



**COUNCIL OF
THE EUROPEAN UNION**

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STATEMENT OF THE COUNCIL'S REASONS

Subject : Position of the Council with a view to the adoption of the Directive of the European Parliament and of the Council amending Directive 2000/75/EC as regards vaccination against bluetongue
- Statement of the Council's reasons
Adopted by the Council on 15 December 2011

I. INTRODUCTION

On 15 November 2010, the Commission submitted to the Council a proposal for a Council Directive, based on Article 15 of Council Directive 92/119/EEC¹. Upon advice of the Council Legal Service, the derived legal basis of the Commission proposal was replaced by Article 43(2) of TFEU, which involves the ordinary legislative procedure².

The European Parliament delivered its opinion on 7 April 2011³.

The Economic and Social Committee adopted its opinion on 15 March 2011⁴.

In accordance with Article 294 of the Treaty, the Council adopted its position in first reading on 15 December 2011.

II. OBJECTIVES

The draft Directive aims to update the current rules on vaccination against bluetongue set out in Directive 2000/75/EC by making them more flexible. Bluetongue is a disease affecting ruminants (such as cattle, sheep and goats) and is transmitted by insect vectors that spread the virus from one animal to another. Vaccination is the preferred tool for bluetongue control and prevention of clinical disease in the EU. The use of vaccines is, however, limited by the current rules set out in Directive 2000/75/EC, that foresee the use of vaccines only in areas where the disease occurred and which have therefore been subject to animal movement restrictions. Those rules are based on experiences with the so-called "modified live vaccines", or "live attenuated vaccines" that were the only vaccines available when the Directive was adopted a decade ago. Those vaccines may lead to undesired circulation of the vaccine virus in unvaccinated animals in the areas where the vaccine has been used. The new flexible rules introduced by the draft Directive are based on the fact that inactivated vaccines are now available, which can also be successfully used outside areas subject to animal movement restrictions.

¹ Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease (OJ L 62, 15.3.1993, p. 69).

² Doc. 5498/11.

³ P7_TA-PROV(2011)0147.

⁴ NAT/512 - CESE 538/11.

III. ANALYSIS OF THE COUNCIL'S POSITION

The Council's position confirms the objectives proposed by the Commission and incorporates the quasi-totality of the European Parliament's first-reading amendments.

In particular, the Council shares the European Parliament's view that Article 43(2) of TFEU is the correct legal basis for this Directive. This line was confirmed by Coreper (Part I), which, following the advice of the Council Legal Service against the use of a derived legal basis for this proposal, decided at its meeting on 26 January 2011 to propose to the European Parliament such modification of the legal basis by the co-legislators, as the Commission services were unable to commit to rapid re-submission of the proposal with this modified legal basis ¹.

The Council's position introduces changes to the European Parliament's first-reading opinion only in two areas:

1. While all other proposed requirements related to the communication of national provisions to the Commission are maintained in the Council's position, the specific obligation to use correlation tables is deleted. The Council considers this to be in line with the conclusion reached in horizontal negotiations between the Institutions on the issue of correlation tables and takes note of the Commission representative's confirmation that his Institution would not deem such specific requirement justified for the present Directive.
2. The other change concerns the deadline for the national transposition of the Directive.

¹ Docs 5498/11 and 5499/11.