II

(Preparatory Acts)

COMMISSION

Proposal for a Council Decision introducing a Community financial measure for the eradication of African swine fever in Portugal

COM(86) 392 final

(Submitted by the Commission to the Council on 28 July 1986)

(86/C 203/06)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty esablishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

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Whereas African swine fever has been present in Portugal for many years;

Whereas, in order to prevent the disease from spreading to its territory, the Community granted financial support for a period of five years by means of Council Decision 80/877/EEC of 15 September 1980 on financial aid from the Community for the eradication of African swine fever in Portugal (1);

Whereas the Act of Accession of Spain and Portugal specifically provides for the continuation and intensification of the measures against African swine fever carried out by the Republic of Portugal;

Whereas the efforts already made have served to stabilize the incidence of the disease; whereas the resources deployed must, however, be maintained and reinforced in order to eradicate African swine fever from the entire territory of Portugal and thus contribute to the establishment of the internal market;

Whereas the Portuguese authorities have appealed to the Community for a contribution towards the expenditure involved in the continuation and reinforcement of the eradication programme undertaken in 1981;

Whereas, in order to benefit from the results obtained, this request should be granted so that the systematic action already undertaken can be maintained and consolidated;

Whereas the reinforced eradication plan must include measures ensuring the effectiveness of the action undertaken; whereas a procedure closely associating the Member States and the Commission should be introduced by means of which such measures can firstly be adopted and secondly adapted as the situation develops;

Whereas the Member States should be kept regularly informed of the progress of the measures undertaken,

HAS ADOPTED THIS DECISION:

Article 1

Portugal shall draw up a reinforced plan for the eradication of African swine fever and the restructuring of pig farms so as to protect the health of their livestock.

Article 2

The plan referred to in Article 1 must provide for:

1. Measures to eliminate outbreaks of African swine fever, and more particularly:

   (a) the immediate slaughter and destruction of all pigs on those holdings where a case of African swine fever is diagnosed and on those holdings which, as a result of an epizootiological investigation, can be considered as contaminated. Slaughter and destruction shall be effected in such a way as to avoid any danger of spreading the virus;

   (b) the cleansing and disinfection of, and elimination of insect and rodent pests from, holdings after the elimination of the pigs;

   (c) immediate and adequate compensation for the owners of holdings whose pigs have been slaughtered in accordance with (a);

(1) OJ No L 250, 23. 9. 1980, p. 12.

(d) a delay before restocking of holdings, the duration of such delay being at least one month after slaughter and the completion of the operations provided for in paragraph (b) for holdings operating in enclosed premises and at least three months for other holdings;

(e) the gradual restocking of holdings by the prior introduction of 'sentinel' pigs, the absence of African swine fever antibodies from which has been checked prior to their entry and again one month later;

(f) continuous serological surveillance of holdings until they are fully restocked.

2. Measures for the control of pig farms and the establishment of zones free from African swine fever, and in particular:

(a) serological testing by representative sampling of all pigs farms in each region of production.

However, the following rules shall apply in the special cases described below:

— in the case of breeding farms, multiplication farms or mixed closed-circuit farms, all breeding sows and sows intended for breeding must be subjected to serological investigation,

— in the case of mixed farms receiving pigs from external sources, if no clear separation exists between the breeding unit and the pig fattening unit, all the pigs on the holding must be subjected to serological investigation;

(b) systematic serological investigation on all farms where one or more animals have reacted positively to the serological test provided for in (a) and the continuation of this investigation until all positive animals are eliminated;

(c) an epizootiological investigation to identify the farms on which pigs reacting positively to serological tests originate and systematic serological investigation on such farms:

(d) elimination by slaughter and destruction of all animals reacting positively to serological tests following measures provided for in (a), (b) and (c);

(e) immediate and adequate compensation for owners of pigs slaughtered and destroyed in accordance with (d);

(f) health protection measures on farms where pigs react negatively to serological tests. More particularly such protection must entail:

— the application of health measures with regard to any person entering the farm,

— arrangements for the disinfection of any vehicle having to enter the farm,

— the installation of safety gates for the delivery of feedingstuffs and various supplies,

— the installation of safety gates for the removal of pigs;

(g) the implementation of health measures in respect of all animals entering the farm for the purposes of breeding or fattening. More particularly these measures must entail:

— an obligation to acquire animals from a farm presenting the same assurances,

— serological investigation of all breeding pigs,

— monitoring of breeding pigs before their entry into the production cycle;

(h) establishment of criteria for the recognition of holdings free of African swine fever. The criteria must include at least the following:

— absence of clinical disease on the holding for at least one year,

— absence of clinical disease within a radius of two kilometres around the holding for at least one year,

— execution of the serological operations provided for in (a), (b) and (c);

(i) clearly distinguishable marking of all pigs on holdings recognized as free of African swine fever;

3. Measures to create regions free of African swine fever, entailing more particularly:

(a) the establishment of a system of identifying all pigs on the national territory so that the region and holding of origin can be traced at any time;

(b) the registration of all holdings enganged in pig farming, specifying the type of production, their position with regard to African swine fever and the size of their stock;

(c) the monitoring of stock of holdings by the introduction of a pig-farming register or file recording in particular entries of pigs to the holding and their origin, exit of pigs and their destination, mortality and the causes thereof;

(d) the monitoring of movements of pigs within a region or between regions irrespective of their origin and destination by regional bodies established for that purpose;

(e) a general ban on the entry of live pigs originating in a region which does not have the same health status;

