

SENATE OF THE REPUBLIC

----- XVII LEGISLATURE -----

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RESOLUTION OF THE 9th STANDING COMMITTEE

(Agriculture and agri-food production)

(*Rapporteur* GAETTI)

approved at the session of 3 July 2013

ON THE

**PROPOSAL FOR A REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL ON ANIMAL
HEALTH (COM(2013) 260 FINAL)**

in accordance with Article 144(1) and (6) of the Rules of Procedure

Communicated to the Presidency on 9 July 2013

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The Committee,

having examined, as provided for in Article 144 of the Rules of Procedure, the proposal for a Regulation of the European Parliament and of the Council on animal health,

noting that the proposal under consideration is intended to secure a satisfactory level of efficiency in public health and food safety by minimising the incidence of biological and chemical risks to humans, as well as to promote animal health by preventing and reducing diseases, and in this way supporting farming and the rural economy;

noting that the proposal is also intended to assure free circulation of goods and animal movements and to promote farming practices to protect animal health, ensuring an environmental impact which is consistent with the EU Sustainable Development Strategy;

pointing out that the proposal aims to establish a single, simplified regulatory framework on animal health, creating the basis for uniform governance suitable for the purposes of protection and rapid reaction to emerging diseases, to protect animal welfare and food safety;

recalling the need for a clear distribution of roles and responsibilities between competent authorities, EU institutions, the farming sector, animal owners and all the parties and persons involved, and for introducing simplified procedures for eliminating unjustified administrative burdens and costs, wherever possible;

considering, so far as concerns the assessment on observance of the principle of subsidiarity, that the objectives stated cannot be suitably achieved by the individual Member States, therefore making necessary action at European level, which is better suited to achieving the said objectives. In particular, in view of the transmissible nature of many animal diseases, good animal health generates private benefits as well as being a public good with wider societal benefits, which is why a common approach is preferable to a series of individual actions. The creation of harmonised animal health conditions may promote the success of the new common agricultural policy and compensate for any failure to control a disease in a Member State adversely affecting the health status of the Union and jeopardising its exports;

pointing out, in particular, that the first part of the proposal sets out general rules, including the subject matter and scope, as well as the existing and emerging diseases to be prevented and countered. As

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provided for in Article 5, the Commission, by means of implementing acts, is to establish a list of diseases to which the Regulation applies. The proposal also provides for eradication programmes and detailed rules for recognition of a State's disease-free status for its entire territory, or for one or more zones thereof;

it calls to mind the presence of diseases affecting pigs in Italy, hindering the growth in production exports, such as swine vesicular disease and African swine fever, located primarily in a few regions of Italy (Calabria, Campania and Sardinia). The problem of exports mainly concerns third countries to the European Union, which do not take into consideration principles of veterinary regionalisation;

pointing out that adoption of the regulation and its implementing acts may contribute to countering such diseases and resolving the problems referred to,

gives a favourable opinion pursuant to Protocol No 2 to the Treaty of Lisbon as regards observance of the principles of subsidiarity and proportionality.

Observes that the proposal for a regulation in question provides for the use of delegated powers by the European Commission as regards various implementation issues and the establishment of a list of diseases and the species concerned. In that regard it is hoped that the compilation of that list will have regard to the specific nature of the individual Member States. From several points of view this is an essential part of the Regulation itself and as such is inappropriate for an implementing act, particularly in the first instance.

It is hoped that similar attention will be paid to defining the tasks and responsibilities of operators in the animal health sector. the risk that this will be a burden on the operators themselves, even a significant one, could be suitably reduced by introducing derogations and targeted incentives.

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OPINION OF THE 14TH STANDING COMMITTEE

(EUROPEAN UNION POLICIES)

(Rapporteur: MGLINARI)

3 July 2013

The Committee, having examined the act,

considering that the act aims to simplify the existing legal framework while reflecting stakeholders' expectations in reducing administrative burdens and the economic costs that animal disease outbreaks can trigger;

having regard to the fact that the current animal health regulatory framework consists of almost fifty basic directives and regulations and approximately four hundred pieces of secondary legislation, almost all adopted before 1995, when the EU had 12 members and many of the diseases now present in Europe had not yet appeared;

considering, in addition, that international trading conditions have also changed in recent years, often radically, with a significant increase in trade in animals and products of animal origin, both inside the EU and with third countries, and that science, technology and the institutional framework have evolved substantially, making it essential to update and rethink the subject,

comments favourably on the proposal, within its area of responsibility, with the following remarks:

the legal basis is correctly identified:

- in Article 43 of the Treaty on the Functioning of the European Union (TFEU), which is the basis for EU legislative measures on the common agricultural policy, and has also become the basis for veterinary legislation, to the extent that animal health is now considered to be an integral part of the CAP from a legal viewpoint;

- in Article 114 of the TFEU, which is the legal basis for the establishment and functioning of the internal market and the approximation of the laws, regulations and administrative provisions in that sector;

- in Article 168 of the TFEU, concerning the protection of human health from anything which might be harmful to it, including sources of danger related to animal health;

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the proposal complies with the principle of subsidiarity, since the value of a harmonised approach at Union level is widely accepted so far as concerns both the capacity to reduce the administrative burden for operators in the sector and to respond to crises which may occur in the event of outbreaks of animal diseases, whereas Member States acting alone might not be able to attain similar results;

the proposal also complies with the principle of proportionality because the animal health rules merely establish a general framework for the prevention, control and eradication of animal diseases, built on outcome-based rules and therefore intended to avoid any over-prescriptiveness. As for the rules on trade, they must necessarily be more detailed and precise in nature in order to reduce the risk of different implementation practices by operators and competent authorities and subsequent distortion of competition and possible reduction in the coherence of the approach to tackling disease.

On the substance, while restating the importance and the timeliness of the European Commission's proposal, the wide delegated powers it provides for require careful consideration during the negotiations, with particular reference to establishing a listing of diseases on a priority basis, as referred to in Part I Chapter I, which is, from several points of view, an essential part of the Regulation itself and is inappropriate as such for an implementing act, particularly in the first instance.

It is also submitted that the proposal, which aims to increase the responsibility of operators and their level of basic knowledge of animal health for carrying out their own activities in the animal health sector, runs the risk of imposing a significant burden on the operators themselves, which could be suitably reduced by introducing derogations and targeted incentives.

