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## **REPORT**

on the proposal for a Council decision concerning the placing on the market and administration of bovine somatotrophin (BST) and repealing Council Decision 90/218/EEC  
(COM(1999) 544 – C5-0250/1999 – 1999/0219(CNS))

Committee on Agriculture and Rural Development

Rapporteur: Hedwig Keppelhoff-Wiechert

### ***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)

### ***Abbreviations for committees***

- I. AFET Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy
- II. BUDG Committee on Budgets
- III. CONT Committee on Budgetary Control
- IV. LIBE Committee on Citizens' Freedoms and Rights, Justice and Home Affairs
- V. ECON Committee on Economic and Monetary Affairs
- VI. JURI Committee on Legal Affairs and the Internal Market
- VII. INDU Committee on Industry, External Trade, Research and Energy
- VIII. EMPL Committee on Employment and Social Affairs
- IX. ENVI Committee on the Environment, Public Health and Consumer Policy
- X. AGRI Committee on Agriculture and Rural Development
- XI. PECH Committee on Fisheries
- XII. REGI Committee on Regional Policy, Transport and Tourism
- XIII. CULT Committee on Culture, Youth, Education, the Media and Sport
- XIV. DEVE Committee on Development and Cooperation
- XV. AFCO Committee on Constitutional Affairs
- XVI. FEMM Committee on Women's Rights and Equal Opportunities
- XVII. PETI Committee on Petitions

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## PROCEDURAL PAGE – CONSULTATION

By letter of 10 November 1999, the Council consulted Parliament, pursuant to Article 37 of the EC Treaty, on the proposal for a Council decision concerning the placing on the market and administration of bovine somatotrophin (BST) and repealing Council Decision 90/218/EEC (COM(1999) 544 – 1999/0219(CNS)).

At the sitting of 15 November 1999, the President of Parliament announced that she had forwarded this proposal to the Committee on Agriculture and Rural Development as the committee responsible and to the Committee on the Environment, Public Health and Consumer Policy for its opinion (C5-0250/1999).

At its meeting of 24 November 1999, the Committee on Agriculture and Rural Development appointed Mrs Keppelhoff-Wiechert rapporteur.

By letter of 26 November 1999, the Council requested the application of urgent procedure pursuant to Rule 112 of the Rules of Procedure.

The committee considered the proposal and the draft report at its meetings of 29 November 1999, 6 December 1999 and 13 December 1999.

At the last meeting, it adopted the draft legislative resolution unanimously.

The following were present for the vote: Friedrich-Wilhelm Graefe zu Baringdorf, chairman; Hedwig Keppelhoff-Wiechert, rapporteur; Carlos Bautista Ojeda, Christel Fiebiger, Francesco Fiori, Georges Garot, Lutz Goepel, Elisabeth Jeggle, Salvador Jové Peres, Heinz Kindermann, Xaver Mayer, Mikko Pesälä, Agnes Schierhuber, Robert William Sturdy, Maj Britt Theorin and Eurig Wyn (for Danielle Auroi).

The Committee on the Environment, Public Health and Consumer Policy decided on 7 December 1999 not to deliver an opinion.

The report was tabled on 13 December 1999.

The deadline for tabling amendments is Wednesday, 15 December 1999 at 10 a.m.

## LEGISLATIVE PROPOSAL

### Proposal for a Council decision concerning the placing on the market and administration of bovine somatotrophin (BST) and repealing Council Decision 90/218/EEC (COM(1999) 544 – C5-0250/1999 – 1999/0219(CNS))

The proposal is amended as follows:

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

(Amendment 1)

Recital 10 (new)

(10) the conclusions of the Scientific Committee on Veterinary Measures relating to Public Health of 15/16 March 1999 show that further evaluation is needed of the possible human health risks associated with the use of rBST in dairy cows;

*Justification:*

*Mention ought to be made of the health risks posed by rBST.*

(Amendment 2)

Recital 11 (new)

(11) rBST continues to be manufactured and packaged in the EU for export purposes;

*Justification:*

*Whilst endorsing the Commission's decision, Parliament should point out that it does not make sense for a product whose use is considered irresponsible to be manufactured in the EU and, what is more, for its manufacture to be subsidised.*

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<sup>1</sup> Not yet published.

(Amendment 3)

Article 2a (new)

The Commission shall continue to monitor scientific research concerning the potential adverse effects on human health of dietary exposure to products derived from rBST-treated dairy cows and, if necessary, make recommendations for further preventative measures.

*Justification:*

*The health risks posed by rBST and dairy products in whose manufacture rBST has been used should be investigated in greater detail.*

(Amendment 4)

Article 3

*Does not affect the English version*

(Amendment 5)

Article 3a (new)

EU funds shall not be used directly or indirectly to support the manufacture, packaging or exportation of rBST.

