

European studies

Animal health and animal welfare legislation of the European Union

Készült a Világ-Nyelv program támogatásával



European studies
Animal health and animal welfare legislation of the European Union

Oktatási segédanyag

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Készült az Oktatási Minisztérium támogatásával

A kiadvány tartalma nem képviseli a Támogató,

az Oktatási Minisztérium vagy szervezetinek nézeteit

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THE EUROPEAN UNION

1. General Information

The EU is an intergovernmental organisation with common institutes, which makes compulsory decisions for the Member States.

The 25 Member States are:

- Belgium
- France
- Germany
- Italy
- Luxembourg
- Netherlands
- Denmark (1973)
- Ireland (1973)
- United Kingdom (1973)
- Greece (1981)
- Portugal (1986)
- Spain (1986)
- Austria (1995)
- Finland (1995)
- Sweden (1995)
- Cyprus (2004)
- Czech Republic (2004)
- Estonia (2004)
- Hungary (2004)
- Latvia (2004)
- Lithuania (2004)
- Malta (2004)
- Poland (2004)
- Slovakia (2004)
- Slovenia (2004)

2. History

European Coal and Steel Community (ECSC) 1951, Treaty of Paris

European Economic Community (EEC) 1957, Treaties of Rome

European Atomic Energy Community (Euratom) 1957, Treaties of Rome

European Communities 1967

Single European Act 1987

Maastricht Treaty on European Union 1993

Treaty of Amsterdam 1997

Treaty of Nice 2001

The stone in the building of the European Community was laid on 9 May 1950, when Robert Schuman, the French Foreign Minister, put forward a plan worked out by himself and Jean Monnet for France and Germany to pool all their coal and steel production under a joint High Authority, within an organization open to any other country in Europe. Behind this proposal lay a twofold realization: on the one hand, it was pointless to impose unilateral restrictions on Germany, but at the same time a fully independent Germany was still perceived as a potential threat to peace. The only way out of this dilemma was to bind Germany politically and economically into a firmly based grouping of European States.

On 18 April 1951 Belgium, the Federal Republic of Germany, France, Italy, Luxemburg and the Netherlands signed the Treaty establishing the European Coal and Steel Community (ECSC) and on 23 July 1952 when it came into force, the Schuman Plan became reality.

The Treaties establishing the European Atomic Energy Community (Euratom) and the European Economic Community (EEC) were signed by the Six in March 1957 and entered into force on 1 January 1958.

The European Atomic Energy Community, like the ECSC, only deals with a limited sector of the economy. It is responsible for joint research and action on the use of nuclear energy. In particular, its task is to promote the emergence and development of nuclear industries in the Member States and to secure their supplies of fissile material.

The European Economic Community - renamed the European Community under the Treaty of Maastricht - takes a broader approach than the other two Communities. Its task is to mould the Member States into a single Community embracing every sector of the economy. It covers such key areas as the free movement of goods and workers, freedom of establishment and freedom to provide services, the free movement of capital and payments, competition policy, economic and monetary policy, agricultural policy, transport policy, environmental policy, research and technology and industrial policy.

The Single European Act entered into force on 1 July 1987. It laid down the detailed legal framework for establishing a single market by 1992 and closer policy cooperation on the environment, research and technology. Formally, this involved a series of amendments and additions to the Treaties establishing the Communities. The third part of the single Act dealt with foreign policy cooperation.

The Treaty on European Union, which were signed 7 February 1992 and entered into force on 1 November 1993, forms the basis of a political union built around a common foreign and security policy. The objective are as follows:

- to safeguard the common values, fundamental interests and independence of the Union

- to strengthen the security of the Union and its Member States in all ways
- to preserve peace and strengthen international security
- to promote international cooperation
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

3. The Single Market

- Treaty set the Community
- Single European Act
- Maastricht Treaty on European Union

free movement of individuals, goods and services, solidarity through common policies and common financial instrument

- liberalization of public procurement
- harmonization of taxation
- liberalization of capital markets and financial services
- standardization, equivalence of national standards and harmonization of safety and environmental standards
- removal of technical barriers (freedom to exercise an activity and recognition of the equivalence of training qualifications) and physical barriers (elimination of border checks) to the free movement of individuals
- harmonizing company law and approximating legislation on intellectual and industrial property (trade marks and patents)

Free movement of goods can be achieved only by removing measures which restrict trade not only customs duties and quantitative restrictions but all measures with equivalent.

The basis of the free movement of services is the prohibition of discrimination, in particular on grounds of nationality, and rules on the alignment of divergent national legislation. These rules often concern both the right of establishment, which comes under the heading of the free movement of persons, and the freedom to provide services. Their implementation implies the establishment of administrative structures (banking control boards, audio-visual control authorities, regulatory bodies) and greater cooperation between Member States in the area of enforcement (mutual recognition arrangements).

The free movement of persons encompasses two concepts with different logical implications in the Treaty. On the one hand, it implies that persons are not to be subject to controls when crossing the internal frontiers between the Member States. The abolition of frontier checks must apply to all persons, whatever their nationality. On the other hand it gives every citizen of the Union the individual right to move and reside freely within the territory of the Member States, subject to certain conditions.

The Europe Agreement provides for the non-discriminatory treatment of workers that are legally employed (as well as their families).

The free movement of workers is one of the fundamental freedoms enshrined in the Treaty; freedom to practice certain profession (e.g. in the legal and health fields) may be subject to certain conditions, such as qualifications. Depending on the case, these may be dealt with through coordination or by applying the principle of mutual recognition. Freedom of establishment is also guaranteed under the Treaty and covers the economic activity of self-employed natural persons and companies.

The free choice of place of residence may thus be subject to minimum conditions as to resources and health insurance where the person does not exercise a profession in the country concerned.

Maastricht Treaty on European Union (1993)

1. common foreign and security policy
2. cooperation of home affairs and justice
 - harmonization of the law relating to asylum
 - introduction, at Union level, of rules on immigration applicable to nationals of non-member States
 - police cooperation to combat cross-border crime effectively
 - the drafting of cooperation agreements in the fields of civil and criminal law
3. monetary union by 1999
4. European citizenship
5. strengthening the powers of the European Parliament, introducing a co-decision procedure
6. common social policy (exc. UK)
 - free movement of workers, fair pay, better working conditions, social security, equal treatment for men and women, health protection and safety at the workplace, protection of children, the elderly and the disabled

THE INSTITUTIONS OF THE EUROPEAN UNION

The primary role of the Community institutions is to put practical legislation in place to flesh out the framework for integration marked out by the Member States. The main actors in the legislative process are the Council of the European Union, the European Commission, the European Parliament and two consultative committees — the Economic and Social Committee and the Committee of the Regions. Only in a few specific areas, such as competition and coal and steel, do the institutions have executive powers. The task of ensuring that these institutions observe the law in their work rests with the Court of justice of the European Communities. The European Court of Auditors keeps watch to ensure the legality and regularity of community revenue and expenditure and to monitor sound budget management.

European Parliament

Members: 732 elected every 5 years:

Germany: 99, France, Italy and the United Kingdom: 78, Spain and Poland: 54, the Netherlands: 27, Belgium, Greece, Hungary, Czech Republic and Portugal: 24, Sweden: 19, Austria: 18, Denmark, Finland and Slovakia: 14, Ireland and Lithuania: 13, Luxembourg and Latvia: 9, Slovenia: 7, Cyprus and Estonia: 6, Malta: 5

Meeting places: Strasburg for monthly plenary sessions, Brussels for committee meetings and additional sessions. The General Secretariat is based in Luxemburg

The European Parliament is the directly-elected democratic expression of the political will of the people of the European Union, the largest multinational parliament in the world. Representing the citizens of the Union, its primary objectives are like those of any parliament, to pass good laws and to scrutinize and control the use of executive power. Now more than ever before, it is in a much better position to do both because its responsibilities have been gradually widened and its powers strengthened first by the Single Act of 1987 and then by the Treaty on European Union of 1993, Treaty of Amsterdam of 1997 and Treaty of Nice (2001).

Naturally, the Parliament sees itself as the guardian of the European interest and the defender of the citizens' rights. Individually or as a group, European citizens have the right to petition the Parliament and can seek redress of their grievances on matters that fall within the European Union's

sphere of responsibility. The Parliament has also appointed an ombudsman to investigate allegations of maladministration brought by citizens.

The European Parliament attaches a high priority to maintaining links with national parliaments through regular meetings between speakers and chairmen and between parliamentary committees. These contacts are further enlivened by discussions of Union policies in major conclaves known as 'parliamentary assizes'.

The most important powers of the European Parliament fall into three categories:

- legislative power
- power over the budget
- supervision of the executive.

Legislative power

Originally, the Treaty of Rome (1957) gave the Parliament only a consultative role, allowing the Commission to propose and the Council of Ministers to decide legislation. Subsequent Treaties have extended Parliament's influence to amending and even adopting legislation so that the Parliament and Council now share the power of decision in a large number of areas.

The *consultation procedure* requires an opinion from the Parliament before a legislative proposal from the Commission can be adopted by the Council. This applies, for example, to the agricultural price review.

The *cooperation procedure* allows Parliament to improve proposed legislation by amendment. It involves two readings in Parliament, giving members ample opportunity to review and amend the Commission's proposal and the Council's preliminary position on it.

This procedure applies to a large number of areas including the European Regional Development Fund, research, the environment and overseas cooperation and development.

The *co-decision procedure* shares decision-making power equally between the Parliament and the Council. A conciliation committee - made up of equal numbers of Members of Parliament and of the Council, with the Commission present - seeks a compromise on a text that both the Council and Parliament can subsequently endorse. If there is no agreement, Parliament can reject the proposal outright.

Co-decision procedure applies to a wide range of issues such as the free movement of workers, consumer protection, education, culture, health and trans-European networks.

Parliament's assent is required for important international agreements such as the accession of new Member States, association agreements with third countries, the organization and objectives of the Structural and Cohesion Funds (funds for programmes designed to promote a more balanced

economic development within and between Member States) and the tasks and powers of the European Central Bank.

Budgetary powers

The European Parliament approves the Union's budget each year. The budgetary procedure allows Parliament to propose modifications and amendments to the Commission's initial proposals and to the position taken by the Member States in Council. On agricultural spending and costs arising from international agreements the Council has the last word, but on other expenditure - for example, education, social programmes, regional funds, environmental and cultural projects- Parliament decides in close cooperation with the Council.

In exceptional circumstances, the European Parliament has even voted to reject the budget when its wishes have not been adequately respected. Indeed, it is the President of the Parliament who signs the budget into law. Monitoring of expenditure is the continuous work of the Parliament's Committee on Budgetary Control which seeks to make sure that money is spent for the purposes agreed and to improve the prevention and detection of fraud. Parliament makes an annual assessment of the Commission's management of the budget before approving the accounts and granting it a 'discharge' on the basis of the Annual Report of the Court of Auditors.

Supervision of the executive

The Parliament exercises overall political supervision of the way the Union's policies are conducted. Executive power in the Union is shared between the Commission and the Council of Ministers and their representatives appear regularly before Parliament.

Parliament and Commission

Parliament has an important role every five years in appointing the President and members of the Commission. It exercises detailed scrutiny through a close examination of the many monthly and annual reports which the Commission is obliged to submit to the Parliament. Members may also put written and oral questions to the Commission (cc. 4 000 in a year) and they regularly interrogate Commissioners at Question Time during plenary sessions and at meetings of parliamentary committees.

If the worst comes to the worst (which has never yet occurred), Parliament can pass a motion of censure on the Commission and force it to resign.

Parliament and Council

The President in office of the Council presents his or her programme at the beginning of a presidency and gives an account of it to Parliament at the end of that period. He or she also reports

on the results of each European Council and on progress in the development of foreign and security policy.

Ministers attend plenary sessions and take part in Question Time and in important debates. They must also respond to written questions.

At the beginning of each meeting of the European Council, the President of Parliament presents the institution's main positions on the topics to be discussed by the Heads of State or Government. His or her speech often sets the tone for the important discussions of the day.

Organization of the parliament

All of the EU's major political currents are represented in the Parliament, ranging from far left to far right, and numbering close to 100 political parties. These are organized in a limited number of political groups (presently eight).

Overall management of the Parliament's activities is the responsibility of the Bureau which consists of the President and 14 Vice-Presidents. All of its Members are elected for terms of two and a half years.

The chairmen of the political groups participate with the President of Parliament in the Conference of Presidents which is responsible for organizing the Parliament's work and drawing up the agenda for plenary sessions.

Much of the effective work of Parliament is conducted in its committees covering all areas of the Union's activities, ranging from Agriculture to Common Foreign and Security Policy, from Legal Affairs and Citizens' Rights to Overseas Cooperation and Development.

Parliament maintains friendly relations with elected assemblies all over the world and European Parliamentarians meet regularly with representatives from other Parliaments in interparliamentary committees and delegations.

Public access and information

Sessions of the European Parliament are open to press and public. Daily reports are issued when Parliament is in session and periodic summaries of Parliament's activities are also available. Information is distributed by Parliament's Directorate-General for Information and Public Relations and from Parliament's offices in the capitals of Member States and Euro-Info Points.

