



EUROPEAN PARLIAMENT

2009 - 2014

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*Session document*

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**A7-0018/2010**

25.2.2010

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## **REPORT**

on the proposal for a decision of the European Parliament and of the Council repealing Council Decision 79/542/EEC drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat  
(COM(2009)0516 – C7-0211/2009 – 2009/0146(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Jo Leinen

### ***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***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. 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). Suggested corrections of this kind are subject to the agreement of the departments concerned.



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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a decision of the European Parliament and of the Council repealing Council Decision 79/542/EEC drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat**

**(COM(2009)0516 – C7-0211/2009 – 2009/0146(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0516),
  - having regard to Article 251(2) and Articles 37 and 152(4)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0211/2009),
  - having regard to the Communication from the Commission to the European Parliament and the Council entitled "Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures" (COM(2009)0665),
  - having regard to Article 294(3) and Articles 43(2) and 168(4) of the Treaty on the Functioning of the EU,
  - having regard to the opinion of the European Economic and Social Committee,
  - having regard to the opinion of the Committee on the Regions,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A7-0018/2010),
1. Adopts its position at first reading, taking over the Commission proposal;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

## **EXPLANATORY STATEMENT**

### **Introduction**

Directive 72/462/CEE of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries provides in its Article 3(1) that the Council, on a proposal from the Commission, adopts a list of the countries or parts of countries from which the Member - States shall authorise importation of bovine animals, swine and fresh meat.

Pursuant to this Article 3(1) the Council drew up this list in its Decision 79/542/CEE. Over the years this list can and has frequently been changed via a comitology procedure.

Directive 72/462/CEE has been repealed in 2004 by Directive 2004/68 which ensures the continuity of the validity of Decision 79/542/CEE in its Article 20 which says that

"Implementing Rules established under Decisions adopted for the import of live animals, meat and meat products under Directive 72/462/EEC, as listed in Annex V to this Directive, shall remain in force until replaced by measures adopted under the new regulatory framework".

In addition, also Directive 2004/41/EC refers in its Article 4(3) (c) to the implementing acts adopted on the basis of Directive 72/462/EEC as those acts which continue to apply *mutatis mutandis*, pending the adoption of provisions on the basis of Regulations 852-853 and 854/2004.

Simultaneously the Commission proposes two things:

1. To repeal via a codecision procedure Council Decision 79/542/EEC.
2. To replace Council Decision 79/542/CEE via a comitology procedure (Regulatory procedure with Scrutiny) with a Commission Regulation which codifies all the relevant modifications carried out over the years by comitology and which is due to be modified frequently and on short notice in order to take account of new situations.

One could argue that this Decision lapses automatically when it has been replaced by a Commission Regulation (see Article 20 of Directive 2004/68 above) but for the sake of clarity and transparency not only for the Member States and that in change of the implementation of the legislation but also for the third countries importing the products concerned into the EU the Commission opted for a strict approach proposing a repeal by codecision.

The rapporteur can agree with this approach and proposes the adoption without amendments.

## PROCEDURE

|   |  |    |    |    |   |    |   |
|---|--|----|----|----|---|----|---|
| <b>Title</b>  | A list of third countries, or parts of third countries, and animal and public health and veterinary certification conditions for importation into the Community of certain live animals and their fresh meat   |    |    |    |   |    |   |
| <b>References</b>   | COM(2009)0516 – C7-0211/2009 – 2009/0146(COD)  |    |    |    |   |    |   |
| <b>Date submitted to Parliament</b>                                   | 7.10.2009  |    |    |    |   |    |   |
| <b>Committee responsible</b><br>Date announced in plenary             | ENVI<br>19.10.2009   |    |    |    |   |    |   |
| <b>Committee(s) asked for opinion(s)</b><br>Date announced in plenary | AGRI<br>19.10.2009   |    |    |    |   |    |   |
| <b>Not delivering opinions</b><br>Date of decision                    | AGRI<br>12.10.2009   |    |    |    |   |    |   |
| <b>Rapporteur(s)</b><br>Date appointed                                | Jo Leinen<br>5.11.2009   |    |    |    |   |    |   |
| <b>Date adopted</b>   | 23.2.2010  |    |    |    |   |    |   |
| <b>Result of final vote</b>   | <table> <tr> <td>+:           </td><td>36</td></tr> <tr> <td>–:           </td><td>0</td></tr> <tr> <td>0:           </td><td>0</td></tr> </table>   | +: | 36 | –: | 0 | 0: | 0 |
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| <b>Members present for the final vote</b>                             | János Áder, Elena Oana Antonescu, Sandrine Bélier, Sergio Berlato, Milan Cabrnoch, Nessa Childers, Bas Eickhout, Edite Estrela, Elisabetta Gardini, Gerben-Jan Gerbrandy, Satu Hassi, Jolanta Emilia Hibner, Dan Jørgensen, Karin Kadenbach, Christa Kläß, Jo Leinen, Peter Liese, Kartika Tamara Liotard, Radvilė Morkūnaitė-Mikulėnienė, Gilles Pargneaux, Antonia Parvanova, Vittorio Prodi, Frédérique Ries, Oreste Rossi, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Bogusław Sonik, Catherine Soullie, Salvatore Tatarella, Anja Weisgerber, Sabine Wils, Marina Yannakoudakis |    |    |    |   |    |   |
| <b>Substitute(s) present for the final vote</b>                       | Jutta Haug, Elżbieta Katarzyna Łukacijewska  |    |    |    |   |    |   |
| <b>Substitute(s) under Rule 187(2) present for the final vote</b>     | Veronica Lope Fontagné   |    |    |    |   |    |   |