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## REPORT

by the Committee on Agriculture, Fisheries  
and Rural Development

on the proposal from the Commission to the Council  
for a regulation concerning the animal health  
conditions governing the placing on the market of  
aquaculture animals and products  
(COM(89) 0655 final - Doc. C3-0062/90)

Rapporteur: Mr H. B. McCUBBIN

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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)

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

**C O N T E N T S**

Procedural page	3
A. Amendments to the Commission's proposal	4
DRAFT LEGISLATIVE RESOLUTION	12
B. EXPLANATORY STATEMENT	13
Opinion of the Committee on Budgets	15
Opinion of the Committee on the Environment, Public Health and Consumer Protection	17

By letter of 23 February 1990 the Council consulted the European Parliament, pursuant to Article 43 of the EEC Treaty, on the proposal from the Commission to the Council for a regulation concerning the animal health conditions governing the placing on the market of aquaculture animals and products.

At the sitting of 12 March 1990 the president of the European Parliament announced that he had referred this proposal to the Committee on Agriculture, Fisheries and Rural Development as the committee responsible, and to the Committee on Budgets and the Committee on the Environment, Public Health and Consumer Protection for their opinions.

At its meeting of 3 April 1990 the Committee on Agriculture appointed Mr McCubbin rapporteur.

The committee considered the Commission's proposal and its own draft report at its meetings of 25 and 26 April, 28 and 29 May, 17 and 18 September and 30 and 31 October 1990.

At the last of the above meetings the committee, on the recommendation of the Sub-Committee on Fisheries, adopted the draft legislative resolution unanimously.

The following took part in the vote: Colino Salamanca, Chairman; Graefe zu Baringdorf, Vice-Chairman; McCubbin, rapporteur; Carvalho Cardoso, Domingo Segarra, Fantuzzi, Funk, Happart, Keppelhoff-Wiechert; Lane, Lataillade (for Guillaume), Maher (for Kofoed), Morris (for Newens), Sonneveld, Stevenson and Verbeek.

The opinions of the Committee on Budgets and the Committee on Agriculture, Fisheries and Rural Development are attached.

The report was tabled on 5 November 1990.

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

A.

Proposal for a regulation concerning the animal health conditions governing the placing on the market of aquaculture animals and products

Commission text<sup>1</sup>

Amendments

(Amendment No 1)  
Recital 5a (new)

Whereas, in order to determine the diseases, the vulnerable species and the carrier species, epizooticological charts of the whole of the Community must first of all be drawn up;

(Amendment No 2)  
Article 1

This Regulation lays down the animal health conditions governing the placing on the market of aquaculture animals and products.

This Regulation lays down the animal health conditions governing the placing on the market of animals and other living creatures derived from aquaculture and its products.

(Amendment No 3)  
Article 4

Live aquaculture animals must be dispatched in the shortest possible period to the place of destination, using means of transport that have been cleaned and, if necessary, disinfected in advance with a disinfectant that is officially authorized in the Member State of dispatch.

Live aquaculture animals must be dispatched in the shortest possible period to the place of destination, using suitable means of transport that have been cleaned and, if necessary, disinfected in advance with a disinfectant that is officially authorized in the Member State of dispatch.

If water is used in transport, the vehicles shall be designed in such a way that water cannot escape from the vehicle during transport. Transport shall be carried out in such a way as to safeguard effectively the health of the animals, in particular by changing the water. Such a change must be carried out in places complying with the requirements of Annex D. A list of these places must be notified by the Member States to the Commission and to the other Member States.

If water is used in transport, the vehicles shall be designed in such a way that water cannot escape from the vehicle during transport. Transport shall be carried out in such a way as to safeguard effectively the health of the animals, in particular by changing the water. Such a change, if required, must be carried out in places complying with the requirements of Annex D. A list of these places must be notified by the Member States to the Commission and to the other Member States.

