseases may suddenly change the disease patterns in a negative direction. The campaigns against more chronic infectious diseases like brucellosis and tuberculosis continue but reduction of disease is slow.

3.2 Foot-and-mouth disease (FMD)

- 3.2.1 Three Member States (United Kingdom, Republic of Ireland (Eire) and Denmark) keep their cattle populations free from FMD infections by use of a stamping out policy, principally without vaccination. Six Member States vaccinate their cattle systematically against classical (A, O, C) FMD virus types and combine these prophylactic activities with different types of slaughter policy in case of emergency.
- 3.2.2 No significant changes have been observed in the frequency of this disease since 1972. Epidemic outbreaks have occurred in the continental parts of the EEC, but the general situation may be regarded as favourable. The systematic vaccination campaigns have proven efficient. Two elements are also important in this connection, the coordination of the vaccine programmes in countries of Eastern and Western Europe, organised by the European Foot-and-Mouth Committee (FAO) and the activities to improve the vaccine, which have been arranged within the framework of IOE, FAO and also the European Pharmacopoeia of the Council of Europe.
- 3.2.3 Concerning the trade in cattle and pigs, the possibility of a minimal risk of virus carriers cannot be totally excluded. In order to solve this problem, Community provisions in relation to prophylactic work in the regions of origin should be established (disease surveillance, emergency actions in case of outbreaks, systematic vaccination). It is also possible to prevent importation of infections by carrier animals by the use of quarantines in the importing country. Such measures could be harmonised through Community legislation.
- 3.2.4 The derogation allowing the new Member States to export unvaccinated cattle to the original Member States seems to have been functioning without any difficulties and it would be useful to replace the derogations by normal legislative measures. The time has not yet come to gradually cease vaccination in wider regions of the continental parts of the EEC, but experience shows that it can be done (Denmark and Finistère, France). If the regional FMD control plans of the FAO and IOE can be developed in the European region, it might in the future be considered to avoid general vaccination limiting certain exposed parts of the EEC.

3.3 SWINE FEVER

- 3.3.1 Swine fever was eradicated from Denmark in 1933 and has not recurred. Ireland has remained free since 1950 and in the UK an eradication programme was started in 1963 and completed in 1966. The disease was reintroduced in 1971 but immediately eliminated. These three countries do not vaccinate against the disease but practice a strict slaughter policy.
- 3.3.2 Among the original Member States, Germany and the Netherlands have embarked on an eradication policy, whereas Italy, France and Belgium are at present following a control policy in which vaccination plays an important part.
- 3.3.3 In the Community as a whole there has been a significant fall in the number of outbreaks since the early sixties. Serious epizootics, however, keep occurring among the Six at regular intervals of about 3-4 years. Only Luxembourg has had no outbreaks since 1971. These outbreaks cause serious losses to the affected countries. It is evident that the countries not practising vaccination are still more exposed to the serious consequences of a reintroduction of the disease.
- 3.3.4 It is obvious that there are certain areas in the affected countries which are subject to a higher than average risk of outbreaks of swine fever and which also appear to be the sources from which other areas become infected.
- 3.3.5 Although an impressive degree of control has been achieved with present measures against swine fever, their cost and inconvenience are high. The costs in the affected Member States are estimated at about 30 million UA per year. The costs are unlikely to fall, and without cooperative action from neighbours no individual country can envisage an end to them. Furthermore, a common market without veterinary barriers to trade cannot be obtained until control measures against swine fever and certain other diseases are eliminated.

3.4 BOVINE BRUCELLOSIS

- 3.4.1 Brucellosis is a zoonoses, and as such a health hazard to humans and cattle populations in wide areas of the Community. Where present, it causes serious economic losses to dairy and beef production. The necessity of eliminating brucella infection is recognised by all Member States, and national eradication programmes are operated with varying success. Four States have eliminated brucellosis in cattle (Denmark, the Federal Republic of Germany, the Netherlands and Luxembourg). The others are in the initial phase in some regions, and in the control or elimination phase in others. The pattern of existing infection and disease is still changing as a result of national control and elimination work. In certain regions the disease is still being spread. The borders between free and infected regions do not follow national frontiers.

