



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 May 2013

9648/13

**Interinstitutional File:
2012/0040 (COD)**

**CODEC 1101
AGRILEG 66
VETER 40
PE 224**

INFORMATION NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council

Subject: Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/65/EEC as regards the animal health requirements governing intra-Union trade in and imports into the Union of dogs, cats and ferrets - Outcome of the European Parliament's first reading (Strasbourg, 20 to 24 May 2013)

I. INTRODUCTION

The rapporteur, Mr Horst SCHNELLHARDT (EPP, DE), presented a report on behalf of the Committee on the Environment, Public Health and Food Safety, aiming at taking over the Commission proposal for a Directive.

II. VOTE

The Parliament adopted its first-reading position on 23 May 2013 by taking over the Commission proposal. This position is contained in its legislative resolution as set out in the Annex hereto¹.

¹ The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

On 13 March 2013, the Permanent Representatives Committee had approved the Commission's proposal without amendments.

The Council should therefore be in a position to approve the European Parliament's position.

The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

Animal health requirements governing trade in dogs, cats and ferrets *I**

European Parliament legislative resolution of 23 May 2013 on the proposal for a directive of the European Parliament and of the Council amending Council Directive 92/65/EEC as regards the animal health requirements governing intra-Union trade in and imports into the Union of dogs, cats and ferrets (COM(2012)0090 – C7-0061/2012 – 2012/0040(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0090),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0061/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 23 May 2012¹,
 - having regard to the undertaking given by the Council representative by letter of 13 March 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A7-0366/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 229, 31.7.2012, p. 119.

Position of the European Parliament adopted at first reading on 23 May 2013 with a view to the adoption of Directive 2013/.../EU of the European Parliament and of the Council amending Council Directive 92/65/EEC as regards the animal health requirements governing intra-Union trade in and imports into the Union of dogs, cats and ferrets

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure²,

¹ OJ C 229, 31.7.2012, p. 119.

² Position of the European Parliament of 23 May 2013.

Whereas:

- (1) The animal health requirements governing trade in and imports into the Union of dogs, cats and ferrets are laid down in Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC¹.
- (2) Those requirements refer to the relevant animal health requirements applicable to the non-commercial movement of dogs, cats and ferrets into a Member State from another Member State or from third countries or territories laid down in Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals².
- (3) The repeal of Regulation (EC) No 998/2003 by Regulation (EU) No .../2013 of the European Parliament and of the Council of ... on the non-commercial movement of pet animals³⁺ makes it necessary to amend Directive 92/65/EEC in order to delete and replace the references to Regulation (EC) No 998/2003 by references to Regulation (EU) No .../2013⁺⁺.

¹ OJ L 268, 14.9.1992, *p. 54*.

² OJ L 146, 13.6.2003, p. 1.

³ OJ L ...

⁺ OJ: Please insert the date, number and reference to OJ for PE-CONS 9/2013 (2012/0039(COD)).

⁺⁺ OJ: please insert a number for PE-CONS 9/2013 (2012/0039(COD)).

- (4) Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations¹ applies *inter alia* to the transport of dogs, cats and ferrets carried out within the Union. Reference to that Regulation should therefore be inserted in Directive 92/65/EEC which establishes the animal health requirements applicable to trade in those animals.
- (5) Moreover, experience in the application of Directive 92/65/EEC has shown that carrying out the clinical examination of an animal within 24 hours before dispatch is in most cases impracticable. It is therefore appropriate to extend the time limit laid down in Directive 92/65/EEC to 48 hours, as recommended by the World Organisation for Animal Health.

¹ OJ L 3, 5.1.2005, p. 1.

- (6) The Commission considers that in this particular case it is not justified to ask Member States to communicate explanatory documents to the Commission in order to explain the relationship between the provisions of this Directive and the corresponding parts of national transposition documents. This Directive provides for a very limited number of amendments to Directive 92/65/EEC, which should make it possible for the Commission to obtain the information regarding transposition without devoting significant resources to that task. Member States should, in any event, transmit the text of the transposed measures to the Commission.
- (7) Directive 92/65/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1
Amendments

Directive 92/65/EEC is hereby amended as follows:

- (1) Article 10 is hereby amended as follows:
- (a) paragraph 2 is replaced by the following:
- "2. To be the subject of trade, dogs, cats and ferrets shall:
- (a) satisfy the conditions set out in **Article 6 and, where applicable, in Article 7** of Regulation (EU) No .../2013 of the European Parliament and of the Council of on the non-commercial movement of pet animals*⁺;
- (b) undergo a clinical examination carried out within 48 hours prior to the time of dispatch of the animals by a veterinarian authorised by the competent authority; **and**

⁺ OJ: Please insert the date, number and reference to OJ for PE-CONS 9/2013 (2012/0039(COD)).

- (c) be accompanied during transport to the place of destination by a health certificate which:
- (i) corresponds to the specimen in Part 1 of Annex E; *and*
 - (ii) is signed by an official veterinarian who shall attest that the veterinarian authorised by the competent authority has documented in the relevant section of the identification document in the format provided for in *Article 21(1)* of Regulation (EU) No .../2013⁺ the clinical examination carried out in accordance with point (b) showing, at the time of the clinical examination, that the animals are fit to be transported for the intended journey in accordance with Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations**.

* OJ L

** OJ L 3, 5.1.2005, p. 1.";

- (b) paragraph 3 is deleted.

⁺ OJ: Please insert a number of PE-CONS 9/2013.

(2) In Article 16, the second and third paragraphs are replaced by the following:

"With respect to cats, dogs and ferrets, import conditions must be at least equivalent to those provided for in *points (a) to (d) of Article 10(1) and point (a) of Article 12* of Regulation (EU) No .../2013⁺.

In addition to the conditions referred to in the second subparagraph, dogs, cats and ferrets shall, during transport to the place of destination, be accompanied by a health certificate, which is completed and signed by an official veterinarian who shall attest that a clinical examination was carried out within 48 hours prior to the time of dispatch of the animals by a veterinarian authorised by the competent authority who has verified that at the time of the clinical examination, the animals were fit to be transported for the intended journey."

⁺ OJ: Please insert a number of PE-CONS 9/2013.

Article 2
Transposition

1. Member States shall adopt and publish, by ...⁺, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof.

They shall apply those provisions from⁺⁺.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

⁺ ***OJ: please insert a date: the date of application of PE-CONS 9/2013. minus one day.***

⁺⁺ ***OJ: please insert a date: the date of application of PE-CONS 9/2013.***

Article 3
Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4
Addressees

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament
The President

For the Council
The President