

**SENATE OF THE REPUBLIC**  
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**RESOLUTION OF THE 9TH STANDING COMMITTEE**

**(Agriculture and food production)**

*(Rapporteur SCOMA)*

*Approved in the sitting of 12 February 2014*

ON THE

**PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE CLONING OF ANIMALS OF THE BOVINE, PORCINE, OVINE, CAPRINE AND EQUINE SPECIES KEPT AND REPRODUCED FOR FARMING PURPOSES (COM (2013) 892 FINAL)**

AND ON THE

**PROPOSAL FOR A COUNCIL DIRECTIVE ON THE PLACING ON THE MARKET OF FOOD FROM ANIMAL CLONES (COM (2013) 893 FINAL)**

*Pursuant to Article 144(1) and (6) of the Rules of the Senate*

**Communicated to the President of the Senate on 17 February 2014**

## **CONTENTS**

Text of the resolution

Opinion of the 14th Committee

The Committee,

Having jointly examined, within the meaning of Article 144(1) and (6) of the Rules of the Senate, the Proposal for a Directive of the European Parliament and of the Council on the cloning of animals of the bovine, porcine, ovine, caprine and equine species kept and reproduced for farming purposes and the Proposal for a Council Directive on the placing on the market of food from animal clones;

Having regard to the comments made by the 14th Committee on 5 February 2014;

Whereas:

the two Proposals for a Directive on the cloning of animals kept and reproduced for farming purposes and on the placing on the market of food from animal clones respectively build on the opposite opinion on cloning issued by the European Food Safety Authority (EFSA) in 2008 and updated and confirmed by three declarations in 2009, 2010 and 2012;

the Member States have confirmed that animals are not currently being cloned in the EU for farming or food production purposes. The economic sectors concerned (agriculture, animal husbandry and the food industry) have declared that, for the time being, they have no interest in producing foods obtained from cloned animals;

Recalling that:

Argentina, Australia, Brazil, Canada and the United States have confirmed that animals are being cloned on their territory but have not been able to indicate the extent of this practice;

pursuant to Article 3(2) of the Proposal for a Council Directive on the placing on the market of food from animal clones, Member States should ensure that food of animal origin imported from third countries where food from clones can be legally placed on the market or exported is only placed on the market of the Union according to specific import conditions adopted under Articles 48 and 49 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004, ensuring that no food from animal clones will be exported to the European Union from these third countries;

Considering that:

the principle of subsidiarity is respected by both Proposals for a Directive, justified by the need to ensure that isolated measures by individual Member States do not lead to distortions of the agricultural markets in question and to ensure that similar conditions prevail throughout the EU;

Welcoming that:

on the basis of this overall framework, the Proposal for a Directive on animal cloning provides that the Member States should provisionally ban animal cloning and the placing on the market of animal clones and cloned embryos;

the Proposal for a Directive on food from animal clones also provides for a provisional ban on the placing of these products on the market;

Taking into account that:

no later than five years after the date of transposition of these Directives, the Member States will report to the Commission on their experiences of applying them, and the Commission will present a relevant report, taking on board in particular the reports from the Member States, scientific and technical progress, in particular relating to the animal welfare aspects of cloning, and international developments, as well as any changes in consumer perceptions about cloning with regard to animal welfare;

Recalling finally that:

Article 2 of Proposal for a Directive COM(2013) 892 defines animals 'kept and reproduced for farming purposes' as those kept and reproduced for the production of food, wool, skin or fur or for other farming purposes, expressly excluding animals kept and reproduced exclusively for other purposes such as research, the production of medicinal products and medical devices, the preservation of rare breeds or endangered species, sporting and cultural events;

expresses a favourable opinion, with the following caveats:

The exclusion of reproductive material of clones from the provisional bans set out in Proposal for a Directive COM (2013) 892 in order to 'preserve the competitiveness of Union farmers' does not appear to be sufficiently well justified;

The reasons for excluding animals raised and reproduced for sporting and cultural events from the scope of the Proposal for a Directive should be clarified. Where this refers to horses used for racing or equestrianism, allowing cloning would lead to a reduction in breed selection, compromising the agricultural interest aspect. Moreover, gamblers would have far less interest in the outcome of races if the horses were genetically identical. If 'cultural events' refers to pets, the same considerations should be made because, as for horses, the use of cloning would reduce animal husbandry to a merely commercial activity.