- 3.4.2 The disease pattern has not changed very much since 1972 and brucellosis, as well as its control, still constitutes a serious obstacle to free trade in cattle.
- 3.4.3 The cost of the losses as a result of the disease, costs of diagnosis and control, as well as eradication, are estimated at about 250 000 000 UA annually for the five affected countries - Belgium, France, Ireland, Italy and the UK.
- 3.4.4 A community action to intensify the national programmes might accelerate the eradication measures. At the same time this would mean a reduction in the total costs of finally eliminating the disease from the Community territory.
- 3.4.5 Elimination of infections would mean that the non-infected Member States, Denmark, the Federal Republic of Germany, Luxembourg and the Netherlands, could reduce the costs of their protective control measures, which are still considerable. Finally, veterinary control in relation to trade of cattle could be reduced or even removed.

3.5 BOVINE TUBERCULOSIS

- 3.5.1 In most Member States this infection is now reduced to a minimum (Belgium, Denmark, the Federal Republic of Germany, Luxembourg and the Netherlands). The disease can be eradicated from infected regions if the farmers are ready to follow the necessary control measures. The economic burden of control and eradication is considerably less than for brucellosis. Tuberculosis does, however, constitute an obstacle to free trade between Member States and the continued testing of animals for intra-Community trade is a costly and complicated procedure.
- 3.5.2 Harmonising the control measures would accelerate the elimination of the disease. Expert groups, invited by the Commission, have for some time been studying certain of these items and results are expected within the not too distant future.
- 3.5.3 Being a zoonosis, bovine tuberculosis has, for many years attacked considerable numbers of humans. Many of these still carry infections as encapsulated processes, and the disease may develop later in life, whereby excretion of bovine tubercle bacilli will start again. This is why cattle may still be infected from human sources and why a final elimination of TB is prolonged.

CHAPITRE 4

4.1 GENERAL OUTLINE OF THE COMMISSION'S PROPOSALS

- 4.1.2 A preliminary comment is due. In the Treaty of Accession and the Directive on health problems affecting trade in fresh meat, different periods were laid down in respect of the duration of the derogations according to the country and region under consideration. However, the Commission believes that the problem of the derogations must be settled in the same way in all cases; in view of the fact that, in compliance with its Resolution of 22 July 1974, the Council must adopt a decision on this matter before 31 December 1976, the Commission regards it as unnecessary to submit separate proposals for the extension of the derogations, which expire on 31 December 1976 (Article 13 of the Directive on health problems affecting trade in fresh meat).
- 4.1.3 The constant search for health improvement in the Community implies that health situations can be gradually brought closer together by harmonization tending towards the highest level yet attained - though not necessarily, at present at least, reaching this level. It is not possible to change instantly situations which have arisen from concepts and backgrounds which often differ fundamentally. The free movement of animals and fresh meat can only become effective if health situations are harmonized. Every effort must therefore be made in this direction, which is the only means of attaining the desired result; at the same time, derogations should be made more flexible without compromising the health levels already achieved.
- 4.1.4 The proposals which the Commission is forwarding to the Council in this connection differ according to the reasons for the derogations; they are based on the general principles of the Treaty which, when applied to health questions, should allow free movement between regions of the Community enjoying the same situation and enable the removal of barriers to trade between the countries and regions with different situations where the health risk is practically non-existent. This implies, in particular, that there should be no significant barriers to trade between Ireland, the United Kingdom and Denmark - whether for fresh meat or live animals. The Commission does not believe that such barriers are justified by the derogations at present provided for in the Treaty of Accession.

