

**Opinion of the European Economic and Social Committee on the ‘Proposal for a Regulation of the European Parliament and of the Council on the non-commercial movement of pet animals’**

COM(2012) 89 final — 2012/0039 (COD)

**and the ‘Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/65/EEC as regards the animal health requirements governing intra-Union trade in and imports into the Union of dogs, cats and ferrets’**

COM(2012) 90 final — 2012/0040 (COD)

(2012/C 229/23)

Rapporteur: **Nikolaos LIOLIOS**

On 16 March 2012 the Council and on 13 March 2012 the European Parliament decided to consult the European Economic and Social Committee, under Articles 43(2), 168(4) and 304 of the Treaty on the Functioning of the European Union on the

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The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 11 May 2012.

At its 481st plenary session, held on 23 and 24 May 2012 (meeting of 23 May), the European Economic and Social Committee adopted the following opinion by 155 votes to 2 with 9 abstentions.

## 1. Conclusions

The EESC recognises the need to repeal and replace Regulation (EC) No 998/2003 governing matters relating to the non-commercial movement of pet animals, for the following reasons.

1.1 Protection of public health is a goal of paramount importance, and establishing rules on activities such as the non-commercial movement of pet animals helps to realise this objective. The European Commission's proposal to repeal and replace Regulation (EC) No 998/2003 provides for animal health requirements and rules on marking, checks and precautionary measures during the movement of animals, while also bringing the Regulation into line with Articles 290 and 291 of the Treaty on the Functioning of the European Union to permit derogations, by granting the Commission power to adopt delegated acts, which remove any unjustified obstacles to non-commercial movements of animals.

1.2 The need to repeal and replace Regulation (EC) No 998/2003 is borne out by the amendments that had to

be made to the animal health requirements it laid down and by the fact that the Regulation on the non-commercial movement of pet animals had to be sufficiently clear and accessible to the general public.

1.3 Another important point is the expiry of the eight-year transitional period provided for in Article 4(1) concerning the method for identifying pet animals. It is necessary now to make it clear for the ordinary citizen what regime will apply in future, which is a further reason to replace Regulation (EC) No 998/2003.

1.4 The EESC considers that the European Commission's proposal to repeal and replace Regulation (EC) No 998/2003 sets out in full the framework for the non-commercial movements of pet animals. Movements of people who decide to be accompanied by pets will take place on clearer terms, compliance with which will ensure such movements pose no risk to public health.

1.5 The EESC agrees that, in the interest of consistency, Council Directive 92/65/EEC needs to be amended by replacing the references to Regulation (EC) No 998/2003 with references to the proposed act.

## 2. Background

2.1 Regulation (EC) No 998/2003 set the date when the transitional period for the system of identifying a pet dog, cat or ferret would expire. The European Commission's proposal to repeal and replace Regulation (EC) No 998/2003 was the result of this period expiring and of the need to bring Regulation (EC) No 998/2003 fully into line with the Treaty on the Functioning of the European Union, together with developments in health data and new requirements for non-commercial movements directly relating to the need to facilitate the movement of pets and people they accompany, as well as the effort to frame legislation that would be sufficiently clear and accessible to such people.

2.2 The Commission has also submitted a proposal to amend Council Directive 92/65/EEC in order to replace the references to Regulation (EC) No 998/2003 with references to the proposed act.

## 3. General comments

3.1 Since pet animals may have diseases that can be transmitted to humans, checks had to be implemented and conditions imposed on the movement of animals to ensure the necessary protection of public health. The system governing non-commercial movements of pets was revised owing to the improvement in the rabies situation in the Union. The proposal for a Regulation clarifies the regime and the procedures to be followed.

3.2 The use of anti-rabies vaccination has significantly changed the epidemiology of rabies. Taking into account scientific opinions on the immunisation of pet animals, the Regulation provides for safeguard measures to allow movements of pet animals – including by way of derogation from the conditions so as to facilitate movements – having firstly set the conditions under which such derogations may be applied and the safeguard measures that must be taken.

3.3 The lists of animals drawn up include all animals that can be moved with the exception of those whose movement is covered by the provisions of EU directives. National rules must allow animals classified as pets to be moved more easily than those moved for commercial purposes.

3.4 Diseases other than rabies are also a threat to public health. The requirement to provide identification documents limits the risk of disease transmission, since the procedure means that experts examine animals. This enables their health to be certified and documentation to be provided establishing whether they can be moved safely within or into the EU.