<sup>1</sup>For full text see OJ C84, 2.4.1990, p. 42

Commission text

Amendments

(Amendment No 4)  
Article 5(2) - first sentence

- |   |   |
|---|---|
| 2. The Commission shall <u>scrutinize</u> the information referred to in paragraph 1. | 2. The Commission shall <u>verify</u> the information referred to in paragraph 1. |
|---|---|

(Amendment No 5)  
Article 7(1)(a)

- |  |   |
|--|---|
| (a) when they are to be introduced into an approved zone, they must be accompanied by a movement document corresponding to Article 10 and to the model referred to in Annex E, Chapter I, certifying that they come from a zone of the same health status; | (a) when they are to be introduced into an approved zone, they must be accompanied by a movement document corresponding to Article 10 and to the model referred to in Annex E, Chapter I, certifying that they come from a zone <u>or farm</u> of the same health status; |
|--|---|

(Amendment No 6)  
Article 8(1)(a)

- |  |  |
|--|--|
| (a) if they are to be relaid in an approved coastal zone, they must be accompanied by a movement document complying with Article 10 and corresponding to the model referred to in Annex E, Chapter 3, certifying that they come from a coastal zone of the same health status; | (a) if they are to be relaid in an approved coastal zone, they must be accompanied by a movement document complying with Article 10 and corresponding to the model referred to in Annex E, Chapter 3, certifying that they come from a coastal zone of <u>at least</u> the same health status; |
|--|--|

(Amendment No 7)  
Article 13

The Commission, in accordance with the procedure laid down in Article 26, shall lay down :

1. the conditions for the placing on the market of ornamental fish;
2. the conditions for the placing on the market of wild species and products thereof; until such conditions are established, the rules laid down in this Regulation shall apply, mutatis mutandis;

1. Without prejudice to the requirements for list III diseases established in accordance with the procedure laid down in Articles 11 and 12, the placing on the market of live farmed fish not belonging to the susceptible species referred to in Annex A, column 2, as well as their eggs and gametes, shall be subject to the following additional requirements:

(Amendment No 7 - cont.)  
(Article 13)

3. the conditions for the placing on the market of fish which, although not susceptible to the diseases referred to in Annex A, column 1, lists I and II, can transfer by mechanical means those diseases.

(a) when they are to be introduced into an approved continental zone, they must be accompanied by a movement document corresponding to Article 10 and to the model referred to in Annex E, Chapter . . . . ., certifying that they come from a zone of the same health status or from a farm which may be situated in a non-approved continental zone on condition that such farm contains no fish belonging to the species referred to in column 2, lists I and II of Annex A and is not connected with a water course.

(b) when they are to be introduced into a farm which, although not situated in an approved zone, fulfils the conditions of Annex CI, they must be accompanied by a movement document corresponding to Article 10 and to the model referred to in Annex E, Chapter . . . . ., certifying that they come from a farm of the same health status or from a farm which may be situated in a non-approved continental zone, on condition that such a farm contains no fish belonging to species referred to in column 2, lists I and II of Annex A and is not connected with a watercourse.

2. Without prejudice to the requirements for list III diseases established in accordance with the procedure laid down in Articles 11 and 12, the placing on the market of wild fish, their eggs or gametes shall be subject to the following additional requirements :

(Amendment No 7 - cont.)  
(Article 13)

(a) when they are to be introduced into an approved continental zone, they must be accompanied by a movement document corresponding to Article 10 and to the model referred to in Annex E, Chapter . . . . , certifying that they come from a zone of the same health status.

(b) when they are to be introduced into a farm which, although not situated in an approved zone, fulfils the conditions of Annex C I, they must be accompanied by a movement document corresponding to Article 10 and to the model referred to in Annex E, Chapter . . . . , certifying that they come from an approved zone.

(Amendment No 8)  
Article 22 - paragraph 2a (new)

2a. The importation of live aquaculture animals and products shall be totally or partially banned in the case of consignments coming from the countries appearing on the list drawn up in accordance with Article 18(1), where diseases occur which are not found in the territory of the Community.

(Amendment No 9)  
Article 23(1) - concluding sentence (new)

If the prohibition is imposed by a Member State, the Commission shall authorize or revoke this measure within 30 days, once the appropriate checks have been carried out.

