



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 12 June 2014
(OR. en)**

Interinstitutional Files:

2013/0136 (COD)
2013/0140 (COD)
2013/0141 (COD)

10629/14

AGRI 421
AGRILEG 126
ANIMAUX 31
CODEC 1414
DENLEG 104
PHYTOSAN 39
SAN 224
SEMENCES 25
VETER 57

NOTE

From: Presidency
To: Council

No. Cion doc.: 9464/13 - COM(2013) 265 final
9468/13 - COM(2013) 260 final
9574/13 - COM(2013) 267 final

Subject: Animal, Plant and Control package: *smarter rules for safer food*
- Progress report

Delegations will find below the state of play with regard to the following proposals:

- Proposal on animal health: the proposed Regulation would create a single regulatory framework for animal health, in line with the commitments and visions outlined in the Animal Health Strategy for the European Union submitted by the Commission in 2007¹. (The legal basis of the proposal are Articles 43(2), 114(3) and 168(4)(b) – ordinary legislative procedure).

¹. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a new Animal Health Strategy for the European Union (2007-2013) where "Prevention is better than cure", 13292/07 - COM(2007) 539 final.

- Proposal on plant health: this proposal aims to address increased risks in the sector, which stem from new pests and diseases (caused by trade globalisation and climate change). It will also modernise instruments related to trade, both intra-EU (improved traceability in the internal market) and from third countries, focusing on a risk-based approach. Better surveillance and early eradication of outbreaks of new pests are the tools which should ensure plant health (legal basis: Article 43 – ordinary legislative procedure).
- Proposal on official controls: this proposal aims to modernise, simplify and streamline the existing legal framework of official controls, while extending its scope to sectors not yet covered (e.g. the plant health sector). The objective is to improve the efficiency of official controls performed by the Member States in the agri-food chain while alleviating the burden on operators (legal basis: Article 43(2), Article 114 and Article 168(4)(b) – ordinary legislative procedure).

I. STATE OF PLAY

1. Proposal on animal health

The **European Parliament** adopted its opinion at first reading on 15 April 2014² and the **European Economic and Social Committee** on 10 December 2013³. The **Committee of the Regions** has decided not to issue an opinion.

Three national parliaments have delivered opinions on the application of the principles of subsidiarity and proportionality.

² Lead committee COMAGRI², Rapporteur Ms Marit Paulsen (ALDE-SE).

³ Doc. NAT/610 – CESE4013-2013_00_00_TRA_AC – 2013/0136 + 0137 + 0141 Rapporteur Mr Armands Krauze (GR III - LV).

The proposal is being examined by the **Council's Working Party of Veterinary Experts (Animal Health)**⁴. The first examination of the full proposal took place under the Lithuanian Presidency. In the light of the oral and written contributions by the Member States during those discussions, the Hellenic Presidency presented a number of documents containing suggested rewording covering all Articles of the proposal⁵.

The Presidency suggestions for rewording were broadly supported by a large majority of delegations, who generally considered them as a step in the right direction. Tentative solutions were found on a large number of technical issues.

The areas identified as needing further examination include those listed below⁶.

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- ⁴ The meetings during the Hellenic Presidency took place on 27-28 January, 17-18 February, 14 March, 24-25 April and 26 May 2014. A further meeting of the Working Party is scheduled for 16-17 June 2014. In addition to the meetings of the Working Party of Veterinary Experts, the Hellenic Presidency gave an oral progress report to the Working Party of Chief Veterinary Officers on 19 March 2014.
- ⁵ The following documents containing suggested rewording have been examined during the Hellenic Presidency:
- Articles 1-81: doc. 5358/14 + REV 1 + REV 2;
 - Articles 82-139: doc. 6259/14 + REV 1 + REV 2;
 - Articles 140-169: doc. 7216/14;
 - Articles 170-229: doc. 8901/14;
 - Articles 230-262: doc. 9853/14;
 - A model of a table combining the list of listed diseases referred to in Article 5(1) and the list of listed diseases referred to in Article 7(1): doc. DS 1054/14.
- ⁶ At this stage, some delegations maintain parliamentary and/or scrutiny reservations on parts of the suggested rewording.

