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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a European Parliament and Council regulation on the animal-health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC
(7839/2/2002 - C5-0309/2002 – 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)

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 3 May 2001 Parliament adopted its position at first reading on the proposal for a European Parliament and Council regulation on the animal-health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (COM (2000) 529 - 2000/0221 (COD)).

At the sitting of 3 July 2002 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 (7839/2/2002 - C5-0309/2002).

The committee had appointed Jillian Evans rapporteur at its meeting of 10 October 2000.

It considered the common position and draft recommendation for second reading at its meetings of 10 September and 3 October 2002.

At the latter meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Mauro Nobilia, acting chairman; Alexander de Roo and Anneli Hulthén, vice-chairmen; Jillian Evans, rapporteur; David Robert Bowie, John Bowis, Paul A.A.J.G. Lannoye (for Patricia McKenna), Minerva Melpomeni Malliori, Giuseppe Nisticò, Marit Paulsen, Dagmar Roth-Behrendt, Karin Scheele, Jonas Sjöstedt, Renate Sommer (for Per-Arne Arvidsson), María Sornosa Martínez, Astrid Thors, Antonios Trakatellis, Kathleen Van Brempt, Phillip Whitehead.

The recommendation for second reading was tabled on 4 October 2002.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council regulation on the animal-health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (7839/2/2002 – C5-0309/2002 – 2000/0221(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (7839/2/2002 - C5-0309/2002),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM (2000) 529²),
 - having regard to the Commission's amended proposal (COM (2001) 349³),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0327/2002),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 27 E, 31.1.2002, p. 19.

² OJ C 29 E, 30.1.2001, p. 239

³ OJ C 270 E, 25.9.2001, p. 109

Amendment 1
Recital 11

Existing Community animal health requirements, and more specifically Council Directive 92/65/EEC of 13 July **1965** laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ¹, generally apply only to trade. To avoid commercial movements being fraudulently disguised as non-commercial movements of pet animals within the meaning of this Regulation, the provisions of Directive 92/65/EEC on the movement of animals of the species specified in Parts A and B of Annex I should be overhauled, with the aim of ensuring their uniformity with the rules set out in this Regulation. ***With the same aim, provision should be made for the possibility of specifying a maximum number of animals that may be the subject of movement within the meaning of this Regulation, above which the rules regarding trade will apply.***

Existing Community animal health requirements, and more specifically Council Directive 92/65/EEC of 13 July **1992** laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ², generally apply only to trade. To avoid commercial movements being fraudulently disguised as non-commercial movements of pet animals within the meaning of this Regulation, the provisions of Directive 92/65/EEC on the movement of animals of the species specified in Parts A and B of Annex I should be overhauled, with the aim of ensuring their uniformity with the rules set out in this Regulation.

Justification

The regulation's objectives are to protect public health by preventing the spread of diseases, primarily rabies. Therefore setting a maximum number of animals is irrelevant.

¹ OJ L 268, 14.9.1992, p. 54. Directive as last amended by Commission Decision 2001/298/EC (OJ L 102, 12.4.2001, p. 63).

² OJ L 268, 14.9.1992, p. 54. Directive as last amended by Commission Decision 2001/298/EC (OJ L 102, 12.4.2001, p. 63).

Amendment 2
Article 4, paragraphs 3, 4, 5 (new)

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

Member states which 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, only option (b) shall be accepted as the means of identifying an animal.

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. Using a standard format should also assist in public understanding of the scheme.

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 3
Article 5 (2)

2. Member states may authorise the movement of animals listed in Parts A and B of Annex I which are under three months old and unvaccinated, if they are accompanied by a passport and have

Delete

stayed in the place in which they were born since birth without contact with wild animals likely to have been exposed to the infection or are accompanied by their mothers on whom they are still dependent.

Justification

Trade in puppies and kittens is taking place in the absence of vaccination or checks by the authorities, with all the risks that entails. Guarantees of no exposure to disease as described in the text, would be impossible to verify.

Amendment 4
Article 5 (2) (a) (new)

2a. The young of animals specified in Annex 1, Part A and B 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

See justification for Amendment 3.

Amendment 5
Article 6 (3)

3. The transitional period laid down in paragraph 1 may be extended by the Council, acting ***by a qualified majority*** on a proposal from the Commission.

3. The transitional period laid down in paragraph 1 may be extended by ***the European Parliament and*** the Council, acting on a proposal from the Commission ***in accordance with the Treaty.***

Justification

The European Parliament should be involved if the transitional period should be extended.

Amendment 6

Article 7

Movement between Member States or from a territory listed in Section 2 of Part B of Annex II of animals of the species listed in Part C of Annex I shall not be subject to any requirement with regard to rabies. If necessary, specific requirements – ***including a possible limit on the number of animals*** – and a model certificate to accompany such animals may be drawn up, in accordance with the procedure laid down in Article 24(2), in respect of other diseases.

