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*****I** **REPORT**

on the proposal for a European Parliament and Council regulation on the animal-health requirements applicable to non-commercial movement of pet animals
(COM(2000) 529 – C5-0477/2000 – 2000/0221(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Jillian Evans

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)

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PROCEDURAL PAGE

By letter of 19 September 2000 the Commission submitted to Parliament, pursuant to Articles 251(2), 37 and 152(4)(b) of the EC Treaty, the proposal for a European Parliament and Council regulation on the animal-health requirements applicable to non-commercial movement of pet animals (COM(2000) 529 - 2000/0221 (COD)).

At the sitting of 6 October 2000 the President of Parliament announced that she had referred this proposal to the Committee on the Environment, Public Health and Consumer Policy as the committee responsible and the Committee on Agriculture and Rural Development for its opinion (C5-0477/2000).

At its meeting of 27 February 2001 the Committee on the Environment, Public Health and Consumer Policy decided to request the opinion of the Committee on Legal Affairs and the Internal Market on the proposal's legal basis under Rule 63(2).

The Committee on the Environment, Public Health and Consumer Policy appointed Jillian Evans rapporteur at its meeting of 10 October 2000.

The committee considered the Commission proposal and draft report at its meetings of 27 February and 10 April 2001.

At the last meeting it adopted the draft legislative resolution with 1 abstention.

The following were present for the vote: Caroline F. Jackson, chairman, Guido Sacconi, vice-chairman, Jillian Evans, rapporteur, Maria del Pilar Ayuso González, Emmanouil Bakopoulos (for Mihail Papayannakis), Jean-Louis Bernié (for Jean Saint-Josse), Hans Blokland, David Robert Bowie, John Bowis, Philip Bushill-Matthews (for Marielle de Sarnez), Martin Callanan, Chris Davies, Avril Doyle, Carlo Fatuzzo (for Karl-Heinz Florenz), Marialiese Flemming, Cristina García-Orcoyen Tormo, Robert Goodwill, Françoise Grossetête, Mary Honeyball (for Bernd Lange), Anneli Hulthén, Hedwig Keppelhoff-Wiechert (for Cristina Gutiérrez Cortines), Christa Klauß, Eija-Riitta Anneli Korhola, Hans Kronberger, Peter Liese, Torben Lund, Minerva Melpomeni Malliori, Patricia McKenna, Erik Meijer (for Laura González Álvarez), Jorge Moreira da Silva, Rosemarie Müller, Giuseppe Nisticò, Neil Parish (for Per-Arne Arvidsson), Béatrice Patrie, Marit Paulsen, Dagmar Roth-Behrendt, Jacques Santkin (for Catherine Stihler), Amalia Sartori (for Horst Schnellhardt), Ursula Schleicher (for Emilia Franziska Müller), Jonas Sjöstedt, María Sornosa Martínez, Bart Staes (for Inger Schörling), Nicole Thomas-Mauro, Roseline Vachetta, Phillip Whitehead.

The Committee on Agriculture and Rural Development decided on 17 October 2000 not to deliver an opinion.

The opinion of the Committee on Legal Affairs and the Internal Market on the legal basis is attached.

The report was tabled on 11 April 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Proposal for a European Parliament and Council regulation on the animal-health requirements applicable to non-commercial movement of pet animals (COM(2000) 529 – C5-0477/2000 – 2000/0221(COD))

The proposal is amended as follows:

Text proposed by the Commission ¹

Amendments by Parliament

Amendment 1

First indent

Having regard to the Treaty establishing the European Community and in particular Articles **37 and** 152(4)(b) thereof,

Having regard to the Treaty establishing the European Community and in particular Article 152(4)(b) thereof,

(This amendment applies throughout the text)

Justification

A double legal basis is not appropriate for this particular piece of legislation. The centre of gravity is clearly Article 152(4)(b), as the essential aim of the proposal is the adoption of certain veterinary measures to protect public health.

Amendment 2

Recital 2

(2) This Regulation concerns movement of live animals covered by Annex I to the Treaty. Some of its provisions, in particular concerning rabies, have as their direct objective the protection of public health, while others concern solely animal health. Article 37 and Article 152(4)(b) of the Treaty are therefore the appropriate legal bases.

(2) The essential aim of this Regulation is the protection of human health through veterinary measures applicable to non-commercial movements of pet animals; Article 152(4)(b) of the Treaty is therefore the appropriate legal base.

