

# COMMISSION OF THE EUROPEAN COMMUNITIES

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PROPOSAL  
FOR A COUNCIL REGULATION  
LAYING DOWN CONDITIONS DESIGNED TO RENDER  
AND KEEP THE TERRITORY OF THE COMMUNITY  
FREE FROM CLASSICAL SWINE FEVER

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(submitted to the Council by the Commission)



## EXPLANATORY MEMORANDUM

Classical swine fever is a serious contagious disease in pigs which, in its acute form, causes a high mortality rate and, in its other forms, a marked reduction in the profitability of the undertaking (abortion, sterility, fall in the growth rate).

The difference in the health situation in Member States increases the risks of the disease spreading and raises obstacles to trade in live pigs.

Further to the proposal for a Council Regulation (EEC), laying down Community measures to combat classical swine fever, submitted to the Council on 30 December 1978, the purpose of this Regulation is to organize the prevention of this disease by creating and maintaining throughout the Community's territory a satisfactory and uniform situation with a view to freeing trade in the products concerned, without running the risk of spreading the disease.

This situation must be reached by the gradual creation, taking account of the differences among Member States in the incidence of the disease, of areas or parts of areas free of classical swine fever, by harmonized supervision of undertakings and of movements of pigs. Maintaining areas or parts of areas which offer the same guarantees of the absence of the disease will make it possible to abolish all health obstacles to trade, since such obstacles will have become necessary.

Council Regulation

laying down conditions designed to render and keep the territory of the Community free from classical swine fever

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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 one of the Community's veterinary tasks is to improve the state of health of farm animals, in order to increase the profitability of stock farming;

Whereas this improvement must ensure that animal health is brought to the most satisfactory level for the Community as a whole and maintained at that level;

Whereas any action taken must be gradual because of the varying situations in the Member States or parts thereof; whereas the action may begin in one or more defined and controlled areas of a Member State and be gradually extended to the rest of that Member State;

Whereas areas of the Community which have been cleared of the disease can only be kept free of it if the movement of pigs between Member States or parts thereof which do not have the same degree of health clearance is controlled;

Whereas, if the disease accidentally recurs in a Member State or a part thereof which had been classified as cleared of the disease, suitable measures must be taken for the immediate elimination of the disease so that the disease-free classification may be restored as soon as possible;

Whereas action of this kind should serve to eliminate obstacles to trade in live animals between Member States caused by differences in the animal health situation;

Whereas the free circulation of live pigs between Member States or parts thereof will be greatly aided by making and keeping Member States or parts thereof free from classical swine fever; since there will no longer be any need for health protection barriers between Member States or parts thereof if they can offer each other the same assurances of being disease-free;

Whereas it will then be possible progressively to abolish any remaining barriers to and prohibitions on intra-Community trade in live pigs based on the risk of contamination by classical swine fever; whereas provision should be made for close cooperation between the Member States and the Commission for this purpose,

HAS ADOPTED THIS REGULATION :

#### Article 1

This Regulation defines the measures which Member States may apply in order to eradicate classical swine fever from all or part of their territory and to keep it free from that disease.

#### Article 2

For the purposes of this Regulation :

- (a) "holding" means any establishment, agricultural or other, situated on the territory of a Member State, in which pigs are kept or bred;
- (b) "slaughter pig" means a pig intended to be taken shortly to a slaughterhouse for slaughter;
- (c) "fattening pig" means a pig fattened and intended for slaughter at the end of the fattening period with a view to meat production;
- (d) "breeding pig" means a male or female pig intended or used for reproduction with a view to the multiplication of the species;
- (e) "official veterinarian" means a veterinarian designated by the competent central authority of the Member State;

(f) "region" means a portion of the territory of a Member State with an area of approximately 4 000 km<sup>2</sup> which is subject to control by the competent authorities and which comprises one or more of the following administrative divisions :

- in Belgium : Province/Provincie
- in Germany : Regierungsbezirk
- in Denmark : Amt or
- in France : Département
- in Italy : Provincia
- in Luxembourg : -
- in the Netherlands : Provincie
- in the United Kingdom : England, Wales and Northern Ireland : County  
Scotland : Districts or Island area
- in Ireland : County;

(g) "holding officially free from swine fever" means a holding where :

- no swine fever has been detected for at least the last 12 months,
- no pigs have been vaccinated against swine fever;
- vaccination against swine fever has not been authorized for at least the last 12 months.

In addition, no swine fever must have been detected for at least the last 12 months within a range of 2 km of the holding.