4.2 Foot-and-mouth disease

- 4.2.1 With regard to foot-and-mouth disease, the basic data on the fundamental vaccination problem are identical with those for 1972. It does not yet seem possible to arrive at a common viewpoint on the prevention of foot-and-mouth disease within the Community; there would be no justification for imposing vaccination in Denmark, the United Kingdom or Ireland, nor would it be feasible at present to call for its elimination in the six other Member States. Nevertheless, a general improvement in the animal health situation has undeniably occurred. In addition, the new Member States found, especially when there was an epidemic of foot-and-mouth disease in France, that the procedure laid down in the Community texts offered guarantees such that contamination risks were avoided. On the basis of these facts, the Commission is putting forward solutions which maintain the outlooks of both the new and the original Member States while permitting the maximum flow of trade between these two groups, especially where fresh meat is concerned.

- 4.2.2 For the United Kingdom and Denmark, as far as fresh meat is concerned, the Directives should be applied as they stand, without derogations. As far as slaughter animals are concerned, to ensure smooth transition between the provisional system and the final system, the United Kingdom should be allowed to prolong the derogation it enjoys under the terms of Article 104 (1) of the Treaty of Accession until 1 January 1980 (Denmark does not benefit from any derogation as far as this class of animal is concerned). In the meantime the Council should adopt measures implementing the first phase of a coordinated attack on this problem: harmonization of the prophylaxis of foot-and-mouth disease, including methods of prevention and monitoring of the manufacture and use of vaccines.
- 4.2.3 In the case of stock-breeding and store animals, special arrangements should be made for trade between vaccination and non-vaccination regions (quarantine in the non-vaccinating importer country and special measures to be taken by the exporting country). These measures will be taken for a period of five years in order to enable the question to be reexamined at the end of this period in the light of experience and the evolution of the health situation.
- 4.2.4 In the case of Ireland, it would be advisable to prolong the existing general derogations, both for animals and fresh meat, for five years, expiring definitively 31 December 1982. This period seems necessary for Ireland to adapt to the Community regulations. In any case, this does not imply the retention of any restrictions on imports of meat and live animals from countries or regions with the same situation (for example, freedom from foot-and-mouth disease, no vaccination), which would certainly go beyond the provisions of Article 36 of the Treaty and could not be justified by protectionist measures taken by third countries.

4.3 SWINE FEVER

As regards swine fever, the situation has not changed fundamentally since accession. It nevertheless seems to the Commission that the present difficulties may be overcome in time by the application of Community action planned to completely eradicate swine fever and do away with vaccination. On this basis the Commission proposes that the Council adopt the principle of joint action in this area. It will forward appropriate proposals to the Council in the near future; it should be possible to solve the problems of the derogations in the context of the application of this joint action.

4.4 BRUCELLOSIS AND TUBERCULOSIS

- 4.4.1 Brucellosis and tuberculosis are two diseases for which there is no fundamental difference in the policies followed by Member States, in the sense that some have succeeded in eradicating them completely while others strive towards this end by means which - admittedly - are not always equally comprehensive or effective.
- 4.4.2 The Commission finds that, in this area, the unconditional application of the directives in force would disrupt trade between certain Member States. For this reason, it proposes that the date of 31 December 1977, laid down in Article 7(1)(C) of the "live animals" Directive, be replaced by the date of 31 December 1980. Beef cattle under 30 months old, which represent a very substantial portion of the trade between the United Kingdom and Ireland, will thus continue to circulate, benefiting from a derogation on brucellosis.

4.4.3 In the case of tuberculosis and castrated animals (in relation to brucellosis), scientific work is at present in progress in the Commission and its result may enable a satisfactory solution to be found to the question of the exportation of bovine animals from Ireland to the United Kingdom. This work is not yet complete and the results cannot therefore be used to draw up exact proposals. The Commission believes that any decisions subsequently made in this respect will fall within the framework of amendments to the Annexes and might therefore be adopted according to the procedure it proposes in point 4.7.2 But it realizes that these decisions, because of their implications, will call for a period of adaptation to enable Member States to conform to their provisions. The Commission therefore proposes that the derogations provided for in Article 104(4)(a) and (b) should remain in force for a period of two years following the adoption of any decisions, given that in the case of tuberculosis, Ireland will have to test every animal sent to the United Kingdom.