Justification

A double legal basis is not appropriate for this particular piece of legislation. The centre of

¹ OJ C 29, 30.01.2001, p. 239

gravity is clearly Article 152(4)(b), as the essential aim of the proposal is the adoption of certain veterinary measures to protect public health.

Amendment 3
Recital 11

(11) ***Since*** the measures ***necessary*** for the implementation of this Regulation ***are measures of general scope within the meaning of Article 2 of*** Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, ***they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision,***

(11) The measures ***to be taken*** for the implementation of this Regulation ***should be adopted in accordance with*** Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹

¹ OJ L 184, 17.7.1999, p. 23.

Justification

Standard formula for comitology provisions in acts adopted by co-decision.

Amendment 4
Recital 11 a (new)

(11a) The Commission is to overhaul existing legislation on trade in animals of the species specified in Annex 1, Part A, with the aim of harmonising them with the rules set out in this Regulation.

Justification:

In order to prevent the risk of the spread of rabies to rabies-free countries, the same rules on vaccinations and testing should apply to commercial movements of the pet animals specified in Annex 1, Part A.

Amendment 5
Article 1

1. This Regulation lays down the animal-health requirements applicable to non-commercial movement of pet animals and the rules applying to checks on such movement.

1. This Regulation lays down the animal-health requirements applicable to non-commercial movement of pet animals and the rules applying to checks on such movement ***in order to ensure the protection***

of human health.

Justification

Clarifies the objective of the present regulation.

Amendment 6
Article 3

3. Animals of the species listed in Annex I, Part A, shall be regarded as identified where they bear:

- (a) either a clearly readable tattoo, or
- (b) an electronic identification system (transponder).

In the case referred to in (b), where the transponder does not comply with Standard ISO 11784 and Annex A to Standard ISO 11785, the person with responsibility for the animal must provide the means necessary for reading the transponder at the time of any inspection.

3. *During an 8-year transitional period, beginning from the entry into force of this regulation,* animals of the species listed in Annex I, Part A, shall be regarded as identified where they bear:

- (a) either a clearly readable tattoo, or
- (b) an electronic identification system (transponder).

In the case referred to in (b), where the transponder does not comply with Standard ISO 11784 and Annex A to Standard ISO 11785, the person with responsibility for the animal must provide the means necessary for reading the transponder at the time of any inspection.

Those Member States who require animals entering their territory other than into quarantine to be identified [by option (b)] may continue to do so during the transitional period.

After the transitional period mentioned above only option (b) shall be accepted as the means of identification of an animal.

Justification

With the potential for tattoos to be difficult to read, to be altered and indeed fade over time, it would be more effective for animals to be microchipped as a means of identification. Eight years is a sufficient period for Member States to introduce a microchip system for all pet animals involved in Annex I Part A, being a major part of their total lifespan.

Amendment 7
Article 3, second subparagraph

In the case referred to in (b), where the transponder **does not** comply with Standard ISO 11784 and Annex A to Standard ISO 11785, **the person with responsibility for the animal must provide the means necessary for reading the transponder at the time of any inspection.**

In the case referred to in (b), where the transponder **must** comply with Standard ISO 11784 and Annex A to Standard ISO 11785.

Whatever form the animal identification system takes, provision must also be made for the indication of details identifying the name and address of the owner of the animals.

Justification

The requirement that the transponder used should comply with the ISO standard guarantees reliability as regards the chosen method of identification. Moreover, this standard, which is by definition internationally recognised, can be read by any reader which complies with ISO standard 11785. Such compliance thus makes it possible to ensure that checks carried out on movements of pet animals are effective.

Any animal identification system must be accompanied by a system for recording details from which the animals' owners can be identified. In France, for instance, dogs and cats are required to be identified by means of a tattoo, but cards containing such details are also issued and the details are also held on a centralised register, which makes it easy for an owner to trace his/her stray animal. In the case of movements of animals, identification details would make checks easier and, where necessary, make it possible to find stray animals. This also assists in combating trafficking in pet animals.

Amendment 8
Article 5, new paragraph after first paragraph

The young of animals specified in Annex 1, Part A, shall also meet the conditions laid down in this Regulation and thus must not be moved before they have reached the required age for vaccination and, where provided for in the rules, subsequent antibody titration.

