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⁽¹⁾ Text with EEA relevance

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 11 April 2001

amending Decision 2001/263/EC concerning restrictions to the movement of animals of susceptible species in all Member States with regard to foot-and-mouth disease

(notified under document number C(2001) 1105)

(Text with EEA relevance)

(2001/302/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The animal health conditions for trade in bovine animals and swine are laid down in Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine ⁽³⁾, as last amended by Directive 2000/20/EC ⁽⁴⁾.
- (2) The animal health conditions for trade in ovine and caprine animals are laid down in Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals ⁽⁵⁾, as last amended by Commission Decision 94/953/EC ⁽⁶⁾.
- (3) The animal health conditions for trade in biungulates other than those referred to in Directive 64/432/EEC and 91/68/EEC are laid down in 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 ⁽⁷⁾, as last amended by Commission Decision 95/176/EC ⁽⁸⁾.

- (4) The welfare conditions for transport of animals within the Community are laid down in Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC ⁽⁹⁾, as last amended by Directive 95/29/EC ⁽¹⁰⁾.
- (5) Council Regulation (EC) No 1255/97 of 25 June 1997 concerns Community criteria for staging points and amends the route plan referred to in the Annex to Directive 91/628/EEC ⁽¹¹⁾.
- (6) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, France, the Netherlands and Ireland, the Commission adopted Decisions 2001/172/EC ⁽¹²⁾, 2001/208/EC ⁽¹³⁾, 2001/223/EC ⁽¹⁴⁾ and 2001/234/EC ⁽¹⁵⁾ concerning certain protection measures with regard to foot-and-mouth disease in the respective Member State.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽⁴⁾ OJ L 163, 4.7.2000, p. 35.

⁽⁵⁾ OJ L 46, 19.2.1991, p. 19.

⁽⁶⁾ OJ L 371, 31.12.1994, p. 14.

⁽⁷⁾ OJ L 268, 14.9.1992, p. 54.

⁽⁸⁾ OJ L 117, 24.5.1995, p. 23.

⁽⁹⁾ OJ L 340, 11.12.1991, p. 17.

⁽¹⁰⁾ OJ L 148, 30.6.1995, p. 52.

⁽¹¹⁾ OJ L 174, 2.7.1997, p. 1.

⁽¹²⁾ OJ L 62, 2.3.2001, p. 22.

⁽¹³⁾ OJ L 73, 15.3.2001, p. 38.

⁽¹⁴⁾ OJ L 82, 22.3.2001, p. 29.

⁽¹⁵⁾ OJ L 84, 23.3.2001, p. 62.

- (7) The foot-and-mouth disease situation in certain parts of the Community is liable to endanger the herds in other parts of the Community in view of the placing on the market and trade in live biungulate animals.
- (8) All Member States have implemented the restrictions to the movement of animals of susceptible species laid down in Decision 2001/263/EC ⁽¹⁾.
- (9) In the light of the disease evolution and the findings of the epidemiological investigations carried out in the affected Member States in close cooperation with the other Member States, it appears appropriate to ease the restrictions on movement of susceptible animals within the Community.
- (10) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 12 April 2001 and the measures adapted where necessary.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 2001/263/EC is amended as follows:

- 1. Article 1(1)(a) is replaced by the following:
 - '(a) during transport such animals do not come into contact with animals not of the same holding of dispatch, unless
 - either such animals are consigned for slaughter, or
 - originate in and come from holdings situated in areas of a Member State as defined in Article 2(p) of Directive 64/432/EEC in which no restrictions in accordance with Article 9 of Directive 85/511/EEC have been in place during the residence period referred to in paragraph 2 first indent.'
- 2. The words 'during the past 15 days in the case of pigs, or' are added at the end of the first indent of Article 1(2).
- 3. The date in Article 3 is replaced by '18 May 2001'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 April 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 93, 3.4.2001, p. 59.

