

# EUROPEAN PARLIAMENT

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FINAL  
**A5-0186/2004**

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## **REPORT**

on the proposal for a Council directive laying down animal health rules for the importation into the Community of certain live ungulate animals, and amending Directives 90/426/EEC and 92/65/EEC (COM(2003) 570 – C5-0483/2003 – 2003/0224(CNS))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Avril Doyle

PE 340.784

**EN**

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### ***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

By letter of 16 October 2003 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty, on the proposal for a Council directive laying down animal health rules for the importation into the Community of certain live ungulate animals, and amending Directives 90/426/EEC and 92/65/EEC (COM(2003) 570 – 0483/2003(CNS)).

At the sitting of 20 October 2003 the President of Parliament announced that he had referred the 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 (C5-0483/2003).

The Committee on the Environment, Public Health and Consumer Policy appointed Avril Doyle rapporteur at its meeting of 2 December 2003.

The committee considered the Commission proposal and draft report at its meetings of 16 February 2004 and 16 March 2004.

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

The following were present for the vote: Caroline F. Jackson, chairman; Avril Doyle, rapporteur; María del Pilar Ayuso González, Hans Blokland, Hiltrud Breyer, Dorette Corbey, Chris Davies, Säid El Khadraoui, Anne Ferreira, Jim Fitzsimons, Marialiese Flemming, Karl-Heinz Florenz, Cristina García-Orcoyen Tormo, Robert Goodwill, Jutta D. Haug (for David Robert Bowe), Marie Anne Isler Béguin, Christa Kläß, Bernd Lange, Peter Liese, Giorgio Lisi (for Martin Callanan), Torben Lund, Minerva Melpomeni Malliori, Patricia McKenna, Rosemarie Müller, Giuseppe Nisticò, Marit Paulsen, Dagmar Roth-Behrendt, Jacqueline Rousseaux, Guido Sacconi, Yvonne Sandberg-Fries, Karin Scheele, Herman Schmid, Horst Schnellhardt, Jonas Sjöstedt, Renate Sommer (for John Bowis), Catherine Stihler, Nicole Thomas-Mauro, Antonios Trakatellis, Peder Wachtmeister and Phillip Whitehead.

The Committee on Agriculture and Rural Development decided on 4 November 2003 not to deliver an opinion.

The report was tabled on 18 March 2004.

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council directive on laying down animal health rules for the importation into the Community of certain live ungulate animals, and amending Directives 90/426/EEC and 92/65/EEC (COM(2003) 570 – C5-0483/2003 – 2003/0224(CNS))**

### (Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2003) 570)<sup>1</sup>,
  - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0483/2003),
  - 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 (A5-0186/2004),
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. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

#### Amendment 1 ARTICLE 1

This Directive lays down the animal health requirements for the importation into the Community of live ungulate animals of the species listed in Annex I.

This Directive lays down the animal health requirements for the importation *or transit* into the Community of live ungulate animals of the species listed in Annex I

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

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

Amendment 2  
ARTICLE 2 (C A) (NEW)

*(ca) "ungulates" means those animals listed in Annex I*

Amendment 3  
ARTICLE 8 (E)

(e) accompany their owners as pet animals or;

(e) accompany their owners as pet animals ***notwithstanding their absence from the EU regulation Animal-health requirements: non commercial movement of pet animals COD/2000/0221 if they are listed in this directive as ungulates acceptable as pets*** or;

*Justification*

*There should not be any loophole to allow the import of rare ungulate species into the EU as pets if they do not genuinely match such a description.*

Amendment 4  
ARTICLE 9

By way of derogation from Article 7(a), and in accordance with the procedure referred to in Article 14(2), conditions may be established for the importation of live ungulate animals into the Community from an authorised third country where certain diseases listed in Annex II are present and/or vaccinations against those diseases are carried out;

By way of derogation from Article 7 (a), and in accordance with the procedure referred to in Article 14 (2), conditions may be established for the importation of live ungulate animals into the Community from an authorised third country where certain diseases listed in Annex II are present and/or vaccinations against those diseases are carried out. ***Derogations should be made on a case-by-case basis.***

