



Council of the
European Union

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Request to postpone for one year the application of the Regulation on Animal Health (2016/429)

- *Information from the Romanian delegation, on behalf of the Austrian, Belgian, Bulgarian, Czech, French, Italian, Latvian, Luxembourg, Maltese, Polish, Romanian, Slovak and Spanish delegations*

Delegations will find in Annex an information note submitted by the Romanian delegation on behalf of the Austrian, Belgian, Bulgarian, Czech, French, Italian, Latvian, Luxembourg, Maltese, Polish, Romanian, Slovak and Spanish delegations on the above mentioned subject to be dealt with under "Any other business" at the Council ("Agriculture and Fisheries") on 19-20 October 2020.

**Request to postpone for one year the application of
the Regulation on Animal Health (2016/429)**

**Information from the Romanian delegation, on behalf of the Austrian, Belgian, Bulgarian,
Czech, French, Italian, Latvian, Luxembourg, Maltese, Polish, Romanian, Slovak and
Spanish delegations**

1. Austria, Belgium, Bulgaria, the Czech Republic, France, Italy, Latvia, Luxembourg, Malta, Poland, Romania, the Slovak Republic and Spain would like to thank the European Commission for the substantial efforts made in recent years in the context of the implementation of the Regulation on Animal Health (2016/429), whose application is due on the 21st of April 2021.
2. Given the importance of the sanitary issues at stake and the scope of the amendments introduced in the Animal Health Law (AHL), the co-legislators have provided a **two-year period** between the adoption of the key delegated and implementing acts referred to in Article 274 and their implementation. Several of these “key acts” have not been adopted in due time and the timeframe provided for the Member States to duly adapt to the new rules is not sustainable and raise concerns about potential distortions on the long term.
3. In this context, due regard should be given to the legal system of each Member State who need sufficient time to implement the AHL requirements, to introduce them to the operators and avoid creating confusion.
4. In addition to these greatly reduced deadlines, major difficulties have been caused by the health crisis of COVID-19 in Europe. The consultations and working groups, which are absolutely essential, could not take place and therefore must be convened with all stakeholders including the professional veterinary and agricultural organizations and laboratories.

5. Austria, Belgium, Bulgaria, the Czech Republic, France, Italy, Latvia, Luxembourg, Malta, Poland, Romania, the Slovak Republic and Spain would like to reiterate the concerns expressed in the letter addressed to the European Commission on the 11th of June 2020 and signed by the Chief Veterinary Officers of 25 Member States. These concerns have also been confirmed and shared by the European Parliament, who discussed the issue on the 15th of July 2020 within the AGRI committee. Same concerns were also raised by the main stakeholders on the 10th of July 2020, requesting the European Commission to postpone the application date for one year.
6. It is of utmost importance to take the necessary time to appropriately implement the requirements into national law and not jeopardise the transition to the new rules due to lack of time.
7. Proper implementation will safeguard the smooth functioning of the internal market regarding the movements of live animals between Member States. The revision of the health certificate models for movements of live animals within the European Union and for the entry into the EU clearly illustrates the unnecessary and dangerous rush: more than 800 pages of these certificates are supposed to be adopted by the European Commission and the Member States without any in-depth and technical scrutiny, consultation and contribution. This may result in a risky situation both for the internal market and the animal health within the EU.
8. We would like to recall a similar request from the Member States and the European Parliament regarding the postponement of the application with one year of the organic production Regulation 2018/848. The European Commission agreed to such a request and considered it justified in order to ensure the smooth functioning of the internal market, provide legal certainty to all organic operators, and avoid potential market disruption.
9. Therefore, Austria, Belgium, Bulgaria, the Czech Republic, France, Italy, Latvia, Luxembourg, Malta, Poland, Romania, Slovak Republic and Spain request the European Commission to put forward a proposal, to postpone for one year, the date of application of the Regulation 2016/429 and associated acts. The aim is to ensure an adequate application of a new, fundamental regulation, which will apply for many years to come, and not to jeopardize the management of animal health and the internal market due to insufficient preparatory and implementation time.