COMMISSION DECISION

of 11 April 2001

laying down the conditions for the control and eradication of foot-and-mouth disease in endangered species in application of Article 13 of Directive 85/511/EEC

(notified under document number C(2001) 1107)

(Text with EEA relevance)

(2001/303/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10 thereof,

Having regard to Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 13 (3) thereof,

Whereas:

- (1) In Article 13 (3) of Council Directive 85/511/EEC provisions are made for emergency vaccination.
- (2) The principles provided for in this Article require to balance the decision on resorting to vaccination against basic Community interests which must not be endangered.
- (3) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, France, the Netherlands and Ireland, the Commission adopted Decisions 2001/172/EC ⁽⁴⁾, 2001/208/EC ⁽⁵⁾, 2001/223/EC ⁽⁶⁾ and 2001/234/EC ⁽⁷⁾ concerning certain protection measures with regard to foot-and-mouth disease in the respective Member State.
- (4) Commission Decision 2001/246/EC ⁽⁸⁾ of 27 March 2001 laying down the conditions for the control and eradication of foot-and-mouth disease in the Netherlands in application of Article 13 of Directive 85/511/EEC has also been adopted enabling the Netherlands to apply as a precautionary measure the pre-emptive vaccination before killing of susceptible animals in holdings situated in close proximity to infected or suspect holdings, taking into account the epidemiological situation and the high

density of susceptible animals in certain parts of the territory.

- (5) The killing of endangered species susceptible to foot and mouth disease will be an undesirable loss of genetic material and may even result in the eradication of a species therefore such a valuable part of our global heritage should be protected as far as possible.
- (6) Zoological gardens or other well defined approved or registered premises with endangered species at risk must implement good husbandry practice, including all necessary precautions to avoid the possible introduction of foot and mouth virus in their premises.
- (7) In accordance with Article 13(3) of Directive 85/511/EEC, where the competent authorities of a Member State believe that the disease may compromise endangered species, or other animals such as extremely rare breeds or animals used for irreplaceable and important research work which may also be included on a case by case basis, it is appropriate to provide that the technical modalities for their emergency vaccination shall be specified under a programme that the Member state may present to the Commission as an additional instrument to protect such animals of susceptible species.
- (8) Detailed measures for the use of vaccination, identification, and subsequent control of these animals, must be included in the programme to be submitted.
- (9) In its report of 10 March 1999 the Scientific Committee on Animal Health and Animal Welfare made recommendations on the strategy for emergency vaccination against foot-and-mouth disease, which must be taken into account ⁽⁹⁾.
- (10) Recourse to any kind of vaccination, even though limited to special categories of animals not primarily concerned by trade, may contribute to jeopardise the foot-and-mouth disease status in terms of international trade not only for the Member State or part of its territory where vaccination is carried out.
- (11) The Commission prior to taking a Decision on emergency vaccination must ensure that the measures to be taken include at least those provided for in Article 13 (3) first to sixth indent of Directive 85/511/EEC.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁴⁾ OJ L 62, 2.3.2001, p. 22.

⁽⁵⁾ OJ L 73, 15.3.2001, p. 38.

⁽⁶⁾ OJ L 82, 22.3.2001, p. 29.

⁽⁷⁾ OJ L 84, 23.3.2001, p. 62.

⁽⁸⁾ OJ L 88, 28.3.2001, p. 21.

⁽⁹⁾ http://europa.eu.int/comm/food/fs/sc/scah/outcome_en.html.

- (12) It will be necessary to review the present requirements, and the risks for trade in vaccinated zoo animals in the Scientific Committee and with the 'Office International des Epizooties'.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of this Decision the following definition applies: '*Endangered species*' means those animals listed in categories; *Extinct in the Wild*, *Critically Endangered*, *Endangered* and *Vulnerable* of the current IUCN-The World Conservation Union Red List of *Threatened Species*.