The European Council

Since 1974, Heads of State or Government meet at least twice a year in the form of the European Council or 'European Summit'. Its membership also includes the President of the Commission. The President of the European Parliament is invited to make a presentation at the opening session.

The European Council has become an increasingly important element of the Union, setting priorities, giving political direction, providing impetus for its development and resolving contentious issues that have proved too difficult for the Council of Ministers.

The European Council submits a report to the European Parliament after each of its meetings and an annual written report on the progress achieved by the Union.

Council of the European Union

Members: ministers of the 25 Member States

Presidency: rotates every six months

Meeting places: Brussels except in April, June and October when all Council meetings takes place in Luxemburg

The Council of the European Union, usually known as the Council of Ministers, has no equivalent anywhere in the world. Here, the Member States legislate for the Union, set its political objectives, coordinate their national policies and resolve differences between themselves and with other institutions.

It is a body with the characteristics of both a supranational and intergovernmental organization, deciding some matters by qualified majority voting, and others by unanimity. In its procedures, its customs and practices, and even in its disputes, the Council depends on a degree of solidarity and trust which is rare in relations between States.

Its democratic credentials should not be in doubt. Each meeting of the Council brings together Member States' representatives, usually ministers, who are responsible to their national parliaments and public opinions. Nowadays, there are regular meetings of more than 25 different types of Council meeting: General Affairs (Foreign Affairs ministers), Economy and Finance, and Agriculture meet monthly, others such as Transport, Environment and Industry meet two to four times a year.

The Presidency

The Presidency of the Council rotates between the Member States every six months: January until June, July until December.

The Presidency's role has become increasingly important as the responsibilities of the Union have broadened and deepened. It must:

- arrange and preside over all meetings;
- elaborate acceptable compromises and find pragmatic solutions to problems submitted to the Council;
- seek to secure consistency and continuity in decision-taking.

Decision making

The Treaty on European Union based the Union's activities on three 'pillars' and established that mainly decisions should be taken either by qualified majority voting or by unanimity.

Pillar One covers a wide range of Community policies (such as agriculture, transport, environment; energy, research and development) designed and implemented according to a well-proven decision-making process which begins with a Commission proposal. Following a detailed examination by experts and at the political level, the Council can either adopt the Commission proposal, amend it or ignore it.

The Treaty on European Union increased the European Parliament's say through a co-decision procedure, which means that a wide range of legislation (such as internal market, consumer affairs, trans-European networks, education and health) is adopted both by the Parliament and the Council.

In the vast majority of cases (including agriculture, fisheries, internal market, environment and transport), the Council decides by a qualified majority vote with Member States carrying the following weightings:

- Germany, France, Italy and the United Kingdom: 29 votes
- Spain and Poland: 27 votes
- Netherlands: 13 votes
- Belgium, Czech Republic, Greece, Hungary and Portugal: 12 votes
- Austria and Sweden: 10 votes
- Denmark, Ireland, Lithuania, Slovakia and Finland: 7 votes
- Cyprus, Estonia, Latvia, Luxembourg and Slovenia: 4 votes
- Malta : 3 votes

Total 321 votes.

A minimum of 232 votes (72.3%) will be required to reach a qualified majority. In addition, a majority of Member States (in some cases two thirds) must approve the decision, and any member state can ask for confirmation that the votes cast in favour represent at least 62% of the EU's total population.

Community legislation

Community law, adopted by the Council -or by the Parliament and Council in the framework of the co-decision procedure - may take the following forms:

- regulations: these are directly applied without the need for national measures to implement them;
- directives: bind Member States as to the objectives to be achieved while leaving the national authorities the power to choose the form and the means to be used;
- decisions: these are binding in all their aspects upon those to whom they are addressed. A decision may be addressed to any or all Member States, to undertakings or to individuals;
- recommendations and opinions: these are not binding.

Community legislation, as well as the Council's common positions transmitted to the European Parliament, are published in the Official Journal in all the official languages.

Organization

Each Member State has a national delegation in Brussels known as the Permanent Representation. These delegations are headed by Permanent Representatives, who are normally very senior diplomats and whose committee, called Coreper, prepares ministerial sessions. Coreper meets weekly and its main task is to ensure that only the most difficult and sensitive issues are dealt with at ministerial level.

Coreper is also the destination of reports from the many Council working groups of national experts. These groups make detailed examinations of Commission proposals and indicate, among other things, areas of agreement and disagreement.

The work of the Agriculture Council is prepared by senior Brussels-based representatives of Member States meeting weekly in the Special Committee on Agriculture.

The Secretariat-General provides the intellectual and practical infrastructure of the Council at all levels. It is an element of continuity in the Council proceedings and has the custody of Council acts and archives. Its Legal Service advises the Council and committees on legal matters. The Secretary-General is appointed by the Council acting unanimously.

Transparency

The Council of Ministers is making strong efforts to make more of its work accessible to the citizen. Votes on legislative matters, as well as the explanations of these votes, are now automatically made public.

The public has also been given some rights of access to Council documents and some Council discussions are transmitted audiovisually. Other attempts to improve transparency include briefings for journalists and the provision of background notes on subjects under discussion.

In addition, the Council's Press Service produces comprehensive press releases following Council meetings which are available on demand and through databases.

European Commission

Number of Members: 25

Number per country: one from each of the other Member States

Term of Office: 5 years

Headquarters: Brussels

The role and responsibilities of the European Commission place it firmly at the heart of the European Union's policy-making process. In some respects, it acts as the heart of Europe, from which the other institutions derive much of their energy and purpose.

The Council and the European Parliament need a proposal from the Commission before they can pass legislation. EU laws are mainly upheld by Commission action, the integrity of the single market is preserved by Commission policing, agricultural and regional development policies are sustained, managed and developed by the Commission as is development cooperation with the countries of Central and Eastern Europe, Africa, the Caribbean and Pacific. Research and technological development programmes, vital for the future of Europe, are orchestrated by the Commission.

The Commission, in close collaboration with the European Council, frequently provides the impulse towards further integration at the crucial moments when it is needed.

Members of the Commission

It is the 25 Members of the Commission who provide its political leadership and direction.

They bring a powerful mix of experience to their tasks, having been members of their national parliaments or of the European Parliament and, in many cases, after having held senior ministerial offices in their home countries.

They are obliged to be completely independent of their national governments and to act only in the interests of the European Union. Such impartiality and commitment enables the Commission to be an effective honest broker, mediating conflicts of interest between Member States when needed.

The Commission meets once a week to conduct its business, which may involve adopting proposals, finalizing policy papers and discussing the evolution of its priority policies.

Commissioners are expected to give full support to all policies, even when they are adopted by a majority.

Democratic accountability

The Commission's democratic legitimacy is being increasingly strengthened by more determined and thorough Parliamentary vetting of the President and his colleagues. The full Commission has to be approved by the European Parliament before its members can take office. They can be required to resign en bloc by a parliamentary vote of censure, a power which has never yet been used.

Commission organization

With its staff of 20 000, the Commission is the largest of the Union's institutions. The employment total, however, is modest, given the wide range of its responsibilities and also bearing in mind that one fifth work in the translation and interpretation services. Their work is essential to the Commission which must be able to reach all of the citizens of the Union in their own languages.

The Commission is divided into 36 directorates-generals (DG) and specialized services. Each DG is headed by a director-general, reporting to a Commissioner who has the political and operational responsibility for the work of the DG.

The work of the Commission

The Commission is not an all-powerful institution. Its proposals, actions and decisions are in various ways scrutinized, checked and judged by all of the other institutions, with the exception of the European Investment Bank. Nor does it take the main decisions on Union policies and priorities - this is the prerogative of the Council and, in some cases, of the European Parliament.

The classic description of the Commission's role identifies three distinct functions:

- initiating proposals for legislation;
- guardian of the Treaties;
- the manager and executor of Union policies and of international trade relationships.

The Commission works very closely with the Court of Auditors to eliminate fraud in the demands made on the Union's budget.

Legislative initiative

The legislative process begins with a Commission proposal - Community law cannot be made without one. In devising its proposals, the Commission has three constant objectives: to identify the European interest, to consult as widely as is necessary and to respect the principle of subsidiarity.

The European interest means that a legislative proposal reflects the Commission's judgement of what is best for the Union and its citizens as a whole, rather than for sectoral interests or individual countries.

Consultation is essential to the preparation of a proposal. It listens to governments, industry, trade unions, special interest groups and technical experts before completing its final draft.

Subsidiarity is enshrined in the Treaty on European Union and is applied by the Commission in such a way as to ensure that the Union takes action only when it will be more effective than if left to individual Member States.

Once the Commission has formally sent a proposal for legislation to the Council and the Parliament, the Union's law-making process is very dependent on effective cooperation between the three institutions.

The Commission does not have an exclusive right of initiative in the two areas of intergovernmental cooperation covered by the Treaty on European Union - Common Foreign and Security Policy and cooperation on Justice and Home Affairs. But it can submit proposals in the same way as national governments and it participates in discussions at all levels.

Guardian of the treaties

It is the Commission's job to ensure that Union legislation is applied correctly by the Member States. If they breach their Treaty obligation, they will face Commission action, including legal proceedings at the Court of Justice.

In certain circumstances, the Commission can fine individuals, firms and organizations for infringing Treaty law, subject to their right to appeal to the Court of Justice. The Commission also maintains a close scrutiny over government subsidies to industry and certain kinds of State aid must, by Treaty, receive its assent.

Manager and negotiator

The Commission manages the Union's annual budget' (ECU 86 billion in 1996) which is dominated by farm spending allocated by the European Agricultural Guidance and Guarantee Fund and by the Structural Funds, designed to even out the economic disparities between the richer and poorer areas. Its executive responsibilities are wide: it has delegated powers to make rules which fill in the details of Council legislation; it can introduce preventive measures for a limited period to protect the Community market from dumping by third countries; it enforces the Treaty's competition rules and regulates mergers and acquisitions above a certain size.

The Union's effectiveness in the world is enhanced by the Commission's role as negotiator of trade and cooperation agreements with other countries, or groups of countries.

Public access and information

Believing that greater transparency and openness will close the gap between the European institutions and ordinary citizens, the Commission has taken a number of steps to improve public access to its documents. Its approach is based on the principle that the citizen's access to documents will be constrained only by the need to protect certain public and private interests.

The Court of Justice

Court of Justice: 25 judges and 8 advocates general

Court of First Instance: 25 judges

Members of both Courts are appointed by the Member States for renewable terms of six years

Address: Luxemburg

The Union, like the European Communities on which it is founded, is governed by the rule of law. Its very existence is conditional on recognition by the Member States, by the institutions and by individuals of the binding nature of its rules.

The role of the Court is to provide the judicial safeguards necessary to ensure that the law is observed in the interpretation and application of the Treaties and, generally in all of the activities of the Community.

The success of Community law in embedding itself so thoroughly in the legal life of the Member States is due to its having been perceived, interpreted and applied by the citizens, the administrative authorities and the courts of all of the Member States as a uniform body of rules upon which individuals may rely in their national courts. The decisions of the Court have made Community law

a reality for the citizens of Europe and often have important constitutional and economic consequences.

The Court may be called upon to decide cases brought by the Member States, by the Community institutions and by individuals and companies. It ensures uniform interpretation of Community law throughout the Community by close cooperation with national courts and tribunals through the preliminary ruling procedure.

The *Court of Justice* worked alone until 1 September 1989 when the Council attached to it a Court of First Instance in order to improve the judicial protection of individual interests and to enable the Court of Justice to concentrate its activities on its fundamental task of ensuring uniform interpretation of Community law.

The Court of Justice is composed of 25 judges and 9 advocates general appointed by common accord of the Member States for a renewable term of six years. Their independence must be beyond doubt and they must be qualified for the highest judicial offices in their respective countries or be jurists of recognized competence. The judges elect the President of the Court from among their number for a term of three years. The President directs the work of the Court and presides at hearings and deliberations. The Court is assisted by the advocates general whose task is to deliver independent and impartial opinions on cases brought before it.

The *Court of First Instance* now has jurisdiction to deal with all actions brought by individuals and companies against decisions of the Community institutions and agencies. Its judgments may be subject to an appeal brought before the Court of Justice but only on a point of law.

The Court of First Instance has 25 judges appointed by the Member States for the same renewable term of office. This Court also elects its President, however there are no advocates general.

The Court of Justice may sit in plenary session or in chambers of three or five judges. It sits in plenary session when it so decides or if a Member State or an EU institution which is a party to the proceedings so requests. For its part the Court of First Instance sits in chambers of three or five judges. It may sit in plenary session for certain important cases.

Broadly speaking two types of cases may be brought before the Court of Justice:

- either direct actions may be brought directly before the Court by the Commission, by other Community institutions or a Member State. Cases brought by individuals or companies challenging the legality of a Community act are brought directly before the Court of First Instance. If an appeal is lodged against a decision of the Court of First Instance it is dealt with by the Court of Justice according to a procedure similar to that of other direct actions;
- or preliminary rulings may be requested by courts or tribunals in the Member States when they need a decision on a question of Community law in order to be able to give a judgment. The Court of Justice is not a court of appeal from the decisions of national courts and can only rule

on matters of Community law. Having given its decision the national court is bound to apply the principles of Community law as laid down by the Court in deciding the case before it.

