



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.6.2006
COM(2006) 315 final

2006/0104 (CNS)

Proposal for a

COUNCIL DECISION

laying down Community criteria for the eradication and monitoring of certain animal diseases

(codified version)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Council Decision 90/638/EEC of 27 November 1990 laying down Community criteria for the eradication and monitoring of certain animal diseases³. The new Decision will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.
5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Decision 90/638/EEC and the instrument amending it, carried out by the Office for Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ See Annex IV to this proposal.

numbers, the correlation between the old and the new numbers is shown in a table set out in Annex V to the codified Decision.

↓ 90/638/EEC (adapted)

2006/0104 (CNS)

Proposal for a

COUNCIL DECISION

laying down Community criteria for the eradication and monitoring of certain animal diseases

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁵, and in particular Article 24(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁶,

Having regard to the opinion of the European Economic and Social Committee⁷,

Whereas:

↓

- (1) Council Decision 90/638/EEC of 27 November 1990 laying down Community criteria for the eradication and monitoring of certain animal diseases⁸ has been substantially amended⁹. In the interests of clarity and rationality the said Decision should be codified.

⁵ OJ L 224, 18.8.1990, p. 19. ☒ Decision as last amended by Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31). ☒

⁶ OJ C [...], [...], p. [...].

⁷ OJ C [...], [...], p. [...].

⁸ OJ L 347, 12.12.1990, p. 27. Decision as amended by Directive 92/65/EEC (OJ L 268, 14.9.1992, p. 54).

⁹ See Annex IV.

↓ 90/638/EEC recital 2 (adapted)

- (2) The criteria for a Community financial measure for the eradication, monitoring and control of certain animal diseases should ensure that the measure is effective and enable the Member States to submit to the Commission programmes to secure the rapid eradication or appropriate monitoring of the diseases in question,

↓ 90/638/EEC

HAS ADOPTED THIS DECISION:

Article 1

In order to be approved under the measure provided for in Article 24(1) of Decision 90/424/EEC, programmes submitted by the Member States to the Commission must meet the following criteria:

- (a) for eradication programmes: the criteria set out in Annex I₂₂;
- (b) for monitoring programmes: the criteria set out in Annex II₂₂;

↓ 92/65/EEC Art. 10(5) pt. 1

- (c) for programmes to control rabies: the criteria set out in Annex III.

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Article 2

Decision 90/638/EEC is repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex V.

↓ 90/638/EEC

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President
[...]

ANNEX I

Criteria for eradication programmes

Eradication programmes shall contain at least:

1. a description of the epidemiological situation of the disease;
2. an analysis of the estimated costs and an estimate of the anticipated benefits of the programme;
3. the likely duration of the programme and the objective to be attained by the completion date;
4. designation of the central authority charged with supervising and coordinating the departments responsible for implementing the programme;
5. description and delimitation of the geographical and administrative area in which the programme is to be applied;
6. a system ensuring the notification of all suspected or confirmed outbreaks of the disease in the area concerned;
7. the control procedures and in particular rules on the movement of animals liable to be affected or contaminated by a given disease and the regular inspection of the holdings or areas concerned;
8. a system for registration of holdings involved in the programme;
9. measures to identify the origin of the animals;
10. the different statuses applicable to holdings or areas, the objectives to be attained in the case of each status, the conditions applicable to movements of animals between holdings or areas of different status and the consequences of loss of status;
11. if necessary, a description of the analysis, test and sampling methods used for each disease;
12. the measures to be taken where positive results are found during checks carried out under the programme. Such measures must include all the necessary precautions to secure rapid eradication of the disease, in the light of the epidemiological data and preventive methods specific to it, for example:
 - (a) the slaughter of animals which are affected or contaminated, or suspected of being affected or contaminated, with:
 - either the destruction of the carcasses or their subsequent use after treatment for purposes other than for human consumption, provided that

the treatments employed afford adequate guarantees with regard to public and/or animal health, or

- subsequent use of the meat, provided this does not represent any danger to human health;
 - (b) the destruction of all products which could transmit the disease or the treatment of such products to avoid any possible contamination;
 - (c) a procedure for the disinfection of infected holdings;
 - (d) the therapeutic or preventive treatment chosen;
 - (e) a procedure for the restocking with healthy animals of holdings which have been depopulated by slaughter;
 - (f) the creation of a surveillance zone around the infected holding;
13. where necessary, rules for adequate compensation to farmers for slaughtered animals as soon as possible;
14. an undertaking by the authority referred to in point 4 to inform the Commission's departments regularly and fully.
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ANNEX II

Criteria for monitoring programmes

Monitoring programmes shall contain at least the following:

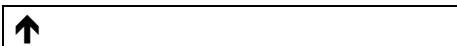
1. the criteria referred to in points 1 to 9, 12, 13 and 14 of Annex I;
 2. a system of monitoring based on serological, microbiological, pathological or epidemiological analyses, or any other method appropriate to the disease;
 3. a system for ascertaining the absence of the disease in the light of its epidemiological characteristics.
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ANNEX III

Criteria for programmes to control rabies

Programmes to control rabies shall contain at least:

1. the criteria referred to in points 1 to 7 of Annex I;
2. detailed information regarding the region or regions in which the oral immunisation of foxes is to take place and its natural limits. This region or these regions must cover at least 6 000 km² or the total national area of a Member State and may include adjacent areas of a third country;
3. detailed information regarding the vaccines to be used, the distribution system, the density and frequency of bait-laying;
4. where appropriate, all details and the cost and purpose of schemes to conserve or preserve flora and fauna undertaken by voluntary organisations on the territory covered by these projects.



ANNEX IV

Repealed Decision with its amendment

Council Decision 90/638/EEC
(OJ L 347, 12.12.1990, p. 27)

Council Directive 92/65/EEC
(OJ L 268, 14.9.1992, p. 54)

Article 10(5) only

ANNEX V

CORRELATION TABLE

Decision 90/638/EEC	This Decision
Article 1 first, second and third indent	Article 1(a), (b) and (c)
-	Article 2
Article 2	Article 3
Annexes I, II and III	Annexes I, II and III
-	Annexes IV and V