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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Council Directive 64/432/EEC as regards computer databases which are part of the surveillance networks in the Member States - Outcome of the European Parliament's first reading (Brussels, 2 to 3 April 2014)

I. INTRODUCTION

The Committee on the Environment, Public Health and Food Safety adopted two amendments to the proposal for a Directive (amendments 1-2).

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts took place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

¹ OJ C 145, 30.6.2007, p.5

In this context, the Committee presented a further, compromise, amendment (amendment 4) ¹. This compromise amendment had been agreed during the informal contacts referred to above. It was intended to replace - rather than complement - the two amendments already submitted to the plenary.

II. VOTE

When it voted on 2 April 2014, the plenary adopted the compromise amendment (amendment 4). No other amendments were adopted.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position, which is contained in its legislative resolution as set out in the Annex hereto ².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

¹ Amendment 3 had already been submitted and withdrawn.

² 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.

Computer databases which are part of the surveillance networks in the Member States *I**

European Parliament legislative resolution of 2 April 2014 on the proposal for a directive of the European Parliament and of the Council amending Council Directive 64/432/EEC as regards computer databases which are part of the surveillance networks in the Member States (COM(2011)0524 – C7-0229/2011 – 2011/0228(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0524),
 - 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 (C7-0229/2011),
 - 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 7 December 2011¹,
 - having regard to the undertaking given by the Council representative by letter of 10 July 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 and the opinion of the Committee on Agriculture and Rural Development (A7-0201/2012),
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 43, 15.2.2012, p. 64.

P7_TC1-COD(2011)0228

Position of the European Parliament adopted at first reading on 2 April 2014 with a view to the adoption of Directive 2014/.../EU of the European Parliament and of the Council amending Council Directive 64/432/EEC as regards computer databases which are part of the surveillance networks in the Member States

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),

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,

Whereas:

- (1) Council Directive 64/432/EEC³ applies to trade in bovine animals and swine within the Union. It provides that the competent authority in a Member State may introduce a system of surveillance networks. Those networks include a computer database which is to contain, as a minimum, a number of elements laid down in Directive 64/432/EEC, including the identification code of each animal.

¹ OJ C 43, 15.2.2012, p. 64.

² Position of the European Parliament 2 April 2014.

³ Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJ 121, 29.7.1964, p. 1977/64).

- (2) Regulation (EC) No 1760/2000 of the European Parliament and of the Council¹ *establishes* a system for the identification and registration of bovine animals. *It requires as a general rule that the two official means of identification allocated to an animal bear the same identification code. However, during the initial phase of adjustment to the use of electronic identifiers as an official means of identification, it could not be excluded that, in certain cases, technical limitations related to the configuration of an animal's original identification code could prevent the reproduction of that code on an electronic identifier. This could occur where the characters forming an animal's existing identification code prevent that code from being converted into an electronic format. Therefore, Regulation (EC) No 1760/2000 provides for specific transitory derogations to allow the application of an electronic identifier also to those animals, provided that full traceability is ensured and that the animals can be identified individually, including the holding on which they were born. The possibility of using such electronic identifiers should be reflected in the list of elements of the computer databases laid down in Directive 64/432/EEC.*

¹ Regulation (EC) No 1760/2000 of the European Parliament and of the Council¹ of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (OJ L 204, 11.8.2000, p. 1).

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- (3) In the interest of consistency of Union legislation, *the type of electronic identifier, if applied to the animals*, should also be added to the list of elements to be included in the computer databases laid down in Directive 64/432/EEC.
- (4) Directive 64/432/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

In part C of Article 14(3) of Directive 64/432/EEC, point (1) is replaced by the following:

"(1) for each animal:

- the unique identification code *or codes, as regards the cases set out in Articles 4(1), 4b, 4c(1) and 4d of Regulation (EC) No 1760/2000* of the European Parliament and of the Council*,
- date of birth,
- sex,
- breed or colour of coat,
- identification code of the mother or, in the case of an animal imported from a third country, the unique identification code of the individual means of identification allocated to the animal by the Member State of destination in accordance with Regulation (EC) No 1760/2000,

- identification number of the holding where born,
- identification numbers of all holdings where the animal has been kept and the dates of each change of holding,
- date of death *or* slaughter,
- the type of electronic identifier, if applied to the animal.

* Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (OJ L 204, 11.8.2000, p. 1)."

Article 2

1. By ...*, Member States shall bring into force, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those measures from ...**

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

* *OJ: please insert the date of 18 months from the date of entry into force of this Directive (the amending Directive).*

** *OJ: please insert the date of five years following the date of entry into force of Regulation (EU) No .../2014 (PE-CONS 26/14 - 2011/0229(COD)).*

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.

Article 3

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

This Directive is addressed to the Member States.

Done at,

For the European Parliament

For the Council

The President

The President