



COMMISSION OF THE EUROPEAN COMMUNITIES

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2004/0188 (CNS)

Proposal for a

COUNCIL DIRECTIVE

**amending Directive 87/328/EEC as regards the storage of semen of bovine animals
intended for intra-Community trade**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Directive 88/407/EEC lays down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species. This Directive has been amended recently by Directive 2003/43/EC in view of allowing semen to be stored not only in “semen collection centres” (with own production) but also in “semen storage centres” (without own production).

Council Directive 87/328/EEC on the acceptance for breeding purposes of purebred breeding animals of the bovine species refers in Article 4 to animal health requirements for intra-Community trade and determines that semen from purebred breeding animals has to be collected, processed and stored in an “official approved insemination centre”.

Article 4 of Council Directive 87/328/EEC should be amended in order to avoid any confusion with the scope and definitions provided in Directive 88/407/EEC.

Proposal for a

COUNCIL DIRECTIVE

amending Directive 87/328/EEC as regards the storage of semen of bovine animals intended for intra-Community trade

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Having regard to the opinion of the European Economic and Social Committee³,

Whereas:

- (1) Article 4 of Council Directive 87/328/EEC of 18 June 1987 on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species⁴ requires semen for intra-Community trade to be collected, treated and stored in officially approved artificial insemination centres.
- (2) Council Directive 2003/43/EC⁵ has modified Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species⁶, in view of allowing semen to be stored not only in semen collection centres but also in semen storage centres.
- (3) In order to ensure consistency in Community legislation, Article 4 of Directive 87/328/EEC should be adapted to the extended scope and the newly introduced definitions in Directive 88/407/EEC,

HAS ADOPTED THIS DIRECTIVE:

¹ OJ C [...], [...], p. [...]

² OJ C [...], [...], p. [...]

³ OJ C [...], [...], p. [...]

⁴ OJ L 167, 26.8.1987, p. 54.

⁵ OJ L 143, 11.6.2003, p. 23.

⁶ OJ L 194, 22.7.1988, p. 10. Directive as last amended by Commission Decision 2004/101/EC (OJ L 30, 4.2.2004, p. 15).

Article 1

Article 4 of Directive 87/328/EEC is replaced by the following text:

“Member States shall ensure that, for intra-Community trade, the semen referred to in Article 2 is collected and processed, and stored if need be, in collection or storage centres approved in accordance with Council Directive 88/407/EEC.”

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [***] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

*For the Council
The President*