

EUROPEAN PARLIAMENT

Working Documents

1975-1976

15 October 1975

DOCUMENT 304/75

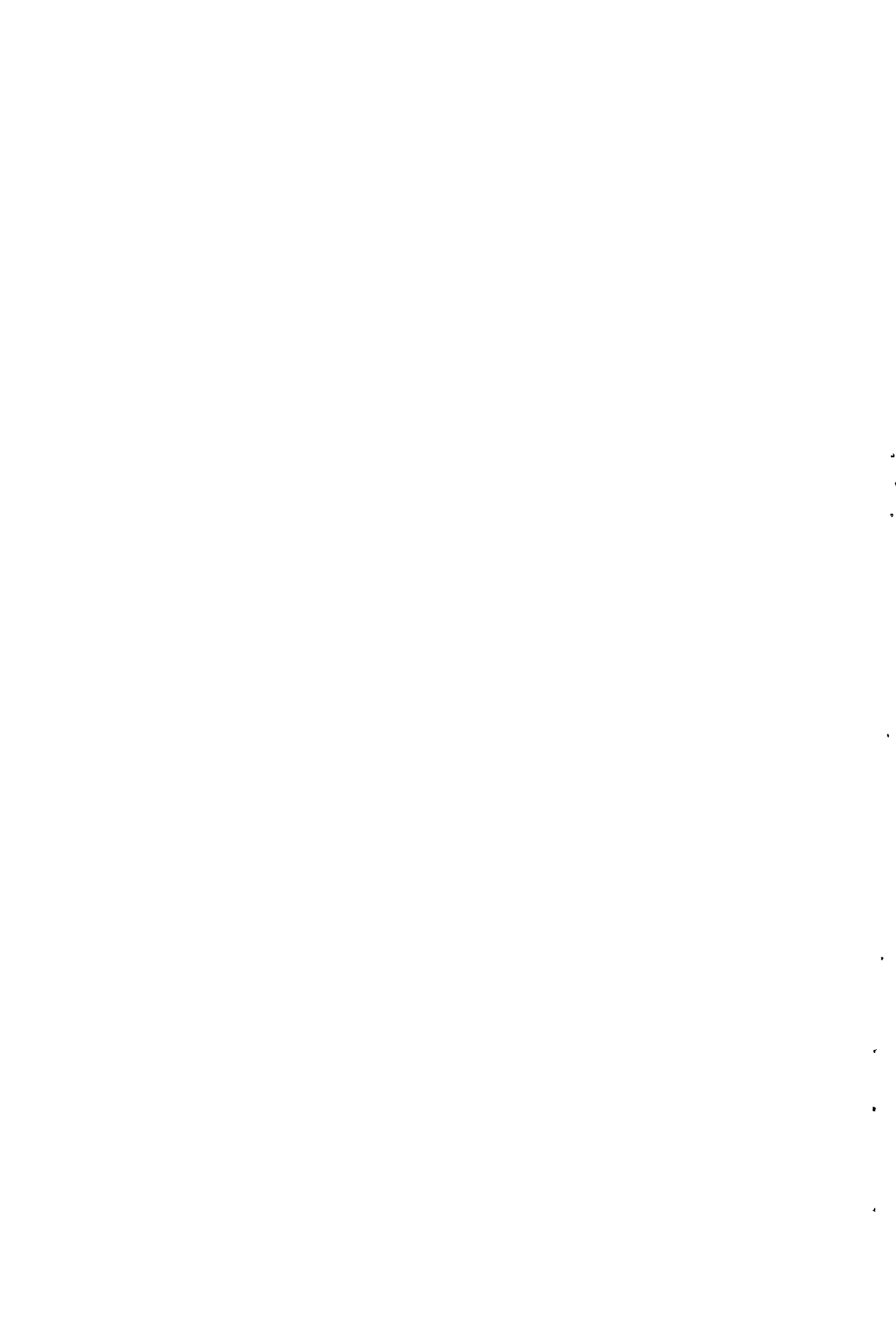
Report

drawn up on behalf of the Committee on Agriculture

on the proposals from the Commission of the European Communities to the Council (Doc. 154/75) for /

- I. a decision authorizing the Commission to open negotiations with the Council of Europe on the accession of the Community to the European Convention for the Protection of Animals during International Transport
- II. a decision concluding the European Convention for the Protection of Animals during International Transport and introducing the provisions necessary for its application to intra-Community trade

Rapporteur : Mr W.M. HUGHES



By letter of 10 May 1975 the President of the Council of the European Communities requested the European Parliament, pursuant to the Treaty establishing the EEC, to deliver an opinion on the proposals for Council decisions

- I. authorizing the Commission to open negotiations with the Council of Europe on the accession of the Community to the European Convention for the Protection of Animals during International Transport;
- II. concluding the European Convention for the Protection of Animals during International Transport and introducing the provisions necessary for its application to intra-Community trade.

On 26 June 1975 the President of the European Parliament referred these proposals to the Committee on Agriculture as the committee responsible.

On 9 July 1975 the Committee on Agriculture appointed Mr Cifarelli rapporteur.

At its meeting on 2 and 3 October 1975, the Committee on Agriculture replaced Mr Cifarelli, who had asked to be released of his duties, by Mr Hughes.

It considered these proposals at its meeting of 2 and 3 October 1975 and unanimously adopted the motion for a resolution.

