ORIGINAL PROPOSAL	AMENDED PROPOSAL
Article 17	*Article 17*
The laws of the Member State shall determine the procedure for registration and for invalidation of trade-marks and the effects of invalidation. They may further provide that a trade-mark to which one of the grounds for invalidation mentioned in this Directive applies shall not be capable of defeating the claims of third parties.	Unchanged.
	Article 17a
	The symbol composed of a capital letter R contained within a circle, thus Ⓡ, may be used to indicate a registered trade-mark.
Article 18	*Article 18*
1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than... They shall immediately inform the Commission thereof.	1. Unchanged.
2. The Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field governed by this Directive.	2. Unchanged.
Article 19	*Article 19*
This Directive is addressed to the Member States.	Unchanged.

Amended proposal for a Council Directive prohibiting the use in livestock farming of certain substances having a hormonal action [1]

COM(85) 832 final

(Submitted by the Commission to the Council pursuant to the second paragraph of Article 149 of the EEC Treaty on 18 December 1985)

(85/C 351/06)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing 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,

Whereas the administration to farm animals of certain substances having a hormonal action is at present regulated in different ways in the Member States; whereas while their immediate effect on animals from the farmer's point of view is clear, assessments of their effect on human health vary and this is reflected in the regulations governing their use; whereas this divergence distorts the conditions of competition in products that are the subject of common market organizations and is a serious barrier to intra-Community trade;

Whereas this distortion of competition and barrier to trade should be removed by ensuring that all consumers should be able to buy the products in question under identical conditions of supply and these products should, to meet their anxieties and expectations, be in the best possible state; whereas such a course of action is bound to bring about an increase in consumption of the product in question;

Whereas the use of hormonal substances for fattening purposes should therefore be prohibited; where the use of certain substances for therapeutic purposes may be authorized but must be strictly controlled in order to prevent any misuse of them;

Whereas, since it would be difficult to be certain of correct operation of the scheme as a whole if animals so treated and the meat from such animals were to be traded, this should

[1] OJ No C 313, 4. 12. 1985, p. 4.

as a general rule be prohibited; whereas derogations from this rule may be allowed where satisfactory guarantees can be provided;

Whereas, as part of the adoption of harmonized rules in the Community, arrangements for importation from third countries that offer equivalent guarantees should be introduced; whereas these guarantees can be required under Directives 72/462/EEC (1) and 85/358/EEC (2),

Whereas, in order to ensure that the provisions of this Directive can be implemented effectively, the latest date for introduction of the provisions of Directive 85/358/EEC should be made to fall before that for introduction of the provisions of this Directive; whereas Community control measures should be involved in order to ensure uniform application in the Member States of the rules applicable on administration of substances having a hormonal or thyrostatic action,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of implementation of this Directive the definitions of meats and of farm animals given in Article 1 of Directive 81/602/EEC shall apply.

For the purposes of implementation of this Directive and of Directive 81/602/EEC 'therapeutic treatment' shall mean the administering to an individual farm animal of any of the substances referred to in Article 3 to treat a fertility problem diagnosed, on examination, by a veterinarian. Such treatment shall remain prohibited for animals intended for fattening.

Article 2

Without prejudice to the provisions of Article 4 of Directive 81/602/EEC, Member States may not authorize any derogation from the provisions of the abovementioned Directive.

Article 3

For the purposes of implementation of Article 4 of Directive 81/602/EEC

(a) there shall be established, after the Committee on Veterinary Medicines has given its opinion on the measures provided for in the first two indents, and in accordance with the procedure laid down in Article 8,

— a list of the products satisfying the relevant principles and criteria of Directives 81/851/EEC and 81/852 EEC that may be authorized by the Member States for the treatments mentioned in Article 4 of Directive 81/602/EEC,

— the conditions of use of these products, in particular, the delay period necessary and detailed provisions concerning the control of these conditions of use,

— the means of identification of animals.