Lists of diseases and species (Articles 5 and 7). Under the Commission's proposal, the lists of diseases and animal species subject to the proposed specific provisions would be established by the Commission separately by an implementing act. Most delegations share the Presidency's view that the lists should be part of the Regulation, so that its scope and impact can be assessed⁷. The drafting presented by the Presidency would include the lists as an Annex to the Regulation⁸.

Delegated acts. In response to requests by a large number of delegations, the Presidency has endeavoured throughout the text to define the objectives, scope and content of the delegation of power to the Commission. In so doing it has paid full attention to the need for flexibility as regards any subsequent amendments or additions to non-essential elements of the Regulation in the future. These efforts have been welcomed by the majority of delegations. Some of them would, however, prefer further redrafting with a view to adding certain provisions to the basic act or leaving greater leeway for Member States. This would also entail giving Member States powers to take additional disease control measures.

⁷ Regarding the content of those lists, the Presidency agrees with the Commission services' approach that, pending a complete assessment, the lists should include those diseases and species which are currently listed under EU legislation.

⁸ The Presidency drafting reflects the opinion of Council Legal Service (doc. 17599/13, paragraph 27): *Provisions determining scope constitute, in principle, essential elements, and cannot therefore be delegated or amended by delegated act. However, minor adaptations to provisions relevant for determining scope may be provided for by means of delegated acts so long as all the political choices falling within the responsibilities of the legislator have been exercised in advance by the legislator and laid down in the basic act.*

Repeal of Regulation (EC) No 576/2013 (Articles xx). The Commission's proposal would repeal all existing Regulations concerning identification and registration of animals and bring all their provisions under one umbrella. Most of their details would be covered by delegated and implementing acts. The Presidency has suggested to maintain Regulation (EU) No 576/2013 on non-commercial movements of pet animals in force⁹. This approach, which would avoid reopening the very recently adopted Regulation on non-commercial movements of pet animals, is also shared by the European Parliament. While this approach is supported by several delegations, other delegations and the Commission services maintain reservations.

2. **Proposal on plant health**

The **European Parliament** adopted its opinion at first reading on 15 April 2014. Political contacts with the Parliament will be initiated once it is fully operational again, i.e. in October/November 2014, and when a mandate for negotiation has been adopted by Coreper.

The **Economic and Social Committee** issued its opinion on 10 December 2013, and on 13 January 2014 the **Committee of the Regions** informed the Council that it would not issue an opinion.

A first working party meeting (Protection and Inspection - Plant Health) took place under the Irish Presidency¹⁰. Technical examination was then continued under the Lithuanian Presidency¹¹. In the course of six working party meetings¹², the Hellenic Presidency was able to conclude the technical examination and opened discussions on a first compromise text.

⁹ *N.B:* Regulation (EU) No 576/2013 sets out very specific requirements which only concern non-commercial movements between Member States or from third countries of pet animals which are accompanied by their owner or an authorised person. According to the suggestion by the Presidency, all other animal health provisions concerning pet animals and the commercial movements of animals of those species would be covered within the scope of the Animal Health Regulation.

^{10.} On 18.6.2013.

^{11.} During four working party meetings, on 9.7.2013, 16.10.2013, 6-7.11.2013, and 21-22.11.2013.

¹² On 14-15.1.2014, 3-4.2.2014, 19.3.2014, 16.4.2014, 22-23.5.2014, and 13.6.2014.

Two national parliaments have delivered opinions on the application of the principles of subsidiarity and proportionality.

Examination in the **Council** working party is being carried out at a reasonable speed, taking into account the highly technical nature of some of the provisions.

A first compromise text¹³ has been presented by the Presidency and is currently under discussion. The views of delegations on this text are mainly preliminary, but it has received a wide support.