Article 2

1. Member States shall ensure that zoological gardens, or other well defined approved or registered premises with endangered species which may be at risk from possible infection by outbreaks of foot and mouth disease, implement good veterinary practice, and take all necessary precautions to avoid the possible introduction of foot and mouth virus in their premises. Such measures shall include as necessary: no movements onto the premises of susceptible species, housing of susceptible species indoors, ensuring that purchased food and bedding is not contaminated, closure of animal houses of the susceptible species to the public, prevention of contact and feeding of these animals by the public, ensuring staff do not have contact with susceptible animals outside of the zoo and do not enter foot and mouth protection and surveillance areas, prevention of contact with susceptible animals outside of the zoo, instituting disinfection controls at the entrance gates and at the accesses of each service area, and temporary closure of the zoo or part of the zoo. These measures shall remain in place at least until the Member States are sure that the risk of entry of disease has returned to the normal situation.

2. Without prejudice to Council Directive 85/511/EEC, and in particular Articles 4, 5 and 9 thereof, Member States may decide on resorting to emergency vaccination of species susceptible to foot and mouth disease in zoological collections of endangered species, which are deemed to be at risk within a proximity of 25 kilometres from an outbreak of foot and mouth disease, under the conditions set out in the Annex.

It may be decided on a case by case basis by the Member State concerned to extend this vaccination to other animals such as extremely rare breeds or animals used for irreplaceable and important research work, which are deemed to be at equivalent risk, under the same conditions as indicted above.

3. Before commencing the measures referred to in paragraph 2, the Member State shall present a programme with a view to ensuring that other Member States and the Commission are officially informed on the details concerning in particular the exact address and location of the collection of animals where the vaccination is to be carried out, including a comprehensive plan of the boundary, the animal enclosures and pens including specific identification, the number of animals to be vaccinated by species together with their individual identity and location on the plan, the type of vaccine to be used and the time when vaccination will be started and accomplished, and of the circumstances motivating the decision to implement the measures.

4. Member States must ensure that these animals shall not be traded or moved between Member States and their animal products shall not enter the human food chain.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 11 April 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Conditions for the use of emergency vaccination in the control and eradication of foot-and-mouth disease in application of Article 13(3) of Directive 85/511/EEC

1	Extent of the geographical area in which vaccination is to be carried out	The vaccination shall only take place when an outbreak of foot-and-mouth disease has been confirmed within 25 km of a zoological collection containing endangered species. A plan of the premises shall be submitted with details of the enclosures and pens in relation to the animals being vaccinated and details of the perimeter boundaries and fencing or other control measures. In addition a detailed plan of its geographical location and the relationship of all animal holdings within a 3 kilometre radius must also be submitted.
2	Species and age of the animals to be vaccinated	All animals in the collection of susceptible species independently of their sex, age and gestation status. A list of all the animals to be vaccinated together with their individual identity shall be provided.
3	Duration of the vaccination campaign	Each campaign shall be completed within 48 hours.
4	Specific standstill of vaccinated animals and products of vaccinated animals	The measures laid down in Article 4 of Directive 85/511/EEC shall apply to premises on which the emergency vaccination is to be carried out until 30 days after the last vaccination has been completed. Vaccinated animals shall not be traded or moved between Member States but may be moved under official supervision between zoological collections of the same status in the same Member State. Animal products from such animals shall not enter the food chain
5	Special identification and special registration of the vaccinated animals	Vaccinated animals must be individually identifiable and the identity records of these animals must be clearly annotated accordingly. An indelible mark indicating the animals have been vaccinated shall be applied at the time of vaccination wherever possible.
6	Other matters appropriate to the emergency vaccination	
6.1	Execution of the vaccination campaign	Vaccination shall be carried out under the supervision of an official veterinarian of the competent authorities. Necessary measures must be in place to avoid possible spread of virus. Any residual quantities of vaccine shall be returned to the point of vaccine distribution with a written record on number of animals vaccinated and the number of doses used. Wherever possible blood samples shall be taken prior to and at least 30 days after vaccination for serological testing for foot and mouth disease. A record of the test results must be kept for at least 10 years.
6.2	Vaccine to be used	The inactivated vaccine to be used shall be suitably formulated and be effective against the virus type circulating. It shall be used in accordance with the instructions of the manufacturer and/or the veterinary authorities.
6.3	Information on implementation of this programme to the Commission	A detailed report on the execution of the programme included results of testing carried out shall be provided to the Commission and the Member States in the framework of a Standing Veterinary Committee.

