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Committee on Agriculture and Rural Development

2013/0136(COD)

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on Animal Health
(COM(2013)0260 – C7-0124/2013 – 2013/0136(COD))

Committee on Agriculture and Rural Development

Rapporteur: Marit Paulsen

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on Animal Health

(COM(2013)0260 – C7-0124/2013 – 2013/0136(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0260),
 - having regard to Article 294(2) and Articles (43)2 and 114(3) and Article 168(4)(b) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0124/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Austrian Federal Council, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of xxx 2013¹,
 - having regard to the opinion of the Committee of the Regions of xx²,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on Fisheries (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

² Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation Title

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on *Animal Health*

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on *the prevention and control of animal
diseases which are transmissible among
animals or to humans*

Or. sv

Justification

This title better reflects the purpose and scope of the regulation as described in Article 1.

Amendment 2

Proposal for a regulation Recital 1

Text proposed by the Commission

(1) The impact of transmissible animal diseases and the measures necessary to control these diseases can be devastating for individual animals, animal populations, animal keepers and the economy.

Amendment

(1) The impact of transmissible animal diseases and the measures necessary to control these diseases can be devastating for individual animals, animal populations, animal keepers and the economy ***and can have a major influence on public health and food safety.***

Or. sv

Amendment 3

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Proper control of infectious animal diseases, including zoonotic diseases, is a prerequisite for a functioning single market for trade in live animals, animal products and food.

Or. sv

Amendment 4

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Article 13 of the Treaty recognises that animals are sentient beings. Union legislation on animal welfare requires animal owners, animal keepers and competent authorities to respect animal welfare requirements guaranteeing their humane treatment and avoiding them unnecessary pain and suffering. Such rules are based on scientific evidence and may improve animal health.

Or. sv

Amendment 5

Proposal for a regulation

Recital 49

Text proposed by the Commission

Amendment

(49) Early detection and a clear chain of disease notification and reporting are crucial for effective disease control. In order to achieve an efficient and quick response any suspicion or confirmation of an outbreak of certain listed diseases

(49) Early detection and a clear chain of disease notification and reporting are crucial for effective disease control. In order to achieve an efficient and quick response any suspicion or confirmation of an outbreak of certain listed diseases

should be immediately notified to **the competent authority**. Those notification obligations should be applicable to any natural and legal person in order to ensure that no disease outbreaks remain unnoticed.

should be immediately notified to **veterinarians or aquatic animal health professionals**. Those notification obligations should be applicable to any natural and legal person in order to ensure that no disease outbreaks remain unnoticed.

Or. sv

Amendment 6

Proposal for a regulation Recital 85 a (new)

Text proposed by the Commission

Amendment

(85a) According to Article 9(1) of Directive 2003/99/EC on the monitoring of zoonoses and zoonotic agents, Member States shall transmit a report to the Commission every year on trends and sources of zoonoses, zoonotic agents and antimicrobial resistance. Similarly, as part of the control plans and control programme provided for in Regulation (EC) XX/201X on official controls and Regulation (EC) No 2160/2003 on zoonoses, Member States should take strategic measures to monitor, prevent and control other infectious animal diseases, including those not listed in the Annex to this Regulation. These measures should include a strategy for good animal husbandry and responsible use of veterinary medicines.

Or. sv

Amendment 7

Proposal for a regulation Recital 88

Text proposed by the Commission

(88) For listed diseases, which are not highly contagious, and which are subject to compulsory eradication, the disease control measures should be implemented to prevent the spread of those listed diseases, in particular to non-infected areas.

However, those measures may be more limited or different comparing to those applicable for the most dangerous listed diseases. This Regulation should therefore provide for special rules for those diseases. Member States that have a voluntary eradication programme in place, should also implement such disease control measures. However, the level and intensity of disease control measures should be proportionate and take into account the characteristics of the listed disease in question, its distribution and its significance for the Member State concerned by it and the Union as a whole.

