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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.5.2009
COM(2009) 235 final

2006/0250 (CNS)

Amended proposal for a

COUNCIL DIRECTIVE

on pure-bred breeding animals of the bovine species (codified version)

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. On 1 December 2006, the Commission presented a proposal for a Council Directive codifying Council Directive 77/504/EEC of 25 July 1977 on pure-bred breeding animals of the bovine species¹.
2. In its opinion of 20 December 2006 the Consultative Working Party of the legal services set up under the Interinstitutional Agreement of 20 December 1994 on an accelerated working method for official codification of legislative texts² has stated that the proposal referred to in point 1 does indeed confine itself to straightforward codification, without any substantive changes to the acts covered by it.
3. Having regard to the amendment adopted³ in respect of the proposal referred to in point 1 and in view of the work already carried out in the Council thereon, the Commission has decided to present – in accordance with Article 250(2) of the EC Treaty – an amended proposal for codification of the Directive in question.
4. The changes made in this amended proposal, compared with the proposal referred to in point 1, are the following:
 - (1) in Article 2(e), "Article 3" is replaced by "Council Directive 87/328/EEC", including the corresponding footnote;
 - (2) Article 3 is deleted;
 - (3) Article 4 is renumbered Article 3;
 - (4) the following Article 4 is inserted:

"Article 4

1. Member States shall draw up and keep up to date a list of bodies as referred to in Article 1(b)(i) which are officially recognised for the purpose of maintaining or establishing herd-books and make it available to the other Member States and to the public.
2. Detailed rules for the uniform application of paragraph 1 may be adopted in accordance with the procedure referred to in Article 8(2).";
- (5) in Article 8, paragraph 3 is deleted;

¹ COM(2006) 749 final of 1.12.2006.

² OJ C 102, 4.4.1996, p. 2.

³ Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields and amending Directives 64/432/EEC, 77/504/EEC, 88/407/EEC, 88/661/EEC, 89/361/EEC, 89/556/EEC, 90/426/EEC, 90/427/EEC, 90/428/EEC, 90/429/EEC, 90/539/EEC, 91/68/EEC, 91/496/EEC, 92/35/EEC, 92/65/EEC, 92/66/EEC, 92/119/EEC, 94/28/EC, 2000/75/EC, Decision 2000/258/EC and Directives 2001/89/EC, 2002/60/EC and 2005/94/EC (OJ L 219, 14.8.2008, p. 40).

(6) in Article 10, the following paragraph is added:

”It shall apply from 2 January 2010.”;

(7) Annex I and the references to its Parts are adapted to current practice.

5. The Correlation Table, in Annex II, has been modified in accordance with the foregoing.
6. To facilitate reading and examination, the full text of the amended proposal for codification is attached hereto.

↓ 77/504/EEC (adapted)

2006/0250 (CNS)

Amended proposal for a

COUNCIL DIRECTIVE

on pure-bred breeding animals of the bovine species (codified version)

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37 and 94 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁴,

Having regard to the opinion of the European Economic and Social Committee⁵,

Whereas:

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- (1) Council Directive 77/504/EEC of 25 July 1977 on pure-bred breeding animals of the bovine species⁶ has been substantially amended several times⁷. In the interests of clarity and rationality the said Directive should be codified.

↓ 77/504/EEC Recital 1

- (2) Cattle production occupies a very important place in Community agriculture, and satisfactory results depend to a large extent on the use of pure-bred breeding animals.

⁴ OJ C [...], [...], p. [...].

⁵ OJ C [...], [...], p. [...].

⁶ OJ L 206, 12.8.1977, p. 8.

⁷ See Annex I, Part A.

↓ 77/504/EEC recitals 2 (adapted) and 3 (adapted)

- (3) ☒ Disparities between Member States as regards breeds and standards hinder intra-Community trade. ☒ If these disparities are to be removed, thereby increasing agricultural productivity in this sector, intra-Community trade in all pure-bred breeding animals ☒ should ☒ be liberalised.

↓ 94/28/EC Recital 3

- (4) Rules harmonised at Community level relating to the zootechnical and genealogical conditions governing intra-Community trade or the marketing of all animals, particularly the bovine, porcine, ovine and caprine species and equidae, have been drawn up.

↓ 94/28/EC Recital 5

- (5) In order especially to ensure rational development of the rearing of pure-bred livestock and thus increase productivity in this sector, principles should be laid down at Community level relating to the zootechnical and genealogical conditions applicable to the importation of these animals, their semen, ova and embryos from third countries.

↓ 77/504/EEC Recital 4 (adapted)

- (6) It ☒ should ☒ be possible for the Member States to insist on pedigree certificates drawn up in accordance with a Community procedure being presented.

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- (7) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁸.
- (8) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex I, Part B,

⁸ OJ L 184, 17.7.1999, p. 23.

↓ 77/504/EEC (adapted)

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive, the following definitions shall apply:

- (a) 'pure-bred breeding animal of the bovine species': any bovine animal, including buffalo, the parents and grandparents of which are entered or registered in a herd-book of the same breed, and which is itself either entered or registered and eligible for entry in such a herd-book;
- (b) 'herd-book': any book, register, file or data medium:

↓ 1979 Act of Accession Art. 21
and Annex I, p. 86 (adapted)

- (i) which is maintained by a breeders' organisation or association officially recognised by a Member State in which the breeders' organisation or association was constituted, or by an official department of the Member State concerned; and

↓ 77/504/EEC (adapted)
→₁ 94/28/EC Art. 11

- (ii) in which pure-bred breeding animals of a given breed of the bovine species are entered or registered with mention of their ancestors.

