

Legislative proposal

PURPOSE: to lay down rules for the prevention and control of animal diseases, which are transmissible to animals or to human beings.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the current EU animal health legislative framework involves almost 50 basic Directives and Regulations and some 400 pieces of secondary legislation, some of them adopted as early as 1964. The main elements of the existing policy were drawn up largely between 1988 and 1995 when there were only twelve Member States.

New challenges, such as new diseases, have since emerged, and certain existing ones have reappeared. Trading conditions have also changed, with volumes of trade in animals and animal products increasing greatly, both within the EU and with third countries. There have, furthermore, been important scientific and technological developments, as well as important institutional changes within the EU.

A number of problems have been identified in regard to the existing legislation:

- with respect to the general policy approach:
 - the high complexity of the current Community Animal Health Policy (CAHP);
 - the lack of an overall strategy
 - an insufficient focus on disease prevention, with a particular focus on the need for increased biosecurity.
- with respect to the functioning of existing legislation:
 - issues related to intra-Union trade in live animals.

For the above reasons, the European Commission is proposing a single, comprehensive animal health law to replace the complex animal health rules currently in place.

This proposal is part of a comprehensive package that also includes three other proposals to modernise the [plant health](#), [plant reproductive material](#) and [official controls](#) acquis.

IMPACT ASSESSMENT: the proposal is accompanied by an [impact assessment](#). An evaluation of the CAHP in the last decade led to the adoption of the new [EU Animal Health Strategy 2007-2013 \(AHS\)](#) "Prevention is better than cure".

The AHS, which was welcomed by Parliament, provides for the adoption of a "single regulatory framework for animal health with a greater focus on incentives than penalties, consistent with other EU policies and converging to international standards" and which will "define and integrate common principles and requirements of existing legislation".

LEGAL BASIS: Articles 43, 114 and 168 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal seeks to establish a single, simplified, transparent and clear regulatory framework that sets out systematically the objectives, scope and principles of regulatory intervention in the field of animal health.

Aim of the proposal: the proposal aims to improve standards and to provide a common system to better detect and control disease and tackle health, food and feed safety risks in a coordinated way. It seeks to focus on long-term preventative measures and working together with relevant stakeholders.

Responsibilities of actors: the responsibilities of all the different actors having a key role in the safeguarding of animal health, such as operators, veterinarians, and pet keepers, are explicitly laid down for the first time in EU law. In particular, operators and animal professionals are now required to acquire a basic knowledge of animal health and related matters.

Notification and surveillance: the proposal clarifies the responsibilities for notification and surveillance, including animal health visits. It clarifies the roles of operators, competent authorities and others as regards surveillance of the animal health situation in the Union. Better use will be made of the synergies between surveillance undertaken by the different actors in the field to ensure the most effective and cost-efficient use of surveillance resources. Compartments, permitted only for Avian Influenza-related measures and in aquaculture at present, can now be used more widely. This allows more flexibility in disease control measures, introducing the possibility of continuing movements and trade under certain circumstances, considered from a risk-based perspective.

Disease Preparedness, Awareness and Control: the proposal continues to require Member States to draw up contingency plans for dealing with certain diseases, and to practise their implementation. It provides: (i) explicitly for a regulatory framework for vaccination; (ii) rules for the use of antigen, vaccine and reagent banks; and (iii) rules on control measures to be taken in the case of suspicion of or confirmed disease outbreaks of certain diseases.

Requirements concerning Registration, Approval, Traceability and Movements: there would be distinct rules for terrestrial, aquatic, and other animals because of their different production methods and epidemiology. The proposal introduces the possibility for more animals to be registered and traced through electronic means, promoting simplicity and better regulation.

Imports and exports: the proposal sets out the standards and requirements for third countries in regard to animal imports, as well as requirements for exports. No practical changes from the existing legislation are envisaged.

Emergency Measures: these are considered a vital component of disease management and comprise the procedures to be followed in case of emergency, ensuring a rapid and consistent Union response. Only a few practical changes from the existing legislation are envisaged.

BUDGETARY IMPLICATIONS: this proposal does not imply expenditures which are not already included in the financial statement of the common financial framework for food chain, animal health and welfare, and relating to plant health and plant reproductive material.

DELEGATED ACTS: the proposal includes provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.