However, any decision on inclusion of products based on trenbolone and zeranol may be taken only on the basis of authorization by the Council acting by a qualified majority in response to a proposal from the Commission.

Until each of the decisions provided for above has been applied, pharmaceutical specialities which have already received authorization to be placed on the market will continue to be authorized.

Products on the list mentioned at (b) shall be subject to the rules of Articles 24 to 50 of Directive 81/851/EEC, excluding those rules dealing with national authorizations on marketing.

(b) Products used for therapeutic purposes must be injected by a veterinarian and the animal must be clearly identified. The dose must be recorded and the animal may not be slaughtered before expiry of the waiting period fixed in implementation of the provisions set out at (a).

Article 4

The Member States will prescribe that undertakings producing substances having a thyrostatic action, oestrogen, androgen and gestagen and those authorized for whatever purpose to market those substances, and undertakings producing pharmaceutical and veterinary products based on those substances, must keep a register detailing, in chronological order, quantities produced or acquired and those sold or used for the production of pharmaceutical and veterinary products.

Article 5

Member States must ensure that no animals are dispatched from their territory to that of another Member State that have had administered to them in any way whatsoever substances with a thyrostatic or with an oestrogenic, androgenic or gestagenic action, and that no meat from such animals is dispatched. They shall reserve the Community stamp for meat from untreated animals.

Until 31 December 1987 Member States prohibiting use of the substances mentioned in Article 5 of Directive 81/602/EEC for fattening may restrict entry into their territory to untreated animals and meat from untreated animals.

Article 6

1. Member States shall prohibit importation from third countries of animals and of meat from animals to which have been administered in any way whatsoever substances with a thyrostatic or with an oestrogenic, androgenic or gestagenic action.

2. To this end, the decisions to be taken for implementation of Directive 72/462/EEC, taking account of Article 13 of Directive 85/358/EEC in the case of meat, and

(1) OJ No L 302, 31. 12. 1972, p. 28.
(2) OJ No L 191, 23. 7. 1985, p. 46.

of the equivalent guarantee in the case of live animals, must be adopted before 1 January 1988.

3. Member States shall ensure that imported fresh meat coming from approved slaughterhouses in third countries in respect of which a decision within the meaning of paragraph 2 has been taken is, without prejudice to animal health measures, circulated in the Community in accordance with Article 25 of Directive 72/462/EEC.

4. National rules on substances with a hormonal action dealing with imports from third countries shall remain applicable, subject to respect for the general provisions of the Treaty, until each of these decisions comes into application.

5. As from 1 January 1988, Member States will suspend imports coming from third countries in respect of which no decision within the meaning of paragraph 2 has been taken.

6. For the purposes of application of the above provisions, the Commission shall draw up a list of the products authorized by third countries for the treatments mentioned in Article 4 of Decision 81/602/EEC.

Article 7

The Council, acting by a qualified majority in response to a proposal from the Commission, may adopt derogations from Articles 5 and 6 in respect of trade in treated animals and meat of such animals in the framework of the provisions of Article 4 of Directive 81/602/EEC, where satisfactory guarantees are given.

Article 8

1. Where the procedure laid down in this Article is to be used, matters shall without delay be referred 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 the Council Decision of 15 October 1968.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by a majority of 45 votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The Chairman shall not vote.

3. The Commission shall adopt the measures and implement 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 immediately submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority.

If within three months of the date on which a matter was referred to it the Council has not adopted any measures, the Commission shall adopt the proposed measures and implement them immediately, save where the Council has decided against the measures by a simple majority.

Article 9

Measures necessary to ensure a smooth transition to the arrangements laid down in this Directive may be adopted in accordance with the procedure laid down in Article 8. Their maximum duration shall be one year.

Article 10

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply:

— with Directive 85/358/EEC, by 1 January 1987 at the latest,

— with this Directive, by 1 January 1988 at the latest.

They shall immediately inform the Commission thereof.

Article 11

This Directive is addressed to the Member States.