Article 2

The Member States shall ensure that the following shall not be prohibited, restricted or impeded on zootechnical grounds:

- (a) intra-Community trade in pure-bred breeding animals of the bovine species;
- (b) intra-Community trade in the semen, ova and embryos of pure-bred breeding animals of the bovine species;
- (c) the establishment of herd-books, provided that they comply with the requirements laid down pursuant to Article 6;
- (d) the recognition of organisations or associations which maintain herd-books, in accordance with Article 6; and

- (e) subject to \boxtimes Council Directive 87/328/EEC⁹ \boxtimes , intra-Community trade in bulls used for artificial insemination.

\downarrow 77/504/EEC

Article 3

Breeders' organisations or associations officially recognised by a Member State may not oppose the entry in their herd-books of pure-bred breeding animals of the bovine species from other Member States provided that they satisfy the requirements laid down in accordance with Article 6.

\downarrow 2008/73/EC Art. 2 (adapted)

Article 4

1. Member States shall draw up and keep up to date a list of bodies as referred to in Article 1(b) \boxtimes (i) \boxtimes which are officially recognised for the purpose of maintaining or establishing herd-books and make it available to the other Member States and to the public.

2. Detailed rules for the uniform application of \boxtimes paragraph 1 \boxtimes may be adopted in accordance with the procedure referred to in Article 8(2).

\downarrow 77/504/EEC (adapted)
 \rightarrow ₁ 94/28/EC Art. 11

Article 5

Member States may require that pure-bred breeding animals of the bovine species and the semen or \rightarrow ₁ ova and embryos \leftarrow from such animals shall be accompanied, in intra-Community trade, by a pedigree certificate which complies with a specimen drawn up in accordance with the procedure \boxtimes referred to \boxtimes in Article 8(2), particularly with regard to zootechnical performance.

Article 6

The following shall be determined in accordance with the procedure \boxtimes referred to \boxtimes in Article 8(2):

- (a) performance monitoring methods and methods for assessing cattle's genetic value;
- (b) the criteria governing the recognition of breeders' organisations and associations;

⁹ OJ L 167, 26.6.1987, p. 54.

- (c) the criteria governing the establishment of herd-books;
- (d) the criteria governing entry in herd-books;
- (e) the particulars to be shown on the pedigree certificate.

Article 7

Member States shall not authorise the import of pure-bred breeding animals of the bovine species from third countries unless they are accompanied by a pedigree certificate certifying that they are entered or registered in a herd-book in the exporting third country. Proof must be provided that the animals are either entered or registered and eligible for entry in a herd-book in the Community.

↓ 807/2003 Art. 3 and Annex III, pt. 23
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Article 8

1. The Commission shall be assisted by the Standing Committee on Zootechnics instituted by Council Decision 77/505/EEC¹⁰.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

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Article 9

Directive 77/504/EEC, as amended by the acts listed in Annex I, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex I, Part B.

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

Article 10

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 2 January 2010.

¹⁰ OJ L 206, 12.8.1977, p. 11.

Article 11

This Directive is addressed to the Member States.

Done at Brussels, [...]

*For the Council
The President
[...]*



ANNEX I

Part A

Repealed Directive with list of its successive amendments (referred to in Article 9)

Council Directive 77/504/EEC
(OJ L 206, 12.8.1977, p. 8)

Council Directive 79/268/EEC
(OJ L 62, 13.3.1979, p. 5)

Point II.A.65 of Annex I to the 1979 Act of Accession
(OJ L 291, 19.11.1979, p. 64)

Council Directive 85/586/EEC
(OJ L 372, 31.12.1985, p. 44)

Article 4 only

Council Regulation (EEC) No 3768/85
(OJ L 362, 31.12.1985, p. 8)

Annex, point 46 only

Council Directive 91/174/EEC
(OJ L 85, 5.4.1991, p. 37)

Article 3 only

Council Directive 94/28/EC
(OJ L 178, 12.7.1994, p. 66)

Article 11 only

Point V.F.I.A.60 of Annex I to the 1994 Act of
Accession
(OJ C 241, 24.8.1994, p. 155)

Council Regulation (EC) No 807/2003
(OJ L 122, 16.5.2003, p. 36)

Annex III, point 23 only

Council Directive 2008/73/EC
(OJ L 219, 14.8.2008, p. 40)

Article 2 only

Part B

List of time-limits for transposition into national law (referred to in Article 9)

Directive	Time-limit for transposition
77/504/EEC	1 January 1979, with the exception of Article 7. Relating to Article 7, as regards each of the points which it covers, on the same dates as those on which the Member States comply with the provisions applicable in intra-Community trade, and in particular the decisions that are successively adopted pursuant to Article 6.
85/586/EEC	1 January 1986
91/174/EEC	31 December 1991
94/28/EC	1 July 1995
2008/73/EC	1 January 2010

ANNEX II

CORRELATION TABLE

Directive 77/504/EEC	This Directive
Article 1(a)	Article 1(a)
Article 1(b), first and second indents	Article 1(b)(i) and (ii)
Article 2, first paragraph, first to fifth indents	Article 2(a) to (e)
Article 2, second paragraph	_____
Article 3	_____
Article 4	Article 3
Article 4a	Article 4
Article 5	Article 5
Article 6(1), first to fifth indents	Article 6(a) to (e)
Article 6(2)	_____
Article 7, first paragraph	_____
Article 7, second paragraph	Article 7
Article 8(1) and (2)	Article 8(1) and (2)
Article 8(3)	_____
Article 9	_____
_____	Article 9
_____	Article 10
Article 10	Article 11
_____	Annex I
_____	Annex II