(h) "region officially free from swine fever" means a region where all holdings are officially free from swine fever and, inter alia:

- no swine fever has been detected for at least the last 12 months,
- no pigs have been vaccinated against swine fever,
- vaccination against swine fever has not been authorized for at least the last 12 months;

(i) "region free from swine fever" means a region where :

- no swine fever has been detected for at least the last 12 months,
- vaccination against swine fever has been authorized in the last 12 months only for fattening pigs;

(j) "vaccinated region" means a region where :

- no swine fever has been detected for at least the last 12 months,
- vaccination against swine fever is authorized for any category of pig.

Article 3

No pigs shall be brought on to a holding officially free from swine fever without a certificate from an official veterinarian stating that they were born and reared on holdings officially free from swine fever or that they come from a region officially free from swine fever.

This certificate shall not be required where the pigs come from the officially free region in which the holding of destination is situated, or from one or more officially free regions bordering thereon; or where the territory of the Member State concerned consists only of officially free regions.

Article 4

Without prejudice to the provisions of Article 3, and provided that only pigs offering the same health guarantees are transported in any one vehicle, the movement of breeding pigs within or into the regions referred to in Article 2 shall be permitted as follows:

1. without restriction within a region or between two or more regions of the same category which border on each other; this provision shall also apply where all regions of the Member State concerned fall into the same category;
2. between regions of the same category which do not border on each other, provided that the pigs are accompanied by a certificate issued by an official veterinarian stating the category of the region of origin, the address of the holding of origin and, if the pigs come from a vaccinated region, the date of vaccination;
3. from a region officially free from swine fever to a region free from swine fever or a vaccinated region, and from a region free from swine fever to a vaccinated region, provided that the pigs are accompanied by a certificate issued by an official veterinarian stating the category of the region of origin and the address of the holding of departure;
4. from a region free from swine fever or a vaccinated region to a region officially free from swine fever, provided that the pigs are accompanied by a certificate issued by an official veterinarian stating the category of the region of origin and certifying that :
  - (a) the pigs were born and reared on holdings officially free from swine fever and have been kept for at least 40 days on the holding from which they are sent;

- (b) not more than 10 days before the pigs' departure, the pigs on the holding of departure underwent a clinical examination which established the absence of symptoms of swine fever;
  - (c) not more than 10 days before their departure from the holding, the pigs underwent, with negative results, an examination for swine fever antibodies in accordance with Annex I of the Council Regulation .... of ... laying down Community measures for controlling classical swine fever<sup>(1)</sup>.
5. from a vaccinated region to a region free from swine fever, provided that the pigs are accompanied by a certificate issued by an official veterinarian stating that :
- (a) the pigs were born and reared on holdings officially free from swine fever and have been kept for at least 40 days on the holding from which they are sent;
  - (b) not more than 10 days before the pigs' departure, the pigs on the holding of departure underwent a clinical examination which established the absence of symptoms of swine fever.
6. from a part of the territory of a Member State which is not included in one of the regions referred to in this Regulation to a vaccinated region or a region free from swine fever, provided that the pigs are accompanied by a certificate issued by an official veterinarian containing the declaration provided for in paragraph 4(a)(b) and (c).

#### Article 5

Without prejudice to the provisions of Article 3, and provided that only pigs offering the same health guarantees are transported in any one vehicle, the movement of fattening pigs within or into the regions referred to in Article 2 shall be permitted as follows :

- either in accordance with the conditions laid down for breeding pigs in Article 4
- or in accordance with the following conditions :

1. movements from a region free from swine fever or a vaccinated region to a region officially free from swine fever, provided that :

- (a) the holding of destination contains only fattening pigs, or, if it contains both fattening and breeding pigs, the fattening pigs are housed, tended and fed completely separately from the breeding pigs,



- (b) the pigs are accompanied by a certificate issued by an official veterinarian stating that the pigs were born and reared on holdings officially free from swine fever.

Fattening pigs on the holding of destination may leave it only to be taken straight to a slaughterhouse.

- 2. movements from a vaccinated region to a region free from swine fever, if the pigs come from a holding officially free from swine fever, provided that they are accompanied by a certificate issued by an official veterinarian stating that the pigs were born and reared on holdings officially free from swine fever.

If the pigs do not come from a holding officially free from swine fever, they may be so moved provided that :

- (a) the holding of destination contains only fattening pigs or, if it contains both fattening and breeding pigs, the fattening pigs are housed, tended and fed completely separately from the breeding pigs,
- (b) the pigs are accompanied by a certificate issued by an official veterinarian stating that the pigs come from a holding in a vaccinated area and, if the pigs have been vaccinated, the date of vaccination.

Fattening pigs on the holding of destination may leave it only to be taken straight to a slaughterhouse.