Amendment

(88) For listed diseases, which are not highly contagious, and which are subject to compulsory eradication, the disease control measures should be implemented to prevent the spread of those listed diseases, in particular to non-infected areas.

However, those measures may be more limited or different comparing to those applicable for the most dangerous listed diseases. This Regulation should therefore provide for special rules for those diseases. Member States that have a voluntary eradication programme in place, should also implement such disease control measures. However, the level and intensity of disease control measures should be proportionate and take into account the characteristics of the listed disease in question, its distribution and its significance for the Member State **or region** concerned by it and the Union as a whole.

Or. sv

Amendment 8

Proposal for a regulation

Article 1 – paragraph 2 – point b – point i – indent 4 a (new)

Text proposed by the Commission

Amendment

- resistance to antibiotics,

Or. sv

Amendment 9

Proposal for a regulation

Article 4 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

8. 'wild animals' means animals which are not kept animals;

8. 'wild animals' means animals which are not kept animals ***and animals which were previously kept but are no longer under the direct control of an animal keeper;***

Or. sv

Justification

Stray animals pose a serious problem as carriers of very serious diseases, such as rabies, and should therefore be covered by this regulation. This expanded definition of 'wild animals' is based on the OIE definition.

Amendment 10

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall, by means of ***implementing acts, establish a list of listed diseases, as referred to in paragraph 1(a).***

The Commission shall, by means of ***delegated acts in accordance with Article 253, with due regard to the opinions of the European Food Safety Authority, amend the list of diseases that can be found in Annex -1a hereto.***

Or. sv

Amendment 11

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2 – point a – point iv a (new)

Text proposed by the Commission

Amendment

(iv a) animal protection and animal health;

Or. sv

Amendment 12

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 253 concerning amendments to the criteria provided for in paragraph 1 of this Article to take account of technical and scientific progress and the developments of relevant international standards.

Amendment

2. The Commission shall be empowered, ***after due public consultation with stakeholders and experts***, to adopt delegated acts in accordance with Article 253 concerning amendments to the criteria provided for in paragraph 1 of this Article to take account of technical and scientific progress and the developments of relevant international standards.

Or. sv

Amendment 13

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission shall, by means of ***implementing acts***, establish a list of species, ***as referred to in paragraph 1***.

Amendment

The Commission shall, by means of ***delegated acts in accordance with Article 253, with due regard to the opinions of the European Food Safety Authority***, amend ***the*** list of species ***that can be found in Annex -1b hereto***.

Or. sv

Amendment 14

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2 – point ca (new)

Text proposed by the Commission

Amendment

ca) the use of those animals for breeding, production or slaughter.

Or. sv

Amendment 15

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 255(2).

deleted

Or. sv

Amendment 16

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Amendment

On duly justified imperative grounds of urgency relating to a disease representing an emerging risk of ***highly*** significant impact the Commission shall adopt immediately applicable ***implementing*** acts in accordance with the procedure referred to in Article ***255(3)***.

On duly justified imperative grounds of urgency relating to a disease representing an emerging risk of significant impact the Commission shall adopt immediately applicable ***delegated*** acts in accordance with the procedure referred to in Article ***254***.

Or. sv

Amendment 17

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

The Commission shall, by means of **implementing** acts, determine the application of the disease prevention and control rules referred to in the following points to listed diseases:

Amendment

The Commission shall, by means of **delegated** acts **in accordance with Article 253, with due regard to the opinions of the European Food Safety Authority**, determine the application of the disease prevention and control rules referred to in the following points to listed diseases:

Or. sv

Amendment 18

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1 – point a – introductory part

Text proposed by the Commission

(a) listed diseases subject to rules on:

Amendment

(a) listed diseases **that do not normally occur in the Union, and for which immediate eradication measures must be taken as soon as they are detected**, subject to rules on:

Or. sv

Amendment 19

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1 – point b – introductory part

Text proposed by the Commission

(b) listed diseases subject to the disease prevention and control rules on:

Amendment

(b) listed diseases **which should be controlled in all Member States with the long-term goal of eradicating them throughout the Union**, subject to the disease prevention and control rules on:

Or. sv

Amendment 20

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1 – point c – introductory part

Text proposed by the Commission

(c) listed diseases subject to the disease prevention and control rules on:

Amendment

(c) listed diseases ***that are of relevance for certain Member States, and for which measures are needed to prevent them spreading to parts of the Union that are officially disease-free or have eradication programmes***, subject to the disease prevention and control rules on:

Or. sv

Amendment 21

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1 – point d – introductory part

Text proposed by the Commission

(d) listed diseases subject to the disease prevention and control rules on:

Amendment

(d) listed diseases ***that are subject to the provisions of (a), (b) and (c) above, and other diseases for which measures are needed to prevent them spreading on account of their introduction into the Union or movements between Member States***, subject to the disease prevention and control rules on:

Or. sv

Amendment 22

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1 – point e – introductory part

Text proposed by the Commission

(e) listed diseases subject to the disease prevention and control rules on:

Amendment

(e) listed diseases ***that are subject to the provisions of (a) and (b) above, and other diseases for which there is a need for***

monitoring within the Union, subject to the disease prevention and control rules on:

Or. sv

Amendment 23

Proposal for a regulation Article 8 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 255(2).

deleted

Or. sv

Amendment 24

Proposal for a regulation Article 8 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

On duly justified imperative grounds of urgency relating to a disease representing an emerging risk of *highly* significant impact the Commission shall adopt immediately applicable *implementing* acts in accordance with the procedure referred to in Article 255.3.

On duly justified imperative grounds of urgency relating to a disease representing an emerging risk of significant impact the Commission shall adopt immediately applicable *delegated* acts in accordance with the procedure referred to in Article 254.

Or. sv

Amendment 25

Proposal for a regulation Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission shall take into account the following criteria when adopting **implementing** acts provided for in paragraph 1:

Amendment

2. The Commission shall take into account the following criteria when adopting **delegated** acts provided for in paragraph 1:

Or. sv

Amendment 26

Proposal for a regulation

Article 9 – paragraph 1 – point b – introductory part

Text proposed by the Commission

(b) take appropriate biosecurity measures, taking into account the risks involved, to ensure the health of those kept animals and products and to prevent the introduction into, development and multiplication within and spread between and from such kept animals and products under their responsibility of diseases, except where that is specifically authorised for scientific purposes, as appropriate for:

Amendment

(b) take appropriate biosecurity measures, **especially applying good microbiological practice**, taking into account the risks involved, to ensure the health of those kept animals and products and to prevent the introduction into, development and multiplication within and spread between and from such kept animals and products under their responsibility of diseases, except where that is specifically authorised for scientific purposes, as appropriate for:

Or. sv

Amendment 27

Proposal for a regulation

Article 9 – paragraph 1 – point ba (new)

Text proposed by the Commission

Amendment

(ba) observe the principle of good animal husbandry;

Or. sv

Amendment 28

Proposal for a regulation Article 9 – paragraph 1 – point bb (new)

Text proposed by the Commission

Amendment

(bb) ensure controlled use of veterinary medicines.

Or. sv

Amendment 29

Proposal for a regulation Article 10 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) biosecurity principles;

(b) biosecurity principles, ***good animal husbandry and responsible use of veterinary medicines,***

Or. sv

Amendment 30

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall support operators and animal professionals in acquiring, maintaining and developing the basic knowledge of animal health provided for in Article 10 through relevant programmes in agricultural or aquaculture sectors or formal education.