In a direct action the language of the case is chosen by the applicant whereas in preliminary rulings the Court of Justice uses the same language as the national court which referred the case. Thus any of the Community's languages may be used. Written exchanges are an important part of the Court's procedures, both for pleadings and for the submission of observations. After the end of the written phase, cases are argued orally in open court.

Following the hearing, the advocate general delivers an impartial and independent opinion in open court on the arguments submitted and on the interpretation of the relevant rules before recommending a decision for adoption by the Court. Although the advocate general's opinion is not binding upon the Court, his advice is extremely persuasive and is most often followed by the Court. The judges consider the case in closed deliberation and then deliver judgment in open court. The text of the judgment includes the reasoning upon which it is based and copies of the text are available in all of the official languages.

VETERINARY LEGISLATION OF THE EU

- Development of veterinary functions within the EU
- Future veterinary legislation in the EU
- International cooperation
- Cooperation with Third Countries
- Veterinary services of the EU Commission
- The Standing Committee on Food Chain and Animal Health

The main areas of the EU veterinary legislation:

- The single market
- Import from third countries
- Reporting and recording of animal diseases
- Animal Health certificates
- Preventive and control measures for the contagious animal diseases
- National eradication plans
- Animal welfare
- Residuum
- Animal breeding, zoo-sanitary rules
- Standards of diagnostic tests, vaccinations
- Reference laboratories
- The Veterinary committees of the EU
- Financial measurements, monetary support
- Others

THE FUNCTIONS OF THE VETERINARY SERVICES IN THE EU

The duties of the national central veterinary office

head: Chief Veterinary Officer

functions:

- preparation of veterinary legislation and transposition of EU directives into national law,
- supervision and coordination of the activities of the veterinary services at regional and district levels,
- decision-making in emergency situations,
- the coordination and cooperation with the network of diagnostic laboratories, according to contingency plans,
- negotiations with the Third Countries and national representative to various international organisations, e.g. OIE, FAO and WHO.

Duties of the regional veterinary office

Regional Veterinary Officer

- ◇ animal health
- ◇ veterinary public health
- ◇ animal welfare

Duties of the district veterinary office

District Veterinary Officer

- ◇ animal health
- ◇ veterinary public health
- ◇ animal welfare

The animal health/animal welfare section

- To execute the veterinary controls and check relating to surveillance and notification of certain animal diseases in the district.
- To organise instant measures when notifiable diseases are suspected and confirmed and to implement measures to control, prevent and eliminate notifiable diseases according to contingency plans.

- To organise monitoring for certain contagious diseases, to arrange the elimination of infected animals and herds and to institute preventive vaccination or other treatments of animals according to EU approved national disease control and eradication schemes.
- To carry out epidemiologic investigations in order to trace sources of infections and contagious contacts to other animals and holdings in relation to appearance of various infectious or contagious diseases in the district. To supervise and check - when relevant - movement of animals and certain animal products in order to identify animal health risks.
- To issuing animal health certificates signed by official veterinarians in accordance with the EU criteria.
- To supervise the veterinary practitioners in the area with special regard to cooperation and advice in case of apparition of notifiable diseases or suspicion thereof and in relation to use of certain veterinary medicinal products for treatment of diseases or for growth promotion purposes in livestock holdings within the area.
- To supervise veterinary surgeons who are accredited to carry out statutory work in the area, i.e. tuberculin testing and other diagnostic work related to systematic disease eradication schemes and provisions for back-up documentation for issuing animal health certificate in relation to trade.

The veterinary public health section

- To enforce veterinary surveillance and checks on products, and notification of consumer health hazards including zoonoses in the district.
- To organise instant measures when consumer health hazards are suspected and confirmed, and to control, prevent and eliminate consumer health hazards according to emergency plans.
- To supervise and coordinate the veterinary meat inspection services at slaughterhouses and meat product plants in the district, and to supervise veterinary surgeons who are appointed to carry out supervision of food and inspection of meat in the area.
- To supervise the official veterinarians issuing hygiene certificates in accordance with the EU criteria.
- To supervise and check movement of products of animal and fish origin in order to verify the identity and origin.
- To supervise the use of certain veterinary medicinal products for treatment of diseases or for growth promotion purposes in livestock holdings within the area, and to organise the sampling of animals and food submitted to analytical checks.

DISEASE CONTROL STRATEGIES

Eradication:

- Extinction of infectious agent
- Reduction of prevalence to a level at which transmission does not occur
- Reduction of prevalence to a level at which disease ceases to be a major health problem
- Regional extinction of infectious agent

1. Doing nothing
2. Quarantine
3. Slaughter
4. Vaccination
5. Therapeutic and prophylactic chemotherapy
6. Control movement of hosts
7. Mixed, alternate and sequential grazing
8. Control of biological vectors
9. Control of mechanical vectors
10. Fomite disinfection
11. Improvement in environment, husbandry and feeding
12. Genetic improvement removal of a genetic defect, genetic screening
13. Minimal disease methods

Important factors in control and eradication programmes:

1. Level of knowledge about the disease
2. Veterinary infrastructure
3. Diagnostic feasibility
4. Availability of replacement stock
5. Producer's views
6. Public opinion
7. Public health significance
8. Existence of suitable legislation with provision for compensation
9. Possible ecological consequences
10. Economic costs and availability of funds for the programme

COMMON RULES FOR DISEASE CONTROL

1. NOTIFICATION
2. HARMONIZED CONTROL MEASURES
3. UNIFORMITY OF DIAGNOSTIC PROCEDURES
4. CONTINGENCY PLANS
5. EPIDEMIOLOGICAL UNITS
6. FINANCIAL SUPPORT

DISEASE OUTBREAK

1. SUSPICION
2. CONFIRMATION
3. EPIDEMIOLOGICAL INVESTIGATION
4. STAMPING-OUT
5. ZONES WITH MOVEMENT RESTRICTIONS

REGIONALISATION

- APPLY STRICT CONTROLS TO A DEFINED AREA OF THE COMMUNITY TO CONTROL AND ERADICATE A DISEASE
- PREVENT SPREAD OF DISEASE FROM THE DEFINED AREA
- PERMIT FREE MOVEMENT OF ANIMALS/PRODUCTS OUTSIDE THE DEFINED AREA

VETERINARY PUBLIC HEALTH

Veterinary public health (VPH) has been defined as that part of public health action which is committed to the protection and improvement of human health through application of the capabilities, knowledge and professional resources of veterinary science .

Animal production:

- control and eventual eradication of specific zoonoses
- prevention of occupational hazards and diseases connected with live animals and their products in both rural and urban environments
- establishment of diagnostic, surveillance and information systems
- control of animal populations which may serve as disease reservoirs

Veterinary food hygiene:

- prevention and control of zoonoses and other diseases transmitted by food of animal origin
- inspection of food premises
- ante-mortem and post-mortem inspection of meat and poultry
- prevention of chemical residues in food
- supervision of the hygiene aspects of food export and import
- cooperation with epidemiological services in surveillance
- participation in investigations of disease outbreaks

Environment:

- control of zoonoses of environmental
- control of vertebrate and invertebrate vectors of zoonoses
- safe collection and disposal of dead animals, condemned meat and of other animal wastes, and the control of environmental pollution
- preservation of urban and rural environments, by controlling wild animal and bird populations
- use of animals to monitor environmental hazards
- zoonoses control in non-production animals

Biomedical research:

- development of improved diagnostic procedures and research on the production of biological products
- ecological and epidemiological research on reservoirs of infection
- comparative medicine and biology
- reproductive physiology
- laboratory animal medicine

Emergency actions: intervention and preventive measures in outbreaks

ZOOSES CONTROL

Any infectious disease which animals can transmit to human beings is called a zoonosis.

Operational phases :

- surveillance
- control in animals
- control of infective media
- prevention in man
- strategy selection

Surveillance

- Testing
- Slaughterhouse surveys
- Isolation and typing of the zoonotic agent
- Epidemiological studies
- Collection of statistical data on dog and other animal populations
- The use of animals for monitoring zoonotic infections
- Human disease serves to monitor the presence of the infection in animal
- Notification

Control in animals

- Quarantine
- Test and destruction of diseased or infected animals is often recommended to control certain zoonoses (brucellosis, glanders, leishmaniosis, salmonellosis of poultry, bovine tuberculosis).
- Test and segregation of infected stock
- Immunisation of exposed animals
- Treatment of sick and infected animals
- Restriction of animal movements
- Control of animal populations
- The prohibition to slaughter diseased animals

- Decontamination of feed
- Raising of pathogen-free animals
- The development of intensive farming techniques

Control of vectors and vehicles

- Hygiene and control of the environment
- Destruction of pathogenic material
- Disinfection of contaminated areas
- Feed hygiene
- Arthropod control

Prevention in man

- Health education, public awareness of health risks
- Occupational health education
- Vaccination
- Post-exposure treatment
- Proper food hygiene
- Arthropod control
- Rodent and lagomorph control
- Proper pet feeding

Strategy selection

- eradication
- coexistence with the disease, with acceptable consequences
- no specific action

COMMUNITY MEASURES FOR THE CONTROL OF CERTAIN ANIMAL DISEASES

Definitions:

- **'receptive animal'** means any animal of a susceptible species which is not vaccinated or which is vaccinated but whose immunization cover is considered to be inadequate by the competent authority

- **'infected animal'** means any animal of a susceptible species
 - in which clinical symptoms or post-mortem lesions which may arise from the disease have been ascertained or
 - in which the presence of the disease has been officially ascertained following a laboratory examination

- **'animal suspected of being infected'** means any animal of a susceptible species showing clinical symptoms or post-mortem lesions which are such that the presence of the disease may reasonably be suspected

- **'animal suspected of being contaminated'** means any animal of a susceptible species which may - according to the epizootiological information collected - have been directly or indirectly exposed to the causative agent

- **'incubation period'**: the period of time likely to elapse between exposure to the agent of the disease and the onset of clinical symptoms.

- **'infective period'** means the longest period during which an affected animal can be a source of infection.

- **'case'** means the official confirmation of any of the diseases which is subject of the notification in any animal or carcass;

- **'outbreak'** means the holding or place situated in the territory of the Community where animals are assembled and where one or more cases has or have been officially confirmed;
- **'primary outbreak'** means an outbreak not epizootiologically linked with a previous outbreak in the same region of a Member State or the first outbreak in a different region of the same Member State.
- **'confirmation of infection'** means the declaration, by the competent authority, of the presence of the disease, based on laboratory results; however, in the event of an epidemic the competent authority may also confirm the disease on the basis of clinical and/or epidemiological results;
- **'competent authority'** means the central authority of a Member State responsible for carrying out veterinary checks or any veterinary authority to which it has delegated that responsibility;
- **'official veterinarian'** means the veterinarian appointed by the competent authority.
- **'quarantine establishment'** means a building or a collection of buildings where animals are maintained in complete isolation, with no direct or indirect contact with other animals, in order to undergo observation for various lengths of time and to be subjected to various control tests so that the Official Veterinarian may be assured that they are not affected with certain diseases.
- **'stamping-out policy'** means the carrying out under the authority of the Veterinary Administration, on confirmation of a disease, of animal health prophylactic measures, consisting of killing the animals which are affected and those suspected of being affected in the herd and, where appropriate, those in other herds which have been exposed to infection by direct animal to animal contact, or by indirect contact of a kind likely to cause the transmission of the causal pathogen. All susceptible animals, vaccinated or unvaccinated on an infected premises should be killed and the carcasses destroyed by burning or burial, or by any other method which will eliminate the spread of infection through the carcasses or products of the animals killed. This policy should be accompanied by the cleansing and disinfection procedures.

DISEASE	MAXIMUM INCUBATION PERIOD
Swine vesicular disease	28 days
Teschen disease	40 days
Lumpy skin disease	28 days
Sheep pox and goat pox (Capripox)	21 days
Rinderpest	21 days
Peste des petits ruminants	21 days
Bluetongue	40 days
Vesicular stomatitis	21 days
Rift valley fever	30 days
Epizootic haemorrhagic disease of deer	40 days

Member States shall ensure that it is compulsory for the suspected presence of any of the listed diseases to be notified immediately to the competent authority.

A. 1. When animals on a holding are **suspected of being infected or contaminated** with one of the diseases, Member States shall ensure that the official veterinarian immediately activates official investigation arrangements to confirm or rule out the presence of the disease in question and, in particular, must take or have taken the samples necessary for laboratory examination.

2. As soon as the suspected presence of the disease is notified, the competent authority shall have the holding placed under official surveillance and shall in particular require that:

- a) a census be made of all categories of animals of susceptible species and that, in respect of each of these categories, the number of animals already dead, infected or liable to be infected or contaminated be recorded; the census must be kept up to date to take account of animals born or dying during the period of suspicion; the information in the census must be kept up to date and produced on request and may be checked at each visit;
- b) all animals of susceptible species on the holding be kept in their living quarters or confined in some other place where they can be isolated taking into account the possible role of vectors, where appropriate;
- c) no animals of susceptible species enter or leave the holding;

d) all movement:

- of persons, animals of other species not susceptible to the disease and vehicles to or from the holding,
- of meat or animal carcasses, or of animal feed, equipment, waste, droppings, litter, manure, or anything liable to transmit the disease in question

be subject to authorization by, the competent authority, which shall lay down the conditions for preventing any risk of the disease spreading; appropriate means of disinfection be installed at the entrances and exits of buildings or places housing animals of susceptible species and of the holding itself;

a) an epizootiological inquiry be carried out.

