



**COUNCIL OF
THE EUROPEAN UNION**

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VETER 41

OUTCOME OF PROCEEDINGS

from: General Secretariat

to: Working Party of Chief Veterinary Officers

Subject: Work of the CVO Working Party – CVO conclusions

At its meeting on 15 May 2013, the Working Party of Chief Veterinary Officers adopted CVO conclusions on its work, as presented in the Annex.

Work of the CVO Working Party

CVO conclusions

At their meetings of 6 March, 16 April and 15 March 2013, CVOs held a discussion reviewing the working methods of the CVO Working Party, based on an introductory Presidency note (doc. 6688/13).

I. GENERAL PRINCIPLES FOR CVO WORK

The mandate given by Coreper (doc. 16069/03) ¹ continues to be the basis for the work of the Working Party.

CVOs took note of the examples of past achievements in the four activity domains defined by this mandate, as presented in doc. 6688/13 and its annex.

They agreed on the expediency to orientate their future work along these lines and in accordance with the following principles:

A. Focus on strategic orientations and general guidelines

- 1) There was agreement that the specific value added by the Working Party is the veterinary point of view from which it can contribute to discussions on both strategic matters and more technical topics, thus complementing the work done by experts in other Working Parties from a different perspective.
- 2) With a view to avoiding duplication of work, the CVOs should focus their efforts on providing strategic guidelines for legislation and keeping focus on an evidence- and risk-based approach.

¹ See copy in Annex I.

- 3) Without impeding a horizontal overview on the work done in the veterinary field, the agenda should be geared towards items which need substantive discussion and/or preparation of strategic guidelines.
- 4) Where coordination for work undertaken by international organisations with relevance in the veterinary field falls into the competence of other Council Working Parties (such as in the case of FAO and CODEX), CVOs shall concentrate on creation of synergies with international activities falling into their own competence, in particular within the framework of OIE.
- 5) In setting the agenda, the division of competence between Institutions is to be respected (e.g. the Commission's right of initiative or its role in the post-legislative phase). However, practice has shown that the CVO Working Party has sometimes to be ready to deal, where necessary, with agenda items which ordinarily would be more fitting for a Commission expert group or committee.

B. Emphasis on horizontal preparation of files

- 1) The CVO mandate covers, among others, the following possibilities of interaction with other working parties:
 - a) Define general guidelines prior to the launch of detailed discussion by working parties of experts on some of the most important texts;
 - b) Examine suggestions from working parties of experts on the key technical elements of selected important texts prior to their submission to Coreper.
- 2) CVOs agreed that a greater emphasis should be placed on providing guidelines in the preparatory phase.

- 3) This role will once more be put to the test by the imminent wave of major legislative proposals. In this context, the following key issues for which guidance from CVOs could be crucial were named as examples:
 - a) categorisation and prioritisation of diseases
 - b) control fees
 - c) incentives for prevention
 - d) priority-setting and sharing of funds
 - e) delegated acts vs. implementing acts in animal health package
 - f) review of mandate for agencies (e.g. EFSA).

- 4) During the legislative process, CVOs can also play an important role in supporting the Council position in high-level contacts both at national and EU level (in particular with MEPs).

C. EU strategy towards/within OIE

- 1) Given that all the Member States (but not the EU itself) are members of the OIE and that many OIE activities cover legislative areas which are either harmonised at EU level or under mixed competence, continuous coordination of positions is essential.

- 2) After preparation of the EU's and its Member States' input to ongoing work on OIE Codes by Commission expert groups and Council Working Parties, the CVO Working Party traditionally strives to seek consensus when examining draft EU comments and/or statements (Coreper/Council decisions on these matters follow the majority requirements laid down by the relevant provisions of the treaties)¹. The result is submitted to OIE by a letter jointly signed by the acting Council Presidency and a Commission representative².
- 3) During the General Session, the Working Party holds coordination meetings in Paris to agree on joint positions wherever the matters under discussion so require.
- 4) Beyond coordination of regular work on OIE Codes and of joint positions in OIE task forces, steering groups etc., CVOs stressed the importance of establishing over-arching strategic outlines for EU activity towards and within OIE, as for instance in the preparation for the 6th Strategic Plan.
- 5) Like for other international organisations for which the CVO Working Party is tasked with EU coordination, it seeks consensus on the persons who shall get the joint support of EU Member States for nomination into the elected bodies of OIE.
- 6) In this context, CVOs underlined the importance of regular exchanges of views with these elected representatives at Working Party meetings.

¹ As to the adoption of the Union's positions in negotiations, see also doc. 7725/13.

