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EUROPEAN PARLIAMENT

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## REPORT

of the Committee on the Environment, Public Health  
and Consumer Protection

on the Commission proposal for a Council regulation on  
animal health conditions governing intra-Community  
trade and imports from third countries of fresh poultrymeat  
and fresh meat of reared game birds  
(COM(89) 507 final - C3-0211/89)

Rapporteur: Mr Jim FITZSIMONS

PE 140.302/fin.  
Or. EN

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

\* = Consultation procedure requiring a single reading

\*\*II = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

\*\*I = Cooperation procedure (first reading)

\*\*\* = Parliamentary assent which requires the votes of a majority of the current Members of Parliament

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By letter of 20 November 1989 the Council consulted the European Parliament, pursuant to Article 43 of the EEC Treaty, on the Commission proposal for a Council regulation on animal health conditions governing intra-Community trade and imports from third countries of fresh poultrymeat and fresh meat of reared game birds.

At the sitting of 11 December 1989 the President of Parliament announced that he had referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Budgets and the Committee on Agriculture, Fisheries and Rural Development for their opinions.

At its meeting of 20 February 1990 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Jim FITZSIMONS rapporteur.

At its meetings of 19 June 1990 and 9 November 1990 it considered the Commission proposal and draft report.

At the last meeting it adopted the draft legislative resolution unanimously.

The following were present at the vote: Collins, chairman; Iversen, vice-chairman; Fitzsimons, rapporteur; Alavanos; Andrews (for Vernier); Bjornvig; Canavarro; Ceci; Chanterie; Green; Jackson Car.; Jensen; Llorca Vilaplana; Partsch; Pollack and Vohrer.

The opinions of the Committee on Budgets and the Committee on Agriculture, Fisheries and Rural Development will be published separately.

The report was tabled on 13 November 1990.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A  
Commission proposal for a Council regulation  
on animal health conditions governing intra-Community  
trade and imports from third countries of fresh  
poultrymeat and fresh meat or reared game birds

Commission text (1)

Amendment

(Amendment No. 1)  
Second Recital

Whereas disparities between Member States should be removed by laying down rules regarding the animal health aspects of intra-Community trade in fresh poultrymeat with a view to ensuring the rational development of production in that sector and encouraging intra-Community trade, thus contributing to the completion of the internal market;

Whereas disparities between Member States should be removed by laying down rules regarding the animal health aspects of intra-Community trade in fresh poultrymeat with a view to ensuring the rational development of production in that sector and encouraging intra-Community trade, on a safe basis, thus contributing to the completion of the internal market;

(Amendment No. 2)  
Final Recital

Whereas it is advisable to allow sufficient time to introduce harmonized control measures against the main contagious diseases, Newcastle disease in particular, which affect poultry;

Whereas it is advisable to allow sufficient time to introduce harmonised control measures against the main contagious diseases, having prior to that set out the control measures for Newcastle Disease and Avian Influenza and taken appropriate action on the basis of the results of the studies into the potential risk of transmitting Newcastle Disease through fresh poultrymeat originating from vaccinated poultry;

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(1) For full text see COM(89) 0507 final - OJ No. C 327, 30.12.89, p. 72.

Commission text

Amendment

(Amendment No. 3)  
Article 19

This Regulation shall enter into force on the 30th day following that of its publication in the Official Journal of the European Communities.

It shall apply from 1 November 1990.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

This Regulation shall enter into force on the 30th day following that of its publication in the Official Journal of the European Communities.

It shall apply from a date to be established following the prior setting down of health control measures for Newcastle Disease and Avian Influenza.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

**DRAFT LEGISLATIVE RESOLUTION**

embodying the opinion of the European Parliament  
on the Commission proposal for a Council regulation  
on animal health conditions governing  
intra-Community trade and imports from third  
countries of fresh poultrymeat and fresh  
meat of reared game birds

The European Parliament,

- having regard to the Commission proposal to the Council (COM(89) 507 final)<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (C3-0211/89),
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Budgets and the Committee on Agriculture, Fisheries and Rural Development (A3-0303/90),
1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;
  2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament; .
  3. Instructs its President to forward this opinion to the Council and Commission.

