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NOTE

from:	General Secretariat
to:	Working Party of Chief Veterinary Officers
Subject:	AOB point regarding the Regulation on animal health

Delegations will find attached a discussion paper, presented by the CVO from Austria under AOB in the name of the CVO's from Austria, France, Germany, Spain and United Kingdom on work of the CVOs on the Regulation on animal health, in preparation of the CVO Working Party meeting in Vilnius.

ANNEX

Work of the CVOs on the Regulation on animal health

Presented by the CVO from Austria in the name of the CVO´s from France, Germany, Spain and United Kingdom

Reflections on working methods

Following the recent conclusions concerning the work of the Council Working Party of Chief Veterinary Officers (CVO WP), we propose to open a discussion on how the CVOs could best contribute to the forthcoming work on the Regulation on animal health (RAH) under the leadership of the Presidency.

According to these conclusions the CVO WP is well suited to define strategic guidelines that could be useful for the detailed discussions by the experts.

To that effect it could be worthwhile **establishing dedicated working methods** regarding the case of the **draft RAH**. It could also be done in the case of the **proposal on official controls** (882/2004) for matters under CVOs' responsibility.

Several options could be considered, such as including it on the agenda of the CVO WP on a regular basis with prior planning, seminar-style sessions or ad hoc discussions with a defined objective, in coordination with the expert Council-WP.

These options should align with Council document 10146/13 on the conclusions of the work of the CVO WP, which specifically define working principles to include, a focus on strategic orientation and general guidelines and an emphasis on horizontal preparation. This will ensure that full use of both the experience and the leadership of the CVOs is made whilst avoiding duplication or confusion between the roles and work of the CVO WP and other relevant Council formations such as the expert WP and Coreper. It would also ensure time was not wasted providing lengthy information to the CVO WP about the ongoing work in the expert WP.

Issues that could be considered

Several major issues have already been identified in the above mentioned conclusions and the list could certainly be extended in the case of the RAH, with horizontal issues or more disease/question specific topics.

A question that could first be considered is the link between the draft legislation, the current legislative framework and the future delegated and implementing acts, and subsequently the scheduling of the work on those texts.

As framework legislation, the draft RAH proposes a set of general principles and rules for the prevention and control of animal diseases, including with regard to traceability, animal movements and imports. It also empowers the Commission to adopt implementing or delegated acts necessary for its application. It does not specify the provisions that would be applicable for a given disease or situation. However such provisions already exist in the current framework, as a result of several decades of legislative and regulatory development and represent in some cases the outcome of substantial negotiations by the legislator.

In this context, the question arises about the possibility to work and agree on a general legislative framework, which would abrogate the current operational provisions, **before having defined or agreed on the most important of them**. According to the proposal, the secondary acts would cover various aspects such as the establishment of lists of diseases for the application of prevention and control rules, the design of surveillance and eradication programmes, the conditions for official confirmation of a listed disease, biosecurity measures, the objectives and strategies of compulsory and voluntary eradication programmes, the recording of information related to animals and the traceability of their movements as well as for germinal products, the contents of animal health certificates, the modalities of the checks that must be carried out by the official veterinarian etc. **These provisions are of key importance and will shape the RAH as much as they will be shaped by it**. Then, it is not possible to assess the real impact of the proposed RAH.

This complete reorganisation of the regulatory framework for animal health deserves specific arrangements. We propose that **the Commission organizes and plans at CVO level the work on the content of the secondary provisions in parallel to the negotiation on the RAH**. The timetable should be such that the main operational rules could be defined when the legislative act is ready for adoption. On this basis the necessary guarantees would be provided about the coherence between the current rules, the RAH and the secondary provisions, and about the overall robustness of the new framework for animal health.

Furthermore, one important point is the discussion in general terms on how Member States keep the capacity or the right for consultation in the process of adopting delegated acts, as the proposal should ensure clearly that the Commission will carry out appropriate consultations during the preparatory work including at expert level. Therefore in the provisions of the new RAH related to the adoption of the delegated acts this matter should be considered and reflected.

Additionally, it is of the utmost importance to work and discuss at CVO level the interaction between the RHA and the two other two proposals **on official controls and management of expenditure** because these two others proposals will have, with no doubt, a direct impact on the forthcoming animal health framework.

Consideration could also be given to the impact and practicalities of the charging provisions within the proposal on official controls. The proposal specifies that Member States shall collect fees for official controls captured by Regulation 882 and as such would extend charging to new categories of business and new controls. To inform discussions we need to understand the full range of controls that would be captured by charging, recognising that these go beyond matters under CVO's responsibility, and the potential impact on competent authorities and on business.