

Message 001

Communication from the Commission - TRIS/(2025) 3031

Directive (EU) 2015/1535

Notification: 2025/0640/NL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20253031.EN

1. MSG 001 IND 2025 0640 NL EN 22-10-2025 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën, Douane Groningen, CDIU.

3B. Ministerie van Landbouw, Visserij, Voedselzekerheid en Natuur (LVVN)
DG Agro/Directie Dierlijke Agroketens en Dierenwelzijn
Directie WJZ/Afdeling LV

4. 2025/0640/NL - C20A - Agriculture, hunting

5. Decree of [...] amending the Animal Keepers Decree [Besluit houders van dieren] in connection with the control of infectious bovine rhinotracheitis and infectious pustular vulvovaginitis in bovine animals in the Netherlands

6. This Decree lays down rules on the national control of infectious bovine rhinotracheitis/infectious pulpovaginitis in bovine animals in the Netherlands.

7.

8. The Decree provides for an obligation for keepers of bovine animals to vaccinate their bovine animals against bovine herpes virus-1 (BoHV-1). Alternatively, keepers may also choose to examine their bovine animals for the presence of IBR/IPV and to dispose of any infected bovine animals. When a virus spreads within an establishment, it is mandatory to carry out vaccination in order to prevent possible further spread. These rules serve to codify a practice that is already being followed by almost the entire Dutch dairy farming sector and about a quarter of other cattle farms, and are the starting point of a national control programme that will in future be submitted to the European Commission for assessment. The Netherlands assumes a maximum period of four years from the entry into force of this Decree, after which the Dutch programme will be submitted to the European Commission for assessment. During this period, the progress of the national response will be closely monitored. If developments are favourable, a possible earlier submission of the programme to the European Commission for assessment may be considered.

The rules in this Decree do not preclude operators from applying for 'IBR/IPV-free establishment' status under the provisions of Regulation (EU) 2020/689.

Articles 1.64, 1.65, 1.66 (vaccination requirement) may constitute a technical regulation because they concern another requirement relating to the use of the bovine animal, which could significantly affect the placing on the market of the bovine animal. Operators who keep vaccinated bovine animals may no longer move these bovine animals to countries with IBR/IPV-free status (Article 11(2) of Regulation (EU) 2020/688). The imposition of a vaccination requirement may entail that operators in other Member States who wish to obtain the status of 'establishment free from IBR/IPV' for their establishment might no longer wish to receive vaccinated bovine animals from the Netherlands. In order to obtain this status, bovine animals at the establishment must not have been vaccinated for two years.

Articles 1.72 to 1.80 (various examinations and removal of infected bovine animals) may contain technical regulations. The articles lay down requirements for carrying out examinations and disposing of infected bovine animals. Business operations and trading are affected. If IBR/IPV is found in a bovine animal, the animal must be removed from the establishment, or the operator must vaccinate their bovine animals. One consequence of the possible technical regulations may be that, although this is not an obligation under this programme, operators in the Netherlands will prefer to import unvaccinated bovine animals that are free of IBR/IPV from other Member States.

Articles 1.80, 1.81 and 1.83 to 1.88 relate to vaccination and examination requirements and stipulate that operators must record certain data regarding vaccination and examination results and report this to the Minister. Operators must also submit certain data on vaccination or test results to each other when importing and exporting bovine animals to other establishments in the Netherlands. These rules are necessary for enforcement and efficient control of IBR/IPV.

A provision on mutual recognition is not necessary because the draft Decree does not impose any restrictions on the introduction of goods (specifically bovine animals) or services into the Netherlands.

9. IBR/IPV causes health and welfare problems in bovine animals and can result in significant economic losses for keepers of bovine animals. The economic damage to the Dutch cattle sector is estimated at EUR 15.5 million per year. Eradication of IBR/IPV leads to a higher level of animal health (also conducive to animal welfare), less economic damage, a better image of the Dutch cattle sector and a better trading position within and outside the European Union. Controlling IBR/IPV is therefore essential.

The Dutch IBR/IPV control programme, which includes the requirements set out in this Decree, is initially a stand-alone programme, and therefore not an eradication programme as referred to in Article 31 of

Regulation (EU) 2016/429 that requires approval by the European Commission.

The programme falls within the scope of Regulation (EU) 2016/429 and Regulation (EU) 2019/6 for the following reasons. First, pursuant to Article 10(1)(a)(i) and (iii) of Regulation (EU) 2016/429, operators are - as regards the bovine animals under their responsibility - responsible for the health of the bovine animals and for minimising the risk of the spread of animal diseases. Pursuant to Article 269(1), preamble, point (a), of Regulation (EU) 2016/429, Member States may apply within their territory additional or more stringent measures concerning this provision on the responsibility of operators for the health of their bovine animals. Article 106(1) of Regulation (EU) 2019/6 provides that veterinary medicinal products shall be used in accordance with the terms of the marketing authorisation for the medicinal product concerned. The second paragraph provides that the use of medicinal products is without prejudice to Articles 46 and 47 of Regulation (EU) 2016/429.

The obligation to vaccinate bovine animals against IBR/IPV or the alternative obligation to carry out examinations and take measures in the event of infection can be regarded, with respect to the control of IBR/IPV in bovine animals, as a further elaboration of the broadly formulated standard of Article 10(1) of Regulation (EU) 2016/429.

Furthermore, Article 170(1) of Regulation (EU) 2016/429 provides that Member States remain free to take national measures with regard to movements of terrestrial animals within their own territories with regard to Category D and E animal diseases, including IBR/IPV in bovine animals. Articles 46, 47, 170 and 269 each impose additional conditions.

The conditions laid down in Articles 170 and 269 are met. Reference is made to paragraph 2.3.1 of the general explanatory notes under the heading 'Scope for national measures'.

The rules do not go beyond what is desirable and necessary to prevent the spread of animal diseases, because the disposal requirement applies only to bovine animals at establishments where vaccination does not take place, but testing for the presence of IBR/IPV is done. This is, as explained in more detail in paragraph 5 of the explanatory notes, necessary to ensure that these establishments become free from IBR/IPV. In drafting the rules, the veterinary need for imposing these rules has also been taken into account. The rules are therefore proportionate and do not go beyond what is strictly necessary. The requirement is the least restrictive means of achieving the objective because it is based on the minimum necessary to control IBR/IPV and does not pass directly to the European programme. Furthermore, the programme has been proven to be effective.

Finally, the rules are non-discriminatory. No distinction is made between bovine animals from the Netherlands and bovine animals from other Member States. There is one exception to this (in Art 1.72(2)(b)). This is not related to Member States, but to the degree of certainty that the Netherlands has about the health status of a bovine animal. This distinction is justified.

10. Numbers or titles of the basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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