(f) the promotion of regional groups of farmers to combat African swine fever so as to engender more effective cooperation with the technical and administrative departments and voluntary control over the application of the plan;

(g) serological testing by sampling of pigs at the time of their slaughter;

(h) serological testing by sampling of slaughtered wild swine;

4. Measures to restructure pig farms in order to ensure greater health protection and prevent the spread of the disease, entailing more particularly:

(a) adaptation of existing piggeries so as to ensure effective health protection. Such adaptations must entail:

— protective installations for the entry of vehicles and persons and safety gates for deliveries of feedingstuffs and various supplies,

— safety gates for the delivery or removal of live pigs;

(b) encouragement for the replacement of traditional farms by closed-circuit farms with clear and effective separation between the breeding unit and the fattening unit;

(c) for fattening farms, the establishment of systems for the supply of piglets requiring the direct transportation of animals from recognized multiplication farms to the fattening farm;

(d) in the case of farms continuing to use grazing land in certain regions where this practice cannot be abandoned:

— the establishment of closed and protected housing for breeding stock and their piglets,

— establishment of enclosed and protected runs for sows and fattening piglets until the latters' departure to the grazing land,

— prohibition on the return of fattening pigs from grazing land to the breeding unit,

— obligation to transport fattened pigs direct to the slaughterhouse,

— serological testing of all pigs fattened on grazing land both before they are turned out and at the time of slaughter,

— where the result of serological testing is positive, seizure and destruction of the carcases in question and a ban on the use of the grazing land of origin for the fattening of pigs,

— serological testing of all wild swine slaughtered in the region concerned;

5. National and regional protection measures, entailing more particularly:

(a) control and destruction of all waste from international means of transport;

(b) control of all scraps and swill from kitchens and industries using pigmeat;

(c) ban on the use for feeding to pigs of scraps and swill from kitchens and industries using pigmeat. However, the competent authorities may authorize the use of scraps for feeding in specially designated farms where there are only fattening pigs provided that these scraps are collected and treated in specialized establishments under official control;

(d) obligation to slaughter pigs in slaugherhouses under permanent veterinary control.

Article 3

After examination of the plan submitted by the Portuguese authorities and of any amendments to be made thereto, the Commission shall decide, in accordance with the procedure laid down in Article 9, whether or not to approve it.

The Committee of the European Agricultural Guidance and Guarantee Fund shall be consulted on the financial aspects and the Standing Committee on Structure on the structural aspects of the plan.

Article 4

The measure provided for in this Decision shall qualify for financial aid from the Community.

Article 5

1. Community financial assistance shall be granted for a period of five years from the date fixed by the Commission in its Decision approving the plan referred to in Article 1.

2. The estimated assistance to be charged to the Community budget under the chapter covering expenditure relating to agriculture shall be 10 million ECU for the duration of the measure provided for in paragraph 1.

Article 6

1. On condition that all the measures laid down are applied and are in compliance with the plan approved by the Commission pursuant to Article 3, the expenditure incurred by Portugal:

— under Article 2 (1) (a), (b), (c), (e) and (f), (2) (a), (b), (c), (d) and (e), (3) (d), (f), (g) and (h) and the last three indents of (4) (d),

— under Article 2 (3) (c) and (4) (a), (b), (c) and the first two indents of (d),

shall qualify for Community financial aid within the limits laid down in Article 5.

2. The Community shall refund 50 % of the expenditure referred to in the first indent of paragraph 1 and 30 % of the expenditure referred to in the second indent of paragraph 1.

3. Detailed rules for the application of this Article shall be adopted, as required in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70 (1).

Article 7

1. Applications for payment shall relate to expenditure incurred by Portugal during the calendar year and shall be submitted to the Commission before 1 July of the following year.

2. Article 7 (1) of Regulation (EEC) No 729/70 shall apply to the decisions adopted by the Commission relating to the financing of this measure by the Community.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 8

Regulation (EEC) No 129/78 (2) and Articles 8 and 9 of Regulation (EEC) No 729/70 shall apply *mutatis mutandis.*

Article 9

1. Where the procedure laid down in this Article is to be followed, matters shall be referred without delay by the chairman, either on his own initiative or at the request of a Member State, to the Standing Veterinary Committee (hereinafter called the 'Committee') set up by Decision 68/361/EEC (3).

2. Within the Committee, the votes of Member States shall be weighted as laid down in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its opinion on such measures within the time limit set by the chairman according to the urgency of the matters under consideration. Opinions shall be delivered by a qualified majority of 54 votes.

4. The Commission shall adopt the measures and shall apply them immediately where they are in accordance with the opinion of the Committee. Where they are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay propose to the Council the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within three months from the date on which the proposal was submitted to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures and shall apply them immediately.

Article 10

1. The Commission shall monitor the situation with regard to African swine fever in Portugal and the implementation of the eradication plan. The Commission shall inform the Member States within the Committee of developments regularly, at least once a year, in the light of the information provided by the Portuguese authorities, who shall submit a progress report to the Commission together with the applications for payment, and any reports from experts who, acting on behalf of the Community and appointed by the Commission, have visited Portugal.

2. Should the need arise to amend the eradication plan in the course of its execution, a new decision approving it shall be taken in accordance with the procedure laid down in Article 9.

Article 11

This Decision is addressed to the Portuguese Republic.

(1) OJ No L 94, 28. 4. 1970, p. 13.
(2) OJ No L 20, 25. 1. 1978, p. 16.
(3) OJ No L 255, 18. 10. 1968, p. 23.