Proposal for a Council Directive amending Council Directive 90/428/EEC of 26 June 1990 on trade in equidae intended for competitions and laying down the conditions for participation therein

(94/C 51/05)

COM(94) 11 final

(Submitted by the Commission on 28 January 1994)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas according to the fourth subparagraph of the second indent of Article 4 (2) of Council Directive 90/428/EEC of 26 June 1990 on trade in equidae intended for competitions and laying down the conditions for participation therein [1], it is the responsibility in particular of the Commission to draw up a report that takes account of progress made in terms of harmonization in connection with all problems raised by the conditions for the breeding of competition horses, for the purposes of a review of the rules governing the prize money or profits which may accrue from competitions;

Whereas the preliminary work undertaken by the Commission indicates that it is necessary, for the purposes of monitoring by the competent authorities, to make provision for a percentage of the prize money or profits accruing from all competitions to be retained for those competitions provided for in the first indent of Article 4 (2) which qualify for a derogation from the obligations referred to in Article 3; whereas, however, in view of the exceptional difficulties which may arise in this sector, higher percentages should be authorized,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 4 (2) of Directive 90/428/EEC is amended as follows:

1. the following subparagraph is added to the first indent:

   'The prize money or profits accruing from competitions shall not exceed 20 % of the prize money or profits referred to in paragraph 1 (c).';

2. the second indent is replaced by the following:

   '— for each competition or type of competition Member States shall be authorized to reserve, through the bodies officially approved or recognized for that purpose, not more than 20 % of the prize money or profits referred to in paragraph 1 (c) for the safeguard, development and improvement of the breeding of equidae';

3. the following indents are added:

   '— the general criteria for the distribution of the prize money and profits shall be communicated to the Commission and the other Member States, within the Standing Committee on Zootechnics,

   — the Commission may, at the reasoned request of a Member State, authorize that Member State temporarily to adopt for certain types of competitions higher percentages than those referred to in the first and second indents above.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1994. They shall inform the Commission thereof.

Where the Member States adopt these provisions, they shall contain a reference to this Directive or be accompanied by such reference on their official publication. Details of this reference shall be adopted by the Member States.

2. Member States shall notify the Commission of the fundamental provisions of national law which they adopt in the area governed by this Directive.

Article 3

This Directive is addressed to the Member States.

[1] OJ No L 224, 18. 8. 1990, p. 60.