Until such time as the official measures are enforced, the owner or keeper of any animal in which disease is suspected shall take every, appropriate measure to ensure compliance with the abovementioned requirements.

The competent authority may apply any of the measures provided for in paragraph 2 to other holdings should their location, their configuration or contacts with the holding where the disease is suspected give reason to suspect possible contamination.

The measures referred to in paragraphs 1 and 2 shall not be withdrawn until the suspicion of the presence of the disease has been ruled out by the official veterinarian.

B. 1. Once it has been **officially confirmed** that one of the diseases listed is present on a holding, Member States shall ensure that, in addition to the measures laid down in "A", the competent authority requires application of the following measures:

- a) all animals of susceptible species on the holding shall be killed on the spot, without delay. The animals which have died or been killed shall either be burnt or buried on the spot, if possible, or destroyed in a carcass disposal plant. These operations shall be carried out in such a way as to minimize the risk of disseminating the agent of the disease;
- b) any substance or waste, such as animal feed, litter, manure or slurry, which is liable to be contaminated, shall be destroyed or treated appropriately. This treatment, carried out in accordance with the instructions of the official veterinarian, must ensure that any agent or vector of the agent of the disease is destroyed;
- c) after carrying out operations listed in subparagraphs (a) and (b), the buildings used for housing animals of susceptible species, their surroundings, the vehicles used for transport and

all equipment liable to be contaminated shall be cleaned and disinfected;

d) an epizootiological inquiry shall be carried out

2. When recourse is had to burial, it must be deep enough to prevent carnivorous animals from digging up the carcasses or waste must be in suitable ground so as to prevent contamination of water tables or any environmental nuisance.

3. The competent authority may extend the measures provided for in paragraph 1 to other neighbouring holdings should their location, their configuration or contacts with the holding where the presence of the disease has been confirmed give reason to suspect possible contamination.

4. The restocking of the holding shall be authorized by the competent authority, following the satisfactory inspection by the official veterinarian of the cleaning and disinfection operations carried out.

5. Where animals living in the wild are infected or suspected of being infected, Member States shall ensure that appropriate action is taken. Member States shall inform the Commission and the other Member States, in the Standing Veterinary Committee.

6. The **epizootiological inquiry** shall deal with:

- (a) the length of time during which the disease may have existed on the holding before being notified or suspected;
- (b) the possible origin of the disease on the holding and the identification of other holdings on which there are animals of susceptible species which may have become infected or contaminated;
- (c) the movement of persons; animals, carcasses, vehicles, equipment or any other substances likely to have carried the agent of the disease to or from the holdings in question;
- (d) the presence and distribution of disease vectors as appropriate.

7. A crisis unit shall be established in order to provide full coordination of all measures necessary to ensure eradication of the disease as quickly as possible and for the purpose of carrying out the epizootiological inquiry.

8. Where the official veterinarian finds, or considers on the basis of confirmed data, that disease could have been introduced from other holdings onto the holding where the disease is suspected or

from the latter onto other holdings as a result of the movement of persons, animals or vehicles or in any other way, those other holdings shall be placed under official surveillance; this surveillance shall not be lifted until the suspected presence of disease on the holding has been officially ruled out.

9. Where the official veterinarian finds, or considers on the basis of confirmed data, that disease could have been introduced from other holdings on to the where the disease is confirmed or from the latter onto other holdings as a result of the movement of persons, animals or vehicles or in any other way, those other holdings shall be placed under official surveillance; this surveillance shall not be lifted until the suspected presence of disease on the holding has been officially ruled out.

10. When a holding has been subject to the provisions of paragraph 9, the competent authority shall keep the provisions of "A" in force on the holding for at least the maximum incubation period pertaining to each disease following the likely time of introduction of infection as established by the epizootiological inquiry carried out.

C. 1. Once the diagnosis of one of the diseases in question has been officially confirmed, Member States shall ensure that the competent authority establishes around the infected holding a protection zone with a minimum radius of 3 kilometers, itself contained in a surveillance zone with a minimum radius of 10 kilometers. The establishment of the zones must take account of geographical, administrative, ecological and epizootiological factors relating to the disease in question, and of monitoring facilities.

2. Where the zones are situated in the territory of more than one Member State, the competent authorities of the Member States concerned shall cooperate in establishing the zones referred to in paragraph 1.

3. Member States shall ensure that the following measures are applied in the **protection zone**:

- (a) all holdings within the zone having animals of susceptible species shall be identified;
- (b) there shall be periodic visits to holdings having animals of susceptible species, a clinical examination of those animals including, if necessary, the collection of samples for laboratory examination; a record of visits and findings must be kept, with the frequency of visits being proportional to the seriousness of the epizootic on those holdings at greatest risk;
- (c) the movement and transport of animals of susceptible species on public or private roads, excluding the service roads of holdings, shall be prohibited; the competent authority may,

however, grant a derogation from that prohibition for the transit of animals by road or rail without unloading or stopping;

- (d) animals of susceptible species must remain on the holding on which they are being kept, except to be transported under official supervision directly to a slaughterhouse located in that zone for emergency slaughter or, if that zone has no slaughterhouse under veterinary supervision, to a slaughterhouse in the surveillance zone designated by the competent authority. Such transport may be authorized by the competent authority only after the official veterinarian has carried out an examination of all the animals of susceptible species on the holding and confirmed that none of the animals is suspected of being infected.

The competent authority responsible for the slaughterhouse shall be informed of the intention to send animals to it.

The measures applied in the protection zone shall be kept in force for at least the maximum incubation period pertaining to the disease in question after animals from the infected holding have been disposed of in accordance with "B" and cleaning and disinfection operations have been carried out.

However, where the disease is transmitted by an insect vector, the competent authority may fix the duration of the measures and lay down provisions for the possible introduction of sentinel animals. Member States shall forthwith inform the Commission and the other Member States, within the Standing Veterinary Committee, of the measures they have taken.

On expiry of the period, the rules applied to the surveillance zone shall also apply to the protection zone.

4. Member States shall ensure that the following measures are applied in **the surveillance zone**:

- (a) all holdings having animals of susceptible species shall be identified;
- (b) the movement of animals of susceptible species on public roads shall be prohibited except for the purpose of leading them to pasture or animal buildings; the competent authority may, however, grant a derogation from that prohibition for the transit of animals by road or rail without unloading or stopping;
- (c) the transport of animals of susceptible species within the surveillance zone shall be subject to authorization by the competent authority;
- (d) animals of susceptible species must remain inside the surveillance zone for a maximum incubation period after the most recent recorded case of disease. Thereafter, animals may be removed from that zone to be transported under official supervision directly to a slaughterhouse designated by the competent authority for emergency slaughter. Such

transport may be authorized by the competent authority only after the official veterinarian has carried out an examination of all the animals of the susceptible species on the holding and confirmed that none of the animals is suspected of being infected. The competent authority responsible for the slaughterhouse shall be informed of the intention to send animals to it.

The measures applied in the surveillance zone shall be kept in force for a period at least equal to the maximum incubation period after animals from the holding have been disposed of in accordance with "B" and cleaning and disinfection operations have been carried out.

However, where the disease is transmitted by an insect vector, the competent authority may fix the duration of the measures and lay down provisions for the possible introduction of sentinel animals. Member States shall forthwith inform the Commission and the other Member States, within the Standing Veterinary Committee, of the measures they have taken.

Where the prohibitions provided for in 3 (d) and 4 (d) are maintained beyond 30 days because of the occurrence of further cases of the disease and as a result problems arise in keeping the animals the competent authority may, following an application by the owner explaining the grounds for such applications, authorize the removal of the animals from a holding within the protection zone or the surveillance zone, provided that:

- the official veterinarian has verified the facts;
- an inspection of all animals on the holding has been carried out;
- the animals to be transported have undergone a clinical examination, with negative result;
- each animal has been marked by ear marking or has been identified by any other approved method;
- the holding of destination is located either in the protection zone or within the surveillance zone.

All the necessary precautions must be taken, in particular by cleaning and disinfecting lorries after transport, to avoid the risk of spreading the agent of the disease course of such transport.

Member States shall ensure that the competent authority takes all the necessary measures to keep at least persons established in the protection and surveillance zones informed of the restrictions in force and makes all necessary arrangements for the appropriate implementation of those measures.

D.1. Member States shall ensure that:

- (a) the disinfectants and insecticides to be used and, where appropriate, their concentrations, are

officially approved by the competent authority;

(b) the **cleaning, disinfection and disinsectization** operations are carried out under official supervision:

- in accordance with the instructions given by the official veterinarian, and
- in such a way as to eliminate any risk of spread or survival of the agent of the disease;

(c) on completion of the operations in (b), the official veterinarian makes sure that the measures have been carried out properly and that an appropriate period, of not less than 21 days, has elapsed to ensure that the disease in question has been completely eliminated before animals of susceptible species are re-introduced.

2. Member States shall ensure that in each Member State there is designated a **national laboratory** with facilities and expert personnel enabling it to show at all times, and especially when the disease in question first appears, the type, sub-type and variant of the relevant virus.

3. **Vaccination** against the diseases listed may not be carried out except as a supplement to control measures taken when the disease in question broke out, in accordance with the following provisions:

(a) the decision to introduce vaccination as a supplement to control measures shall be taken by the Commission, in cooperation with the Member State concerned,

(b) this decision shall be based on the following criteria in particular:

- the concentration of animals of the species concerned in the affected zone,
- the characteristics and composition of each vaccine used,
- the procedures for supervision of the distribution, storage and use of vaccines,
- the species and age of the animals which may or must be vaccinated,
- the areas in which vaccination may or must be carried out,
- the duration of the vaccination campaign.

In the case referred to in paragraph 3:

(a) the vaccination or re-vaccination of animals of susceptible species on the holdings where the disease is suspected shall be prohibited;

(b) hyper-immune serum injection shall be prohibited.

In the event of recourse to vaccination, the following rules shall apply:

(a) all vaccinated animals must be identified by a clear and legible mark

(b) all vaccinated animals must remain within the vaccination zone unless sent to a

slaughterhouse designated by the competent authority for immediate slaughter, in which case the movement of animals may be authorized only after the official veterinarian has carried out an examination of all the susceptible animals on the holding and confirmed that none of the animals is suspected of being infected.

Member States shall inform the Commission on a regular basis, within the Standing Veterinary Committee, of progress as regards the vaccination measures.

4. Each Member State shall draw up a **contingency plan** applicable to all the diseases listed.

PROTECTION OF ANIMALS

Scope

- animals kept for farming purposes;
- animals intended for research or experimental purposes, animals used for the purpose of investigation or the manufacture of vaccines, animals constituting a gene bank, as well as animals kept for the purposes of dissemination of scientific information and educational demonstrations;
- animals kept for competitive and sporting purposes;
- herding, guard, rescue, guide and therapeutic dogs;
- dogs used for hunting, except if otherwise provided by statute;
- circus or show animals;
- animals serving for military, police and national security duties or used as guards in public interest;
- pet animals;
- dangerous animals, unowned individuals of a domesticated species (strays), animals living (breeding) in zoos, game reserves or game parks, furthermore any individual of a wild species kept in captivity for whatever reason, except if otherwise provided by statute.

General rules regarding the keeping of animals

The keeper of an animal is obliged to exercise good stockmanship, to ensure that the living conditions of the animal are appropriate to its species, breed, and physiological needs.

The living conditions of an animal must be designed to take into account its age, sex, and physiological state. Animals that are naturally hostile to, or disturb one another should be housed separately.

The keeper of an animal has to ensure that it is regularly inspected as often as necessary but at least once daily.

Animals must be provided appropriate, safe, and escape-proof accommodation by their keeper.

Animals that are tethered or otherwise restricted in their movement must be allowed to rest undisturbed and to move without injuring themselves.

Animals kept outdoors must be protected from the adverse effects of weather and from predators. The keeper of an animal that is permanently confined must provide an area appropriate to accommodate the animal's movements.

The excreta of a pet animal must be disposed of from public areas by its keeper.

For the keeping of farm animals preference has to be given for welfare-friendly husbandry methods.

Humane treatment and prohibition of cruelty to animals

damaging an animal: prolonged and detrimental alteration of an animal's physical fitness, constitution, psychic state or behaviour

cruelty to an animal: unnecessary, painful abuse of the animal or any intervention, treatment, or restriction of the animal's needs to the extent that causes continued fear, or is detrimental to the animal's health, furthermore the breeding or propagating of animals suffering from hereditary disease, except for experimental purposes

Animals must not be:

- tortured,
- set against people or animals, or trained for animal fights,
- force fed except for health reasons,
- moved, transported, or housed in a way which does not ensure their humane treatment,
- forced to perform work that is recognizably beyond their ability,
- habituated to perform unnatural or self-destructive activities.

