

Council directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC (Text with EEA relevance)

[<sup>X1</sup>COUNCIL DIRECTIVE 2004/68/EC

of 26 April 2004

laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC

(Text with EEA relevance)]

[<sup>X1</sup>THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions,

Whereas:

- (1) Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>(3)</sup> ensures a high level of animal health protection by laying down the general sanitary requirements for certain imports from third countries.
- (2) It is necessary to rationalise and update the animal health provisions concerning international trade in animals provided for in Directive 72/462/EEC due to the evolution of the international standards of the Office International des Epizooties (OIE) and the adoption by this Office of new standards, together with their implications in the framework of the World Trade Organisation (WTO) and its Agreement on the Application of Sanitary and Phytosanitary Measures.
- (3) In addition, Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption<sup>(4)</sup> replaces the requirements for meat and meat products provided for in Directive 72/462/EEC. It is therefore necessary and appropriate to lay down similar and updated animal health provisions for imports of live ungulate animals into the Community in this Directive.

- (4) In order to protect animal health, these new provisions should be extended to cover other ungulate animals that may present a similar risk of disease transmission. However, their application to such animals should be without prejudice to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein<sup>(5)</sup>.
- (5) Pursuant to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae<sup>(6)</sup>, imports into the Community of equidae are allowed only from third countries appearing on a list drawn up in accordance with Directive 72/462/EEC. The provisions for establishing lists of third countries for imports of such equidae should be included in Directive 90/426/EEC.
- (6) Scientific knowledge concerning the susceptibility and testing of certain animals to diseases changes regularly. A procedure should therefore be established so that the scope of the list of animal species and the diseases to which they are susceptible can be rapidly updated in response to such developments.
- (7) In the interests of animal welfare and consistency of Community legislation, the general requirements of Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport<sup>(7)</sup>, in particular as regards watering and feeding, should be taken into account in this Directive.
- (8) In the interests of the protection of animal health and consistency of Community legislation, Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries<sup>(8)</sup> should also be taken into account.
- (9) 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 on the Commission<sup>(9)</sup>.
- (10) The public health and official control rules which apply to meat and meat products by virtue of Directive 72/462/EEC have been replaced by those of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(10)</sup>, which should apply as from 1 January 2006. The other rules of the said Directive have been replaced by Directive 2002/99/EC, the provisions of which apply as from 1 January 2005, or will be replaced by those of this Directive.
- (11) Directive 72/462/EEC should therefore be repealed when all the texts replacing the provisions thereof will be applicable.
- (12) It is necessary, however, in the interest of clarity of Community legislation, to repeal certain decisions that are no longer applicable and at the same time to provide for certain implementing rules to remain in force until the necessary measures have been adopted under the new legal framework.
- (13) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of protecting animal health to lay down rules on

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the conditions for the importation of live ungulate animals. This Directive does not go beyond what is necessary in order to achieve the objectives pursued in accordance with the third paragraph of Article 5 of the Treaty.

- (14) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(11)</sup>, establishes new committee procedures and terminology. In the interests of consistency of Community legislation, those procedures and terminology should be taken into account in this Directive.
- (15) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC<sup>(12)</sup>, lays down the conditions for the importation into the Community of ungulate animals other than domestic bovine, ovine, caprine, porcine and equine animals, and provides for a list to be laid down of third countries from which Member States may import such animals as well as the health requirements to be met. This Directive should be amended in order to exclude from its scope the animal species covered by the present act.
- (16) It is also appropriate to provide that the testing requirements upon importation of live animals covered by Directive 92/65/EEC should be updated or established by committee procedure.
- (17) Directives 90/426/EEC and 92/65/EEC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:]

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**Editorial Information**

- X1** Substituted by [Corrigendum to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC \(Official Journal of the European Union L 139 of 30 April 2004\)](#).

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- (1) [<sup>XI</sup>Opinion of 30 March 2004 (not yet published in the Official Journal).]
- (2) [<sup>XI</sup>Opinion of 25 February 2004 (not yet published in the Official Journal).]
- (3) [<sup>XI</sup>OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).]
- (4) [<sup>XI</sup>OJ L 18, 23.1.2003, p. 11.]
- (5) [<sup>XI</sup>OJ L 61, 3.3.1997, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).]
- (6) [<sup>XI</sup>OJ L 224, 18.8.1990, p. 42. Directive as amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).]
- (7) [<sup>XI</sup>OJ L 340, 11.12.1991, p. 17. Directive as amended by Regulation (EC) No 806/2003.]
- (8) [<sup>XI</sup>OJ L 268, 24.9.1991, p. 56. Directive as amended by Directive 96/43/EC]
- (9) [<sup>XI</sup>OJ L 184, 17.7.1999, p. 23.]
- (10) [<sup>XI</sup>See page 83 of this Official Journal.]
- (11) [<sup>XI</sup>OJ L 31, 1.2.2002, p. 1. Regulation as amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).]
- (12) [<sup>XI</sup>OJ L 268, 14.9.1992, p. 54. Directive as last amended by Commission Regulation (EC) No 1398/2003 (OJ L 198, 6.8.2003, p. 3).]

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