Present: Mr Houdet, chairman; Mr Laban, vice-chairman; Mr Hughes, rapporteur; Mr Brégégère, Mr de Koning, Mr Della Briotta, Mrs Dunwoody, Mr Frehsee, Mr Früh, Mr Hansen, Mr Martens and Mrs Orth.

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A

The Committee on Agriculture hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposals from the Commission of the European Communities to the Council for

- I. a decision authorizing the Commission to open negotiations with the Council of Europe on the accession of the Community to the European Convention for the Protection of Animals during International Transport
- II. a decision concluding the European Convention for the Protection of Animals during International Transport and introducing the provisions necessary for its application to intra-Community trade

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council (Doc. 154/75),
 - having regard to the report of the Committee on Agriculture (Doc. 304/75),
- approves the Commission's proposals.

¹ OJ No C133, 14.6 1975, p.5

EXPLANATORY STATEMENT

1. The Commission intends taking a step towards introducing a Community ruling on the protection of animals during international transport.

Two proposals for decisions on this subject have been submitted to Parliament, the first formally authorizing the Commission to negotiate with the Council of Europe on the accession of the Community to the European Convention for the Protection of Animals during International Transport and the second relating to the conclusion of this Convention by the Council, thus committing the Community thereto.

This Convention, which has been concluded within the framework of the Council of Europe and ratified by the majority of its Member States, contains a large number of detailed provisions which aim at creating as favourable conditions as possible for the health and welfare of animals during their transport by land, water and air from one country to another.

2. At present there is no Community ruling in this field,¹ and the protection of animals in the Community is primarily based on national legislation, which does, however, vary from one Member State to another.

It is obvious that the satisfactory functioning of the common market may be prejudiced by differences in the provisions of national authorities, and conflicts of responsibility may arise. In addition, the application to intra-Community trade of the Convention as concluded by the Council of Europe may lead to disputes if some Member States do not agree on the interpretation or application of the provisions of the Convention, and this might result in Member States being subject to a procedure that does not conform to Community law.

The Commission therefore feels that rather than laboriously harmonizing existing national provisions, the Community should view accession to the Convention as a means of establishing a Community ruling which covers the whole field of the protection of animals during international transport.

3. The Committee on Agriculture notes with satisfaction that the Community as such is to accede to the Convention and refers in this connection to the political importance of this Community action.

¹ The only Community ruling concerning the protection of animals is a directive on the stunning of animals before slaughter, on which Parliament has delivered its opinion (HOUDET report, Doc. 82/74)

A significant advantage of this procedure is that it allows a subject pre-eminently suited to the application of Community law to be introduced into the Community legal system in one move, thus providing a more reliable means of ensuring the observance of the legal rules than is possible under international law.

4. The Council's decision on the accession of the Community requires the Member States to review their national legislation in this sphere and, if necessary, to bring it into line with applicable Community law arising out of the Convention.

This adjustment of national standards to Community law is of course of considerable importance to the effective application of Community provisions on the protection of animals during international transport. In the event of negligence or reluctance on the part of a Member State to take suitable measures compatible with Community standards, an appeal may be made to the Court of Justice.

5. Community law applies not only to the observance of legal standards in intra-Community trade, but also to the settlement of disputes between Member States over the interpretation of Community provisions. On the latter point the Convention provides for arbitration as is usual in international law. As this procedure does not comply with Community law, the Commission should ensure during its negotiations on accession that the Convention is adapted to the Community rules in respect of the settlement of disputes in intra-Community dealings. Provision is made for this in the proposals.

6. The question arises as to how control over the observance of the relevant provisions can be ensured in practice. Attention should be drawn to Articles 5 and 6 of the second proposal for a decision, which provide for exchanges of information between Member States on any infractions that are discovered, and to the limited role of the Commission, which may seek the opinion of veterinary experts. It is clear that the national authorities must initially be trusted to act responsibly in taking the necessary measures. If this ruling is to function satisfactorily, the loyal cooperation of the Member States is very important.

7. The Committee on Agriculture would also like to comment on Article 7 of the second proposal for a decision, where a reference is made to the Standing Veterinary Committee. Although the procedure of this committee is not under discussion here, the Committee on Agriculture would point out that Parliament has always felt it should not be possible for the application of measures proposed by the Commission to be blocked or delayed by national experts or the Council. Parliament has therefore always sought to amend the procedure of the Standing Veterinary Committee to prevent the Council from rejecting

the Commission's proposals by a simple majority.¹ Furthermore, the procedure should be such that the Commission establishes and puts into operation the required implementing provisions directly. If the opinion of the Standing Veterinary Committee is negative, the Council should consult the European Parliament before being permitted to take another decision.

8. A last remark as regards form concerns the fact that it is not apparent from the text of the proposal for a decision authorizing the Commission to open negotiations with the Council of Europe that Parliament is to be consulted on the matter. This may lead to misunderstandings, all the more so as Parliament is not always consulted by the Council on such matters, and the Council then decides alone whether or not to give the authorization concerned.

The Committee on Agriculture notes with satisfaction that the Council has decided to consult Parliament on a decision which is of political significance as regards the giving of a mandate to the Commission. It urges, however, that henceforth all proposals on which Parliament is consulted explicitly mention this fact and, where possible, the legal basis for the consultation.

9. In spite of these remarks, the Committee on Agriculture fully supports the proposals and recommends Parliament to approve them.

¹ NEY report, Doc. 47/75