Commission text

Amendments

(Amendment No 10)  
Article 25(2)

2. Where the procedure laid down in this Article is to be applied, the following provisions shall apply :

unchanged

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

unchanged

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event :

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

The Commission may defer application of the measures which it has decided for a period of not more than fifteen days from the date of such communication.

If, on the expiry of a period of fifteen days from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.



(Amendment No 11)

Article 25(2)

2. Where the procedure laid down in this Article is to be applied, the following provisions shall apply.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

2. Where the procedure laid down in this Article is to be applied, the following provisions shall apply.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within 15 days. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

(Amendment No 12)

Article 26(2) - second sub-paragraph

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith.  
In that event:

The Commission shall defer application of the measures which it has decided for a period to be laid down in each act adopted by the Council, but which may in no case exceed three months from the date of communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

Commission text

Amendments

(Amendment No 13)  
Annex B(I)(B)

B. Achievement of status

In order to obtain the approved status, a continental zone must meet the following requirements:

1. All fish are free for at least four years from any clinical or other sign of the diseases referred to in Annex A, column 1, lists I and II.
  
2. All farms in the continental zone are placed under the supervision of the official services. Two health inspections per year for four years must have been carried out.

The inspection must have been made at the times of year when the water temperature favours the development of the diseases. However, rearing ponds must have been inspected only when they are being emptied or filled.

The health inspection must consist at least of:

- an inspection of fish showing abnormalities;
- the taking of samples which are to be sent as quickly as possible to the approved laboratory to be tested for the diseases referred to in Annex A, column 1, lists I and II.

B. Achievement of status

In order to obtain the approved status, a continental zone must meet the following requirements:

1. All fish, seaweed and crustaceans are free for at least two years from any clinical or other sign of the diseases referred to in Annex A, column 1, lists I and II.
  
2. All farms in the continental zone are placed under the supervision of the official services. Two health inspections per year for two years must have been carried out.

The inspection must have been made at the times of year when the water temperature favours the development of the diseases. However, rearing ponds must have been inspected only when they are being emptied or filled.

The health inspection must consist at least of:

- an inspection of fish, seaweed and crustaceans showing abnormalities;
- the taking of samples which are to be sent as quickly as possible to the approved laboratory to be tested for the diseases referred to in Annex A, column 1, lists I and II.

Commission text

Amendments

(Amendment No 14)  
Annex B(III)(B)(1)

B. Achievement of status of approved zone

In order to be approved, a continental zone must meet the following requirements:

1. All molluscs have for at least four years shown no clinical or other sign of the diseases of Annex A, column 1, list II.

B. Achievement of status of approved zone

In order to be approved, a continental zone must meet the following requirements:

1. All molluscs have for at least two years shown no clinical or other sign of the diseases of Annex A, column 1, list II.

(Amendment No 15)  
Annex B(III)(B)

B. Achievement of status of approved zone

In order to be approved, a continental zone must meet the following requirements:

1. All molluscs have for at least four years shown no clinical or other sign of the diseases of Annex A, column 1, list II.

B. Achievement of status of approved zone

In order to be approved, a coastal zone must meet the following requirements:

1. All molluscs have for at least two years shown no clinical or other sign of the diseases of Annex A, column 1, list II.

(Amendment No 16)  
Annex C(II), heading

II. Continental farms for molluscs

II. Continental farms for molluscs and fish

## DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission to the Council for a regulation concerning the animal health conditions governing the placing on the market of aquaculture animals and products

### The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(89) 0655 final)<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (Doc. C3-0062/90),
  - having regard to the report by the Committee on Agriculture, Fisheries and Rural Development and the opinions of the Committee on Budgets and the Committee on the Environment, Public Health and Consumer Protection (Doc. A3-0278/90),
1. Approves the Commission's 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. Asks to be consulted again should the Council intend to make substantial modifications to the Commission's proposal;
  4. Instructs its President to forward this opinion to the Council and the Commission.

