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From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL on the exercise of the delegation conferred on the
Commission pursuant to Regulation (EU) No 576/2013 on the non-
commercial movement of pet animals

Delegations will find attached document COM(2017) 630 final.

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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the exercise of the delegation conferred on the Commission pursuant to Regulation
(EU) No 576/2013 on the non-commercial movement of pet animals**

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the delegation conferred on the Commission pursuant to Regulation (EU) No 576/2013 on the non-commercial movement of pet animals

1. Introduction and legal basis

Article 39(2) of Regulation (EU) No 576/2013 of the European Parliament and of the Council¹ (hereinafter 'the Pet Regulation') requires the Commission to present to the European Parliament and to the Council a report on the exercise of the delegation conferred on the Commission by that Regulation. The report is to be drawn up not later than nine months before the end of the five-year period of the delegation, running from 28 June 2013. The delegation of power is to be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

2. Exercise of the delegation

Article 39(2) of the Pet Regulation applies to the power to adopt delegated acts conferred on the Commission by Article 5(5), the second subparagraph of Article 17(2), the first subparagraph of Article 19(1) and Article 38 of that Regulation.

More specifically:

- (a) Article 5(5) of the Pet Regulation empowers the Commission to lay down rules setting the maximum number of pet animals of the species listed in Part B of Annex I that may accompany the owner or an authorised person during a single non-commercial movement in order to prevent commercial movement of pet animals of those species from being fraudulently disguised as non-commercial. In this respect, further experience on the practical application of the new rules needs to be gathered before proceeding with the preparation of a delegated act in relation to the number of pet animals of Part B species.
- (b) The second subparagraph of Article 17(2) of the Pet Regulation empowers the Commission to establish species-specific requirements for marking or describing pet animals of the species listed in Part B of Annex I, taking into account any relevant national requirements. Although no need to lay down such requirements in a delegated act is deemed to have arisen at this point in time, the Commission is prepared to proceed with the preparation of a delegated act in relation to the marking or description of pet animals of Part B species in accordance with that provision if warranted by scientific or technical progress or experience gained on the practical application of the Pet Regulation.

¹ Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 (OJ L 178, 28.6.2013, p. 1).

- (c) Article 19(1) of the Pet Regulation empowers the Commission to adopt preventive health measures to control diseases or infections other than rabies that are likely to be spread due to the movement of pet animals. On the basis of this empowerment, the Commission has prepared a draft Commission Delegated Regulation supplementing Regulation (EU) No 576/2013 of the European Parliament and of the Council with regard to preventive health measures for the control of *Echinococcus multilocularis* infection in dogs, and repealing Delegated Regulation (EU) No 1152/2011. In view of its adoption by the Commission and notification to the European Parliament and the Council in accordance with Article 39(4) of the Pet Regulation, the draft has been open for feedback from 8 September to 6 October 2017 at the Public consultations section of the Commission website².
- (d) Article 38 of the Pet Regulation empowers the Commission to amend Annexes II to IV to that Regulation and thus to establish further details on various technical aspects covered by those Annexes in order to take into account technical progress, scientific developments and the protection of public health or the health of pet animals. Since the Regulation has only become applicable since 29 December 2014, further experience on the practical application of the new rules needs to be gathered before deciding on the appropriate use of this delegated power.

3. Conclusion

The Pet Regulation has applied for a period of just over two and a half years.

So far, the Commission has prepared and launched a public consultation on a draft delegated act on preventive health measures for the control of *Echinococcus multilocularis* infection in dogs on the basis of the empowerment conferred on it by the first subparagraph of Article 19(1) of that Regulation.

The Commission has currently no plan to proceed with the preparation of a delegated act in relation to any of the delegated powers referred to in Article 5(5), the second subparagraph of Article 17(2) or Article 38 of the Pet Regulation.

The Commission is of the view that the delegated powers conferred by the Pet Regulation should remain in force due to the need to gather more experience on the practical application of the Regulation, to be able to respond to new or emerging health threats related to the movement of pet animals and to adapt to technical progress and scientific developments.

² https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-4396495_en#initiative-details