COMMISSION DECISION

of 11 April 2001

on marking and use of certain animal products in relation to Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom

(notified under document number C(2001) 1114)

(Text with EEA relevance)

(2001/304/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 thereof,

Having regard to Council Directive 64/433/EEC ⁽⁴⁾ on health conditions for the production and marketing of fresh meat, as last amended by Directive 95/23/EC ⁽⁵⁾, and in particular Article 6(1)(f) thereof,

Having regard to Council Directive 77/99/EEC ⁽⁶⁾ on health problems affecting the production and marketing of meat products and certain other products of animal origin, as last amended by Council Directive 97/76/EC ⁽⁷⁾, and in particular Article 3(A)(7), second indent thereof,

Whereas:

- (1) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, the Commission adopted Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom ⁽⁸⁾, as last amended by Decision 2001/.../EC ⁽⁹⁾.

- (2) The measures to be carried out in a surveillance zone are laid down in Article 9 of Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽¹⁰⁾, as last amended by the Act of Accession of Austria, Finland and Sweden.

- (3) The disease situation in Great Britain requires surveillance zone restrictions to remain in place for a prolonged period with consequent problems due to the increasing numbers of susceptible animals intended for slaughter kept in holdings not affected by foot-and-mouth disease.

- (4) Article 9 of Directive 85/511/EEC provides for transport under official supervision of susceptible animals directly to a slaughterhouse for the purpose of emergency slaughter. Such transport may be authorised by the competent authorities only after the official veterinarian has carried out an examination of all the animals concerned and confirmed that none of the animals is suspected of being infected.

- (5) Council Directive 72/461/EEC on health problems affecting intra-Community trade in fresh meat ⁽¹¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, requires that meat obtained from animals from a holding or area which for health reasons is subject to prohibition pursuant to Article 3(2)(b) of Council Directive 64/432/EC on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹²⁾, as last amended by Council Directive 2000/20/EC ⁽¹³⁾, shall not be sent from the territory of one Member State to the territory of another Member State and that such meat may not bear the Community health mark unless this health mark is superimposed by a cross.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 121, 29.7.1964, p. 2012/64. Directive updated by Directive 91/497/EEC (OJ L 268, 24.4.1991, p. 69.).

⁽⁵⁾ OJ L 243, 11.10.1995, p. 7.

⁽⁶⁾ OJ L 26, 31.1.1977, p. 85. Directive updated by Directive 92/5/EEC (OJ L 57, 2.3.1992, p. 1).

⁽⁷⁾ OJ L 10, 16.1.1998, p. 25.

⁽⁸⁾ OJ L 62, 2.3.2001, p. 22.

⁽⁹⁾ OJ L.

⁽¹⁰⁾ OJ L 315, 26.11.1985, p. 11.

⁽¹¹⁾ OJ L 302, 31.12.1972, p. 34.

⁽¹²⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽¹³⁾ OJ L 163, 4.7.2000, p. 35.