3.5 It is important that implantation of a transponder is to be kept as the sole method of identifying dogs, cats and ferrets and that identification using a tattoo is to be discontinued, meaning that it is only acceptable as a form of identification for animals that have already been marked using this method.

3.6 Animals that have been marked can more easily be checked in order to ensure compliance with preventive health measures to stop disease. These measures are framed in the Member States in accordance with the subsidiarity and proportionality principles or, after categorisation and subject to specific conditions, in groups of Member States, based on validated scientific information. This establishes a joint effort to address risks to public health.

## 4. Specific comments

4.1 Even if the level of scientific training of people handling pet animals is currently adequate and the services provided can protect the health of pets and therefore public health, there is a need for constant vigilance to prevent any transmission of disease. By establishing the terms for non-commercial movement of pets, the Regulation ensures protection against the risk of various diseases.

4.2 However, the Regulation also introduces the possibility of derogations to facilitate movements of pets, proposing that Regulation (EC) No 998/2003 be amended in particular regarding the power to adopt delegated acts and implementing acts. The EESC endorses the removal of unjustified obstacles to movements of pet animals, provided that validated scientific information is taken into account and that the Commission conducts appropriate consultations with experts before granting derogations so as to address the specific circumstances of non-commercial movements of pet animals and in accordance with health requirements and rules and the form of the accompanying documents.

4.3 However, it must be considered whether the validity periods are respected. The proposal sets out how a delegation of power can be revoked after an objection is expressed by the European Parliament and the Council within a period of two months, or a further two months if the deadline is extended. Given that public health issues are important, however, the duration of the delegation of powers should be clearly established, as provided for in the Treaty on the Functioning of the European Union, so that Commission surveillance is more effective and the right to revoke a delegation of power represents an additional safeguard.

4.4 When compiling the list of third countries and territories for which that derogations can be allowed because they

apply rules equivalent to those applied by the Member States, the Commission should base its decision on guarantees from the health authorities of those countries. Although it is legitimate for pet animals to be moved easily and without obstacles and complicated procedures, protection of public health is a priority.

4.5 If the procedures for granting a derogation from the normal rules to third countries, or parts of them, subject to their making the necessary guarantees, prove to be complicated to administer, time-consuming or costly, it would be preferable to keep to the established guidelines and avoid using derogations, since this would not be proportionate to the risk arising from moving the animal.

4.6 Likewise, movement of unvaccinated animals between Member States of the EU entails risks. The Regulation establishes procedures here, and the EESC considers it essential that these be observed so as to avoid any possibility of disease transmission. When exercising the power to adopt delegated acts under the terms fixed in the Regulation, the Commission must bear in mind that the administrative burden and effects achieved should be in proportion to the risk entailed in moving the animal.

4.7 The issuing of identification documents for non-commercial movements of pets is of crucial importance. Introducing the method of marking animals by implanting a transponder is also important in improving the system for registering and monitoring animals.

4.8 The transponder must be implanted by a veterinarian, as the scientific training of the people performing implants

provides an opportunity to detect and identify diseases in animals having a transponder implanted and for the identification document to be completed accordingly. The information to be entered in the identification documents is such that it requires the scientific knowledge of a veterinarian authorised by the relevant authority to perform this task.

4.9 Consistent implementation by the Member States of the marking and description procedure will allow databases to be updated, providing important information on a country's epidemiological status, the progress of vaccination programmes and the density and distribution of animals, as well as their movements.

4.10 Documentary, identity and physical checks to be carried out on non-commercial movements of pet animals into a Member State from another Member State or a third country or territory are critically important and should be performed in every instance and by personnel who are properly informed about the procedure and its significance.

4.11 In the event of non-compliance with the procedures relating to health requirements and rules on the movement of pet animals, it is important that, in addition to the procedures laid down in the proposal for a Regulation, the health authorities of the territory of dispatch should be informed with a view to examining the possibility of non-compliance with the Regulation in the case in question and other cases.

4.12 Putting an animal down on the basis of an informed opinion that it cannot be returned or isolated could also be a measure recommended by specialists who consider that return or isolation is not only difficult but also entails additional risks.

Brussels, 23 May 2012.

*The President*  
*of the European Economic and Social Committee*  
Staffan NILSSON

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