

EUROPEAN PARLIAMENT

Working Documents

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DOCUMENT 1-972/82

Report

drawn up on behalf of the Committee on Agriculture
on the proposal from the Commission of the European
Communities to the Council (Doc. 1-674/82 - COM(82)
529 final) for a Directive amending Directives
64/432/EEC and 72/461/EEC as regards certain measures
relating to foot-and-mouth disease, Aujeszky's disease
and swine vesicular disease //

Rapporteur: Mr Teun TOLMAN

By letter of 28 September 1982, the President of the Council of the European Communities requested the European Parliament, pursuant to Article 43 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a Council Directive amending Directives 64/432/EEC and 72/461/EEC as regards certain measures relating to foot-and-mouth disease, Aujeszky's disease and swine vesicular disease.

On 11 October 1982, the President of the European Parliament referred this proposal to the Committee on Agriculture.

At its meeting of 18/19 October 1982 the Committee on Agriculture appointed Mr Teun TOLMAN rapporteur.

On 22 November the Council requested urgent debate pursuant to Rule 57 of the Rules of Procedure.

At its meeting of 1 and 2 December 1982 the committee considered the Commission proposal and the draft report and decided unanimously with one abstention to recommend to Parliament that it approve the Commission's proposal without amendment.

The committee then adopted the motion for a resolution as a whole unanimously with one abstention.

The following took part in the vote:

Mr CURRY, chairman; Mr FRÜH, vice-chairman; Mr TOLMAN, rapporteur, Mr ABENS (deputizing for Mr SUTRA), Mr ADAMOU, Mr CLINTON, Mr COSTANZO (deputizing for Mr COLLESELLI), Mrs DESOUCHES (deputizing for Mr THAREAU), Mr GAUTIER, Mr GIUMARRA (deputizing for Mr LIGIOS), Mr HERMAN (deputizing for Mr MARCK), Mr HORD, Mr HOWELL, Mr McCARTIN (deputizing for Mr HELMS), Mr MAHER, Mr MERTENS, Mr PAPAEFSTRATIOU (deputizing for Mr KALOYANNIS), Mr PROVAN and Mr WOLTJER.

CONTENTS

	Page
A. MOTION FOR A RESOLUTION.....	5
B. EXPLANATORY STATEMENT.....	7

The Committee on Agriculture hereby submits to the European Parliament the following motion for a resolution together with explanatory statement

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a Council Directive amending Directives 64/432/EEC and 72/461/EEC as regards certain measures relating to foot-and-mouth disease, Aujeszky's disease and swine vesicular disease

The European Parliament,

- having regard to the proposal from the Commission to the Council¹,
 - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (Doc. 1-674/82),
 - having regard to the report of the Committee on Agriculture (Doc. 1-972/82)
 - having regard to the result of the vote on the Commission's proposal,
- (a) whereas foot-and-mouth disease, Aujeszky's disease and swine vesicular disease are animal diseases which must be eradicated in the interests of animal health and of unrestricted intra-Community trade in animals and fresh meat,
- B. bearing in mind that so far only slow progress has been made in the harmonization of animal health measures, particularly in the case of foot-and-mouth disease,
- C. noting that animal health measures must be harmonized at the highest possible level,
1. Regrets that the Council has still not succeeded in adopting effective Community measures to combat foot-and-mouth disease and that as a result a variety of different methods will continue to be used in the Member States;

¹ OJ No. C 249, 23.9.1982, p. 6

2. Points out that obstacles to trade have arisen as a result of the various methods used to combat diseases; this is incompatible with the demand of the EEC Treaty for the realization of a common internal market;
3. Recognizes that some Member States have succeeded in eliminating disease without recourse to general vaccination programmes, and calls on the Council and Commission to make this their objective in the future harmonization of animal health measures;
4. Considers it justifiable that certain derogations granted to some Member States because of the animal health situation prevailing in them should continue to remain in force for a limited period until effective Community health measures are introduced;
5. Approves the amendments proposed by the Commission;
6. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

EXPLANATORY STATEMENT1. General outline

1.1 Epizootic diseases pose a threat to Community livestock and hence to consumers and can lead to considerable disruptions in intra-Community trade in animals intended for slaughter, breeding and production and in livestock products. It is clear that a healthy stock of animals also constitutes an important source of income for farmers. The traditional veterinary policy of Member States which consists of protecting their territory by means of systematic import controls and restrictions which often go as far as totally banning imports is gradually being replaced by a Community veterinary policy which, while respecting the need for a high standard of animal health protection, also takes into account the need for unrestricted intra-Community trade in animals and livestock products.