- (6) Council Directive 80/215/EEC on animal health problems affecting intra-Community trade in meat products ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, allows meat products made from meat marked with a stamp as provided for in Article 5a of Directive 72/461/EEC to be marked in accordance with Chapter VI of Annex B of Directive 77/99/EEC, after such meat has undergone certain treatment.
- (7) Article 6(1)(f) of Council Directive 64/433/EEC requires Member States to ensure that meat from an area subject to animal health restrictions is subject to specific rules to be determined on a case-by-case basis in accordance with the procedure laid down in Article 16 of that Directive. Furthermore, Article 6(1)(h) of Directive 64/433/EEC requires that such meat must be marked with a national stamp which cannot be confused with the Community stamp and in particular is not oval.
- (8) Article 3(A)(7), second indent, of Council Directive 77/99/EEC requires meat products made from meat which must be marketed locally to be marked with a mark to be determined in accordance with the procedure laid down in Article 20 of Directive 77/99/EEC.
- (9) Article 3(1)(f) of Council Directive 91/495/EEC of 27 November 1990 concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat ⁽²⁾, as last amended by Directive 94/65/EC ⁽³⁾, provides for the health marking of farmed game meat.
- (10) Commission Decision 2001/172/EC prohibits, with the exception of meat obtained from animals slaughtered before 1 February 2001, dispatch of fresh meat obtained from animals of the bovine, ovine, caprine and porcine species and other biungulates originating in Great Britain and meat products produced from such meat, except after certain treatment.
- (11) It is therefore the purpose of this Decision to determine the health mark applied to fresh meat obtained from susceptible animals and to meat products made from such meat which in accordance with Community legislation concerning foot-and-mouth disease is not eligible for intra-Community trade and moreover the conditions under which such health marks can be applied.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to the provisions of Council Directive 85/511/EEC and in particular Articles 5 and 9 thereof, the United Kingdom shall ensure that:

1. In accordance with Article 5(1) of Directive 72/461/EEC fresh meat meeting the requirements of Article 3 of Council Directive 64/433/EEC and obtained from animals of the bovine, ovine, caprine and porcine species and fresh meat meeting the requirements of Article 6 of Directive 91/495/EEC and obtained from other biungulates originating in Great Britain and processed after a date to be notified to the Commission and other Member States in accordance with Article 3 is not marked with the health mark provided for in Chapter XI of Annex I of Directive 64/433/EEC or in Chapter III of Annex I of Directive 91/495/EEC.
2. In accordance with Article 6(1)(h) of Directive 64/433/EEC and in line with the provisions in Article 6(3) of Directive 91/495/EEC fresh meat referred to in paragraph 1 is marked with a national stamp which cannot be confused with the Community stamp provided for in Chapter XI of Annex I of that Directive, and in particular is not oval.
3. The model of the health mark referred to in paragraph 2 shall be the one in the Annex. The colour of the health marks shall be one of the colours mentioned in Article 2(8) of Directive 94/36/EC ⁽⁴⁾ except E129 Allura Red AC.
4. Notwithstanding paragraph 1, and in so far as it is not intended for intra-Community trade, where fresh meat is wrapped in commercial portions intended for direct sale to the consumer, the meat referred to in paragraph 1 may, for a transitional period, carry the mark defined in Chapter XI of Annex I of Directive 64/433/EEC and in Chapter III of Annex I of Directive 91/495/EEC respectively, provided that the special mark referred to in paragraph 2 is applied in addition. The dimension requirements of the Annex need not apply to the mark required under the provisions of this paragraph.

Article 2

The United Kingdom shall ensure that:

1. Meat products meeting the public health requirements of Directive 77/99/EEC and made from fresh meat marked in accordance with Article 1(2) are marked with a national mark which cannot be confused with the Community health mark provided for in Chapter VI of Annex B of that Directive, and in particular is not oval.

⁽¹⁾ OJ L 47, 21.2.1980, p. 4.

⁽²⁾ OJ L 268, 24.9.1991, p. 41.

⁽³⁾ OJ L 368, 31.12.1994, p. 10.

⁽⁴⁾ OJ L 237, 19.9.1994, p. 13.

By derogation from the first subparagraph, meat products made from fresh meat marked in accordance with Article 1(2) of this Decision and treated in accordance with Article 3(2) of Commission Decision 2001/172/EC may be marked with the health mark provided for in Chapter VI of Annex B of Directive 77/99/EEC and dispatched from Great Britain in accordance with the provisions in Article 3(4), (5) and (6) of Decision 2001/172/EC.

