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Article 4

1. Equidae must show no clinical sign of disease at inspection. Inspection must be carried out in the 48 hours prior to their embarkation or loading. In case of registered equidae, however, this inspection shall, without prejudice to Article 6, be required for intra-Community trade only.
2. Without prejudice to the requirements of paragraph 5 regarding compulsorily notifiable diseases, the official veterinarian must, at the time of inspection, be satisfied that there are no grounds - in particular on the basis of declarations by the owner or breeder - for concluding that the equidae have been in contact with equidae suffering from an infectious or contagious disease during the 15 days immediately preceding inspection.
3. The equidae must not be intended for slaughter under a national programme of contagious or infectious disease eradication.
4. The equidae must be identified in the following manner:
  - (i) in the case of registered horses, by means of an identification document, as provided for in Directive 90/427/EEC\*, which must certify in particular that Article 5 (5) and (6) have been complied with. The official veterinarian will have to suspend the validity of this document for the period of the prohibitions provided for in paragraph 5 or in Article 5. The document should, following the slaughter of the registered horse, be returned to the authority which issued it. The procedure for the implementation of this point shall be adopted by the Commission in accordance with the procedure laid down in Article 24.
  - (ii) for equidae for breeding and production, identification by a method to be established by the Commission in accordance with the procedure laid down in Article 24.

Until such time as this method is in use, the officially approved national identification methods shall remain applicable, provided that they are notified to the Commission and the other Member States within three months of the date on which this Directive is adopted.
5. In addition to the requirements laid down in Article 5, the equidae must not come from a holding which has been the subject of one of the following prohibition orders:
  - (a) if all the animals of species susceptible to the disease located on the holding have not been slaughtered, the period of prohibition concerning the holding of origin must be at least:
    - six months in the case of equidae suspected of having contracted dourine, beginning on the date of
    - the last actual or possible contact with a sick animal. However, in the case of a stallion, the prohibition shall apply until the animal is castrated,
    - six months in the case of glanders or equine encephalomyelitis, beginning on the day on which the equidae suffering from the disease in question are slaughtered,
    - in the case of infectious anaemia, until the date on which, the infected animals having been slaughtered, the remaining animals have shown a negative reaction to two Coggins tests carried out three months apart
    - six months in the case of vesicular stomatitis,
    - one month from the last recorded case, in the case of rabies,
    - 15 days from the last recorded case, in the case of anthrax;

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- (b) if all the animals of species susceptible to the disease located on the holding have been slaughtered and the premises disinfected, the period of prohibition shall be 30 days, beginning on the day on which the animals were destroyed and the premises disinfected, except in the case of anthrax, where the period of prohibition is 15 days.

The competent authorities may derogate from these prohibition measures for hippodromes and racecourses, and shall notify the Commission of the nature of any derogations granted.

6. Where a Member State draws up or has drawn up a voluntary or compulsory control programme for a disease to which equidae are susceptible, it may present the programme to the Commission, within six months of notification of this Directive outlining in particular:

- the distribution of the disease on its territory,
- the reasons for the programme, taking into consideration the significance of the disease and its cost/benefit advantages,
- the geographical area in which the programme will be implemented,
- the status categories to be applied to establishments, the standards which must be attained for each species and the test procedures to be used,
- the programme monitoring procedures,
- the action to be taken if, for any reason, a holding loses its status,
- the measures to be taken if the results of the tests carried out in accordance with the provisions of the programme are positive,
- the non discriminatory nature of trade in the territory of the Member State concerned with respect to intra-Community trade

The Commission shall examine the programmes presented by the Member States. Where appropriate it shall approve them in accordance with the procedure laid down in Article 24. Any additional guarantees, general or specific, which may be required in intra-Community trade may be defined in accordance with the same procedure. Sure guarantees must not exceed those required by the Member State in its own territory.

Programmes submitted by Member States may be amended or supplemented in accordance with the procedure laid down in Article 25. Amendments or additions to programmes which have already been approved or to guarantees which have been defined in accordance with the second subparagraph may be approved under the same procedure

#### *Article 5*

1. A Member State which is not free of African horse sickness within the meaning of Article 2 (f) may despatch equine from that part of its territory which is considered to be infected within the meaning of paragraph 2 of this Article only under the conditions set out in paragraph 3 of this Article.
2. (a) A part of the territory of a Member State shall be considered to be infected with African horse sickness if:
  - Clinical, serological (in unvaccinated animals) and/or epidemiological evidence has revealed the presence of African horse sickness in the past two years, or
  - vaccination against African horse sickness has been carried out in the past 12 months.
- (b) The part of the territory considered to be infected with African horse sickness must comprise as a minimum:

- a protection zone with a radius of at least 100km around any centre of infection.
  - a surveillance zone at least 50 km extending beyond the protection zone, in which no vaccination has been carried out in the last 12 months.
- (c) The rules controlling the combat measures relating to the territories and zones referred to in points (a) and (b) and the relevant derogations are specified in Directive 92/35/EEC (\*)
- (d) All vaccinated equidae found in the protection zone must be registered and identified in accordance with Article 6 (1) of Directive 92/35/EEC.
- The identification document and/or health certificate shall carry a clear reference to such vaccination.
3. A Member State may despatch from the territory referred to in paragraph 2 (b) only equidae which meet the following requirements:
- (a) they must be despatched only during certain periods of the year, having regard to the activity of vector insects, to be determined in accordance with the procedure laid down in Article 25,
- (b) they must show no clinical symptoms of African horse sickness on the day of the inspection referred to in Article 4 (1):
- (c) if they have not been vaccinated against African horse sickness, they must have undergone and reacted negatively to a complement fixation test for African horse sickness as described in Annex D on two occasions with an interval of between 21 and 30 days between the two tests, the second of which must have been carried out during the 10 days prior to despatch,
- if they have been vaccinated, they must not have undergone vaccination during the previous two months and must have undergone and reacted negatively to a complement fixation test for African horse sickness as described in Annex D, on two occasions, with an interval of between 21 and 30 days between the two tests, the second of which must have been carried out during the 10 days prior to despatch,
- if they have been vaccinated, they must not have undergone vaccination during the previous two months and must have undergone the fixation test described in Annex D at the aforementioned intervals without having recorded an increase in the antibody count. Under the procedure laid down in Article 24, the Commission may, following the opinion of the Scientific Veterinary Committee, recognise other monitoring methods;
- (d) they must have been kept in a quarantine station for a minimum period of 40 days prior to dispatch;
- (e) they must have been protected from vector insects during the period of quarantine and during transportation from the quarantine station to the place of dispatch;
- (\*) OJ No1 1.57,10.6 1992 p19