It is forbidden to try an animal's physical and psychological state, or to induce it to fight another animal or person in a way causing injury or death (in the following together: animal fight). It is forbidden to organize, hold, assist in, arrange betting for, take part in, or bet for an animal fight.

For the purpose of animal fight it is forbidden

- to keep, breed, train, consign to another, or to trade an animal;
- to make a building, territory, or material means available for another.

The prohibition does not apply to the training of animals used for hunting that is dealt with by the provisions of a separate statute and for the use of such animals for hunting.

Ownership of animals kept in the environment of humans should be retained and their keeping continued. It is forbidden to chase away, put out, or abandon animals.

Intervention on the animal

Harmful or painful interventions, apart from routine husbandry procedures and immediate interventions in the interest of the animal, may only be undertaken by a competent persons with special qualification or skill.

Interventions without the use of an anaesthetic may only be done if the application of an anaesthetic or the necessary fixation of the animal would cause at least as much pain as the intervention itself. Interventions on farm animals that may be done without the use of an anaesthetic are dealt with a separate statute.

Cosmetic or other surgical interventions that are not in the interest of the animal's health therapeutically or prophylactically may not be done, except for neutering and maintenance of breed characteristics.

Killing of animals

Animals must not be killed unless justified by acceptable goals. As acceptable goals qualify especially food production, fur production, population control, incurable disease, injury, risk of infection, pest control, prevention of otherwise unavoidable attack, and scientific research.

Animals may only be killed after stunning.

The obligation of stunning does not apply to invertebrate animals, to poultry and rabbits killed for food in the household, and in cases where rapid killing of the animal is dictated by an emergency. However, it must be ensured in these cases as well that killing of the animal is done with skill, rapidly, and with the least suffering.

The animal health authority has to ensure that animals whose further life would be accompanied with continuous suffering with no relief available, that are incurably ill, whose owners are not known, or are unowned, or the wild animals that are unfit for life in the wild, are painlessly killed.

The termination of life of animals may be initiated by their owner, the notary, or the regional authority of the state responsible for nature preservation.

Keeping of dangerous animals

The keeping of dangerous animals and their import into the country is subject to prior issue of an official license.

Dangerous animals not covered by nature preservation statutes or international conservation agreements may only be kept with a license from the notary of the municipality, or the notary of the district in the capital, that is competent according to the place of intended keeping of the animal. Issuing of the license is subject to prior approval of the animal health authority and the competent authority of the state responsible for nature preservation. The license can only be issued if the keeping of the animal does not violate or threaten the peace and safety of the environment and if the living conditions of the individual, including the skill necessary for its keeping, are guaranteed. If there exist means that allow identification of the animal provision has to be made in the license regarding the method used to allow identification.

Dangerous animals not covered by nature preservation statutes or international conservation agreements may only be imported into the country with a license from the notary of the municipality that is competent according to the place of intended keeping of the animal. Issuing of the license is subject to prior approval of the animal health authority and the competent authority of the state responsible for nature preservation. The notary forwards his resolution to the competent police authority.

Dangerous animals covered by nature preservation statutes or international conservation agreements may be kept with a license from the competent authority of the state responsible for nature preservation subject to prior approval of the notary of the municipality that is competent according to the place of intended keeping of the animal.

A conspicuous, permanent sign must be placed on the premises or part of the premises where the animal is kept calling attention to danger and indicating the species of the animal.

Dangerous animals covered by nature preservation statutes or international conservation agreements may be imported into the country with a license from the competent authority of the state

responsible for nature preservation subject to prior approval of the notary of the municipality that is competent according to the place of intended keeping of the animal.

The keeper of a dangerous animal may only let his animal enter and remain in public areas temporarily, under constant and direct supervision, and so as not to endanger human and animal life and health.

The keeper of a dangerous animal has to make sure that his animal cannot gain access to public areas or to the private territory of others. Failing this, no license may be issued to allow the keeping of a dangerous animal.

Alienation or the transfer of supervision of a dangerous animal is subject to issuing of an official license to which the licensing requirements of the keeping of dangerous animals apply.

The keeper of a dangerous animal must notify the notary and the police, in case of a dangerous animal covered by nature preservation statutes or international conservation agreements the competent authority of the state responsible for nature preservation also, about the disappearance of the dangerous animal; the notary and the veterinarian about the death of the dangerous animal.

If the keeper of a dangerous animal deviates from the prerequisites of the license the notary may order, at the owner's expense, transfer of the dangerous animal to a zoo, or other suitable place until the prerequisites are again met.

General rules regarding the establishment and maintenance of zoos

The establishment of a zoo is conditional upon a license from the competent regional authority of the state responsible for nature preservation.

The general requirements of licensing are:

- fulfilment of the legal requirements regarding keeping of animals, regular veterinary supervision, and the provision of facilities to enable separation of the animals (quarantine);
- the leader of the zoo has a qualification from a higher education institution;
- the animal attendants have specialized qualification;
- declaration of sufficient funds for the long term running of the zoo by the founder.

An approval of the animal health authority together with the regulation of keeping of the animals must be enclosed with the application form for a license to establish a zoo.

General rules regarding the establishment and maintenance of animal boarding establishments and animal shelters

The establishment of animal boarding establishments and animal shelters (in the following together: animal homes) is conditional upon a license from the notary competent according to the intended place of the establishment.

The requirements of licensing are:

- prolonged and continuous fulfilment of the legal requirements regarding keeping of animals;
- regular veterinary supervision is provided;
- operation of the animal home does not disturb the peace of the public;
- leader of the animal home or the person in charge has specialised qualification;
- funds necessary for long term operation of the animal home are provided.

The regulation of operation must be enclosed with the application form for a license to establish an animal home.

In the licensing procedure the animal health authority and the public health authority participate as specialised authorities of approval.

Animal protection penalty

Any one violating with his actions or nonfeasance the provisions of a statute or official resolution pertaining to the protection and humane treatment of animals must pay animal protection penalty appropriate to the weight and frequency of his conduct.

The animal health authority may not impose animal protection penalty one year after it obtained knowledge of the conduct. No penalty may be imposed five years after the commission except where this involves the maintenance of an unlawful state. In this case the limitation will not start until the unlawful state exists.

The payment of the animal welfare penalty does not absolve from other sanctions.

To achieve the right attitude towards animals, their care and humane treatment, the educational means and those of dissemination of information must be utilised to promote the acquaintance of people with animals.

TRANSPORT OF LIVE ANIMALS

major considerations:

- maintain the value of the animals
- safety of the animals
- welfare of the animals
- minimise the risk of spread animal diseases

forbidden to transport:

- too young animals
- sick animals
- injured animals
- suspicious of being infected with an infectious animal disease

PROTECTION OF ANIMALS DURING INTERNATIONAL TRANSPORT

A set of five freedoms:

- freedom from hunger and malnutrition
- freedom from thermal or physical distress
- freedom from disease or injury
- freedom to express most normal behaviour
- freedom from fear

Stress factors influencing the welfare of animals during transport:

- separation from a familiar environment and family groups
- loading and unloading
- overcrowding in confined spaces
- unfamiliar and loud noises
- vibration
- jolting
- extremes of temperature and humidity
- acceleration and deceleration during movement

- long periods of waiting during which there may be no ventilation, alternating with rapid air movement when the vehicle is in motion
- gases from faeces, urine and fumes
- changes in the biota of bacteria, etc. to which animals are exposed
- deprivation of feed and water

General principles to be observed common to all forms of transport

- Pretransport
- Holding period prior to transport
- Type of transport
- Approval of route
- Loading and unloading
- During transport
- Veterinary accompaniment
- Post arrival

Special consideration according to methods of transport

- Road transport
- Rail transport
- Transport by water including sea, lake, canal and river
- Roll-on/roll-off
- Movement of the hoof

The transporter draws up a **route plan** for the animals which are to be traded between Member States or exported to third countries, and in cases where the journey time exceeds eight hours. The route plan will be attached to the health certificate during the journey, and also indicates any staging and transfer points. The staff in charge of the transport state in the route plan the times and places at which the animals transported have been fed and watered during the journey.

The competent authorities carries out **non-discriminatory inspections** of:

- a) means of transport and animals during transport by road;
- b) means of transport and animals arriving at their place of destination;
- c) means of transport and animals at markets, at places of departure, at staging points and at

transfer points;

d) the particulars on the accompanying documents.

No animal shall be transported unless it is fit for the intended journey and unless suitable provisions have been made for its care during the journey and on arrival at the place of destination. Animals that are ill or injured shall not be considered fit for transport.

However, this provisions shall not apply to:

- animals that are slightly injured or ill whose transport would not cause unnecessary suffering;
- animals that are transported for scientific research purposes approved by the competent authority.

Animals that fall ill or are injured during transport shall receive first-aid treatment as soon as possible; they shall be given appropriate veterinary treatment and if necessary undergo emergency slaughter in a way which does not cause them any unnecessary suffering.

Pregnant animals likely to give birth during carriage or animals having given birth during the preceding 48 hours, and newborn animals in which the navel has not completely healed, shall not be considered fit for transportation.

Watering and feeding interval, journey times and resting periods

1. Journey times shall not exceed ***eight hours***.
2. The maximum journey time may be extended where the transporting vehicle meets the following additional requirements:
 - there is sufficient bedding on the floor of the vehicle,
 - the transporting vehicle carries appropriate feed for the animal species transported and for the journey time,
 - there is direct access to the animals,
 - adequate ventilation is possible which may be adjusted depending on the temperature (inside and outside),
 - there are moveable panels for creating separate compartments,
 - vehicles are equipped for connection to a water supply during stops,
 - in the case of vehicles for transporting pigs, sufficient water is carried for watering during the journey.

3. The watering and feeding intervals, journey times and rest periods when using road vehicles which meet the above-mentioned requirements are defined as follows:
- a) Unweaned calves, lambs, kids and foals which are still on a milk diet and unweaned piglets must, after **nine hours** of travel, be given a rest period of at least one hour sufficient in particular for them to be given liquid and if necessary fed. After this rest period, they may be transported for a further nine hours.
 - b) Pigs may be transported for a maximum period of **24 hours**. During the journey, they must be given liquid and if necessary fed every eight hours.
 - c) Domestic solidungulates may be transported for a maximum period of **24 hours**. During the journey they must have continuous access to water.
 - d) All other animals must, after **14 hours** of travel, be given a rest period of at least one hour sufficient for them on particular to be given liquid and if necessary fed. After this rest period, they may be transported for a further 14 hours.
4. After the journey time laid down, animals must be unloaded, fed and watered and be rested for at least 24 hours.
5. Animals must not be transported by train if the maximum journey time exceeds that laid down in point 1. However, the journey times laid down on point 3 shall apply where the conditions laid down in points 2 and 3, except for rest periods, are met.
6. Animals must not be transported by sea if the maximum journey time exceeds that laid down in point 1. However, the journey times laid down on point 3 shall apply where the conditions laid down in points 2 and 3, apart from journey times and rest periods, are met.
7. In the interest of the animals, the journey times may be extended by two hours, taking account in particular of proximity to the place of destination.
8. Without prejudice to the previous provisions, Member States are authorized to provide for a maximum non-extendible journey time of eight hours for the transport of animals destined for slaughter, where the transport is carried out exclusively from a place of departure to a place of destination both situated on their own territory.

Protection of animals kept for farming purposes

- keeping, care and housing of animals
- "animals": bred or kept for the production of food, wool, skin or fur or for other farming purposes
- housing, providing with food, water and care: appropriate to the animals' species, degree of development, adaptation and domestication, physiological and ethological needs
- freedom of movement; tethering; confining
- lighting, temperature, humidity, air circulation, other environmental conditions
- food, liquid, other substances: do not cause unnecessary suffering or injury, not detrimental to the health or welfare
- regular inspection of the condition and state of health and welfare of animals
- killing animals on the farm: competently, do not cause unnecessary pain or distress
- regular (daily) inspection of technical equipment, remedying defects

Protection of pigs

- materials used for the construction of pig accommodation: capable of being clean and disinfected; must not be harmful
- installation of electrical circuits and equipment: avoiding electrical shock
- insulation, heating and ventilation
- daily inspection of essential automatic equipment, immediate rectification of defect, alternative ways of feeding and of maintaining satisfactory environment
- artificial ventilation: appropriate back-up system, alarm system
- noise level: max. 85 dBA; no constant or sudden noise
- pigs must not be kept permanently in darkness, min 40 lux, min 8 hours
- all pigs reared in groups or in boxes must be inspected at least once a day; treatment, veterinary advice
- preventing fighting; isolation of pigs showing persistent aggression towards others and the victims of such aggression
- construction of accommodation: allows each pig
- to lie down, rest, stand up and groom itself without difficulty
- have a clean place in which it can rest
- to see other pigs
- requirements for tethering
- housing, pens, equipment and utensil: cleaned and disinfected
- floors: smooth but not slippery; rigid, even and stable surface
- lying area; bedding: clean, dry and not harmful
- appropriate diet
- all pigs must be fed at least once a day
- all pigs over two weeks of age must have access to a sufficient quantity of fresh water
- feeding and watering equipment: contamination is minimized
- obtaining suitable materials or objects (such as straw, hay, wood, sawdust, mushroom compost, peat) for proper investigation and manipulation activities