2. Member States shall support operators and animal professionals in acquiring, maintaining and developing the basic knowledge of animal health provided for in Article 10 through relevant programmes in agricultural or aquaculture sectors or formal education, ***and ensure that the necessary level of knowledge is attained.***

Or. sv

Amendment 31

**Proposal for a regulation
Article 12 a (new)**

Text proposed by the Commission

Amendment

Article 12a

Member States shall take strategic measures for the monitoring, prevention and control of infectious animal diseases, including those not listed in the Annex to this Regulation. These measures shall be adopted as part of the national control plans and control programme provided for in Article X of Regulation (EC) XX/201X on the official control of animal health or Article 5 of Regulation (EC) No 2160/2003 on the control of salmonella and other specified food-borne zoonotic agents.

Or. sv

Amendment 32

**Proposal for a regulation
Article 12 b (new)**

Text proposed by the Commission

Amendment

Article 12b

Member States shall, with technical assistance at EU level as regards animal diseases listed in the Annex to this Regulation, ensure that appropriate, risk-based biosecurity measures are applied along their borders with third countries.

Or. sv

Amendment 33

Proposal for a regulation

Article 16 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the competent authority in the event of an outbreak or suspicion of an outbreak of a listed disease referred to in Article 8(1)(e);

deleted

Or. sv

Justification

In line with recital 50.

Amendment 34

Proposal for a regulation

Article 16 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) a veterinarian of abnormal mortalities and other ***serious*** disease signs or significant decreased production rates with an undetermined cause in animals for further investigation, including sampling for laboratory examination when the situation so warrants.

(b) a veterinarian ***or aquatic animal health professional*** of abnormal mortalities and other disease signs or significant decreased production rates with an undetermined cause in animals for further investigation, including sampling for laboratory examination when the situation so warrants.

Or. sv

Amendment 35

Proposal for a regulation

Article 16 – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. Veterinarians or aquatic animal health professionals shall immediately

notify the competent authority in the event of an outbreak or suspicion of an outbreak of a listed disease referred to in Article 8(1)(e).

Or. sv

Amendment 36

Proposal for a regulation Article 16 – paragraph 1b (new)

Text proposed by the Commission

Amendment

1b. Doctors shall immediately inform the competent authority of any sign of a zoonotic disease.

Or. sv

Amendment 37

Proposal for a regulation Article 17 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall by means of ***implementing*** acts establish which of the listed diseases referred to in in Article 8(1)(e) shall be subject to immediate notification by the Member States in accordance with paragraph 1 of this Article.

The Commission shall by means of ***delegated*** acts ***in accordance with Article 253*** establish which of the listed diseases referred to in in Article 8(1)(e) shall be subject to immediate notification by the Member States in accordance with paragraph 1 of this Article.

Or. sv

Amendment 38

Proposal for a regulation Article 17 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 255(2).

deleted

Or. sv

Amendment 39

Proposal for a regulation

Article 21 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the information to be provided by the Member States in the Union notification and Union reporting provided for in Articles 17(1) and 18(1);

(a) ***the format and structure of*** the information to be provided by the Member States in the Union notification and Union reporting provided for in Articles 17(1) and 18(1);

Or. sv

Amendment 40

Proposal for a regulation

Article 22 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) observe any changes in animal products under their responsibility, that may give rise to a suspicion of being caused by a listed disease or emerging disease;

Or. sv

Amendment 41

Proposal for a regulation

Article 23 – paragraph 2 – point a

Text proposed by the Commission

(a) *the detection of any* signs indicative of the occurrence of listed diseases or emerging diseases;

Amendment

(a) ***information on*** signs indicative of the occurrence of listed diseases or emerging diseases;

Or. sv

Amendment 42

Proposal for a regulation

Article 28 – paragraph 1 – point ba (new)

Text proposed by the Commission

Amendment

(ba) establishing which of the listed diseases referred to in Article 8(1)(e) are to be subject to surveillance programmes;

Or. sv

Amendment 43

Proposal for a regulation

Article 29 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) establishing which of the listed diseases referred to in Article 8(1)(e) are to be subject to surveillance programmes;

deleted

Or. sv

Amendment 44

Proposal for a regulation

Article 30 – paragraph 3 – subparagraph 4

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Text proposed by the Commission

The Commission may, by means of implementing acts, amend or terminate where necessary eradication programmes approved in accordance with points (a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 255(2).

