(draft version of 12 April 2007)

1) Impact Assessment Board Opinion

(A) Context

The evaluation carried out by SANCO had indicated the need to develop a clearer strategy on Animal Health accompanied by a communication strategy which improves stakeholder engagement and involvement in decision-making. The strategy foresees a revision of the current regulatory framework on animal health and announces two main regulatory elements: An EU-wide cost-sharing scheme and integrated electronic animal identification and certification system at EU level.

(B) Positive aspects

(1) Additional studies including possible budgetary implications are planned to assess in more detail the implications of some of the actions proposed under the preferred option (e.g. the cost-sharing scheme and the electronic identification and certification system).

(2) The evaluation is based on a series of extensive consultation of interested parties. Furthermore, results of the evaluation were presented and discussed at a conference in November 2006 with relevant stakeholders (over 500 participants).

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG.

General recommendation: The IA report requires improvements in some key aspects: better translation of problem definition into policy objectives, especially on simplification of the existing legislative framework and the issue of animal welfare. Particular attention should be given to the justification for EU action and
providing a realistic picture of its necessity and likely added value.

(1) The articulation between problems and policy objectives (and options) especially on simplification needs to be further developed. The objectives should be directly related to the problems and its root causes. ‘Sustainable development’, ‘animal welfare’ and ‘preventing fragmentation internal market’ are global objectives. The list of specific objectives should be complemented with some of the main issues identified in the problem definition and also cover new/additional objectives figuring in the impact analysis (e.g. simplification; more adequate crisis management; budget stability). More in-depth analysis of the impact of simplifying the existing legislative framework needs to be presented (e.g. volume/structure of existing legislation, targets/orientations for simplification).

(2) The necessity test needs to be further developed. The IA report should provide evidence that EU action is necessary to achieve the set objectives, in particular that Member States fail to control a disease in the absence of the Community framework/legislation and that there are significant cross-border impacts of outbreaks. Following this, the analysis should seek to reinforce the value-added test of the proposed EU action and also, if possible, establish more clearly that what is proposed meets the ‘boundary test’, i.e. that it is limited to what Member States cannot achieve satisfactorily and to what the Union can do better.

(3) The definition of the options could be improved. The impact appraisal could usefully take the ‘no –change’ option as the baseline against options 2 and 3 and the IA report should be amended to avoid that the preferred policy option appears justified through a comparison with an obviously inferior alternative. Moreover, the two policy options contain different measures which target various aspects of animal health. The IA report should clarify whether various measures from both options could be selected so as to create “in-between” scenarios.

(4) Strengthen the animal welfare appraisal. Animal welfare is mentioned as one of the objectives and as being essential for animal health in general. It should be more clearly identified how this has been taken into account in the preferred option 3.

(5) More clarity should be provided on two main regulatory elements: Cost-sharing schemes (CSS) and integrated electronic animal identification and certification system at EU level. Since these are part of the preferred option and appear to be the main regulatory elements, more clarity should be provided on what these measures would imply for the Member States and what the Community interest to co-finance the cost-sharing schemes would be. Any substantial administrative burden impacts should be assessed by use of the EU Standard Cost Method.

(D) Procedure and presentation

The table to compare options (p. 48-49) should be further elaborated. This simple and transparent table to compare each option against objectives is important to understand the outcome of the impact assessment. However, the table should be revised to avoid mixing strategic and specific objectives and incoherencies in the list of objectives with the section on objectives. The comparison of options should also be re-worked to allow for clearer conclusions on the preferred one (by indication of the extent of foreseen positive or negative impacts and their probability).
It appears that all necessary procedural elements have been complied with.

1) IAB scrutiny process

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