Justification

This paragraph should be inserted because there is a widespread misconception that puppies and kittens do not need to undergo vaccination or tests. Trade in puppies and kittens is therefore taking place in the absence of checks by the authorities, with all the risks that entails.

Amendment 9

Article 6, new paragraph after first paragraph

Where they are initially introduced into the Community in a Member State not listed in Annex II part A, they may only be subsequently introduced in a Member State listed in Annex II part A if they comply with conditions laid down in annex III part B and in particular six months after an antibody titration on a sample carried out by a veterinarian authorised by the competent authorities of a Member State.

Justification

The rewording of this paragraph provides for better clarity as to the requirements for pets brought from third countries into the EU and which are subsequently moved between the Member States not listed in Annex II Part A and those listed in that Annex (UK, Ireland and Sweden). These requirements are fully in line with the United Kingdom's Pet Travel Scheme.

Amendment 10

Article 10, paragraph 2

2. For the purposes of entering third countries on the list in Annex II, Part B, account shall be taken of:

(a) *the structure and organisation of their veterinary services,*

(b) *their status with regard to rabies,*

2. For the purposes of entering third countries on the list in Annex II, Part B, account shall be taken of ***the definition in Article 2.2.5.2 of the OIE (International Office of Epizootics) International Animal Health Code:***

(a) ***the disease is compulsorily notifiable in the country concerned;***

(b) ***an efficient system for monitoring the disease is in permanent operation;***

(c) regulations applicable to imports of carnivores,

(d) regulations in force on the marketing of antirabies vaccines (list of authorised vaccines).

(c) a full regulatory system for preventing and combating rabies is in force, including effective import procedures;

(d) no indigenous case of rabies infection has been confirmed in humans or animals during the past two years; however, the isolation of a European bat lyssavirus (EBL 1 or EBL 2) in the country shall not prevent it from being classified as rabies-free;

(e) no case of imported rabies has been confirmed in a carnivore outside a quarantine centre during the past six months.

Justification

The OIE Animal Health Code definition has the advantage of giving more information on the health status of the county and providing adequate guarantees by virtue of the veterinary authorities' undertakings to follow the recommendations set out in Chapter 2.2.5. This applies in particular to effective regulatory measures introduced to prevent the importation of animals in which rabies is incubating and a system of monitoring and of appropriate prophylactic measures, notably at borders, in order to prevent any risk of the disease entering via possibly infected neighbouring countries.

(Amendment 11)
Article 12 a (new)

12a. The authorities responsible within the Member States for the movement of pets shall provide clear and easily accessible information to the public concerning the health requirements that apply for the non-commercial movement of pets between Member States. They shall also ensure that personnel at border points be fully informed of and able to implement this regulation.

Justification:

The system should facilitate for animal owners to bring with them their animals. In order to take full advantage of the fact that a common system is put in place, and to make its operation

as smooth as possible, both consumers and the implementing authorities must have full information as to the rules and requirements applicable in different cases. Information to the public should be made available in more than one language.

Amendment 12
Article 16, paragraph 2

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 thereof. *deleted*

Justification

A double legal basis is not appropriate for this particular piece of legislation. The centre of gravity is clearly Article 152(4)(b), as the essential aim of the proposal is the adoption of certain veterinary measures to protect public health. The comitological reference in Article 16.2 of the proposal, which relates to Article 37 of the Treaty, is therefore not appropriate.

Amendment 13
Article 16, paragraph 3

3. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8 thereof.

3. The measures to be taken for the implementation of this Regulation shall be adopted in accordance with the regulatory procedure referred to in Article 5 of Decision 1999/468/EC, having regard to the provision of Article 7 and Article 8 thereof.

(Where reference is made to Article 16.3 in the Commission proposal, it should be changed to 16.2 as a result of the adoption of amendment 12 (deletion)).

Justification

Standard formula for comitology provisions in acts adopted by co-decision.

Amendment 14

Annex I, part B

Mammals: *ferret*, rabbit, guinea pig, hamster

Mammals: rabbit, guinea pig, hamster

Justification

At present there is no rabies vaccination or blood test for ferrets , therefore making it difficult to determine whether the animal is protected against rabies or not. Consequently, ferrets should be removed from Annex I Part B, referred to in Article 4, as they should not be allowed to move freely between Member States or from third countries without being subjected to animal-health requirements.

