

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 485 final

Brussels, 16 October 1989

Proposal for a
COUNCIL DIRECTIVE
on the approval for breeding of pure-bred breeding pigs

Proposal for a
COUNCIL DIRECTIVE
on the approval for breeding of hybrid breeding pigs

(presented by the Commission)

EXPLANATORY MEMORANDUM

Directive 88/661/EEC laid the groundwork for a gradual liberalization of intra-Community trade in breeding pigs.

In this respect, Articles 3 and 8 of the Directive provide for a further stage (to be completed by 31 December 1990), namely the adoption of Community provisions for the approval of pure-bred and hybrid breeding pigs for breeding.

The purpose of the first proposal herewith is to remove all restrictions on the approval of pure-bred breeding female pigs for breeding, the use of their ova and embryos and breeding male pigs for natural service. In the case of artificial insemination it liberalizes trade subject to the mutual recognition of tests to monitor performance or assess genetic value and the use of recognized personnel. In the event of a dispute regarding the interpretation of the tests, however, the opinion of an expert may be sought.

The second proposal removes all restrictions on the approval for breeding of all hybrid breeding pigs and on the use of their semen, ova or embryos.

Proposal for a
COUNCIL DIRECTIVE
on the approval for breeding of pure-bred breeding pigs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 88/661/EEC of 19 December 1988 on the zootechnical standards applicable to breeding animals of the porcine species⁽¹⁾ and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 88/661/EEC was particularly intended gradually to liberalize intra-Community trade in pure-bred breeding pigs; whereas, for this purpose, additional harmonization with regard to the acceptance of such animals for breeding purposes is necessary;

Whereas the provisions concerning acceptance for breeding relate both to animals as well as their semen, ova and embryos;

Whereas, in this respect, it is necessary to prevent national provisions relating to the acceptance for breeding purposes of pure-bred breeding pigs and their semen, ova and embryos from constituting a prohibition or restriction of intra-Community trade or an obstacle thereto either in the case of natural service, artificial insemination or the taking of ova or embryos;

Whereas pure-bred female pigs, their ova and embryos should be subject to no prohibition, restriction or obstacle in connection with breeding;

(1) OJ No L 382, 31.12.1988, p. 36.

Whereas artificial insemination constitutes an important technique for increasing the use of the best breeders and, hence, for improving the porcine species; whereas in so doing, however, any impairment of the pedigree must be avoided, particularly with regard to male breeders, which must possess all guarantees of their genetic value and of their freedom from hereditary defects;

Whereas it is necessary to make a distinction between the acceptance for artificial insemination of pure-bred breeding pigs and their semen which have undergone all the official tests laid down for their breed in a Member State and the acceptance of them solely for the purposes of testing;

Whereas it is useful to establish a procedure for solving, in particular, disputes that may arise in the assessment of the results of tests;

Whereas the provision that semen, ova and embryos must be manipulated by officially approved staff is capable of providing the guarantees necessary for attaining the desired end;

Whereas in the light of particular conditions currently existing in Spain and Portugal it is necessary to provide for a longer period for the implementation of this Directive in those Member States,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Member States shall ensure that, without prejudice to animal health rules, there is no prohibition or restriction of or obstacle to :

- the acceptance of pure-bred breeding female pigs for breeding,
- the acceptance of pure-bred breeding male pigs for natural service,
- the use of ova and embryos from pure-bred breeding female pigs.

Article 2

1. A Member State may not prohibit, restrict or impede :

- the acceptance for official testing of pure-bred breeding male pigs or the use of their semen within the quantitative limits necessary for the tests for monitoring their performance and assessing their genetic value to be carried out,
- the acceptance for artificial insemination within its territory of pure-bred breeding male pigs or the use of their semen when those animals have been accepted for artificial insemination in a Member State on the basis of the test for monitoring their performance and assessing their genetic value.

2. Where implementation of the provisions of paragraph 1 would give rise to disputes, particularly with regard to interpretation of the tests, operators shall have the right to seek the opinion of an expert.

In the light of the expert's opinion, measures may be adopted at the request of a Member State in accordance with the procedure laid down in Article 5.

3. The general rules for implementing paragraph 2 shall, where necessary, be adopted in accordance with the procedure set out in Article 5.

Article 3

Member States shall ensure that, for marketing, the semen, ova and embryos are collected, treated and stored by an officially approved centre or officially approved staff.

Article 4

The Commission shall be assisted by the Standing Committee on Zootechnics, hereinafter "the Committee", set up by Council Decision 77/505/EEC⁽¹⁾.

(1) OJ No L 206, 12.08.1977, p. 11.

Article 5

Where reference is made to the procedure laid down in this Article the provisions set out below shall apply.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 6

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1991. They shall forthwith inform the Commission thereof.

However, Spain and Portugal shall have an additional period of time of two years within which to comply with this Directive.

2. The provisions adopted pursuant to the first paragraph shall make express reference to this Directive.

Article 7

This Directive is addressed to the Member States.

Done at Brussels

For the Council
The President

Proposal for a
COUNCIL DIRECTIVE
on the approval for breeding of hybrid breeding pigs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 88/661/EEC of 19 December 1988 on the zootechnical standards applicable to breeding animals of the porcine species⁽¹⁾ and in particular Article 8 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 88/661/EEC was particularly intended gradually to liberalize intra-Community trade in hybrid breeding pigs; whereas, for this purpose, additional harmonization with regard to the acceptance of such animals, for breeding purposes, is necessary;

Whereas the provisions concerning acceptance for breeding relate both to animals as well as their semen, ova and embryos;

Whereas, in this respect, it is necessary to prevent national provisions relating to the acceptance for breeding purposes of hybrid breeding pigs and their semen, ova and embryos from constituting a prohibition or restriction of intra-Community trade or an obstacle thereto;

Whereas female and male hybrid breeding pigs, their semen, ova and embryos should be subject to no prohibition, restriction or obstacle in connection with breeding;

(1) OJ No L 382, 31.12.1988, p. 36.

Whereas the provision that semen, ova and embryos must be manipulated by officially approved staff is capable of providing the guarantees necessary for attaining the desired end;

Whereas in the light of particular conditions currently existing in Spain and Portugal it is necessary to provide for a longer period for the implementation of this Directive in those Member States,

HAD ADOPTED THIS DIRECTIVE :

Article 1

Member States shall ensure that, without prejudice to animal health rules there is no prohibition or restriction of or obstacle to :

- the acceptance of hybrid breeding female pigs for breeding,
- the acceptance of hybrid breeding male pigs for natural service,
- the acceptance for artificial insemination of hybrid breeding male pigs whose line has been tested for monitoring performance and assessing its genetic value,
- the use of the semen of the animals referred to in the third indent,
- the acceptance, for official testing, of hybrid breeding male pigs or the use of the semen of such pigs within quantitative limits necessary for the tests for monitoring their performance and assessing their genetic value to be carried out,
- the use of ova and embryos from hybrid breeding female pigs.

Article 2

Member States shall ensure that, for marketing, the semen, ova and embryos are collected, treated and stored by an officially approved centre or officially approved staff

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1991. They shall forthwith inform the Commission thereof.

However, Spain and Portugal shall have an additional period of time of two years within which to comply with this Directive.

2. The provisions adopted pursuant to the first paragraph shall make express reference to this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels

For the Council
The President

ISSN 0254-1475

COM(89) 485 final

DOCUMENTS

EN

03

Catalogue number : CB-CO-89-501-EN-C

ISBN 92-77-54358-2

Office for Official Publications of the European Communities
L-2985 Luxembourg