Amendment

The Commission may, by means of implementing acts, **require the Member States to** amend or terminate where necessary eradication programmes approved in accordance with points (a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 255(2).

Or. sv

Amendment 45

Proposal for a regulation

Article 46 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Member States **may** take measures concerning the use of veterinary medicinal products for **listed** diseases, to ensure the most efficient disease prevention or control for those diseases, provided that such measures comply with the rules on the use of veterinary medicinal products laid down in delegated acts adopted pursuant to Article 47.

Amendment

The Member States **shall** take measures concerning the **responsible** use of veterinary medicinal products for **infectious** diseases, to ensure the most efficient disease prevention or control for those diseases, provided that such measures comply with the rules on the use of veterinary medicinal products laid down in delegated acts adopted pursuant to Article 47.

Or. sv

Amendment 46

Proposal for a regulation

Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall take the following criteria into consideration when

Amendment

2. Member States shall take the following criteria into consideration when

determining whether or not to use and how to use veterinary medicinal products as disease prevention and control measures for a specific *listed* disease:

determining whether or not to use and how to use veterinary medicinal products as disease prevention and control measures for a specific disease:

Or. sv

Amendment 47

Proposal for a regulation Article 47 – paragraph 1 – point b

Text proposed by the Commission

(b) specific conditions for the use of veterinary medicinal products for a specific *listed* disease;

Amendment

(b) specific conditions for the use of veterinary medicinal products for a specific disease;

Or. sv

Amendment 48

Proposal for a regulation Article 47 – paragraph 1 – point d

Text proposed by the Commission

(d) risk mitigating measures to prevent the spread of *listed* diseases through animals treated with the veterinary medicinal products or products from such animals;

Amendment

(d) risk mitigating measures to prevent the spread of diseases through animals treated with the veterinary medicinal products or products from such animals;

Or. sv

Amendment 49

Proposal for a regulation Article 47 – paragraph 1 – point e

Text proposed by the Commission

(e) surveillance following the use of

Amendment

(e) surveillance following the use of

vaccines and other veterinary medicinal products for specific *listed* diseases.

vaccines and other veterinary medicinal products for specific diseases.

Or. sv

Amendment 50

Proposal for a regulation

Article 61 – paragraph 1 – point b

Text proposed by the Commission

(b) the killing and disposal or slaughtering of animals that may be contaminated and contribute to the spread of the listed disease;

Amendment

(b) the *humane* killing and disposal or slaughtering of animals that may be contaminated and contribute to the spread of the listed disease, *provided that this is done in such a way as to spare the animals any avoidable pain, distress or suffering*;

Or. sv

Amendment 51

Proposal for a regulation

Article 70 – paragraph 1 – point b

Text proposed by the Commission

(b) take the necessary disease prevention and control measures to avoid the further spread of that listed disease.

Amendment

(b) take the necessary disease prevention and control measures to avoid the further spread of that listed disease, *provided that this is done in such a way as to spare the animals any avoidable pain, distress or suffering*.

Or. sv

Amendment 52

Proposal for a regulation

Article 86

Text proposed by the Commission

Amendment

Article 86

deleted

Derogations from the obligation to register transporters of kept ungulates

By way of derogation from Article 85(1), Member States may exempt certain categories of transporters from the registration requirement, taking into account the following criteria:

(a) the distances over which they transport those kept terrestrial animals;

(b) the categories, species and number of kept terrestrial animals, which they transport.

Or. sv

Amendment 53

Proposal for a regulation

Article 87 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the types of transporters that may be exempted by the Member States from the registration requirement in accordance with Article 86 provided that the type of transport poses an insignificant risk and taking into account the criteria provided for in that Article.

deleted

Or. sv

Amendment 54

Proposal for a regulation

Article 122 – paragraph 1 – point ca (new)

Text proposed by the Commission

Amendment

(ca) the relevant requirements of Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport are taken into account.