1.2 The first Community legislation in this field was the Council Directive of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (64/432/EEC)¹. The Council Directive of 12 December 1972 on health problems affecting intra-Community trade in fresh meat (72/461/EEC)² also covered fresh meat. Certain guarantees were provided for the principal diseases, namely tuberculosis, brucellosis, foot-and-mouth disease and swine fever. However, a new problem emerged following the first stage of Community enlargement to include the United Kingdom, Ireland and Denmark. Conditions in these three countries with regard to the principal diseases (tuberculosis, brucellosis, foot-and-mouth disease and swine fever) differed from those in the founder members of the Community; and so, in order to ensure a continued high degree of health protection in these countries they were granted derogations allowing them to retain their national laws until progress was made in the harmonization of Community animal health measures.

¹ OJ No. 121, 29.7.1964, p. 1977/64

² OJ No. L 302, 31.12.1972, p. 24 ff.

Despite various proposals from the Commission, the Council has been unable in the meantime to develop existing Community legislation in this field. As a result of the impasse in the veterinary sphere particularly as regards measures against epizootic diseases, the derogations granted to the new members had to be repeatedly extended. The proposal for a Directive under discussion also provides for these derogations to be extended, but with reduced effect.

1.3 A common approach has gradually been agreed on for combating brucellosis, tuberculosis, leucosis and swine fever, so that very soon health measures with regard to these diseases will no longer constitute a barrier to animal health protection and intra-Community trade. However, almost no progress has been made in the harmonization of measures for combating foot-and-mouth disease. We therefore warmly welcome the Commission's recent proposal for a Council Directive regarding Community measures relating to foot-and-mouth disease¹; however, an assessment of this document is beyond the scope of this report.

2. Methods used for combating epizootic diseases in the Member States

2.1 Belgium, Italy, the Netherlands and the Federal Republic of Germany

In these countries all bovine animals over the age of four months are vaccinated annually. If the disease breaks out on a holding, all the animals which are at risk are slaughtered; vaccinated animals are exempt and may remain on the holding. In addition, all animals of susceptible species in a given area around the holding where the outbreak occurs are vaccinated or revaccinated.

2.2 France and Luxembourg

In both these countries all bovine animals over the age of four or six months are vaccinated annually. When an outbreak occurs on a holding all animals of susceptible species are slaughtered and destroyed regardless of whether or not they are vaccinated. In some cases animals in the surrounding areas are also vaccinated.

¹ COM(82) 505 final, OJ No. C 248, 22.9.1982, p. 3

2.3 Ireland, the United Kingdom and Denmark from 1977

Vaccination is forbidden in these three countries. The disease is dealt with as follows: all animals of susceptible species are immediately slaughtered and meat is destroyed in a given area around the holding in compliance with strict animal health requirements and control measures are applied in the case of larger holdings.

2.4 Greece and Denmark until 1977

The same measures were - and still are - applied here as in Ireland and in the United Kingdom. Animals are not systematically vaccinated every year; however, all animals of susceptible species in a given area around a holding where an outbreak occurs are vaccinated so as to protect animal herds in the surrounding area which are at risk and to avoid secondary outbreaks.

2.5 The special interests of the new Member States Ireland, the United Kingdom and Denmark

These countries have an increased interest in maintaining the derogations of Directives 64/432/EEC and 72/461/EEC which were introduced principally for their benefit. If these countries - and Luxembourg, too - have been disease-free for many years with the exception of minor outbreaks in the United Kingdom and Denmark, this is to a great extent due to the national health provisions in force in them. Ireland has even been practically disease-free since 1941, probably because of its position as an island. These three countries have benefited in various ways from this state of animal health protection. In the first place the cost of these health measures is negligible; practically the only source of expenditure is compensation for slaughtered animals in the event of an outbreak of disease; the recent outbreak on two Danish islands cost approximately 4 million ECU in compensation; by contrast, vaccination programmes would cost 5 million ECU a year.

Secondly, high animal health standards have a positive effect on animal and meat exports to third countries. This is especially true of Ireland which is the Community's largest exporter of beef. These exports are of considerable importance for the Community since they avoid the need for intervention buying and maintain openings in important outlets in third countries. From this point of view it is understandable that these Member

States and Ireland in particular are keen strictly to maintain these high health protection standards. On the other hand, these high standards should not be allowed over a long period of time to become a barrier to intra-Community trade - as is now the case - so that other Member States have difficulty in exporting animals and meat to countries with high animal health protection standards.