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<sup>1</sup>OJ No. C 84, 2.4.1990, p.42

EXPLANATORY STATEMENT

THE COMMISSION PROPOSAL

1. The Commission proposal on animal health conditions is one of the proposals relating to the completion of the single market designed to facilitate the free movement of aquaculture animals and products.
2. The proposal lays down animal health rules with a view to :
  - allowing the placing on the market and the free movement of aquaculture products
  - protecting farms which are free of disease, so as to prevent the spread of epidemics.
3. In order to achieve these aims, the Commission sets a number of conditions for the designation of zones in the Community with a favourable animal health status.
4. It also lays down provisions governing imports from third countries.
5. The Commission also sets up a regulatory committee for the implementation of the regulation.

SOME CONSIDERATIONS

6. This proposal deals with an area which was hitherto regulated by the Member States but which requires a system of rules in view of the completion of the single market.

From this point of view your rapporteur welcomes the Commission proposal.

7. The subject to be regulated is all the more delicate in view of the fact that until now only two Member States have imposed a total ban on the importation of live aquaculture animals (Ireland and the United Kingdom).
8. The provisions proposed by the Commission seem fairly strict and provide adequate guarantees that the markets may be opened up without any great danger to animal health. Nevertheless, your rapporteur considers that a few amendments should be made.

In the Commission proposal, the amendments could cover the following points :

9. With regard to ornamental fish, in view of the fact that they are bred in an isolated environment, it is appropriate to lay down less strict conditions for placing them on the market, provided that the farms in question do not contain the species appearing in column 2 of Lists I and II of Annex A and are not in contact with watercourses.
10. With regard to wild fish and products thereof, when they are placed on the market they must be accompanied by the same transport documents as those specified in the proposal's general provisions (Article 10).

11. With regard to imports from third countries (Articles 17-23), the provisions could be more restrictive so as to provide better protection for Community farms (Article 22). It would in particular be useful to ban totally or partially imports of any live animals from the countries appearing on the list referred to in Article 18(1) where there have been instances of diseases which do not exist on the territory of the Community.
  
12. With regard to comitology (Articles 25 and 26), your rapporteur welcomes the conclusions reached by the Committee on Budgets in its opinion of 24 April 1990 in which it proposes that the regulatory committee provided for in Articles 25 and 26 should be turned into a management committee, in accordance with the Council Decision of 13 July 1987 (OJ No. L 187 of 18 July 1987, p. 33).

OPINION OF THE COMMITTEE ON BUDGETS

Letter from the Chairman to Mr COLINO SALAMANCA, Chairman of the Committee on Agriculture, Fisheries and Rural Development

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Brussels, 25 April 1990

Subject: Opinion of the Committee on Budgets on the animal health conditions governing the placing on the market of aquaculture animals and products (COM(89) 655 - C 3-62/90)

Dear Mr Colino Salamanca,

The Committee on Budgets considered the above proposal at its meeting of 25 April 1990.

After consideration of the proposal, the Committee on Budgets contests the entry of administrative appropriations in Part B of the budget reserved for operating appropriations.

The Committee on Budgets therefore calls on the Commission to propose a more appropriate budget allocation when the preliminary draft budget is drawn up.

Furthermore, the Committee on Budgets notes that in order to implement this decision the Commission intends to be assisted by a regulatory committee. In accordance with Article 205 of the Treaty and the conclusions of the working party set up by the Bureau of the European Parliament to look into matters concerning committee, the Committee on Budgets has adopted the amendments attached hereto.

Yours sincerely,

Thomas von der Vring

The following were present: Mr von der Vring, Chairman; Mr Arias Canete, Mr Böge, Mr Cochet, Mr Colom I Naval, (for Mr Pasty), Mr Kellett-Bowman, Mr Lamassoure, Mr Langes, Mr McCartin (for Mr Lo Giudice), Mrs Napoletano (for Mr Colajanni), Mrs Onur (for Mr Lüttge), Mr Papoutsis, Mr Samland and Mrs Theato.