2. The model of the health mark referred to in paragraph 1 first subparagraph shall be the one in the Annex, but the dimension requirements need not apply.
3. Notwithstanding paragraph 1 first subparagraph, and in so far as they are not intended for intra-Community trade, meat products referred to in paragraph 1 first subparagraph may, for a transitional period, carry the health mark provided for in Chapter VI of Annex B of Directive 77/99/EEC, provided that the special mark referred to in paragraph 2 is applied in addition.

Article 3

The United Kingdom shall notify the Commission and other Member States of the date on which marking of fresh meat in accordance with Article 1 will commence and shall not permit the slaughter for human consumption of animals of the bovine, ovine, caprine and porcine species and other biungulates originating from holdings in Great Britain in protection and surveillance zones as defined in Article 9(1) and (2) of Council Directive 85/511/EEC until that date.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 11 April 2001.

For the Commission

David BYRNE

Member of the Commission

Dimensions:

GB = 7 mm

Establishment No = 10 mm

Circle outer diameter = 50 mm

Line thickness of circle = 3 mm

ANNEX



COMMISSION DECISION

of 11 April 2001

on marking and use of certain animal products in relation to Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands

(notified under document number C(2001) 1117)

(Text with EEA relevance)

(2001/305/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 thereof,

Having regard to Council Directive 64/433/EEC ⁽⁴⁾ on health conditions for the production and marketing of fresh meat, as last amended by Directive 95/23/EC ⁽⁵⁾, and in particular Article 6(1)(f) thereof,

Having regard to Council Directive 77/99/EEC ⁽⁶⁾ on health problems affecting the production and marketing of meat products and certain other products of animal origin, as last amended by Council Directive 97/76/EC ⁽⁷⁾, and in particular Article 3(A)(7), second indent thereof,

Whereas:

(1) Following the reports of outbreaks of foot-and-mouth disease in the Netherlands, the Commission adopted Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands ⁽⁸⁾, as last amended by Decision 2001/.../EC ⁽⁹⁾.

(2) The measures to be carried out in a surveillance zone are laid down in Article 9 of Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽¹⁰⁾, as last amended by the Act of Accession of Austria, Finland and Sweden.

(3) The disease situation in the Netherlands requires restrictions to remain in place for a prolonged period with consequent problems due to the increasing numbers of susceptible animals intended for slaughter kept in holdings not affected by foot-and-mouth disease.

(4) Council Directive 72/461/EEC on health problems affecting intra-Community trade in fresh meat ⁽¹¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, requires that meat obtained from animals from a holding or area which for health reasons is subject to prohibition pursuant to Article 3(2)(b) of Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹²⁾, as last amended by Council Directive 2000/20/EC ⁽¹³⁾, shall not be sent from the territory of one Member State to the territory of another Member State and that such meat may not bear the Community health mark unless this health mark is superimposed by a cross.

(5) Council Directive 80/215/EEC on animal health problems affecting intra-Community trade in meat products ⁽¹⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, allows meat products made from meat marked with a stamp as provided for in Article 5a of Directive 72/461/EEC to be marked in accordance with Chapter VI of Annex B of Directive 77/99/EEC, after such meat has undergone certain treatment.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 121, 29.7.1964, p. 2012/64. Directive updated by Directive 91/497/EEC (OJ L 268, 24.9.1991, p. 69.).

⁽⁵⁾ OJ L 243, 11.10.1995, p. 7.

⁽⁶⁾ OJ L 26, 31.1.1977, p. 85. Directive updated by Directive 92/5/EEC (OJ L 57, 2.3.1992, p. 1.).

⁽⁷⁾ OJ L 10, 16.1.1998, p. 25.

⁽⁸⁾ OJ L 82, 22.3.2001, p. 29.

⁽⁹⁾ C(2001)1115.

⁽¹⁰⁾ OJ L 315, 26.11.1985, p. 11.

⁽¹¹⁾ OJ L 302, 31.12.1972, p. 34.