Or. sv

Amendment 55

Proposal for a regulation Article 130 – paragraph 1

Text proposed by the Commission

Amendment

1. By way of derogation from Article 123(2), operators may subject kept ungulates and poultry to a maximum of:

1. By way of derogation from Article 123(2), operators may subject kept ungulates and poultry to a maximum of ***three assembly operations.***

(a) one assembly operation in the Member State of origin;

(b) one assembly operation in the Member State of passage;

(c) one assembly operation in the Member State of destination.

Or. sv

Amendment 56

Proposal for a regulation Article 131 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the kept ungulates and poultry are assembled and moved to their final place of destination ***in another Member State*** as soon as possible after leaving their establishment of origin, and at the latest

(b) the kept ungulates and poultry are assembled and moved to their final place of destination as soon as possible after leaving their establishment of origin, and at the latest within a timeframe to be laid

within a timeframe to be laid down in delegated acts adopted pursuant to Article 132(c);

down in delegated acts adopted pursuant to Article 132(c);

Or. sv

Amendment 57

Proposal for a regulation Article 132 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 253 concerning:

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 253, ***provided that such acts are based on scientific facts and due regard for the opinions of the European Food Safety Authority***, concerning:

Or. sv

Amendment 58

Proposal for a regulation Article 132 – paragraph 1 – point c

Text proposed by the Commission

(c) the timeframe between the time of departure of the kept ungulates or poultry from their establishment of origin and their departure from the assembly operation to their final destination ***in another Member State*** as referred to in Article 131(b);

Amendment

(c) the timeframe between the time of departure of the kept ungulates or poultry from their establishment of origin and their departure from the assembly operation to their final destination as referred to in Article 131(b);

Or. sv

Amendment 59

Proposal for a regulation Article 169 – paragraph 1

Text proposed by the Commission

Where a disease other than listed diseases constitutes a significant risk for the animal health situation of kept terrestrial animals in a Member State, the Member State concerned may take national measures to **control** that disease, provided those measures **do not**:

- (a) hinder the movement of animals and products between Member States;
- (b) exceed the limits of what is appropriate and necessary to control that disease.

Amendment

Where a disease other than listed diseases constitutes a significant risk for the animal health situation of kept terrestrial animals in a Member State, the Member State concerned may take national measures to **prevent the introduction or spread of** that disease, provided those measures:

- (a) **only** hinder the movement of animals and products between Member States **when this is scientifically justified on the grounds of controlling infectious disease**;
- (b) **are proportionate in relation to the risk and do not** exceed the limits of what is appropriate and necessary to control that disease.

Or. sv

Amendment 60

**Proposal for a regulation
Article 252**

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 253 concerning amendments to Annexes **I and II** in order to take account of technical progress, scientific developments and changed circumstances in public and animal health.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 253 concerning amendments to **the** Annexes in order to take account of technical progress, scientific developments and changed circumstances in public and animal health.

Or. sv

Amendment 61

**Proposal for a regulation
Article 253 – paragraph 1**

Text proposed by the Commission

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

Amendment

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article ***and the requirement for coherent legislation that is easy to understand and apply.***

Or. sv

Amendment 62

**Proposal for a regulation
Article 253 – paragraph 3a (new)**

Text proposed by the Commission

Amendment

3a. Delegated acts should be based on the scientific evidence available and be adopted after consultation with stakeholders and experts and having taken due account of the scientific opinions of the European Food Safety Authority.

Or. sv

Amendment 63

**Proposal for a regulation
Article 257 – paragraph 2**

Text proposed by the Commission

Amendment

2. The national measures referred to in paragraph 1 shall be in accordance with the rules laid down in this Regulation and shall ***not***:

(a) hinder the movement of animals and products between Member States;

(b) be in contradiction with the rules

2. The national measures referred to in paragraph 1 shall be in accordance with the rules laid down in this Regulation and shall:

(a) ***only*** hinder the movement of animals and products between Member States ***when this is scientifically justified on the grounds of controlling infectious disease;***

(b) be in contradiction with the rules

referred to in paragraph 1.

referred to in paragraph 1.

