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COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
THE CHAIRMAN

Ms Erminia Mazzoni
Chairman
Committee on Petitions
ASP 08 F136
Brussels

316323 03.10.2013

Ref.: IPOL-COM-AGRI D (2013) 48361

Subject: Petition 1358/2011 on Drosophila melanogaster

Dear Ms Mazzoni,

I write regarding the petition on Drosophila imports in the European Union, which the Petitions Committee has transmitted to the Committee on Agriculture and Rural Development for an opinion.

Of the hundreds of species within the genus Drosophila, Drosophila melanogaster is, in fact, the most heavily used for laboratory research. Considering the minimal risk of Drosophila melanogaster to our agricultural sector and its value for our scientific community for research purposes, there is indeed a great need to re-examine the very cumbersome, and often unnecessary, procedures that are involved when importing Drosophila: due to the lack of a distinction between animal species in Council Directive 91/496/EC, invertebrates being imported for research purposes must be checked at an approved Border Inspection Point (BIP), often leading to delays or the insects being destroyed.

Moreover, in his answer from 3.7.2012 to relevant parliamentary questions raised by Members of the European Parliament, former Commissioner John Dalli pointed out that "under certain conditions, in accordance with Article 5 of Commission Decision 97/794/EC, some live animals, e.g. insects, are not subject to individual clinical examination or sampling, but are only required to undergo observation of their state of health as a group". He added that "the Commission was currently in the process of reviewing its import control legislation, in order to ensure that a high level of protection for the Union is maintained whilst simultaneously ensuring that controls are entirely risk-based. This would ensure that controls are only carried out when necessary."

In view of this answer, I addressed a letter to the Commissioner, on 20.9.2012, raising the matter again given its importance for the scientific community. Among others, I pointed out that, as researchers repeatedly underline, key to assessing the risk of

Drosophila melanogaster for agriculture is understanding that it is, firstly, not a vector for animal diseases and, secondly, that it is incapable of damaging growing fruit. In fact, *Drosophila melanogaster* congregates only around fruit that is already damaged, but it cannot inflict damage on growing fruit.

For those reasons, I asked the Commission to re-examine its veterinary checks system concerning *Drosophila melanogaster* and introduce the necessary legislative proposals so as to ensure that those checks really serve the interests of public health without leading to an unnecessary damage of *Drosophila melanogaster*.

In his answer to my letter, from 3.10.2012, Mr Dalli noted those concerns, while reminding that current Union legislation requires all animals to be subject to veterinary controls at Union borders to ensure they are as stated in the accompanying documentation and not animals carrying serious diseases which may have implications for human and animal health in the Union. With regard to any possible delays incurred at Union borders, he promised that his services would look to ensure that these are not due to administrative matters, while noting that the legal requirement for importers to pre-notify Union border inspection posts 24 hours before the arrival of live animals is, indeed, to avoid any such delays. Finally, he pointed out that the Commission was currently reviewing its live animals import control legislation with a view to improve the manner in which controls are carried out and without, of course, lowering the level of protection for the Union. However, he warned that this was a lengthy process which meant that the Commission would not be able to provide an immediate solution to our concerns, and added that Commission proposals, including the outcome of the review of import control legislation for live animals, were expected to be submitted to Council and Parliament towards the end of 2012.

Subsequently, the AGRI Committee's Secretariat requested more specific information from the Cabinet of the next Commissioner Tonio Borg with a view to that expected legislative package. The Cabinet answered to those requests pointing out that the Commission proposal on import conditions and controls would, amongst other things, provide the legal basis for derogations from controls on live animals and that these derogations might apply to the rules on the import and control of insects, in particular regarding *Drosophila melanogaster*. In the opinion of the Cabinet, the technical experts in the Standing Committee on the Food Chain and Animal Health are, however, best placed to consider the details for this issue at the stage when the implementing provisions for the above proposals are due to be drafted.

The Commission legislative package was submitted to Parliament on 6.5.2013.

Subsequently, the Cabinet underlined, on 30.5.2013, that "the newly proposed Regulation on Animal Health is a framework act laying down animal health requirements for transmissible animal diseases. It applies to vertebrate and invertebrate animals, which includes also insects. However, the animal health requirements in that proposal only apply to animal species and their products which may pose a potential risk. The risk may be in respect of spreading animal diseases and thus to animal or public health." The Cabinet specified, nevertheless, that "as a framework act, the proposed Regulation does not provide for specific animal health requirements for individual animal species. It is the intention to lay down those later,

by means of delegated acts. This explains why there is no reference to *Drosophila melanogaster*.”

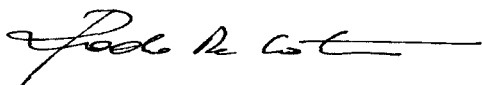
Moreover, the Cabinet confirmed that Article 241(1)(a) of the proposed Regulation, provides for the legal basis for the adoption of delegated acts laying down special animal health requirements for the entry into the Union of animals intended for scientific purposes, and that *Drosophila melanogaster* might in principle be covered by the abovementioned article, if indeed this animal species is considered to pose a risk of transmitting animal diseases of importance for the EU. At present, this is not the case.” Furthermore, the Cabinet noted that the proposed Regulation does not lay down rules for official controls for animals and goods at border control posts, while pointing out that information on such controls can be found in Articles 45 to 62 of another proposal adopted by the Commission on 6 May 2013, namely the proposal for a Regulation on Official Controls. This proposal, in its Article 46, foresees the possibility to exempt certain categories of animals from official controls at border control posts.

In summary, according to the Cabinet, both proposals would provide the basis for a simplification of the rules concerning the import of *Drosophila melanogaster* into the EU; however, it would now be “in the hands of the European Parliament and the Council to discuss and adopt the newly proposed rules.”

In view of the above stated facts and correspondence, I can assure that the Parliament, and the Committee on Agriculture and Rural Development in particular, will be closely monitoring any delegated acts to be adopted by the Commission on this matter, and fully exercise its control powers on such delegated acts under the Treaties, so as to ensure that import controls really serve the interests of public health without leading to unnecessary damage to *Drosophila melanogaster* given its great value for scientific research purposes.

However, it is important to remind to the Commission that the adoption of delegated acts on the basis of the proposed legislative package on animal and plant health will most probably require a significant period of time, during which the Commission should ensure, by all appropriate means, that unnecessary damage to *Drosophila melanogaster* at import control points be avoided.

Yours sincerely,



Paolo De CASTRO

cc: Mr Jim Higgins, Quaestor