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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a European Parliament and Council directive amending Council Directive 86/609/EEC on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes
(5240/1/2003 – C5-0134/2003 – 2001/0277(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Caroline F. Jackson

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

At the sitting of 2 July 2002 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive amending Council Directive 86/609/EEC on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes (COM(2001) 703 - 2001/0277 (COD)).

At the sitting of 27 March 2003, the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (5240/1/2003 - C5-0134/2003).

The committee had appointed Caroline F. Jackson rapporteur at its meeting of 22 January 2002.

The Committee considered the common position and draft recommendation for second reading at its meetings of 30 April 2003 and 22 May 2003.

At the latter meeting it adopted the draft legislative resolution by 31 votes to 0, with 0 abstentions, unanimously.

The following were present for the vote: Guido Sacconi, acting chairman; Caroline F. Jackson, rapporteur; and Jan Andersson (for Jean-Louis Bernié), María del Pilar Ayuso González, Emmanouil Bakopoulos (for Mihail Papayannakis), Hans Blokland, Herbert Bösch (for María Sornosa Martínez, pursuant to Rule 153(2)), Philip Bushill-Matthews (for John Bowis), Dorette Corbey, Avril Doyle, Jillian Evans (for Hiltrud Breyer), Anne Ferreira, Pernille Frahm, Françoise Grossetête, Bernd Lange, Giorgio Lisi (for Martin Callanan), Torben Lund, Minerva Melpomeni Malliori, Patricia McKenna, Erik Meijer (for Jonas Sjöstedt), Riitta Myller, Dagmar Roth-Behrendt, Yvonne Sandberg-Fries, Karin Scheele, Ursula Schleicher (for Christa Klaß), Inger Schörling, Renate Sommer (for Jorge Moreira da Silva), Bart Staes (for Marie Anne Isler Béguin), Catherine Stihler, Antonios Trakatellis and Phillip Whitehead.

The recommendation for second reading was tabled on 22 May 2003.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting a European Parliament and Council directive amending Council Directive 86/609/EEC on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes (5240/1/2003 – C5-0134/2003 – 2001/0277(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (5240/1/2003 – C5-0134/2003),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM (2002) 703²),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 78 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0185/2003),
1. Approves the common position;
 2. Notes that the act is adopted in accordance with the common position;
 3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 4. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
 5. Instructs its President to forward its position to the Council and Commission.

¹ TA (2002) 0339.

² OJ C 25 E, 29.1.2002, p.536.

EXPLANATORY STATEMENT

In 1998, the Community became a Party to the 1986 Council of Europe Convention for the protection of vertebrate animals used for experimental and other scientific purposes. The implementing tool for the Convention is Directive 86/609/EEC on the protection of animals used for experimental and other scientific purposes.

The Council of Europe has opened for signature a "Protocol of Amendment", which will allow the Appendices of the Convention to be amended via a simplified procedure, instead of via a fully-fledged amendment to the Convention which would necessitate ratification by all of the Parties to the Convention. The aim of the Protocol of Amendment is to allow for speedy changes to the Appendices as and when technological developments necessitate this - in particular Appendix A which covers guidelines for the housing and care of laboratory animals. Appendix A of the Convention is equivalent to Annex 2 of the Directive.

According to the Commission, before the Community concludes the Protocol of Amendment, a corresponding implementing tool should exist at Community level. Consequently, Directive 86/609/EEC should be amended to include the Regulatory Committee Procedure (as foreseen in Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission) and provide for a simplified procedure as regards adaptation of annex 2 of the Directive to technical progress without which the Community's implementing legislation will be out of line with the Convention. The existing Regulatory Committees do not cover the area of the protection of animals used in experiments. Therefore it is necessary to establish a Regulatory Committee that has the appropriate competence.

The proposal also includes annex 1 of the Directive, which contains the "list of experimental animals covered by the provisions of art. 21 of the Convention" to be modified through the Regulatory Committee Procedure.

At first reading, the Parliament adopted the Commission's proposal without amendments.

As, in its Common Position the Council only slightly modified the initial proposal, with no effect on the contents, your rapporteur suggests the adoption of the Common position without amendments.