

**REASONED OPINION**

**of the *Bundesrat* Committee on EU Affairs of 2 July 2013**

**pursuant to Article 23g (1) *B-VG* (Federal Constitutional Act) in conjunction with Article 6 of Protocol No 2 on the application of the principles of subsidiarity and proportionality**

**COM(2013) 260 final**

**Proposal for a Regulation of the European Parliament and of the Council on animal health**

**A. Reasoned opinion**

The proposal in question is incompatible with the principle of subsidiarity.

**B. Grounds**

The proposal is part of a package of four reviews relating to animal health, health of plants, quality of plant reproductive material and official controls of plants, animals, food and feed. The current EU animal health legislative framework involves almost 50 basic directives and regulations and some 400 pieces of secondary legislation, some of them adopted as early as 1964. The aim of the new Regulation is to create a single, simplified, transparent and clear regulatory framework to implement the Animal Health Strategy published in 2007 and to reduce the impact of animal diseases and ensure the smooth functioning of the internal market, while observing overarching general principles.

As regards the internal market and free movement of live animals and animal products, the added value of harmonised rules for the prevention, notification, control and eradication of animal diseases etc. at EU level is certainly not disputed.

However, in the opinion of the *Bundesrat*, the huge number of delegated acts in accordance with Article 253 (more than 100) means that the actual effects of the proposal are very uncertain. It is impossible to perceive and assess its overall qualitative and quantitative impact.

As a result of this uncertainty there is no meaningful information on which to base an assessment of:

- the impact of measures to achieve the objective and the question of whether those measures

must be implemented at EU level, and

- the implications of the proposal, especially the financial and administrative burdens on the Member States.

The number of delegated acts is exaggerated and must be reduced to an absolute minimum, so that the proposal is compatible with the principles of subsidiarity and proportionality. Furthermore, the objective, content and scope of the then remaining delegated powers must be set out clearly and specifically.