

Transmissible animal diseases

2013/0136(COD) - 15/12/2015 - Commission communication on Council's position

The Commission considers that the common position adopted by the Council with qualified majority **reflects the original goals of the Commission's proposal** and takes into account many concerns of the European Parliament.

To recall, the European Parliament adopted its position at first reading on 15 April 2014 and supported the main goals of the Commission's proposal. In particular, the European Parliament:

- expressed its support for the principle that **prevention is better than cure** and welcomed the attempt to bring together the current dispersed animal health legislation into one single set of principles;
- approved the scope of the proposed act, which is about transmissible animal diseases;
- welcomed the "one health" approach establishing a clear link between animal welfare and animal and public health.

The Commission indicated that it could accept in full, in part, in principle or subject to rewording **106 of the 331 amendments**, proposed by the Parliament at first reading.

Following the adoption of the European Parliament's first reading position, informal discussions continued between the European Parliament, the Council Presidency and the Commission, with a view to concluding an agreement at the common position stage ('early second reading agreement').

1) Amendments incorporated in full or in part in the position of the Council at first reading:

- proposed new title for the proposal to better describing its focus on transmissible animal diseases;
- categorisation of animal diseases and emerging diseases;
- proposed the retention of Regulation (EC) No 1760/2000 on bovine identification and beef labelling, which the animal health proposal aimed to repeal;
- ensure that animal welfare is taken into account when considering or implementing animal health measures.

2) Amendments rejected by the Commission and incorporated in full, in part or in principle in the position of the Council:

Listing of animal diseases:

- The European Parliament proposed to eliminate the Commission's implementing powers enabling to establish the list of animal diseases and species to which the rules in the Regulation apply, and the categorisation of diseases into different groups according to which measures are appropriate for them. The European Parliament proposed to list the diseases in an Annex to the Regulation, but to provide the Commission with delegated powers to amend or supplement that list.
- The Council proposed that a short list of five significant diseases is written into the enacting part of the Regulation, but that the listing of the remaining of diseases, as well as the categorisation of all the listed diseases, and listing of species, should be done through implementing acts. The Council also added more criteria for the listing and categorisation of animal diseases, which in their view added the missing essential elements to the enacting part of the Commission proposal.
- The Parliament recognised the value of these additional essential elements providing more detailed criteria for disease listing and categorisation. It also agreed to the proposed list of five diseases and

to the possible listing of other diseases in an Annex amendable by delegated act, while implementing powers were preserved for the categorisation of animal diseases.

Consultation with stakeholders and scientists:

- The European Parliament required several types of specific consultation when drawing up delegated acts. Contrary to Article 290 (2) TFEU, some of those amendments set out a legally binding obligation for the Commission to conduct these consultations.
- The Commission cannot accept the amendments of the European Parliament which are contrary to Article 290(2) of TFEU. However, it can agree to the wording in the Council position whereby it would consult experts, stakeholders and the European Food Safety Authority, as well as engage in wider public consultations, when and as appropriate.

Review clause (report by the Commission):

- Parliament asked the Commission to submit a report on the impact of the Regulation by 31 December 2019. The Council also requested a reporting obligation in a recital or in an Article, while avoiding any unnecessary administrative burden.

Animal welfare:

- Some amendments on animal welfare were accepted by the Council while others went further providing animal welfare rules, thus interfering with the existing animal welfare legislation. Also, all amendments that were overlapping or inconsistent with the existing requirements - or putting at risk animal and public health - were not incorporated in the Council's position. The Commission supports this position.
- The European Parliament could eventually drop or adjust several of its amendments but asked the Commission for a commitment to take future action for the protection of animals through a **statement on animal welfare**. The Commission exceptionally agreed to make a statement.

Antimicrobial resistance:

- Amendments obliging actors to consider or raise awareness on the risks of antimicrobial resistance are acceptable, while amendments interfering with the legislation on veterinary medicines cannot be supported as they go beyond the scope of this proposal.
- Parliament also insisted on setting up a responsibility of operators for a responsible use of veterinary medicines as in their view such a clear obligation was needed in the EU legislation to establish a link with the proposal on veterinary medicines. The Council accepted in principle this amendment and was **supportive of the joint statement by the European Parliament, Council and the Commission on the antimicrobial resistance**.
- The Commission also agreed, as a compromise, to make a **statement on the regular reporting** on the use of veterinary antimicrobial medicinal products.

Other professionals and professional bodies carrying out certain tasks on behalf of the competent authority:

- The European Parliament requested that certain professionals, such as bee health professionals, would be recognised on the same basis as veterinarians and that certain other qualified individuals or professional bodies would be allowed to carry out certain tasks.
- The Council addressed the same questions by opening the possibility for Member States to authorise other professionals for certain tasks while taking into account the subsidiarity principle enabling Member States to take their own decisions concerning authorisation based on the existing national structures.

Animal health laboratories:

- The European Parliament envisaged requirements for official animal health laboratories. The Commission cannot agree with these amendments. In a spirit of a compromise, the Council proposed a new Article linking the laboratory requirements in the animal health and official controls proposals.

3) Amendments of the European Parliament rejected by the Commission and not incorporated in the position of the Council: these concern amendments which seek to:

- provide that Member States adopt strategic measures for diseases, including those that are assessed as not relevant for the Union and therefore not listed for Union intervention;
- regulate the use of the veterinary medicinal products in the Union;
- allow a Member State to restrict the movements of animals or products if the Member State itself judges that it is scientifically justified and necessary to prevent the introduction or spread of any disease;
- define stray, feral or 'non-kept' animals as different categories from 'wild' animals;
- set up a compulsory registration of all dogs and, when appropriate, set up a database;
- retain the Regulation (EU) No 576/2013 on the non-commercial movement of pet animals which was to be repealed by the animal health proposal;
- retain Regulation (EC) No 21/2004 on ovine and caprine identification and registration, and Directive 2008/71/EC on pig identification and registration;
- introduce a new category of "kept aquatic animals" thus separating 'aquaculture' and other 'kept aquatic' animals.

4) New provisions introduced by the Council: the Council's position was considered acceptable to the Commission regarding the new provisions on transitional periods, the transitional measures (recognition of acquired rights) and the registration obligation of certain operators conducting assembly operations.

In conclusion, although on certain elements the common position differs from the Commission's original proposal, the Commission considers that it represents a **carefully balanced compromise** and is satisfied that it covers all issues considered essential by the Commission when adopting its proposal.