⁽¹²⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽¹³⁾ OJ L 163, 4.7.2000, p. 35.

⁽¹⁴⁾ OJ L 47, 21.2.1980, p. 4.

- (6) Article 6(1)(f) of Council Directive 64/433/EEC requires Member States to ensure that meat from an area subject to animal health restrictions is subject to specific rules to be determined on a case-by-case basis in accordance with the procedure laid down in Article 16 of that Directive. Furthermore, Article 6(1)(h) of Directive 64/433/EEC requires that such meat must be marked with a national stamp which cannot be confused with the Community stamp and in particular is not oval.
- (7) Article 3(A)(7), second indent, of Council Directive 77/99/EEC requires meat products made from meat which must be marketed locally to be marked with a mark to be determined in accordance with the procedure laid down in Article 20 of Directive 77/99/EEC.
- (8) Article 3(1)(f) of Council Directive 91/495/EEC of 27 November 1990 concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat ⁽¹⁾, as last amended by Directive 94/65/EC ⁽²⁾, provides for the health marking of farmed game meat.
- (9) Commission Decision 2001/223/EC prohibits, with the exception of meat obtained from animals slaughtered before 20 February 2001, dispatch of fresh meat obtained from animals of the bovine, ovine, caprine and porcine species and other biungulates originating in the areas listed in Annex I of that Decision and meat products produced from such meat, except after certain treatment.
- (10) It is therefore the purpose of this Decision to determine the health mark applied to fresh meat obtained from susceptible animals and to meat products made from such meat which, in accordance with Community legislation concerning foot-and-mouth disease are not eligible for intra-Community trade and moreover the conditions under which such health marks can be applied.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to the provisions of Council Directive 85/511/EEC and in particular Articles 5 and 9 thereof, the Netherlands shall ensure that:

⁽¹⁾ OJ L 268, 24.9.1991, p. 41.
⁽²⁾ OJ L 368, 31.12.1994, p. 10.

1. In accordance with Article 5(1) of Directive 72/461/EEC fresh meat meeting the requirements of Article 3 of Council Directive 64/433/EEC and obtained from animals of the bovine, ovine, caprine and porcine species and fresh meat meeting the requirements of Article 6 of Directive 91/495/EEC and obtained from other biungulates originating in the areas of the Netherlands listed in Annex I of Decision 2001/223/EC and processed after a date to be notified to the Commission and other Member States in accordance with Article 3 is not marked with the health mark provided for in Chapter XI of Annex I of Directive 64/433/EEC or in Chapter III of Annex I of Directive 91/495/EEC.
2. In accordance with Article 6(1)(h) of Directive 64/433/EEC and in line with the provisions in Article 6(3) of Directive 91/495/EEC fresh meat referred to in paragraph 1 is marked with a national stamp which cannot be confused with the Community stamp provided for in Chapter XI of Annex I of that Directive, and in particular is not oval.
3. The model of the health mark referred to in paragraph 2 shall be the one in the Annex. The colour of the health marks shall be one of the colours mentioned in Article 2(8) of Directive 94/36/EC ⁽³⁾ except E129 Allura Red AC.
4. Notwithstanding paragraph 1, and in so far as it is not intended for intra-Community trade, where fresh meat is wrapped in commercial portions intended for direct sale to the consumer, the meat referred to in paragraph 1 may, for a transitional period, carry the mark defined in Chapter XI of Annex I of Directive 64/433/EEC and in Chapter III of Annex I of Directive 91/495/EEC respectively, provided that the special mark referred to in paragraph 2 is applied in addition. The dimension requirements of the Annex need not apply to the mark required under the provisions of this paragraph.

Article 2

The Netherlands shall ensure that:

1. Meat products meeting the public health requirements of Directive 77/99/EEC and made from fresh meat marked in accordance with Article 1(2) are marked with a national mark which cannot be confused with the Community health mark provided for in Chapter VI of Annex B of that Directive, and in particular is not oval.