4.4.4 This will not, however, constitute a final solution to the general problem of brucellosis and tuberculosis; the risks of barriers to trade will persist as long as these diseases have not disappeared from the Community. Consequently, the Commission believes that in this area also, a joint action ought to be undertaken to support and reinforce preventive measures taken against these diseases by Member States not yet completely free from them. To this end, the Commission will also forward proposals to the Council in the near future.

4.5 OTHER ANIMAL DISEASES

4.5.1 The derogations for live animals laid down in Article 104(1) of the Treaty of Accession are of a general nature and the wording of the text does not indicate the exact reasons behind them. These reasons are of two types.

4.5.2 One set concerns the problems of foot-and-mouth disease and swine fever; these are undoubtedly the most important, but a solution may be found as the Commission proposes elsewhere.

4.5.3 The others concern certain diseases for which the present texts contain few or no provisions, and from which the United Kingdom, Denmark and Ireland have been declared free. In view of this, these three countries have expressed their wish to protect themselves against any risk of infection to which they might be exposed by imports from the Six. The Commission does not deny the importance of reaching as high a level of health as possible in all areas. It nevertheless believes that in the case in question these diseases are not sufficiently serious to justify large-scale generalized restrictive trade measures. The Commission therefore believes that a solution to these problems must be sought within the context of Article 3(2) of the "Live animals" Directive, by introducing certain amendments to this provision. Article 3(2) has already been used elsewhere to settle a similar case, that of bovine leucosis; consequently, this procedure, which worked perfectly, should also be suitable in relation to other diseases such as IBR.

4.6 IMPORTATIONS FROM THIRD COUNTRIES

- 4.6.1 With regard to imports from third countries, Denmark, the United Kingdom and Ireland have obtained a general derogation valid until 31 December 1977.
- 4.6.2 Since this derogation is only valid in respect of the general provisions of the Treaty, it is clear that at the health level the three Member States involved must in fact conform to the Community prescriptions. The level attained by these countries is not higher than that of the six other Member States and their arrangements for imports from third countries must thus be identical.
- 4.6.3 On the other hand, at the level of animal health inspection (particularly for foot-and-mouth disease and swine fever), it is clear that the Three must benefit from arrangements which ensure them guarantees at least equivalent to those which they enjoy in intra-Community trade. These guarantees may even go beyond this because the health situation in some third countries is not as favourable as that in the majority of the Member States; stricter conditions in these cases are therefore justified. Perhaps it would have been easier to access the situation more exactly if the implementation measures of the Council Directive of 12 December 1972, especially the list of approved third countries, had already been adopted. The Commission regrets that this list has not yet been adopted; common importation arrangements for goods from third countries are a necessary and fundamental condition for all joint action designed to improve Community livestock. It strongly urges that a decision be made in this respect by the end of 1976 at the latest.
- 4.6.4 In the case of the three new Member States, the Commission expects to be able to adopt a solution of which the principle has already been accepted in connection with the discussions on the "Third Countries" list. This solution consists in adopting, as far as relations with third countries are concerned, the principle of retaining national legislation on protection against foot-and-mouth disease and swine fever in the Member States involved which do not practice vaccination until common provisions on this subject are adopted.
- 4.6.5 This system must not, however, lead to arbitrary discrimination and disguised restrictions or to the retention of provisions which are more favourable than those laid down in Community regulations.

4.7 TECHNICAL ADAPTATIONS

- 4.7.1 The last aspect of the Commission's proposals involves the amendment procedure for the annexes of the Directive "Live Animals" and is somewhat outside the scope of the question of derogations.
- 4.7.2 It has repeatedly been found necessary, particularly in view of the development of science and techniques, to amend the annexes to directives on certain points. The Commission considers that this involve a technical field for which it seems inappropriate to resort to a long Commission/Parliament/Council procedure. Therefore, the Commission has proposed to the Council that such amendments should be adopted according to the Commission/veterinary committee procedure, which it regards as better suited to this type of decision.