The compromise text tries to address a number of technical issues which have been raised. Among them: the use of a terminology consistent with that used by the International Plant Protection Convention (IPPC); the scope of a register of professional operators; the fine tuning of reporting obligations; and a better framing of delegated acts.

A more policy-related issue concerns the approach to the import of potentially infected plants. The Commission proposal focused on plants for planting and temporary measures meant to address possible new risks, on the basis of the precautionary principle.

A number of delegations have proposed reversing the strategy, moving from an "open" system and a negative list (i.e. all plants/plant products not mentioned in the list can be freely imported), to a "closed" system and a positive list (only plants/plant products mentioned in the list can be freely imported). Proposals somewhere in between those two extremes have also been formulated, in order to ensure that the new system will be more focused on prevention than the current one. It is clear that a balance will have to be struck between phytosanitary and trade concerns.

¹³ Doc. 9613/14 + ADD 1

3. Proposal on official controls

The **European Parliament** adopted its opinion at first reading on 15 April 2014¹⁴.

The **European Economic and Social Committee** and the **Committee of the Regions** delivered their opinions on 16-17 October 2013 and on 29 November 2013 respectively.

Four national parliaments delivered opinions on the application of the principles of subsidiarity and proportionality.

In the **Council**, under the Hellenic Presidency, the joint Working Party of Veterinary Experts (Public Health) and Phytosanitary Experts continued and finalised the first technical examination of the proposal¹⁵.

It was confirmed that rewording was needed on issues initially identified under the Lithuanian Presidency as requiring further discussion at technical level¹⁶. In addition, it was agreed that in-depth examination was needed on the following issues: information management systems, repeal of existing legislation pending the adoption of the corresponding delegated acts, transitional period and date of entry into force / date of application of the proposed Regulation.

Furthermore, to help progress on the key issue of the financing of official controls, the Hellenic Presidency prepared a questionnaire¹⁷ to which twenty six delegations replied.

In the light of the oral and written contributions by the Member States during those discussions, the Hellenic Presidency drafted suggestions for rewording several parts of the proposal¹⁸.

¹⁴ Lead committee COMENVI; Rapporteur Mr Mario Pirillo (S&D, IT).

¹⁵ Meetings under the Hellenic Presidency on 15-16 January, 4-5 February, 11-12 March, 14-15 April, 5-6 May 2014.

¹⁶ Doc. 17654/13. Issues identified: scope, definitions, delegated acts/implementing acts, methods / accreditation of official laboratories, import controls and financing of official controls.

¹⁷ Doc. 6782/14.

¹⁸ Doc. 8221/14 (Articles 1 to 14 and articles 25 to 64); Doc.9940/14 (Articles 64 to 75); Doc. 10131/14 (Articles 76 to 84).

At this stage, the Joint working party has only examined some of those suggestions¹⁹. They were overall well received but still subject to requests for further adjustments, in particular on the following points;

- scope
- definitions
- delegation of certain specific tasks of the competent authorities to delegated bodies or natural persons;
- 'second expert opinion';
- proposed 'cascade' for choosing the methods used for sampling, analysis, test and diagnosis during official controls and other official activities;
- accreditation of official laboratories.
- import controls

During the last meeting²⁰ under the Hellenic Presidency, the joint Working Party will be invited to continue to discuss on the basis of the Presidency's suggestions for rewording of the proposal. The Hellenic Presidency intends, in particular, to allocate the necessary time to discuss thoroughly the suggested rewording on the financing of officials control²¹.

¹⁹ Doc. 8221/14 reviewed until Article 48 included.

²⁰ 19 and 20 June 2014.

²¹ Doc. 10131/14.

II. CONCLUSION

Good progress has been made under the Hellenic Presidency on these three proposals.

Owing to their length and the complexity of many of the technical provisions they contain, more work will be needed to examine them.

The work carried out under the Hellenic Presidency, in particular the suggestions for rewording of the proposals, will serve as a good basis for the continuation and the organisation of the work in the future.