² It is recalled that, upon request of the Commission representative, the following statement had been entered in the minutes of Coreper regarding this practice:

"The Commission considers that the procedure followed for forwarding the EU comments to the World Organisation for Animal Health (both by the Presidency, on behalf of the Member States, and by the Commission) does not correspond to the procedures usually followed in similar cases (notably in the case of the Codex Alimentarius). The fact that the EU only has observer status with an international organisation does not prevent the Commission on its own from forwarding the EU comments.

The Commission accordingly considers that the procedure followed in the case in question cannot constitute a precedent likely to be invoked for forthcoming OIE sessions or in other similar circumstances".

II. SEMINAR-TYPE DISCUSSIONS AND TOPICS FOR PRESENTATIONS BY INDIVIDUAL DELEGATIONS

A. Seminar-style method of work

- 1) There was broad agreement among CVOs on the expediency of taking recourse, where appropriate, to seminar-like discussions based on introductory presentations, as for example in preparation of a concrete set of CVO or Council conclusions.
- 2) Based on past experience, CVOs deemed such setting for discussion to be particularly fruitful when organised in the framework of the traditional out-of-Brussels meeting in the Member State holding the Presidency.

B. Individual presentations by Member States

- 1) CVOs also looked positively at the use of the CVO Working Party as a forum for presentation and discussion of individual Member States' approaches to specific policy questions.
- 2) Examples of topics of general interest which would call for such type of discussion are vaccination policies and the experience with delegation of public service functions in the veterinary field to other organisations.

III. ROLE IN THIRD COUNTRY RELATIONS

A. EU position or guidance for veterinary negotiations with third countries

- 1) CVOs agreed that, regarding third country issues, emphasis should be laid on discussions of policy questions rather than on merely providing information.

- 2) With the CVO meetings aiming to focus on strategic guidelines, the details of the EU position in veterinary negotiations are usually examined by the Potsdam Group or the competent Potsdam Group configuration.
- 3) CVOs re-iterated the necessity of a comprehensive approach in establishing the negotiation position in veterinary matters towards each third country, taking into account that country's record both on the import and the export side. This includes the evaluation of the outcome of FVO missions to the countries in question.
- 4) As to the mandate and practical arrangements for the Potsdam Group and its interplay with the CVOs and other working parties, the Council conclusions on negotiation and implementation of bilateral veterinary agreements (Potsdam Group) (doc. 9485/05)¹ and on procedural principles for arrangements with third countries in the veterinary and plant health fields (doc 10252/07 ADD 1), as well as the Presidency Trio conclusions of May 2008 (doc. 9605/08 ADD 1 REV 1) were recalled.

In particular, the following organisational principles were emphasized:

B. Potsdam Group:
organisational matters / interplay with CVOs and other Working Parties

- 1) CVOs considered the traditional regular up-dates of the membership in Potsdam Group configurations to be a necessary and useful exercise, in particular regarding the distribution of the chairing function among the members of each Trio Presidency.
- 2) In order to allow for more detailed discussion of specific third-country related questions at the Potsdam Group, preference should be given, wherever suitable, to country- or region-specific meetings of the competent Potsdam Group configurations over meetings with a "global" agenda.

¹ See copy in Annex II.

- 3) A fundamental principle should however be that **all** Member States shall have the opportunity to be involved in the process by reacting, commenting and, if necessary, preparing a briefing for the Potsdam representatives in any specific configuration. Therefore, invitations to Potsdam Group configuration meetings are to be always sent out to **all** delegations (irrespective of configuration membership).
- 4) CVOs acknowledged that the preparation of EU positions or guidance for negotiations on third country relations can only be optimally achieved on the basis of written proposals. This requires the relevant draft positions to be provided by the Commission services sufficiently in advance of the meetings in order to allow Member States to prepare their positions.
- 5) CVOs considered it essential that the Potsdam discussions be held early enough to feed the results into the decision-making process, considering that, where necessary, other relevant Working Parties might be involved, such as the Trade Policy Committee. In this context, CVOs acknowledged the important role of each individual delegation in pursuing coherence and consistency of positions through national inter-ministerial coordination for all stages of the process.

DECISION
of the
PERMANENT REPRESENTATIVES COMMITTEE
DEFINING THE MANDATE FOR THE
WORKING PARTY OF CHIEF VETERINARY OFFICERS ¹

THE PERMANENT REPRESENTATIVES COMMITTEE,

Having regard to the Treaty establishing the European Community and, in particular, Article 207(1) thereof;

Having regard to the Rules of procedure of the Council, and in particular Article 19(3) thereof;

Whereas:

1. The Working Party of Chief Veterinary Officers (CVOs), was created in 1977 with the aim of preparing the deliberations of the Coreper relating to Community Veterinary Legislation. It has played ever since an important role in designing European veterinary legislation, particularly with a view to the completion of the Single Market. Together with the Commission, the Chief Veterinary Officers have helped to define the main principles of European veterinary health policy and draft the framework texts. The Working Party has also been dealing with key questions relating to bilateral and multilateral discussions with third countries on veterinary issues and assisting the Commission in the negotiations.
2. The increase of the duties attributed to the veterinary services following the adoption of the «White Paper on Food Safety» and the approaching enlargement of the Community have led to reflection as to the most appropriate means to ensure a more efficient preparation of technical discussions on draft veterinary legislation.