4.8 CONCLUSIONS

- 4.8.1 As a result, the Council is invited to adopt the attached proposals which contain a provisional solution to the present difficulties. The latter may be finally resolved only by an action of wider scope, comprising a more thorough-going harmonization of animal health provisions in the areas of swine fever, foot-and-mouth disease and brucellosis, as well as Community financial participation in measures taken by Member States to eradicate most of these diseases from their territory.
- 4.8.2 The harmonization of health inspection measures has already been provided for by the Council in its Resolution of 12 March 1963 on measures concerning veterinary problems (1). Since 1969, the Commission has undertaken the necessary work on the subject of foot-and-mouth disease; however, it soon became evident that this action was running into serious difficulties caused by significant divergencies; in addition, the barriers between the Six due to the lack of harmonization were insufficient in themselves to exert the pressure essential to the success of this initiative. At the present time, on the contrary, the barriers in the enlarged Community are serious because they can reach the point of totally prohibiting importation; the Commission believes that this situation must lead to action in this area, and wishes to ensure that the fundamental principles on which the Community is based are respected.
- 4.8.3 As for the Community's financial participation in the fight against certain diseases, it should be recalled that at its 158th meeting (29 June 1971), the Council, after a discussion on the possible creation of a Community fund, recognized the need to make every effort to accelerate the harmonization of national provisions in the veterinary field and to determine the means to be employed in this connection, particularly as far as the Community's financial responsibility was concerned. It had noted the Commission's intention to present proposals to this end, limited to specific cases(2). The attached Commission proposals fall into this category, and would take the form of common actions in relation to the "Guidance" Section of the EAGGF.

(1) OJ No C 22 of 18.3.1968, p. 18.

(2) Doc. T/374/74 (AGRI).

Proposal for a Council Directive amending
Directives 64/432 of 26 June 1964, 72/461
of 12 December 1972 and 72/462 of 12 December
1972 on health and veterinary problems

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,

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

Whereas, on the occasion of the enlargement of the Community, Denmark, Ireland and the United Kingdom were permitted, in derogation of the existing community regulations, to maintain to some extent their national laws relating to veterinary matters;

Whereas the special arrangements applying to these three Member States were incorporated in the provisions of Articles 104 and 105 of the Treaty of Accession(1); whereas similar provisions arising from the latter have been introduced in Council acts subsequently adopted; whereas to this end, Article 13 of Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat (2) and Article 33 of Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries(3) were adopted, the two aforementioned Directives having subsequently been amended by Council Directive 75/379/EEC of 24 June 1975(4);

Whereas Article 106 of the Treaty of Accession and the other abovementioned provisions provided for the transmission, by the Commission to the Council, by 1 July 1976 at the latest, of a report accompanied by appropriate proposals where the need arises, with a view to finding a solution to the problem of these derogations; whereas the following provisions are aimed at this objective;

(1) OJ No L 73 of 27. 3.1972
(2) OJ No L 302 of 31.12.1972, p.24.
(3) OJ No L 302 of 31.12.1972, p.28.
(4) OJ No L 172 of 3. 7.1975, p.17.

Whereas the solutions adopted must not be such as to compromise the health standard already attained and must ensure, as far as possible, the free movement of animals and meat;

Whereas, as far as fresh meat is concerned, the risk of spreading disease is undeniably less than in the case of the trade in live animals; whereas, in addition, the conditions governing trade in meat under existing Directives are such that further special guarantees are unnecessary;

Whereas, as far as live animals are concerned, a system common to all the Member States should gradually be set up, making a distinction between the various types of animals according to the danger they represent and taking into account the need to expand trade on the basis of existing patterns; whereas appropriate amendments should be made to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾ as subsequently amended by Council Directive 75/379/EEC of 24 June 1975⁽²⁾;

Whereas imports into Denmark, Ireland and the United Kingdom from third countries may remain subject to special arrangements in view of the diversity between the health situation in these three countries and that in the third countries referred to;

Whereas the Community regulations relating, in particular, to foot-and-mouth disease and swine fever should enable a common and complete solution to be found for all these problems;

Whereas it would be reasonable to provide for a special transition period for Ireland and the United Kingdom acting for Northern Ireland, to permit the adaptations required by the application of Community regulations to be made;

Whereas it seems appropriate, in the light of experience acquired, to extend the use of a rapid and effective procedure for making technical changes to certain provisions or establishing rules of implementation,

HAS ADOPTED THIS DIRECTIVE :

(1) OJ No 121 of 29. 7.1964, p.1977/64.
(2) OJ No L 172 of 3. 7.1975, p.17.

