



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1.12.2006
COM(2006) 749 final

2006/0250 (CNS)

Proposal for a

COUNCIL DIRECTIVE

on pure-bred breeding animals of the bovine species

(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 Directive 77/504/EEC of 25 July 1977 on pure-bred breeding animals of the bovine species³. The new Directive 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 bringing them together with only such formal amendments as are required by the codification exercise itself.

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 Annex I, Parts A and B of this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Directive 77/504/EEC and the instruments 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 numbers, the correlation between the old and the new numbers is shown in a table contained in Annex II to the codified Directive.

↓ 77/504/EEC (adapted)

2006/0250 (CNS)

Proposal for a

COUNCIL DIRECTIVE

on pure-bred breeding animals of the bovine species

(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 Parliament⁵,

Having regard to the opinion of the European Economic and Social Committee⁶,

Whereas:

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- (1) Council Directive 77/504/EEC of 25 July 1977 on pure-bred breeding animals of the bovine species⁷ has been substantially amended several times⁸. 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.

⁵ OJ C

⁶ OJ C

⁷ OJ L 206, 12.8.1977, p. 8. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁸ See Annex I, Parts A and B.

↓ 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 Commission⁹.
- (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 C,

⁹ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

↓ 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, →₁ 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 Article 3, intra-Community trade in bulls used for artificial insemination.

↓ 77/504/EEC

Article 3

The Council, acting on a proposal from the Commission, shall, before 1 July 1980, adopt Community provisions for the approval of pure-bred breeding animals of the bovine species for breeding.

Article 4

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.

↓ 77/504/EEC (adapted)
→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 →₁ ova and embryos ← 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 ⊗ referred to ⊗ in Article 8(2), particularly with regard to zootechnical performance.

Article 6

The following shall be determined in accordance with the procedure ⊗ referred to ⊗ 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;
- (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

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.

3. The Committee shall adopt its rules of procedure.
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Article 9

Directive 77/504/EEC, as amended by the acts listed in Annex I, Parts A and B, 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 C.

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*.

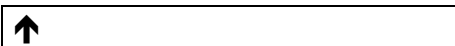
¹⁰ OJ L 206, 12.8.1977, p. 11.

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 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)

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, pt. 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

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

Annex III, pt. 23 only

Part B

Non-repealed successive amending acts (referred to in Article 9)

1979 Act of Accession

1994 Act of Accession

Part C

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

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, first paragraph	Article 3
Article 3, second paragraph	_____
Article 4	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	Article 8
Article 9	_____
_____	Article 9
_____	Article 10
Article 10	Article 11
_____	Annex I
_____	Annex II