

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 652 final

Brussels, 20 December 1989

Proposal for a  
Council Directive

amending Directive 64/432/EEC as regards enzootic bovine leukosis

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(presented by the Commission)

EXPLANATORY MEMORANDUM

Enzootic bovine leukosis is cancer of the white cells of the blood of cattle. It is caused by a virus and may be a serious source of loss to owners in herds where the disease has become established.

Many infected Member States have established National eradication programmes and in fact some have nearly finished.

From 1 July 1990 intra-Community trade in certain types of bovine animals intended for breeding or production will be restricted to herds that are enzootic leukosis free as defined, or which come from E.B.L. free Member States or regions, which this proposal defines.

Article 4 of Council Directive 88/406/EEC which amends Council Directive 64/432/EEC as regards enzootic bovine leukosis requires that the Commission makes a proposal to lay down the criteria permitting a Member State or region to be recognized as being free from enzootic bovine leukosis and the conditions to be implemented to guarantee the maintenance of such status, as well as the rules applicable to trade from enzootic bovine leukosis free regions or Member States, the attached is designed to accomplish this.

The rules for intra-Community trade from E.B.L. free herds, regions and Member States will now be the same for all these situations, i.e. a negative test 30 days before loading. However, it is intended to review these rules at a later date.

In addition, it is proposed to modify the provisions concerning the delegation of competence by the Council to the Commission by deleting the "contre-filet" clause in the Regulatory Committee procedure.

There are no financial repercussions on the Community budget involved.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 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 Council Directive 88/406/EEC<sup>(1)</sup>, which amends Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine<sup>(2)</sup>, as last amended by Directive 89/360/EEC<sup>(3)</sup>, lays down common health guarantees regarding enzootic bovine leukosis as applicable to certain categories of bovine animals intended for intra-Community trade which will apply from 1 July 1990;

Whereas Article 4 of Directive 88/406/EEC requires that proposals be made to lay down the criteria permitting a Member State or part of the territory of a Member State to be recognized as being free from enzootic bovine leukosis and the conditions to be implemented to guarantee the maintenance of such status, as well as the rules applicable to trade from such areas;

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(1) O.J. N° L 194, 22.07.1988, p. 1

(2) O.J. N° 121, 29.07.1964, p. 1977/64

(3) O.J. N° L 153, 06.06.1989, p. 29

Whereas from surveys carried out to date it would appear that certain Member States and regions are free of enzootic bovine leukosis and whereas it is necessary to define, on a Community basis, how these areas shall be established and the conditions under which they shall be maintained as being free of enzootic bovine leukosis and the conditions in relation to trade,

Whereas the conditions relating to trade will now be the same for bovines coming from enzootic bovine leukosis free herds, Member States and regions; whereas, however, it is intended to review these rules at a later date,

HAS ADOPTED THIS DIRECTIVE:

ARTICLE 1

Directive 64/432/EEC is hereby amended as follows:

1. Article 2 (s) is replaced by the following:

"(s) 'Enzootic bovine leukosis free herd' means:

a herd which satisfies the conditions laid down in points A or B of Chapter I of Annex G"

2. At the end of Article 12 the words "save where the Council has decided by a simple majority against these measures" are deleted.

3. At the end of Article 13 the words "save where the Council has decided by a simple majority against these measures" are deleted.

4. The existing Annex G becomes Chapter II of Annex G.

5. The Annex to this Directive is inserted as Chapter I of Annex G.

ARTICLE 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 July 1990. They shall forthwith inform the Commission thereof.

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

ARTICLE 3

**This Directive is addressed to the Member States.**

**Done at Brussels,**

**For the Council  
The President**

ANNEX

"Chapter I

Enzootic Bovine Leukosis free herds, Member States and regions

A. . Enzootic bovine leukosis free herd means a herd in which:

- (I) there is no evidence, either clinical or as a result of tests carried out in accordance with Chapter II of any case of enzootic bovine leukosis nor has any such case been confirmed in the previous two years;
- (II) the animals over 24 months of age have, during the previous 12 months, reacted negatively to two tests carried out in accordance with Chapter II, at intervals of at least four months or, in the case of a herd which has already satisfied that requirement, have reacted negatively to a single test carried out in accordance with Chapter II;
- (III) from the date of the first inspection, there are only animals born in the herd, or which have come from an enzootic bovine leukosis free herd.

B. 1. As and from the 1st April 1990 a herd may also be considered as enzootic bovine leukosis free if it is situated within a Member State or region of a Member States which has been declared as enzootic bovine leukosis free under the procedure laid down in Article 12 on the basis of the following conditions:

- a) during the preceding 2 years all bovine animals over 2 years of age, in a random sample of at least 20% of the holdings in which cows are habitually kept, in the national or regional herd, must have reacted negatively to a test carried out in accordance with Chapter II of this Annex;
- b) all tumors in the organs and the lymphatic system of bovines must be notified and must be examined histologically by a veterinary laboratory which is directly supervised by a laboratory mentioned in Chapter II and during the preceding 3 years this procedure must demonstrate that no lymphatic tumour has been caused by infection with bovine leukaemia virus;

- c) the results of surveys previously carried out in the area concerned in respect of enzootic bovine leukosis shall be presented to the Commission. These surveys, based on tests carried out on milk or blood and on tumour classification, must demonstrate, without prejudice to paragraphs a) and b), that when cases have been identified, that they have been related to specific circumstances and that appropriate measures have been taken to ensure that they no longer pose a threat to the National or regional herd.
2. The status of the herds within the qualified areas shall continue to be maintained provided that the conditions continue to be fulfilled. Should a case of enzootic bovine leukosis be diagnosed during the course of these monitoring procedures the status of the Member State or region shall be immediately withdrawn. The Member State concerned must immediately inform the Commission and the other Member States.

The matter shall be referred to the Standing Veterinary Committee who shall assess the circumstances of the outbreak and the Commission shall, under the procedure laid down in Article 12, if the situation justifies it, lay down the conditions under which the status may be regained."

COMPETITIVENESS AND EMPLOYMENT IMPACT STATEMENT

I. What is the main reason for introducing the measure?

To allow bovine herds in Member States or regions to be declared as enzootic bovine leukosis free by testing a random percentage of 20% of the herds.

II. Features of the businesses in question. In particular:

a) Are they many SMEs?

if farms are SMEs, then the answer is yes.

b) Are they concentrated in regions which are:

i. eligible for regional aid in the Member States?

Some are.

ii. eligible under the ERDF?

Yes.

III. What direct obligations does this measure impose on businesses?

None.

IV. What indirect obligations are local authorities likely to impose on businesses?

None.

V. Are there any special measures in respect of SMEs? Please specify.

No.

VI. What is the likely effect on:

a) the competitiveness of businesses?

It will improve the competitiveness of farms.

b) employment?

may increase it slightly.

VII. Have both sides of industry been consulted? Please indicate their opinions

Not necessary.



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# DOCUMENTS

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