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

This directive, as last amended by the Council Directive of 26 January 1982 (82/61/EEC)¹ lays down the legal provisions governing animal health problems affecting intra-Community trade in bovine animals and swine. In the interests of intra-Community trade each Member State is committed to ensuring that only bovine animals and swine which fulfil animal health criteria and are deemed not to constitute a health risk for the livestock of the country of destination are sent from its territory to that of another Member State. For instance, on the day of loading the animals must show no clinical sign of disease and must have been obtained from a holding which was not subject to prohibitions for health reasons owing to an outbreak of an epizootic disease; nor may animals come from protection zones set up in order to combat disease.

3.1 The amendments proposed by the Commission

3.1.1 Article 3, paragraph 2(c)(II) lays down the conditions under which animals for breeding or production may be consigned within the Community. They must have been obtained from a holding in which for three months prior to consignment there has been no recorded incidence of foot-and-mouth disease or bovine brucellosis in the case of bovine animals and foot-and-mouth disease, bovine or porcine brucellosis, swine fever or contagious porcine paralysis in the case of swine.

The Commission's proposal provides for Aujeszky's disease to be added to this list. Aujeszky's disease which is related in origin to rabies is a contagious disease of pigs which may infect other species. The disease occurs sporadically in the Community and there is a risk that it may be spread by the trade of pigs, particularly of rearing pigs.

¹ OJ No. L 29, 6.2.1982, p. 13

The Committee on Agriculture approves the Commission's proposal since it seeks to reduce the risk of another epizootic disease affecting intra-Community trade in live bovine animals and swine.

3.1.2 Article 3, paragraph 4 states again quite clearly that swine for breeding or production intended for intra-Community trade must come from brucellosis-free stock.

The Commission proposal adds a further requirement, namely that stock from the holding in question should not be vaccinated against Aujeszky's disease or if vaccinated a dead vaccine only should be used.

The Committee on Agriculture approves the amendment proposed by the Commission for the reasons set out in paragraph 3.1.1.

3.1.3 Article 4a authorizes Ireland and the United Kingdom in respect of Northern Ireland to retain until 31 December 1982 their - comparatively stricter - national provisions designed to protect them against the introduction into their territory of foot-and-mouth disease through imports of bovine animals for breeding, production and slaughter; the period covered by the authorization thus expires at the end of this year. This regulation takes into account the fact that for many years no cases of foot-and-mouth disease have been recorded in Ireland and Northern Ireland, to some extent owing to their position as an island.

In addition, Article 4b authorizes those Member States which for more than two years have been free of foot-and-mouth disease and do not practise systematic vaccination to continue until 31 December 1982 to oppose the introduction into their territory of animals for slaughter, production and breeding which do not fulfil certain stricter requirements; these requirements vary according to the length of time the exporting country has been free of the disease. Furthermore, the Member States in question are permitted until 31 December 1982 to oppose the introduction into their territory of swine for breeding and production unless within a period of 30 days prior to consignment they were tested for the presence of vesicular swine disease and the results were negative.

The provision of Article 4b takes into account in particular the situation in Denmark and the United Kingdom where no cases of disease have been recorded over a long period of time. The present derogations are due to expire on 31 December 1982 because it was assumed that the extensive

harmonization of animal health provisions could be achieved by then. However, this is not the case.

The amendment proposed by the Commission seeks once more to extend the period of validity of the derogation contained in Article 4b - which has so far principally concerned the United Kingdom and Denmark - until 31 December 1985. Since, however, the period of validity of the derogation of Article 4a concerning Ireland and Northern Ireland is not being extended and thus expires on 31 December 1982, the derogation of Article 4b which is less restrictive in respect of intra-Community trade will also apply to Ireland and Northern Ireland from 1 January 1983.

Furthermore, the Commission proposes to add a further paragraph to Article 4b according to which Member States exempt by this derogation can nevertheless apply this regulation if foot-and-mouth disease is detected in a very limited area of their territory and has been eliminated by the destruction of animals without recourse to vaccination. This amendment was evidently proposed in response to the recent outbreak of foot-and-mouth disease on two Danish islands which was very rapidly brought under control.

