



## EUROPEAN COMMISSION

Brussels, 30.10.2013  
C(2013) 728 final

*Dear President,*

*The Commission would like to thank the Senato della Repubblica for its Opinion on the proposal for a Regulation of the European Parliament and of the Council on Animal Health {COM (2013) 260 final}.*

*The Commission welcomes that the Senato expressly acknowledges that the proposal complies with the principles of subsidiarity and proportionality. It also takes note of the Senato della Repubblica's view that the wide range of delegated powers proposed in the draft regulation require careful consideration during the negotiations and that the list of diseases to which certain rules in the proposal are applied is an essential part of the regulation itself, and should therefore not be laid down in an implementing regulation.*

*In reply to these issues raised, the Commission would like to put forward the following points: The proposal sets out the harmonised principles of animal health law at EU level, while allowing for the laying down of more specific provisions at EU level through delegated and implementing acts. This approach ensures a flexible and proportionate approach taking into account different situations in the Member States. It allows for dealing with a changing disease situation in the future, and ensures swift action in the case of any new and emerging disease threat.*

*The issues reserved to the delegated and implementing powers are both technical and detailed. Therefore, they do not require the decision-making of the legislators. This is in fact not a new approach. In current EU animal health legislation, such technical issues have been addressed in legislation adopted by the Commission on the basis of empowerments granted by the European Parliament and/or the Council. This has proven to be a successful way of working for decades. Moreover, bearing in mind that the EU has occasionally been criticised for a certain lack of flexibility with respect to some emerging threats in the past, taking this approach for the list of diseases to which the legislation applies would allow much more flexibility and a quicker response to new risks.*

*In developing the derived legislation (delegated and implementing acts), the Commission intends to carry over the parts of existing legislation on animal health that function successfully now. In this process, it intends to consult widely in order to ensure that the rules laid down are as appropriate and as flexible as possible, while still ensuring a robust response to economic, social and environmental risks from animal disease threats. The*

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*Commission's intention is to reduce administrative burden as far as possible. The Commission is fully committed to working together with the Member States to establish the most appropriate and proportionate rules in delegated and implementing legislation.*

*Finally, the Commission would like to highlight that the proposal reserves many powers for Member States, ensuring a good deal of flexibility on many issues. For example, the Member States will have the flexibility to decide on their own vaccination policies, to allow exemptions to the registration of establishments, to permit exemptions from the obligation for certain movement documents and to allow certain movements of animals.*

*The Commission hopes that these clarifications address the issues raised by the Senato and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*