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REPORT

on the joint text approved by the Conciliation Committee 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
(PE-CONS 3610/2003 – C5-0061/2003 – 2000/0221(COD))

European Parliament delegation to the Conciliation Committee

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

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).

At the sitting of 3 October 2002 Parliament adopted amendments to the common position.

By letter of 21 January 2003 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 18 March 2003.

At the meeting the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

On 19 February 2003 the Parliament delegation approved the results of the conciliation unanimously.

The following took part in the vote: Charlotte Cederschiöld, Vice-President and Chairman of the delegation; Jillian Evans, rapporteur; Marialiese Flemming, Torben Lund, Minerva Melpomeni Malliori, Erik Meijer, Dagmar Roth-Behrendt, Karin Scheele, Ursula Schleicher (for Françoise Grossetête pursuant to Rule 153(2)) and Phillip Whitehead.

On 19 February 2003 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,¹ and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 26 March 2003.

¹ OJ C 148, 28.5.1999, p. 1.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the joint text approved by the Conciliation Committee 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 (PE-CONS 3610/2003 – C5-0061/2003 – 2000/0221(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee and the relevant Commission statement (PE-CONS 3610/2003 – C5-0061/2003),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2000) 529²),
 - having regard to the amended proposal (COM(2001) 349³),
 - having regard to its position at second reading⁴ on the Council common position⁵,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2002) 710 - C5-0593/2002)⁶,
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0102/2003),
1. Approves the joint text and draws attention to the Commission statement thereon;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council to have it published, together with the statement by the Commission thereon, in the Official Journal of the European Communities;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ OJ C 27 E, 31.1.2002, p. 55.

² OJ C 29 E, 30.1.2001, p. 239.

³ OJ C 270 E, 25.9.2001, p. 109.

⁴ P5_TA-PROV(2002)0493.

⁵ OJ C 275 E, 12.11.2002, p. 42

⁶ OJ C not yet published.

EXPLANATORY STATEMENT

Background

1. On 19 September 2000 the Commission presented a proposal for a Regulation on the animal-health requirements applicable to non-commercial movement of pet animals. The main purpose of the proposal is to facilitate the free movement of pet animals while guaranteeing a high level of protection for human and animal health. To that end, it seeks to harmonise animal-health measures and the controls on non-commercial movements of pet animals within the Community and from non-member countries.

2. On 3 May 2001 Parliament adopted its position at first reading. The Council adopted its common position on 27 June 2002. At the second reading, on 22 October 2002, Parliament adopted 14 amendments to the Council common position. The Council was unable to accept all these amendments, which meant that the conciliation committee had to be convened.

Conciliation

3. Parliament's delegation to the conciliation committee held its constituent meeting on 18 December 2002 and its members mandated the chair of the delegation, Mrs Cederschiöld, the chair of the committee responsible, Mrs Jackson, and the rapporteur, Mrs Evans, to enter into informal negotiations with the Council.

4. The meeting of the conciliation committee was held on the afternoon of 18 February 2003 under the joint chairmanship of Mrs Cederschiöld, Vice-President, and Mr Drys, Greek Minister for Agriculture, and in the presence of Commissioner Byrne. The discussion at this meeting focused on the institutional amendments and in particular on the mechanism for a possible extension of the exemption for the United Kingdom, Ireland and Sweden.

5. An agreement covering all outstanding issues was reached. The following components of this agreement deserve particular mention:

- extension of special status of United Kingdom, Ireland and Sweden

Article 6 of the Common Position provided for a special status of the United Kingdom, Ireland and Sweden regarding the movement of pets between Member States during a transitional period of five years. In addition, Council proposed in its Common Position that exclusively the Council should decide a possible extension of this transitional period.

While the European Parliament agreed with the special status of the Member States in question, it firmly rejected the proposed modalities for an extension of the transitional period. The procedure suggested by Council completely ignored Parliament's role in the legislative procedure. Any derogation or extension of transitional periods should be decided under the co-decision procedure with full participation of the European Parliament.

The Council initially rejected these amendments. However, at the meeting of the Conciliation Committee the Council gave up its resistance and accepted Parliament's role. It was agreed that the transitional period may be extended jointly by the European Parliament and the Council. Any possible extension of the special status granted to the United Kingdom, Ireland and Sweden will therefore be adopted under the codecision procedure.

- electronic identification of pets

In order to allow for an effective identification of cats and dogs, the Council's Common Position provided that these animals have to bear either a clearly readable tattoo or an electronic identification system (transponder) during a transitional period. In the light of the experience gained during this period the decision regarding the definitive system of identification would be referred to at a later stage.

The European Parliament rejected this approach. Parliament's position adopted in first and second reading was in favour of transponders as this identification system is more effective, more reliable and represents a more humane method of treating the animal. 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.

Therefore, the European Parliament proposed an eight-year transitional period for the phasing out of the use of tattoos for identification in favour of electronic microchips. The reason for this long transitional period is to give animal owners in those countries, which use only tattoos, sufficient time to implement the new measures.

In the Conciliation Committee, the Council accepted Parliament's wish for a phasing out of tattoos. It was agreed that after a transitional period of 8 years - during which both identification systems are allowed - tattooing would be replaced by electronic identification.

Besides, it was agreed that any animal identification system must be accompanied by a system of recording details from which the animal's owner can be identified. This also assists in combating trafficking in pet animals.

- implementing and transitional measures

At the Conciliation Committee the European Parliament insisted on a clarification of the definition of the implementing measures to be adopted by the Commission under the comitology procedure. Due to the European Parliament's insistence, it was agreed that these provisions should be restricted only to measures of a *technical nature*. Furthermore, any *transitional* provisions adopted by the Commission are strictly limited to permit the changeover from the current arrangements to the arrangements established by the new regulation.

Conclusions

The European Parliament delegation is satisfied with the agreement reached, as it goes far beyond what was possible before the second reading. The introduction of the codecision procedure for a possible extension of the special status of three Member States and the exclusive application of electronic identification after a certain transitional period represent substantial improvement on the Common Position. The delegation wishes to thank the Greek Council Presidency and the Commission for their constructive cooperation. It recommends that Parliament should adopt the attached joint text.