Amendment 15

Annex III, part A, after indent four, new paragraph

In the case of the fourth indent, the vaccination against rabies must be carried out using an inactivated vaccine of at least one antigenic unit per dose (WHO standard).

Justification

This wording is more precise and states the reference value recommended by the WHO for the standardisation of antirabies vaccines used for domestic animals that will ensure the best possible protection against rabies through vaccination. Moreover, it will be recalled that, for intra-Community trade in domestic carnivores, it is specified that the vaccines used must be 'vaccines must be inactivated vaccines of at least one international antigenic unit (WHO standard) measured in accordance with the activity test by the method described by the European Pharmacopoeia'.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a European Parliament and Council regulation on the animal-health requirements applicable to non-commercial movement of pet animals (COM(2000) 529 – C5-0477/2000 – 2000/0221(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council and the amendments to the proposal) (COM(2000) 529)¹,
 - having regard to Article 251(2), 37 and 152(4)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament,
 - having regard to the opinion of the Committee on Legal Affairs and the Internal Market on the proposed legal basis,
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0125/2001),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 29, 30.01.2001, p. 239

EXPLANATORY STATEMENT

This proposal for a regulation introduces measures at Community level to ensure consistency by 2002 in the rules governing the non-commercial movement of pet animals. This has been made possible by the success of vaccination campaigns against rabies which have led to a fall in the number of cases amongst cats and dogs from 499 in 1991 to 5 in 1998. It has resulted in the abolition of the six month quarantine system in the United Kingdom and Sweden for animals travelling from certain countries.

Cases of rabies which are found in the EU now originate in third countries where rabies is still endemic and so more stringent controls are proposed for entry from those countries.

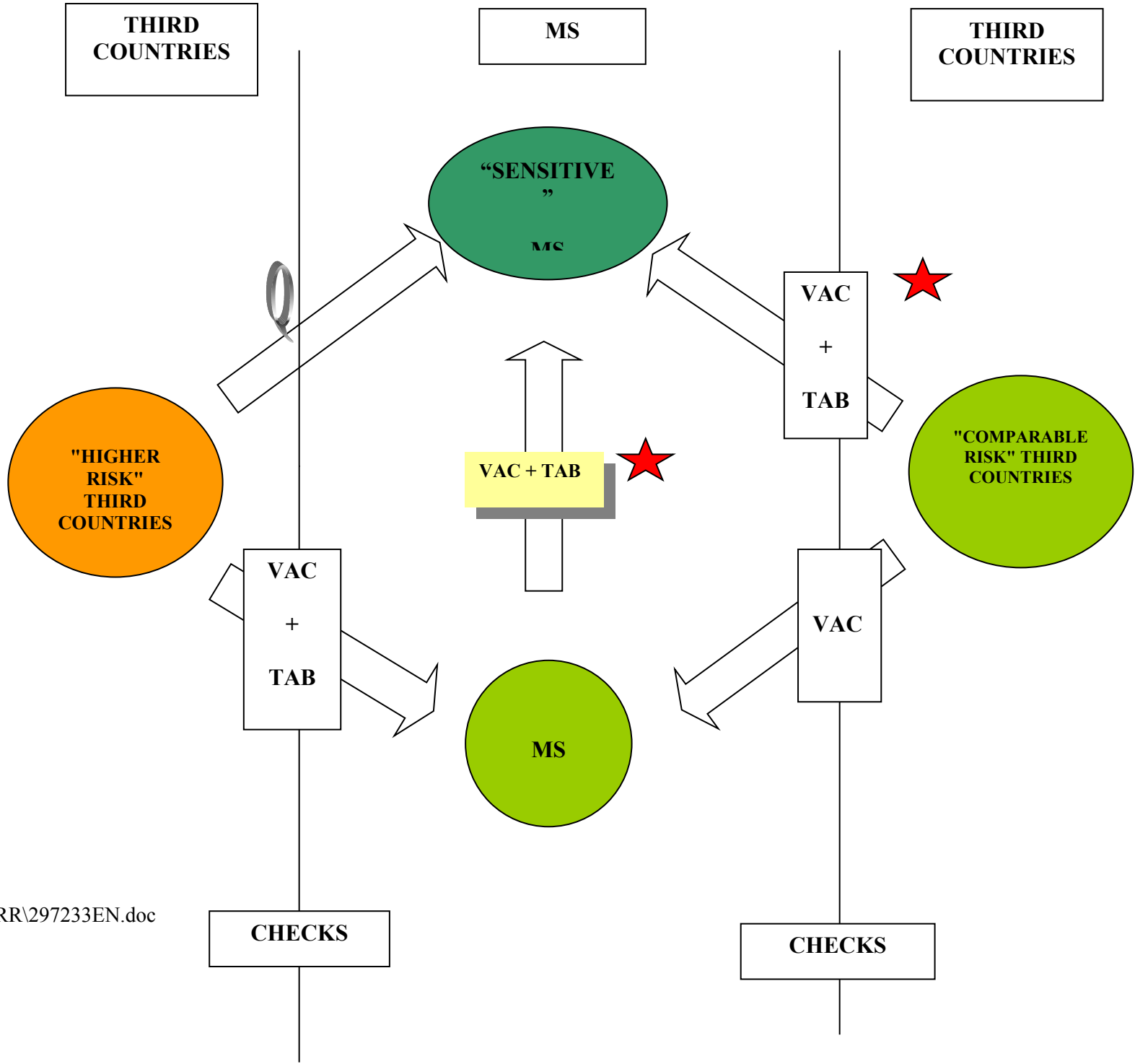
The Commission measures allow for easier movement of cats and dogs within the EU and certain third countries on condition they can be identified by electronic transponder or tattoo; that they have been vaccinated and that their immunity has been checked more than six months prior to travel. They also allow for the free movement of arachnida and insects, fish, amphibia, reptiles, birds and specified mammals. The Environment Committee feels that including ferrets in the proposal would constitute an unacceptable risk, as immunity testing is not available. There is scope for certain Member States to vary the provisions where warranted by special circumstances.