- 3. movements from a part of a Member State not lying within one of the regions referred to in this Regulation to a region free from swine fever, provided that :

- (a) the holding of destination contains only fattening pigs, or, if it contains both fattening and breeding pigs, the fattening pigs are housed, tended and fed completely separately from the breeding pigs,

- (b) the pigs are accompanied by a certificate issued by an official veterinarian stating that :

- the pigs were born and reared on holdings officially free from swine fever,
- or that they come from a holding and a zone which are not subject to supervisory or prohibitive measures pursuant to Regulation .....<sup>(1)</sup> and that at least 50% of the breeding pigs on the holding gave negative results when examined for swine fever antibodies in accordance with Annex I to that Regulation.

Fattening pigs on the holding of destination may leave it only to be taken straight to a slaughterhouse.

(1) See footnote to page 5.

4. movements from a part of a Member State not lying within one of the regions referred to in this Regulation to a vaccinated region, provided that :

- (a) the holding of destination contains only fattening pigs, or, if it contains both fattening and breeding pigs, the fattening pigs are housed, tended and fed completely separately from the breeding pigs,
- (b) the pigs are accompanied by a certificate issued by an official veterinarian stating that they were born and reared on holdings officially free from swine fever or that they come from a holding and a zone which are not subject to supervisory or prohibitive measures pursuant to Regulation ....<sup>(1)</sup> and, if the pigs have been vaccinated, the date of vaccination.

Fattening pigs on the holding of destination may leave it only to be taken straight to a slaughterhouse.

#### Article 6

Without prejudice to the provisions of Regulation ...<sup>(1)</sup>, the movements of slaughter pigs shall not be subject to any restrictions provided that they are transported directly from the holding to a slaughterhouse for slaughter.

However, within a single region or between two or more regions of the same category bordering on each other, the transfer of slaughter pigs via a market may be authorized, provided that all the pigs on the market are taken directly to a slaughterhouse or slaughterhouses designated by the competent authority.

<sup>(1)</sup> See footnote to page 5.

### Article 7

The competent authority may decide that the veterinary certificate to accompany the pigs on its territory is to be replaced by an attestation containing the same information and drawn up by the owner or keeper of the pigs on the occasion of the movements referred to in Articles 3 and 4(2) and (3).

In that case, the competent authority must take all necessary measures to ensure the control and effectiveness of the system applied.

### Article 8

Provided that the preventive measures laid down in Regulation ....<sup>(1)</sup> are applied without derogation, a holding which was officially declared free from swine fever but which lost this classification temporarily when swine fever was detected shall receive it again :

- (a) if the disease was detected on the holding itself, 30 days after the introduction of pigs from a region or holdings officially free from swine fever,
- (b) if the disease was not on the holding itself, but was detected on one or more holdings within a radius of 2 km, as soon as the measures provided for in Regulation ....<sup>(1)</sup> cease to apply.

### Article 9

1. If swine fever is detected on a holding, the classification of the region where the holding is situated shall be suspended for 15 days. This suspension shall be extended to those regions containing holdings subject to the measures laid down in Article 8 of Regulation ....<sup>(1)</sup>
2. Without prejudice to the provisions of Article 5, the region shall receive its classification again after 15 days on the following conditions :
  - (a) if swine fever is detected on only two additional holdings epizootiologically related to the first, on condition that the measures laid down in Regulation ....<sup>(1)</sup> are applied without derogation and without recourse to the vaccination provided for in Article 14 of that Regulation, and the restrictions on the last infected holding have been lifted,

<sup>(1)</sup> See footnote to page 5.

(b) if swine fever is detected on not more than 10 additional holdings epizootiologically related to the first, and these holdings are so located that the competent authorities can delimit an area of sufficient size including all the said holdings but not exceeding one quarter of the region's total area, on condition that the area so delimited is excluded from the rest of the region and that movements of pigs therefrom are subject to the conditions laid down in Article 4 in respect of regions not defined in this Regulation while the conditions for the entry of pigs are maintained with a view to the area's reintegration.

3. Regions whose classification has been suspended pursuant to the second sentence of paragraph 1 shall receive it again as soon as the restrictions imposed under Article 8 of Regulation ....<sup>(1)</sup> have been lifted.

4. The area temporarily excluded shall be reintegrated into its region of origin subject to the following conditions :

(a) if the measures taken in accordance with Regulation ....<sup>(1)</sup> are applied without derogation and without recourse to the vaccination provided for in Article 14 of that Regulation, 30 days after the lifting of the measures taken in respect of the last infected holding,

(b) if the vaccination has been carried out in accordance with Article 14 of Regulation ....<sup>(1)</sup> :

(i) the area temporarily excluded from a vaccinated region shall be reintegrated into the region 30 days after the lifting of the measures taken in respect of the last infected holding;

(ii) the area temporarily excluded from a region free from swine fever shall be reintegrated into the region 30 days after the lifting of the measures taken in respect of the last infected holding, provided that all the vaccinated pigs are considered as fattening pigs;

(iii) the area temporarily excluded from a region officially free from swine fever shall be reintegrated into the region 30 days after the lifting of the measures taken in respect of the last infected holding provided that all vaccinated pigs have been slaughtered or removed or as soon as the last vaccinated pig has been slaughtered or removed, if this requires more than 30 days;

(iv) to deal with a given situation, at the request of the Member State concerned, more flexible conditions than those laid down in (ii) and (iii) may be adopted in accordance with the procedure laid down in Article 13.