Specific provisions for various categories of pigs

I. Boars

- pens: allow the boar to turn round and to hear, smell and see other pigs and to provide for clean resting area; min.: 6m²/boar or 10m²/boar if the pen is also used for natural service

II. Sows and gilts

- sows and gilts shall be kept in groups during a period starting from 4 weeks after the service to 1 week before the expected time of farrowing
- to satisfy their hunger and given the need to chew, all dry pregnant sows and gilts must be given a sufficient quantity of bulky or high-fibre food as well as high-energy food
- sows and gilts kept in groups must be fed using a system which ensures that each individual can obtain sufficient food even when competitors for the food are present
- treatment against external and internal parasites, cleaning before placing in farrowing crates
- lying area: clean, drained, comfortable
- nesting material
- unobstructed area behind the sow or gilt for the ease of natural or assisted farrowing
- protection of piglets in farrowing crates where sows are kept loose

III. Piglets

- heat; solid, dry and comfortable lying area
- farrowing crate: sufficient place for suckling without difficulty
- if practised, the castration of male pigs aged over four weeks may be carried out only under anaesthetic by a veterinarian or a qualified person
- tail docking or tooth clipping: not routinely, only when there is evidence of injuries; tooth clipping: within seven days of birth
- nose ringing: in outdoor keeping systems
- weaning: not less than four weeks of age, unless the welfare or health of the dam or piglets would be otherwise adversely affected

IV. Weaners and rearing pigs

- placing in groups as soon as possible after weaning
- stable groups with as little mixing as possible

Protection of calves

"calf": bovine animal up to six months old (rearing or fattening)

- housing in groups: 1.5 m²/150 kg; 1.7 m²/150-220kg; 1.8 m²/220kg<
- housing in individual box (max 8 weeks of age) or by tethering in stalls:
- perforated walls
- width: min. 90 cm +/- 10%
- exc.: fewer than six calves

Special conditions may be applied to:

- calves, the health or behaviour of which requires them to be isolated from the group in order to receive appropriate treatment
- pure-bred breeding animals
- calves kept with their mothers for suckling
- calves kept in loose housing

Regular inspections and controls

Requirements:

- materials used for the construction of calf accommodation: capable of being clean and disinfected; must not be harmful
- installation of electrical circuits and equipment: avoiding electrical shock
- insulation, heating and ventilation
- daily inspection of essential automatic equipment, immediate rectification of defect, alternative ways of feeding and of maintaining satisfactorily environment
- artificial ventilation: appropriate back-up system, alarm system
- calves must not be kept permanently in darkness
- all calves reared in groups must be inspected at least once a day (housed: twice a day); treatment, veterinary advice
- construction of accommodation: allows each calf
- to lie down, rest, stand up and groom itself without difficulty

- to see other calves
- requirements for tethering (max. 1 hour during feeding milk)
- housing, pens, equipment and utensil: cleaned and disinfected
- floors: smooth but not slippery; rigid, even and stable surface
- lying area
- appropriate bedding must be provided for all calves less than two weeks old
- appropriate diet with sufficient iron (Hb 4.5 mmol/l)
and a minimum of dried feed containing digestible fibre
(50-250 g daily: 8-20 weeks of age)
- no muzzle
- all calves must be fed at least twice a day
- all calves over two weeks of age: access to fresh water or other liquids
(hot weather: all the time access)
- feeding and watering equipment: contamination of the calves' feed and water is minimized
- colostrum: within 6 hours)

Protection of laying hens

alternative system

- nest/7 hens; 1m²/120 hens
- 10cm linear feeder or 4cm circular feeder
- 2,5 cm continuous or 1 cm circular drinking trough
- 15 cm perches/hen
- 250 cm² littered area/hen
- floor
- max 4 level, headroom: at least 45 cm
- open run
- stocking density: 9 hens/m²

unenriched cage

- at least 550 cm² of cage area for each laying hens
- feed trough: 10 cm/ laying hen
- drinking channel: 10 cm/ laying hen or 2 nipple drinkers or 2 drinking cups/ cage
- 40 cm high over 65% of the cage area and not less than 35 cm at any point
- floor slope: max. 14% (if not rectangular wire mess: steeper slopes permissible)
- 1 January 2003/2012

enriched cage

- at least 750 cm² of cage area for each laying hens (600 cm²: usable)
cage: at least 2000 cm²
- nest
- litter: pecking and scratching
- perches
- feed trough: 12 cm/ laying hen
- drinking system; 2 nipple drinkers or 2 drinking cups: within reach
- aisle: min. width of 90 cm
- claw-shortening device

Requirements:

- form and type of materials and construction of the cage: prevent injury
- cage opening: an adult hen can be removed without causing unnecessary suffering or injury
- the cages must be suitable equipped to prevent the hens escaping
- access to feed: each day, water: at all times
- insulation and ventilation
- if artificial lighting: appropriate resting period each day
- personnel: adequate knowledge and experience
- daily inspection of the hens
- at most 2 tiers of cages (exc. inspection, removal without difficulty)
- treatment, isolation, culling, attention to environmental factors
- daily inspection of essential automatic equipment, immediate rectification of defect, alternative ways of feeding and of maintaining satisfactorily environment, alarm system
- cleansing and disinfection of the cage
- sound level: minimised
- lighting: 24-hour rhythm, darkness period
- beak trimming: less than 10 days old, prevention of cannibalism

Protection of animals at the time of slaughter or killing

fields of application: movement, lairaging, restraint, stunning, slaughter and killing of animals bred and kept for the production of meat, skin, fur or other products and to methods of killing animals for the purpose of disease control

shall not apply:

- technical or scientific experiments
- animals which are killed in cultural or sport events
- wild games (other directive)

General provisions:

Animals shall be spared any avoidable excitement, pain or suffering during movement, lairaging, restraint, stunning, slaughter and killing.

Requirements applicable to slaughterhouses:

- the construction, facilities and equipment of slaughterhouses, and their operation shall be such as to spare animals any avoidable excitement, pain or suffering.
- suitable equipment and facilities for unloading animals
- separation: species, sex, age, origin
- inspection: twice a day
- lairages: floors, bedding materials, ventilation, artificial lighting, equipment for tethering animals
- drinking, feeding
- electric shocks: only: adult cattle and pigs, max. 2 sec, adequate space, muscles of the hindquarters
- forbidden: kicks, strucks, blows; tail crushing, twisting, breaking; pressure on any sensitive parts; grasping the eyes
- immediate slaughter: unweaned animals, injured, sick
- animals unable to walk: on the spot emergency slaughter

Personnel: necessary skill, ability and professional knowledge

Restraint of animals before stunning, slaughter or killing

- exc.: ritual slaughter
- legs must not be tight
- animals must not be suspended (exc. poultry, rabbits)

Stunning

Stunning must not be carried out unless it is possible to bleed the animals immediately afterwards.

- captive bolt pistol
- concussion
- electronarcosis
- exposure to carbon dioxide

Killing

- free bullet pistol or rifle
- electrocution
- exposure to carbon dioxide
- other approved methods (decapitation, dislocation of the neck, vacuum chamber...)

Bleeding of animals

rapid, profuse and complete bleeding before the animal regains consciousness

Killing methods for disease control

see above

Methods for killing fur animals

- mechanically-operated instrument which penetrate the brain
- injection of an overdose of a drug with anaesthetic properties
- electrocution with cardiac arrest
- exposure to carbon monoxide
- exposure to chloroform
- exposure to carbon dioxide

Killing of surplus chicks and embryos in hatchery waste

- use of mechanical apparatus causing rapid death
- exposure to carbon dioxide
- other approved methods

Slaughter and killing outwith slaughterhouses

- requirements: same as for the slaughterhouses
- derogations: poultry, rabbits, pigs, sheep
- pigs, sheep, goats: stunning!

Inspections

competent authority

Commission experts: on the spot checks

Export from third countries into the EU:

attestation certifying that the animal welfare requirements have been met: official veterinarian

Aspects of killing animals:

- ✓ Welfare of the animals
- ✓ Safety of workers
- ✓ Environment protection
- ✓ Costs
- ✓ Time

Protection of pet animals

Pet animal is any animal kept or intended to be kept by man in particular in his household for private enjoyment and companionship.

Principles for the keeping of pet animals

Nobody shall cause a pet animal unnecessary pain, suffering or distress.

Nobody shall abandon a pet animal.

Any person who keeps a pet animal or who has agreed to look after it, shall be responsible for its health and welfare.

Any person who is keeping a pet animal or who is looking after it shall provide accommodation, care and attention which take account of the ethological needs of the animal in accordance with its species and breed, in particular:

- give it suitable and sufficient food and water;
- provide it with adequate opportunities for exercise;
- take all reasonable measures to prevent its escape;

An animal shall not be kept as a pet animal if the conditions above are not met or if, in spite of these conditions being met, the animal cannot adapt itself to captivity.

Any person who selects a pet animal for breeding shall be responsible for having regard to the anatomical, physiological and behavioural characteristics which are likely to put at risk the health and welfare of either the offspring or the female parent.

No pet animal shall be sold to persons under the age of sixteen without the express consent of their parents or other persons exercising parental responsibilities.

No pet animal shall be trained in a way that is detrimental to its health and welfare, especially by forcing it to exceed its natural capacities or strength or by employing artificial aids which cause injury or unnecessary pain, suffering or distress.

Advertising, entertainment, exhibitions, competitions and similar events

Pet animals shall not be used in advertising, entertainment, exhibitions, competitions and similar events unless:

- the organiser has created appropriate conditions for the pet animals to be treated, and
- the pet animals' health and welfare are not put at risk.

No substances shall be given to, treatments applied to, or devices used on a pet animal for the purpose of increasing or decreasing its natural level of performance:

- during competition or
- at any other time when this would put at risk the health and welfare of the animal.

Surgical operations

Surgical operations for the purpose of modifying the appearance of a pet animal or for other non-curative purposes shall be prohibited and, in particular:

- the docking of tails;
- the cropping of ears;
- devocalisation;
- declawing and defanging;

Exceptions to these prohibitions shall be permitted only:

- if a veterinarian considers non-curative procedures necessary either for veterinary medical reasons or for the benefit of any particular animal;
- to prevent reproduction.

Operations in which the animal will or is likely to experience severe pain shall be carried out under anaesthesia only by a veterinarian or under his supervision.

Operations for which no anaesthesia is required may be carried out by a person competent under national legislation.

Killing

Only a veterinarian or another competent person shall kill a pet animal except in an emergency to terminate an animal's suffering when veterinary or other competent assistance cannot be quickly obtained or in any other emergency covered by national legislation. All killing shall be done with the minimum of physical and mental suffering appropriate to the circumstances. The method chosen, except in an emergency, shall either:

- cause immediate loss of consciousness and death, or
- begin with the induction of deep general anaesthesia to be followed by a step which will ultimately and certainly cause death.

The person responsible for the killing shall make sure that the animal is dead before the carcass is disposed of.

The following methods of killing shall be prohibited:

drowning and other methods of suffocation if they do not produce immediate loss of consciousness and death;

- the use of any poisonous substance or drug, the dose and application of which cannot be controlled so as to give the effect mentioned above;
- electrocution unless preceded by immediate induction of loss of consciousness.

Supplementary measures for stray animals

The number of stray animals is reduced in a way which does not cause avoidable pain, suffering or distress.

It is necessary to:

- provide for dogs and cats to be permanently identified by some appropriate means which causes little or no enduring pain, suffering or distress, such as tattooing as well as recording the numbers in a register together with the names and addresses of their owners;
- reduce the unplanned breeding of dogs and cats by promoting the neutering of these animals;
- encourage the finder of a stray dog or cat to report it to the competent authority.

Attention shall be drawn in particular to the following subjects:

- the need for training of pet animals for any commercial or competitive purpose to be carried out by persons with adequate knowledge and ability;
- the need to discourage:
 - gifts of pet animals to persons under the age of sixteen without the express consent of their parents or other persons exercising parental responsibilities;
 - gifts of pet animals as prizes, awards or bonuses;
 - unplanned breeding of pet animals;
- the possible negative consequences for the health and well-being of wild animals if they were to be acquired or introduced as pet animals;
- the risks of irresponsible acquisition of pet animals leading to an increase in the number of unwanted and abandoned animals.

Fundamental conditions of experimentation with animals

animal: any live non-human vertebrate, including free-living or reproducing larval forms, but excluding foetal or embryonic forms

experimental animals: vertebrate animals used or to be used in experiments

laboratory animals: animals specially bred for use in experiments in approved and registered facilities

breeding establishment: establishment where animals are propagated and reared with a view to their use in experiments

supplying establishment: establishment where animals are not propagated but kept temporarily with a view to their use in experiments

user establishment: establishment where animals are used for experiments

animal experiments: interventions — done with a specified purpose and in a specified manner — causing pain, suffering, distress or lasting harm in vertebrate animals

Animal experiments shall exclusively be done in a registered establishment, on the basis of a license. The validity of the license can be either occasional or general.