These measures are to be welcomed. However, the Environment Committee has proposed an eight year transitional period for the phasing out of the use of tattoos for identification in favour of electronic microchips. The latter is a more effective method of identification and is also a more humane method of treating the animal. The reason for the transitional period is to give animal owners in those countries which use only tattoos sufficient time to implement the new measures. Similarly it is proposed that during the transitional period those countries which do not currently accept tattoos as a valid form of identification may require electronic microchips.

It is very important that detailed information for consumers is provided in order to make the necessary preparations for travel. This applies equally to staff at border points. The success of the scheme depends on effective checks at EU borders and the amendments are deemed necessary to ensure this.

The Annex will aid understanding of the Commission's proposal.

KEY (Annex): MS: Member States, Q: Quarantine, VAC: Vaccination, TAB: Titration of antibodies, COMPARABLE RISK THIRD COUNTRIES (with regard to the Member States): see annex II, part B. The star refers to the last paragraph of Annex III, part B.



EUROPEAN PARLIAMENT

Committee on Legal Affairs and the Internal Market
The Chairman

Mrs Caroline F. Jackson
Chairman
Committee on the Environment, Public Health and
Consumer Policy
BRUSSELS

Subject: Legal basis of the Proposal for a Regulation of the European Parliament and of the Council on the animal-health requirements applicable to non-commercial movement of pet animals– (COM(2000) 529 – C5-0477/2000 – 2000/0221(COD))

Dear Madam President,

Upon request of your Committee by letter of 28 February 2001, the Committee on Legal Affairs and Internal Market has examined the question of replacing articles 37 and 152(4) b) EC Treaty by article 152 as an appropriate legal basis, the former having been chosen by the Commission as a double legal basis for its proposal for a regulation.

The proposal aims at harmonising animal-health requirements applicable to non-commercial movement of pet animals between Member States and from third countries to Member States. It lays down rules applying to checks on such movement.

Even though the proposal concerns measures on movement of pets, it can be concluded that one of its aims is the adoption of veterinary measures in order to protect public health.

The Committee on Legal Affairs and Internal Market has therefore unanimously decided at its meeting on 19-21 March 2001 that the appropriate legal basis is article 152 (4) b), provided that the proposal for a regulation is redrafted in a way that encompasses more clearly the objective of protection of public health.¹

Yours sincerely,

(s.) Ana Palacio Vallelersundi

¹ The following MEPs were present for the vote : Rothley, acting chairman; Beysen, vice-chairman; Wallis, rapporteur ; MacCormick, McCarthy, Manders, Marinho, Medina Ortega, Paciotti, Zappalà.