## OPINION OF THE 14TH STANDING COMMITTEE

(EUROPEAN UNION POLICIES)

(*Rapporteur*: Tarquinio)

Rome, 5 February 2014

The Committee ,

Noting that the Proposals, together with COM(2013) 894, constitute a legislative package intended to ensure food safety, protect public health and guarantee the operation of the internal market in food products, promoting at the same time innovation in the food sector and temporarily prohibiting the placing on the market of food from animal clones and the use of cloning for the purposes of farming and the sale of live clones;

Considering that cloning in food production is a new technique and that consequently food products obtained from clones fall within the scope of the Proposal for a Regulation of the European Parliament and of the Council on novel food (COM(2013) 894), which provides for an authorisation procedure for placing on the market based on a food safety risk assessment;

Considering, nevertheless, that a large majority of EU citizens are generally against the use of cloning techniques for the production of animals for farming purposes and that the highest levels of concern are to be found in Greece (76%), Italy and Luxembourg (75%) and that the two Proposals therefore prohibit animal cloning and the placing of food products from cloned animals on the market;

expresses a favourable opinion, where it is competent to do so, with the following caveats:

the Proposal for a Directive on animal cloning has as its legal basis Article 43(2) of the Treaty on the Functioning of the European Union (TFEU) on the establishment of the necessary conditions to pursue the objectives of the common organisation of agricultural markets, also with reference to a rational development of agricultural productivity (Article 39). The Proposal takes into account Article 13 TFEU which, for the field of agricultural policy, makes it obligatory to pay regard to the welfare requirements of animals;

the Proposal for a Directive on the placing on the market of food from animal clones has as its legal basis Article 352 TFEU on the implicit powers of the EU. In the absence of differences between national standards liable to compromise the functioning of the internal market, Article 114 of the Treaty (on the approximation of laws on the single market) is not applied;

the principle of subsidiarity is respected by both Proposals for a Directive, justified by the need to ensure that isolated measures by individual Member States do not lead to distortions of the agricultural markets in question and to ensure that similar conditions prevail throughout the EU;

with regard to the principle of proportionality, the Proposals for a Directive appear to be appropriate given that the use of cloning seems to be limited, for the time being, and suspending cloning and the placing of products from cloned animals on the market would

ensure a reasonable balance between animal welfare, citizens' concerns and the interests of farmers, animal breeders, industries in the sector and other interested parties.

In this regard, the European Food Safety Authority has identified animal welfare concerns associated with the health of surrogate mothers (in which the clones are implanted) and the clones themselves. Surrogate dams suffer in particular from placenta dysfunctions contributing to increased levels of miscarriages. This contributes, amongst others, to the low efficiency of the technique (6-15 % for bovine and 6 % for porcine species) and the need to implant embryo clones into several dams to obtain one clone. In addition, clone abnormalities and unusually large offspring result in difficult births and neonatal death. A high mortality rate is a characteristic of the cloning technique.

The provisional ban on the cloning of animals and the placing on the market of (imported) cloned animals and embryos imposed by Article 3 of Proposal for a Directive COM(2013) 892 is thus fully justified, as is the ban on the placing on the market of food products from animal clones imposed by Article 3 of Proposal for a Directive COM(2013) 893, together with the specific regime for the import of food products from third countries where food obtained from clones can be legally placed on the market.

The exclusion of reproductive material of clones from the provisional bans set out in proposal No 892 in order to 'preserve the competitiveness of Union farmers' does not appear to be sufficiently well justified. However, it is right to exclude from the ban other activities such as cloning for research purposes, for the conservation of rare or endangered species and for the production of medicinal products and medical devices.

Finally, we agree with the need for the Member States to report to the Commission, within five years of transposition of the Directives, on their experience of implementing the Directives and for the Commission to present a relevant report, taking into account in particular the reports submitted by the Member States, scientific and technical progress, regarding in particular aspects of cloning relating to animal welfare, and international developments, as well as any changes in consumer attitudes to cloning in relation to animal welfare.

In this regard, it is also important for these reports to take into account the ethical considerations of consumers and their readiness (or not) to eat food obtained from animal clones. We therefore call for there to be a new Eurobarometer survey conducted a sufficient length of time before the end of the five-year period to find out whether consumer attitudes on the social acceptability of cloning have changed, also with regard to possible improvements in cloning techniques which have been achieved in the meantime.