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<sup>1</sup> OJ C 327, 30.12.89, p. 72.

B.

EXPLANATORY STATEMENT

1. Background

This proposal is one of a series of measures for the poultrymeat/eggs area aimed at establishing Community animal health standards in the run-up to the single internal market.

2. Objectives

The particular objectives of this proposal for a regulation on animal health conditions governing intra-Community trade and imports from third countries of fresh poultrymeat and fresh meat of reared game birds are:

- 1) to provide for approximation of the animal health rules in intra-Community trade, and
- 2) to provide Community arrangements for imports from third countries.

The overall aim is to ensure that satisfactory conditions will apply so as to avoid the spread of contagious diseases.

3. Legal Basis

The legal basis for the proposal is Article 43 of the Treaty. The judgement of the Court of Justice in Case 68/86 established that Article 43 of the Treaty is the appropriate (sole) legal basis for any legislation concerning the production and marketing of agricultural products listed in Annex II to the Treaty which contributes to the achievement of one or more of the objectives of the Common Agricultural Policy set out in Article 39. It is the view of the rapporteur that the measure falls within the ambit of these criteria and that consequently, the legal basis is correct.

4. Technical/Implementing Provisions

The provisions are aimed at preventing the spread of contagious diseases. To accomplish this, fresh meat from a holding or area under ban on grounds of animal health, will not qualify for the specified Community health mark. If, however, this meat has undergone treatment to destroy the germs of the disease concerned, the meat may be put to other uses. In this case it will need to bear a special mark to that effect.

In the poultry area, Newcastle Disease and Avian Influenza are regarded as serious or Class 1 diseases akin to Foot and Mouth, Classical Swine Fever etc in the animal health area.

The proposal indicates that complementary measures for the control of Newcastle Disease are to be proposed shortly. As well as that, since different policies on vaccination are pursued in the Member States, the Commission intends to have a study undertaken assessing the potential risk of transmitting Newcastle Disease through fresh poultrymeat originating from vaccinated poultry. The current proposal would then be reviewed in the light of that study.

Community arrangements for imports from third countries are also proposed. A number of animal health standards are to be laid down to safeguard human and animal health. These will apply to third countries from which fresh poultrymeat and fresh meat of reared game birds may be imported into the Community.

The proposed regulation would apply from 1 November 1990. The rapporteur has tabled an amendment stating that the Regulation should apply from a date to be established following the prior setting down of health control measures for Newcastle Disease and Avian Influenza.

#### 5. General Comments

It is essential that the trade rules adopted do not lead to the spread of disease. In this context, the following strategy should be pursued:

1. Health controls should be clearly established before trade rules.
2. The aim of high health standards must be clearly demonstrable.
3. Non-vaccination and slaughter is the desired policy for serious diseases but even if it cannot be followed for each and every disease across the Community that should not endanger the position of those countries which follow that policy.
4. Until health standards are harmonised at a high level, the safeguards utilised should not involve exposure to unwarranted disease risk.

#### 6. Current Proposal

The "Explanatory Memorandum" accompanying the current proposal recognises that certain avian health issues have yet to be addressed. It refers to the need for a control measure on Newcastle Disease. It also mentions that "a study must be undertaken in relation to the potential risk of transmitting Newcastle Disease through fresh poultrymeat originating from vaccinated poultry" - this recognises that different policies on vaccination are at present pursued in Member States. The rapporteur felt it necessary to delay consideration of the current proposal until the completion of some of these exercises. Otherwise there would be the danger that health concerns would be subordinated to trade matters, which would be unwise and short-term in outlook.

There are two other factors which the EC Commission should bear in mind. Firstly, there is a need for control rules on Avian Influenza - a matter which could logically be pursued in tandem with the intended control measure on Newcastle Disease. Secondly, it is important that the study into the possible transmission of Newcastle Disease through fresh poultrymeat is a comprehensive one. This will allow for a proper risk evaluation when determining trade rules.

Amendments 1 and 2 reflect the above concerns.