

WRITTEN QUESTION P-3312/03  
by Enrico Ferri (PPE-DE)  
to the Commission

Subject: Requirements for entry in the studbook, transposition of Community legislation

Does the European Commission not consider that Italy has transposed Community legislation on requirements for entry in the studbook (mandatory for Member States) in a way that hinders the free movement of goods and freedom to provide services and thus constitutes a barrier to intra-Community trade?

Italy (whose competent authority is the Ministry of Agriculture and Forestry Policy) is the only Member State which, in addition to imposing specific requirements for entry in the studbook, has set up an ad hoc committee to assess equine morphology, whose opinion is final and not subject to appeal.

Does the Commission not consider that the existence of this committee is an obstacle to the use/trading in Italy of stallions that have not passed the committee's assessment but could be used in another Member State (for instance, in the UK, where no such committee exists) thereby preventing them from being traded in Italy?

Does the Commission not also consider that the fact that the committee's ruling is not subject to appeal is in breach of Community law and procedures?

In the light of the provisions of Directive 90/427/EC<sup>1</sup> of 26 June 1990 (on the zootechnical and genealogical conditions governing intra-Community trade in Equidae) and subsequent modifications, Commission Decision 92/353/EEC<sup>23</sup> of 11 June 1992 (criteria for the approval or recognition of organisations and associations which maintain or establish studbooks for registered equidae) and subsequent modifications and Commission Decision 96/78/EC of 10 January 1996 (criteria for entry and registration of equidae in studbooks for breeding purposes) and subsequent modifications, will the European Commission verify whether Community legislation relating to this sector has been correctly transposed into national law in Italy?

Can the European Commission also challenge the legality of the existence of the assessment committee referred to above (which exists only in Italy and whose decisions are irrevocable, with no further level of appeal) which makes the equine trade more difficult in Italy compared to other Member States, thereby infringing the principles of free competition in the single market?

---

<sup>1</sup> OJ L 224, 18.8.1990, p. 55.

<sup>2</sup> OJ L 192, 11.7.1992, p. 63.

<sup>3</sup> OJ L 19, 25.1.1996, p. 39.