Council of the European Union

Brussels, 8 December 2015
(OR. en)

Interinstitutional File:
2013/0136 (COD)

11779/15
ADD 1 REV 1

AGRI 460
VETER 68
AGRILEG 165
ANIMAUX 40
SAN 268
CODEC 1161

DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject:	Position of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on transmissible animal diseases and amending and repealing certain acts in the area of animal health ("Animal Health Law") – Draft Statement of the Council's reasons

I. INTRODUCTION

1. On 6 May 2013, the Commission submitted the above mentioned proposal which is based on Articles 43(2), 114(3) and 168(4)(b) TFEU.

2. The European Parliament adopted its opinion at first reading on 15 April 2014. The European Economic and Social Committee adopted it's opinion on 10 December 2013. The Committee of the Regions decided not to issue an opinion.

3. The Working Party of Veterinary Experts (Animal Health), the Working Party of Chief Veterinary Officers and the Working Party of Agricultural Counsellors/Attaches examined the proposal on thirty-six occasions under various Presidencies.

4. On 17 December 2014, COREPER (Part 1) agreed on an initial negotiation mandate which was subsequently revised on 24 April 2015. Five trilogues were held with the European Parliament under the Latvian Presidency. On 1st June 2015, at the fifth trilogue, a provisional agreement was reached between the co-legislators on a compromise text with the view to an early second-reading agreement. On 17 June 2015, the European Parliament's Committee on Agriculture and Rural Development confirmed the agreement on that compromise text and its Chair addressed a letter to the President of the Permanent Representatives Committee stating that, if the Council adopts its position at first reading in accordance with the above-mentioned compromise, he would recommend to the Plenary that the Council's position be accepted at Parliament's second reading without amendment[1].

5. On 14 September 2015, the Council reached a political agreement on the compromise text.

[1] Subject to legal-linguistic verification

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II. OBJECTIVE

The general objective of the Regulation is to ensure high standards of animal and public health in the Union. It aims to implement the commitments and visions provided for in the Commission's Communication on Animal Health Strategy[2] including the "One health" principle, and to consolidate the legal framework for a common Union animal health policy through a single, simplified and flexible regulatory framework for animal health.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

1. General

The compromise text on which a political agreement was reached in Council fully reflects the compromise reached between the co-legislators. It maintains the objectives of the Commission proposal and, at the same time, takes on board the most important amendments adopted by the European Parliament in first reading.

2. Main issues

a) Delegated and implementing powers

The proposed act will constitute a framework Regulation which will empower the Commission to determine a significant amount of its details by delegated and/or by implemented acts. During the examination in the Council, the proposed empowerments of the Commission were studied with a specific attention. While the Council did not contest nor change the principle of a framework Regulation, a large number of Articles were redrafted in order to better circumscribe the Commission's empowerment. Essential elements were introduced in the basic act in a number of cases.

[2] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a new Animal Health Strategy for the European Union (2007-2013) where "Prevention is better than cure", 13292/07 - COM(2007) 539 final.

The Council further identified a number of "key" delegated and implementing acts, without which the Regulation could not be properly applied. In order to allow Member States and operators to duly adapt to the new rules, it required that the Commission adopts those acts at latest 24 months before the date of application of the Regulation.

b) List of listed diseases

According to the Commission's proposal, the list of diseases to which the disease specific prevention and control rules of the Regulation apply ("listed diseases") would be adopted by an implementing act.

Following a detailed discussion and a strong request from the European Parliament, the Council agreed that the list should be adopted as an Annex to the Regulation, except for five diseases which were considered to meet the listing criteria in such an uncontroversial way that they were identified already in the relevant Article of the Regulation.

The Council also reinforced the criteria included in the basic act for the reviewing of the list of listed diseases in the Annex and agreed that the Commission should do the necessary amendments to it in accordance with those criteria (by delegated acts) at the latest 24 months before the date of application of the Regulation.

The initial list in the Annex includes those diseases which according to Regulation (EU) No 652/2014 are eligible for EU co-funding for their eradication, control and surveillance programmes or for emergency measures, except the five diseases set out in the Article as referred to above.

c) Criteria for categorising the listed diseases

The Council agreed with the Commission that the categorisation of listed diseases, *i.e.* the application of disease prevention and control rules to each of those diseases, may be done by the Commission by implementing acts. In order to make the process of categorisation more predictable and transparent, the Council added more details to the proposed criteria, introduced new criteria and made those criteria binding. It also agreed that the criteria for the categorisation could only be amended by ordinary legislative procedure.

d) Non-commercial movements of pet animals

Regulation (EU) 576/2013 sets out a simplified procedure for movements of pet animals when they are considered as non-commercial movements according to that Regulation. The Commission's proposal would have repealed that Regulation and integrated its provisions under the Animal Health Law by implementing and delegated acts, even though that Regulation was adopted only recently. In order to ensure the stability of the rules of that Regulation, the Council agreed that, while it should be repealed by this Regulation, it should continue to apply for 10 years. The Council also included most of its elements in the basic act.

IV. CONCLUSION

The Council's position at first reading fully reflects the agreement reached between the two co-legislators, as the latter was confirmed by the above mentioned letter from the Chair of the European Parliament's Committee on Agriculture and Rural Development to the Chair of the Permanent Representatives Committee (Part 1) dated 17 June 2015. It was subsequently endorsed by the Council on 14 September 2015 through the adoption of the political agreement.