Or. sv

Amendment 64

Proposal for a regulation Article 261 a (new)

Text proposed by the Commission

Amendment

Article 261a

***Report to the European Parliament and
the Council***

***No later than 31 December 2019, the
Commission shall submit a report to the
European Parliament and the Council.
The Commission report shall contain a
review of the experience of applying this
Regulation and the delegated and
implementing acts adopted and, if
appropriate, be accompanied by relevant
proposals.***

Or. sv

Amendment 65

Proposal for a regulation Annex -I (new)

Text proposed by the Commission

Amendment

Annex -I

***Listed diseases in accordance with Article
5(2), subparagraph 1***

Or. sv

Amendment 66

Proposal for a regulation
Annex -I a (new)

Text proposed by the Commission

Amendment

Annex -Ia

***Listed species in accordance with Article
7(2), subparagraph 1***

Or. sv

EXPLANATORY STATEMENT

Commission proposal COM(2013) 260 on a European animal health law is intended to replace some 40 different pieces of European legislation in this field, the oldest of which dates back to 1964. Based on the priorities of Smart Regulation and taking into account scientific evidence and international norms, the aim is to establish a single, simplified, transparent and clear regulatory framework that provides for a clear and balanced distribution of roles and responsibilities between competent authorities in the Member States, EU institutions, the farming sector, animal owners and others when it comes to the monitoring, prevention and control of different animal diseases.

In recent years, Parliament has taken a position on some key issues of relevance to this proposal and has, *inter alia*, expressed its support for the principles that prevention is better than cure, that animal welfare is important for public health and that veterinary medicinal products should be used responsibly.¹

Animal protection and animal health

The Commission proposal is hugely important for public health too, since approximately 70% of our infectious diseases are common to both animals and humans. The proposal is, however, not for an animal health law as such, but rather for a law on animal disease control. It deals with the prevention and control of animal diseases which are transmissible to animals or to humans. It is important to emphasise this point (which should also be reflected in the title of the regulation, so as not to be misleading), just as it is also important to clarify that this is not an animal protection law.

A European animal protection law, containing general principles on the duty of care, the division of responsibilities and educational requirements, would be of the greatest value for animals and farmers in Europe, and is something that the European Parliament has repeatedly called for. It is, however, something completely different from what the Commission has now proposed. Likewise, animal health encompasses many factors other than infectious diseases. This does not mean that animal welfare is irrelevant in this context. On the contrary. There is a clear link between animal welfare and animal and public health. This is a key approach, now called 'One Health', which, happily, is reflected in Article 10 of the proposal.

It is important that the new animal health law is shaped by this approach, and by the connection between good animal husbandry and good animal health. References to animal welfare should, in this connection, be made when they are relevant to animal health, such as when part of biosecurity measures. Moreover, an explicit reference should be made to Article 13 of the Treaty on the Functioning of the European Union, as was done in the proposal for a new Control Regulation (COM(2013) 265), in order to emphasise that animals are sentient beings. It is also appropriate that this Regulation reiterate the importance of good animal husbandry and the requirements arising from EU legislation on animal transport. With respect

¹ cf. European Parliament resolutions of 22 May 2008 on the EU animal health strategy, of 4 July 2012 on the EU animal protection strategy and of 11 December 2012 on the EU strategy against antibiotic resistance, among others.

to the movement of live animals, this Regulation should be amended to the effect that the deciding factors should be the journey time and the number of assembly operations, not whether the journey crosses a national border.

Another important issue in this context is the problem of stray animals. These can also spread infectious diseases, so strong monitoring and control measures need to be taken by the competent authorities. For this reason, the definition of ‘wild animals’ in the regulation needs to be expanded to include animals that have been previously been kept but are no longer under the direct control of an owner. It is, however, important to reiterate that EU Regulation 1099/2009 of 24 September 2009 stating that animals shall be spared any avoidable pain, distress or suffering, must be taken into consideration in this context.