The following points have to be particularly taken into consideration during licensing:

- other domestic or foreign data required by domestic regulations are unavailable
- the intended experiment is likely to offer new information, or can be used to control the results of previous experiments
- the methodology to be used in the experiment is up-to-date
- the personal and material conditions of the experiment are available

Experiments on animals may be undertaken only for one of the following purposes:

- avoidance, prevention, diagnosis or treatment of disease, ill-health or other abnormality or their effects in man, vertebrate or -non-vertebrate animals or plants, including the manufacture, quality, effectiveness and safety testing of drugs, chemical materials and other products
- detection, assessment, regulation or modification of physiological conditions in man, vertebrate or invertebrate animals or plants;
- protection of the environment
- scientific research
- education and training
- forensic medical examinations

No license may be granted for experiments proposed for the purposes of manufacture of cosmetics, tobacco, other consumer goods, weapons and their components, and ammunition.

In order to replace animal experiments, scientific methods not requiring experimentation on live animals must be used if such methods are suitable and can be employed.

The number of animals used during the experiment has to be reduced to the level that is absolutely necessary. From alternative methodologies the one likely to cause the least pain, or the least amount of physiological, neurological, or ethological damage must be chosen.

The details of the experiment and the interventions on the animals must be recorded in a detailed protocol.

The experiment must be carried out under general or local anaesthesia, or other suitable method that eliminates mental shock, pain, suffering, or the damaging of the animal except if the application of these would strain the animal more than their omission, or if it would render the results of the experiment useless.

Experiments done without the above-mentioned methods shall not be carried out on the same animal repeatedly.

All experimental animals shall be provided with housing, an environment, the necessary freedom of movement, food, water and care which are appropriate to their health and well-being. Any restriction on the extent to which an experimental animal can satisfy its physiological and ethological needs shall be limited to the absolute minimum.

Permanently or seriously damaged animals must be humanely killed after the termination of the experiment.

The experimenting institute shall ensure that the animals left alive after the experiment are adequately cared for, fed, watered, and housed.

Animal experiments shall be carried out only under the guidance of a person in charge who has the necessary qualifications and practical experience and who is familiar with the ethical principles and legal regulations pertaining to experimentation with animals.

Animal experiments shall be carried out, and experimental animals shall be looked after, or supervised only by qualified persons after specialised training.

No one in an educational institution may be obliged to carry out an animal experiment except where it follows otherwise from the purpose of the education.

Breeding (propagating), keeping, transportation, and trade of animals for experimental purposes is conditional upon a license of the animal health authority that is competent according to the place where the animals are kept. These activities may be practised only by persons having specialised qualification and appropriate skill.

In the absence of an occasional license, only animals specifically bred for experimental purposes may be used in animal experiments.

The animal health authority may give license for the use in animal experiments of:

- farm animals and companion animals if they originate from a stock or holding under continuous veterinary supervision. Only farm animals obtained from breeders or from breeding-stocks may be used.
- wild non-bred animals if it is approved by the nature preservation authority
- stray animals of a domesticated species shall not be used in animal experiments.

Each dog and cat in an establishment shall be individually and permanently marked in the least painful manner before it is weaned.

The breeder, seller, and carrier of experimental animals, furthermore the breeding establishment shall be registered by the animal health authority. The person in charge at the establishment suitable to adequately look after experimental animals on the spot must be named in the registry.

Licensing of animal experiments

The scientifically founded reasons why the animal experiment is necessary must be indicated in the application form for a license to carry out animal experiments.

The time period when the license is in force must be indicated in the license certificate also, in addition to the grounds of the license.

The animal health authority is responsible for:

- the licensing of animal experiments,
- the registration of those authorised to carry out animal experiments.

A local animal experimentation committee must be created and operated in registered institutions authorised to carry out animal experiments. Members of the LAEC are appointed by the leader of the institution.

The duties of the LAEC are:

- the preparation of the animal experimentation regulation (ethical codex)
- the control of observance of the animal experimentation regulation
- the professional-ethical supervision of the animal experimentation of the institution
- organisation of education and training of those authorised to carry out animal experiments

In case of violation of the internal animal experimentation regulation the LAEC is entitled to immediately cancel the experiment with simultaneous notification of the animal health authority.

INTERNATIONAL ORGANIZATIONS

Office International des Épizooties (OIE)

An intergovernmental organisation created by international agreement on 25 January 1924.

History

Governmental Veterinary Services should be informed of the course of animal diseases throughout the world. At the end of the last century, the need for an international organisation responsible for collecting and disseminating such data became apparent.

The main objectives of the OIE are:

- to promote and co-ordinate experimental or other research work concerning the causes or control of contagious diseases of livestock for which international collaboration is deemed desirable;
- to collect and bring to the attention of Governments and their animal health services, all facts and documents of general interest concerning the course of epizootic diseases and the means used to control them;
- to examine international draft agreements regarding disease control regulations and to provide signatory Governments with the means of supervising their enforcement.

Structure of the OIE

1. International Committee

The OIE operates under the authority of an International Committee formed by Delegates of Member Countries.

The Committee meets in General Session in May each year at the OIE Headquarters in Paris. Member Countries elect a President and an Administrative Commission for a three-year period. The Committee rules on all questions pertaining to the mission and operation of the OIE. Decisions take the form of Resolutions passed in General Session. Areas of decision cover:

- recommendations to Member Countries on procedures for the control of animal diseases
- the creation of Commissions necessary for the operation of the OIE
- signing of co-operation agreements with other International Organisations

- the scientific and technical orientation of the OIE Organisations, etc.

The Committee also examines and approves the budget and the estimates of expenditure.

2. Administrative Commission

The Administrative Commission, composed of the President of the International Committee, the Vice President, the former President and six elected Delegates, represents the Committee during the interval between General Sessions.

The Commission confers with the Director General twice a year in Paris to decide on technical and administrative matters and examines, in particular, the working programme and the proposed budget to be presented to the Committee.

Independently, or on the request of the Member Countries, the Administrative Commission submits advice to the Committee during the annual General Session.

3. Regional Commissions

Regional Commissions have been formed to promote co- operation and to study specific problems encountered by Veterinary Services in each of the following regions:

- Africa
- Americas
- Asia, the Far East and Oceania
- Europe
- Middle East.

Each Commission organises a conference, usually once every two years, in one of the countries of the region. These conferences are devoted to technical items and to regional co-operation for the control of animal diseases.

Regional programmes may be developed to reinforce surveillance and control of major.

Regional Commissions report on their activities and submit recommendations to the Committee.

4. Central Bureau

The Central Bureau, located in Paris, is managed by the Director General of the OIE, who is appointed by the Committee for renewable terms of office of five years. The Bureau implements and co-ordinates information, technical co-operation and scientific activities, which the International Committee has decided upon.

Furthermore, the Central Bureau provides the secretariat for the annual General Session of the Committee, meetings of the Commissions and technical meetings organised at the OIE; assistance is also given by the Central Bureau to the secretariat of regional and specialised conferences.

Functions of the OIE

The priority function of the OIE is to inform Governmental Veterinary Services of the occurrence and course of epizootics which could endanger animal or human health.

The urgency of despatching information varies according to the nature of the disease.

The OIE has established a warning system which enables Member Countries to act rapidly in case of the occurrence of the most contagious diseases and those which have serious socio-economic consequences, impact on international trade in animals and animal products.

Within 24 hours of the occurrence of the first outbreak of the disease, the affected country reports the incident to the OIE Central Bureau. This information is transmitted immediately to Member Countries:

- by telefax, telex or telegram to countries directly at risk;
- in a weekly publication, Disease Information, to all other countries.

This warning mechanism is supplemented by information received from Member Countries and disseminated periodically.

By collecting, processing and disseminating data on the world animal health situation, the OIE provides Member Countries with the essential information needed to launch national control programmes, and to formulate animal health regulations for international trade.

Scientific co-operation

The first objective assigned to the OIE by the International Agreement of 25 January 1924 was to promote and co-ordinate research into the surveillance and control of animal diseases throughout the world.

This task is undertaken by Specialist Commissions and Working Groups, with support from Collaborating Centres and Reference Laboratories, as well as by the organisation of meetings of experts and the publication of scientific articles.

1. Specialist Commissions

The role of the Specialist Commissions is to study problems of epidemiology and control of animal diseases, and issues related to the harmonisation of international regulations.

The decision to create Specialist Commissions is made by the International Committee when necessary and for the time required to solve a specific problem.

At present there are four such Commissions, three of which are scientific in nature:

- The Foot and Mouth Disease Commission, set up in 1946 and extended to cover additional epizootics in 1988. The Commission assists in identifying the most appropriate strategies and

measures for disease prevention and control. Ad hoc groups are periodically convened by the Commission, particularly in emergencies, as has been the case with rinderpest, African horse sickness, Rift Valley fever, bovine spongiform encephalopathy, etc.

- The Standards Commission, set up in 1949 to establish standards for methods of diagnosing diseases of animals, and for testing biological products, such as vaccines, used for control purposes.
- The Fish Diseases Commission, set up in 1960, collects all available information on diseases of fish, and means of control. In 1988 its scope was extended to include molluscs and crustaceans. The Commission harmonises rules governing trade in aquaculture products, and diagnostic and control measures. Regular scientific meetings on these topics are organised by the Commission.
- The International Animal Health Code Commission, formed in 1960, deals with regulatory rather than scientific matters.

OIE experts from these Specialist Commissions, Working Groups, Collaborating Centres and Reference Laboratories, are called upon to assist Member Countries in seeking solutions to particularly difficult animal health problems.

2. Working Groups

The Working Groups meet at least once a year to review progress accomplished in their field (e.g. animal health information systems, veterinary drug registration, biotechnology) and to take steps to ensure that OIE Member Countries benefit rapidly from this progress. World-wide surveys are undertaken and the results published. The Groups also organise scientific meetings, seminars, workshops and training courses.

3. Reference Laboratories and Collaborating Centres

The role of the Reference Laboratories and Collaborating Centres is to provide the OIE with scientific and technical assistance and expert advice on topics linked to disease surveillance and control.

They also provide OIE Member Countries with technical support for diagnosis and control of the most threatening diseases of animals. Such technical support can take various forms: preparation and supply of diagnostic kits or reference biological products, practical work, courses, workshops, organisation of scientific meetings, etc.

In 1991, the first Centre for the Application of Methodology to the Diagnosis of Animal Diseases was set up with support from the French Government, at the Institut d'élevage et de médecine vétérinaire des pays tropicaux (Maisons Alfort, France). Its task is to produce diagnostic kits for

field use in the surveillance of the most dangerous diseases of tropical countries, particularly rinderpest and contagious bovine pleuropneumonia.

A list of Reference Laboratories and Collaborating Centres is published annually in the OIE Bulletin.

4. Scientific meetings

Since its creation, the OIE has participated in the organisation of numerous international meetings, attended by leading scientific authorities. These meetings have often proved decisive in the choice of strategies for controlling diseases of animals. Recent meetings have dealt with chemotherapy in aquaculture, African horse sickness and bluetongue, and the health and management of free-ranging mammals.

5. Ad hoc groups

To resolve specific problems, the Central Bureau may form ad hoc groups to act on topics given priority by the International Committee.

6. Scientific publications

The weekly, monthly and annual publications of the Information and International Trade Department of the OIE provide Member Countries with the latest information on disease surveillance and control. The scientific publications released by the OIE include:

- the OIE Scientific and Technical Review, which is a valuable medium for regular scientific communications.
- proceedings of regional conferences, which contain the texts of communications presented at conferences of each of the Regional Commissions
- other publications, which comprise reviews or monographs

The unimpeded flow of international trade in animals and animal products, which has increased considerably since the 1960s, requires:

- veterinary regulations designed to prevent the spread of transmissible diseases to animals and possibly to human beings;
- the harmonisation of requirements for such trade, in order to avoid unjustified trade barriers.

Two of the Specialist Commissions respond to both of these requirements, namely:

- The International Animal Health Code Commission draws up health regulations for the import and export of animals and products of animal origin. In 1989, the OIE was designated by GATT (General Agreement on Tariffs and Trade) as the international reference organisation for health regulation of trade in animals and animal products. This Commission is responsible for

producing and updating the Code. The provisions of the Code are regularly updated so that they can be used when drafting veterinary regulations governing import and export. Special attention is also given to the rules for issuing certificates to accompany animals and animal products in the course of international trade.

- The Standards Commission is responsible for compiling the OIE Manual of Standards for Diagnostic Tests and Vaccines. It is impossible to harmonise veterinary regulations without standardising vaccination, diagnostic and control procedures. For this reason the Standards Commission, assisted by specialists in each of the List A diseases and the principal diseases of List B, commenced publication of a Manual of Standards in 1989. The Manual provides a periodically updated complement to the Code, which refers readers to the Manual for the appropriate diagnostic or control procedure to be used in the international trade of animals and products of animal origin.

Co-operation with other international organisations

The annual General Session of the International Committee provides participants with a unique opportunity to discuss and exchange views on animal health on the world scale. During the Session, leading world experts present scientific topics of a timely nature. Delegates report on the animal health situation in their countries, and the Committee is presented with the conclusions of conferences and symposia, along with the reports of the Specialist and Regional Commissions.

The Committee adopts resolutions concerning the surveillance and control of animal diseases, with the aim of encouraging further research.

