

Council Directive of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species (88/407/EEC)

CHAPTER I

General provisions

Article 1

This Directive lays down the animal health conditions applicable to intra-Community trade in and imports from third countries of [^{F1}deep-frozen] semen of domestic animals of the bovine species.

[^{F2}This Directive shall not affect Community and/or national zootechnical provisions governing the organisation of artificial insemination in general and the distribution of semen in particular.]

Textual Amendments

- F1** Deleted by [Council Directive 93/60/EEC of 30 June 1993 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species and extending it to cover fresh bovine semen.](#)
- F2** Inserted by [Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.](#)

Article 2

For the purposes of this Directive, the definitions contained in Article 2 of Directive 64/432/EEC and Article 2 of Directive 72/462/EEC shall apply as necessary.

Moreover:

- (a) ‘semen’ means the prepared or diluted ejaculate of a domestic animal of the bovine species;
- (b) — [^{F3}‘semen collection centre’ means an officially approved and officially supervised establishment situated in the territory of a Member State or third country, in which semen is produced for use in artificial insemination;
- ‘semen storage centre’ means an officially approved and officially supervised establishment situated in the territory of a Member State or third country in which semen is stored for use in artificial insemination;]
- (c) ‘official veterinarian’ means the veterinarian designated by the competent central authority of a Member State or a third country;
- (d) ‘centre veterinarian’ means the veterinarian responsible for day-to-day compliance in the centre with the requirements laid down in this Directive;
- (e) ‘consignment’ means a quantity of semen covered by a single certificate;

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- (f) ‘country of collection’ means the Member State or third country in which semen is collected and from which it is sent to a Member State;
- (g) ‘approved laboratory’ means a laboratory situated in the territory of a Member State or third country designated by the competent veterinary authority to carry out the tests laid down in this Directive;
- (h) ‘collection’ means a quantity of semen taken from a donor at any time.

Textual Amendments

F3 Substituted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.

CHAPTER II

Intra-Community trade

Article 3

Each Member State shall ensure that only semen meeting the following general conditions is sent from its territory to the territory of another Member State;

- (a) [^{F3}it must have been collected and processed and/or stored if need be in a collection or storage centre or centres approved for the purpose in accordance with Article 5(1), with a view to artificial insemination and for the purposes of intra-Community trade;]
- (b) it must have been collected from domestic animals of the bovine species whose health status complies with Annex B;
- (c) it must have been collected, processed, stored and transported in accordance with Annexes A and C;
- (d) it must be accompanied, during transport to the country of destination, by an animal health certificate complying with Article 6 (1).

Textual Amendments

F3 Substituted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.

Article 4

^{F4}₁

^{F4}₂

[^{F5}₃ Member States may not oppose the admission of semen from bulls vaccinated against foot-and-mouth disease. However, where the semen was obtained from a bull which had been vaccinated against foot-and-mouth disease during the 12 month period prior to collection, 5 % of the semen from each collection (with a minimum of five straws) intended for sending to another Member States shall be subjected, in a laboratory in the Member State of destination

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or in a laboratory designated by it, to a virus isolation test for foot-and-mouth disease, with negative results.]

Textual Amendments

- F4** Deleted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.
- F5** Substituted by Council Directive 93/60/EEC of 30 June 1993 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species and extending it to cover fresh bovine semen.

Article 5

1 The Member State on whose territory the [^{F3}semen collection or storage centre is situated shall ensure that the approval provided for in Article 3 (a) is granted only where the provisions of Annex A are observed and where the semen collection or storage centre] is able to satisfy the other provisions of this Directive.

The Member State shall also ensure that the official veterinarian supervises the observance of those provisions and shall withdraw approval when one or more of the provisions is no longer observed.

[^{F62} All semen collection or storage centres shall be registered, each centre being given a veterinary registration number. Each Member State shall draw up and keep up to date a list of semen collection or storage centres and their veterinary registration numbers and make it available to the other Member States and to the public.

3 Detailed rules for the uniform application of this Article may be adopted in accordance with the procedure referred to in Article 18(2).]

Textual Amendments

- F3** Substituted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.
- F6** Substituted by Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields and amending Directives 64/432/EEC, 77/504/EEC, 88/407/EEC, 88/661/EEC, 89/361/EEC, 89/556/EEC, 90/426/EEC, 90/427/EEC, 90/428/EEC, 90/429/EEC, 90/539/EEC, 91/68/EEC, 91/496/EEC, 92/35/EEC, 92/65/EEC, 92/66/EEC, 92/119/EEC, 94/28/EC, 2000/75/EC, Decision 2000/258/EC and Directives 2001/89/EC, 2002/60/EC and 2005/94/EC (Text with EEA relevance).

Article 6

1 Member States shall make the admission of semen conditional upon submission of an animal health certificate drawn up by an official veterinarian of the Member State of collection in accordance with Annex D.

This certificate must:

- a be drawn up in at least one of the official languages of the Member State of collection and one of those of the Member State of destination;
- b accompany the consignment to its destination in its original form;

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- c be drawn up on a single sheet of paper;
- d be made out to a single consignee.