Predictability and flexibility

Under the proposal, the EU Commission would be given the power to supplement the content of the regulation through 106 delegated acts and 57 implementing acts. In comparison to the current legislation in this area, which involves about 600 cases of so-called comitology procedures, this is obviously a positive development. Added to that, only about half of the proposed delegated acts and implementing acts would in effect give the Commission greater power than it currently enjoys. It is obviously important that the regulation can, if necessary, be amended quickly, e.g. in the event of a disease outbreak. It also makes no sense, of course, that the Council and the European Parliament should legislate on every tiny detail of the regulations.

An appropriate balance needs to be found between predictability and flexibility. It is important that the actual text of the regulation contains the core principles and guidelines and, in that regard, the proposal should be clarified on a number of points (e.g. lists of the diseases and species covered by the regulation should be set out in annexes). While other details may well be supplemented by the Commission at a later stage, this should be subject to the condition that decisions are made on the basis of the best available science and knowledge. It is particularly important to emphasise that, as noted in recital 13 of the Commission proposal, due account should be taken of the opinions of the European Food Safety Authority. It is also important to bear in mind that the aim is for legislation that is easy to understand and apply. The Commission should therefore be required to adopt a strategic approach and to take a thematic and coherent approach to grouping any additional acts.

Overall, however, the Commission proposal is something of a ‘pig in a poke’, and it is difficult at the moment to grasp how all the rules and regulations will look and work in practice. For this reason, the Commission should be required to submit a report to the European Parliament and the Council no later than 31 December 2019. This report should contain a review of the experience of applying this Regulation and the supplementary legal acts adopted and, if appropriate, be accompanied by relevant proposals.

Antibiotic resistance

The Commission proposal focuses on rapid and effective measures to control and eradicate certain diseases, which is useful and welcome. Experience has indeed shown what the cost of

outbreaks of disease, such as foot and mouth disease in 2001, can be to society as a whole, both directly (for the farmers affected) and indirectly in the form of medical expenses and loss of income from tourism, etc. However, the largest costs to society are actually caused by endemic diseases that will not be listed in this regulation. They are also the types of diseases for which antibiotics are used as part of the treatment, and which thus are relevant to the growing problem of antibiotic resistance.

It is therefore of vital importance that, without making major changes to its basic structure, this regulation also include a requirement for preventive, proactive measures to monitor and control these non-listed diseases as well. Nor is there any reason to reinvent the wheel: Member States already have multiannual plans to control animal health, in accordance with EU Regulation (EC) No 882/2004, which is now under review. Similarly, Member States have control programmes to combat salmonella and other zoonoses in accordance with EU Regulation No 2160/2003. The existing system should, with reference to the above, be supplemented by strategic measures to monitor, prevent and control infectious animal diseases, including those not listed in this regulation. These measures should include a requirement for a good animal husbandry and responsible use of veterinary medicines.

A free market – but not the free spread of disease

The EU internal market is of key importance to Europe's economy, and nobody hankers after the glory days of border controls. Ultimately, it is clear that effective control of infectious animal diseases is the best basis for a functioning single market regarding trade in live animals, animal products and food. That is why this regulation is so important. At the same time, we have to accept the fact that certain Member States or regions have been more successful than others in managing to eradicate certain diseases on their territory. In this respect, the regulation must involve some balance. We want to have a free market – but not a free market in disease. For this reason, Article 169 on national measures for terrestrial animals should be amended so that additional safeguard measures are permitted – provided that they are founded on a strictly scientific basis and are not adopted for economic reasons, such as disguised restrictions on trade.

A functioning internal market also requires good control of animals living in a country bordering the Union. This requires strict buffer zones to prevent swine fever, for example, entering the EU from neighbouring countries. Member States should therefore – with any technical assistance required at EU level as regards listed diseases – be required to take effective biosecurity measures along their borders with third countries.