The aim of the amendments proposed by the Commission to Article 4b is that after the expiry of the strict derogations in favour of Ireland and Northern Ireland the less restrictive derogations which benefit the United Kingdom and Denmark in particular should also include Ireland and Northern Ireland and from 1 January 1983 should continue to remain in force until a high level of harmonization of the various animal health provisions in the Community has been achieved. Article 4b enables intra-Community trade in animals to take place - even if restrictions remain - without prejudice to the measures guaranteeing high standards of animal health protection in the Member States favoured by Article 4b.

The Committee on Agriculture approves this proposed amendment and assumes that uniform Community animal health measures can be introduced by the end of 1985 which, while affording the greatest possible protection from disease, will lead to unrestricted intra-Community trade in animals. On that condition the committee approves the proposed amendment.

3.1.4. The Commission's proposals for amendments to Annexes E (compulsorily notifiable animal diseases) and F (health certificates) follow from the proposed amendments to Directive 64/432/EEC.

4. Council Directive of 12 December 1972 on health problems affecting intra-Community trade in fresh meat (72/461/EEC)

Intra-Community trade in fresh meat is still, to some extent, hindered by existing differences in the health requirements of Member States in the meat sector. This Directive, as last amended by the Council Directive of 24 June 1981 (81/476/EEC)¹, seeks to approximate the health provisions of the Member States concerning meat. It lays down among other things that in order to determine the state of health of animals from which fresh meat for consignment to another Member State comes they must have stayed for a specified period in the territory of the Community. Fresh meat from animals coming from a holding or area which has been placed under health restrictions is excluded from intra-Community trade.

4.1. The amendment proposed by the Commission

Article 13 of the present version of the Directive lays down that Ireland and the United Kingdom in respect of Northern Ireland may in order to prevent the introduction of foot-and-mouth disease retain their national provisions regarding the introduction into their territory of fresh meat until 31 December 1982. This special arrangement thus expires at the end of 1982.

The amendment proposed by the Commission replaces this regulation with a regulation less obstructive to trade valid until 31 December 1985 which lays down that Ireland and the United Kingdom in respect of Northern Ireland may, on the grounds of protection against foot-and-mouth disease, refuse to allow the introduction into their territory of fresh meat other than from Member States where there has been no recorded case of foot-and-mouth disease for at least one year and where national rules require the slaughter and destruction of all animals of species susceptible to foot-and-mouth disease in the places where the outbreaks occur; if foot and mouth disease had been detected in a limited area of one of these Member States, imports of meat from these Member States may be permitted providing the disease was eliminated more than six months previously by the slaughter and destruction of all animals which were at risk (this is obviously in response to the limited outbreak of foot-and-mouth disease on two Danish islands).

¹ OJ No. L 186, 8.7.1981, p. 20

However, this relaxed form of derogation still constitutes a barrier to trade between Member States because access to the Irish and Northern Irish markets is rendered difficult for those countries which systematically or occasionally practise vaccination against foot-and-mouth disease.

Nevertheless, the Committee on Agriculture basically approves the amendment proposed by the Commission because it will enable a high standard of animal health protection to be maintained in the Member States in question while at the same time facilitating intra-Community trade; it should be borne in mind in this connection that there is less risk of infection in the case of trade in fresh meat than, for instance, in the case of trade in live animals.

5. Future development

It cannot be denied that this proposal for a Directive fails to lay the foundations for a comprehensive harmonization of Community animal health provisions in respect of foot-and-mouth disease; it merely further extends the period of validity of the derogations concerning the high level of health protection in the three new Member States, the United Kingdom, Ireland and Denmark.

If the Committee on Agriculture nevertheless approves the proposed amendment, it is because the Commission proposal for a Council directive as regards measures relating to foot-and-mouth disease - an assessment of which is beyond the scope of this report - could provide the basis for a long overdue common approach to foot-and-mouth disease which may, in the long term, obviate the need for derogations in favour of individual Member States.

The swift harmonization of animal health measures in the Community - especially as regards foot-and-mouth disease - is now more urgent than ever because the various national animal health measures are being used more and more frequently as a welcome pretext for erecting surprising new barriers to intra-Community trade. Animal health measures lend themselves particularly well to this purpose because in the absence of adequate harmonization each Member State has considerable leeway in deciding whether protective measures are needed.

It goes without saying that common animal health measures must be harmonized at the highest possible level. Only then will it be possible as high standards of animal health protection lead to a high quality of livestock:

- (a) to protect Community holdings from losses and financial burdens,
- (b) greatly to ease restrictions in intra-Community trade in animals and meat,
- (c) and to maintain or expand the potential for exports to certain third countries which is indispensable for Community production.