Article 1

The text of Article 13 of Council Directive 72/461/EEC of 12 December 1972 shall be replaced by the following:

"Until 31 December 1976, Denmark and the United Kingdom with the exception of Northern Ireland, and until 31 December 1982, Ireland and the United Kingdom acting for Northern Ireland, shall be authorized to maintain, with regard to imports of fresh meat, their national regulations on protection against foot-and-mouth disease insofar as the latter accord with the general provisions of the Treaty establishing the European Economic Community.

Until 31 December 1977, Denmark, Ireland and the United Kingdom shall be authorized to maintain, with regard to imports of fresh meat, their national regulations on protection against swine fever, insofar as the latter accord with the general provisions establishing the European Economic Community".

Article 2

Article 4 a, which follows, shall be inserted into Council Directive 64/432/EEC of 26 June 1964:

"Article 4 a

1. Until 31 December 1982, with regard to imports of bovine animals and swine for slaughter, stock-breeding and storage from other Member States, Ireland and the United Kingdom acting for Northern Ireland shall be authorized to maintain their national regulations on protection against foot-and-mouth disease insofar as the latter accord with the general provisions of the Treaty establishing the EEC.
2. Until 31 December 1979, with regard to imports of cattle for slaughter from other Member States, the United Kingdom, excluding Northern Ireland, shall be authorized to maintain its national regulations on protection against foot-and-mouth disease, insofar as the latter accord with the general provisions of the Treaty establishing the EEC.
3. Exports of bovine animals from Ireland to the United Kingdom may be carried out :
 - (a) in derogation of the provisions of this Directive concerning brucellosis; nevertheless, the provisions relating to the test laid down for animals traded within the Community shall remain applicable to exports of bovine animals other than bullocks;
 - (b) in derogation of the provisions of this Directive concerning tuberculosis on condition that :
 - prior to exportation, each animal has been subjected to the intradermal tuberculin test and shown a negative reaction as determined by the criteria defined in Annex B.21(a);
 - on exportation, a declaration is made certifying that the animal comes from a herd officially declared free from tuberculosis according to the methods in force in Ireland;
 - (c) in derogation of the provisions of this Directive relating to the mandatory requirement to separate stock-breeding and store animals from slaughter animals.

The provisions of subparagraphs (a) and (b) above shall be applicable for a period of two years from the date on which decisions are taken in the field concerned, in accordance with Article 11(a) of this Directive.

The provisions in subparagraph (c) shall apply until 31 December 1979".

Article 3

Article 4b which follows shall be inserted into Council Directive 64/432/EEC of 26 June 1964:

"Article 4b

1. Until 31 December 1982 Member States which are free from foot-and-mouth disease, and which do not practice vaccination against this disease in all or part of their territory may require, in accordance with the general provisions of the Treaty, in relation to bovine and porcine stock-breeding and storage animals from countries or parts of countries not meeting these conditions, that these animals:
 - should have shown a negative reaction to a probang test carried out immediately before embarkation, in the case of bovines
 - should be consigned to the stations approved by the competent authority in order that they may there undergo quarantine at the cost of the importing Member State, in the case of bovines and porcines.
2. The number, capacity and geographical distribution of the quarantine stations referred to in the preceding paragraph must be such that the development of intra-Community trade is not affected."

