

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 13 November 1978

PROPOSAL
for
COUNCIL DIRECTIVE

on brucellosis, tuberculosis and swine fever,
and prolonging certain derogations granted to
Denmark, Ireland and the United Kingdom

(Submitted by the Commission to the Council)

EXPLANATORY MEMORANDUM

Under Article 104 of the Treaty of Accession and the provisions prolonging its effects, Denmark, Ireland and the United Kingdom were authorized to retain, until the end of 1978, their national rules for declaring a herd of cattle officially free of tuberculosis or brucellosis-free and on protection against swine fever. The same Article introduced certain derogations to existing Community provisions in order to maintain traditional trade between Ireland and the United Kingdom.

The present situation now makes it possible as far as brucellosis is concerned, to make a start in providing for a final solution by permitting a herd from a region where there has been no case of brucellosis for at least ten years to be declared officially brucellosis-free. This provision deals with the situation in Denmark. In the case of Ireland and the United Kingdom some technical difficulties still have to be solved and therefore the derogations should be prolonged. The same applies to the solution of two specific problems (use of tuberculins and the status of castrated cattle in trade between the two countries).

As regards tuberculosis and swine fever, the final solution to the technical problems depends essentially on Community rules which are being drawn up at present and therefore the derogations granted to Denmark, Ireland and the United Kingdom should be prolonged by one year. However, for the latter two States it is now possible to limit the derogation to the standards for the manufacture and use of tuberculins.

Proposal for
Council Directive of ...
on brucellosis, tuberculosis and swine fever and prolonging
certain derogations granted to Denmark, Ireland and the United Kingdom

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 Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as last amended by Directive 77/98/EEC⁽²⁾ and in particular Article 4a 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 it seems justified to relax the provisions of Directive 64/432/EEC relating to brucellosis; whereas, in particular, it is reasonable for cattle to be described as officially brucellosis-free when they are in an area which has been completely free of the disease for a long period;

Whereas under Article 104 (3) of the Act of Accession, Denmark, Ireland and the United Kingdom are authorized to retain, until 31 December 1977, their national provisions for declaring a herd of cattle officially free of tuberculosis or free of brucellosis; whereas this authorization was extended until 31 December 1978 by Council Directive 78/51/EEC of 13 December 1977⁽³⁾;

(1) O.J. No 121, 29.7.1964, p. 1977/64

(2) O.J. No L 26, 31.1.1977, p. 81

(3) O.J. No L 15, 19.1.1978, p. 32

whereas as regards tuberculosis, in view of the time needed to provide solutions to basic technical problems on which the Commission has undertaken studies which are not yet complete, it is necessary to retain for one year a number of limited derogation provisions for Ireland and the United Kingdom regarding the standards for manufacture and use of tuberculins; whereas as regards brucellosis, it is also necessary for the same reasons to prolong by one year the derogations granted to Ireland and the United Kingdom while permitting them, to continue to benefit, for the same period, from the derogations which have been specially granted in order to prevent any interruption in traditional trade between these two countries;

Whereas as regards swine fever, Denmark, Ireland and the United Kingdom have also been authorized by the provisions referred to above to retain their national provisions on protection against this disease; whereas only Community rules on swine fever can provide a final solution to this problem; whereas these rules are being drawn up and the derogations granted to the three Member States referred to above should therefore be prolonged for a period of one year in order to enable the Council to adopt common rules in this field.

HAS ADOPTED THIS DIRECTIVE :

Article 1

In Article 2 of Directive 64/432/EEC the following point o) shall be added :

"o) Region : means that part of the territory of a Member State the approximate area of which is more than 2,000 Km² and which is under the control of the competent authorities and which includes at least one of the following administrative areas :

- Belgium : Provinces/Provincies
- The Federal Republic of Germany : Regierungsbezirke
- Denmark : Amt or óer
- France : Départements
- Italy : Province
- Luxembourg :

- Netherlands : Provinces
- United Kingdom : Counties for England, Wales and Northern Ireland and districts and Islands Area for Scotland
- Ireland : Counties "

Article 2

1. The following paragraph 1a is added to Annex A II A 1 of Directive 64/432/EEC :

"A bovine herd is also considered to be officially brucellosis free if :-

- it is situated in a region in which, on 1 January 1979, no case of bovine brucellosis has been officially notified for at least 10 years ;
- it has satisfied the provisions of paragraph 1 above except those under c) ii), provided that all the bovine herds in the region concerned have been subjected to regular official tests."

2. In Article 3 of Directive 64/432/EEC, the following paragraph 13 shall be added :

"In derogation from Annex A II A.1 (c)(ii) and 1a, it may be decided, under the procedure laid down in Article 12, that in a Member State or in a region of a Member State where at least 99.8% of the bovine herds have been declared officially brucellosis-free in conformity with Community rules for at least ten years, the inspection tests for determining whether this status is to be preserved may be carried out under conditions to be specified under the same procedure."

Article 3

Until 31 December 1979 by way of derogation from the Directive 64/432/EEC :

- Denmark is authorised to retain the methods applied in its territory for declaring a herd of cattle officially free of tuberculosis;
- Ireland and the United Kingdom are authorised to retain the standards for manufacture and use of tuberculins applied in their territory for declaring a herd of cattle officially free of tuberculosis.

Bovine herds in Ireland and the United Kingdom which have been declared as officially tuberculosis-free by way of National methods on the 31 December 1978 may maintain this qualification in the application of Annex A.I. of Directive 64/432/E

The provisions relating to the tests laid down for animals traded within the Community shall continue to apply subject to the provisions of Article 5 b).

Article 4

Until 31st December 1979 by way of derogation from Directive 64/432/EEC, Ireland and the United Kingdom are hereby authorised to retain the methods applied in their territory for declaring a herd of cattle brucellosis-free within the meaning of Article 2 of the Directive, subject to the application of the provisions of the Directive relating to the presence of animals vaccinated against brucellosis.

The provisions relating to the tests laid down for animals traded within the Community shall continue to apply, subject to Article 5 (a).

Article 5

Until 31st December 1979 cattle may be traded from Ireland to the United Kingdom by way of derogation from the provisions of Directive 64/432/EEC relating to:

- a) the brucellosis test laid down for animals traded within the Community which shall not apply to trade in castrated cattle;
- b) the intradermal tuberculin test laid down for animals traded within the Community which shall be replaced by a test in accordance with the national rules of the above-mentioned receiving Member State.

Article 6

1. In Article 1 of Council Directive 78/54/EEC⁴, the date "31 December 1978" is replaced by "31 December 1979".
2. In Article 13 of Council Directive 72/461/EEC⁵, as last amended by Directive 78/54/EEC the date "31 December 1978" is replaced by "31 December 1979".

⁽⁴⁾ O.J. No L 16, 20.1.1978, p. 22

⁽⁵⁾ O.J. No L 302, 31.12.1972, p. 24

Article 7

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1979 and shall forthwith inform the Commission thereof.

Article 8

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,

The President