*Justification:*

*Whilst endorsing the Commission's decision, Parliament should point out that it does not make sense for a product whose use is considered irresponsible to be manufactured in the EU and, what is more, for its manufacture to be subsidised.*

## DRAFT LEGISLATIVE RESOLUTION

**Legislative resolution of the European Parliament on the proposal for a Council decision concerning the placing on the market and administration of bovine somatotrophin (BST) and repealing Council Decision 90/218/EEC (COM(1999) 544 – C5-0250/1999 – 1999/0219(CNS))**

**(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(1999) 544<sup>2</sup>),
  - having been consulted by the Council pursuant to Article 37 of the EC Treaty (C5-0250/1999),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development (A5-0098/1999),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
  3. If the Council intends to depart from the text approved by Parliament, calls on the Council to notify Parliament;
  4. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council and Commission.

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<sup>2</sup> Not yet published.

## EXPLANATORY STATEMENT

Parliament's Committee on Agriculture and Rural Development considered the proposal for a Council decision concerning the placing on the market and administration of bovine somatotrophin (BST) and repealing Council Decision 90/218/EEC<sup>3</sup> (COM(1999) 544) at its meeting of 29 November 1999.

### I. Commission proposal

As the ban on placing bovine somatotrophin on the market and administering it in any way to dairy cows in the territory of the Member States expires at the end of 1999 (on the basis of Council Decision 90/218/EEC as last amended by Council Decision 94/936/EC<sup>4</sup>), the Commission is now proposing a Community-wide ban on the marketing and use of BST. Whereas bans have hitherto been provisional, this proposal is designed to prohibit the marketing of BST and its administration to dairy cows definitively.

The Commission proposal refers to the protection of animal health and points out that scientific studies by the Commission's Committee on Animal Health and Animal Welfare provide evidence that the use of BST inflicts unnecessary pain on animals. Consequently, Article 37 of the Treaty establishing the European Community is specified as the legal basis.

### II. Assessment of proposal

The Committee on Agriculture and Rural Development has also assessed this proposal with regard to public health. Whilst research by the Scientific Committee on Animal Health and Animal Welfare (SCAHAW) into the use of BST shows that BST use increases the incidence of mastitis and foot and leg disorders and adversely affects reproduction in cattle, the Commission says there is currently no scientific evidence that the consumption of products containing BST or manufactured from intermediate products endangers human health.

The Commission must therefore step up its efforts to find scientific evidence that BST poses a risk to human health.

The committee also considered imports from, and exports to, third countries. This decision does not affect the production of bovine somatotrophin in the Member States or imports thereof from third countries if the BST produced or imported is intended for export to third countries. [It should be pointed out that the wording of the German and Greek versions of this provision (cf. Article 3 of the proposal) is unclear and is in need of linguistic revision].

Under general WTO rules, imports from third countries of products containing BST may be prohibited only if there is conclusive scientific evidence that they pose a risk to human health. No such evidence has yet been furnished in the case of BST use. The problem with this proposal is that, whilst it prohibits the marketing and use of such products in the Member States, imports of products to which BST has been added outside the Community cannot at present be banned.

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<sup>3</sup> OJ L 116, 8.5.1990, p. 27.

<sup>4</sup> OJ L 366, 31.12.1994, pp. 19-20.



In view of the legal basis, it is the animal health and welfare aspects and scientific findings that are the crucial factors as far as the definitive Community-wide ban on the marketing of BST and its administration to dairy cows with effect from 1 January 2000 is concerned.

(By Council Decision 78/923/EEC<sup>5</sup>, the Community approved the Convention for the Protection of Animals kept for Farming Purposes and it has deposited its instrument of approval. All the Member States have ratified this Convention.)

The proposal may also be approved for the following reasons:

- Bovine somatotrophin (BST) is a hormone which is produced by means of genetic engineering (= recombinant bovine somatotrophin - rBST) and is similar to the hormone secreted by the pituitary gland (hypophysis cerebri) of bovine animals. The use of BST may increase milk yields in dairy cows.
- It has not been established conclusively what changes could potentially occur in the composition of milk as a result of BST use. No Member State has yet carried out field tests using recombinant growth hormones. Particular attention must be paid to the risk posed by an increase in the somatic cell and antibiotic residue content of milk (BST-treated cows are more prone to suffer from clinical or subclinical mastitis).
- The fact that a small number of countries where there are production shortfalls have allowed the hormone to be used must not lead to a watering-down of health standards internationally.
- BST use could have grave consequences for exports, as no major buyer/importer or producer/exporter of milk and milk products anywhere in the world has permitted the use of BST, apart from the USA.
- BST is rejected by consumers. Its use could lead to a change in consumption patterns and thus exacerbate the imbalance in the milk and milk products and beef and veal sectors owing to the slaughter of dairy cows which become surplus to requirements.
- BST use removes the foundations of non-industrial farming. Surpluses are produced even under normal conditions. It would therefore have a major impact as far as preservation of the agricultural landscape is concerned, and it runs counter to the CAP's guiding principles.

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<sup>5</sup> OJ L 323, 17.11.1978, pp. 12-13.