Article 4

Article 7 of Council Directive 64/432/EEC of 26 June 1964, shall be replaced by the following:

- "1. Save as otherwise provided in this Directive, the importing countries shall authorize the introduction into their territory of bovine animals for stock-breeding, storage and slaughter, which, in derogation of Article 3(3)(a) and (6)(a), have not been vaccinated against foot-and-mouth disease. If no case of foot and mouth disease has officially been reported in the region of origin or in the transit regions or countries involved.
2. The importing countries may grant, to one or more exporting countries, general or restricted authorizations in specific cases, according to which the following may be introduced into their territory:
 - A. Where bovine, stock-breeding, storage or slaughter animals are concerned, in derogation of Article 3(3)(a) or (6)(a), those animals which have been given serum treatment against foot-and-mouth disease, administered not more than ten days before embarkation, by means of a specific foot-and-mouth disease serum officially approved and monitored by the competent authority in the exporting country and accepted by the competent authority in the importing country;
 - B. In the case of bovine storage or stock-breeding animals:
 - a) in derogation of Article 3(3)(a), those animals which have been revaccinated during the twelve preceding months against the A, O and C types of the foot-and-mouth disease virus, insofar as this concerns vaccinated bovine animals from Member

- States in which these animals are vaccinated annually and slaughtered systematically in cases where foot-and-mouth disease occurs, and in which no case of foot-and-mouth disease has been officially confirmed for at least six months from the date of embarkation;
- b) in derogation of Article 3(3)(c), those animals which come from a herd free from brucellosis.
- C. In the case of beef cattle aged less than thirty months, in derogation of Article 3(3)(c), animals which do not originate from a herd of bovine animals officially declared free from brucellosis or from a brucellosis free herd, but which have shown a Brucellus titre lower than 30 international agglutinating units per millilitre in a seroagglutination test carried out pursuant to the provisions of Annex C during the thirty days prior to embarkation. Such animals must bear a special mark. The importing Member State shall take every precaution to avoid contamination of indigenous herds.
- This provision shall, unless extended by decision of the Council acting by a qualified majority on a proposal from the Commission, apply up to and including 31 December 1980.
- D. In the case of bovine slaughter animals, in derogation of Article 3(6)(c), those animals which have shown, in a seroagglutination test carried out pursuant to the provisions in Annex C, a Brucellus titre of at least 30 international agglutinating units per millilitre.
3. The granting of the authorizations referred to in paragraph (1) and the general authorizations referred to in paragraph (2) shall be communicated forthwith to all the Member States and to the Commission.
4. Where an importing country grants one of the authorizations referred to in paragraphs (1) and (2), a corresponding authorization must be obtained from the countries of transit involved.
5. The exporting countries shall take all provisions necessary to ensure that mention is made on the health certificates, models of which appear in Annex F (models I and II), that one of the alternatives laid down in paragraphs (1) and (2) has been adopted.

Article 5

Article 3 (2) of Council Directive 64/432/EEC of 26 June 1964 shall be replaced by the following:

"2. A Member State may be authorized to apply, for intra-Community trade, health guarantees necessary to maintain a status of freedom from rabies and other serious infectious bovine or swine diseases not referred to in Annex B of this Directive, or health guarantees equivalent at most to those required by that Member State within the framework of a national programme for the eradication or prevention of such a disease.

These authorizations, the conditions which must be met by a country claiming freedom from a disease, and the nature of the health guarantees which may be applied shall be given under the procedure laid down in Article 12.

The provisions of this paragraph shall be applicable until the entry into force of Community legislation concerning the disease in question."

Article 6

Article 11 a which follows shall be inserted into Council Directive 6A/432/EEC of 26 June 1964.

"Article 11a

Insofar as the need arises, the following shall be adopted according to the procedure laid down in Article 12:

- the rules for the application of Articles 4b and 7(1)
- amendments to the Annexes of this Directive arising from the development of scientific and technical knowledge."

Article 7

The text of Article 33 of Council Directive 72/462/EEC of 12 December 1972 shall be replaced by the following:

"Until the entry into force of Community regulations, the new Member States shall be authorized to maintain, with regard to imports from third countries, their national regulations on protection against foot-and-mouth disease and swine fever insofar as these concern live animals and fresh meat; these regulations must not be more favourable than those applied by these Member States in intra-Community trade".

Article 8

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive by 1 January 1978 at the latest.

Article 9

This Directive is addressed to the Member States.

Done at Brussels

For the Council

The President