Amendment 5  
ARTICLE 17, POINT 1 A  
Article 19, point (iii) a (new) (Directive 90/426/EEC)

***1 a) The following new paragraph is added to Article 19:***

***(iii a) may designate a Community Reference Laboratory for one or more of the equine diseases mentioned in Annex A and establish the functions, duties and the procedures for collaboration with***

*laboratories in charge of diagnosing  
equine infectious diseases in Member  
States.*

## EXPLANATORY STATEMENT

The main purpose of this proposed Directive is to consolidate and update the legislation governing imports into the Community of wild and domestic animals in order to strengthen the protection against diseases, including foot-and-mouth disease (FMD) and classical swine fever (CSF). Firstly, it modifies the Directives governing imports of live ungulate animals into the Community. Secondly, as a consequence of these modifications, the Directive governing the imports of equidae (e.g. horses) is also modified.

1) The recent outbreaks of foot-and-mouth disease (FMD) and classical swine fever (CSF) have prompted a thorough review of Community measures to prevent and combat these diseases. As part of the response to possible future outbreaks the Commission is proposing to rationalise, strengthen and update the legislation governing the importation into the Community of wild and domestic animals of species susceptible to either FMD or CSF.

This proposal will lay down the animal health requirements for the imports into the Community of live ungulate animals species listed in Annex I in the proposed Directive.

It consolidates into one single act the animal health import requirements relating to animal species susceptible to FMD which are currently contained in two separate Directives - one covering domestic species (Council Directive 72/462/EEC) and the other covering wild species (Council Directive 92/65/EEC).

Council Directive 90/425/EEC Annex (I), lays down the conditions for the imports into the Community of ungulate animals other than domestic, bovine, ovine, caprine, porcine and equine animals, and provides for a list to be laid down of third countries from which Member States may import such animals as well as the health requirements to be met. This Directive should be amended in order to exclude from its scope the animal species covered by the present act.

2) As a consequence, Council Directive 90/426 /EEC on animal health conditions governing the movement and import from third countries of equidae (e.g. horses) should be amended. Imports into the Community of equidae are allowed only from third countries appearing on a list drawn up in accordance with Directive 72/462/EEC (domestic species). The proposed Directive clarifies the conditions for granting authorisation to a third country. The provisions for establishing lists of third countries for equidae should be included in Directive 90/426/EEC. Directives 90/426/EEC and 92/65/EEC (wild species) should therefore be amended accordingly.

As part of the hygiene package, Council Directive 2002/99/EC laying down the animal health rules governing production, processing, distribution and the introduction of animal origin for human consumption, will replace the requirements for meat and meat products in Directive 72/462.

The general requirements of Council Directive 91/628/EEC on the protection of animals during transport and any amending Directives, including 90/425/EEC and 91/496/EEC as regards watering and feeding, should be taken into account.



The measures necessary for implementing this Directive 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 on the Commission.

The new comitology procedures established in Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority, and laying down procedures in matters of food, also need to be taken into account.

The legal base will bring EU basic legislation more into line with the new recommendations of the Office International des Epizooties (OIE)

### **Amendments**

Your rapporteur introduces three amendments to the proposed Directive. Firstly, under Article 2, the term ungulate is more clearly defined. Secondly, a horizontal amendment is introduced throughout the proposed Directive in order to enlarge the scope to cover imports or transit of ungulate animals into the Community. Finally, Article 9 of the proposed Directive allows for some flexibility and derogation as regards imports from authorised third countries where imports have been suspended or prohibited. These derogations should only be made on a case-by-case basis so that the risk of importing diseases is not increased.

### **Conclusions**

- The Parliament welcomes this proposal as part of the on-going review of Community measures to prevent and combat foot-and-mouth disease and classical swine fever.
- The Parliament supports the consolidation of the rules governing imports of wild and domestic ungulate animals, as well as equidae, into one Directive.