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- a The Member State of destination may prohibit the admission of consignments if a documentary check reveals that Article 3 has not been observed.
- b The Member State of destination may take the necessary measures, including storage in quarantine, in order to obtain definite proof in cases where semen is suspected of being infected or contaminated by pathogenic organisms.
- c Decisions taken under (a) or (b) must, at the request of the consignor or his representative, authorize the return of the semen, provided this is not contrary to considerations of animal health.

3 If the admission of semen has been prohibited on any of the grounds set out in paragraph 2 (a) and (b) and the Member State of collection does not within 30 days authorize the return of the semen, the competent veterinary authority of the Member State of destination may order it to be destroyed.

4 The decisions taken by the competent veterinary authority under paragraphs 2 and 3 must be communicated to the consignor or his representative, together with the reasons therefor.

F7 Article 7

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Textual Amendments

- F7** Deleted by [Council Directive of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market \(90/425/EEC\)](#).

CHAPTER III

Imports from third countries

Article 8

1 A Member State may authorize importation of semen only from those third countries which appear on a list drawn up in accordance with [^{F3}the procedure referred to in Article 18(2)]. That list may be supplemented or amended in accordance with [^{F3}the procedure referred to in Article 18(2)].

2 In deciding whether a third country may appear on the list referred to in paragraph 1, particular account shall be taken of:

- a the state of health of the livestock, other domestic animals and wildlife in the third country, with particular reference to exotic animal diseases, and of the environmental health situation in that country, which might endanger animal health in the Member States;
- b the regularity and rapidity of the information supplied by the third country concerning the existence of contagious animal diseases in its territory, in particular those diseases mentioned in lists A and B of the International Office of Epizootic Diseases;
- c that country's rules on animal disease prevention and control;

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- d the structure of the veterinary services in the country and their powers;
- e the organization and implementation of measures to prevent and control contagious animal diseases; and
- f the guarantees which the third country can give with regard to compliance with this Directive.

3 The list referred to in paragraph 1 and all amendments thereto shall be published in the *Official Journal of the European Communities*.

Textual Amendments

- F3** Substituted by [Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species](#).

F6 Article 9

1 Member States shall only authorise imports of semen dispatched from a semen collection or storage centre situated in one of the third countries appearing on the list referred to in Article 8 and for which the competent authority of the third country concerned is able to give the guarantees that the following conditions are met:

- a it meets the conditions:
 - (i) for approval of semen collection centres or storage centres set out in Chapter I of Annex A;
 - (ii) relating to the supervision of such centres set out in Chapter II thereof;
- b it has been officially approved by the competent authority of the third country for exports to the Community;
- c it is placed under the supervision of a centre veterinarian;
- d it is subject to inspections by an official veterinarian of the third country at least twice a year.

2 The list of semen collection or storage centres that the competent authority of the third country appearing on the list referred to in Article 8 has approved in accordance with the conditions set out in paragraph 1 of this Article and from which semen may be dispatched to the Community shall be communicated to the Commission.

The approval of a semen collection or storage centre must be immediately suspended or withdrawn by the competent authority of the third country where it no longer complies with the conditions set out in paragraph 1 and the Commission must be immediately informed thereof.

The Commission shall provide the Member States with any new and updated lists that it receives from the competent authority of the third country in accordance with this paragraph and shall make them available to the public for information purposes.

3 Detailed rules for the uniform application of this Article may be adopted in accordance with the procedure referred to in Article 18(2).]

Textual Amendments

- F6** Substituted by [Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields and amending Directives 64/432/](#)

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EEC, 77/504/EEC, 88/407/EEC, 88/661/EEC, 89/361/EEC, 89/556/EEC, 90/426/EEC, 90/427/EEC, 90/428/EEC, 90/429/EEC, 90/539/EEC, 91/68/EEC, 91/496/EEC, 92/35/EEC, 92/65/EEC, 92/66/EEC, 92/119/EEC, 94/28/EC, 2000/75/EC, Decision 2000/258/EC and Directives 2001/89/EC, 2002/60/EC and 2005/94/EC (Text with EEA relevance).

Article 10

1 Semen must come from animals which, immediately prior to collection of their semen, have remained for at least six months in the territory of a third country on the list drawn up in accordance with Article 8 (1).

2 Without prejudice to Article 8 (1) and paragraph 1 of this Article, the Member States shall not authorize the importation of semen from a third country on the list unless the semen complies with the animal health requirements adopted, in accordance with [^{F3}the procedure referred to in Article 18(2)], for imports of semen from that country.

In adopting the requirements referred to in the preceding subparagraph, consideration shall be given to:

- a the health situation in the area surrounding the semen collection centre, with particular reference to the diseases appearing on list A of the International Office of Epizootic Diseases;
- b the state of health of the herd in the semen collection centre, including testing requirements;
- c the state of health of the donor animal and testing requirements;
- d testing requirements in relation to semen.

3 The reference basis for fixing animal health conditions in accordance with paragraph 2 for bovine tuberculosis and brucellosis shall be the standards laid down in Annex A to Directive 64/432/EEC. It may be decided, in accordance with [^{F3}the procedure referred to in Article 18(2)], on a case-by-case basis, to waive these conditions where the third country concerned provides similar animal health guarantees; in that case, animal health conditions at least equivalent to those in Annex A to that Directive shall be laid down in accordance with the same procedure in order to permit the entry of such animals into semen collection centres.