¹ Doc. 16069/03.

3. European veterinary legislation, especially where it relates to public and animal health, has indeed undergone far-reaching changes over the last decade, also brought about by the creation of the single market, the implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures annexed to the Agreement establishing the WTO, and the White Paper. At the same time, the co-decision procedure has become applicable to the adoption of all texts which have as a direct objective the protection of public health.
4. While the regulatory proposals envisaged in the White Paper are in process of being established, the need to improve the effectiveness of the working methods of the Council's preparatory bodies in the area of veterinary health policy has been voiced by a number of delegations. In particular, the relevant working parties needs to be provided with guidelines on certain important matters, which can facilitate the smooth progress of proceedings and pave the way for the rapid conclusion of the works, and of helping the Coreper in dealing with very technical issues which may be resolved at an earlier stage.
5. The expertise of the Working Party of Chief Veterinary Officers makes it particularly suited to analyse relevant elements of Community legislation pertaining to public and animal health such as enforceability of the measures and their consequences as regards the sanitary objectives, proportionality between the measures proposed and their objectives and need to ensure coherence and non-discrimination between intra-Community measures and those relating to imports.
6. The work of the Working party of Chief Veterinary Officers also responds to the need for simplification sought after by the Commission White Paper on European Governance, adopted in July 2001, which emphasises the need to improve the quality of legislation.

HAS DECIDED AS FOLLOWS:

Article 1

Without prejudice to the practice of the Commission of inviting Chief Veterinary Officers to discuss strategic matters, as regards the Council's work in the veterinary field, the Working Party of Chief Veterinary Officers could when deemed appropriate:

- define general guidelines prior to the launch of detailed discussion by working parties of experts on some of the most important texts;
- examine suggestions from working parties of experts on the key technical elements of selected important texts prior to their submission to Coreper;
- co-operate with incoming Presidencies in the drafting of the work programme;
- continue to work on the key questions relating to bilateral and multilateral discussions with third countries on veterinary issues.

Article 2

This Decision shall take effect on the day of its adoption.

Done at Brussels, 16 December 2003

For the Committee of Permanent Representatives

The Chairman

Negotiation and implementation of bilateral veterinary agreements (Potsdam Group)

Council conclusions¹

The Council:

- welcomes the smooth functioning over the last ten years of the procedure known as the "Potsdam Group" whereby, without prejudice to participation by all Member States, a restricted group of representatives of the Member States plays an active role in assisting the Commission and providing it with technical support during the negotiation of veterinary agreements with certain third countries, as well as for their implementation, in particular as regards the preparation of meetings of the joint committees set up under those agreements;
- confirms the principles which have underpinned such negotiations, and in particular transparency and coordination of Potsdam Group members at all stages of the negotiating process so as to safeguard the Community's interests;
- invites all Member States to take part, in a balanced manner, in the proceedings of the various configurations of the Potsdam Group so as to achieve proportional and fair burden-sharing in terms of financial and human resources. With this in mind, the Group should henceforth comprise the Member States designated in the Annex², as well as the Presidency and a representative of the General Secretariat of the Council, and it should be possible to update the Annex with the agreement of the Member States involved;
- invites the Presidency to ensure the continuity of proceedings. With this in mind, a work schedule should be established periodically in consultation with the relevant Presidencies and the Commission;

¹ Doc. 9485/05.

² (N.B.: substantively amended by regular updates, therefore not reproduced here).

- reiterates the need for the General Secretariat of the Council and the Commission to inform all Member States and the relevant Council bodies, on a regular basis, about progress in ongoing negotiations.
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Topics of general interest for discussion at the CVO Working Party

Outside the range of specific legislative proposals, the following areas and questions of general policy were named as examples for topics meriting particular attention by CVOs, in response to the Presidency note (doc. 6688/13):

- 1) *Animal health / "one health" strategy*
 - a) disease prevention
 - b) anti-microbial resistance
 - c) research
 - d) veterinary medicines
 - e) strategic directions for and lessons to be learned from crises / outbreaks
 - f) coordination of strategies for new animal diseases
 - g) non-listed diseases
 - h) horses: revision of equidae ID, exclusion from the food chain, related animal welfare problems, traceability
 - i) other questions of animal movement (e.g. between MS with different health status)
 - 2) *International and EU food safety standards*
 - 3) *Animal welfare*
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