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21 June 1990

AMENDMENTS TABLED BY THE COMMITTEE ON BUDGETS

to the proposal for a  
Council regulation (EEC)  
concerning the animal health conditions governing the placing on the  
market of aquaculture animals and products  
(COM(89) 655 final - C 3-62/90)

Amendment No. 1Article 25

Replace the third and fourth paragraph of paragraph 2 with:

'The Commission may defer application of the measures it has decided upon for a period of up to fifteen days from the date of such communication.

The Council, acting by qualified majority, may take a different decision within the time limit stipulated above.'

Amendment No. 2Article 26

Replace the third and fourth paragraph with:

'The Commission shall adopt measures which shall apply immediately. However, if they are not in accordance with the opinion of the Committee, the Commission shall immediately refer such measures to the Council. In this event:

The Commission shall defer application of the measures it has decided upon for a period which shall be fixed in each act to be adopted by the Council, but which shall in no case exceed three months from the date of the referral.

The Council, acting by a qualified majority, may take a different decision within the time limit stipulated above.'



OPINION

OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH  
AND CONSUMER PROTECTION

Letter from the committee Chairman to Mr COLINO SALAMANCA, Chairman of the Committee on Agriculture, Fisheries and Rural Development

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Brussels, 17 October 1990

Subject: Proposal for a Council regulation concerning the animal health conditions governing the placing on the market of aquaculture animals and products (COM(89) 655 final - Doc. C 3-0062/90)

Dear Mr Colino Salamanca,

At its meeting of 17 October 1990 the Committee on the Environment, Public Health and Consumer Protection considered the above-mentioned Commission proposal. It adopted the conclusions set out below and would be grateful if your committee would take them into account for the purposes of the draft report.

1. This proposal is one of a set of three proposals for regulations relating to marine products, namely: the proposal for a Council regulation laying down the health conditions for the production and the placing on the market of fishery products (COM(89) 645 final - Doc. C3-0080/90), the proposal for a regulation laying down the health conditions for the production and the placing on the market of live bivalve molluscs (COM(89) 648 final - Doc. C3-0054/90), and the proposal for a regulation discussed in this opinion.
2. The three proposals consequently form a whole, and it would be unfortunate if they were not dealt with together. All three stem (even though the Commission mentions the fact once only, in connection with the proposal on fishery products (COM(89) 645 final - Doc. C3-0080/90)) from an agreement concluded between the European Parliament and the Commission when - on 17 March 1989 - Parliament adopted its opinion on the proposal for a Council regulation laying down health conditions for the marketing of fish and fish products concerning nematodes<sup>2</sup> (COM(88) 47 final - Doc. C2-0002/88). The opinion was delivered on the basis of a report drawn up by the Committee on the Environment, Public Health and Consumer Protection.

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<sup>2</sup> OJ No. C 96, 17.4.1989, p. 194

3. Taken as a whole, the three proposals show major inconsistencies, not only at the formal level, but also as regards the substance. They should accordingly be analyzed in parallel, article by article, annex by annex. The provisions appearing in the articles of one proposal are to be found in the annexes of another, and vice versa; the definitions are not harmonized; the competent authorities empowered to grant approval are not invariably the same, and, lastly, there is a degree of variation within the Community inspection system.
4. Finally, Chapter III of each of the three proposals concerned relates to imports from third countries. The European Parliament believes that the conditions governing imports from third countries must be the same as those governing intra-Community trade. It would again be preferable, therefore, as far as this matter is concerned, for Parliament to adopt a coherent position covering the three proposals.

I trust that you and your committee will bear these points in mind.

Yours sincerely,

(sgd) K. COLLINS'

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The following took part in the vote: Collins, Chairman; Schleicher, Vice-Chairman; Alavanos, Banotti, Bombard, Bowe, de la Camara Martinez, Canavarro, Ceci, Chanterie, Diez de Rivera Icaza, Florenz, Green, Guidolin, Hadjigeorgiou, (for Alber), Jensen, Lannoye (for Amendola), Llorca Vilaplana, Oomen-Ruijten, Pimenta, Pollack, Roth-Behrendt, Schwartzenberg, Llewellyn Smith, Valverde Lopez, Veil, Vittinghoff, Wijsenbeek (for Bertens).