4 Article 4 shall apply *mutatis mutandis*.

Textual Amendments

- F3** Substituted by [Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.](#)

Article 11

1 Member States shall authorize the importation of semen only on submission of an animal health certificate drawn up and signed by an official veterinarian of the third country of collection.

This certificate must:

- a be drawn up in at least one of the official languages of the Member State of destination and one of those of the Member State where the import control provided for in Article 12 is carried out;
- b accompany the semen in the original;

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- c be drawn up on a single sheet of paper;
- d be made out to a single consignee.

2 The certificate must correspond to a specimen drawn up in accordance with [^{F3}the procedure referred to in Article 18(2)].

Textual Amendments

- F3** Substituted by [Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.](#)

[^{F6}Article 12

The rules laid down in Directive 97/78/EC shall apply, in particular to the organisation of, and follow-up to the checks to be carried out by the Member States and the safeguard measures to be applied in accordance with the procedure referred to in Article 22 of that Directive.]

Textual Amendments

- F6** Substituted by [Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields and amending Directives 64/432/EEC, 77/504/EEC, 88/407/EEC, 88/661/EEC, 89/361/EEC, 89/556/EEC, 90/426/EEC, 90/427/EEC, 90/428/EEC, 90/429/EEC, 90/539/EEC, 91/68/EEC, 91/496/EEC, 92/35/EEC, 92/65/EEC, 92/66/EEC, 92/119/EEC, 94/28/EC, 2000/75/EC, Decision 2000/258/EC and Directives 2001/89/EC, 2002/60/EC and 2005/94/EC \(Text with EEA relevance\).](#)

^{F1}Article 13

Textual Amendments

- F1** Deleted by [Council Directive 93/60/EEC of 30 June 1993 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species and extending it to cover fresh bovine semen.](#)

^{F1}Article 14

Textual Amendments

- F1** Deleted by [Council Directive 93/60/EEC of 30 June 1993 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species and extending it to cover fresh bovine semen.](#)

CHAPTER IV

Safeguard and control measures*^{F7}Article 15***Textual Amendments**

- F7** Deleted by [Council Directive of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market \(90/425/EEC\)](#).

[^{F8}Article 15

The rules laid down in Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, shall apply in particular to checks at origin, to the organization of, and follow-up to, the checks to be carried out by the Member State of destination, and follow up to, the checks to be carried out by the Member State of destination, and to the safeguard measures to be implemented.]

Textual Amendments

- F8** Inserted by [Council Directive of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market \(90/425/EEC\)](#).

Article 16

1 Veterinary experts from the Commission may, in cooperation with the competent authorities of the Member States and third countries, make on-the-spot checks in so far as that is indispensable for ensuring uniform application of this Directive.

The country of collection within whose territory a check is being carried out shall give all necessary assistance to the experts in carrying out their duties. The Commission shall inform the country of collection concerned of the results of the investigation.

The country of collection concerned shall take any measures which may prove necessary to take account of the results of the investigation. If the country of collection does not take those measures, the Commission may, after the situation has been examined by the Standing Veterinary Committee, have recourse to the provisions of the fourth subparagraph of Article 5 (2) and 9 (1).

2 The general provisions for implementing this Article, especially as regards the frequency and method of carrying out the checks referred to in the first subparagraph of paragraph 1, shall be laid down in accordance with [^{F3}the procedure referred to in Article 18(2)].

Textual Amendments

- F3** Substituted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.

CHAPTER V

Final provisions*[^{F3} Article 17*

Annex A shall be amended by the Council, acting by qualified majority on a proposal from the Commission, in particular to adapt it to advances in technology.

Annexes B, C and D shall be amended in accordance with the procedure laid down in Article 18(2).]

Textual Amendments

- F3** Substituted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.

[^{F3} Article 18

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health set up by Regulation (EC) No 178/2002⁽²⁾.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC⁽³⁾ shall apply.

The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3 The Committee shall adopt its rules of procedure.]

Textual Amendments

- F3** Substituted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.

^{F4} Article 19

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Textual Amendments

- F4** Deleted by [Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.](#)

Article 20

1 This Directive shall not be applicable to semen collected and processed in a Member State before 1 January 1990.

2 Until the date of entry into force of the decisions adopted pursuant to Articles 8, 9 and 10, the Member States shall not apply to imports of semen from third countries more favourable conditions than those resulting from application of Chapter II.

Article 21

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1990 at the latest. They shall forthwith inform the Commission thereof.

Article 22

This Directive is addressed to the Member States.

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- (1) [^{F8}OJ No L 224, 18. 8. 1990, p. 29.]
- (2) [^{F3}OJ L 31, 1.2.2002, p. 1.]
- (3) [^{F3}OJ L 184, 17.7.1999, p. 23.]

Textual Amendments

- F3** Substituted by Council Directive 2003/43/EC of 26 May 2003 amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species.
- F8** Inserted by Council Directive of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market (90/425/EEC).