<sup>(1)</sup> See footnote to page 5.

In adopting these conditions the following should be taken into account :

- the incidence of the disease,
- the location, size and structure of the infected holdings,
- the number of pigs concerned,
- the density of stocking in the area and in the rest of the region,
- the presence of vaccinated pigs on certain holdings and the use of these pigs,
- the official steps taken at the time of vaccination in accordance with Article 14 of Regulation ....<sup>(1)</sup>, in particular to prevent the maintenance of virus carriers.

5. At the end of the period of 15 days laid down in paragraph 1, the whole region shall lose its status if :

- (a) the infected holdings are not linked epizootiologically, or
- (b) more than 11 holdings are infected, or
- (c) swine fever has been detected outside the area infected in accordance with paragraph 2 (b).

#### Article 10

Without prejudice to the provisions of Article 8, a region whose classification has been withdrawn pursuant to Article 9(5) may recover its original classification, or receive a new classification, subject to the following conditions:

(a) the region shall recover its original classification as a region officially free from swine fever six months after the lifting of the measures taken in respect of the last infected holding, provided that the ban on vaccination was maintained throughout the period of infection or, if recourse was had to vaccination in accordance with Article 14 of Regulation ...<sup>(1)</sup>, that this ban has been in force again for at least six months and all vaccinated pigs have been slaughtered within this period.

(i) if the slaughtering of vaccinated pigs considered as fattening pigs is not completed on expiry of the six-month period the region shall be temporarily classified as free from swine fever and shall be classified as officially free from swine fever again as soon as all these pigs have been slaughtered,

(ii) if vaccinated pigs are kept in the region for use as breeding pigs after expiry of the six-month period, the region shall be classified as a vaccinated region.

(1) See footnote to page 5

(b) A region shall recover its original classification as a region free from swine fever six months after the lifting of the measures taken in respect of the last infected holding, provided that the provisions concerning the vaccination of pigs remained in force during the whole period of infection or that the fattening pigs were vaccinated in accordance with Article 14 of Regulation .... (1)

If vaccinated pigs are kept in the region and may be used as breeding pigs, the region shall be classified as a vaccinated region.

(c) A region shall receive its original classification as a vaccinated region six months after the lifting of the measures imposed in respect of the last infected holding.

2. During the period necessary for recovering or acquiring a classification, the movement of pigs into the region in question shall be subject to the conditions laid down for entry into the prospective category of region.

#### Article 11

Each Member State shall inform the Commission and the other Member States of the measures adopted pursuant to this Regulation. It shall state in particular the number of regions into which it has been or will be divided and the reasons for the classification and composition of each. It shall immediately notify any changes, together with the reasons therefor.

#### Article 12

Member States whose territory or part of whose territory includes regions as defined in Article 2 which are subject to the provisions of this Regulation may be authorized, in accordance with the procedure laid down in Article 13, to require, in addition to the guarantees provided for in Council Directive 64/432/EEC (2) when live pigs are brought from other Member States into the said regions, the guarantees provided for in this Regulation in respect of the movement of pigs between non-contiguous regions.

#### Article 13

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Standing Veterinary Committee (hereinafter called the "Committee") set up by the Council Decision of 15 October 1968, either on his own initiative or at the request of a Member State.

(1) See footnote to page 5.

(2) OJ No ...

2. Within the Committee the votes of the Member States shall be weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.
3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its Opinion on such measures within the time limit to be set by the Chairman according to the urgency of the questions under consideration. An Opinion shall be adopted by a majority of 41 votes.
4. The Commission shall adopt the measures and shall apply them immediately where they are in accordance with the opinion of the Committee. Where they are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal regarding the measures to be adopted. The Council shall adopt the measures by a qualified majority.

If, within three months of the date on which the proposal was submitted to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures and apply them immediately.

#### Article 14

Article 13 shall apply until 21 June 1981.

#### Article 15

After consulting the Member States within the Standing Veterinary Committee, the Commission shall, before 1 July 1984, submit to the Council a report on the application of this Regulation by the Member States and the current situation in the Community in respect of swine fever, together with any proposals for continuing the harmonization of rules in order to eradicate the disease.

#### Article 16

This Regulation shall enter into force on 1 July 1981.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council  
The President