By derogation from the first subparagraph, meat products made from fresh meat marked in accordance with Article 1(2) of this Decision and treated in accordance with Article 3(2) of Commission Decision 2001/172/EC may be marked with the health mark provided for in Chapter VI of Annex B of Directive 77/99/EEC and dispatched from the areas in the Netherlands listed in Annex I of Decision 2001/223/EC in accordance with the provisions in Article 3(4), (5) and (6) of Decision 2001/172/EC.

⁽³⁾ OJ L 237, 19.9.1994, p. 13.

2. The model of the health mark referred to in paragraph 1 first subparagraph shall be the one in the Annex, but the dimension requirements need not apply.
3. Notwithstanding paragraph 1 first subparagraph, and in so far as they are not intended for intra-Community trade, meat products referred to in paragraph 1 first subparagraph may, for a transitional period, carry the health mark provided for in Chapter VI of Annex B of Directive 77/99/EEC, provided that the special mark referred to in paragraph 2 is applied in addition.

Article 3

The Netherlands shall notify the Commission and other Member States of the date on which marking of fresh meat in accordance with Article 1 will commence and shall not permit the slaughter for human consumption of animals of the bovine,

ovine, caprine and porcine species and other biungulates originating from holdings in the areas of the Netherlands listed in Annex I of Decision 2001/223/EC outside protection and surveillance zones as defined in Article 9(1) and (2) of Council Directive 85/511/EEC until that date.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 11 April 2001.

For the Commission

David BYRNE

Member of the Commission

Dimensions:

NL = 7 mm

Establishment No = 10 mm

Circle outer diameter = 50 mm

Line thickness of circle = 3 mm

ANNEX



COMMISSION DECISION
of 11 April 2001
amending for the third time Decision 2001/223/EC concerning certain protection measures with
regard to foot-and-mouth disease in the Netherlands

(notified under document number C(2001) 1123)

(Text with EEA relevance)

(2001/306/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC, and in particular Article 10 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽²⁾, as last amended by Directive 92/118/EEC ⁽³⁾, and in particular Article 9 thereof,

Whereas:

- (1) Following the report of outbreaks of foot-and-mouth disease in the Netherlands outside the areas restricted in accordance with Commission Decision 2001/223/EC concerning certain protection measures with regard to foot-and-mouth disease in the Netherlands ⁽⁴⁾, as last amended by Decision 2001/282/EC ⁽⁵⁾, it appears necessary to enlarge the areas of restriction so as to safeguard the health status of the rest of the Community until the epidemiological investigations have been completed and the origin of the infection and the possible links to existing outbreaks established.
- (2) The foot-and-mouth disease situation in certain parts of the Netherlands is liable to endanger the herds in other parts of the territory of the Netherlands and in other Member States in view of the placing on the market and trade in live biungulate animals and certain of their products.

- (3) The measures provided for in this Decision shall be reviewed at the meeting of the Standing Veterinary Committee on 19 April 2001,

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 2001/223/EC is amended as follows:

1. In Annex I the words 'The provinces of Gelderland, Overijssel, Flevoland and the areas of Sprang-Capelle and Maren-Kessel en Berghem in the province of Noord-Brabant as detailed in Annex III' are replaced by the words 'The provinces of Groningen, Friesland, Drenthe, Noord-Holland, Flevoland, Overijssel, Gelderland, Utrecht, Zuid-Holland, Limburg, Noord-Brabant and Zeeland'.
2. In Annex II the words 'All areas of mainland Netherlands except those in Annex I' are replaced by 'The provinces of Groningen, Friesland, Drenthe, Noord-Holland, Flevoland, Overijssel, Gelderland, Utrecht, Zuid-Holland, Limburg, Noord-Brabant and Zeeland'.
3. Annex III is deleted.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 April 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 82, 22.3.2001, p. 29.

⁽⁵⁾ OJ L 98, 7.4.2001, p. 27.