

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(92) 243 final

Brussels, 9 June 1992

Proposal for a

COUNCIL DECISION

on the conclusion of the Protocol of Amendment
to the European Convention for the protection of animals
kept for farming purposes

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Community is a contracting party to the European Convention for the Protection of Animals kept for Farming Purposes, which was opened for signature in 1976. A Standing Committee established by the Convention draws up detailed Recommendations for implementing the principles set out in the Convention.

In recent years the Standing Committee has found that certain matters which are now relevant to its work are not explicitly covered by the Convention, particularly in relation to recent advances in biotechnology and to killing of animals on farms, e.g. for fur production.

On 15 November 1991 the Committee of Ministers of the Council of Europe adopted a Protocol of amendment to the Convention in order to take account of biotechnology and on-farm killing, and to bring up to date the definition of an intensive farming system. The Protocol follows the format of the Convention by stating broad general principles. Detailed rules of application will be left to the Standing Committee.

The definition of "animals" is amended to make an explicit reference to those produced as a result of genetic modifications or novel genetic combinations, and the definition of "intensive stock farming" is amended to place the emphasis on the need for frequent human attention rather than the presence of technical equipment.

A new article is inserted to require that breeding programmes for farming purposes must be designed to avoid foreseeable suffering or injury, taking into account the phenotype or the genotype of the animal concerned.

Article 6 of the Convention is modified to require prior testing, from the point of view of animal health and welfare, of substances intended to be administered for other than therapeutic or prophylactic purposes.

Article 7 is amended to require that, if an animal is to be killed on the farm, this must be done competently and without causing unnecessary pain or distress.

The principles set out in the Protocol are in accordance with current Community policy on the approval of veterinary medicines and food additives, and on the protection of animals at the time of slaughter.

The proposed Decision has no impact on the Community budget.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas the Community has approved the European Convention for the protection of animals kept for farming purposes, hereinafter referred to as "the Convention", by Council Decision 78/923/EEC (4); whereas the Community has deposited its instrument of approval;

Whereas the Committee of Ministers has adopted, on 15 November 1991, a Protocol of Amendment to the Convention in order to take account of technical and scientific developments in livestock farming;

Whereas disparities in national laws on the protection of animals kept for farming purposes may give rise to unequal conditions of competition and may consequently have an indirect effect on the proper functioning of the common market;

Whereas the Protocol of Amendment to the Convention covers matters which fall within the scope of the common agricultural policy;

Whereas the Community's participation thus appears to comply with the achievement of the Community's objectives,

(1), (2) and (3) not yet published

(4) OJ No L 323, 17.11.1978, p. 12

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HEREBY DECIDES AS FOLLOWS:

Article 1

The Protocol of Amendment to the European Convention for the protection of animals kept for farming purposes is hereby approved on behalf of the European Economic Community.

The text of the Protocol is attached hereto.

Article 2

The President of the Council shall deposit the instrument of approval in accordance with Article 6 of the Protocol.

Done at Brussels,

For the Council

The President

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