Information received by the OIE on the course of epizootics, and brought to the attention of Member Countries, enables the latter to take the necessary preventive action. In some circumstances, urgent problems arise which cannot await the General Session. When an outbreak of disease occurs which has the potential of spreading across an entire continent, or even reaching other continents, steps taken at the national level are inadequate, and it becomes necessary to implement co-ordinated action. In such a case, the OIE may convene an emergency meeting of the countries involved, in order to reach common agreement on control procedures to be adopted.

Although the OIE does not intervene in field operations, the Organisation, through the knowledge it possesses of the world animal health situation and the spirit of close co-operation which exists between Member Countries, plays an important role in international decisions concerning epizootics.

This co-operation takes the form of reciprocal participation in many of the meetings held by these organisations and the OIE; likewise, joint actions may be undertaken in technology transfer, training courses, conferences, seminars, publications and other fields.

Organization for Economic Cooperation and Development (OECD)

Transatlantic organizations grew out of the close links forged between Western Europe and the United States of America after the second world war. It was an American initiative that led to the founding of the first postwar European organization in 1948. The US Secretary of State, George Marshall, called on the countries of Europe to pool their efforts for economic reconstruction and promised American aid in return (which eventually took shape as Marshall Plan). The European response was to set up Organization for European Economic Cooperation (OEEC). This was later renamed the Organization for Economic Cooperation and Development (OECD) when, in 1960, the United States and Canada also joined after agreeing with its members to extend its activities to include development aid for Third World.

The OECD is the international organization of the industrialized, market-economy countries. At OECD these countries meet to exchange information and harmonize their policies in a wide range of areas.

To support this work, the OECD Secretariat (2000 staff-members, Paris) gathers practical and policy information and prepares forecasts and analyses, much of which is published in its various periodicals and publications.

- Main aims: achieving maximum possible economic growth; liberalization of world trade
- First years: elimination of the barriers in trade
committees e.g.: hygienic requirements of the international trade of farm animals and meat
not obligatory but accepted by EC, FAO-WHO Codex Alimentarius Committee
- Now: economic policy
- 1981: Good Laboratory Practice (results: international acceptance, no repeat)

Council of Europe

The characteristic feature of the Council of Europe is that it is designed to enable as many countries as possible to become members. This meant conceding the limitation that its activities would not extend beyond the scope of normal international cooperation. The Council of Europe was founded on 5 May 1949 to foster political cooperation. Its statute contains no reference to any such goals as federation or union, nor does it foresee any transfer or pooling of portions of national sovereignty.

Decision-making rests entirely with a Committee of Ministers and unanimity is required for all decisions on matters of substance, which means that any country can veto a decision.

In addition there is a Parliamentary Assembly, but its role is purely consultative and it has no legislative powers. All it can do is to put recommendations to the Committee of Ministers. However, any recommendation can be turned down by a single vote, as the Committee is answerable to the Assembly. And even after a proposal has been adopted by the Committee of Ministers, it still has to be ratified by the national parliaments before it can have the force of law.

The Council of Europe currently unites 44 European states. Its aims and achievements are focused on defending human rights and strengthening pluralist democracy, highlighting Europe's cultural identity and meeting the challenges of present-day society.

The Council of Europe serves as an instrument of intergovernmental cooperation.

Under its auspices a wide range of economic, cultural, social and legal conventions have been concluded, the most significant and best known of them being the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Food and Agricultural Organization (FAO)

The Food and Agricultural Organization was founded in 1949 as an autonomous agency within the United Nations system. It has a membership of countries that have pledged themselves to raise the level of nutrition and standards of living of their peoples, to improve the production and distribution of all food and agricultural products and to improve the condition of rural people.

FAO has four main tasks: it carries out a major programme of technical advice and assistance for the agricultural community on behalf of governments and development funding agencies; it collects, analyses and disseminates information; it advises governments on policy and planning and it provides opportunities for governments to meet and discuss food and agricultural problems.

The Constitution of FAO allows all member countries to have an equal say in its programme and activities. Its supreme governing body, the Conference, consists of all Member Nations. It usually meets every two years. A 49-member Council, elected by the Conference, acts on its behalf between sessions. The Council elects three main committees: the Programme Committee, the Finance Committee, and the Committee on Constitutional and Legal Matters. In addition five committees on commodity problems, fisheries, forestry, agriculture and world food security advise the Council. These committees are open to any Member Nation wishing to join them.

The Conference also elects the Director-General, who is head of the Secretariat. The Secretariat is staffed by some 3500 professional and general service personnel located at FAO's Rome

headquarters and a similar number employed on field projects and at country and regional offices in Third World.

FAO cooperates closely with other international organizations, especially the other UN agencies.

The funds for FAO's work come from three main sources: contributions by member nations, the trust funds of member countries and the United Nations Development Programme.

FAO is active in land and water development, plant and animal production, forestry, fisheries, economic and social policy, investment, nutrition, food standards and commodities and trade. It also plays a major role in dealing with food and agricultural emergencies.

The Organization's work falls into two categories. The Regular Programme covers internal operations, including the maintenance of the highly qualified staff who provide support for field work, advise governments on policy and planning and service a wide range of development needs.

It is financed by Member Nations, who contribute according to levels set by the Conference.

The Field Programme implements FAO's development strategies and provides assistance to governments and rural communities. Projects are usually undertaken in cooperation with national governments and other agencies.

Animal Health Service of the Animal Production and Health Division is one of the Services of the Agriculture Department.

Infectious Disease Group and Parasitic Disease Group take a lead in the international coordination of the prevention, diagnosis and control of important diseases, such as Foot and Mouth Disease, Rinderpest and African Swine Fever, as well as a range of diseases transmitted by ticks.

Animal diseases:

- Campaign against rinderpest, 1947: China>>Asia: eradication
- Panafrican Campaign against Rinderpest (cooperation with other organizations)
- Isotopes, radiation: their possible influence on agriculture (cooperation with the International Atomic Energy Agency)
- European Committee against Foot and Mouth Disease, 1953 (international cooperation)
1989: 29 member countries
1951-52: 860.000 outbreaks; 1990: no outbreaks; 1991: EC stopped vaccination against FMD

World Health Organization (WHO)

The World Health Organization was founded in 1948 as an autonomous agency within the United Nations system. The WHO's headquarters is in Geneva. WHO's objective, as set out in its

Constitution, is the attainment by all peoples of the highest possible level of health. Health is defined in WHO's Constitution as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

Divisions:

- Infectious diseases (including Veterinary Public Health)
- Non-infectious diseases
- Environment protection

Veterinary Public Health section:

- zoonoses control (WHO zoonoses centre: Buenos Aires: brucellosis, bovine tuberculosis, leptospirosis, rabies; Mediterranean zoonoses control centre: Athens)
- food hygiene and control
- comparative medicine (tumours; influenza; animal research)

FAO-WHO Codex Alimentarius Committee

World Trade Organization (WTO)

1948: General Agreements on Trade and Tariffs

1995. World Trade Organization, 125 member countries

Headquarters: Geneva

Meetings: once a year

Decision making: consensus

Negotiations: 4-5 years; 8th: Uruguay round (1986-1993): conducted against a background of international recession

The World Trade Organization (WTO) is the only international body dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world's trading nations. These documents provide the legal ground-rules for international commerce. They are essentially contracts, binding governments to keep their trade policies within agreed limits.

The WTO is run by its member governments. All major decisions are made by the membership as a whole, either by ministers (who meet every two years) or by officials (who meet regularly in Geneva). Decisions are normally taken by consensus. The highest authority is the ministerial conference which meets at least once every two years. More routine work is supervised by the

General Council (in three guises). Numerous other councils, committees, working parties and negotiating groups cover the wide range of WTO issues.

The system's overriding purpose is to help trade flow as freely as possible - so long as there are no undesirable side-effects. That partly means removing obstacles. It also means ensuring that individuals, companies and governments know what the trade rules are around the world, and giving them the confidence that there will be no sudden changes of policy. In other words, the rules have to be "transparent" and predictable. Because the agreements are drafted and signed by the community of trading nations, often after considerable debate and controversy, one of the WTO's most important functions is to serve as a forum for trade negotiations. A third important side to the WTO's work is dispute settlement. Trade relations often involve conflicting interests. Contracts and agreements, including those painstakingly negotiated in the WTO system, often need interpreting.

The General Agreement on Tariffs and Trade (GATT) was two things: (1) an international agreement, a document setting out the rules for conducting international trade, and an international organization created later to support the agreement. GATT, the international agency, no longer exists. It has now been replaced by the World Trade Organization.

As an international organization, the WTO has a sound legal basis because members have ratified the WTO agreements, and the agreements themselves describe how the WTO is to function. Whereas GATT had mainly dealt with trade in goods, the WTO and its agreements now cover trade in services, and in traded inventions, creations and designs (intellectual property).

Since GATT's creation in 1947-48 there have been eight rounds of trade negotiations. At first these focused on lowering tariffs (customs duties) on imported goods. As a result of the negotiations. But by the 1980s, the negotiations had expanded to cover non-tariff barriers on goods, and to the new areas such as services and intellectual property.

The latest and largest round, was the Uruguay Round which lasted from 1986 to 1994 and led to the WTO's creation.

The principles of the trading system

The trading system should be

- without discrimination: a country should not discriminate between its trading partners; and it should not discriminate between its own and foreign products, services or nationals
- freer: with barriers coming down through negotiation
- predictable: trade barriers (including tariffs, non-tariff barriers and other measures) should not be raised arbitrarily; more and more tariff rates and market-opening commitments are "bound" in the WTO.

- more competitive: by discouraging "unfair" practices such as export subsidies and dumping products at below cost to gain market share.
- more beneficial for less developed countries: by giving them more time to adjust, greater flexibility, and special privileges.

"Consequences on the GATT Agreement on the Application of Sanitary and Phytosanitary Measures"

On 15 April 1994, 125 States signed the "Final Act embodying the Results of the Uruguay Round of Multilateral Trade Negotiations", concluded under the aegis of GATT (General Agreement on Tariffs and Trade). This Final Act contains a text of the utmost importance to the OIE, namely the "Agreement on the Application of Sanitary and Phytosanitary Measures" ("SPS Agreement"), which came into force on 1 January 1995 with the setting up of the World Trade Organization (WTO) to replace GATT. As a direct result of the adoption of the Final Act, the OIE found itself more directly and formally involved in the field of trade, while nonetheless remaining rigorously faithful to the spirit and letter of its founding texts.

The SPS Agreement, whose stated aim is to reduce to a minimum the negative effects of health barriers on international trade, states in particular that countries should, with a view to achieving the widest possible harmonisation of their animal health measures taken to ensure the protection of human and animal life and health, establish their measures on the basis of international standards, guidelines and recommendations.

Furthermore, those international animal health measures which conform to international standards, guidelines and recommendations will be deemed necessary for the protection of human and animal life and health and considered to be in accordance with the SPS Agreement.

The SPS Agreement subsequently specifies that the expression "standards, guidelines and recommendations...for animal health and zoonoses" refers to the "standards, guidelines and recommendations developed under the auspices of the OIE".

The cumulative effect of these provisions is to confer a central role on the OIE Code and Manual whenever there is a need to evaluate the appropriateness of the animal health requirements of a country. Although the contents of the aforementioned two works have long been considered by some countries as a collection of recommendations which they were free to adopt or not, the SPS Agreement will now render them much more binding.

Evidently, the SPS Agreement does not call into question the sovereignty of States in this respect. It nevertheless imposes on them the duty not to introduce or maintain animal health measures which result in a higher level of protection than that advocated by international standards, guidelines or

recommendations except where they are able to justify scientifically the need for the measures, or if such measures stem from risk analysis which they have carried out taking into account the relevant techniques developed by the international organisations.

On another level, the SPS Agreement emphasises the need for transparency of the import health measures which States introduce. It provides, therefore, for the setting up of a procedure for the notification of health regulations likely to affect international trade. Any country introducing a new regulation must, before it comes into force, notify the future WTO, which is responsible for informing the other countries, whenever the planned measures do not result from the application of an existing international standard or where they differ from it substantially. In the latter case the differences must be clearly identified.

Lastly, the general provisions relating to dispute settlement contained in the Final Act will be applicable to disputes arising in the health sector. If scientific or technical questions are raised in connection with an animal health dispute, the WTO panel responsible for settling the dispute will be able to consult the OIE at the request of one or other of the parties involved or on its own initiative. If such a request were forthcoming, the opinion issued by the OIE would doubtless be primarily based on the recommendations of the Code and the Manual.

In view of the provisions of the SPS Agreement, it is only to be expected that countries will start to pay much greater attention to the contents of these two works. It is a means of ensuring even more active participation on the part of the national Veterinary Services in their improvement. The notification procedure can, therefore, be expected to have a highly beneficial effect, since the scientific arguments put forward by a country to justify the introduction of an animal health regulation for imports which differs from the recommendations of the OIE can be examined and, where appropriate, taken into consideration by the OIE Specialist Commissions with a view for improving the recommendations.

The fact that the OIE has been chosen by GATT as the reference international organisation for problems of animal health encountered in international trade in animals and animal products fully emphasises the importance accorded by the international community to the work accomplished by the OIE in this field since the 1960s. It also provides recognition of the fact that the OIE has marshalled the means necessary for implementing the missions relating to international trade entrusted to the organisation.

Sources of material:

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