Movement between Member States or from a territory listed in Section 2 of Part B of Annex II of animals of the species listed in Part C of Annex I shall not be subject to any requirement with regard to rabies. If necessary, specific requirements and a model certificate to accompany such animals may be drawn up, in accordance with the procedure laid down in Article 24(2), in respect of other diseases.

Justification

The regulation's objectives are to protect public health by preventing the spread of diseases, primarily rabies. Therefore setting a maximum number of animals is irrelevant.

Amendment 7

Article 10, 1st paragraph

The list of third countries provided for in Part C of Annex II shall be drawn up before the date provided for in the second subparagraph of Article 25 and in accordance with the procedure laid down in Article 24(2). To be included on that list, a third country must first demonstrate its status with regard to rabies and that:

The list of third countries provided for in Part C of Annex II shall be drawn up before the date provided for in the second subparagraph of Article 25 and in accordance with the procedure laid down in Article 24(2). To be included on that list, a third country must first demonstrate its status with regard to rabies, ***taking account***

of the criteria in Article 2.2.5.2 of the OIE (International Office of Epizootics) International Animal Health Code, and in particular that:

Justification

The OIE Animal Health Code definition has the advantage of giving more information on the health status of the country 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 8
Article 10 (e) (a) (new)

(ea) no indigenous case of rabies infection has been confirmed in humans or animals during the previous 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;

Justification

The OIE Animal Health Code definition has the advantage of giving more information on the health status of the country 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 9
Article 10 (e) (b) (new)

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

Justification

The OIE Animal Health Code definition has the advantage of giving more information on the health status of the country 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 10
Article 17, first paragraph

For the movement of animals of the species listed in Parts A and B of Annex I, requirements other than those laid down by this Regulation may be laid down in accordance with the procedure laid down in Article 24(2).

For the movement of animals of the species listed in Parts A and B of Annex I, requirements ***of a purely technical nature*** other than those laid down by this Regulation may be laid down in accordance with the procedure laid down in Article 24(2).

Justification

Self-explanatory.

Amendment 11
Article 20

Any implementing measures necessary shall be adopted in accordance with the procedure laid down in Article 24(2).

Any ***technical*** implementing measures necessary shall be adopted in accordance with the procedure laid down in Article 24(2).

Justification

Self-explanatory.

Amendment 12
Article 21

Any transitional provisions may be adopted in accordance with the procedure laid down in Article 24 (2).

Delete.

Justification

See justification for Amendment 5.

Amendment 13
Article 23, 2nd paragraph

Furthermore, before 1 January 2009 the Commission shall submit to the Council a report based on experience gained to determine the definitive system of identification provided for in Article 4. However, the need to require compliance with ISO standards for the transponders provided for in Articles 4 and 14 must be the subject of a Commission report before 1 January 2005.

Delete.

Justification

See first part of justification to Amendment 2.

Amendment 14
Article 24 (2)

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply ***in compliance with*** the provisions of Article 8 thereof, ***where measures have as their direct objective the protection of public health.***

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, ***having regard to*** the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

Justification

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

Amendment 15
Article 24 (3)

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, ***in compliance with*** the provisions of Article 8 thereof, ***where measures have as their direct objective the protection of public health.***

The period provided for in Article 5(6) of Decision 1999/468/EC shall be set at fifteen days.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, ***having regard to*** the provisions of Article 8 thereof.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be set at fifteen days.

Justification

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

EXPLANATORY STATEMENT

This report proposes measures at Community level to ensure consistency 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 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 invertebrates (except bees and crustaceans), ornamental tropical fish, amphibia, reptiles, birds and specified mammals. The Council have included ferrets under a new category Annex 1 Part B. There is scope for certain Member States to vary the provisions where warranted by special circumstances.

Following the first reading, the Council has included measures to harmonise Directive 92/65/EEC with the provisions of this legislation, as requested by Parliament. Whilst this is welcome, your rapporteur does not believe that this changes the centre of gravity of this legislation which is the adoption of veterinary measures to protect public health and the legal base should therefore be Article 152(4)(b).

It is proposed that following the eight year transitional period, the use of tattoos for identification purposes should be ended and only electronic microchips accepted under the scheme. The latter is a more effective method of identification and is also a more humane method of treating the animal. Compulsory use of an ISO standard transponder would not only ensure reliability but would assist in public understanding of the scheme. The inclusion of details of the owner will help with identification and in combatting trafficking in pet animals.

Reference to the OIE Animal Health Code definition has been retained in full in the report as it gives more information on the health status of the country and the regulatory measures being implemented.